

Congress of the United States
Washington, DC 20515

December 4, 2019

The Honorable David L. Bernhardt
Secretary
Department of the Interior
1849 C Street, NW
Washington, DC 20240

The Honorable Steven Dillingham
Director
U.S. Census Bureau
4600 Silver Hill Road
Hillcrest Heights, MD 20746

Dear Secretary Bernhardt and Director Dillingham:

We write to express our serious concerns that the Census Bureau miscounted the number of Compacts of Free Association (COFA) citizens and that caused the Department of the Interior to misallocate mandatory federal assistance to the affected jurisdictions of American Samoa, Guam, Hawaii, and the Commonwealth of the Northern Mariana Islands.¹

According to staff from the Office of Insular Affairs (OIA) and Census Bureau, the agencies recently identified that the two most recent counts of COFA citizens (i.e., the 2013 and 2018 enumerations) significantly undercounted COFA citizens in Hawaii. OIA and the Census Bureau staff attributed the undercount to a programming error related to the marital status variable used to identify COFA citizen children ages 0 to 14. This coding error caused the COFA citizen population in Hawaii to be undercounted by 6,000 people in the 2013 enumeration, and 7,081 people in the 2018 enumeration. COFA citizen population estimates for the remaining affected jurisdictions were accurate in 2013 and 2018.

This enumeration is used to allocate the \$30 million in mandatory aid to the four jurisdictions. Using the miscounted figures led to a misallocation of the appropriate amount of aid each jurisdiction should have received. This misallocation between fiscal years 2015 to 2020 caused a nearly \$16.9 million deficit in funding to Hawaii—and a subsequent overpayment of \$14.7 million for Guam, \$2.2 million for the Northern Mariana Islands, and \$21 thousand for American Samoa between fiscal years 2015 through 2020.

This aid is essential to support services for COFA citizens, including healthcare benefits, education programs, transportation services, and law enforcement and public safety services in the affected jurisdictions. The misallocation of funding has certainly caused lasting disruptions for the affected jurisdictions. To understand this error, we request answers to the following questions:

1. What was the cause of this mistake? Why were the three affected jurisdictions of Guam, Commonwealth of the Northern Mariana Islands, and American Samoa accurately counted in the 2013 and 2018 enumerations? Why were COFA citizen populations in Hawaii not counted accurately?

2. The Census Bureau released its 2018 enumeration on April 26, 2019, and informed OIA of the programming error on October 31, 2019. When did the Census Bureau discover the programming error in the 2013 and 2018 enumerations? Please provide a full accounting and timeline of actions taken by the Census Bureau between discovering the error and notifying OIA.
3. Has the way that the Census Bureau enumerates COFA citizens changed over time since the establishment of the mandatory funding for the four jurisdictions in fiscal year 2004? How has the Department of the Interior changed how it calculates its allocations for the four jurisdictions since fiscal year 2004?
4. Was there a change in methodology in 2013? If so, how was the COFA citizen population counted prior to 2013?
5. Provide a full accounting of the original and corrected 2013 and 2018 enumerations for each affected jurisdiction, the computation of funding per person for each jurisdiction, and the original and corrected allocation of mandatory assistance to each jurisdiction.

It is essential to the negotiated trust responsibility that the Department of the Interior, supervised by the Census Bureau, accurately count all COFA citizens in the affected jurisdictions to distribute necessary mandatory aid required by law. As such, we respectfully request a response to these questions by December 20, 2019.

Thank you for your attention on this matter and we look forward to working with you on resolving this issue.

Sincerely,



BRIAN SCHATZ
United States Senator



MAZIE K. HIRONO
United States Senator



TULSI GABBARD
Member of Congress



ED CASE
Member of Congress



MICHAEL F.O. SAN NICOLAS
Member of Congress



GREGORIO KILILI CAMACHO SABLAN
Member of Congress

Aumua Amata

AUMUA AMATA COLEMAN RADEWAGEN
Member of Congress

ⁱ The affected jurisdictions, as defined in P.L. 108-188 are: Hawaii, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.