



Food and Nutrition Service

U.S. DEPARTMENT OF AGRICULTURE

Date: September 16, 2024

Subject: Nutrition Assistance Program (NAP) – Provisions in the Consolidated Appropriations Act, 2024

To: All NAP Agencies
Mid-Atlantic Regional Office and Western Regional Office

On March 9, 2024, President Joseph R. Biden signed into law the Consolidated Appropriations Act, 2024 (CAA) ([P.L. 118-42](#)). This memorandum addresses questions the Food and Nutrition Service (FNS) has received about the provisions of the CAA that affect the Nutrition Assistance Programs (NAP) in American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), and Puerto Rico (collectively, “territories”).

Division G, Title II, Section 209(f) of the CAA amends Section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) ([P.L. 104-193](#)) and provides that Compacts of Free Association (COFA) citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau who lawfully reside in the territories are eligible for certain Federal public benefit programs, including NAP, at the option of the Governor of the territory in which they reside. This option provides a new mechanism to address food insecurity among this population.

If the Governor of American Samoa or the Governor of the CNMI elects to extend NAP eligibility to COFA citizens, the NAP agency must submit an amendment to the respective NAP Memorandum of Understanding (MOU), including a revised budget, to FNS for approval. If the Governor of Puerto Rico elects to extend NAP eligibility to COFA citizens, the NAP agency must submit an amendment to the NAP State Plan of Operations, including a revised budget, to FNS for approval. Upon FNS approval of such amendments, territories should revise their respective NAP regulations to reflect this eligibility update.

In territories that elect to extend COFA eligibility, COFA citizens are not subject to a waiting period and are immediately eligible for benefits as long as they meet all other NAP financial and non-financial eligibility requirements.

NAP agencies with questions regarding this guidance should contact their respective [regional office](#) representatives.

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This memorandum follows separate but related [guidance](#) that FNS issued to agencies administering the Supplemental Nutrition Assistance Program (SNAP) in the 50 States, the District of Columbia, Guam, and the United States Virgin Islands on July 12, 2024.

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Sasha Gersten-Paal
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