

Social Security Advisory Board

Supplemental Security Income and United States Territories

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Acronyms

Acronym	Term
AABD	Aid to the Aged, Blind, and Disabled
AB	Aid to the Blind
APTD	Aid to the Permanently and Totally Disabled
CMS	Centers for Medicare and Medicaid Services
CNMI	Commonwealth of the Northern Mariana Islands
CRS	Congressional Research Service
FY	Fiscal Year
GAO	United States Government Accountability Office (previously General Accounting Office)
LIHEAP	Low Income Home Energy Assistance Program
OAA	Old Age Assistance
OASDI	Old Age, Survivors, and Disability Insurance
PL	Public Law
SNAP	Supplemental Nutrition Assistance Program
SSA	Social Security Administration
SSI	Supplemental Security Income
TANF	Temporary Assistance to Needy Families
US	United States
USCCR	United States Commission on Civil Rights
USDA	United States Department of Agriculture
USVI	United States Virgin Islands
WIC	Special Supplemental Nutrition Program for Women, Infants, and Children

Preface

Each year, the Social Security Advisory Board (“Board”) members have an opportunity, either individually or jointly, to include their views on the Supplemental Security Income (SSI) program in the Social Security Administration’s (SSA) annual report to the President and Congress.¹ This year’s statement focuses on SSI and alternative block grant programs in United States territories.

Introduction

SSI is a program administered by SSA for people with low income and resources. SSI recipients must either have a qualifying disability or be age 65 or older.² There are more than 7.4 million SSI recipients.³

People living in the 50 states, the District of Columbia, and the Commonwealth of the Northern Mariana Islands (CNMI) who meet all SSI eligibility rules can receive benefits.⁴ People are not eligible for SSI for any month they spend entirely in the other US territories: American Samoa, Guam, Puerto Rico, and the United States Virgin Islands (USVI).⁵ Of these, Guam, Puerto Rico, and the USVI have federal block grant programs authorized under the Social Security Act for aged, blind, or disabled adults who meet financial eligibility requirements.⁶ American Samoa receives neither the block grant programs nor SSI. The table below summarizes pertinent information about the territories.

¹ Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law (PL) 104-193 § 213; 110 Stat. 2105 (1996).

² SSA, “[Who can get SSI](#),” last accessed March 25, 2025.

³ SSA, “[Monthly Statistical Snapshot, February 2025](#),” last accessed March 25, 2025.

⁴ 42 USC §§ 1301(a)(1); 1382c(a)(1)(B)(i) and (e).

⁵ SSA, “[What You Need to Know When You Get SSI](#),” 1, last accessed March 25, 2025. SSI recipients who are in the territories for a full calendar month have their benefits suspended; benefits are restored once they have been back in the United States for 30 days, 20 CFR §§ 416.215, 416.1327. SSI is terminated after 12 months of suspension, Social Security Act § 1631(j)(1); 20 CFR § 416.1335. People who come to the 50 states, District of Columbia, or CNMI are eligible for SSI only after being there for a calendar month, Social Security Act § 1611(f)(1); 20 CFR § 416.215.

⁶ Social Security Act § 1108. House Ways and Means Committee, [Green Book](#), Section 12 (2004).

Table 1: SSI and Alternative Programs in US Territories⁷

	American Samoa	CNMI	Guam	Puerto Rico	USVI
Population (2020 Census)	49,710	47,329	153,836	3,285,874	87,146
SSI or block grant	Neither	SSI	Block grant	Block grant	Block grant
2020 average monthly benefit	\$0	\$647	\$197	\$78	\$180

This paper describes the history and current status of SSI and alternative block grant programs in United States (US) territories, starting in 1898 when the US began to acquire its current territories. The paper then compares SSI and territorial block grant programs and discusses projections about extending SSI to include residents of territories. Appendix 1 describes the availability of additional federal programs in territories. Appendix 2 provides a brief overview of taxation in territories.

History

1898-1934

US territories were first established in the late 1800s. Puerto Rico and Guam became US territories in 1898. The transfer of both islands from Spanish to American control was part of the Treaty of Paris, which ended the Spanish-American War.⁸ In 1900, American Samoa also became a US territory when local chiefs ceded their land.⁹

⁷ Population information from Steven Wilson, William Koerber, et al., "[First 2020 Census U.S. Island Areas Data Released Today](#)," *US Census Bureau*, October 28, 2021, and US Census Bureau, "[Puerto Rico Population Declined 11.8% from 2010 to 2020](#)," August 25, 2021.

Benefit amount in CNMI, December 2020, SSA, [Annual Statistical Supplement, 2021](#) Table 7.B3. Benefit amounts in other territories, FY20, William R. Morton, "[Proposed Extension of Supplemental Security Income \(SSI\) to American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands](#)," *Congressional Research Service (CRS)*, November 4, 2021, 2.

⁸ US Department of State, Office of the Historian, "[The Spanish-American War, 1898](#)," last accessed April 2, 2025. Marisabel Brás, "[The Changing of the Guard: Puerto Rico in 1898](#)," *Library of Congress*, last accessed April 2, 2025. US General Accounting Office (GAO), "[Puerto Rico: Information for Status Deliberations](#)," March 1990. US Department of the Interior, "[Guam](#)," last accessed April 2, 2025.

⁹ US Department of the Interior, "[American Samoa](#)," last accessed April 2, 2025. The deed of cession is available at American Samoa Bar Association, "[Cessation of Tutuila and Aunu'u](#)," last accessed April 2, 2025.

The Supreme Court heard several cases in 1901 about territories and their residents. These cases and some later ones are collectively known as the Insular Cases.¹⁰ The Insular Cases acknowledged that territories were not foreign countries. However, the Supreme Court did not require territories to be treated exactly like states.¹¹

The United States conferred citizenship on certain territorial residents in the early 20th century. Residents of Puerto Rico became eligible for US citizenship after a transition period starting in February 1917, when President Woodrow Wilson signed the Jones-Shafroth Act.¹² The following month, the US took formal control of the USVI, having purchased them from Denmark for \$25 million.¹³ In 1927, Congress conferred citizenship on residents of the USVI.¹⁴

1935-1971

The Social Security Act became law in 1935.¹⁵ In addition to creating a social insurance system, where people received benefits based on contributions through wage withholding, the Act provided matching grants to states that assisted needy older people (Old Age Assistance or OAA in Title I of the law) or blind adults (Aid to the Blind or AB in Title X).¹⁶

¹⁰ Puerto Rico Advisory Committee to the US Commission on Civil Rights (USCCR), "[The Insular Cases and the Doctrine of the Unincorporated Territory and its Effects on the Civil Rights of the Residents of Puerto Rico Overview Memo—Part I](#)," February 2024. Gerald L. Neuman and Tomiko Brown-Nagin, *Reconsidering the Insular Cases: The Past and Future of the American Empire* (Harvard University Press, 2015).

¹¹ The Insular Cases affected territorial economies and the civil rights of territorial residents. For example, the Court allowed tariffs on goods from Puerto Rico in *Downes v. Bidwell*, 182 U.S. 244 (1901), although tariffs are not allowed on goods transferred across state lines. In *Dorr v. United States*, 195 U.S. 138 (1904), the Court held that the right to a jury trial did not apply in the Philippines, which was then a territory. The following year, *Rassmussen v. United States*, 197 U.S. 516 (1905) distinguished "incorporated" territories like Alaska, from "unincorporated" territories like the Philippines and found that the right to a jury trial did exist in the former.

¹² Jones-Shafroth Act, PL 64-368, 39 Stat. 951 (1917), codified as amended at 48 USC §§ 731–751. The law allowed people a period of time to opt out of citizenship. It also extended numerous rights and obligations to Puerto Ricans, including military conscription, and it laid out a territorial government with the same three branches as the federal government. More information is available in Lorraine Boissoneault, "[Puerto Ricans Got U.S. Citizenship 100 Years Ago—But Their Identity Remains Fraught](#)," *Smithsonian Magazine*, March 17, 2017 and US House of Representatives History, Art, and Archives "[Puerto Rico](#)," last accessed April 2, 2025. Citizenship was further expanded by the Nationality Act of 1940, PL 76-853, 54 Stat. 1137. USCCR, "[The Insular Cases](#)," February 2024, 13.

¹³ US Department of State, "[Purchase of the United States Virgin Islands, 1917](#)," last accessed April 2, 2025. US Department of the Interior, "[U.S. Virgin Islands](#)," last accessed April 2, 2025.

¹⁴ An Act to confer United States citizenship upon certain inhabitants of the Virgin Islands and to extend the naturalization laws thereto, [PL 69-640](#) (1927); further expansion of citizenship in 1932 with An Act Relating to the immigration and naturalization of certain natives of the Virgin Islands, [PL 72-198](#).

¹⁵ SSA, "[Chronology: 1930s](#)," last accessed April 2, 2025.

¹⁶ SSA, "[The Social Security Act of 1935](#)," last accessed April 2, 2025. William R. Morton, "[Cash Assistance for the Aged, Blind, and Disabled in Puerto Rico](#)," CRS, October 26, 2016, 4. Herman F. Grundmann, "[Adult Assistance Programs Under the Social Security Act](#)," *Social Security Bulletin*, 48 no. 10 (October 1985).

President Franklin D. Roosevelt’s proposed bill text would have made the territories of Puerto Rico, Alaska, Hawaii, and the District of Columbia eligible for these grants. The version that became law included Alaska, Hawaii, and the District of Columbia, but not Puerto Rico.¹⁷

The 1950 amendments to the Social Security Act created the Aid to the Permanently or Totally Disabled (APTD) program for states that assisted adults with disabilities other than blindness.¹⁸ The 1950 amendments provided Puerto Rico and the USVI with OAA, AB, and APTD grants. Puerto Rico and the USVI, though, had a smaller percentage of their expenditures reimbursed by the federal government than the rest of the United States did.¹⁹ The territories also had a cap placed on the total amount of grants they could receive.²⁰

The Social Security Act was amended again in 1958 so Guam — whose residents had recently become US citizens²¹ — could receive these grants.²² In 1962, states were allowed to combine OAA, AB, and APTD into a single program called Aid to the Aged, Blind, or Disabled (AABD) in the new Title XVI of the Act.²³ Puerto Rico did so, while Guam and the USVI kept their programs separate.²⁴ Collectively, OAA, AB, APTD, and AABD are known as adult assistance or grants-in-aid.²⁵

¹⁷ Morton, “[Cash Assistance for the Aged, Blind, and Disabled in Puerto Rico](#),” CRS, October 26, 2016, 12-13. FDR’s proposed bill was [H.R. 4120](#), 74th Congress (1935).

¹⁸ [PL 81-734 §§ 302, 342, and 1403](#). States received reimbursement of 75% of their expenditures for the first \$20 per person they paid out each month and 50% of their expenditures for benefits between \$20 and \$50. Puerto Rico and USVI were reimbursed half of their expenditures for the first \$30 per person they paid out each month. Alaska, Hawaii, and the District of Columbia were included in the definition of “state” in § 210 (h).

¹⁹ [PL 81-734 §§ 302, 342, and 1403](#). States received reimbursement of 75% of their expenditures for the first \$20 per person they paid out each month and 50% of their expenditures for benefits between \$20 and \$50. Puerto Rico and USVI were reimbursed half of their expenditures for the first \$30 per person they paid out each month. Alaska, Hawaii, and the District of Columbia were included in the definition of “state” in § 210 (h).

²⁰ [PL 81-734 § 1108](#). Puerto Rico’s annual combined cap for Titles I (OAA), IV (Aid to Dependent Children), X (AB), and XIV (APTD) was \$4.25 million; the USVI’s cap for the same programs was \$160,000.

²¹ US Department of the Interior, “[Guam](#),” last accessed April 2, 2025. Organic Act of Guam, PL 81-630 (1950).

²² Social Security Amendments of 1958, [PL 85-840](#), Title V. Charles I. Schottland, “[Social Security Amendments of 1958: A Summary and Legislative History](#),” *Social Security Bulletin* (October 1958).

²³ Public Welfare Amendments of 1962, [PL 87-543](#), § 141.

²⁴ Morton, “[Cash Assistance for the Aged, Blind, and Disabled in Puerto Rico](#),” CRS, October 26, 2016, 5. By January 1968, 18 states had combined their programs; the remaining 32 states and DC kept their programs separate. SSA Office of the Historian, email to SSAB staff, March 25, 2025.

²⁵ Descriptions of the adult assistance programs can be found at Grundmann, “[Adult Assistance Programs Under the Social Security Act](#),” *Social Security Bulletin*, (October 1985) and Morton, “[Cash Assistance for the Aged, Blind, and Disabled in Puerto Rico](#),” CRS, October 26, 2016, 5.

1972-2004

Creating SSI

Congress created the SSI program in 1972. Amendments to the Social Security Act added the SSI program to Title XVI and provided that SSI benefits would begin on January 1, 1974.²⁶ However, territories were not covered under SSI. The version of the 1972 amendments that passed the House of Representatives would have created a program much like SSI in Guam, Puerto Rico, and the USVI; that program would have had no cap on grants, but would have provided a lower maximum benefit for residents of territories than for residents of states.²⁷ The Senate version of the amendments, which eventually became law, instead continued the existing grants-in-aid programs in territories.²⁸

CNMI and its Covenant

In February 1975, representatives of the United States and a group of Pacific islands that had been under United Nations trusteeship²⁹ ratified a Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.³⁰ Congress and the CNMI legislature approved the covenant and CNMI residents supported it through a plebiscite.³¹ It became law in March 1976.³² The covenant made CNMI residents eligible for SSI beginning in January 1978.³³ Other benefits were also provided. As the *New York Times* reported, “all of the things available to American citizens in Ohio will be available in the Marianas.”³⁴

²⁶ PL 92-603, § 301. Robert M. Ball, “[Social Security Amendments of 1972: Summary and Legislative History](#),” *Social Security Bulletin* (March 1973).

²⁷ Social Security Amendments of 1972, [HR 1](#), 92nd Congress. Legislative history is discussed in [Gautier Torres v. Mathews](#), 426 F. Supp. 1106, 1111 (D.P.R. 1977). The formula for the SSI benefit rate in the territories would have been the benefit rate in the states multiplied by “the ratio of the per capita income of each of these locales, to the per capita income of the lowest of the 50 States,” Morton, “[Cash Assistance for the Aged, Blind, and Disabled in Puerto Rico](#),” CRS, October 26, 2016, 15. The bill was voted out of the Ways and Means Committee by a vote of 22-3; the House passed the bill by a vote of 288-132. [Congressional Record—House](#), June 22, 1971, 21329 and 21463.

²⁸ PL 92-603 § 303(b). See notes following 42 USC §§ 1381–1385. Morton, “[Cash Assistance for the Aged, Blind, and Disabled in Puerto Rico](#),” CRS, October 26, 2016, 5.

²⁹ Encyclopedia Britannica, “[Trust Territories of the Pacific Islands](#),” last accessed April 3, 2025.

³⁰ “[Pact Is Signed to Make North Marianas a U.S. Area](#),” *New York Times*, February 16, 1975. Joseph E. Horey, “[The Right of Self-Government in the Commonwealth of the Northern Mariana Islands](#),” *Asian-Pacific Law & Policy Journal*, 4 Issue 2 (Summer 2003): 180.

³¹ “[Marina Plebiscite Favors Political Union With U.S.](#),” *New York Times*, June 18, 1975.

³² [PL 94-241](#).

³³ [PL 94-241](#) § 502(a)(1). Morton, “[Cash Assistance for the Aged, Blind, and Disabled in Puerto Rico](#),” CRS, October 26, 2016, 3. [Social Security Ruling 79-27](#) (rescinded).

³⁴ “[Marina Plebiscite Favors Political Union With U.S.](#),” *New York Times*, June 18, 1975. This article noted that the CNMI’s agreement might spur interest among Guam residents about altering its status with the CNMI and the United States. However, residents of Guam remain divided on this topic; see Don Farrell, “[History of Efforts to Reunify the Mariana Islands](#),” *Guampedia*, last accessed April 8, 2025, and Sarah A. Topol, “[The America that Americans Forget](#),” *New York Times Magazine*, July 7, 2023.

The version of the covenant that passed the House of Representatives would have given the President the power to extend SSI to Puerto Rico, Guam, and the USVI as well.³⁵ However, this provision was removed from the version approved by the Senate and that later became law. The House passed a bill in 1976 that would have extended SSI to Guam, Puerto Rico, and USVI; much like the bill they passed in 1972, it would have provided lower maximum benefits to residents of territories compared to states. While some parts of the 1976 bill later became law, the portion about territories did not.³⁶

Califano v. Torres

Shortly after the US and CNMI ratified their covenant extending SSI, federal courts considered whether residents of Puerto Rico were entitled to the same benefit. Cesar Gautier Torres received SSI while living in Connecticut, then moved to Puerto Rico in November 1975. When he informed SSA of his address change, the agency attempted to suspend his benefits, and he appealed. The government's position was that the Insular Cases allowed territories, and people living in them, to be treated differently.³⁷ Torres argued that excluding residents of Puerto Rico from SSI violated the equal protection clause of the Fifth Amendment, and that it violated his Constitutionally-protected right to travel. The district court's 1977 decision primarily addressed Torres' second argument, noting it was

not here concerned with the alleged power of Congress to establish disparate treatment towards the United States citizens who reside in Puerto Rico. Rather, the focus of our attention should be directed to determining whether a constitutional right of a citizen of the United States has been improperly penalized *while he is within one of these States*.³⁸

In other words, the district court found that excluding territorial residents from SSI hurt Torres when he was living in Connecticut, because it limited his ability to travel to Puerto Rico. In 1978, the Supreme Court disagreed.³⁹ The justices acknowledged previous

³⁵ [H.J.Res. 549](#) passed the House under a motion to suspend the rules on July 21, 1975. The CRS [summary](#) says the House version "Allows the President to extend all Federal programs providing grant, loan, and loan guarantees to Puerto Rico, the Virgin Islands, Guam, American Samoa, the Mariana Islands District and the other Districts of the Trust Territory of the Pacific Islands. Requires that notice of such extension be given to Congress."

³⁶ [H.R. 8911](#) passed the House 374-3. "[House Votes Raise in Aid to the Blind, Aged, and Disabled](#)," *New York Times*, August 31, 1976. Morton, "[Cash Assistance for the Aged, Blind, and Disabled in Puerto Rico](#)," CRS, October 26, 2016, 17.

³⁷ A description of how the *Torres* case used the Insular Cases as precedent can be found at Hon. Gustavo A. Gelpí, "[The Insular Cases: A Comparative Historical Study of Puerto Rico, Hawai'i, and the Philippines](#)," *The Federal Lawyer*, March/April 2011, 24-25.

³⁸ [Gautier Torres v. Mathews](#), 426 F. Supp. 1106 (D.P.R. 1977) (emphasis in original).

³⁹ [Califano v. Torres](#), 435 U.S. 1 (1978). The same year, the Supreme Court reached a similar finding in the case of an SSI recipient who moved to Mexico: [Califano v. Aznavorian](#), 439 U.S. 170 (1978).

decisions stating that people who move to a state or county must receive the same benefits as those who already resided there. But they ruled that

the District Court altogether transposed that proposition. It held that the Constitution requires that a person who travels to Puerto Rico must be given benefits superior to those enjoyed by other residents of Puerto Rico if the newcomer enjoyed those benefits in the State from which he came. This Court has never held that the constitutional right to travel embraces any such doctrine, and we decline to do so now.⁴⁰

The Unique Case of American Samoa

When most residents of CNMI became US citizens in November 1986,⁴¹ American Samoa became the only territory whose residents were ineligible for citizenship. Residents of American Samoa are nationals rather than citizens.⁴² Multiple delegates from American Samoa have introduced legislation to extend SSI to their territory.⁴³ They have also introduced other bills that would instead include American Samoa in AABD.⁴⁴ In a 1993 Congressional hearing on SSI, Delegate Eni F.H. Faleomavaega of American Samoa expressed support for the extension of SSI to all territories, but also recognized it would cost more than providing AABD. He said that availability of either benefit would “provide equitable treatment for the elderly, blind, and disabled individuals residing in my district.”⁴⁵

Certain Children Allowed SSI

Congress gradually extended SSI to children of servicemembers stationed in places where SSI is otherwise not available.⁴⁶ In 1990, blind or disabled children of military personnel

⁴⁰ [Califano v. Torres](#), 435 U.S. 1 (1978). In footnote 7, the Supreme Court described three other concerns about extending SSI to Puerto Rico: its “unique tax status,” the estimated cost of \$300 million per year, and the risk of disruption to the Puerto Rican economy. More information about taxation of territorial residents can be found in Appendix 2.

⁴¹ US Department of State, [“Acquisition by Birth in the Commonwealth of the Northern Mariana Islands,”](#) last accessed April 8, 2025.

⁴² 8 USC § 1101(a)(29), § 1408(1). People born in American Samoa have challenged their status as nationals, but courts have not overturned it. [Fitisemanu v. US](#), No. 21-1394 (cert denied October 17, 2022). More information about the non-citizen status of residents of American Samoa is available at US Department of State, [“Acquisition by Birth in American Samoa and Swains Island,”](#) last accessed April 8, 2025, and Christopher Jones-Cruise, [“An American National, But Not a Citizen,”](#) *Voice of America*, November 26, 2016.

⁴³ Examples include [H.R. 3981](#) (1990) and [HR 855](#) (1991). More recent legislation to extend SSI to American Samoa includes [HR 537](#) (2021) and [HR 256](#) (2023).

⁴⁴ For example, [HR 2228](#) (1991).

⁴⁵ [Oversight hearing on Supplemental Security Income](#): Hearing before the Subcommittee on Human Resources of the House Committee on Ways and Means, 103rd Congress 1 (1993). Del. Faleomavaega’s remarks upon introduction of the 1995 version of the SSI extension bill are at [“SSI for Samoa,”](#) Congressional Record Vol. 141, No.36 (February 27, 1995).

⁴⁶ SSA, [“Children of Military Personnel,”](#) last accessed April 9, 2025. SSA, [“Blind or Disabled Children of Military Personnel Stationed Overseas – Overview,”](#) POMS SI 00501.415 (January 4, 2024).

became eligible to continue their existing SSI benefits if their parents became stationed outside the 50 states, the District of Columbia, and the territories.⁴⁷ In 1993, SSI was allowed to continue for children of military personnel stationed in territories.⁴⁸ And in 2004, children of military personnel stationed in places where SSI is not otherwise available — including territories—became eligible to apply for benefits.⁴⁹

Based on these changes, a blind or disabled child who “is a citizen of the United States, and who is living with a parent of the child who is a member of the Armed Forces of the United States assigned to permanent duty ashore outside the United States” and who meets other eligibility requirements can receive SSI.⁵⁰

2005-2025

Federal courts have had several more recent opportunities to consider the Constitutionality of territorial residents’ ineligibility for SSI. One such case was *United States v. Vaello Madero*.⁵¹ Jose Luis Vaello Madero continued to receive SSI after moving from New York to Puerto Rico in 2013. SSA tried to recover some of the benefits they said he should not have been paid. Vaello Madero argued that he should have been eligible for SSI while living in Puerto Rico, and the federal district court and circuit court of appeals agreed. They said the current law deprived Puerto Ricans like Vaello Madero of equal protection under the due process clause of the Fifth Amendment.⁵² The United States appealed.⁵³

In 2022, the Supreme Court ruled against Vaello Madero, holding that “Congress may distinguish the Territories from the States in tax and benefits programs such as [SSI], so long as Congress has a rational basis for doing so.”⁵⁴ The Court noted that “residents of

⁴⁷ [PL 101-239](#) § 8009, 103 Stat. 2107 (1989).

⁴⁸ [PL 103-66](#) § 13734, 107 Stat. 312 (1993).

⁴⁹ [PL 108-203](#) § 434, 118 Stat. 493 (2004).

⁵⁰ Social Security Act § 1614(a)(1). Territorial residents have disproportionately high rates of enlistment in the armed forces and encounter unique issues during and after their service. Sarah A. Topol, “[The America that Americans Forget](#),” *New York Times Magazine*, July 7, 2023. Kevin C. Miller, “[The Patriots We Forget](#),” *Disabled American Veterans*, September 14, 2023. Sonner Kehrt, “[US Territories have High Rates of Military Service, but Battle for Veterans’ Benefits](#),” *The War Horse*, January 25, 2024. The laws described in this section are for disabled children living in territories whose parents are active duty servicemembers; children of veterans are not included.

⁵¹ [596 US 159](#) (2022).

⁵² 356 F. Supp. 3d 208 (D.P.R. 2019), 956 F.3d 12 (1st Cir. 2020).

⁵³ [Petition for a Writ of Certiorari](#), September 2020. [Petition granted](#) March 1, 2021.

⁵⁴ The [decision](#) was written by Justice Kavanaugh and joined by all but Justice Sotomayor. Justice Thomas issued a concurrence distinguishing the equal protection rights found in the Fifth Amendment’s

Puerto Rico are typically exempt from most federal income, gift, estate, and excise taxes” and found this to be a rational basis for excluding them from SSI. The opinion also described “potentially far-reaching consequences” had the Court found for Vaello Madero: residents of territories would have become eligible for other federal benefits and might have been burdened by taxes they currently do not have to pay. Justice Sotomayor dissented on the grounds that differences in taxation were not a rational basis for SSI policy. She noted that residents of Puerto Rico do pay billions of dollars in federal taxes each year,⁵⁵ that SSI eligibility is not conditioned on an individual’s tax payments, and that Puerto Rico’s tax system is similar to CNMI’s yet only residents of the latter can receive SSI.⁵⁶

While Jose Luis Vaello Madero fought his SSI overpayment in Puerto Rico, a woman named Katrina Schaller filed a federal lawsuit more than 9,000 miles away.⁵⁷ She and her twin sister Leslie Schaller had a genetic disease called myotonic dystrophy. They were awarded SSI while they were living in Pennsylvania. When their mother died, Katrina moved to Guam to live with relatives who served as her legal guardian; she thus became ineligible for SSI. In 2020, the district court in Guam reached the same conclusion as the court in Puerto Rico had in Vaello Madero’s case the year before: excluding residents of territories from SSI was an equal protection violation.⁵⁸ SSA appealed, but when Katrina and Leslie Schaller died within weeks of each other in 2021, the Ninth Circuit dismissed the case as moot.⁵⁹

Although the Supreme Court did not find a Constitutional right to SSI for residents of territories in the *Torres* or *Vaello Madero* cases, Congress could choose to extend SSI.

due process clause from the Fourteenth Amendment’s equal protection clause. Justice Gorsuch issued a concurrence expressing hope that the Insular Cases would one day be overturned.

⁵⁵ The dissent mentioned taxes paid by residents of Puerto Rico on income from sources outside of Puerto Rico; income taxes paid by federal employees living in Puerto Rico; and Social Security, Medicare, and unemployment insurance contributions.

⁵⁶ Sotomayor was skeptical of the consequences suggested by the majority but observed that their ruling carried troubling implications of its own. She noted that “If Congress can exclude citizens from safety net programs on the ground that they reside in jurisdictions that do not pay sufficient taxes, Congress could exclude needy residents of Vermont, Wyoming, South Dakota, North Dakota, Montana, and Alaska.” Each state listed contributed less than Puerto Rico to the federal treasury.

⁵⁷ “[Twins sue Social Security over denial of benefits](#),” *Guam Daily Post*, December 11, 2018.

⁵⁸ *Schaller v. U.S. Social Security Admin., et al.*, No. 18-cv-00044 (D. Guam June 19, 2020). Leslie Schaller also sued in Pennsylvania because she was unable to spend more than a month in Guam without losing SSI benefits; her case was dismissed for lack of subject matter jurisdiction. *Schaller v. U.S. Social Security Administration*, 2020 WL 956422 (W.D. Pa. March 20, 2020). More information about the Schaller cases is available at Empire Justice Center, “[Exclusion of Guam Resident from SSI Program Violates Equal Protection](#),” July 31, 2020, and Jennifer Sinco Kelleher, “[Judge sides with Guam resident in Social Security case](#),” *Associated Press*, June 22, 2020.

⁵⁹ Haidee Eugenio Gilbert, “[US appeals court voids ruling that could have extended SSI to Guam](#),” *Guam Daily Post*, April 22, 2022.

President Biden endorsed a legislative solution to the issue,⁶⁰ and there have been various bills on this topic throughout the 21st century. Extension of SSI to territories was part of the Inflation Reduction Act legislation that passed the House of Representatives in November 2021.⁶¹ However, that provision was removed before the Senate approved the bill.⁶² Congressional delegates who caucus with Democrats and Republicans have sponsored legislation that would extend SSI to territories.⁶³

Comparison of SSI and Adult Assistance

One major difference between SSI and the adult assistance block grant programs available in three territories is that, as the name indicates, adult assistance is only for those aged 18 and older.⁶⁴ SSI is available to children with disabilities: nationwide, there were 1,007,000 SSI recipients under age 18 in March 2025, representing 13.6% of the total SSI caseload.⁶⁵ A think tank analyzing 2018 American Communities Survey data found 26,408 Puerto Ricans aged 0-17 with disabilities and household incomes below the poverty line,⁶⁶ though not all would apply for and be awarded SSI.

Another difference between SSI and adult assistance is that SSI is a mandatory spending program, meaning that everyone who applies for it and is found to meet its eligibility requirements receives benefits. In contrast, adult assistance is a block grant program,

⁶⁰ “[Statement by President Joseph R. Biden, Jr. on Puerto Rico](#),” June 7, 2021. (“I believe that Puerto Rico residents should be able to receive SSI benefits, just like their fellow Americans in all 50 states and Washington D.C. I call on Congress to amend the Social Security Act to extend these benefits to residents of Puerto Rico.”)

⁶¹ [H.R. 5376](#), Subtitle J, § 131001. The portion of the bill extending SSI to territories is described in William R. Morton, “[Proposed Extension of Supplemental Security Income \(SSI\) to American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands](#),” CRS, November 4, 2021.

⁶² The bill became PL 117-169, 136 Stat. 1818. A discussion of the House-passed bill and other legislation introduced in the 117th Congress is available at Marga Parés and David Cordero Mercado, “[SSI extension to Puerto Rico lies in Congress’s court](#),” *USC Annenberg Center for Health Journalism*, June 6, 2022.

⁶³ Puerto Rico’s current and previous Resident Commissioners, who caucus with Democrats and Republicans respectively, both support SSI extension. Jim Saska, “[Meet the Newest Nonvoting Members of the House](#),” *Roll Call*, November 22, 2024 (“the two see eye-to-eye on some of the island’s other issues....They both want to keep fighting to gain some federal benefits that Puerto Ricans on the island are currently denied, such as Supplemental Security Income”). The SSI Equality Act of 2023, [H.R. 256](#), was cosponsored by the Republican delegates from Puerto Rico, Guam, and American Samoa and the Democratic delegates from USVI and CNMI. All five territories’ delegates (two Republicans and three Democrats each time) cosponsored similar legislation in the Congresses before that: [H.R. 537](#) in the 117th Congress and [H.R. 947](#) in the 116th Congress.

⁶⁴ Michael Stephens, SSA Office of the Chief Actuary, “[Estimated Change in Federal SSI Program Cost for Potential Extension of SSI Eligibility to Residents of Certain U.S. Territories—INFORMATION](#),” June 11, 2020. Parés et al., “[SSI extension to Puerto Rico lies in Congress’s court](#),” *USC Annenberg Center for Health Journalism*, June 6, 2022.

⁶⁵ SSA, “[Monthly Statistical Snapshot, March 2025](#),” Table 3, last accessed April 30, 2025.

⁶⁶ Rosanna Torres, “[Impact of the Supplemental Security Income in Puerto Rico](#),” *CNE25*, June 25, 2020. Children were 6% of the 435,886 Puerto Ricans the study found could be eligible for SSI.

where territories receive a set amount of money that does not change if more or fewer people are found eligible. Each territory has a maximum total annual amount it can receive for adult assistance programs, Temporary Assistance to Needy Families (TANF), and other federal block grants.⁶⁷ Those caps are not indexed to inflation and were last increased in Fiscal Year (FY) 1997.⁶⁸ These matching grants for adult assistance programs are administered by the Department of Health and Human Services, Administration for Children and Families.⁶⁹ Benefit payments are 75% federally funded and 25% territorially funded, while administrative costs are split evenly.⁷⁰

The eligibility standards for adult assistance are stricter than for SSI.⁷¹ For example, people who can work at a level below what SSA considers “substantial gainful activity” can receive SSI, but AABD requires people to be completely unable to work.⁷² Those who do receive adult assistance get benefits that are considerably smaller than they would receive if they were eligible for SSI.⁷³ In 2020, the average monthly SSI payment in CNMI was \$647,⁷⁴ while the average monthly adult assistance grant amount in the territories ranged from \$78 in Puerto Rico to \$197 in Guam.⁷⁵ The table below summarizes differences between SSI and adult assistance programs.

⁶⁷ [Social Security Act § 1108](#). Morton, “[Cash Assistance for the Aged, Blind, and Disabled in Puerto Rico](#),” CRS, October 26, 2016, 6-8. US Department of Health and Human Services, “[Funding Guidance to Territories for TANF and Other Programs Subject to the Funding Ceiling in Section 1108 of the Social Security Act](#),” last accessed April 9, 2025.

⁶⁸ Stephen C. Goss, SSA Office of the Chief Actuary, [letter to Senator William E. Villafañe Ramos](#), November 8, 2024. Morton, “[Cash Assistance for the Aged, Blind, and Disabled in Puerto Rico](#),” CRS, October 26, 2016, 7.

⁶⁹ US Department of Health and Human Services, “[Payments to Territories—Adults](#),” last accessed April 9, 2025.

⁷⁰ Morton, “[Proposed Extension of Supplemental Security Income \(SSI\) to American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands](#),” CRS, November 4, 2021, 2.

⁷¹ Stephens, SSA Office of the Chief Actuary, “[Estimated Change in Federal SSI Program Cost for Potential Extension of SSI Eligibility to Residents of Certain U.S. Territories—INFORMATION](#),” June 11, 2020 (“The eligibility criteria for the SSI program is significantly less restrictive than the eligibility criteria for the AABD program”).

⁷² Center on Budget and Policy Priorities, “[Aid to the Aged, Blind, and Disabled](#),” last accessed April 9, 2025. Morton, “[Cash Assistance for the Aged, Blind, and Disabled in Puerto Rico](#),” CRS, October 26, 2016, Table 5.

⁷³ Center on Budget and Policy Priorities, “[Aid to the Aged, Blind, and Disabled](#),” last accessed April 9, 2025. Morton, “[Cash Assistance for the Aged, Blind, and Disabled in Puerto Rico](#),” CRS, October 26, 2016, Table 5. Morton, “[Proposed Extension of Supplemental Security Income \(SSI\) to American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands](#),” CRS, November 4, 2021, 2.

⁷⁴ December 2020 figures from SSA, [Annual Statistical Supplement, 2021](#), Table 7.B3.

⁷⁵ Fiscal Year 2020 figures from Morton, “[Proposed Extension of Supplemental Security Income \(SSI\) to American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands](#),” CRS, November 4, 2021, 2.

Table 2: Summary of Differences Between SSI and Adult Assistance Programs

	SSI	Adult Assistance Programs
Age restrictions	No	Age 18 and older
Funding cap	No	Combined cap (last increased in 1997) for these programs plus other federal grants
Required state/territory match	No	Yes, territories pay ¼ of benefits and ½ of administrative costs
Provided to all qualified applicants	Yes	Not guaranteed but subject to availability of funds
Federal agency administrator	SSA	Health and Human Services Administration for Children and Families

Projections for SSI Extension

Extending SSI to all territories would make more people eligible for benefits and increase the benefits some people would receive. SSA's actuaries estimated in 2020 that permitting residents of American Samoa, Guam, Puerto Rico, and USVI to receive SSI would increase federal SSI payments by 3.4% in 2030. By 2044, SSI expenditures would be 2.6% higher than under current law if residents of all territories became eligible for SSI. A small portion of the increased costs could be offset by eliminating grants-in-aid.⁷⁶

Of the \$23.4 billion in additional SSI payments from FY 2021 to 2030, the vast majority—\$22.7 billion—would go to residents of Puerto Rico.⁷⁷ A more recent actuarial analysis, only for Puerto Rico, forecast an increase of \$20.7 billion from 2025 to 2034.⁷⁸ Puerto Rican think tank CNE estimated based on FY 2018 data that over 435,000 elderly or disabled

⁷⁶ SSA's actuaries forecast that less than ten percent of the increase in SSI costs would be offset in this manner. Stephens, SSA Office of the Chief Actuary, "Estimated Change in Federal SSI Program Cost for Potential Extension of SSI Eligibility to Residents of Certain U.S. Territories—INFORMATION," June 11, 2020. An earlier analysis forecast even smaller savings, estimating that "SSI would cost about 27 times more than the areas' counterpart adult assistance programs, due to full federal financing of benefits and higher participation under more liberal eligibility criteria." GAO, "[Welfare and Taxes: Extending Benefits to Puerto Rico, Virgin Islands, Guam, and American Samoa](#)," September 15, 1987.

⁷⁷ Stephens, SSA Office of the Chief Actuary, "Estimated Change in Federal SSI Program Cost for Potential Extension of SSI Eligibility to Residents of Certain U.S. Territories—INFORMATION," June 11, 2020. An earlier GAO report estimated that Puerto Rico would have received \$1.5-1.8 billion in SSI in 2011 had it been a state. GAO, "[Puerto Rico: Information on How Statehood Would Potentially Affect Selected Federal Programs and Revenue Sources](#)," March 4, 2014.

⁷⁸ Stephen C. Goss, SSA Office of the Chief Actuary, [letter to Senator William E. Villafañe Ramos](#), November 8, 2024. SSA's actuaries attribute the reduction in forecasted costs to decreases in Puerto Rico's population and its poverty rate, plus a decline in the ratio of SSI prevalence rate to poverty rate in the US (SSI prevalence rate went down and the poverty rate went up), which the actuaries use to inform their estimate of how many people in Puerto Rico would receive SSI. Email from SSA Office of the Chief Actuary staff, January 14, 2025.

Puerto Ricans would become eligible for SSI.⁷⁹ This is an increase of approximately 400,000 over the number currently receiving AABD.⁸⁰ In Guam, an average of 645 people per month received adult assistance in FY20,⁸¹ but an earlier study by their legislature found that 24,000 people could be eligible for SSI.⁸²

There could be both administrative costs and efficiencies from making residents of territories eligible for SSI, though they are likely of different magnitudes. SSA would no longer have to suspend or terminate benefits when people moved to territories. Likewise, the agency would not have to restart suspended benefits or take new claims for terminated benefits when people returned to places currently eligible for SSI.⁸³ There would be fewer improper payments resulting from SSI recipients moving to and from territories.⁸⁴ However, SSA would also have to take and adjudicate additional SSI claims and monitor the eligibility of more SSI recipients. If this required SSA to hire more staff in the territories, it could exacerbate SSA's current understaffing agencywide, which is at a fifty-year low. SSA and other agencies have experienced particular challenges recruiting and retaining staff in territories.⁸⁵

⁷⁹ Torres, "[Impact of the Supplemental Security Income in Puerto Rico](#)," *CNE25*, June 25, 2020.

⁸⁰ Morton, "[Proposed Extension of Supplemental Security Income \(SSI\) to American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands](#)," *CRS*, November 4, 2021, 1.

⁸¹ Morton, "[Proposed Extension of Supplemental Security Income \(SSI\) to American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands](#)," *CRS*, November 4, 2021, 2.

⁸² Kelleher, "[Judge sides with Guam resident in Social Security case](#)," *Associated Press*, June 22, 2020.

⁸³ A description of how SSA handles address changes for SSI recipients moving from places eligible for SSI to places that are not can be found at SSA, "[COA in SSI Cases](#)," POMS GN 02605.035.B.4 (December 3, 2021). The law terminating SSI after 12 months of suspension is Social Security Act § 1631(j)(1); see also 20 CFR § 416.1335.

⁸⁴ SSA currently engages in data matching to identify SSI recipients in territories and outside the US. SSA OIG, "[Usefulness of Department of Homeland Security Travel Data to Identify Supplemental Security Income Recipients Who are Outside of the United States](#)," February 2013, and "[Controls to Prevent Supplemental Security Income Payments to Recipients Living in Foreign Countries](#)," September 2002. GAO, "[Supplemental Security Income: SSA Could Enhance Its Ability to Detect Residency Violations](#)," July 29, 2003 and "[Supplemental Security Income: Sustained Management Attention Needed to Address Residency Violations](#)," May 20, 2004.

⁸⁵ GAO, "[Federal Workforce: Actions Needed to Improve Recruitment and Retention in Alaska, Hawaii, and U.S. Territories](#)," October 15, 2024.

Conclusion

This paper provides a history of SSI and alternative programs in United States territories. It also describes current similarities and differences between SSI and alternative programs. The Board hopes that this information will be useful to policymakers.

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Appendix 1: Availability of Selected Federal Programs in Territories

Table 3: Federal Programs by Territory

	American Samoa	CNMI	Guam	Puerto Rico	USVI
SSI	No	Yes	No	No	No
Adult assistance programs	No	No	OAA, AB, APTD	AABD	OAA, AB, APTD
Old Age, Survivors, and Disability Insurance (OASDI)	Yes	Yes	Yes	Yes	Yes
Medicaid	Yes, but with caps that states do not have	Yes, but with caps that states do not have	Yes, but with caps that states do not have	Yes, but with caps that states do not have	Yes, but with caps that states do not have
Medicare	Yes	Yes	Yes	Yes	Yes
Part D Low Income Subsidy	No, separate block grant	No, separate block grant	No, separate block grant	No, separate block grant	No, separate block grant
Supplemental Nutrition Assistance Program (SNAP)	A separate block grant program called ASNAP	A separate block grant called NAP	es	A separate block grant called NAP	yes

	American Samoa	CNMI	Guam	Puerto Rico	USVI
SUN Bucks (Summer Electronic Benefits Transfer)	Yes	Yes	Yes	Yes	Yes
School Meals	Yes	Yes	Yes	Yes	Yes
Women, Infants, and Children (WIC)	Yes	Yes	Yes	Yes	Yes
Student loans and Pell Grants	Yes	Yes	Yes	Yes	Yes
Housing Subsidies	No public housing or Housing Choice Voucher Program; does get Community Development Block Grants	Yes	Yes	Yes	Yes
TANF	No	No	Yes	Yes	Yes
Unemployment Insurance	No	No	No	Yes	Yes

	American Samoa	CNMI	Guam	Puerto Rico	USVI
Workers Compensation	Yes	Yes	Yes	Yes	Yes
Low Income Home Energy Assistance Program (LIHEAP)	Yes	Yes	Yes	Yes	Yes

Note: A program’s availability in a territory does not mean that it is funded or administered identically to programs in the 50 states and DC.

Sources:

SSI and adult assistance: Goss, SSA Office of the Chief Actuary, [letter to Senator William E. Villafañe Ramos](#), November 8, 2024.

OASDI: SSA, “[Congressional Statistics, 2023](#),” last accessed April 14, 2025. There were 880,192 OASDI beneficiaries living in territories in December 2023. Of these, over 94% lived in Puerto Rico. SSA, [Annual Statistical Supplement, 2024](#), Table 5.J2.

Medicaid and Part D Low Income Subsidy: Centers for Medicare and Medicaid Services (CMS), “[State Overviews](#),” last accessed April 14, 2025. Medicaid and CHIP Payment and Access Commission, “[Medicaid and CHIP in the Territories](#),” February 2021. Akash Pillai, Drishti Pillai, et al. “[Recent Changes in Medicaid Financing in Puerto Rico and Other U.S. Territories](#),” *KFF*, October 28, 2024.

Medicare: CMS, “[Medicare Coverage Outside the United States](#),” last accessed April 14, 2025.

SNAP: US Department of Agriculture (USDA): “[FNS Contacts](#),” “[American Samoa Nutrition Assistance Summary](#),” “[CNMI Nutrition Assistance Summary](#),” “[Assessing the Feasibility of Implementing the Supplemental Nutrition Assistance Program in the Commonwealth of the Northern Mariana Islands](#),” last accessed April 14, 2025. Brynne Keith-Jennings, “[Introduction to Puerto Rico’s Nutrition Assistance Program](#),” *Center on Budget and Policy Priorities*, November 3, 2020. Javier Balmaceda, “[Puerto Rico and Other Territories Should Get Food Assistance Equity in Upcoming Farm Bill](#),” *Center on Budget and Policy Priorities*, September 27, 2023.

Summer EBT (SUN Bucks), School Lunch, and WIC: USDA, “[FNS Contacts](#),” last accessed April 14, 2025.

Student Loans and Pell Grants: House Ways and Means Committee, [Green Book](#), Section 12, Table 12-1 (2004).

Housing Subsidies: US Department of Housing and Urban Development, “[HUD Programs and Funding in Insular Areas](#),” last accessed April 14, 2025. Council of Large Public Housing Authorities, “[Puerto Rico Public Housing Administration](#),” last accessed April 14, 2025.

TANF: Sarah Knowles, Ilham Dehry, et al., “[Graphical Overview of State and Territory TANF Policies as of July 2022](#),” Urban Institute, December 2023.

Unemployment Insurance: Disasterassistance.gov, “[Unemployment Insurance](#),” last accessed April 14, 2025.

Workers Compensation: SSA, “[Chart of States’ Maximum Workers’ Compensation \(WC\) Benefits](#),” POMS DI 521.045 (February 11, 2025). CNMI Department of Commerce, “[Workers Compensation](#),” last accessed April 14, 2025.

LIHEAP: US Department of Health and Human Services, Administration for Children and Families, “[Insular Area LIHEAP Grantees](#),” last accessed April 14, 2025.

Appendix 2: Taxation in US Territories

This appendix is intended to provide a very brief overview of taxation in the territories, with a focus on individual income and payroll tax.⁸⁶ Residents of territories do not owe federal income tax on income whose source is within the territory. For income whose source is a outside of the territory, rules vary across territories as shown in the table below. The table also shows the different ways gift and estate tax revenue is treated, though in most situations territorial residents are not subject to these federal taxes.

Table 4: Taxes in Territories

	American Samoa	CNMI	Guam	Puerto Rico	USVI
Federal income tax obligation on income whose source is outside of territories	Yes, if income exceeds federal filing threshold	No, but territorial income tax is due	No, but territorial income tax is due	Yes, if income exceeds federal filing threshold	None
What is done with income tax revenue	US Treasury transfers it to territorial government	Territory transfers a portion to US Treasury	Territory transfers a portion to US Treasury	US Treasury keeps it	None collected
What is done with federal gift and estate tax revenue	US Treasury keeps it	US Treasury transfers it to territorial government	US Treasury transfers it to territorial government	US Treasury keeps it	US Treasury transfers it to territorial government
Social Security and Medicare (FICA and SECA)	Yes	Yes	Yes	Yes	Yes
Unemployment (FUTA)	No	No	No	Yes	Yes

⁸⁶ Sources used for this appendix are Natwar Gandhi, [“U.S. Insular Areas: Information on Fiscal Relations with the Federal Government,”](#) GAO, January 31, 2005; Sean Lowry, [“Tax Policy and U.S. Territories: Overview and Issues for Congress,”](#) CRS, October 7, 2016; US Congress Joint Committee on Taxation, [“Present Law and Background Relating To Certain Individual Income Tax Credits,”](#) JCX-33-23, June 12, 2023.

All five territories also have local tax systems. Puerto Rico has a distinct system from the United States. American Samoa's system is similar to the Internal Revenue Code, while the other three territories have tax codes that mirror it, CNMI, Guam, and USVI are therefore called "mirror jurisdictions."

Many other aspects of the tax system vary across territories. Territorial residents are generally not eligible for the Earned Income Tax Credit. Mirror jurisdictions offer a Child Tax Credit and are reimbursed for its cost by the federal government.⁸⁷ Residents of mirror jurisdictions and some Puerto Ricans can receive the Additional Child Tax Credit. Territorial governments are also reimbursed for their expenditures on the Child and Dependent Care credit.

⁸⁷ Residents of American Samoa can file local returns for the Child Tax Credit; the federal government reimburses the territory's expenditures when the territory's government submits a plan to deliver the credit to eligible residents. Otherwise, people must file federal returns to claim the credit. JCX-33-23, 6.