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Equally American Calls on Supreme Court to End Supplemental Security Income Discrimination in U.S. Territories

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Equally American, which advocates for equality and civil rights in U.S. territories, joined with the American Civil Liberties Union, ACLU of Puerto Rico, Demos, and the Washington Lawyers' Committee for Civil Rights and Urban Affairs to file an amicus brief before the Supreme Court in support of extending federal Supplemental Security Income (SSI) benefits to residents of U.S. territories who would otherwise be eligible but for the place they call home, according to a release issued Tuesday.

The brief was one of more than a dozen filed in support of Vaello Madero, who the federal government sued in 2017 to recover SSI payments it had made to him after he moved from New York to Puerto Rico. Under federal law, otherwise eligible residents of Puerto Rico, Guam, the

U.S. Virgin Islands, and American Samoa are excluded from national SSI benefits enjoyed by every other American.

“Denying some of the most vulnerable citizens critical federal benefits based solely on where they happen to live isn’t just wrong, it’s unconstitutional,” said Neil Weare, president of Equally American. “No other American community would accept this kind of discrimination, and residents of the territories shouldn’t have to either.”

Other Amicus Briefs in support of Mr. Vaello Madero currently filed include:

- Brief for AARP, Justice in Aging, and National Organization of Social Security Claimants’ Representatives
- Brief Of SEIU, AFSCME, AFT, and UAW
- Brief for Public Benefits Scholars
- Brief of the Commonwealth of Puerto Rico
- Brief for Puerto Rico Governor Pedro Pierluisi and the New Progressive Party
- Brief of the Hon. Jenniffer A. Gonzalez Colon, Resident Commissioner for Puerto Rico
- Brief Of Amici Curiae Plaintiff Ruiz-Aviles V. SSA, and Plaintiff And Plaintiff Class Rivera-Fuentes, Et Al. V. Saul
- Brief of University of Puerto Rico Amicus Justitiae Probono Project
- Brief of Medicaid and Medicare Advantage Products Association of Puerto Rico
- Brief of Diálogo Por Puerto Rico
- Brief of Senate of Puerto Rico
- Brief Of The National Disability Rights Network, Disability Rights Center Of The Virgin Islands, And Guam Legal Services Corporation-Disability Law Center
- Brief of Members of the Congressional Shadow Delegation of Puerto Rico
- [Brief of The District of Columbia, Guam, and 16 other states and territories](#)

In contrast to the deluge of briefs filed in support of Mr. Madero and the extension of SSI benefits to the territories, not a single amicus party filed in support of the federal government’s position in the case, according to the release.

The U.S. Justice Department has until September 29 to respond to the arguments made by Mr. Madero. Oral argument before the Supreme Court has not yet been scheduled, but is expected to be held in December or January.

President Biden and Congress Have Opportunity to Act

At the same time the Supreme Court is considering arguments in Vaello Madero, territorial leaders are calling on the other two branches of the federal government to pass legislation extending SSI and other federal benefits to citizens in the territories.

In June, President Biden declared that the ongoing denial of SSI and other federal benefits programs in U.S. territories “is inconsistent with my Administration’s policies and values,” promising “there can be no second-class citizens in the United States of America.”

Congressman Raúl M. Grijalva, who chairs the House Natural Resources Committee which has primary jurisdiction over U.S. territories, has repeatedly urged Congress to act, holding a hearing in July on implementing Mr. Biden’s priorities for the territories, including Medicaid, SSI, and

SNAP parity. Senator Bernie Sanders, who chairs the powerful Senate Budget Committee that is shepherding the pending \$3.5 trillion budget resolution, has made federal benefits parity in U.S. territories a priority, introducing the Territorial Equity Act of 2021 with Congresswoman Nydia Velázquez earlier this year.

“Even as the Supreme Court considers whether the denial of SSI benefits to citizens in U.S. territories is unconstitutional, Congress and President Biden should act to address this discrimination legislatively,” Weare added. “With President Biden and Democratic Leaders in both the House and Senate committing to bring an end to federal benefits discrimination against residents of U.S. territories, the political stars have aligned. The question now is whether these leaders can deliver on their promises.”

The pending \$3.5 trillion budget resolution is expected to be finalized in the coming weeks.

Equally American said residents of U.S. territories and those residing stateside with ties to the territories should call their representatives in Congress to support full federal benefits parity for residents of U.S. territories, including SSI benefits.