

November 2, 2021

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Charles Schumer
Majority Leader
U.S. Senate
Washington, DC 20515

Dear Speaker Pelosi and Senate Majority Leader Schumer:



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Ronald Newman
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The ACLU and ACLU Puerto Rico give you credit for including an historic expansion of the Supplemental Security Income (SSI) program in the now-pending FY2022 Budget Reconciliation Package. By doing so, you have acted on President Biden's [request](#) to finally extend parity in the Supplemental Security Income (SSI) program to otherwise qualified residents of Puerto Rico and other U.S. territories. This package presents a unique opportunity for Congress to correct this long-standing injustice. We urge you to remain steadfast and ensure that this expansion remains in the final reconciliation package.

Next month, the U.S. Supreme Court will hear arguments in *United States v. Vaello-Madero*, which asks whether denying SSI benefits to residents of Puerto Rico and other territories violates those residents' rights to equal protection under the Constitution. The ACLU and allies filed an [amicus brief](#) in the case in support of Mr. Vaello-Madero, the Puerto Rican resident the federal government sued to collect \$28,000 it claims it overpaid him in the three years after he moved from New York to Puerto Rico. Mr. Vaello-Madero is otherwise qualified for SSI. He has severe health problems and moved to New York only to rejoin his family. He was unaware that moving to Puerto Rico would disqualify him from the program.

Congress should not wait for the Supreme Court to act. Regardless of whether denying SSI benefits to otherwise eligible people based *solely* on where they live is constitutional, it is obviously unjust. It is indefensible that residents in the territories, most of whom are U.S. citizens and the vast majority are people of color, are excluded from this crucial anti-poverty program.

This is not a partisan issue. In [recent polls](#) a majority of Democrats, Republicans, and Independents support expanding SSI to U.S. territories through the next budget bill. And while citizens in Puerto Rico and other territories cannot vote for president or members of Congress, the nearly six million Puerto Ricans living in the states can – [including](#) 1.2 million Puerto Ricans in Florida, almost half a million in Pennsylvania, and 350,000 combined in Ohio, North Carolina, and Georgia. Voters in the territorial diaspora in these states will surely consider how Congress decides this issue, and what Congress did – *or did not do* – when they had the chance to deliver on promises like extending SSI benefits to residents of Puerto Rico and the territories.

Finally, the cost of this expansion is negligible. According to a preliminary estimate from the Congressional Budget Office, the cost of expanding SSI to all the

territories would increase direct spending by only \$400 million over the next ten years. At \$40 million per year, Congress cannot credibly claim the cost of this expansion is prohibitive, as it represents a miniscule fraction (0.00061069%) of the [\\$6.55 trillion](#) the federal government spent in 2020.

The just choice is obvious: Congress must extend SSI to all territories as part of the FY2022 Budget Reconciliation package.

Sincerely,

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