

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

October 14, 2020

Mr. Juan Carlos Agosto
President
Puerto Rico Chamber of Commerce
954 Ave. Ponce de Leon
Miramar Plaza
San Juan, PR 00907

Dear Mr. Agosto:

I write to commend the Puerto Rico Chamber of Commerce for hosting a Parity of Funds Forum on October 15, 2020. Many of the forum's scheduled panelists have been consistently vocal about the need to ensure parity in social benefit funding for Puerto Rico.

This is a necessary discussion to find a permanent solution that establishes equity and fairness in federal funding for all U.S. citizens, regardless of where they reside. For too long, Puerto Ricans have been treated as second tier citizens – underfunded or completely excluded from social benefit programs that they are otherwise qualified for simply because of their residency on the island. I will continue facilitating discussions in Congress and supporting federal legislation to eliminate this discriminatory barrier.

Recent court decisions on this issue – *U.S. v. Vaello-Madero* and *Peña Martínez v. U.S.* – have been monumental in highlighting the need for federal funding parity in Puerto Rico. In April, the U.S. Court of Appeals' decision in *U.S. v. Vaello-Madero*¹ found the Social Security Administration's denial of Supplemental Security Income (SSI) to qualified individuals based on their residency in Puerto Rico was unconstitutional. The August decision by the District Court of Puerto Rico in *Peña Martínez v. U.S.*² reaffirmed this decision by finding that the Federal government's exclusion of the residents of Puerto Rico from Supplemental Security Income (SSI), Medicare Part D Low-Income Subsidy (LIS), and Supplemental Nutrition Assistance Program (SNAP) was also an unconstitutional violation of their rights to equal protection. This disparate treatment of the residents of the island in comparison to other U.S. citizens runs contrary to the ideals of fair and equal treatment granted in the U.S. Constitution. One's residency as a citizen should not dictate how they are treated.

¹ *U.S. v. José Luis Vaello-Madero*, No. 19-1390, (1st Cir. 2020), available at <http://media.ca1.uscourts.gov/pdf/opinions/19-1390P-01A.pdf>.

² *Pena Martínez v. U.S.*, No. 18-01206-WGY (2020), available at https://wethepeopleproject/Pena_Martinez_District_Court_Decision.pdf.

The impact of guaranteeing parity in social benefit funding to the residents of Puerto Rico cannot be understated. For LIS, nearly 500,000 residents in the Commonwealth would benefit from access to this program and Puerto Rico could receive up to \$2.5 billion in annual benefits.³ The Commonwealth could also receive an estimated \$1.8 billion in annual SSI benefits and another \$1 billion in annual SNAP benefits for those eligible.⁴ This is nearly \$5.3 billion – or 5 percent of the Commonwealth’s Gross National Product – annually for an island still recovering from major natural disasters and the current coronavirus pandemic.⁵

Once again, I want to thank the Puerto Rico Chamber of Commerce for facilitating a high-level discussion on this important issue. I look forward to working with you on this matter.

Sincerely,



Raúl M. Grijalva
Chair
Committee on Natural Resources

³ “FOMB for Puerto Rico v. Aurelius Investment, LLC,” August 11, 2020. <https://grupocne.org/2020/08/11/summary-of-pena-martinez-v-u-s-department-of-health-and-human-services/>

⁴ *Id.*

⁵ *Id.*