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March 11, 2021

Elizabeth Prelogar
Acting Solicitor General
U.S. Department of Justice
Office of the Solicitor General
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Acting Solicitor General Prelogar:

On behalf of our 38 million members and all older Americans nationwide, AARP writes to request that the Justice Department withdraw its appeal to the U.S. Supreme Court in the matter of *U.S. v. Vaello-Madero*, pertaining to Supplemental Security Income (SSI) benefits for Puerto Rico residents. AARP believes the lower court ruling should remain in place and that Puerto Rico residents should be eligible to receive much-needed SSI benefits.

SSI currently provides needs-based financial assistance to approximately 8 million older Americans and those with disabilities. Its monthly benefits are modest and, in January 2021, averaged only \$585 for all individuals and only \$475 for those age 65 and over. The resource limits to qualify for SSI are also low, at a maximum of \$2,000 for an individual and \$3,000 for a couple. Currently, U.S. citizens and lawful residents in all 50 states, the District of Columbia and the Northern Mariana Islands who meet program requirements are eligible for SSI benefits. Residents of Puerto Rico, Guam, the U.S. Virgin Islands, and American Samoa, however, were excluded from eligibility by Congress as part of the Social Security Amendments of 1972.

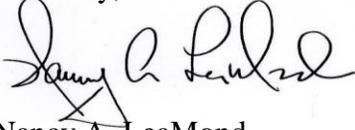
In April of last year, the U.S. Court of Appeals for the First Circuit agreed with the District Court of Puerto Rico in *U.S. v. Vaello-Madero*, ruling that Congress violated the equal-protection component of the Due Process Clause of the Fifth Amendment by denying SSI benefits to U.S. citizens who reside in Puerto Rico. The First Circuit held that the “categorical exclusion of otherwise eligible Puerto Rico residents from SSI is not rationally related to a legitimate government interest.”

In September, the previous Administration appealed this ruling to the U.S. Supreme Court, which has recently agreed to hear the case. As we stated above, AARP believes the lower court ruling should stand and we respectfully urge the Justice Department to withdraw the government’s appeal.



SSI benefits provide a lifeline to millions of Americans who need it the most and we should not unconstitutionally deny these benefits to U.S. Territory residents. If you have any questions, please feel free to contact me, or have your staff contact Tom Nicholls on our Government Affairs staff at tnicholls@aarp.org or (202) 434-3765.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy A. LeaMond". The signature is fluid and cursive, with a large initial "N" and "L".

Nancy A. LeaMond
Executive Vice President and
Chief Advocacy and Engagement Officer