

Congress of the United States
Washington, DC 20515

October 27, 2011

The Honorable Kathleen Sebelius
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Madam Secretary:

We write to express our concern about the amount of funding that the Department of Health and Human Services has been providing to the U.S. territories under the Low Income Home Energy Assistance Program (LIHEAP). In the Omnibus Budget Reconciliation Act of 1981, which established LIHEAP, Congress directed HHS to apportion each year, for the five territories to share, not less than 0.10% and not more than 0.50% of the total LIHEAP regular fund appropriation. Under the statute, the percentage annually apportioned by HHS is to be determined “on the basis of need” in the territories. See 42 U.S.C. § 8623(b)(1). However, since the inception of the program, HHS has exercised this discretion so as to provide exactly 0.135% for the territories each year, just barely above the statutory minimum.¹ For each of the three most recent fiscal years, this percentage apportionment has translated into slightly over \$6 million in regular funding for the territories. Because this funding level is so low, many needy families in the territories receive less assistance than similarly-situated families in the 50 states, or no assistance at all. Given the high poverty rate and the high cost of energy in the territories, we strongly urge HHS to exercise its discretion in a more equitable manner going forward.

Each of us supports robust funding for LIHEAP, which helps low-income households pay heating or cooling bills. We are aware that the House Appropriations Committee’s draft Labor, Health and Human Services, Education, and Related Agencies appropriations bill for Fiscal Year 2012 would fund LIHEAP at under \$3.4 billion, compared to the Fiscal Year 2011 appropriation of \$4.7 billion. We oppose this cut and support funding LIHEAP at the Fiscal Year 2011 level. Whatever the ultimate funding appropriated by Congress for this program, we believe our constituents are entitled to an allotment, within the statutorily-prescribed range, that more accurately reflects their actual need. Given the fact that the territories’ apportionment has not changed since the program was established, it is clear that no needs assessment has been conducted to determine whether the current apportionment is appropriate.

In our view, current federal LIHEAP funding for the territories is clearly inadequate to meet the energy assistance needs of our most vulnerable constituents. Several factors warrant

¹ In addition, since at least Fiscal Year 2006, the funding provided to the territories has been divided in the same way, as follows: 90.029% for Puerto Rico; 3.627% for Guam; 3.430% for the U.S. Virgin Islands; 1.654% for American Samoa; and 1.260% for the Northern Mariana Islands.

consideration by HHS in determining at what percentage, within the statutorily-prescribed range, to fund the territories. First, poverty rates in the territories are among the highest in the nation, meaning that many residents struggle to pay their energy bills. Second, all of the territories are tropical environments where temperatures are consistently high, such that residents require year-round cooling aids like fans and air conditioners. Finally, the U.S. Energy Information Administration reports that, relative to the national average, a typical territory resident pays anywhere from approximately twice to over three times as much for the electricity that is needed to run those cooling aids.

We note that, in a collective effort to mitigate the funding imbalance facing the territories under LIHEAP, we recently introduced legislation. That bill, H.R. 3063, would direct HHS to take a portion of the amount otherwise annually appropriated for the separate Leveraging Incentive Grants program and to use it to supplement the regular funds the territories are apportioned.

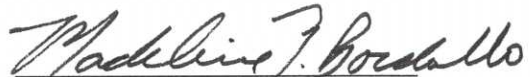
However, HHS already has the full and explicit statutory authority to provide additional and much-needed LIHEAP assistance to the territories, and to do so in a way that does not meaningfully affect the apportionments made to the 50 states and D.C. Therefore, we respectfully urge HHS to provide the territories with the maximum amount authorized under law—0.50%—in Fiscal Year 2012 and subsequent years.

We thank you for your attention to this important request.

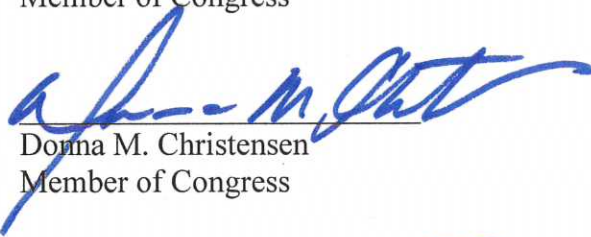
Sincerely,



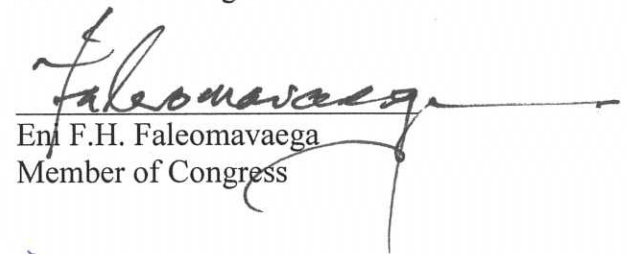
Gregorio Kilili Camacho Sablan
Member of Congress




Madeleine Z. Bordallo
Member of Congress



Donna M. Christensen
Member of Congress



Eni F.H. Faleomavaega
Member of Congress



Pedro R. Pierluisi
Member of Congress

cc: George Sheldon, Acting Assistant Secretary, Administration for Children and Families
Jeannie Chaffin, Director, Office of Community Services, Administration for Children and Families
Nick St. Angelo, Director, Division of Energy Assistance, Office of Community Services, Administration for Children and Families