

Congress of the United States
House of Representatives
Washington, DC 20515-5400

May 29, 2020

Hon. William Barr
Attorney General of the United States
DEPARTMENT OF JUSTICE
Robert F. Kennedy Department of Justice Building
950 Pennsylvania Avenue NW
Washington, D.C., 20530-0001

Dear Attorney General Barr:

On April 10, 2020, the Court of Appeals for the First Circuit affirmed the district court's judgment in *United States v. Vaello-Madero*,¹ holding that the exclusion of the Americans living in Puerto Rico from the disability benefits under the Supplemental Security Income (SSI) provisions of Title XIV of the Social Security Act² contravenes the equal protection guarantees of the Fifth Amendment.³

The SSI is a national program established as a substitute to the federal subsidies previously granted to the States to provide financial aid to needy individuals. In the years since it was established, the SSI program has changed from one that mainly supplemented Social Security income for elderly adults to a broader anti-poverty program that aids the disabled of all ages, becoming increasingly important for children and adults with disabilities.

SSI benefits are about three-fourths of the poverty level for a single person. Thus, while SSI alone is not enough to lift people out of poverty, it reduces the number of people in extreme poverty and greatly lessens the burden on family members. In 2013, SSI payments lowered from 63% to 42% the number of recipients living under the poverty level. The average beneficiary receives \$553 per month and the average beneficiary under 18 receives approximately \$662 a month.

¹ See *United States v. Vaello Madero*, Case no. 17-cv-2133 (GAG), before the U.S. District Court for the District of Puerto Rico (Opinion, 4 Feb 2019). Available at <http://media.ca1.uscourts.gov/pdf.opinions/19-1390P-01A.pdf>.

² 42 U.S.C. §§ 1381-1383(f).

³ See *United States v. Vaello Madero*, Appeal no. 19-1390, before the U.S. Court of Appeals for the First Circuit (Opinion, 10 Apr 2020). Available at <http://media.ca1.uscourts.gov/pdf.opinions/19-1390P-01A.pdf>.

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By statute, SSI is available to American citizens who live in a State, the District of Columbia, and in the territory of the Northern Mariana Islands. Those who live in U.S. Virgin Islands, Guam, Puerto Rico and American Samoa are excluded from the program. Instead of SSI, these Americans receive supplemental assistance through the Aid to the Aged, Blind, and Disabled Program (AABD) program, a capped grant from the U.S. Department of Health & Human Services which applied to the States prior to the establishment of SSI. Puerto Rico has to match 25% of the funds it receives from the AABD, a requirement that does not apply to SSI.

According to the U.S. Government Accountability Office, if Puerto Rico had been a State in Fiscal Year 2011, the number of SSI beneficiaries in Puerto Rico would have been almost ten times as those who received AABD— from 37,500 to 354,000— and the average payment would have been \$422 per month instead of \$74 per month. The implementation of SSI in Puerto Rico would have represented 54 times as much money for individuals who have no ability to support themselves

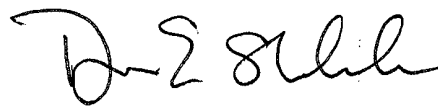
Of all the disparities that Americans living in the territories face, none is as shocking to the conscience as the disparity in the assistance available to the most vulnerable citizens, people who under no circumstance can support themselves. An American living under the poverty line in the States, the District of Columbia, or the Northern Mariana Islands is no more needy, vulnerable, or deserving of assistance than an American living under the poverty line in the territories.

We applaud your decision not to seek reconsideration of the First Circuit's opinion, and urge you allow this judgment to become final by not seeking review before the Supreme Court of the United States. The district court's opinion, as affirmed by the court of appeals, grants justice to these vulnerable Americans who are denied aid for the sole reason that they live in a territory.

Sincerely,



Jenniffer A. González-Colón
Member of Congress



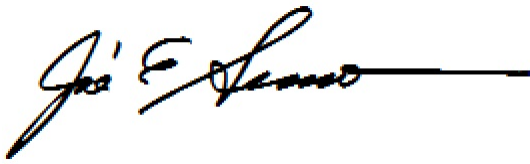
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