

**I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN  
RESOLUTIONS**

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Adopted	Date Referred	Referred to	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
207-36 (L.S)	Therese M. Terlaje Tina Rose Muña Barnes Amanda L. Shelton Telena Cruz Nelson Sabina Flores Perez Christopher M. Dueñas V. Anthony Ada Joe S. San Agustin Joanne Brown James C. Moylan Telo T. Taitague Jose "Pedro" Terlaje Mary Camacho Torres Frank Blas Jr. Clynton E. Ridgell	Relative to expressing support for the extension of the Supplemental Security Income program to Guam and specifically for the passage of H.R. 157, H.R. 5376, and any other federal efforts that advocate for the same purpose.	11/5/21 3:20 p.m.							

***I MINA'TRENTAI SAIS NA LIHESLATURAN GUÁHAN***  
**2021 (FIRST) REGULAR SESSION**

**Resolution No. 207 -36 (LS)**

Introduced By:

Therese M. Terlaje *Tmt*  
Tina Rose Muña Barnes *Vina Rose Muña Barnes*  
Amanda L. Shelton *Ashelton*  
Telena Cruz Nelson *Telena Cruz Nelson*  
Sabina Flores Perez *SFP*  
Christopher M. Duenas *CD*  
V. Anthony Adda *V. Anthony Adda*  
Joe S. San Agustin *Joe S. San Agustin*  
Joanne Brown *Joanne Brown*  
James C. Moylan *J. moylan*  
Telo T. Taitague *Telo T. Taitague*  
Jose "Pedro" Terlaje *Jose "Pedro" Terlaje*  
Mary Camacho Torres *Mary C. Torres*  
Frank F. Blas Jr. *Frank F. Blas Jr.*  
Clynton E. Ridgel *Clynton E. Ridgel*

**Relative to expressing support for the extension of the Supplemental Security Income program to Guam and specifically for the passage of H.R. 157, H.R. 5376, and any other federal efforts that advocate for the same purpose.**

1 **BE IT RESOLVED BY *I MINA'TRENTAI SAIS NA LIHESLATURAN***

2 ***GUÁHAN*:**

3 **WHEREAS**, the Supplemental Security Income (SSI) program is a federal  
4 income supplement program funded by general U.S. Treasury funds (not Social  
5 Security taxes) and administered by the Social Security Administration (SSA). The  
6 SSI program was created on October 17, 1972 by the 92<sup>nd</sup> United States Congress.  
7 With the creation of the program, Congress federalized the administration of

1 benefits, set minimum standards of benefit, imposed uniformed criteria for  
2 eligibility, and set low benefit reduction rates on labor earnings; and

3       **WHEREAS**, the SSI program began paying benefits in 1974, replacing  
4 various state-run programs, like the Old-Age Assistance and Aid to the Blinds  
5 Programs created under the Social Security Act of 1935 and the Social Security Act  
6 Amendments in 1950. The goals of the SSI program have not changed since its  
7 creation, but its structure has been subject to legislative, administrative, and court  
8 actions. The program is designed to help individuals or couples who are aged, blind,  
9 and disabled and who have little or no income by providing cash to fulfill their basic  
10 needs for food, clothing, and shelter; and

11       **WHEREAS**, in order to prove eligibility, SSI recipients must go through an  
12 application process that involves categorical screenings for age, blindness, and  
13 disability; income and resource tests; and citizenship and residency tests. Applicants  
14 need only meet one of the three aged, blind, and disabled criteria, although some  
15 applicants may fit more than one. The SSA is responsible for screening applicants  
16 and making awards for SSI; and

17       **WHEREAS**, although there are objective standards that the SSA uses to  
18 screen SSI applicants, the SSA does acknowledge that there is no simple definition  
19 of a disability. Therefore, applicants for disability benefits move through a multi-  
20 step process in which their pathology, impairment, and level of functioning are  
21 judged. Those applicants deemed unable to engage in any substantial work become  
22 eligible for benefits; and

23       **WHEREAS**, the income and resource tests for SSI application involve an  
24 individual's countable income being less than the federal benefit rate (FBR) or a  
25 couple's countable income being less than 150% of the individual FBR. The 2021  
26 SSI standard for limited income is \$794.00 per month for an individual and \$1,191

1 per month for a couple. The SSA does acknowledge that not all incomes received by  
2 applicants are countable, so the Administration has a set list of what it considers to  
3 be “countable income” in order to determine SSI eligibility, like cash and financial  
4 assets such as stocks, bonds, or property. The 2021 SSI standard for countable  
5 income is \$2,000.00 for an individual and \$3,000.00 for a couple. The SSA also has  
6 set in place other exclusions, conditions, and limitations in the SSI application  
7 income and resource tests to determine applicant financial need; and

8       **WHEREAS**, the citizenship and residency tests for SSI applicants involves  
9 an individual being a resident of the United States and a U.S. citizen, a U.S. national,  
10 or a “qualified alien” in an SSI-eligible noncitizen category; and

11       **WHEREAS**, 46 states and the District of Columbia offer SSI payments. The  
12 states that do not offer SSI payments are Arizona, Mississippi, North Dakota, and  
13 West Virginia. The Northern Mariana Islands can receive SSI, but the territory does  
14 not supplement federal payments. SSI is currently not available to residents of Puerto  
15 Rico, the U.S. Virgin Islands. American Samoa, and Guam; and

16       **WHEREAS**, there has been an increasing awareness of the injustice U.S.  
17 territory residents face when it comes to SSI eligibility and residency. On April 10,  
18 2020, a First Court Decision in *U.S. v. Vaello-Madero* found it unconstitutional for  
19 the SSA to deny SSI to otherwise eligible individuals based on their residence in  
20 Puerto Rico. On June 19, 2020, a U.S. District Court for the District of Guam  
21 decision by Chief Judge Frances M. Tydingco-Gatewood in *Schaller v. U.S. Social*  
22 *Security Administration* also found that there is “no rational basis for excluding [the]  
23 Plaintiff from receiving SSI benefits based solely on her residency in Guam” and  
24 “that the discriminatory provisions of the SSI statute and any related implementing  
25 regulation that discriminate on the basis of status as a resident of Guam violate the  
26 Constitution and Organic Act’s guarantees of Equal Protection.”; and

1           **WHEREAS**, to correct the injustice Guam residents face when it comes to  
2 SSI and uphold the decision of the U.S. District Court for the District of Guam, the  
3 Honorable Michael F. Q. San Nicolas, Guam Delegate to the U.S. House of  
4 Representatives introduced H.R. 157 in the 117th Congress on January 4, 2021. The  
5 bill is cited as the “Guam Supplemental Security Income Equality Act” and to-date  
6 has 28 co-sponsors. Upon introduction into the House, H.R. 157 was referred to the  
7 House Ways and Means Committee’s Subcommittee on Social Security; and

8           **WHEREAS**, another federal effort to extend SSI benefits to Guam can be  
9 found in H.R. 5376, cited as the “Build Back Better Act” which was introduced by  
10 John Yarmuth on September 27, 2021 into the U.S. House of Representatives. The  
11 Act is a scaled-back version of budget reconciliation legislation originally advanced  
12 by several House committees of jurisdiction in September 2021. An updated text of  
13 the Act was released on October 28, 2021 and is still a \$1.75 trillion social spending  
14 package which includes key provisions impacting health care workforce, health care  
15 coverage, maternal health, public health and preparedness, higher education, and  
16 federal research agencies and infrastructure. Another key component of this Act is  
17 the extension of SSI benefits to all U.S. territories, including Guam; now therefore,  
18 be it

19           **RESOLVED**, that *I Mina'trentai Sais Na Liheslaturan* Guahan does hereby,  
20 on behalf of the people of Guam, support the extension of the Supplemental Security  
21 Income program to Guam and specifically the passage of H.R. 157, H.R. 5376, and  
22 any other federal efforts that advocate for the same purpose; and be it further

23           **RESOLVED**, that the Speaker certify, and the Legislative Secretary attest to,  
24 the adoption hereof, and that copies of the same be thereafter transmitted to the  
25 Honorable Joseph R. Biden, President of the United States of America; to the  
26 Honorable Nancy P. Pelosi, Speaker of the United States House of Representatives;

1 to the Honorable John Larson, Chairman of the U.S. House Subcommittee on Social  
2 Security; to the Honorable Richard E. Neal, Chairman of the U.S. House Ways and  
3 Means Committee; to the Honorable Michael F. Q. San Nicolas, Guam Delegate  
4 to the U.S. House of Representatives; and to the Honorable Lourdes A. Leon  
5 Guerrero, *I Maga'hagan Guåhan*.

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**DULY AND REGULARLY ADOPTED BY *I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN* ON THE DAY OF 2021.**

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**THERESE M. TERLAJE**  
Speaker

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**AMANDA L. SHELTON**  
Legislative Secretary