AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

U.S. CENSUS BUREAU: ADDRESSING DATA COLLECTION VULNERABILITIES

HEARING

BEFORE THE

SUBCOMMITTEE ON FEDERAL WORKFORCE, US POSTAL SERVICE AND THE CENSUS

OF THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

SEPTEMBER 18, 2014

Serial No. 113–146

Printed for the use of the Committee on Oversight and Government Reform

Available via the World Wide Web: http://www.fdsys.gov
http://www.house.gov/reform

U.S. GOVERNMENT PRINTING OFFICE

91–127 PDF WASHINGTON : 2014

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

DARRELL E. ISSA, California, *Chairman*

JOHN L. MICA, Florida
MICHAEL R. TURNER, Ohio
JOHN J. DUNCAN, JR., Tennessee
PATRICK T. MCHENRY, North Carolina
JIM JORDAN, Ohio
JASON CHAFFETZ, Utah
TIM WALBERG, Michigan
JAMES LANKFORD, Oklahoma
JUSTIN AMASH, Michigan
PAUL A. GOSAR, Arizona
PATRICK MEEHAN, Pennsylvania
SCOTT DESJARLAIS, Tennessee
TREY GOWDY, South Carolina
BLAKE FARENTHOLD, Texas
DOC HASTINGS, Washington
CYNTHIA M. LUMMIS, Wyoming
ROB WOODALL, Georgia
THOMAS MASSIE, Kentucky
DOUG COLLINS, Georgia
MARK MEADOWS, North Carolina
KERRY L. BENTIVOLIO, Michigan
RON DESANTIS, Florida

ELIJAH E. CUMMINGS, Maryland, *Ranking Minority Member*
CAROLYN B. MALONEY, New York
ELEANOR HOLMES NORTON, District of Columbia
JOHN F. TIERNEY, Massachusetts
WM. LACY CLAY, Missouri
STEPHEN F. LYNCH, Massachusetts
JIM COOPER, Tennessee
GERALD E. CONNOLLY, Virginia
JACKIE SPEIER, California
MATTHEW A. CARTWRIGHT, Pennsylvania
TAMMY DUCKWORTH, Illinois
ROBIN L. KELLY, Illinois
DANNY K. DAVIS, Illinois
TONY CARDENAS, California
STEVEN A. HORSFORD, Nevada
MICHELLE LUJAN GRISHAM, New Mexico
Vacancy

LAWRENCE J. BRADY, *Staff Director*
JOHN D. CUADERES, *Deputy Staff Director*
STEPHEN CASTOR, *General Counsel*
LINDA A. GOOD, *Chief Clerk*
DAVID RAPALLO, *Minority Staff Director*

SUBCOMMITTEE ON FEDERAL WORKFORCE, U.S. POSTAL SERVICE AND THE CENSUS

BLAKE FARENTHOLD, Texas, *Chairman*

TIM WALBERG, Michigan
TREY GOWDY, South Carolina
DOUG COLLINS, Georgia
RON DESANTIS, Florida

STEPHEN F. LYNCH, Massachusetts, *Ranking Minority Member*
ELEANOR HOLMES NORTON, District of Columbia
WM. LACY CLAY, Missouri

CONTENTS

	Page
Hearing held on September 18, 2014	1

WITNESSES

The Hon. Erik Paulsen, a Member of Congress, from the state of Minnesota	
Written Statement	6
The Hon. John H. Thompson, Director, U.S. Census Bureau	
Oral Statement	11
Written Statement	13
The Hon. Todd Zinser, Inspector General, U.S. Department of Commerce	
Oral Statement	18
Written Statement	20

APPENDIX

The Hon. Elijah Cummings, Member of Congress from the State of Maryland, Opening Statement	44
House Committee on Oversight and Government Reform, U.S. Congress Joint Economic Committee Staff Report	49

U.S. CENSUS BUREAU: ADDRESSING DATA COLLECTION VULNERABILITIES

Thursday, September 18, 2014,

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FEDERAL WORKFORCE, U.S. POSTAL SERVICE AND THE CENSUS,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, D.C.

The subcommittee met, pursuant to call, at 9:35 a.m., in Room 2154, Rayburn House Office Building, Hon. Blake Farenthold [chairman of the subcommittee] presiding.

Present: Representatives Farenthold, Lynch, and Clay.

Also Present: Representative Paulsen.

Staff Present: Alexa Armstrong, Majority Legislative Assistant; John Cuaderes, Majority Deputy Staff Director; Jessica L. Donlon, Majority Senior Counsel; Jeffrey Post, Majority Senior Professional Staff Member; Jonathan J. Skladany, Majority Deputy General Counsel; Sarah Vance, Majority Assistant Clerk; Jaron Bourke, Minority Administrative Director; Marianna Boyd, Minority Counsel; Aryele Bradford, Minority Press Secretary; Juan McCullum, Minority Clerk; and Mark Stephenson, Minority Director of Legislation.

Mr. FARENTHOLD. The Subcommittee on the Federal Workforce, U.S. Postal Service and Census will come to order.

I would like to begin this hearing by stating the Oversight Committee mission statement. That is how we start out all of our meetings.

We exist to secure two fundamental principles: first, Americans have a right to know that the money Washington takes from them is well spent and, second, Americans deserve an efficient, effective Government that works for them. Our duty on the Oversight and Government Reform Committee is to protect these rights. Our solemn responsibility is to hold Government accountable to taxpayers, because taxpayers have a right to know what they get from their Government. We will work tirelessly in partnership with citizen watchdogs to deliver the facts to the American people and bring genuine reform to the Federal bureaucracy. This is the mission of the Oversight and Government Reform Committee.

At this point I will recognize myself for an opening statement.

In addition to its namesake activity, the Census Bureau conducts a number of monthly surveys for the Federal Government. Perhaps the most important among them is the Consumer Population Survey used to calculate the national unemployment rate, one of our most important economic indicators. The collection of this data is

critical to both Main Street and Wall Street, and ensuring its timeliness and accuracy is the responsibility of the Census Bureau.

Unfortunately, in November of last year, we heard allegations that senior officials in the Bureau's Philadelphia Regional Office were instructing field workers to falsify survey responses. After hearing these allegations, the Oversight and Government Reform Committee and the Joint Economic Committee launched a joint investigation. Our investigation found that data falsification did occur, but, fortunately, there was no evidence that this falsification was pervasive or systemic.

I want to be clear on this. The committee found no evidence that the falsification was on an order of magnitude close enough to affect the national unemployment rate numbers. Nor, thank goodness, was there any evidence of a systemic plot in support of some grand political scheme.

However, we did find substantial problems in the Bureau's data collection and review process, problems that unfortunately create a very real incentive for managers to overlook or even possibly encourage data falsification by field staff. The Bureau needs to take swift corrective action and measures to address these vulnerabilities.

Data integrity is mission-critical to the Bureau, the Government, and America as a whole. Even the appearance of impropriety or inappropriate activities or lingering questions about the trustworthiness of Census Bureau data is unacceptable. As the Nation's, if not the world's, preeminent statistical agency, the Census Bureau's methods must be above reproach.

The committee staff report released earlier today, in partnership with the Joint Economic Committee's majority staff, identified a number of flaws and provided recommendations that would address these concerns. Chief among the findings was the data review process does little to discourage data falsification. Namely, supervisors who assign work are also responsible for reviewing data quality, and they are paid on the basis of completion, speed, and response rate of the surveys that are worked on. This creates unacceptable incentive for unscrupulous managers to ask field staff to falsify data with the promise a manager will cover for the falsification. If successful, this scheme would improve alleged response rates and allow workers to complete surveys faster, though with little basis in reality.

Under the current system, the people responsible for maximizing response rates are the same folks responsible for maintaining data quality. They are expected to do a job with two conflicting objectives. That is not good policy and not good management. Obviously, most Census workers and managers are doing the right thing; they are fulfilling their commitment to data quality. But we cannot expect every one of them to do the right thing when policies and procedures incentivize doing something else, or at least turning a blind eye to it.

Quality control needs to be outside the chain of command. As our friends of the Inspector General's Office pointed out in their report, the Bureau does things differently for the Decennial Census. They have a separate unit responsible for quality control. That is logical.

That is good policy and that is good management. It makes sense and that should be the policy for all surveys.

Census Bureau practices also bring into question just how committee the Bureau is to committing data falsification. Its employee training barely makes mention of it. They still rely on carbon paper-based forms to track suspected falsification. I hadn't seen one of these for a while. Apparently they still exist. They also have some issues with disparate computer operating systems that don't interchange data well. The Census Bureau needs to send a very clear message that it is serious about the quality of its data and the integrity of the census.

It is my sincere hope that today Director Thompson will be able to talk about the ways the Census Bureau is actively taking steps to address data integrity and other concerns raised by this subcommittee and the inspector general.

At this point, I yield to Mr. Lynch, the ranking member.

Mr. FARENTHOLD. Actually, before we start, Mr. Lynch, if you will indulge me.

Mr. LYNCH. Sure.

Mr. FARENTHOLD. I would like to ask unanimous consent that our colleague from Minnesota, Mr. Paulsen, be allowed to participate in this hearing.

Without objection, so ordered.

Mr. Lynch?

Mr. LYNCH. Thank you. Thank you, Mr. Chairman. I would like to thank you for holding this hearing to examine the Census Bureau's data collection and quality assurance procedures for the Current Population Survey.

I would also like to thank our witnesses for being here today to discuss the findings and recommendations issued by the Department of Commerce Office of the Inspector General and the progress of the Census Bureau in implementing these recommendations.

Over the past year, as you have noted, Mr. Chairman, there have been a number of allegations made against employees within the Census Bureau. A November 2013 New York Post article made several of these allegations publicly. And as the chairman has noted, these allegations were thoroughly investigated by the Department of Commerce Office of the Inspector General and were found to be without merit. I would note that the inspector general, Todd Zinser, was appointed by President George W. Bush in December of 2007 and is with us here today.

In particular, after reviewing over 3,000 pages of documents and conducting more than 100 interviews of former and current Census Bureau employees, the Inspector General's Office issued its final investigative report in May 2014, which was appropriately entitled "Unsubstantiated Allegations that the Philadelphia Regional Office Manipulated the Unemployment Survey Leading Up to the 2012 Presidential Election to Cause a Decrease in the National Unemployment Rate."

This report, "found no evidence that the management in the Philadelphia Regional Office instructed staff to falsify data at any time or for any reason." The inspector general also found, "no evidence of systemic data falsification in the Philadelphia Regional Office." Again, another finding, they found no evidence that the na-

tional unemployment rate was manipulated by staff in the Philadelphia Regional Office in the months leading up to the 2012 presidential election.

The inspector general's report further determined that in order to manipulate the unemployment rate, "it would have taken at least 78 Census Bureau field representatives working together in a coordinated way to report each and every unemployed person included in that sample as employed or not in the labor force during September 2012." The report adds that this effort likely would have been detected by the Census Bureau's quality assurance procedures.

The inspector general also found that the decline in the unemployment rate was consistent with other indicators such as the payroll estimates by Automatic Data Processing and Moody's Analytics.

So, in any case, if anyone is keeping score, the New York Post allegations were determined by the inspector general to be 100 percent false.

Moreover, the inspector general has also reviewed the Bureau's data collection and quality assurance procedures, and issued several recommendations to the Bureau to protect against data falsification. I think it is important to recognize that the Bureau agrees with these recommendations based on Director Thompson's testimony. The Bureau has already adopted two of the inspector general's recommendations and is currently working to implement the other four recommendations, and I look forward to hearing the details surrounding each of those recommendations.

Thank you, Mr. Chairman, and I yield back my time.

Mr. FARENTHOLD. Thank you very much.

I believe Mr. Paulsen has an opening statement as well. You are recognized for five minutes, sir.

Mr. PAULSEN. Thank you, Chairman Farenthold. My comments come in relation to the Joint Economic Committee's interest on this issue, so I will address the comments to Chairman Issa, Subcommittee Chairman Farenthold, Ranking Member Cummings, and Subcommittee Ranking Member Lynch.

Thank you for inviting me to participate in today's hearing on behalf for the Joint Economic Committee. The Joint Economic Committee has a vital interest in the accuracy, relevancy, and timeliness of U.S. economic statistics. The Census Bureau produces many economic statistics, including monthly statistics on U.S. international trade in goods and services, manufacturing sales and inventory, and construction. The Census Bureau also collects the data used to calculate other economic statistics such as the gross domestic product by the Bureau of Economic Analysis and the unemployment and labor force participation rates by Bureau of Labor Statistics.

Congress uses these statistics to make decisions about Federal spending and taxes. Both corporate executives and small entrepreneurs use these statistics to decide whether to open a new store, build a new factory, or hire more workers. Families uses these statistics to decide where to buy a new house or how to invest their retirement funds.

Since so much of economic decision-making relies on statistics produced by the Census Bureau or based on data collected by the Census Bureau, allegations that the underlying data may have been falsified, and thus the economic statistics based on such data may be inaccurate, are deeply troubling and deserve congressional scrutiny. That is why the Joint Economic Committee joined with the Committee on Oversight and Government Reform to investigate the allegations published in The New York Post on November 18th, 2013, that a Census Bureau employee may have falsified responses to the Current Population Survey used to calculate the unemployment rate, the labor force participation rates, and other employment statistics prior to the 2012 presidential election.

While this investigation did find serious structural problems and systemic deficiencies with the Census Bureau's data collection processes, especially with respect to the Bureau's ability to detect data falsification, we found no evidence that falsification occurred with the intent to manipulate the U.S. economic statistics, nor was falsification sufficiently widespread to question the validity of the statistics generated from the Census Population Survey.

The staff report makes five important recommendations to assure the integrity of data collection. Checks must be put into place to prevent any conflict of interest between achieving a high survey response rate and reporting incidences of data falsification. Specifically, clear procedures should be established for staff at any level to report potential falsification, and the re-interview process, which helps to identify incidences of potential falsification, should be independent of the chain of command. While achieving a high response rate is important, it should not trump the integrity of the data collected. Implementation of these recommendations would encourage Census employees to report any suspected falsification and would help Census managers to detect and correct any fraud.

Two other recommendations specifically address the accuracy and effectiveness of the Bureau's record-keeping. First, though some improvements have been made to case tracking systems, the Bureau could do more to ensure that all notes and files associated with a case are tracked. Second, the current paper form used for reporting suspected falsification must be made electronic and tracked such that employees suspected of falsification receive a timely and just investigation into the matter. These particular recommendations would serve to increase transparency and accountability within the collection process.

Then, finally, Census Bureau and the Department of Commerce should indeed improve their responsiveness to congressional oversight. The Census Bureau has subsequently taken some steps to ensure data quality, but real deficiencies remain. I urge the Census Bureau to implement all of them promptly, and I am interested in learning of any current or future plans from the Census to improve data collection and quality control procedures. America does rely on economic statistics produced from Census data. The accuracy of these statistics must be beyond reproach.

I yield back, Mr. Chairman.

[Prepared statement of Mr. Paulsen follows:]

REPRESENTATIVE ERIK PAULSEN
JOINT ECONOMIC COMMITTEE
SEPTEMBER 18, 2014

U.S. Census Bureau: Addressing Data Collection Vulnerabilities

Chairman Issa, Subcommittee Chairman Farenthold, Ranking Member Cummings, and Subcommittee Ranking Member Lynch: Thank you for inviting me to participate in today's hearing on behalf of the Joint Economic Committee.

The Joint Economic Committee has a vital interest in the accuracy, relevancy, and timeliness of U.S. economic statistics. The Census Bureau produces many economic statistics including monthly statistics on U.S. international trade in goods and services, manufacturing sales and inventory, and construction. The Census Bureau also collects the data used to calculate other economic statistics such as the Gross Domestic Product by the Bureau of Economic Analysis and the unemployment and labor force participation rates by the Bureau of Labor Statistics.

Congress uses these statistics to make decisions about federal spending and taxes. Both corporate executives and small entrepreneurs use these statistics to decide whether to open a new store, build a new factory, or hire more workers. Families use these statistics to decide whether to buy a new house or how to invest their retirement funds.

Since so much of economic decision-making relies on statistics produced by the Census Bureau or based on data collected by the Census Bureau, allegations that the underlying data may have been falsified, and thus the economic statistics based on such data may be inaccurate, are deeply troubling and deserve Congressional scrutiny. That's why the Joint Economic Committee joined with the Committee on Oversight and Government Reform to investigate allegations published in the *New York Post* on November 18, 2013 that a Census Bureau employee may have falsified responses to the Current Population Survey used to calculate the unemployment rate, the labor force participation rates, and other employment statistics prior to the 2012 presidential election.

While this investigation did find serious structural problems and systematic deficiencies with the Census Bureau's data collection processes, especially with respect to the Bureau's ability to detect data falsification, we found no evidence that falsification occurred with the intent to manipulate the U.S. economic statistics, nor was falsification sufficiently widespread to question the validity of the statistics generated from the Current Population Survey.

The staff report makes five important recommendations to assure the integrity of data collection. Checks must be put into place to prevent any conflict of interest between achieving a high survey response rate and reporting incidences of data falsification.

Specifically, clear procedures should be established for staff at any level to report potential falsification; and the re-interview process, which helps to identify incidences of potential falsification, should be independent of the chain of command. While achieving a high response rate is important, it should not trump the integrity of the data collected. Implementation of these recommendations would encourage Census employees to report any suspected falsification and would help Census managers to detect and correct any fraud.

Two other recommendations specifically address the accuracy and effectiveness of the Bureau's recordkeeping. First, though some improvements have been made to case tracking systems, the Bureau could do more to ensure that all notes and files associated with a case are tracked. Second, the current paper form used for reporting suspected falsification must be made electronic and tracked such that employees suspected of falsification receive a timely and just investigation into the matter. These particular recommendations would serve to increase transparency and accountability within the collection process. And finally, Census Bureau and the Department of Commerce should indeed improve their responsiveness to Congressional oversight.

The Census Bureau has subsequently taken some steps to ensure data quality, but real deficiencies remain. I urge the Census Bureau to implement all of them promptly, and I am interested in learning of any current or future plans from the Census to improve data collection and quality control procedures.

America relies on the economic statistics produced from Census data. The accuracy of these statistics must be beyond reproach.

Mr. FARENTHOLD. Thank you very much.

Other members will have seven days to submit their opening statements for the record.

We will now recognize our panel.

The Honorable John Thompson is Director of the United States Census Bureau and the Honorable Todd Zinser is Inspector General for the U.S. Department of Commerce.

Welcome, gentlemen.

Pursuant to committee rules, all witnesses are to be sworn before they testify. Would you all please rise and raise your right hand?

Do you solemnly swear or affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?

[Witnesses respond in the affirmative.]

Mr. FARENTHOLD. Let the record reflect both witnesses answered in the affirmative.

Thank you all. You may be seated.

In order to allow time for discussion and questions, we ask that you hold your testimony to as close to five minutes as possible. Your entire written statements will be made part of the record. In order to abide by the five second rule, you all have timers in front of you. The green light means you are good to go; the yellow light means about a minute left; the red light means stop as soon as you can get to a reasonable place to do so.

So we will start with you, Mr. Thompson. You are recognized for five minutes.

Mr. FARENTHOLD.

WITNESS STATEMENTS

STATEMENT OF THE HONORABLE JOHN H. THOMPSON

Mr. THOMPSON. Good afternoon. On behalf of the U.S. Census Bureau, thank you, Chairman Farenthold, Ranking Member Lynch, and the subcommittee for inviting me today. I appreciate your ongoing support of the Census Bureau and I am pleased to be able to tell you about our data collection and data integrity efforts.

In my 27 years as a civil servant at the Census Bureau and in the year since I was appointed Director, I have come to be extremely proud of our agency and its employees. They are dedicated, qualified, and mission-focused public servants who provide an invaluable service to the American people. Thanks to them, the Census Bureau is one of the Federal Government's foremost sources of quality statistics, and I am extremely proud to lead it.

The Census Bureau emphasizes integrity in every one of our data collection efforts. This is true of perhaps our best known activity, the Decennial Census; it is true of the Economic Census, which we conduct every five years; and of the American Community Survey, the Nation's premier source of community and neighborhood level data. It is also true of the Current Population Survey, which I will discuss today.

The Current Population Survey, or CPS, is administered by Census Bureau field representatives. The typical field representative works part-time and earns about $15 an hour. Their average age is 57, and many of them work for the Census Bureau to supple-

ment their retirement or other income. They are members of their local communities and they are the face of the Census Bureau to every home they visit, and, as such, we hold them to high standards of performance, professionalism, and courtesy.

Recently, the Department of Commerce's Office of the Inspector General, or OIG, investigated an alleged data falsification in the CPS. This matter was immediately referred to the OIG. After months of investigation and more than 100 interviews with current and former staff, and as you will hear shortly, the OIG concluded that these claims were unsubstantiated. They found no evidence that the Census Bureau management had instructed field representatives to falsify or manipulate data.

As part of their review, the OIG also evaluated the procedures that we use to detect falsification and made six recommendations for improvement. The Census Bureau wholeheartedly agrees that these suggestions will further strengthen our data integrity. We have already put three of the recommendations into practice and are implementing the other three.

For example, we now immediately suspend work assignments to field representatives who are suspected of falsifying data unless and until they are cleared by an internal investigation. We have implemented the Unified Tracking System, or UTS. It provides a view of near real-time cost, progress, and response data, consolidating data from other production systems and over time and across surveys. This is a powerful tool for monitoring employee performance and detecting anomalies that may indicate falsification.

In addition to the UTS, we maintain detailed keystroke data which can also be used to investigate falsification. We generate UTS reports that field managers use to monitor the quality of our interviewers' work. We have updated and will continue to update our training materials, and we are automating the process for reporting falsification, known as the Form 11–163.

We have improved how we monitor and limit field representatives' workloads to avoid circumstances that might encourage shortcuts such as data falsification. We are improving our quality control process so that data collection re-interviews are now independent from the chain of command, and we are on our way to centralizing these efforts. Finally, we are sending regular reports to all of our survey sponsors, such as the Bureau of Labor Statistics in the case of the CPS.

I also want to assure the members of the subcommittee that all field representatives receive guidance on reporting improprieties, including data falsification. New employees complete a training that includes how to report fraud, waste, and abuse to the Office of the Inspector General and also receive an administrative manual that includes a specific section with specific instructions about reporting fraud, waste, and abuse to the Office of the Inspector General, and this manual also includes the hotline number and a link to the Web site.

At the Census Bureau, we welcome scrutiny and oversight of our work. I sincerely appreciate the OIG's suggestions. They are a clear, practical roadmap for improvement and they will help the Census Bureau build on its already excellent work.

Thank you for this opportunity to address you. I look forward to your questions.

[Prepared statement of Mr. Thompson follows:]

PREPARED STATEMENT OF

JOHN H. THOMPSON
DIRECTOR
US CENSUS BUREAU

"U.S. Census Bureau: Addressing Data Collection Vulnerabilities"

Before the House Subcommittee on Federal Workforce, US Postal Service and the Census
US House of Representatives

18 September 2014

Good afternoon. On behalf of the U.S. Census Bureau, I want to thank Chairman Farenthold, Ranking Member Lynch, and the Subcommittee on Federal Workforce, U.S. Postal Service & the Census for the opportunity to discuss the data collection and quality assurance procedures used in the Current Population Survey (CPS).

The Census Bureau's mission is to serve as the leading source of quality data about the nation's people and economy. We collect numerous business and household surveys, including the CPS. In doing so, we promote statistical rigor, confidentiality, and objectivity because we have an obligation to the nation to produce reliable statistics and information that informs both public and private decision-making.

The CPS is a voluntary household survey sponsored by the Bureau of Labor Statistics (BLS) and the Census Bureau, and has been in continuous production since 1940. The CPS is the basis for the monthly unemployment rate reported by BLS. The Census Bureau also sponsors an annual supplement to the CPS that is the basis for annual estimates of income and poverty, which serve as a threshold for many federal aid programs, as well as the estimates of health insurance coverage. Each month, the Census Bureau sends field representatives to collect information from about 65,000 households. Field representatives have approximately ten days to collect the information before the Census Bureau has to process and send the micro data to BLS to calculate the employment and unemployment statistics that are released the first Friday of each month.

When a household initially falls into the CPS sample, we send a letter explaining the survey, the confidentiality of their information, and that a field representative will be contacting them. The field representatives conduct the initial interviews in person and can conduct the follow-up months interviews in-person or over the phone. In both instances, the field representatives conduct the interviews using an encrypted laptop issued by the Census Bureau. The field representatives are required to transmit their cases back to the Census Bureau once a day. We train and expect our survey workforce to be professional and courteous, as we rely on these employees to do one of the most fundamental tasks, which is to help encourage and maintain respondent participation throughout the duration of the survey. Prior to working on the CPS, each field representative receives extensive on-the-job training on interviewing skills, how to handle

non-interview situations, how to probe for information and ask questions as worded, and to implement both face-to-face and telephone interview techniques. Part of the on-the-job training includes observation by a supervisor of their initial interviews. Observation is an important component of both training and continued employee evaluation as supervisors monitor work for performance and to ensure procedures are uniformly followed by the field representatives.

The Census Bureau employs more than 7,000 field representatives in total. Approximately 2,700 of them work on the CPS. On average, each CPS field representative is responsible for 25-30 cases each month. The typical Census Bureau field representative is a GS-3 or GS-4, earning on average $15.00 an hour, working part time for a total of 60-70 hours per month, often as a second job or to supplement retirement or other income. Their average age is 57 and they are members of their local communities, hailing from every county in the nation. They work in all weather during evenings and weekends when respondents are at home. We hold the field representatives to high performance standards, which include production rates and performance. We expect the field representatives to be persistent, outgoing, and knowledgeable, as well as professional and courteous, because, in fact, they are the "face" of the Census Bureau with each and every house they visit.

Therefore, the Census Bureau emphasizes integrity in every data collection effort we conduct on behalf of other Federal agencies or for ourselves, including the CPS. We incorporate procedures to detect data quality issues – and most importantly to deter and assess instances of falsification. As part of this, the Census Bureau conducts "reinterviews" with a sample of CPS cases each month. A reinterview is a second, independent interview of the household by a different interviewer. During each reinterview the independent interviewer asks questions to determine whether the original field representative conducted an interview and followed proper procedures. The Census Bureau conducts reinterviews to evaluate data quality, including response error, and to monitor the quality of the field representatives' work. This quality control process is designed to ensure the field representatives are conducting the survey correctly and to deter and detect falsification. As part of the quality control reinterview process, the Census Bureau reviews each field representative's work at least once and up to four times in a 15 month reinterview cycle. The Census Bureau also conducts "targeted reinterviews" if there is reason to believe a field representative has falsified data.

Most recently, the Department of Commerce's Office of Inspector General (OIG) undertook a rigorous investigation of alleged data falsification and the Census Bureau's procedures for detecting and addressing data falsification. The OIG's investigation followed allegations reported to their hotline and in the media in the fall of 2013 of organized data falsification in the Census Bureau's Philadelphia Regional Office. After months of investigating and interviewing more than 100 current and former staff, including using polygraphs, the OIG concluded that the allegations were unfounded, and no evidence that management had instructed the staff to falsify or manipulate data. The OIG also reviewed the computer audit trails and procedures the Census Bureau had used to detect falsification, including the reporting mechanisms, quality assurance processes, and employee policies.

The OIG ultimately recommended six improvements to the Census Bureau's current practices, which we agree will enhance our ability to deter and detect potential data falsification. We are addressing those recommendations as follows:

Recommendation #1: Implement a reporting mechanism for confirmed data falsifications to survey sponsors.

The Census Bureau has reviewed its practices for providing timely and transparent feedback to its survey sponsors for confirmed cases of data falsification. The Census Bureau now provides a quarterly reinterview report to BLS which includes summary results of the reinterview process, including the number of interviewers checked with the status, outcomes, and resolutions of the investigations, as well as a list of the specific cases that were confirmed as falsified, if any.

Recommendation #2: Implement a formal policy that prohibits employees suspected of falsification from collecting survey data during the investigative process.

In the past, field representatives were permitted to continue working during a period where suspected falsification on their part was under investigation. The Census Bureau has changed its policies such that field representatives who are suspected of falsifying data are given no further field assignments until 1) the falsification investigation has been completed; and 2) the determination has been made that the field representative did not falsify field data. If the investigation confirms that the employee falsified survey data, then appropriate administrative action, such as termination from employment, is taken against the employee.

Recommendation #3: Update procedural manuals and training materials to reflect current regional office field structure and inform field representatives about survey data falsification and the consequences of committing falsification.

The Census Bureau is updating its training materials to strengthen our emphasis on quality control procedures, the importance of collecting quality data, and the consequences of falsifying data. We believe the first defense against falsification is deterrence, and effective training can help ensure the field representatives understand the importance of ensuring the integrity of the data we collect. Effective with the rating year beginning this October and every rating year thereafter, all 7,000+ field representatives will review and sign a data quality agreement that lays out the expectations for maintaining data integrity and the consequences for not doing so. Newly hired field representatives will sign the agreement as well.

Recommendation #4: Implement an independent quality assurance process for all survey operations.

Development is underway to establish a two-phased approach for implementing a centralized quality control reinterview process for the CPS that operates independently from the Regional Offices where the initial data collection takes place. Starting July 2014, the Census Bureau initiated a pilot whereby the reinterview operation from one Regional Office was moved to the Jeffersonville Contact Center (JCC). This pilot effort involves randomly selecting reinterview cases from CPS and having the cases administered by JCC interviewers, instead of interviewers in the Regional Office. The JCC interviewers are independent from the Regional Office staff. To expedite this pilot and enable us to fine-tune operational procedures, we are using existing Regional Office control systems and laptops in the JCC. Cases that cannot be resolved by the JCC (e.g., they have no phone numbers) and must be resolved by the Regional Office and will be handled by a staff member other than the supervisor directly responsible for the interviewer who conducted the original interview. With refinements of the operational process, we are expanding the reinterview to include additional Regional Offices in the fall and winter.

The Bureau's goal is that by April 2015, we are using the Contact Centers exclusively for centralized quality control reinterview. Development of a system to manage centralized control of reinterview cases within the JCC's own computer-assisted telephone interview systems is currently underway.

Once implemented for CPS, these centralized systems and operational procedures will provide the foundation for other surveys to transition to an independent, centralized reinterview process.

Recommendation #5: Ensure that all survey supervisors tasked with detecting and preventing survey data falsification are properly utilizing all available tools to safeguard against such misconduct.

The Census Bureau supervisors, managers, and analysts currently used several innovative tools to deter and detect interviewer falsification. We continue to enhance the utility of each of these tools by reaching out to users and other stakeholders to identify improvements to reports and ways to enhance training on these tools.

The Census Bureau's *Unified Tracking System (UTS)* is a data warehouse that provides a view of near real-time indicators of cost, progress, and data quality, consolidating data from other production systems over time and across surveys. Managers/analysts in the Regional Offices and Census Headquarters can review data such as response rates, contact attempts, item nonresponse rates, and cost. Among other uses, UTS data can highlight performance by field representatives that seems "too good to be true," indicating the need to investigate cases for potential falsification.

The Census Bureau monitoring tools include a system used to record all of the telephone interviews at the National Processing Center and employs coaches to monitor the calls. These coaches unobtrusively listen, observe, and assess the interaction between the interviewer and respondent. The Census Bureau also uses a similar technology with the field representatives. The *Computer-Audio Recorded Interview (CARI)* system enables audio recordings during in-person interviews. The Census Bureau is currently using CARI for the Survey of Income and Program Participation (SIPP), and we plan to begin using it for the CPS and other surveys. We use the tools to monitor the quality of the interviews and they also can be used to investigate alleged falsification.

Recommendation #6: Implement internal controls to effectively monitor and limit Field Representative workloads in order to reduce the risk of falsification.

The Census Bureau issued a memorandum in July directing the Regional Offices to monitor and limit the size of an interviewer's workload, and if necessary to redistribute the workload to avoid having field representatives experience circumstances that may encourage short cuts, such as falsification. Deviation from the workload standard (e.g., a very large monthly workload by a field representative) will require a written explanation for the reason for the deviation from the Regional Director to the Chief of the Field Division. In addition, the Chief of Field Division will have management staff at Headquarters evaluate monthly survey data for results that appear to be out of the norm and indicative of potential falsification, and will take appropriate follow-up action with the Regional Director to further investigate these issues.

I can reassure you that the Census Bureau has taken the recommendations of the OIG seriously and we are fully committed to effectively detecting and addressing falsification. The Census Bureau is committed to continuous improvement and these steps are crucial part of an on-going effort to utilize stakeholder input and technological capabilities to ensure that the data we produce meets the high expectations and needs of its customers, which include not only its sponsors, such as BLS, but also public and private data users. Thank you for the opportunity to share our processes and discuss the improvements.

Mr. FARENTHOLD. Thank you very much, Mr. Thompson.

Inspector General Zinser, you are up.

STATEMENT OF THE HONORABLE TODD ZINSER

Mr. ZINSER. Thank you, Mr. Farenthold, Ranking Member Lynch, Mr. Clay, and members of the subcommittee. We appreciate the opportunity to testify today on vulnerabilities on Census data collection and quality assurance processes.

As you and Director Thompson have noted, one of the many surveys the Census Bureau conducts throughout the year is the monthly Current Population Survey, also referred to as CPS. Earlier this year, on May 1st, my office publicly issued a report of investigation concerning allegations that the Census Bureau's Philadelphia Regional Office engaged in widespread falsification of CPS surveys, including the manipulation of the CPS unemployment rate in the months leading up to the 2012 presidential election. My written statement summarizes the allegations concerning the Philadelphia Regional Office and the results of our investigation, observations we made related to Census Bureau falsification policies, and recommendations stemming from our investigation.

The key allegations we investigated concerning the Philadelphia Office included: number one, were Census field representatives instructed by their supervisors to falsify data; two, did members of management alter completed surveys to manipulate data; and, three, did any alleged data falsification of the CPS in August and September of 2012 have a measurable impact on the unemployment rate leading up to the 2012 presidential election.

We conducted over 100 interviews of current and former Census Bureau employees in the Philadelphia Regional Office, Headquarters, and other regional offices. We reviewed training materials, interviewing procedures, quality control processes, and performance assessments. We also conducted extensive analysis of Census CPS data and BLS employment statistics data, as well as other data relevant to our investigation.

While our investigation did not substantiate these allegations, we did identify several vulnerabilities with respect to the Census Bureau policies and processes and made a series of recommendations. We made the following four observations: one, survey supervisors do not consistently use the tools available to them for detecting and preventing data falsification; two, field representatives suspected of falsifying data are sometimes allowed to continue conducting surveys while the matter is under investigation, there is not a consistent practice across offices; three, the regional office quality assurance process creates the potential for a conflict of interest because the same supervisors who manage staff and could direct the falsification of survey data are responsible for reporting instances when their staff falsifies data; and, four, CPS procedural manuals and training materials are outdated, inconsistent, and do not discuss the serious consequences of falsification.

We made the following six recommendations: one, implement a formal policy that prohibits employees suspected of falsification from collecting survey data during the investigative process; two, update procedural manuals and training materials to inform field representatives about the consequences of committing falsification;

three, implement an independent quality assurance process for all survey operations similar to the one used during Decennial Census operations; four, ensure that all survey supervisors are properly using all available tools to safeguard against falsification of survey data; five, implement internal controls to effectively monitor and limit field representative workloads in order to reduce the risk of falsification; and, six, implement a reporting mechanism for confirmed data falsifications to those organizations that sponsor Census Bureau surveys.

As noted by Director Thompson, the Census Bureau agreed with our findings and is in the process of implementing our recommendations.

Thank you again for the opportunity to testify, and I would be happy to answer any questions you or other members of the subcommittee may have.

[Prepared statement of Mr. Zinser follows:]

Testimony of

The Honorable Todd J. Zinser
Inspector General

U.S. Department of Commerce

before a hearing of the

Committee on Oversight and Government Reform
Subcommittee on Federal Workforce, U.S Postal Service,
and the Census
U.S. House of Representatives

U.S. Census Bureau: Addressing Data Collection Vulnerabilities

September 18, 2014

Chairman Farenthold, Ranking Member Lynch, and Members of the Subcommittee:

We appreciate the opportunity to testify today on vulnerabilities in Census Bureau data collection and quality assurance processes. The Census Bureau is best known for its Constitutional duty to count the population and housing every 10 years; however, throughout the year the Census Bureau conducts many other surveys. The Census Bureau entirely funds some of these surveys; others it jointly sponsors with other agencies, or conducts on behalf of other agencies on a reimbursable basis. For example, the Census Bureau jointly sponsors the Current Population Survey (CPS) with the Bureau of Labor Statistics (BLS). The CPS is the primary source of labor force statistics in the United States and the results of the survey are used to generate the national unemployment rate every month.

The Census Bureau's conduct of the CPS by its Philadelphia Regional Office became the subject of allegations of widespread data falsification, including that the Philadelphia Regional Office manipulated the unemployment survey in the months leading up to the 2012 Presidential election. These allegations were investigated by my office. On May 1, 2014, we issued a public report concerning our findings.

Our testimony today will briefly summarize (1) the allegations concerning the Philadelphia Regional Office and results of our investigation, (2) observations related to Census Bureau falsification policies, and (3) recommendations stemming from our investigation. I request that our entire report of investigation on this matter be made part of the hearing record.

Background

The Census Bureau employs between 9,500 and 10,000 personnel, approximately 7,000 of whom are Field Representatives (i.e., the professional interviewer staff). The Census Bureau recently restructured and realigned its field organization and regional office management structure, reducing the number of regional offices from 12 to 6. In June 2014, we initiated an audit of the restructuring and associated management reforms. One of the objectives of that audit is to determine whether the Census Bureau is meeting, or on pace to meet, the goals of the realignment, as well as the impact of the realignment on its ability to ensure the quality of its surveys.

Over the years, the Department of Commerce Office of Inspector General (OIG) has provided substantial oversight of the Census Bureau. For the 2010 decennial, which cost nearly $13 billion, OIG issued 30 reports, Congressional testimonies, and other work products during the decade, culminating in a Final Report to Congress in June 2011. Since that time, over the past 3 years, we have issued a dozen more public reports and work products concerning the Census Bureau. On May 21, 2014, for example, we issued, "The Census Bureau Lacks Accurate and Informative Cost Data to Guide 2020 Research Through a Constrained Budget Environment." Among the objectives of our audit was to evaluate the Census Bureau's process for implementing mandatory budget reductions; however, we were unable to make an assessment because we found that the accounting system for the Census Bureau does not contain accurate project cost data. We will continue to focus our oversight on the Census Bureau's preparation for the 2020 decennial.

Allegations Investigated

On October 30, 2013, OIG received information through a web hotline complaint alleging that the Census Bureau's Philadelphia Regional Office falsified data on the CPS. Several weeks later, on November 18, 2013, media reports alleged that the Philadelphia Regional Office had "faked" the national unemployment survey (i.e., CPS) in the months leading up to the 2012 presidential election in order to artificially decrease the unemployment rate. There were also allegations regarding widespread falsification in the Philadelphia Regional Office—and that the Regional Office, along with Census Bureau headquarters management, covered up data falsification.

The key allegations, received from various sources, are summarized into the following questions:

- Did a Survey Supervisor in the Philadelphia Regional Office instruct subordinates to falsify survey data?
- Did a Survey Supervisor change subordinate survey responses to manipulate data, and did he or a second Survey Supervisor prevent falsification reports from being reported to Census Bureau headquarters?
- Did any alleged data falsification on the Current Population Survey in the Philadelphia Regional Office in August and September of 2012 have a measurable impact on the unemployment rate leading up to the 2012 presidential election?

While our investigation did not substantiate the existence of widespread falsification in the Philadelphia Regional Office that artificially decreased the national unemployment rate in the months leading up to the Presidential election in 2012, we did identify several vulnerabilities with respect to the Census Bureau policies and processes for detecting and preventing data falsification—and made a series of recommendations to strengthen the Census Bureau's processes and internal controls.

Methodology

OIG conducted over 100 interviews of current and former Census Bureau employees in the Philadelphia Regional Office, headquarters, and other regional offices. We reviewed documents provided by the complainant, personnel files, a report of investigation concerning an Equal Employment Opportunity Commission (EEOC) complaint relevant to the allegations, training materials, policies for interviewing procedures, quality control and assurance processes, and performance assessments. We also conducted extensive analysis of Census Bureau CPS data and BLS employment statistics data, as well as other data relevant to our investigation. A more detailed description of our methodology is included in appendix A.

Results of Investigation into Survey Falsification Allegations

1. **Did a Survey Supervisor in the Philadelphia Regional Office instruct subordinates to falsify survey data?**

   Our investigation did not substantiate the allegation that a Survey Supervisor instructed his subordinates to falsify survey data. The complaint and one key witness alleged that in a July 26, 2010, conversation the supervisor of the key witness instructed the key witness to falsify survey data and stated that he would cover for the key witness if the key witness was caught. The complainant alleged that on July 27, 2010, the supervisor left a voice mail message for her during which he repeated the instructions he gave to the key witness. There was no copy of the voicemail message kept and the message was not otherwise transcribed by the complainant. The complainant identified two witnesses who had listened to the voice mail message at the time. We interviewed those witnesses and they have varying recollections of the contents of the voice mail message. However, neither of the third-party witnesses recalls the message specifically directing the survey data falsification. OIG interviewed a sample of 50 field staff in the Philadelphia Regional Office, and none of the witnesses reported ever being asked to falsify survey data. The Survey Supervisor who was the subject of the allegations was interviewed, denied ever instructing any employee to falsify survey data, and voluntarily submitted to a polygraph examination, which indicated no deception.

2. **Did a Survey Supervisor change subordinate survey responses to manipulate data, and did he or a second Survey Supervisor prevent falsification reports from being reported to Census Bureau headquarters?**

   Our investigation did not substantiate allegations that the Survey Supervisor or his Manager tampered with subordinate's survey responses or deleted their emails. Our investigation determined that, when a Field Representative enters survey data, the system generates an audit trail (also known as a "trace file"): each entry screen, field update, and entered value is logged by the system and time-stamped. If a Census Bureau employee modifies survey data after the initial entry, the audit trail would list the specific fields that were updated. A supervisor cannot remotely log in as a subordinate and change the subordinate's survey responses; the supervisor would need to use the subordinate's laptop to change recorded responses. OIG reviewed the audit trails for surveys conducted by the key witness and found that the data fields were only entered a single time. In other words, after key witness's initial entry, the audit trails do not indicate that the data was modified or altered. Additionally, we reviewed the audit trails for all of the supervisor's completed CPS cases during July and August 2010, the dates alleged in the complaint, and did not find evidence that the survey supervisor altered cases of the key witnesses or anyone else in an attempt to cover up falsification. To further determine whether supervisors attempted to cover up the key witnesses' falsification during reinterview,[1] we reviewed the reinterview cases—and, combined

[1] *Reinterview* is the primary quality assurance process used by the Census Bureau to assess the quality of the surveys conducted by Field Representatives.

with the evidence in the audit trails described above, we found no evidence that supervisors tampered with the cases conducted by the key witness to cover up falsification. Further, OIG conducted extensive investigative activities to uncover other examples of supervisors altering survey responses. No other instances were identified. For example, OIG interviewed a sample of 50 field staff in the Philadelphia Regional Office. None of them reported any concerns of supervisors changing survey responses.

3. **Did any alleged data falsification on the Current Population Survey in the Philadelphia Regional Office in August and September of 2012 have a measurable impact on the unemployment rate leading up to the 2012 presidential election?**

Our investigation did not substantiate the allegation that the national unemployment rate was manipulated by the Philadelphia Regional Office in the months leading up to the 2012 presidential election. Nor did our investigation find any evidence to support that such manipulation is likely from a statistical perspective. OIG performed the following analyses: (1) reviewing the key witness' case outcomes (e.g. employed, unemployed, not in labor force) to assess whether there was an unexpectedly low number of unemployed cases in his or her workload; (2) assessing whether it was theoretically possible for Field Representatives to artificially depress the unemployment rate through falsification; and (3) considering the likelihood of Field Representative falsification substantively affecting the national unemployment rate in September 2012, given the Census Bureau's quality assurance procedures, employment data trends, and interviews with more than 75 Philadelphia Regional Office employees.

It is theoretically possible, though unlikely, that a large number of Field Representatives working in concert could depress the unemployment rate through falsification. Our investigation determined that, to move the unemployment rate from 8.1 percent to 7.8 percent (see highlighted portion of the 2012 row in the table below) through falsification between August and September 2012, it would have taken approximately 78 Field Representatives changing all unemployed household members to employed. To do so would also require escaping detection from the Census Bureau's quality control measures.

National Unemployment Rate by Month

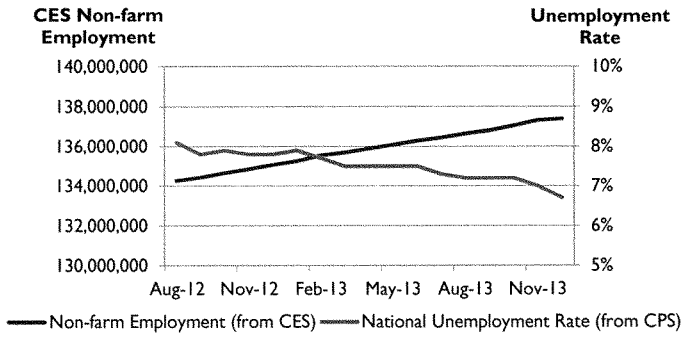
	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sep.	Oct.	Nov.	Dec.
2012	8.2	8.3	8.2	8.2	8.2	8.2	8.2	8.1	7.8	7.9	7.8	7.8
2013	7.9	7.7	7.5	7.5	7.5	7.5	7.3	7.2	7.2	7.2	7.0	6.7
2014	6.6	6.7	6.7									

Source: BLS

Data trends also support that the drop in unemployment was not the result of falsification. The unemployment rate did not exceed 7.9 percent after August 2012 and continued to fall after the presidential election, meaning that, if the data were affected by falsification, undetected and systematic falsification would have had to continue for several months. Since the unemployment rate declined after the presidential election, it is even less likely that the trend was caused by data falsification.

Alternative employment indicators independent of the CPS (and, in turn, independent of data collected by the Census Bureau) provide further confirmation of this trend. Instead of surveying individuals about their current employment status, as is done by the CPS, the BLS Current Employment Statistics (CES) program surveys businesses monthly about their number of non-farm payroll workers. The CPS surveys individuals in order to determine the percentage of employed people in the United States, while the CES estimates aggregate employment, wages, and hours for several hundred industries. According to CES, between August 2012 and December 2013 the number of employees on business payrolls increased each month (see figure on next page).

CES Non-farm Employment Compared to the National Unemployment Rate



Source: OIG analysis of BLS data

Additionally, ADP, in collaboration with Moody's Analytics, publishes an independent employment report each month using payroll data from 20 percent of U.S. businesses Overall, the ADP/Moody's payroll results closely mirror the CES—the results have a .96 correlation—and show a similar pattern: between August 2012 and December 2013, payroll employment increased every month. If the national unemployment rate decreased primarily as a result of falsification on CPS, it would be unlikely for both CES and the ADP/Moody's measure to show consistent monthly job growth.

In addition, OIG conducted more than 75 interviews of Philadelphia Regional Office employees at all levels, from senior management to field staff. No witness mentioned any concerns whatsoever about manipulation of the unemployment rate or anything about the 2012 presidential election. In sum, our investigation found no evidence supporting the allegation that the national unemployment rate was manipulated by the Census Bureau's Philadelphia Regional Office management in the months leading up to the 2012 presidential election.

Observations Related to Census Bureau Falsification Policies

1. **Survey Supervisors do not consistently use the tools available to them for detecting and preventing survey data falsification.**

   The Census Bureau currently provides Survey Supervisors with tools to help them identify and prevent falsification. The Unified Tracking System collects paradata—or empirical measurements about the survey process—during and after data collection. The Contact History Instrument is an application in the survey instrument that captures information about each time a Field Representative attempts to contact a household. These tools allow supervisors to analyze specific information regarding a Field Representative's contact attempts with all households in the Field Representative's assignment that could potentially indicate falsification (e.g., an interview conducted after midnight). In our interviews for our investigation, however, we found that some supervisors are not using these tools.

2. **Census Bureau employees suspected of falsifying data are sometimes allowed to continue conducting surveys while they are under investigation for falsification.**

   OIG's investigation determined that procedures related to falsification vary by region—and that Field Representatives who are being investigated for falsification are sometimes allowed to continue to collect survey data during the investigative process. OIG found that one region removes all survey work from a Field Representative who is formally notified of suspected falsification. However, if the Field Representative disputes the claim but the supervisor still pursues the investigative process, the Field Representative is allowed to return to work. In this particular region, the Field Representative is allowed to conduct interviews up to the point that the Employee Relations Board approves termination due to confirmed data falsification.

   In speaking with staff from the other regions, we found that the treatment and management of a Field Representative suspected of falsification is largely left to the supervisor's discretion—typically, a Field Representative suspected of falsification has his or her survey work taken away at some point in the process, but it varies. In most regions, the suspected Field Representative's ability to continue to work during the process is determined on a case-by-case basis. Our interviews indicated that this was largely influenced by legal guidance that disfavored placing Field Representatives on administrative leave or pulling their cases while they are under investigation for suspected falsification.

3. **The quality assurance operation in the Regional Office is not independent, creating potential conflicts of interest.**

   For ongoing survey operations (e.g., CPS), within each regional office there is a single set of managers and supervisors who are responsible for both regular interview and reinterview operations. Reinterview helps determine (1) whether interviews are conducted according to proper procedures, (2) instances of data falsification, and (3) response error that arises from specific questions on the survey. Since managers and supervisors are, at least in part, assessed based on the performance of the Field Representatives under their supervision, this arrangement lacks internal controls and creates potential conflicts of interest by asking a supervisor to review the work of Field Representatives on whose performance (at least partially) that supervisor's own performance is assessed.

   The quality assurance operation conducted during the 2010 decennial census, in which data collection and reinterview duties were segregated, is more appropriate and eliminates the potential conflicts of interest that ongoing survey operations introduce by asking supervisors to manage both data collection and reinterview. Each Local Census Office during 2010 decennial census operations included a parallel, but separate, organization of office and field staff who were responsible for quality assurance.

4. **Current Population Survey procedural manuals and training materials are outdated, inconsistent, and do not discuss falsification.**

   Certain Census Bureau policies and manuals have not been updated to reflect the reorganized regional office field structure that was finalized in January 2013. At the time of our investigation, regional office staff still used outdated materials to manage survey operations and train new hires. For example, the CPS office manual had not been updated since 2010. The outdated manuals and training materials use outdated terms and the outdated titles assigned to various supervisory and managerial positions. At the very least, outdated materials cause extra work for trainers and confusion during the training process for new hires; at worst, outdated materials and erroneous and conflicting instructions can lead to wasted time in the field and even errors in data collection.

   We found that the CPS materials, which the Census Bureau uses to train new hires, do not mention the prohibition against data falsification and its consequences, though the materials do instruct Field Representatives to remind respondents of the possibility of a follow-up visit for reinterview. The materials include numerous references to the Census Bureau's confidentiality policy and every Census Bureau employee is required to swear an oath of office "not [to] disclose any information . . . to any persons[,] either during or after [your] employment." As evidenced by the focus on confidentiality, the Census Bureau has ample opportunity to discuss data falsification and its consequences with new hires.

In contrast to directions given to Field Representatives with respect to ongoing surveys such as the CPS, 2010 decennial census enumerators were given clear and explicit definitions of what constituted falsification, instructions to not falsify data, as well as clearly stated consequences for intentionally falsifying data including termination from employment:

> **Data falsification is intentionally and deliberately entering wrong information**. . . . You must **not submit falsified work under any circumstances**. If you willfully falsify information . . ., you can be found guilty of perjury . . . and may be fined up to $250,000 and/or imprisoned up to five years. You may be removed from federal service and prohibited from future federal employment.

Recommendations

As a result of our investigation, we made the following recommendations:

1. **Implement a reporting mechanism for confirmed data falsifications to survey sponsors.**

   Currently, for instance, the Census Bureau does not notify BLS about specific instances of CPS falsification. Irrespective of whether falsification has a statistical impact on survey results, BLS and other survey sponsors have cognizance and should be informed in the interest of transparency and full disclosure.

2. **Implement a formal policy that prohibits employees suspected of falsification from collecting survey data during the investigative process.**

   Under current Census Bureau policies, employees suspected of falsifying data are sometimes allowed to continue working during the falsification investigation. A policy prohibiting suspected data falsifiers from collecting survey data would prevent them from submitting additional inaccurate survey results.

3. **Update procedural manuals and training materials to reflect current Regional Office field structure and inform Field Representatives about survey data falsification and the consequences of committing falsification.**

   Materials used by the Census Bureau to conduct day-to-day survey operations and train new employees include references to obsolete regional office supervisory arrangements and positions. Training materials for new employees do not discuss survey falsification. Educating new employees about survey data falsification and emphasizing the consequences of falsification may discourage Field Representatives from falsifying survey data.

4. **Implement an independent quality assurance process for all survey operations.**

   The Census Bureau assesses supervisor performance, at least in part, by the work of a supervisor's Field Representatives, and the quality assurance process (i.e., reinterview) assesses the quality of the Field Representatives' work. Currently, the same regional office supervisor is responsible for both the interview process and the quality assurance process, creating a potential conflict of interest. During the 2010 decennial census, quality assurance employees and supervisors were independent from other operations, reducing the risk of conflicts of interest.

5. **Ensure that all survey supervisors tasked with detecting and preventing survey data falsification are properly utilizing all available tools to safeguard against such misconduct.**

   While the Census Bureau currently has several tools available for identifying potentially falsified cases, supervisors rely primarily on the quality assurance process. For example, supervisors can also use the Contact History Instrument which provides the time of day Field Representatives attempt to contact respondents. Interviews conducted late at night (e.g., after midnight) are at a greater risk for falsification.

6. **Implement internal controls to effectively monitor and limit Field Representative workloads in order to reduce the risk of falsification.**

   To further reduce the risk for survey data falsification, supervisors should scrutinize workloads and staffing levels to avoid assigning atypically large workloads to Field Representatives.

By memorandum dated July 30, 2014, the Census Bureau Director agreed with our recommendations and summarized the responsive actions taken by the Census Bureau. A copy of the Census Bureau Director's memorandum is included as appendix B.

Appendix A: Methodology

OIG conducted over 100 interviews of current and former Census Bureau employees in the Philadelphia Regional Office, headquarters, and other regional offices. These interviews included:

- The complainant
- The key witness
- Philadelphia Regional Office management who were alleged to have directed or orchestrated falsification
  - OIG conducted a recorded and transcribed interview of each of the managers, as well as several follow-up interviews
  - Polygraph examinations of the managers were also conducted
- Witnesses to the alleged falsification instructions identified by the complainant
- Current and former Philadelphia Regional Office senior management during the relevant time period
- 50 Philadelphia Regional Office field staff (in these interviews, field staff were asked whether they had ever been pressured or ordered to cut corners to complete a survey or to violate Census Bureau policy)
- All current Philadelphia Regional Office Program Coordinators (In these interviews, the supervisors were asked whether they had ever been pressured or ordered to cut corners to complete a survey or to violate Census Bureau policy, as well as become aware of instances of suspected falsification by their subordinates)
- Various other current and former Philadelphia Regional Office staff, both in the field and in the office, deemed relevant to the investigation
- Representatives from Census Bureau headquarters' Field Division, Human Resources, Employee Relations Branch, Legal, and Information Technology
- Chief of the Demographic Statistical Methods Division
- Survey Directors for the CPS and the Consumer Expenditure (CE) Survey
- The Division Chief for Labor Force Statistics, the Division Chief for Data Development and Publications, and supervisory statisticians at the Bureau of Labor Statistics (BLS)
- Survey Statisticians from each of the regional offices
- The New York Regional Office Director

The following documents were reviewed:

- Documents and notes provided by the complainant
- The key witness' and Complainant's personnel files and falsification reports
- Report of Investigation, EEOC Complaint of Key Witness
- Emails regarding the August 2013 American Housing Survey
- Census Bureau training materials, policies for interviewing procedures, quality control and assurance processes, and performance assessment
- Various other documents deemed relevant to the investigation

The following data were analyzed:

- CE and CPS audit trails for cases worked by the key witness
- Labor force case outcomes (e.g. unemployed, employed, not in labor force) for interviews conducted by the key witness
- Statistical analysis performed by the Census Bureau related to how falsification could impact the national unemployment rate
- CPS quality control reports, providing reinterview results by region
- CPS workload report for Field Representatives in the Philadelphia Regional Office
- CPS audit trails for cases completed by managers
- Reinterview cases worked by managers
- Reinterview results for Field Representatives who were suspected of falsifying data during August and September 2012
- Labor force case outcomes (e.g. unemployed, employed, not in labor force) for employees suspected of falsifying data during August and September 2012
- BLS CES data
- ADP/Moody's Analytics employment report data

Appendix B: Memorandum Dated July 30, 2014, from the Director of the U.S. Census Bureau Summarizing the Bureau's Responsive Actions

UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001
OFFICE OF THE DIRECTOR

JUL 3 0 2014

MEMORANDUM TO THE OFFICE OF INSPECTOR GENERAL

TO: Todd Zinser
Inspector General
U.S. Department of Commerce

FROM: John Thompson
Director
U.S. Census Bureau

SUBJECT: U.S. Census Bureau Response to OIG Investigation 14-0073: Public Report Concerning Unsubstantiated Allegations of Data Falsification to Decrease the National Unemployment Rate

In the fall of 2013, the Office of Inspector General (OIG) began a rigorous investigation of alleged data falsification to the American Housing Survey and the Current Population Survey conducted by the U.S. Census Bureau. The Census Bureau is satisfied with the OIG findings that no evidence was found to support the allegations – specifically, that management in a Census Bureau Regional Office (RO) instructed staff to falsify data at any time for any reason. The OIG also found no evidence of systematic data falsification, or evidence that the national unemployment rate was manipulated by staff in the RO in the months leading up to the 2012 presidential election.

The OIG findings confirm that the Census Bureau continues to do what it does best, providing high-quality data about the nation's people and economy. We take this charge seriously and our staff works to promote a culture where data integrity, protecting respondent's privacy, and data confidentiality are paramount. Our quality assurance programs are designed to preserve data integrity and collect accurate information. We also seek to take advantage of innovative, cost-effective approaches that enhance the data quality of our surveys and censuses. The Census Bureau has created a Quality Assurance Working Group to examine our current procedures and identify ways to strengthen our quality assurance practices, taking full advantage of the most current tools and methods available, both at the Census Bureau and within the larger research community.

The Census Bureau appreciates the recommendations offered by the OIG for further improving our quality assurance practices. The OIG recommended six improvements to the Census Bureau's current practices, which we agree will enhance our ability to deter and detect potential data falsification. We are addressing those recommendations as described below:

Recommendation #1: Implement a reporting mechanism for confirmed data falsifications to survey sponsors.

The Census Bureau currently informs survey sponsors on several of its surveys when falsification is detected. However, the reports with which we share this information are not standardized across all surveys. Therefore, we are developing a more detailed and standardized report for providing feedback for confirmed cases of data falsification to its survey sponsors. Specifically, the Census Bureau has started providing interim quarterly reports for the Current Population Survey (CPS) to the Bureau of Labor Statistics. The interim report provides the status and outcome of the interviewer investigation and includes the control numbers for confirmed falsification cases. This information is provided in a manner that protects the identity of the interviewer and the survey respondent. We are developing a more detailed, standardized falsification report for CPS that we can then use as a standard report for reporting falsification on all surveys conducted by the Bureau.

Recommendation #2: Implement a formal policy that prohibits employees suspected of falsification from collecting survey data during the investigative process.

In the past, field representatives were typically permitted to continue working during a period where suspected falsification on their part was under investigation. The Census Bureau has changed its policies such that field representatives who are suspected of falsifying data are given no further field assignments until 1) the falsification investigation has been completed; and 2) the determination has been made that the field representative did not falsify field data. If the investigation confirms that the employee falsified survey data, then appropriate administrative action, such as termination from employment, is taken against the employee.

Recommendation #3: Update procedural manuals and training materials to reflect current regional office field structure and inform field representatives about survey data falsification and the consequences of committing falsification.

The Census Bureau is currently updating its training materials to strengthen our emphasis on quality control procedures, the importance of collecting quality data, and the consequences of falsifying data. In addition, starting at the beginning of the upcoming rating year and every rating year thereafter, all 7,000 + field representatives will review and sign a data quality agreement that lays out the expectations for maintaining data integrity and the consequences for not doing so. Newly hired field representatives will sign the agreement, as well.

Recommendation #4: Implement an independent quality assurance process for all survey operations.

Development is underway to establish a two-phased approach for implementing an independent, centralized quality control reinterview process for the CPS. Starting July 2014, we will begin Phase 1 (an interim solution) by testing the CPS quality control reinterview process using a

centralized, independent approach located in the Jeffersonville Contact Center (JCC). The test will involve one Regional Office and include randomly selected reinterview cases from CPS with phone numbers. As a part of this interim solution, we will use existing Regional Office control systems and laptops in the JCC to conduct the reinterviews. Cases that cannot be resolved by the JCC (e.g., they have no phone numbers) and must resolved by the Regional Office will be handled by a staff member other than the supervisor directly responsible for the interviewer who conducted the original interview. Upon refinement of the operational process, we will expand the reinterview to include additional Regional Offices.

Phase 2 will include the development and testing of systems in the Contact Centers, which will eliminate the need to use Regional Office control systems and laptops (i.e., the interim solution for Phase 1). The Census Bureau's goal is that by April 2015, we are using the Contact Centers exclusively for centralized quality control reinterview. Once implemented for CPS, these centralized reinterview operations and procedures will provide the foundation for other surveys to transition to an independent, centralized reinterview process.

Recommendation #5: Ensure that all survey supervisors tasked with detecting and preventing survey data falsification are properly utilizing all available tools to safeguard against such misconduct.

The Census Bureau has several innovative tools that are currently used by supervisors, managers, and analysts to deter and detect interviewer falsification. We continue to enhance the utility of each of these tools by reaching out to users and other stakeholders to identify improvements to reports and ways to enhance training on these tools. These tools include:

- ***Unified Tracking System (UTS)*** – The Unified Tracking System is a data warehouse that provides the user a view of near real-time cost, progress, and quality data, consolidating data from other production systems over time and across surveys. Managers/analysts in the Regional Offices and the Census Bureau Headquarters can monitor surveys by reviewing data such as response rates, contact attempts, item nonresponse rates, and cost data. We continue to enhance the utility of the UTS with outlier reports specific to quality that allow managers to more effectively monitor and detect interviewer falsification (e.g., those with very slow production rates and those who have rates "too good to be true").

- ***Performance and Data Analysis (PANDA)*** – The Performance and Data Analysis tool is currently used by some surveys to monitor the quality of survey data. Managers in the Regional Office use PANDA to view quality assurance indicator reports, such as nonresponse reports, overnight start reports, and late start and completion rate reports. This tool assists with the identification of potential data falsification.

- ***NICE Interaction Management System (NIM)*** – The Census Bureau currently uses the NICE Interaction Management System to monitor CATI interviews in the Contact Centers. Monitoring is key for the detection of interviewer falsification. Coaches/monitors unobtrusively listen, observe, and assess the interaction between the

interviewer and respondent. All interviews are 100% audio/video recorded using the NIM.

- ***Computer-Audio Recorded Interview (CARI)*** – The Computer-Audio Recorded Interview methodology can be used to observe interviewers who conduct CAPI surveys. The audio recordings provide managers with another method for confirming the authenticity of the interview and detecting possible interviewer falsification. The Census Bureau is currently using CARI for the Survey of Income and Program Participation (SIPP), and we plan to begin using CARI for the CPS and other surveys.

- ***Contact History (CHI)*** – The Census Bureau will continue to use the Contact History Instrument for all surveys to capture details of all contact attempts for CAPI surveys. The CHI paradata will serve as an indicator (e.g., late night contact attempts) for potential interviewer falsification.

Recommendation #6: Implement internal controls to effectively monitor and limit Field Representative workloads in order to reduce the risk of falsification.

Management in the six Regional Offices will be issued a memorandum in July 2014 limiting the size of an interviewer's workload on a survey-by-survey basis. Deviation from the workload standard (e.g., a very large monthly workload by a field representative) will require a written explanation for the reason for the deviation from the Regional Director to the Chief of the Field Division. In addition, the Chief of Field Division will have management staff at Headquarters evaluate monthly survey data for anomalous results that appear to be "too good to be true," and will take appropriate follow-up action with the Regional Director to further investigate these issues.

Thank you for your feedback and recommendations. If you have any questions or concerns, please do not hesitate to contact me.

Mr. FARENTHOLD. Thank you very much. You mentioned your investigative report. I have it here. I would like to enter it into the record. Without objection, so ordered.

This report can be found at: *http://www.cig.doc.gov/OIGPublications/14-0073.pdf*

Mr. FARENTHOLD. It is good to actually be holding a hearing in this committee where we find out the situation isn't as bad as we initially thought. Unfortunately, in some of our other hearings it turns out the situation is worse than we initially thought. So this is actually a happy occasion for me to be chairing this subcommittee hearing where, yes, there are problems, but it is not as bad as we thought.

Mr. Thompson, I would like to start with you for a second. I think a lot of the issues that we saw in the VA and I think we see in some areas of the Government is what the culture is within the organization. You all testified that you do have training materials early on for your new recruits to talk about the issues with data falsification and how to report it. Typically, how long is a new hire trained?

Mr. THOMPSON. Congressman, I will have to get back to you on that.

Mr. FARENTHOLD. My concern is, is the data falsification five minutes in a two-day training or is it something that is pervasive throughout the training? That is what I am trying to get at.

Mr. THOMPSON. Okay, so we have revised our training to emphasize data integrity. In fact, we are implementing a form that each interviewer will sign, and they will re-sign it every year, that explains to them the importance of data integrity and the dangers in falsifying data.

Mr. FARENTHOLD. And what are the consequences to an employee caught falsifying data?

Mr. THOMPSON. It is a fireable offense.

Mr. FARENTHOLD. Okay. That is good to hear.

Now, you talk about your UTS system, your Unified Tracking System. It is my understanding that that tracks who assigns what and who completes what cases. But there are actually three other systems, the Blaze File, which is the actual survey response, and the Trace File, which is a time-stamped keystroke log. These are three separate systems, right? How do they talk to each other, or do they?

Mr. THOMPSON. That is one of the next steps in our process, is to put together a method for making these systems talk to each other. However, I have to say that we are continually revising the way in which we analyze the data from our Unified Tracking System to provide more and more useful information to our field managers.

Mr. FARENTHOLD. Great. It is also my understanding that regional offices are responsible for both data collection and quality control, and they often have conflicting objectives. Most Census Bureau employees are evaluated, at least in part, on survey response rates. The Census Bureau can minimize a potential for conflict of interest by separating the interview from the regional chain of command, thus allowing quality control to function independently. It is my understanding that you all have started, in July, a pilot

program where there is a re-interview process that comes out of your Jeffersonville connect center, rather than the regional offices. Do you think this initiative has ben successful so far? Can you give us an idea how it is working?

Mr. THOMPSON. Certainly. We have already moved two of our regional offices to the Jeffersonville facility where a totally independent staff will do the telephone interviewing. And by July, I am sorry, by April 15, by April, this coming April, we will have moved all the regional offices to our Jeffersonville facility.

Mr. FARENTHOLD. And have you run into any problems or is it working out pretty well?

Mr. THOMPSON. It has been working very well.

Mr. FARENTHOLD. Great. Great. One of the committee's witnesses reports that they have faced retaliation after she cooperated with the committee's investigation. Can we have your commitment that you will work with our staff to ensure that Bureau employees are not retaliated for whistleblowing and cooperating with Congress?

Mr. THOMPSON. Certainly, Congressman.

Mr. FARENTHOLD. All right. We had a hearing the other day in the full committee on the difficulties that some whistleblowers face, and this committee is almost unanimous in believing that whistleblowers need the highest level of protection, that they are our partners in being watchdogs.

With that, I will go on and let Mr. Lynch have his questions, and I am going to check to make sure we have gotten everything I need to get covered as well. We will go to Mr. Lynch now.

Mr. LYNCH. All right, thank you, Mr. Chairman. I just want to go back. This was basically the headline just prior to the election, where it says the Census faked the 2012 election jobs report, the implication being that Census employees falsified the records, and their goal was to manipulate the unemployment numbers so that President Obama would get re-elected. That was basically the conspiracy that they alleged. So I want to just drill down on that a little bit. I think that is very unfortunate and gives freedom of the press a bad name.

Mr. Zinser, let's just go back over your report a little bit. I just want to straighten the record out. So after reviewing over 3,000 pages of documents and conducting more than 100 interviews of former and current Census Bureau employees, your office found, and this is a quote from your report, "no evidence that management in the Philadelphia Regional Office instructed staff to falsify data at any time for any reason." Is that correct?

Mr. ZINSER. That is correct, sir.

Mr. LYNCH. Okay. And can you explain to me briefly what led you to this conclusion?

Mr. ZINSER. Well, we asked employees about two main allegations: we asked them whether they were ever instructed to falsify data, and none of the employees that we interviewed said that they had been so instructed.

Mr. LYNCH. Now, most of the employees, are they newly hired since President Obama took office, or have they been there a while?

Mr. ZINSER. I don't know the exact answer to that, but they were a cross-section of employees picked at random throughout the region.

Mr. LYNCH. Okay.

Mr. ZINSER. And there was no other selective factor there in terms of how long they had been on staff.

Mr. LYNCH. Okay, good enough.

Mr. ZINSER. The other issue that we asked them is whether they had any concerns about their completed surveys being altered by their supervisors, and none indicated that they had such concerns.

Mr. LYNCH. Okay. And then you checked with the managers to see if there was any changes implemented by them?

Mr. ZINSER. Yes, sir. There were three managers who were essentially subjects of the investigation. We did interview each of them; they cooperated with our investigation. They denied any efforts to instruct employees to change surveys. They denied that they had ever changed or altered surveys themselves.

Mr. LYNCH. Okay. You also indicated in your report, contrary to The New York Post allegations, that there was no evidence that any of this data was used to manipulate the unemployment rate leading up to the election.

Mr. ZINSER. Yes, sir. We went into the investigation understanding that theoretically it could be possible to manipulate the unemployment rate.

Mr. LYNCH. Let's talk about that a little bit. What would have to happen in order for that number to change? I understand it is broad-based data and the indicia of unemployment is sort of a blended number. What would be required for manipulation to actually happen?

Mr. ZINSER. Well, actually, the Census Bureau did an analysis and then our staff evaluated that, and basically the average workload of a CPS field representative or field representative that works on the CPS, the average workload is 30 cases. So if the unemployment rate is 8.1 or 8 percent, that means, of those 30 cases, 2.4 of those cases you are going to find somebody who is unemployed, 2.4 out of the 30. So in order to change the unemployment rate by just .1 percent, it would take 26 field representatives changing all of their unemployed cases to employed. And then in order to get a .3 percent decline in the unemployment rate, you would multiply the 26 times 3 and you would come up with 78 field representatives.

Mr. LYNCH. Okay. And that is what we had there, right? At that time all the indicators were the same, right?

Mr. ZINSER. Yes, sir.

Mr. LYNCH. Well, they were all consistent. I won't say they were the same, but they were all consistent that there was a drop in unemployment.

Mr. ZINSER. Yes. There was a drop from 8.1 percent to 7.8 percent.

Mr. LYNCH. Okay. All right. I see my time has expired and I will yield back.

Thank you.

Mr. FARENTHOLD. Thank you very much.

I have a couple more questions I will do, then we will go back to Mr. Clay when he gets back.

Mr. Thompson, is there any computer management or electronic falsification screening? For example, in the Consumer Population

Survey, households are in for four months, out for eight, and back in for another four. Does any screening occur automatically to identify inconsistencies over the period of the households in the survey? Do you want to talk about any other automated data integrity systems you have in place?

Mr. THOMPSON. The systematic processes that we use right now are preparing reports from our Unified Tracking System that are designed to identify anomalies that we can look at. We are working aggressively to put together more of a data analytics team that will then allow for really a more systematic way of doing this.

Mr. FARENTHOLD. Great.

Mr. Zinser, we have heard testimony in other hearings about inspectors general having problems getting their job done and being blocked. Your testimony tended to indicate that you had pretty good cooperation. Did you run into any roadblocks in your investigation or feel like there were folks not cooperating with your investigation?

Mr. ZINSER. No, sir, we didn't have problems with cooperation. Early on, and I think the staff report kind of points out that the General Counsel's Office of the department did get involved in the investigation and we did make sure that our investigation was completely independent of anything that office was doing with respect to the committee's oversight.

Mr. FARENTHOLD. Mr. Thompson, we didn't have quite as good of an experience, or at least the committee staff reported to me that despite the Census Bureau having its own legislative affairs staff and lawyers that ordinarily handle the Bureau's engagements with Congress and this committee, in this case the Commerce Department stepped in and assigned its own staff to manage the congressional investigation. Their posture toward the committee's investigation, according to committee staff, was confrontational from the onset. The pace of the committee's investigation was slowed because Commerce Department officials slow-rolled document productions and interfered with witness interviews.

Did you or your predecessor request the Department of Commerce to manage the response to the committee's investigation?

Mr. THOMPSON. Congressman, we always work closely with our colleagues at the Department of Commerce. In fact, our attorneys administratively do report to the Office of General counsel to ensure consistency. So we basically followed the procedures that were in place for responding to the subcommittee.

Mr. FARENTHOLD. So you are saying it is standard practice for the Department of Commerce staff to take over management of these types of inquiries? Was it a takeover or was it just cooperation?

Mr. THOMPSON. It was cooperation, it wasn't a takeover. We have a very good relationship with the Department of Commerce.

Mr. FARENTHOLD. And did the Department of Commerce tell you why they jumped in on this one more than they had in the past, at least in dealing with us?

Mr. THOMPSON. I didn't have conversations with them about anything like that.

Mr. FARENTHOLD. All right. And the Department didn't express any concerns with your legislative affairs folks and them handling it, did they?

Mr. THOMPSON. No.

Mr. FARENTHOLD. All right. Well, I was just kind of curious why they jumped in on this one.

All right, I see Mr. Clay is available now. We will give him his first round of questions and then give Mr. Lynch his second, if he has some more.

Mr. CLAY. Thank you, Mr. Chairman.

I want to thank Director Thompson and Mr. Zinser for being here today.

However, Mr. Chairman, I am just kind of bewildered on how and why we are at this point. As the ranking member stated earlier, I guess this inquiry started from a November 18, 2013 New York Post article, and it seems to me, it appears as if quality control may be needed at The New York Post. Clearly, the information contained in the article was not reliable, and I see that some of the history of how we got to this point was in response to that Post article.

On November the 19th, 2013, Chairman Issa, you, Mr. Chairman, and Kevin Brady sent a letter to Director Thompson seeking documents related to possible employee data falsification in the CPS, and in response to that request the Bureau has produced over 4800 pages of documents and the committee has conducted six transcribed interviews with current and former Census Bureau employees.

I did hear you say earlier in this hearing that this is good news, so I am just curious as to how we got to this point off of an unreliable New York Post article.

Mr. FARENTHOLD. If the gentleman would yield.

Mr. CLAY. I yield.

Mr. FARENTHOLD. As I did point out, we found that the problem was not nearly as bad as The New York Post suggested, but I think we are having this hearing to ensure that some of the reforms from the inspector general's report and the result of this investigation are going to be implemented. It is our duty to conduct rigorous oversight, and, as I said at the onset, I am glad that it didn't turn out to be as bad as we all thought it did. It is actually pleasurable for me to have a good news hearing, and I do think, for the most part, this is a good news hearing.

Mr. CLAY. And that is a good thing, because I think the people at the Census Bureau work awfully hard to get it right, to supply this Government and the American people with the data necessary to make good decisions.

Over the past year we have heard a number of allegations against the Census Bureau as it relates to a potential data falsification scandal in the Philadelphia Regional Office. However, let's set the record straight. There was no scandal here. The IG conducted what I think we would all agree was a very thorough investigation and the allegations were found to be without merit. And after reviewing over 3,000 pages of documents and conducting more than 100 interviews of former and current Census Bureau employees, the IG found no evidence that management in the

Philadelphia Regional Office instructed staff to falsify data at any time, for any reason.

Is that correct, Mr. Zinser?

Mr. ZINSER. Yes, sir, it is.

Mr. CLAY. And can you please explain what led you to that conclusion?

Mr. ZINSER. Yes, sir. We followed our investigative plan, and that included interviewing current and former employees, it included interviewing the managers who the complainants had pointed to as instructing them to do this. The managers actually submitted to polygraph examinations, as well. We also looked at the actual computer files with respect to an analysis of whether any changes had been made to any of the files, and we did not find any evidence of any alteration of the survey results.

Mr. CLAY. And in your investigation did you find any evidence that management changed survey responses or covered up falsification?

Mr. ZINSER. No, sir, we didn't. As I mentioned, we did go into the computer systems and looked at the trace files, which are actually audit trails, to see the activity of the supervisors, and we did not find any occasions where results had been altered.

Mr. CLAY. I thank you for your response.

I see my time has expired. Thank you, Mr. Chairman.

Mr. FARENTHOLD. Thank you, Mr. Clay.

Mr. Lynch?

Mr. LYNCH. Thank you, Mr. Chairman.

It is unfortunate, as my friend from Missouri has pointed out, that a news report would lead us to this point, but separate and apart, I think, as the chairman has noted, this is a good news hearing, and I think it was important to lay this all out because there has been a steady drumbeat of criticism for Government employees and agencies. Government employees, in the last several years, have endured furloughs; they had a three-year pay freeze; the pension contributions for all these Federal employees have been increased, so they are paying more for their pensions and getting less at the end of it. But it is very important to make sure that people understand that these reports were baseless. So the good reputation of the Census employees involved in these cases were sullied because of the allegations made.

We have done a thorough investigation, congressionally and through our inspectors general, and the claims against these employees were completely baseless. So I apologize to those Census employees that had to endure this and I would just caution that sometimes the environment in which Federal employees have to work is hostile to their morale and also to the performance of their duties.

So I guess my confidence in the employees of the Census is reaffirmed. I think they have performed exceedingly well their responsibilities, even during the time of these allegations. They have done a good job. Our inspectors general have done a commendable job, as well, to be thorough in their analysis, and I think that the recommendations are the best thing to come out of this, other than absolving the Census Bureau of any blame here. I think the recommendations are sound, I think it will end up allowing us to real-

ly have greater confidence than we had before and eliminate any possibility that there might be manipulation in the future.

So I appreciate it, Mr. Chairman. I thank you for your indulgence and thank you for holding this hearing.

Mr. FARENTHOLD. And thank you, Mr. Lynch.

Mr. Clay, did you have any more questions?

Mr. CLAY. I do not, Mr. Chairman.

Mr. FARENTHOLD. All right.

While I agree almost completely with Mr. Lynch, I do want to point out that this investigation was not a waste of time; we got some good results from it. We learned that there are some potential problems that need to be addressed in training, in implementing management issues. I think we made a good step by having a completely different division doing the call-backs for data security. We are well on the way to improving our computer system, so I certainly don't think it is a waste of time.

Mr. LYNCH. Mr. Chairman, briefly. I neglected to offer the opening statement of Mr. Issa, our full committee ranking member, and I would like to offer that for the record.

Mr. FARENTHOLD. Absolutely.

Mr. LYNCH. Okay, thank you.

Mr. FARENTHOLD. The ranking member.

Mr. LYNCH. Mr. Cummings, right. What did I say?

[Laughter.]

Mr. LYNCH. I wish he was the ranking member.

Mr. FARENTHOLD. Wishful thinking on your side, I guess.

We are happy to have Mr. Cummings as the ranking member. So, without objection, this will be entered into the record.

Mr. FARENTHOLD. I would like to thank our witnesses for taking time to be with us and for your hard work for the hardworking American taxpayers.

We are adjourned.

[Whereupon, at 3:03 p.m., the subcommittee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

Opening Statement
Rep. Elijah E. Cummings, Ranking Member

Hearing on "U.S. Census Bureau: Addressing Data Collection Vulnerabilities"

September 18, 2014

Thank you, Mr. Chairman, for holding this hearing to examine the important work of the Census Bureau, including its data collection and quality assurance procedures for the Current Population Survey. I also thank Ranking Member Lynch for his leadership on this issue.

I have great respect for Census Bureau employees. Most field representatives work part-time on evenings and weekends to gather critical data that lawmakers, business, municipalities, and others use to structure programs and other resources throughout this country.

So let me start by saying thank you, Director Thompson. I appreciate your commitment to running this agency in an efficient manner since you were confirmed last year.

I would also like to thank our Department of Commerce Inspector General, Mr. Zinser. Thank you for providing critical oversight of the Census Bureau and for your extensive work on the investigative report that is the subject of today's hearing.

The Inspector General's office investigated allegations relating to the Census Bureau's Philadelphia regional office. They found that one field representative falsified data. That was wrong, and his employment was terminated.

But was data falsification widespread throughout the Regional Office or among management? It was not. Management did not direct falsification, cover it up, or manipulate the unemployment rate, and there is no evidence to support these allegations.

The Inspector General's office made six recommendations to further protect against data falsification, and the Bureau agrees with all of them. Based on Director Thompson's written testimony, the Bureau has fully implemented two recommendations and is working to implement the other four.

I look forward to hearing more about the progress that has been made on each recommendation, and I thank our witnesses for being here.

HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. CONGRESS JOINT ECONOMIC COMMITTEE

U.S. CENSUS BUREAU: ADDRESSING DATA COLLECTION VULNERABILITIES

STAFF REPORT
PREPARED FOR CHAIRMAN DARRELL E. ISSA,
CHAIRMAN BLAKE FARENTHOLD, AND CHAIRMAN KEVIN BRADY
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES
U.S. CONGRESS JOINT ECONOMIC COMMITTEE
113TH CONGRESS
SEPTEMBER 18, 2014

I. Table of Contents

II. TABLE OF NAMES **3**

III. EXECUTIVE SUMMARY **5**

IV. FINDINGS **8**

V. RECOMMENDATIONS **9**

VI. BACKGROUND **10**

A. IMPORTANT IMPLICATIONS OF SURVEY DATA 11
B. ARTICLE CLAIMS WIDESPREAD FALSIFICATION 11
C. INVESTIGATION AND REPORT 12

VII. ALLEGATIONS OF SUPERVISORS ENCOURAGING DATA FALSIFICATION **12**

A. INSTRUCTED TO FALSIFY 13
i. Butler's Allegations *14*
ii. Implications of a Cover-Up *20*
1. Buckmon's Large Caseload 21
2. Disappearing Suspected Falsification Reports 25
iii. Census Bureau Fails to Investigate *35*
iv. IG and EEO Complaints *37*

VIII. DEPARTMENT'S LACK OF COOPERATION WITH CONGRESS **40**

IX. DATA COLLECTION AND QUALITY CONTROL PROCEDURES **41**

A. REGIONAL COMMAND STRUCTURE IN 2010 42
B. STRUCTURAL CHANGES AT THE CENSUS BUREAU 43
C. CPS DATA COLLECTION PROCEDURES 48
D. QUALITY CONTROL MECHANISMS 52
E. SUSPECTED FALSIFICATION PROCEDURES 53
i. Paper-Based Falsification Report *54*
ii. Five-Day Letter *57*
iii. Inconsistent Procedures for Suspected Falsification *59*

X. FUNDAMENTAL FLAWS IN THE SYSTEM **62**

A. PRESSURE TO PERFORM 62
i. Importance of Response Rates *63*
ii. Performance Improvement Plans (PIP) *71*
B. INSUFFICIENT QUALITY CONTROL MEASURES 73
i. Quality Checks Remain in the Chain of Command *74*
ii. No Incentives for Identifying Falsification *76*
iii. Limited Means for Reporting Suspected Falsification *78*
1. Conflict of Interest for Reviewing Employee Conduct 81
C. INSUFFICIENT RECORD-KEEPING 83
i. Data Files *83*
ii. Supervisory Changes and Surrounding Records *86*
D. INADEQUATE EMPLOYEE AND SUPERVISOR TRAINING 89

XI. RECOMMENDATIONS **93**

XII. CONCLUSION **95**

II. Table of Names

Fernando Armstrong
Regional Director, Philadelphia Regional Office

For the past 15 years, Fernando Armstrong has served as the Regional Director for the U.S. Census Bureau's Philadelphia Regional Office. He is responsible for ensuring that the Philadelphia Region has sufficient staff to manage and conduct surveys. Armstrong is responsible for making sure that Philadelphia Region employees receive proper training. Armstrong was the most senior official in the Philadelphia Regional Office at the time when supervisors allegedly instructed employees to falsify data or otherwise not report suspected falsification.

Harold Hayes
Former Assistant Regional Director, Philadelphia Regional Office

As the Assistant Regional Director, Harold Hayes was responsible for overseeing Program Coordinators in the Regional Office. Hayes was one of the officials in the Philadelphia Regional Office who received reports of alleged data falsification. Hayes ordered an internal investigation.

Theodore Roman
Former Assistant Regional Director, Philadelphia Regional Office

Theodore Roman was responsible for overseeing Program Coordinators in the Regional Office. Roman was aware of allegations that a field worker was falsifying responses, and he signed a memorandum that recommended the Inspector General should investigate the matter. The memorandum also recommended removing the field worker in question.

Joal Crosby
Former Program Coordinator, Philadelphia Regional Office

As a Program Coordinator, Joal Crosby reported directly to the Assistant Regional Director. She managed a team of Survey Statisticians and the Senior Field Representatives. Crosby was aware of concerns about data falsification. Crosby sent several "five-day letters" requesting information from the field worker who was suspected of falsifying responses.

Roderick Wiley
Former Program Coordinator, Philadelphia Regional Office

Roderick Wiley submitted an affidavit that described a voicemail in which a Survey Statistician instructed a Senior Field Representative to encourage her team to falsify data. Wiley believed that the voicemail message "implied falsification."

Thomas Almerini
Program Coordinator, Philadelphia Regional Office

Thomas Almerini is a Program Coordinator for the Philadelphia Regional Office of the U.S. Census Bureau, a position he has held January 2008. Almerini was the Program Coordinator responsible for the Current Population Survey from 2008-2012. He managed Survey Statisticians responsible for the CPS, including Timothy Maddaloni. Almerini was allegedly complicit in covering up data falsification.

Timothy Maddaloni
Survey Statistician, Philadelphia Regional Office

Timothy Maddaloni is responsible for managing survey progress and ensuring that the Regional Office receives the highest possible survey response rate. He allegedly contacted a Senior Field Representative and requested that she instruct her team members to falsify data. After the Senior Field Representative refused, Maddaloni then allegedly contacted one of her team members directly and instructed him to falsify responses. Maddaloni has denied these allegations.

Stefani Butler
Senior Field Representative, Census Bureau

Stefani Butler has served as Senior Field Representative for the U.S. Census Bureau for 13 years. Previously, she worked as a Field Supervisor and Field Representative. Butler alleged that Philadelphia Regional Office supervisors encouraged her to falsify data or not report suspected falsification. She alleged Timothy Maddaloni called her in July 2010 and requested that she instruct her team members to falsify data. Butler testified that after she refused Maddaloni's request, he contacted one of her team members directly.

Julius Buckmon
Former Field Representative, Census Bureau

Julius Buckmon was a Field Representative for the U.S. Census Bureau whom Butler supervised in 2010. Maddaloni allegedly called Buckmon in July 2010 and instructed him to falsify his cases. During their phone conversation, Maddaloni reportedly instructed Buckmon to send in his cases as completed interviews even though he did not interview a particular household. According to Buckmon, Maddaloni stated he would "cover it" during the reinterview process. Buckmon received numerous "five-day letters" regarding discrepancies found in his cases. The Census Bureau eventually terminated him for falsifying data.

III. Executive Summary

On November 18, 2013, a *New York Post* story by John Crudele described how a Census Bureau employee falsified responses to a survey that measured the unemployment rate, among other things. Crudele reported that the falsified data may have boosted the unemployment rate in advance of the 2012 presidential election, and that the falsification occurred with the knowledge of senior Census Bureau employees. Crudele wrote:

> In the home stretch of the 2012 presidential campaign, from August to September, the unemployment rate fell sharply — raising eyebrows from Wall Street to Washington. The decline — from 8.1 percent in August to 7.8 percent in September — might not have been all it seemed. The numbers, according to a reliable source, were manipulated. And the Census Bureau, which does the unemployment survey, knew it.[1]

The next day, House Oversight and Government Reform Committee Chairman Darrell Issa, Subcommittee on Federal Workforce, U.S. Postal Service, and the Census Chairman Blake Farenthold, and Joint Economic Committee Chairman Kevin Brady wrote a letter to U.S. Census Bureau Director John Thompson requesting documents and information that would shed light on allegations of data falsification at the Census Bureau.[2] The allegations of deliberate data falsification during the Current Population Survey (CPS) were particularly serious because the U.S. Department of Labor uses CPS data to generate the national unemployment rate, one of the principal measures of the nation's economic health. The integrity of this data is crucial, as both government and the private sector rely heavily on it. The Census Bureau's mission "is to serve as the leading source of quality data about the nation's people and economy."[3] If true, the allegations of data falsification would call into question whether the Census Bureau was fulfilling its mission.

The House Committee on Oversight and Government Reform and the Joint Economic Committee jointly investigated the allegations. The findings in this report are based on the Committees' review of thousands of documents obtained during the course of the joint investigation, as well as witness interviews. Documents and testimony obtained by the Committees did not show a link between the data falsification that occurred in the Philadelphia Regional Office and the national unemployment rate. The documents and testimony did show, however, that the Current Population Survey is vulnerable to data falsification and that the Census Bureau needs to make common sense reforms to protect the integrity of survey data.

The allegations originated from a former CPS interviewer, who claimed that, in 2010, supervisors at the Philadelphia Regional Office encouraged falsification of data with the assurance that the scam would be covered during the quality review process. Senior Field

---

[1] John Crudele, *Census 'faked' 2012 election jobs report,* N.Y. POST, Nov. 18, 2013.
[2] Letter from Hon. Darrell Issa, Chairman, H. Comm. on Oversight & Gov't Reform, Hon. Blake Farenthold, Chairman, H. Subcomm. on Federal Workforce, U.S. Postal Service, & the Census, and Hon. Kevin Brady, Chairman, Joint Economic Committee to Hon. John Thompson, Director, U.S. Census Bureau (Nov. 19, 2013).
[3] U.S. Census Bureau, About Us, What We Do, Mission Statement, https://www.census.gov/aboutus/mission.html (last visited Aug. 27, 2014).

Representative (SFR) Stefani Butler alleged that supervisors tolerated and even encouraged falsification in an effort to reach the monthly 90 percent response rate goal set by the Bureau of Labor Statistics and the Census Bureau's Demographic Surveys Division.[4]

Butler testified that one of her supervisors, Survey Statistician Timothy Maddaloni, asked that she instruct her team members to falsify data by sending in cases as completed, despite the fact that they had not completed the mandatory interview and were, thus, incomplete.[5] When Butler refused to comply, she alleged that Maddaloni then contacted her subordinate Field Representative Julius Buckmon directly to request that he send in his cases as completed.[6] Maddaloni reportedly stated that he would cover the cases during the quality control phase of the survey, known as the reinterview process.[7]

Butler's story underlines the serious structural and systematic deficiencies within the Census Bureau's data collection processes, especially with respect to the Bureau's ability to detect data falsification. The Census Bureau must obtain a statistically significant survey response rate from sample households. The Census Bureau, therefore, expects field representatives (FR) to achieve a high interview completion rate, obtaining responses from a standard percentage of their assigned cases. There is no evidence that the data falsification problems that plagued the Philadelphia Regional Office were widespread; however, the Bureau's record-keeping weaknesses and data collection priorities created a vulnerability, which could be exploited to achieve the monthly response rate goal. Because the survey response rate is tied to employee pay rates, there may be temptation to falsify data.

While the Census Bureau has taken steps to help ensure data quality, deficiencies still exist. The Committees' joint investigation identified a number of weaknesses. Data quality-assurance efforts are fundamentally flawed. Census employees have limited means for reporting suspected falsification. If an interviewer observes irregularities during the course of an interview that raises suspicion of falsification, is the interviewer is expected to report concerns by informal means up the chain of command. The Census Bureau relies on the reinterview process as a key quality assurance mechanism for CPS. Rather than acting as an immediate data quality check, however, the reinterview process serves as more of a deterrent for data falsification. The reinterview process is not independent of the data collection process, and supervisors in the original interviewer's chain of command are mostly responsible for conducting the reinterview. The performance evaluations of these same supervisors also depend, in part, on the response rate on the survey, which can create a conflict of interest.

If a reinterviewer flags a case as suspected falsification, the supervisors are responsible for initiating and conducting an investigation. Investigating suspected falsification is cumbersome, time-consuming, and often thankless. There is limited tracking of the suspected

---

[4] H. Comm. on Oversight & Gov't Reform, Transcribed Interview of Stefani Butler, at 33 (Jan. 16, 2014) [hereinafter Butler Tr.]; H. Comm. on Oversight & Gov't Reform, Transcribed Interview of Fernando Armstrong, at 131 (Jan. 28, 2014) [hereinafter Armstrong Tr.].
[5] Butler Tr. at 33.
[6] *Id.* at 33-34.
[7] U.S. Dep't of Commerce, Office of Civil Rights, *Report of Investigation Equal Employment Opportunity Complaint of Julius Buckmon Complaint No. 10-63-03132*, at 7 (Oct. 7, 2010) [hereinafter *Buckmon EEO Complaint*].

falsification process, and the investigative process, guided by paper-based forms, is dated and inefficient. Supervisors have no incentive to identify falsification, apart from moral principles and expected behavior. The current incentive structure rewards high response rates, which constitute the primary criteria for FR performance standards. Documents obtained by the Committees show that Philadelphia Regional Office supervisors pressured subordinates to obtain more interviews to boost the response rate. The Committees' investigation found heavy emphasis on completing more interviews, often at the expense of data quality.

Each case has multiple data files that record case activity. Some of the records are difficult to read, and interpreting the information is a complicated and time-consuming process. It is impossible to match logged activity with the employee who performed it with certainty. Some records and case notes can also be edited or deleted with no record of the changes made. There is no streamlined data set to easily access a case's history and determine the chain of custody, limiting both transparency and accountability. Demands for higher response rates, limited means for reporting suspected falsification, and insufficient data management records create a disincentive for reporting falsification. The current structure actually discourages Census employees from reporting suspected falsification.

Census data affect Congressional decisions on a broad range of federal programs. As the 2020 decennial census approaches, ensuring the integrity of the data the Census Bureau collects is a major priority. The Committees seek to ensure that the Department of Commerce and the Census Bureau are taking all necessary steps to verify the collection and transmission of accurate information, identify structural and procedural weaknesses, and implement appropriate changes as needed in a timely fashion.

IV. Findings

1. The Bureau's lack of recordkeeping and deficient data collection system fostered an environment in which data falsification could occur.

2. The suspected falsification procedures are inconsistent from region to region and from case to case. The system relies on paper-based forms, making it vulnerable to error and deliberate circumvention.

3. Data quality assurance efforts are fundamentally flawed. Regional offices are responsible for both data collection and quality control, which often have conflicting objectives.

4. Philadelphia Regional Office supervisors regularly emphasized the importance of obtaining survey response rates, with little to no mention of data integrity. Employees experienced significant pressure to achieve and improve their response rates by any means possible. Pressure to meet these requirements stemmed from both the Regional Office and Census National Headquarters.

5. The current mechanisms for data quality control are insufficient and could serve to discourage individuals from identifying and reporting suspected falsification.

6. The primary data quality assurance check—reinterview—remains in the original interviewer's chain of command, effectively diminishing the objectivity of the process.

7. There are no clear guidelines available to all Census employees for straightforward reporting of suspected falsification.

8. There is no single master record of a case. The case-tracking systems make it difficult—sometimes impossible—to determine the full history and corresponding chain of custody of a particular case.

V. Recommendations

1. The Census Bureau must establish clear procedures for Field Representatives to report potential falsification.

2. The reinterview process should occur independent of the chain of command.

3. The Census Bureau must rapidly improve its case tracking systems.

4. The Field Representative Data Falsification Followup and Quality Assurance Form (Form 11-163), a document the Survey Statistician Office uses to investigate the suspected instance and record pertinent information, must become electronic.

5. Both the Census Bureau and the Department of Commerce need to improve their responsiveness to Congressional oversight.

VI. Background

The U.S. Census Bureau is responsible for a number of household surveys—most notably the Population and Housing Census, known as the "Decennial Census."[8] The Decennial Census is a constitutionally required population survey conducted every ten years.[9] While this happens only once per decade, the Census Bureau continually collects data on U.S. social and economic conditions through a variety of ongoing business and household surveys.[10]

The Current Population Survey (CPS) is a data collection survey conducted monthly throughout the United States.[11] As part of the survey, randomly selected addresses are placed in the sample for four consecutive months, left out for eight consecutive months, then returned for a further four months, for a total of eight months in the sample.[12] The Census Bureau facilitates the data collection process, and the Bureau of Labor Statistics interprets the data to generate U.S. labor force statistics, including the national unemployment rate.[13] Approximately 2,200 Census Bureau employees are responsible for interviewing the 60,000 sample households selected for the survey.[14]

The interviewers—primarily Census Bureau Field Representatives (FRs)—visit sample households, ask respondents a standard set of questions, and transmit the answers via government-issued laptops.[15] This form of interview is called Computer Assisted Personal Interviews (CAPI), and the data collected through a completed interview is then transmitted using the CAPI software to an aggregate database.[16] The Census Bureau conducts a portion of CPS surveys by phone, either by FRs in the field, or by interviewers located at various call centers, which are known as Computer Assisted Telephone Interviews (CATI).[17] All first and fifth month interviews are conducted in person, while approximately 85% of second-fourth and sixth-eighth month interviews are conducted by phone.[18]

---

[8] U.S. Census Bureau, *Decennial Census*, *available at* https://www.census.gov/history/www/programs/demographic/decennial_census.html (last visited June 9, 2014).
[9] *Id.*
[10] U.S. Census Bureau, *Surveys*, *available at* http://www.census.gov/aboutus/surveys.html (last visited June 9, 2014).
[11] U.S. Census Bureau, *Current Population Survey (CPS), available at* https://www.census.gov/cps/ (last visited June 9, 2014) [hereinafter *Current Population Survey*].
[12] U.S. Census Bureau, *Current Population Survey (CPS), Methodology*, *available at* http://www.census.gov/cps/methodology (last visited June 10, 2014) [hereinafter *CPS Methodology*].
[13] *Id.*
[14] U.S. Dep't of Labor, Bureau of Labor Statistics, *Labor Force Statistics from the Current Population Survey*, *available at* http://www.bls.gov/cps/cps_htgm.htm (last visited June 9, 2014) [hereinafter *Labor Force Statistics*].
[15] *CPS Methodology*, *supra* note 5.
[16] *Id.*
[17] *Id.*
[18] *Id.*

a. Important Implications of Survey Data

Census Bureau data plays an important role in the federal government. Indeed, federal departments and agencies trusted this data as a reliable source of statistical information.[19] Census Bureau data is used to distribute more than $400 billion in federal funds to local, state, and tribal governments each year.[20] The implications of unreliable data are serious and far-reaching. Governments use the data collected through the Census Bureau's surveys to make important decisions.[21] The U.S. Department of Labor uses the CPS to generate national and regional unemployment rates. The U.S. Congress uses the CPS to make crucial policy decisions. And the private sector uses the CPS to formulate business strategy.

The Census Bureau recognizes that CPS is "the primary source of labor force statistics for the population of the United States."[22] For this reason, the Census Bureau's data collection procedures are of paramount importance. Regarding CPS data collection, the Bureau for Labor Statistics states: "All interviews must follow the same procedures to obtain comparable results. Because of the crucial role interviewers have in the household survey, a great amount of time and effort is spent maintaining the quality of their work."[23] The Committee—in response to the allegations of falsification—investigated the specific allegations, as well as whether the Census Bureau's data collection and quality control procedures are vulnerable to data falsification.

b. Article Claims Widespread Falsification

The Committee began its inquiry into the U.S. Census Bureau following a November 2013 *New York Post* story, which included allegations from at least two sources claiming employment data collected by the Census Bureau was fabricated in the Philadelphia Regional Office.[24] According to the story, the fabricated data was "collected" by Census Bureau employees working on the CPS at the Philadelphia Regional Office.[25]

Upon learning of these serious allegations, the Committees sent a letter to Census Bureau Director John H. Thompson requesting documents and information to aid the Committees' understanding.[26] The Committee conducted several transcribed interviews of both current and former Census Bureau employees well-positioned to shed light on the operations and processes at the Philadelphia Regional Office and on the facts and circumstances surrounding the allegations of data falsification.

---

[19] *Current Population Survey*, *supra* note 11.
[20] U.S. Census Bureau, *American Community Survey, Design and Methodology, Forward* (Jan. 30, 2014), *available at* http://www.census.gov/acs/www/Downloads/survey_methodology/acs_design_methodology_forward_2014.pdf (last visited June 9, 2014).
[21] *Current Population Survey*, *supra* note 11.
[22] *Id.*
[23] *Labor Force Statistics*, *supra* note 14.
[24] John Crudele, *Census 'Faked' 2012 Election Jobs Report*, NY POST, Nov. 18, 2013, *available at* http://nypost.com/2013/11/18/census-faked-2012-election-jobs-report/ (last visited June 9, 2014).
[25] *Id.*
[26] Letter from Darrell E. Issa, Chairman, H. Comm. on Oversight & Gov't Reform, et. al., to John H. Thompson, Dir., U.S. Census Bureau (Nov. 19, 2013).

c. Investigation and Report

The Committees worked diligently to obtain all available information. Committee staff reviewed thousands of pages of documents, many of which informed the findings of this report. The Committees conducted the investigation with full cooperation from the Inspector General's office, which provided a host of useful and necessary information. Committee staff was privy to all IG records, as well as thorough briefings from IG officials.

This investigation faced a series of unnecessary hurdles that damaged the extent to which the Committees could investigate this matter. The foremost challenge was lack of cooperation from Department of Commerce officials. The Department's obstruction made it difficult for the Committee to prove—or disprove—the allegations of widespread falsification and had significant impact on the length of the investigation. Additional factors prevented the Committees from obtaining all information necessary to determine the plausibility of the allegations, including lack of cooperation from one of the primary witnesses and insufficient record-keeping on the part of the Census Bureau.

This report begins with a discussion of the specific allegations and the Committees' investigation into the allegations. Then there is a brief explanation of the Department of Commerce's persistent efforts to hamper the Committees' investigation. The subsequent sections examine structural and systematic deficiencies that would allow such allegations to have taken place and gone undetected. The section regarding data collection and quality control procedures includes detailed descriptions of the Census Bureau's structures and processes. The explanations found in the latter portion of this report might afford the reader a better understanding of both the allegations and underlying problems at the Census Bureau.

VII. Allegations of Supervisors Encouraging Data Falsification

FINDING:	**The Bureau's lack of record-keeping and deficient data collection system fostered an environment in which data falsification could occur.**

A former Census Bureau Field Representative and a Senior Field Representative both alleged that their supervisor encouraged—and covered up—data falsification. Julius Buckmon, a former Census Bureau FR, and Stefani Butler, an SFR, alleged that their supervisor, Timothy Maddaloni, encouraged them to falsify data. They all worked in the Philadelphia Regional Office at the time.

After supervisors warned Buckmon that there were irregularities in the survey responses that he filed, Buckmon responded in writing that "I had been told by survey supervisor Timothy Maddaloni to send in cases as completed interviews for that month when I had not interviewed

the household that month. Further he stated that he would cover it,' during the reinterview process."[27] The Census Bureau eventually terminated Buckmon several months later.

The Census Bureau also investigated Butler for suspected data falsification, but ultimately cleared her of wrongdoing. She—like Buckmon—alleged that supervisors encouraged her and the Field Representatives that reported to her to falsify survey responses. Butler testified to the Committee on the record and her allegations were thoroughly vetted. Documents and testimony show that Buckmon did in fact falsify data; however, it remains unclear whether he did so at the behest of Timothy Maddaloni.

Committee staff made repeated attempts to speak to Buckmon on the record; however, Buckmon would only agree to meet Committee staff in an informal setting due to concerns about retaliation. During the informal meeting with Committee investigators, Buckmon stated that he stood by the allegations in his written response, dated September 9, 2010, to the "five-day letter" that warned that there were irregularities in the data he submitted. Buckmon's unwillingness to make a statement on the record made it difficult for the Committees to fully evaluate his claims. The information Buckmon provided in his signed September 10, 2010 letter (and that he later submitted as part of an EEO complaint), however, is in the record and investigators questioned witnesses about the allegations contained therein.

a. Instructed to Falsify

Stefani Butler is currently a Senior Field Representative in the Philadelphia Regional Office. Butler alleged that supervisors in the Regional Office encouraged employees to falsify data or otherwise not to report suspected cases of falsification by Field Representatives.[28] She explained that supervisors encouraged falsification in an effort to reach the monthly 90 percent response rate goal mandated by the Bureau of Labor Statistics and the Census Bureau's Demographic Surveys Division.[29] Butler alleged that supervisors discouraged subordinates from reporting suspected falsification, citing concerns about potentially losing an employee and noting the time involved in hiring and training a replacement.[30]

Butler alleged that one of her supervisors, Survey Statistician Timothy Maddaloni, instructed her to tell her team members to falsify data by sending in their cases as completed even when the surveyed household was non-responsive.[31] After she refused to comply, Butler testified that Maddaloni then contacted Julius Buckmon directly, an FR in the Philadelphia Regional Office who reported to Butler, to instruct him to falsify data.[32]

Butler's account underscores the serious structural and systematic deficiencies in the Census Bureau's data collection processes, especially with respect to the Bureau's ability to

---

[27] Letter from Julius Buckmon, Field Representative, U.S. Census Bureau, to Thomas Almerini, Program Coordinator, U.S. Census Bureau (Sep. 9, 2010).
[28] Butler Tr. at 87-88.
[29] *Id.* at 33; Armstrong Tr. at 131.
[30] Butler Tr. at 87.
[31] *Id.* at 33.
[32] *Id.* at 33-34.

detect potential falsification. Although Butler's allegations pertain to just one of the Census Bureau's regional offices, the system used to collect and process data is uniform across different regions. Butler's allegations regarding the Philadelphia Regional Office, therefore, may be indicative of deficiencies that exist in each regional office. Without reform, data falsification can occur across regional offices without detection because of insufficient record-keeping and a system that relies on the chain-of-command to investigate allegations of falsification.

i. Butler's Allegations

Stefani Butler joined the Bureau in February 1998, and previously held the positions of Field Supervisor and FR.[33] Butler is a veteran federal employee, and she has served in her current role for 13 years.[34] Butler proved to be a credible witness and provided valuable information to the Committees.

As an SFR, she was responsible for supervising approximately ten FRs at any given time.[35] Butler alleged that supervisors in the Philadelphia region encouraged SFRs, FRs, and other Census Bureau employees to falsify data, or at the very least, to omit reporting suspected falsification.[36] She testified:

> Q. Are senior field representatives encouraged to report falsification?
>
> A. It's your job duty, it's in your job description.
>
> Q. And you said that . . . you experienced senior field representatives being discouraged from reporting falsifications?
>
> A. **I was discouraged from reporting falsification. I've known senior field representatives who have been discouraged from reporting it.**
>
> Q. And how were you discouraged?
>
> A. **If I call you and say, I have found someone falsifying, this is what I found, like I said earlier, you would say, I need the person, I can't afford to lose that person, . . . I don't have that area covered. Because it takes about 2 1/2, 3 months to hire somebody and train them for an area. So they would tell you, don't put them in for falsification.** Or, when I was a field rep, I was told before . . . what numbers they needed and how to get them, and they would come and reinterview. This is like standard, it's not in that office.[37]

---

[33] Butler Tr. at 6.
[34] *Id.*
[35] *Id.* at 56.
[36] *Id.* at 87-88.
[37] *Id.* at 87 (emphasis added).

She explained that supervisors were careful not to encourage falsification in writing.[38] When asked whether supervisors communicated instructions to falsify by phone or in conversations, Butler testified: "Conversations. They won't say it in an email, but you'll get the picture in an e-mail. They'll tell you what they needed, how they needed it. **I mean, if you work there, you know what the language means.**"[39]

Butler testified that on July 26, 2010, she received a call from Survey Statistician Timothy Maddaloni, which she interpreted as a request to instruct her team members to falsify data.[40] Butler testified:

> **Tim -- Tim Maddaloni called me and told me he was short on his numbers, and he needed help to get his numbers. And he told me to call my team members and tell all of them to send the cases in as completed and the interviews so he can get his numbers, and he would cover them and re-interview them.**
>
> So I told Tim don't do it. And he told me he had help, that Thom [Almerini] was going to cover him on his end. So I told him, no, I wasn't calling anybody. If you want it done, do it yourself.[41]

Julius Buckmon was an FR whom Butler supervised in 2010, the time period during which the majority of the alleged falsification took place.[42] Butler explained that after she refused Maddaloni's request to instruct her team members to falsify in July 2010, he contacted Buckmon directly.[43] Butler stated:

> [H]e then called Julius, who he had had a relationship with anyway, and he told Julius to do it, because Julius called me back and told me exactly the same thing Tim had told me.

---

[38] *Id.* at 87-88.
[39] *Id.* (emphasis added).
[40] Butler Tr. at 33-36.
[41] *Id.* at 33 (emphasis added).
[42] *Id.* at 28; *See* Memorandum from Joal Crosby, Program Coordinator, U.S. Census Bureau, *May 2010 Consumer Expenditures Diary (CED) Survey Assignment* (July 20, 2010) [hereinafter Memo-July 20, 2010]; Memorandum from Joal Crosby, Program Coordinator, U.S. Census Bureau, *June 2010 Consumer Expenditures Quarterly Survey (CEQ) Assignment* (July 22, 2010) [hereinafter Memo-July 22, 2010]; Memorandum from Joal Crosby, Program Coordinator, U.S. Census Bureau, *Reinterview of June 2010 Consumer Expenditure Diary Survey (CED) Assignment* (Aug. 24, 2010) [hereinafter Memo-Aug. 24, 2010 re: June CED]; Memorandum from Joal Crosby, Program Coordinator, U.S. Census Bureau, *Reinterview of July 2010 Consumer Expenditure Quarterly Survey (CEQ) Assignment* (Aug. 24, 2010) [hereinafter Memo-Aug. 24, 2010 re: July CEQ; Memorandum from Thomas Almerini, Program Coordinator, *Reinterview of August 2010 Current Population Survey (CPS) Work* (Aug. 31, 2010) [hereinafter Memo-Aug. 31, 2010]; Memorandum from Thomas Almerini, Program Coordinator, *Reinterview of August 2010 Consumer Expenditure Quarterly Survey (CEQ) Assignment* (Sept. 29, 2010) [hereinafter Memo-Sept. 29, 2010]; Memorandum from Thomas Almerini, Program Coordinator, U.S. Census Bureau, *Reinterview of January 2011 Current Population Survey (CPS) Work* (Feb. 9, 2011) [hereinafter Memo-Feb. 9, 2011]; Memorandum from Thomas Almerini, Program Coordinator, U.S. Census Bureau, *Reinterview of February 2011 Current Population Survey (CPS) Work* (Mar. 2, 2011) [hereinafter Memo-Mar. 2, 2011].
[43] Butler Tr. at 33-34.

> So I called Tim back and I told Tim that he basically shouldn't do it. And I told Julius not to do it, and Julius did it anyway.[44]

Maddaloni, however, denied he had any kind of personal relationship with Buckmon.[45] He testified that he has never met Buckmon in person and has spoken to him at most three times by phone.[46] Maddaloni testified that as part of the supervisory structure in place in 2010, he spoke directly to SFRs, who would then pass information along to the FRs.[47] He testified:

> [The supervisory structure] started with the regional director was at the top of the list, which was Fernando. We had an assistant regional director, which was Ted Roman at the time. And we had three coordinators, which are my supervisors. And then it was down to the supervisor level, which we ran the surveys.
>
> Below us in the field, which we call senior field representatives, also known as SFRs. And then we had the field representative layer, the FRs, that went door to door. **So, basically, I would speak with the senior field representatives, and they would relay the information to the field representatives.**[48]

Strategies Maddaloni provided to supervisory officials in January 2011 regarding the CPS, however, raise questions about his testimony regarding contact between supervisory officials and FRs.[49] Included in those strategies was "personally calling each individual FR who is lagging behind."[50] Maddaloni wrote:[51]

---

[44] *Id.*
[45] H. Comm. on Oversight & Gov't Reform, Transcribed Interview of Timothy Maddaloni, at 117-118 (Jan. 21, 2014) [hereinafter Maddaloni Tr.].
[46] *Id.*
[47] *Id.* at 7.
[48] *Id.* (emphasis added).
[49] E-mail from Timothy Maddaloni, Survey Statistician, to Theodore Roman, Asst. Regional Dir. (Jan. 20, 2011, 11:41 a.m.).
[50] *Id.*
[51] *Id.*

From: Timothy P Maddaloni
To: Theodore J Roman
Cc: Thomas J Almerini; [redacted]
Subject: CPS Update
Date: 01/20/2011 11:41 AM

"[S]ending copies of cases to other team members as well as phone FRs."

Ted,

Here are a few strategies we are acting on for CPS:
- sending our usual strong S/FRs whose caseloa[illegible] minimal or cases being moved to help in weak areas
- sending copies of cases to other team members as well as phone FRs
- personally calling each individual FR who is lagging behind.....especially important due to possible upcoming weather concerns
- stress the utilization of fast data
- offer OT to those taking on extra work and for the areas that are lagging

"[P]ersonally calling each individual FR who is lagging behind."

We currently have a few FRs who are having laptop/transmission issues that are unable to send their cases in. Automation has been working with them and the problems should be resolved today.

On a brighter note:
- current receipts = 60.47%
- last month = 58.3%
- last august (tobacco) = 59.5%

If you have any questions or concerns please let us know. Tx

Timothy Maddaloni
Supervisory Survey Statistician
U.S. Census Bureau
Philadelphia Regional Office

The uncertainties regarding the level of supervisors' communications with lower level employees represent another example of the Bureau's inadequate record-keeping. Because of the lack of documentation of communications between supervisors and subordinate employees, it is unclear to what extent senior officials such as Maddaloni communicated with FRs such as Buckmon.

The day after Maddaloni allegedly called Butler and Buckmon and told them to assist with falsifying data, he called Butler again.[52] Butler testified that on July 27, 2010, she "received another call from Tim stating that there's still time to do as we discussed yesterday, but he was waiting to hear back from Julius."[53]

On August 31, 2010, Buckmon received a five-day letter from Program Coordinator Thomas Almerini regarding an unrelated case.[54] A five-day letter is sent to a Field

[52] Butler Tr. at 36-37.
[53] *Id.*
[54] Memo-Aug. 31, 2010, *supra* note 46.

Representative when there is an irregularity during the re-interview process, wherein a sample of survey respondents are interviewed a second time for quality control purposes. Employees who receive a five-day letter have the opportunity to respond. In his response to the five-day letter, dated September 9, 2010, Buckmon echoed Butler's earlier allegations that Maddaloni had encouraged him to falsify.[55] Buckmon wrote:

> It is interesting that a legitimate completed interview of a household is being investigated when around July 26, 2010 I had been told by survey supervisor Timothy Maddaloni to send in cases as completed interviews for that month when I had not interviewed the household that month. Further he stated that he would 'cover it,' during the reinterview process.[56]

Maddaloni, however, denied that he or anyone else ever instructed Buckmon to falsify.[57] He testified:

> Q. [T]here's a quote from Julius Buckmon, and it states, "It was a phone conversation -- I forget the exact words -- but it was, 'Go ahead and fabricate it' to make it what it was." Do you see that line?
>
> A. Yes, I do.
>
> Q. Okay. Do you know who said that line to Mr. Buckmon?
>
> A. No. It was not me.
>
> Q. Okay. And you have no indication of anybody instructing Mr. Buckmon to fabricate data at any point?
>
> A. No, not at all.[58]

Butler further alleged that the same week that Maddaloni left her a voicemail instructing her to falsify, he changed the outcome codes on several of the cases she submitted in an effort to increase the office's response rate.[59] Butler testified:

> A. Okay. I had sent in three cases as type A's, and they were all interviews before. And Tim called and asked why I had made those cases type A's now, when they were all interviews previously. And I said because they are type A's, I wasn't able to reach the people. So he said, but that would mean they're

[55] Letter from Julius Buckmon, Field Representative, U.S. Census Bureau, to Thomas Almerini, Program Coordinator, U.S. Census Bureau (Sept. 9, 2010).
[56] *Id.*
[57] Maddaloni Tr. at 105.
[58] *Id.*
[59] Butler Tr. at 93-95.

> going . . . to count against the response rate, because type A's count against the response rate in the interview process.
>
> So the three addresses -- he went over the control numbers with me for the three addresses. And I had submitted them as three type A's. I waited a couple days and called back and had the regional office to check, and he had changed the outcome codes. One, he made a type B, the other he made an interview, and the other he made a type B. And I reported those three cases to OIG.
>
> Q. Okay. But you don't know how he changed it?
>
> A. He went in and restarted the case -- I can tell you the way that it's done.
>
> Q. Yes.
>
> A. You go in, you restart the case, and you do the interview as if you've done the interview.
>
> Q. Okay. So with regard to these three cases, whether the IG or our investigation, would there be a notation in the computer supposedly in which Mr. Maddaloni would show that he actually restarted the case and did the interview himself?
>
> A. Correct. My stuff will be wiped out, and he would then be the person who did it. Because when I got the case back the following month I looked at the notes in the case and his notes said something to the effect of interview complete, respondent said she's sorry she didn't catch Ms. Butler. I doubled back and called the respondent, and they said they had never spoken to him.[60]

Due to the Census Bureau's inadequate recordkeeping practices, the Committees have been unable to confirm Butler's allegations regarding Maddaloni's efforts to increase the office's response rate by changing the outcome codes. An e-mail obtained by the Committees, however, shows that Maddaloni did have a final say on the determinations for Type A cases.[61] In a September 2011 e-mail sent by Maddaloni, he informed numerous agency officials that he planned to review each of the Type A cases.[62] Maddaloni wrote:[63]

---

[60] *Id.*
[61] E-mail from Timothy Maddaloni, Survey Statistician, to Census Bureau Officials (Sept. 30, 2011, 11:39 a.m.).
[62] *Id.*
[63] *Id.*

From: Timothy P Maddaloni/PH/BOC
Date: 09/30/2011 11:39AM
Subject: CPS Results

We closed out at 89.31% which was 2 cases better than last month. We did not meet our 90% goal. We fell about 35 cases short but we are heading in the right direction. We still finished 9th out of 12 regions.

I will be reviewing each of the A's and checking the CHI reports and notes these next few days

Thanks again for your efforts they are and always will be appreciated.

Start the countdown now.....only 16 more days till CPS week!

"I will be reviewing each of the A's."

Although Maddaloni's e-mail does not confirm Butler's allegations, it shows that it was possible for Maddaloni to change the outcome of cases under the Bureau's current structure.

Almerini testified that when Buckmon claimed in his September 9, 2010, five-day letter response that Maddaloni had encouraged him to falsify, Almerini questioned Maddaloni about it directly.[64] Almerini stated:

> Q. Do you believe that Mr. Maddaloni directed Buckmon and/or Butler to falsify data? Why or why not?
>
> A. No, I asked -- I asked Tim, because we were -- we received a written statement from Mr. Buckmon stating that he was -- that he was directed by Mr. Maddaloni. I went to Mr. Maddaloni and asked him. You know, I said, you know, what's your reaction to this? He says well, no, I didn't do that, I didn't tell him to just send cases in as not completed and make them up -- make them up as interviews. So I said put that in writing and then send that to, you know, myself and also to my supervisors.
>
> Q. And do you trust Mr. Maddaloni?
>
> A. Yes.[65]

ii. Implications of a Cover-Up

Before Butler suspected Buckmon of falsification, she noticed that he received a caseload that was substantially larger than that of any other FR.[66] Butler explained that Buckmon's increased caseload was unusual since he received a greater than normal caseload when regional office supervisors first assigned work to FRs, rather than after completing cases.[67] Butler testified that she began to notice discrepancies in Buckmon's work after he received this larger

[64] H. Comm. on Oversight & Gov't Reform, Transcribed Interview of Thomas Almerini, at 201 (Jan. 8, 2014) [hereinafter Almerini Tr.].
[65] *Id.*
[66] Butler Tr. at 72-73.
[67] *Id.* at 73.

caseload.[68] She recommended Buckmon's placement into supplemental reinterview to verify cases he submitted.[69] Butler learned, however, that her supervisors removed Buckmon from supplemental reinterview—increasing Butler's suspicions that certain supervisors in the Philadelphia Regional Office were engaged in a cover-up.[70]

1. Buckmon's Large Caseload

Before Butler began to suspect that Julius Buckmon had engaged in falsification, and prior to his formal disciplinary process, she noticed that her supervisors treated Buckmon differently.[71] As previously discussed, Buckmon consistently received an unusually large caseload, contrary to Butler's recommendations.[72]

Butler explained that at the beginning of each week, she would receive a large batch of survey interviews from the regional office to complete over several days.[73] SFRs like Butler would then make recommendations on how to assign the cases to each of their FRs, and submit the recommendations back to the regional office.[74] In many instances, however, the regional office returned final assignments to her with a higher caseload for Buckmon than what Butler recommended.[75] Butler testified:

> Q. And that final reflected a major increase for Mr. Buckmon?
>
> A. Yes.
>
> * * *
>
> Q. And you couldn't change the final.
>
> A. No. It's final. By then, it's ready to start. You get the final Saturday to start Sunday and of course the office is closed on Saturday.[76]

Maddaloni testified that while the regional office could make changes contrary to the SFRs' recommendations, the SFRs generally knew their areas best, and changes from the regional office were rare.[77] Contrary to Butler's testimony, Maddaloni stated that Butler was at least partially responsible for Buckmon's increased caseload.[78] He testified:

---

[68] *Id.* at 102-03.
[69] *Id.*
[70] *Id.* at 103.
[71] *Id.* at 72-73.
[72] Butler Tr. at 72-73.
[73] *Id.* at 73-74.
[74] *Id.*
[75] *Id.* at 74.
[76] *Id.*
[77] Maddaloni Tr. at 91.
[78] *Id.*

Q. Well, there has been some evidence that has been relayed, or testimony relayed that suggested Mr. Buckmon was assigned on numerous occasions to a larger than usual number of cases for the caseload for the Current Population Survey in any given month.

A. Okay.

Q. And in some instances he received a caseload in certain months that were much larger than any normal field representative should or would have been given.

A. Okay.

Q. Is there any truth to these assertions?

A. Yes. Some months, with terminations or people leaving, workloads were given to people to help pick up the slack because we have to hire new people. So we had some vacancies.

But also, at the same time, his SFR, Stefani, was the one that gave the assignments to each of her field reps. We made the initial assignment in the office as supervisors. We shared our assignments with the senior field representatives. They reviewed the assignments, and they made changes. So if we gave someone, say, 50 cases a month, she could have changed it to give them 75 a month, 80 a month. She had that ability to give more cases to her staff than normal.[79]

* * *

Q. So was Mr. Buckmon given larger caseloads, do you know?

A. At times, yes.

Q. And why was Buckmon given larger caseloads?

A. Because of the assignments that he was completing. He was completing a lot of interviews. Because of vacancies in the area. And because of his senior field representative giving him the extra work.

Q. So Ms. Butler was the one who predominantly assigned him larger caseloads?

[79] *Id.* at 89-90.

A. Yes. She was in the process of it, yes.[80]

Other witnesses interviewed by the Committees did not support Maddaloni's statements alleging that Butler, an SFR, assigned cases to FRs.[81] Fernando Armstrong, the Regional Director for the Philadelphia Regional Office, explained that in 2010, Survey Statisticians—not SFRs—were responsible for assigning cases to a FR.[82] Armstrong testified:

> Q. Who assigns -- in 2010, who would have assigned a case to a field rep? Who was that --
>
> A. It would have been the survey statistician in the office.
>
> Q. **Okay. Not a senior field representative?**
>
> A. **No.**[83]

Armstrong later reiterated that in 2010, as well as today, Survey Statisticians or the Survey Statistician Office are responsible for finalizing case assignments for FRs and SFRs.[84] He testified:

> Q. So before I move on to some other topics, I just wanted to clarify one thing. In 2010, as today, the SS [Survey Statistician] or the SSO [Survey Statistician Office] has the final say on who -- on what cases are assigned to which field representative or SFR.
>
> A. Yes.
>
> Q. Yes. Okay.
>
> A. Yes. It is their responsibility to finalize and to release the assignments to the field staff, yes.
>
> Q. Okay. And the SFRs or the field supervisors may have input, but at the end of the day it's the job of the SSO [Survey Statistician Office] to make sure that the work is allocated fairly and that it's done properly?
>
> A. That it's allocated in a way that it can be done, that it's distributed evenly and that -- for example, just to give you an example. If there is an area that calls for a particular language skill or where there is some, whatever circumstances that requires a particular

[80] *Id.* at 91.
[81] Armstrong Tr. at 23.
[82] *Id.*
[83] *Id.* (emphasis added).
[84] *Id.* at 68.

> person, you know, logically you'll want to give it to that person. So once the assignments are released and they are in production, the [Field Supervisors] have the ability to move work around among their team members.

Q. **But the SFR did not have that ability?**

A. **No, no.**[85]

When Butler noticed discrepancies in Buckmon's work after he received a larger caseload, she did not initially suspect he was falsifying his cases. She recommended his placement into supplemental reinterview to verify some of the cases he submitted.[86] After Butler's supervisors removed Buckmon from supplemental reinterview, Butler became suspicious that her supervisors were covering up Buckmon's falsification.[87] She testified:

> **Joal [Crosby] actually put him into supplemental re interview, but then somebody took him out.** And I talked to Harold [Hayes] about why Julius is not in supplemental re interview, and Joal told me that Thom [Almerini] took Julius out of supplemental re-interview.[88]

Even after Joal Crosby, the former Program Coordinator in the Philadelphia Regional Office submitted a Form 11-163 on four of Buckmon's Consumer Expenditures Quarterly (CEQ) Survey cases,[89] he continued to receive a large caseload.[90] According to the Inspector General, supervisors assigned Buckmon 61 cases in September 2010, despite the fact that supervisors found discrepancies in a number of his cases during prior months and initiated an 11-163 regarding the discrepancies.[91] A chart prepared by the Inspector General details Buckmon's caseload:[92]

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sep.	Oct.	Nov.	Dec.
2010	99	89	95	82	74	82	70	17	61	0	0	24
2011	50	58	65	69	61	56	54	35*				

[85] *Id.* (emphasis added).
[86] Butler Tr. at 103.
[87] *Id.*
[88] *Id.* (emphasis added).
[89] U.S. Census Bureau, *Field Representative Data Falsification Followup and Quality Assurance Form* (Form 11-163) (July 21, 2010).
[90] Dep't of Commerce, Office of Inspector Gen., *Investigative Report: Unsubstantiated Allegations That the Philadelphia Regional Office Manipulated the Unemployment Survey Leading up to the 2012 Presidential Election to Cause a Decrease in the Nat'l Unemployment Rate*, at 46 (May 1, 2014) (No. 14-0073) [hereinafter IG Report].
[91] *Id.*
[92] *Id.*

Although Buckmon's final day of work was August 25, 2011, Maddaloni assigned him cases until right before his termination.[93] The Inspector General found that supervisors assigned Buckmon 35 cases in August 2011.[94] At the beginning of August, Maddaloni wrote to Butler, noting his plans to continue to assign Buckmon cases in August.[95] Maddaloni wrote:[96]

From: Timothy P Maddaloni
To: Stefani Butler
Subject: Buckmon [redacted]
Date: 08/04/2011 05:01 PM

Stefani,

Just a follow-up to the voicemail I left.

After speaking with Ted:
Julius can work CPS this month as his final day is August 25

[redacted] can work this month as long as she meets our goals and is available for us during CPS week. I also need to speak to her over the phone and after that conversation send a letter with our expectations. I left a message with I believe is her mother at [redacted] to call me and said it was urgent. Her cell phone went to voicemail but her mailbox is full.

FYI.....I will be in a teleconference all day tomorrow but will check my email and voicemail periodically.
Tx

Timothy Maddaloni
Supervisory Survey Statistician
U.S. Census Bureau
Philadelphia Regional Office

"Julius can work CPS this month as his final day is August 25."

2. *Disappearing Suspected Falsification Reports*

Although Butler filed several complaints against Buckmon, she testified that the CPS Division of the Census Bureau headquarters office did not follow up on her reports of falsification.[97] She explained that she reported Buckmon's possible falsification in 2010 to several senior regional office officials, Census Bureau headquarters, and the OIG through e-mail and conversations.[98] She testified:

> Q. So now I want to turn to what happened regarding the Julius Buckmon --
>
> A. Okay.

---

[93] E-mail from Timothy Maddaloni, Survey Statistician, to Stefani Butler, Senior Field Rep. (Aug. 4, 2011, 5:01 p.m.) [hereinafter Maddaloni e-mail, Aug. 4, 2011].
[94] IG Report, *supra* note 94, at 46.
[95] Maddaloni e-mail, Aug. 4, 2011, *supra* note 97.
[96] *Id.*
[97] Butler Tr. at 37-38.
[98] *Id.*

Q. -- events. I guess just to start off with, . . . do you know if you were the first person to report him for possible falsification?

A. I would say I was the first.

Q. Okay. . . . To start with, who did you report that to? Do you remember?

A. In 2010, when I --

Q. Yeah.

A. -- reported him? Tim Maddaloni, Thom Almerini, Joal Crosby, Harold Hayes, Fernando Armstrong, Ted Roman and [redacted].[99]

* * *

Q. How did you report it to them?

A. Email and conversations.

Q. So you emailed it to them?

A. Yes. And . . . I reported it to OIG, also. Oh, and headquarters. I contacted headquarters and reported it to them.

Q. How did you contact headquarters?

A. Called.

Q. Called? Who did you call? Office, not necessarily person.

A. CPS, the CPS section of headquarters is where I called.

Q. **Okay. And did you ever hear any follow up. . . .**

A. **No.**[100]

After reporting her concerns, Butler explained that she never heard back from Census Bureau headquarters.[101] According to Butler, she only heard back from the OIG regarding her complaints.[102]

---

[99] *Id.* at 28.
[100] *Id.* at 37-38 (emphasis added).
[101] *Id.* at 38.
[102] *Id.*

Butler testified that after reporting Buckmon's suspected falsification to senior officials in the Philadelphia Regional Office, her supervisors did not follow up on her reports at appropriate intervals.[103] When she submitted a falsification report, Maddaloni would first receive the report, review it, and send it to Thomas Almerini, who would send the report to headquarters.[104] Butler testified:

> So when I did re-interview on Julius' work, I found that he had falsified the cases. First, I always called Julius to talk to him about what I found. And he and I had a conversation about it. I then send the case through the system. Tim receives the case. Tim then is supposed to call me, and we have a conversation about what I found. After that, Tim is supposed to forward it to Thom, and it goes up from there. Then it's supposed to be sent to headquarters, who opens up a case to start the investigation.[105]

Butler stated however, that when she submitted a falsification reports for Buckmon, someone would later delete her case notes, and that Maddaloni did not communicate with her to follow up on the reports.[106] She testified:

> A. **On multiple times when I put Julius in for falsification, that same case that I coded and put in would return to me with all my data deleted, with an "R" next to it, which means it was reassigned or restarted.** It could be either/or. My notes would be wiped out, all the information gone. And that's when I would then call Joal and call Harold and start calling up to say somebody's deleting my work that I've sent in. So that was the process in 2010.
>
> Q. So would it be -- in general, is it a process where something is flagged -- and you're saying that you appropriately flagged --
>
> A. Uh-huh.
>
> Q. -- these cases -- for . . . the individual case to be reassigned to someone else before the flag is dealt with?
>
> A. No. Once I code it and flag it, it goes to Tim.
>
> Q. Okay.

---

[103] Butler Tr. at 30-31.
[104] *Id.* at 30.
[105] *Id.*
[106] *Id.*

A. Once Tim reviews it and has a conversation with me, he's supposed to then send it to Thom, who then -- Thom gets the right to send it to headquarters.

Q. Okay.

A. **The cases stopped when I sent it to Tim. Tim never called me to discuss the cases.** So I started sending e-mails to the office, because there were so many cases that were then found to be falsified.[107]

The Committees could not confirm that Butler's supervisors did not appropriately follow up on her reports of falsification because of the Census Bureau's insufficient record-keeping systems; however, the Committees did confirm that there were 11-163 form issues.[108] On August 30, 2010, Maddaloni filed a Form 11-163 in response to one of Butler's allegations of suspected falsifications by Buckmon:[109]

[107] *Id.* at 30-31 (emphasis added).
[108] U.S. Census Bureau, *Field Representative Data Falsification Followup and Quality Assurance Form* (Form 11-163) (Aug. 30, 2010) [hereinafter Form 11-163, Aug. 30, 2010].
[109] *Id.*

Date Form Began: 8/30/2010

FIELD REPRESENTATIVE DATA FALSIFICATION FOLLOW-UP AND QUALITY ASSURANCE FORM

FOR HEADQUARTERS USE ONLY

Section
Complete this section
ta falsification.

2300

Person filing out this Form 11-163

Name: Timothy Matthews

Title: Supervisory Survey Statistician

Date Began: 8 30 2010

a. Name: Stefani Butler

b. Title: SFR

c. (SFR) area assignment: Q06

Person suspected of data falsification

a. (SFR) name: Julius Buckmon

b. (SFR) area: H17

c. (SFR) date of day date: Month 2 Year 2002

d. Date (S) about which suspected data falsification occurred: Month 8 Year 2010

6. Time period of the occurrence of suspected data falsification

Month | Year | For NRS - Any week: Quarter | Week

CONTINUE WITH ITEM 5 IN NEXT COLUMN

CONTINUE WITH ITEM 7 BELOW

Total number of cases (SFR's assignment) in the period in which suspected data falsification occurred

b. Number of personal visits (SFR's assignment) in which suspected data falsification occurred: Mark 100 only

a. ☐ Select exact number: 1

b. ☐ About 1–10 percent

c. ☐ About 11–20 percent

d. ☐ About 21–30 percent

e. ☐ About 31–40 percent

f. ☐ About 41–50 percent

Enter the control number of cases suspected of data falsification in this assignment. (If more cases to enter, please attach an additional sheet with the appropriate control numbers.)

☐ Suspicion of falsification is based on suspected falsification on another survey. – See instructions on page 10, item 8.

[redacted]

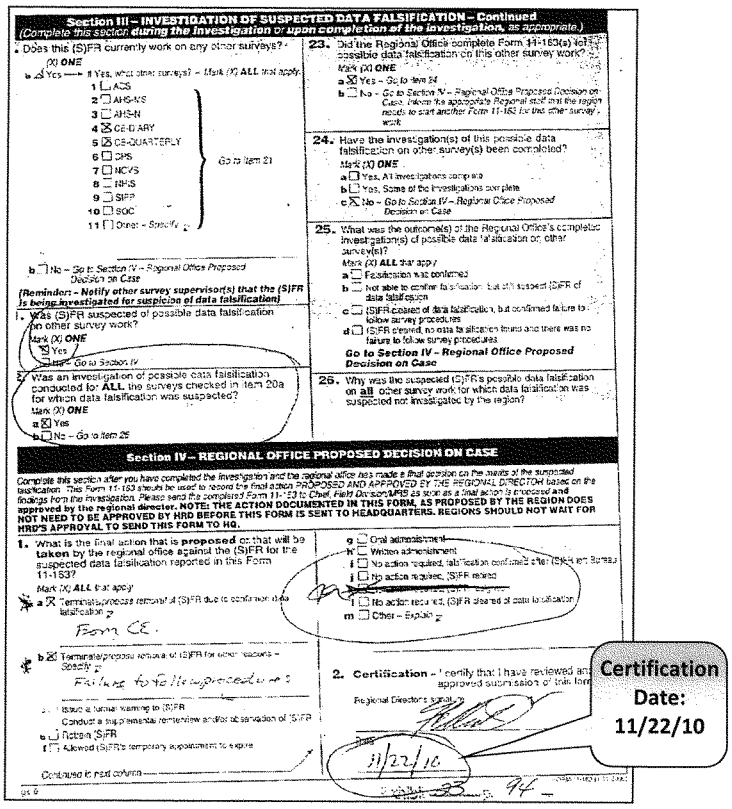
Send a copy of this form to DAQF Field Division HQ immediately after completing it and mailing form to HQ Field Division HQ after completing the investigation and filling out the form.

CENSUS BUREAU

To conclude a Form 11-163 investigation, the Bureau must make a determination on how to proceed with the field representative in question.[110] The Regional Director or an individual representing the Regional Director must sign the form to certify the completion of the case.[111] Philadelphia Office Regional Director Fernando Armstrong signed the Form 11-163 on November 22, 2010—indicating that it took the Bureau nearly three months to finalize the case:[112]

---

[110] Armstrong Tr. at 87.
[111] *Id.*
[112] Form 11-163, Aug. 30, 2010, *supra* note 112, at Section IV.



Section III – INVESTIGATION OF SUSPECTED DATA FALSIFICATION – Continued
(Complete this section during the investigation or upon completion of the investigation, as appropriate.)

1. Does this (S)IFR currently work on any other surveys?
Mark (X) ONE
a ☒ Yes → If Yes, what other surveys? – Mark (X) ALL that apply
1 ☐ ACS
2 ☐ AHS-KS
3 ☐ AHS-N
4 ☒ CE-DIARY
5 ☒ CE-QUARTERLY
6 ☐ CPS
7 ☐ NCVS
8 ☐ NHIS
9 ☐ SIPP
10 ☐ SOC
11 ☐ Other – Specify
Go to Item 2)
b ☐ No – Go to Section IV – Regional Office Proposed Decision on Case
(Reminder - Notify other survey supervisor(s) that the (S)IFR is being investigated for suspicion of data falsification)

2. Was (S)IFR suspected of possible data falsification on other survey work?
Mark (X) ONE
a ☒ Yes
b ☐ No – Go to Section IV

3. Was an investigation of possible data falsification conducted for ALL the surveys checked in Item 20a for which data falsification was suspected?
Mark (X) ONE
a ☒ Yes
b ☐ No – Go to Item 26

23. Did the Regional Office complete Form 11-163(a) for possible data falsification on this other survey work?
Mark (X) ONE
a ☒ Yes – Go to Item 24
b ☐ No – Go to Section IV – Regional Office Proposed Decision on Case. Inform the appropriate Regional staff and the region needs to start another Form 11-163 for this other survey work

24. Have the investigation(s) of this possible data falsification on other survey(s) been completed?
Mark (X) ONE
a ☐ Yes, All investigations complete
b ☐ Yes, Some of the investigations complete
c ☒ No – Go to Section IV – Regional Office Proposed Decision on Case

25. What was the outcome(s) of the Regional Office's completed investigation(s) of possible data falsification on other survey(s)?
Mark (X) ALL that apply
a ☐ Falsification was confirmed
b ☐ Not able to confirm falsification but still suspect (S)IFR of data falsification
c ☐ (S)IFR cleared of data falsification, but confirmed failure to follow survey procedures
d ☐ (S)IFR cleared, no data falsifications found and there was no failure to follow survey procedures
Go to Section IV – Regional Office Proposed Decision on Case

26. Why was the suspected (S)IFR's possible data falsification on all other survey work for which data falsification was suspected not investigated by the region?

Section IV – REGIONAL OFFICE PROPOSED DECISION ON CASE

Complete this section after you have completed the investigation and the regional office has made a final decision on the merits of the suspected falsification. This Form 11-163 should be used to record the final action PROPOSED AND APPROVED BY THE REGIONAL DIRECTOR based on the findings from the investigation. Please send the completed Form 11-163 to Chief, Field Division/MRB as soon as a final action is proposed and approved by the regional director. NOTE: THE ACTION DOCUMENTED IN THIS FORM, AS PROPOSED BY THE REGION DOES NOT NEED TO BE APPROVED BY HRD BEFORE THIS FORM IS SENT TO HEADQUARTERS. REGIONS SHOULD NOT WAIT FOR HRD'S APPROVAL TO SEND THIS FORM TO HQ.

1. What is the final action that is proposed or that will be taken by the regional office against the (S)IFR for the suspected data falsification reported in this Form 11-163?
Mark (X) ALL that apply
a ☒ Terminate/propose removal of (S)IFR due to confirmed data falsification
Form CE.
b ☒ Terminate/propose removal of (S)IFR for other reasons – Specify
Failure to follow procedures
Issue a formal warning to (S)IFR
Conduct a supplemental reinterview and/or observation of (S)IFR
e ☐ Retain (S)IFR
f ☐ Allowed (S)IFR's temporary appointment to expire
g ☐ Oral admonishment
h ☐ Written admonishment
i ☐ No action required, falsification confirmed after (S)IFR left Bureau
j ☐ No action required, (S)IFR retired
k ☐ No action required, (S)IFR cleared of data falsification
m ☐ Other – Explain

2. Certification – I certify that I have reviewed and approved submission of this form
Regional Director's signature
Date 11/22/10

Certification Date: 11/22/10

Although it took the Bureau nearly three months to process the Form 11-163 filed against Buckmon, the extended timeframe to finalize the investigation was atypical.[113] According to Armstrong's testimony, the Census Bureau headquarters office must meet a specified time frame for processing Form 11-163s.[114] Armstrong testified that he estimated headquarters had 30 to 60 days to conclude an investigation.[115]

[113] Armstrong Tr. at 86.
[114] *Id.*
[115] *Id.*

Based on Armstrong's testimony regarding the prescribed timeframe for processing Form 11-163s, Maddaloni's report filed against Buckmon should have concluded much sooner.[116] The Bureau's delay in concluding just one Form 11-163—Maddaloni's form concerning Buckmon—raises significant questions about the Bureau's processing time for claims of suspected falsification generally.

In August 2010, Butler found a discrepancy in a case, which she coded for a discrepancy and then submitted the case for reinterview. When Almerini saw that the case contained a notation that the SFR—Butler—did not receive the assignment, he reassigned the case to her.[117] When Almerini reassigned the case, however, the system deleted all of Butler's notes, and the case no longer contained any indication about the past reinterview notation.[118] When Butler received the second assignment, she told two of her supervisors—former Program Coordinator Joal Crosby and Assistant Regional Director Harold Hayes—that she completed the case again and resubmitted the information.[119] In her e-mail, she also questioned why Buckmon never received a discrepancy letter regarding the Form 11-163 she filed in July 2010.[120] Butler wrote:[121]

>From: CQ06
Date: 28 Aug 2010 23:13:41

Stefani Butler Q06
Attn: Joal Crosby, Coordinator
cc: Harold Hayes, ARD

Re: Julius Buckmon, CPS

Joal,

I am co[redacted]iew on Julius Buckmon (H17). I sent in a case [redacted] as a discrepancy case [outcome code 301]. [redacted]us did not use a laptop, nor did he include [redacted] in the roster [even though she supplied this i[redacted]. The case returned to me with an (R) in the status bar meaning reassigned. I restarted the case and sent the same information again (today).

I do not understand why this case was returned to me with all my notes and outcome codes deleted.

Also for the month of July I [redacted] the respondent stated that [redacted] I never received any [copie[redacted] explain. Julius never received a discrepancy letter from the RO.

Thank you,

Stefani Butler

"I do not understand why this case was returned to me with all my notes and outcome codes deleted."

[116] *Id.*
[117] E-mail from Thomas Almerini, Program Coordinator, to Harold E. Hayes, Asst. Regional Dir. & Timothy Maddaloni, Survey Statistician (Aug. 31, 2010, 3:20 p.m.) [hereinafter Almerini e-mail, Aug. 31, 2010].
[118] E-mail from Stefani Butler, Senior Field Rep., to Joal Crosby, Program Coordinator & Harold Hayes, Asst. Regional Dir. (Aug. 28, 2010, 11:13 p.m.).
[119] *Id.*
[120] *Id.*
[121] *Id.*

Harold Hayes forwarded Butler's e-mail to Thomas Almerini and Timothy Maddaloni, instructing them to research Butler's concerns and inform him about what happened.[122] Hayes wrote:[123]

From: Harold E Hayes/PH/BOC
To: Thomas J Almerini/PH/BOC@BOC, Timothy P Maddaloni/PH/BOC@BOC
Date: 08/31/2010 03:15 PM
Subject: Fw: From CQ06: Reinterview

"Can you research Stefani's concerns on Julius' work and let me know what actually happened?"

Can you research Stefani's concerns on Julius' work and let me know what actually happened?

Harold

In response, Almerini confirmed that he reassigned the case to Butler.[124] Almerini then questioned Maddaloni about the status of the July 2010 Form 11-163 filed regarding one of Buckmon's cases.[125] Almerini wrote:[126]

From: Thomas J Almerini/PH/BOC
To: Harold E Hayes/PH/BOC@BOC
Cc: Timothy P Maddaloni/PH/BOC@BOC
Date: 08/31/2010 03:20 PM
Subject: Re: Fw: From CQ06: Reinterview

I recall the first part of this [redacted]). Last Friday I reassigned any CPS RI work that was showing as "not received" by the SFR in ROSCO. She actually did send in two versions of that case, so we deleted the duplicate.

Tim, was there a case in July that failed RI for Julius?

Thomas J. Almerini
Program Coordinator
U.S. Census Bureau

Almerini's e-mail shows that he was in a position to decide which cases he wanted to forward for further processing. Because there were two cases at this point for one address—after Almerini reassigned the case to Butler—Almerini was able to decide which case he wanted to forward

[122] E-mail from Harold E. Hayes, Asst. Regional Dir., to Thomas Almerini, Program Coordinator & Timothy Maddaloni, Survey Statistician (Aug. 31, 2010, 3:15 p.m.).
[123] *Id.*
[124] Almerini E-mail, Aug. 31, 2010, *supra* note 380.
[125] *Id.*
[126] *Id.*

after Butler completed the two cases.[127] He decided to send the original case instead of the case that Butler resubmitted.[128]

After Hayes contacted Almerini and Maddaloni regarding Butler's concerns, Maddaloni explained that the original case Butler submitted in August 2010 was accepted.[129] After Hayes contacted him, Maddaloni then initiated the investigation in response to the 11-163 Butler filed for that case.[130] Also in his e-mail, Maddaloni also explained that he did not flag the 11-163 Butler filed in July in the system because he was unable to discern Butler's notes accompanying the case.[131] Maddaloni wrote:[132]

From: Timothy P Maddaloni/PH/BOC
To: Thomas J Almerini/PH/BOC@BOC
Cc: Harold E Hayes/PH/BOC@BOC
Date: 08/31/2010 03:29 PM
Subject: Re: Fw: From CQ06: Reinterview

"[T]he 11-163 cover sheet was mailed out today. The 5 day letter will be mailed today as well."

In this months assignment the original case with the notes was accepted and the 11-163 cover sheet was mailed out today. The 5 day letter will be mailed today as well.

The case in July was checked in as a 301 meaning there was a discrepancy but was not flagged b/c in the notes it said that she couldn't confirm or deny that he did the interview with her daughter.

Harold, are you contacting Stefani or should I. Thanks

Timothy Maddaloni
Supervisory Survey Statistician
U.S. Census Bureau
Philadelphia Regional Office

"The case in July . . . was not flagged b/c in the notes it said that she couldn't confirm or deny that he did the interview with her daughter."

Maddaloni's conversations with Almerini and Hayes raise questions because only after Hayes's forwarded of Butler's concerns to Maddaloni did Maddaloni initiated the 11-163 investigation.[133] According to testimony from Fernando Armstrong, time is of the essence when initiating 11-163 investigations.[134] Armstrong explained that the process is "instant" for initiating 11-163s.[135]

---

[127] *Id.*
[128] *Id.*
[129] E-mail from Timothy Maddaloni, Survey Statistician, to Thomas Almerini, Program Coordinator & Harold Hayes, Asst. Regional Dir. (Aug. 31, 2010, 3:29 p.m.) [hereinafter Maddaloni E-mail, Aug. 31, 2010].
[130] *Id.*
[131] *Id.*
[132] *Id.*
[133] *Id.*
[134] Armstrong Tr. at 86.
[135] *Id.*

Armstrong testified that the process needs to take place "**immediately because you don't want to take the risk of forgetting to do it.**"[136]

According to Armstrong's testimony, Maddaloni should have initiated the 11-163 investigation despite Butler's notes.[137] Armstrong explained that if there is a "gray line," meaning that a supervisor is unsure as to whether an employee followed proper procedures or falsification occurred, an 11-163 investigation is needed.[138] Because Butler's notes were unclear as to whether falsification occurred, Maddaloni should have initiated the 11-163 investigation.[139]

Maddaloni's decision to not flag the 11-163 case Butler filed in July 2010 because of her accompanying notes also demonstrates his disincentive to flag the case for further review.[140] His decision not to flag the case meant that it could not negatively impact the Regional Office's completion rates—a goal set at 90 percent.[141] Additionally, Maddaloni's e-mail does not indicate that he sent a five-day letter to Buckmon—sent to an employee when a supervisor finds discrepancies in a case—to ask for an explanation.[142]

From July 2010 to March 2011, Buckmon received eight five-day letters concerning discrepancies found in his cases,[143] while Butler received one five-day letter in June 2010.[144] The Committees' review of documents found that there was significant e-mail traffic concerning the one five-day letter Butler received. Buckmon's eight five-day letters, however, did not generate any e-mail traffic. This noticeable difference in the volume of e-mails surrounding the five-day letters raises questions about whether Buckmon's receipt of a five-day letter was so common an occurrence that supervisors ignored it. It also raises concerns about whether supervisors bothered to investigate the discrepancies found in Buckmon's work product. It is also unclear why Butler's single incident of suspected falsification received such a high level of scrutiny as compared to Buckmon's multiple incidents.

The Committees confirmed that falsification took place, but there is no evidence that the falsification was pervasive or systematic. The Committees did find that the Bureau's lack of record-keeping and deficient data collection system created an opportunity to falsify data. Without proper record-keeping or sufficient systems capable of detecting falsification, employees could organize a falsification scheme to achieve the monthly response rate goal with little concern for detection by management officials.

---

[136] *Id.* (emphasis added).
[137] *Id.* at 105-06.
[138] *Id.*
[139] *Id.*; Maddaloni E-mail, Aug. 31, 2010, *supra* note 133.
[140] Maddaloni E-mail, Aug. 31, 2010, *supra* note 133.
[141] Maddaloni Tr. at 52.
[142] Armstrong Tr. at 108.
[143] *See* Memo-July 20, 2010, *supra* note 46; Memo-July 22, 2010, *supra* note 46; Memo-Aug. 24, 2010 re: June 2010, *supra* note 46; Memo-Aug. 24, 2010 re: July 2010, *supra* note 46; Memo-Aug. 31, 2010, *supra* note 46; Memo-Sept. 29, 2010, *supra* note 46; Memo-Feb. 9, 2011, *supra* note 46; Memo-Mar. 2, 2011, *supra* note 46.
[144] Memorandum from Philadelphia Regional Office Official, U.S. Census Bureau (June 15, 2010).

iii. Census Bureau Fails to Investigate

In August 2010, Buckmon filed two EEO complaints, alleging, in part, that Maddaloni instructed him to falsify data via a telephone conversation.[145] After Buckmon alleged that Maddaloni instructed him to falsify data, the Census Bureau did very little to investigate Buckmon's claim.[146] Although Fernando Armstrong, the Philadelphia Office Regional Director, became aware of Buckmon's claim, he did not initiate a significant investigation.[147] Armstrong testified that after Buckmon alleged Maddaloni instructed him to falsify, he had a meeting with Maddaloni to discuss the claim.[148] Although Armstrong recalled his meeting with Maddaloni, he could not recall the date of the meeting.[149] He went on to explain that he was not aware of any documentation of the content of the meeting.[150]

Armstrong further explained that the meeting involved a conversation with Maddaloni regarding the allegation.[151] Aside from the meeting, however, Armstrong did not recall that the Bureau took any further action internally.[152] Armstrong explained that the Bureau forwarded Buckmon's allegation to the Inspector General.[153] He testified:

> Q. Would there be some record of the contents? Might there have been an email follow-up?
>
> A. Most likely it was a conversation with Maddaloni where he was confronted with the allegation, and typical people that would have been in that meeting would be Maddaloni's supervisor, the coordinator.
>
> Q. Okay.
>
> A. The ARD [Assistant Regional Director].[154]
>
> * * *
>
> Q. Okay. If you were made aware of someone else corroborating or making the same claim, would you have taken the same action? Would it just have been a meeting with Mr. Maddaloni and the supervisors?
>
> A. Actually, I think we took more than that.
>
> Q. Okay.
>
> A. I think the case was referred to the inspector general.[155]

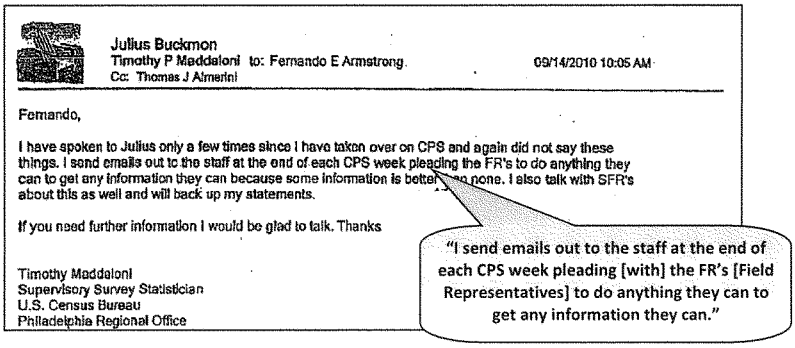
---

[145] Armstrong Tr. at 59.
[146] *Id.* at 71-72.
[147] *Id.*
[148] *Id.* at 71.
[149] *Id.*
[150] Armstrong Tr. at 71-72.
[151] *Id.* at 72.
[152] *Id.* at 72-73.
[153] *Id.* at 73.
[154] *Id.* at 72.

Although Armstrong could not recall the exact chain of events following Buckmon's allegation, he explained that he probably wrote a statement to his boss regarding the allegations, which the General Counsel forwarded to the Inspector General.[156] He testified:

> Q. Okay. Did you write a letter to contact the inspector general? Was it an informal --
>
> A. Time has been -- [it was] a couple of years back.
>
> Q. Yes.
>
> A. I suspect I wrote something to my boss, and it was forwarded to, through the general counsel, [the] inspector general.[157]

Buckmon's October 2010 EEO complaint contained an e-mail message Maddaloni sent to Armstrong on September 14, 2010 denying that he directed Buckmon to falsify data.[158] In his message, Maddaloni acknowledged that he sent weekly e-mails to FRs directing them to collect as much data as possible.[159] Maddaloni wrote:[160]



Julius Buckmon
Timothy P Maddaloni to: Fernando E Armstrong. 09/14/2010 10:05 AM
Cc: Thomas J Almerini

Fernando,

I have spoken to Julius only a few times since I have taken over on CPS and again did not say these things. I send emails out to the staff at the end of each CPS week pleading the FR's to do anything they can to get any information they can because some information is better than none. I also talk with SFR's about this as well and will back up my statements.

If you need further information I would be glad to talk. Thanks

Timothy Maddaloni
Supervisory Survey Statistician
U.S. Census Bureau
Philadelphia Regional Office

"I send emails out to the staff at the end of each CPS week pleading [with] the FR's [Field Representatives] to do anything they can to get any information they can."

Despite Buckmon's allegations against Maddaloni, the Bureau took few steps to investigate the claims.[161] Although Armstrong explained that Maddaloni met with his supervisors following the allegations, details of subsequent events remain unclear due to the Bureau's failure to keep an adequate records documenting of its actions.[162] When the Bureau

---

[155] Armstrong Tr. at 73.
[156] *Id.*
[157] *Id.*
[158] E-mail from Timothy Maddaloni, Survey Statistician, to Fernando Armstrong, Regional Dir. (Sept. 14, 2010, 10:05 a.m.).
[159] *Id.*
[160] *Id.*
[161] Armstrong Tr. at 71-73.
[162] *Id.* at 72-73.

learned of Buckmon's claims, Philadelphia Regional Office officials had the opportunity to launch a significant investigation to ensure supervisors were not instructing field representatives to falsify data. They instead opted for a muted response to Buckmon's allegations.[163]

iv. IG and EEO Complaints

On October 7, 2010, Buckmon filed an EEO complaint alleging that Maddaloni instructed him to falsify survey data.[164] Buckmon alleged that Maddaloni initially called Butler and asked her to instruct Buckmon to submit certain cases as completed, even though the interviews were incomplete.[165] Butler refused to instruct Buckmon to falsify his cases.[166] Buckmon alleged that Maddaloni then called him to instruct him to send in the incomplete cases.[167] Buckmon explained that Maddaloni said during the phone conversation that "he would take care of it during reinterview."[168]

As part of Buckmon's claim regarding Maddaloni's instruction to falsify, Roderick Wiley, a former Program Coordinator for the Philadelphia Regional Office, provided his account of the alleged incident through an affidavit.[169] Wiley stated that Butler approached him and asked him to listen to a voicemail message.[170] When he listened to the message, Wiley believed the voice belonged to Maddaloni.[171] Wiley stated in his affidavit that he thought the message "implied falsification."[172] Wiley stated:

> In late summer of 2010, Stefani Butler, Senior Field Representative, Philadelphia Regional Office, approached me and asked me to listen to a voicemail message that she had received. I am not sure if the Complainant [Buckmon] was mentioned in the voicemail message that I listened to; however I believe the voice on the message was the voice of Timothy Maddaloni. **I do not recall his exact words and my interpretation of what I heard is Mr. Maddaloni was asking that if he (the Complainant) had cases where he had got interviews the previous month, that he (Mr. Maddaloni) would need the cases to be interviews for the current month. In my opinion, that implied falsification.**[173]

Neither the Committees, nor the other investigative bodies, listened to the voicemail message because there is no remaining copy of this message. Nevertheless, Wiley testified that he stands by his original statements in the affidavit.[174]

---

[163] *Id.*
[164] *Buckmon EEO Complaint*, *supra* note 5, at 7.
[165] *Id.*
[166] *Id.*
[167] *Id.*
[168] *Id.*
[169] *Id.* at Exhibit 11.
[170] *Buckmon EEO Complaint*, *supra* note 7, at Exhibit 11.
[171] *Id.*
[172] *Id.*
[173] *Id.* (emphasis added).
[174] H. Comm. on Oversight & Gov't Reform, Transcribed Interview of Roderick Wiley, at 42 (Mar. 6, 2014).

Buckmon's complaint also included a claim that while he was on sick leave from August 9-23, 2010, Butler called him and told him that Maddaloni wanted him to come into work on August 22, 2010—before his doctor cleared him to return to work.[175] Buckmon's August 2010 leave records include the approved sick leave.[176] Contrary to Buckmon's claim, Butler denied that Maddaloni instructed her to call Buckmon and ask him to return to work.[177] Butler instead explained that Buckmon called her and said he wanted to return to work.[178]

Buckmon's EEO complaint contains handwritten notes spread throughout the document.[179] An affidavit from Thomas Almerini included with the complaint, contains a handwritten note pointing to Almerini's name.[180] The note states: "engaged in a cover-up."[181] Additionally, an affidavit from Timothy Maddaloni, also included in the complaint, contains a handwritten note pointing to Maddaloni's name, which states: "Instructed staff to falsify data and personally falsified data."[182]

Although the Committees could not verify the source of these notes, they raise questions about the Department of Commerce's findings in Buckmon's EEO complaint. If the handwritten notes are indicative of the Department's findings, it raises questions about what next steps the Department must take in the administrative process if allegations, such as those involved in Buckmon's complaint, are true. Further, if the notes represent findings in the case, they raise questions about what findings are necessary before the Department will take action.

After the Department of Commerce completed its investigation into Buckmon's October 2010 EEO complaint, the Department's Office of Civil Rights prepared a report of investigation.[183] The report did not include any findings.[184] After the Department's investigation was over, Buckmon requested a hearing before an EEO administrative law judge.[185] Buckmon later withdrew his EEO complaint during the hearing before the judge made a decision.[186]

The OIG conducted two separate investigations into the matter concerning alleged falsification in the Philadelphia Regional Office. In December 2010, the OIG received a complaint from the Census Bureau's Employee Relations Branch concerning Butler's allegations about Maddaloni and her reports of Buckmon's falsification.[187] Butler alleged that supervisors prevented her falsification reports for Buckmon from reaching the Employee Relations

---

[175] *Buckmon EEO Complaint*, *supra* note 7.
[176] *Id.* at Exhibit 30.
[177] *Id.* at 9.
[178] *Id.*
[179] *Id.* at Exhibit 12, 14.
[180] *Id.* at Exhibit 14.
[181] *Id.*
[182] *Buckmon EEO Complaint*, *supra* note 7, at Exhibit 12.
[183] IG Report, *supra* note 94, at 25.
[184] *Id.*
[185] *Id.*
[186] *Id.*
[187] E-mail from OIG Hotline to Census Bureau Official (Dec. 7, 2010, 1:54 p.m.); Office of Inspector Gen., U.S. Dep't of Commerce, *Rep. of Investigation, File No. PPC-SP-11-0135-P*, at 1 (June 2, 2011) [hereinafter OIG Report, June 2, 2011].

Branch.[188] In its report of investigation, the OIG stated that Maddaloni denied allegations that he instructed employees to falsify, noting that it was "impossible" for him to change Butler's non-interview cases in the system to interviews.[189] Additionally, the OIG noted that Almerini denied Butler's allegations regarding her falsification reports for Buckmon, and that he provided the reports to the Employee Relations Branch.[190] The Employee Relations Branch confirmed that it was pursuing the claims against Buckmon.[191] During its investigation the OIG interviewed key figures, obtaining statements confirming and denying the allegations.[192] The OIG provided its report of investigation with a summary of the interviews to the Bureau in June 2011.[193]

After the release of its report, the OIG contacted the Bureau and asked whether officials took any administrative action as a result of the report.[194] The Bureau informed the OIG that it did not take related administrative action against Maddaloni.[195] The Bureau stated that action taken against Buckmon was unrelated to the OIG's investigation.[196]

In October 2013, the OIG received a complaint through its online hotline alleging that the Philadelphia Regional Office falsified data on the American Housing Survey and the CPS.[197] The OIG received allegations that supervisors in the Philadelphia Regional Office directed employees to falsify data for the CPS.[198] The OIG also investigated allegations included in a November 18, 2013 news report regarding falsification of CPS data prior to the 2012 presidential election.[199] The OIG did not find evidence to support the allegation that management instructed staff to falsify data.[200] Additionally, the OIG did not substantiate the allegations included in the November 2013 media report.[201]

Although the OIG could not find evidence to support the allegations, the OIG reviewed the Bureau's procedures for handling data falsification issues.[202] The OIG recommended that the Bureau implement a separate system to examine cases for potential falsification.[203] The OIG also found that the Bureau's training materials and procedural manuals are insufficient and outdated.[204] The OIG report recommended that the Bureau update its materials and manuals to include additional information about how to handle potential data falsification matters.[205] Additionally, the OIG included in its report a recommendation that the Bureau should not allow

---

[188] OIG Report, June 2, 2011, *supra* note 191, at 1.
[189] *Id.* at 2.
[190] *Id.*
[191] *Id.*
[192] *Id.*
[193] *Id.*
[194] E-mail from OIG Official to Census Bureau Official (Sept. 22, 2011, 9:50 a.m.).
[195] E-mail from Census Bureau Official to OIG Official (Sept. 22, 2011, 10:59 a.m.).
[196] *Id.*
[197] IG Report, *supra* note 94, at 1.
[198] *Id.*
[199] *Id.*
[200] *Id.* at 2.
[201] *Id.*
[202] *Id.*
[203] IG Report, *supra* note 168, at 2.
[204] *Id.*
[205] *Id.*

employees suspected of falsification to continue working in a data collection capacity while the Bureau is investigating their work.[206]

VIII. Department's Lack of Cooperation with Congress

The pace of the Committees' investigation was slowed because Commerce Department officials slow-rolled document productions and interfered with witness interviews. The Department's tactics obstructed the Committee from doing its constitutionally mandated oversight, and directly contradicted the commitment Assistant Secretary Margaret Cummisky made to work cooperatively with Congress in a November 27, 2013 letter.

The Census Bureau has its own legislative affairs staff and lawyers, and ordinarily, they handle the Bureau's engagements with Congress. In this case, however, the Commerce Department stepped in and assigned its own staff to manage the congressional investigation. Their posture towards the Committees' investigation was confrontational from the outset. The Commerce Department delayed and interfered with the Committees' investigation in several ways:

Commerce Department officials showed up at a transcribed witness interview and pressured witnesses to meet with them before testifying to the Committees.

Commerce Department officials showed up uninvited to a transcribed interview with a Census Bureau employee and put her in a position where she was forced to risk retaliation if she excluded them from the interview. The Commerce Department officials who ambushed the witness claimed that congressional staff may only speak to witnesses in the presence of Department personnel, and that it is unlawful for congressional staff to speak with Department employees directly. It is concerning that Commerce Department lawyers and legislative affairs staff either knowingly misrepresented the law to gain access to the interview, or that they are unaware that denying or interfering with employees' rights to furnish information directly to Congress is in fact against the law.[207]

The Census Bureau employee eventually consented to their presence in the interview room. That employee—who gave testimony that damaged the Census Bureau's credibility—subsequently reported to Committee investigators that the Census Bureau retaliated in a number of ways, including unwarranted performance improvement plans and other disciplinary actions.

Some witnesses also told Committee investigators that they felt pressure to meet with representatives of the Office of General Counsel prior to meeting with Congress. In at least one

---

[206] *Id.*

[207] 5 U.S.C. § 7211 states:

> The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied.

instance, this pressure continued even after the witness declined to participate in such a meeting on more than one occasion.

The Department repeatedly failed to answer requests for information and documents, and refused to make Census Bureau staff available for transcribed interviews in a timely manner.

After initially declining to provide any documents, Department officials requested a staff-level meeting to discuss the Committees' document request. The Department only produced four pages of documents one week after that meeting. Ultimately, it took the Department one month to make a substantive document production. Only when faced with the possibility of compulsory process did the Department fully comply with the Committees' document requests.

The Department slow-rolled the Committees' request to interview fact witnesses.

The Department initially refused to provide witnesses for transcribed interviews requested in the Committees' November 22, 2013 letter that requested them. As a result of these delay tactics, the first transcribed interview was finally scheduled on December 19, 2013, four weeks after the initial request, and no additional interviews were scheduled until after January 7, 2014.

IX. Data Collection and Quality Control Procedures

Census employees collect survey data in the field. Interviewers are based out of their homes and travel to households in the surrounding area to conduct interviews.[208] Census National Headquarters compiles a representative sample of households and distributes the selected addresses to regional offices, which then make assignments to interviewers.

The Census Bureau sends a letter notifying a particular household that a Census employee will visit the house during the survey collection period.[209] The interviewer visits the household, and after showing identification, describes the survey and how the data will be used.[210] If eligible household member(s) agree to participate, the interviewer collects the data using a government-issued laptop.[211] The interviewer transmits all collected data on a daily basis.[212] The data transmission goes to Census National Headquarters, which collects, combines, and stores the data.[213]

[208] U.S. Census Bureau, *Regional Office Realignment, available at* http://www.census.gov/regions/pdf/RO_realignment_OnePager_FINAL.pdf (last visited June 9, 2014) [hereinafter *Regional Office Realignment*].
[209] Almerini Tr. at 12.
[210] *Id.* at 21.
[211] *Id.*
[212] *Id.*
[213] *Id.*; Briefing by Census Bureau IT Officials, to Committee Staff (Feb. 10, 2014) [hereinafter IT Briefing].

a. Regional Command Structure in 2010

The Census Bureau command structure is divided into regions, and each region has a regional office.[214] Census employees gathering data in the field report to supervisors located in the regional office.[215] Regional offices are responsible for overseeing data collection and quality review conducted within their respective regions. In 2010, the Philadelphia Regional Office was one of 12 regional offices.[216] The Census Bureau has since changed the regional office configuration, as well as the regional command structure, as discussed below.[217]

Under the previous structure, Philadelphia Regional Office management consisted of one Regional Director, one Assistant Regional Director (ARD), and three Program Coordinators.[218] Regional Director Fernando Armstrong headed the Philadelphia Regional Office.[219] One Assistant Regional Director (ARD) reported directly to the Regional Director.[220] There were three Program Coordinators under the ARD, and each Program Coordinator was responsible for their select survey(s).[221] Specifically, the Program Coordinators managed the Survey Statisticians for each of their respective surveys, as well as numerous Senior Field Representatives (SFRs). Like Program Coordinators, Survey Statisticians worked in the Philadelphia Regional Office.[222] Survey Statisticians were responsible for overseeing the data collection of their particular survey(s).[223]

Program Coordinators also managed SFRs, each of whom reported to a particular Program Coordinator.[224] SFRs were based in the field, and not located in the regional office. Survey Statistician Timothy Maddaloni explained the management structure for SFRs. He testified:

> Q. So did all of the senior field reps report to one coordinator?
>
> A. Yeah, it was broken into different States. Certain areas reported to a coordinator. For example, the D.C. and Maryland area were reporting to [Program Coordinator] Joal Crosby. Even though

---

[214] U.S. Census Bureau, *Regional Offices*, *available at* https://www.census.gov/regions/ (last visited June 9, 2014) [hereinafter *Regional Offices*].
[215] Armstrong Tr. at 15.
[216] Gary Locke, Sec'y, U.S. Dep't of Commerce, *Commerce Department's U.S. Census Bureau Announces Management & Structural Reforms That Will Improve Efficiency & Cut Costs*, THE WHITE HOUSE BLOG (June 29, 2011, 2:02 p.m.), http://www.whitehouse.gov/blog/2011/06/29/commerce-department-s-us-census-bureau-announces-management-and-structural-reforms-w (last visited June 9, 2014) [hereinafter Locke, *Census Bureau Announces Reforms*].
[217] *Id.*
[218] Maddaloni Tr. at 7-8.
[219] *Id.*
[220] Armstrong Tr. at 7.
[221] *Id.* at 8.
[222] *Id.* at 8-9.
[223] Maddaloni Tr. at 5.
[224] *Id.* at 10.

> [Program Coordinator] Thom Almerini was the supervisor for the survey, those senior field reps had to report to Joal.[225]

Although the SFRs served as team leaders for FRs, they did not have any direct managerial roles.[226] Nonetheless, SFRs were the FRs' primary point of supervisory contact.[227] The SFR's indirect supervisory role caused some confusion over the chain of command.[228] Philadelphia Regional Director Fernando Armstrong discussed the problems inherent in the 2010 structures. He stated:

> Well, the SFR did not manage all the surveys. The SFR back then would work for all the supervisors, and that was a problem. The FRs didn't work for them. They work for the regional office.[229]

Maddaloni offered a different depiction of an SFR's supervisory authority.[230] Maddaloni testified:

> Q. And [SFR] Stefani Butler conducted those reinterviews.
>
> A. Yes.
>
> Q. And she was what to [FR] Julius?
>
> A. **His senior field representative, his boss.**
>
> Q. On any survey that he worked on?
>
> A. Yes. For any survey, that was who he reported to.[231]

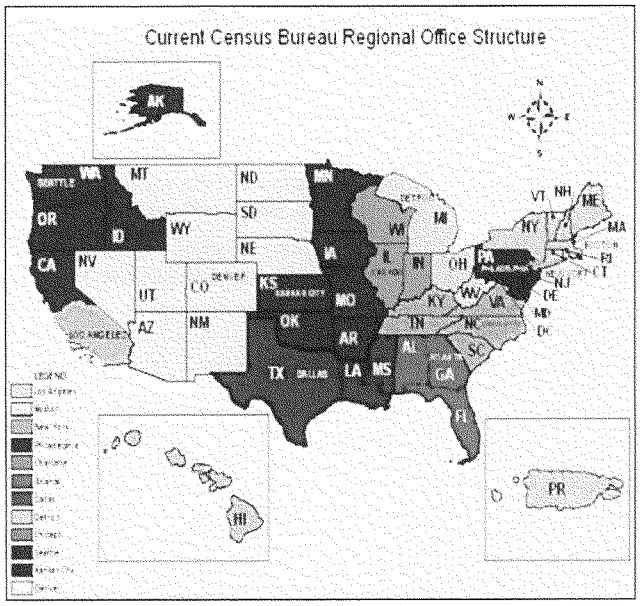
b. Structural Changes at the Census Bureau

The structure of the Philadelphia Regional Office in 2010 differs from its current organization.[232] Prior to the change, in 2010 the regional office structure had been in place for nearly 50 years.[233] From 1961 to 2012, the Census Bureau had 12 regional offices located in

---

[225] *Id.*
[226] Armstrong Tr. at 15.
[227] H. Comm. on Oversight & Gov't Reform, Transcribed Interview of Joal Crosby, at 11 (Jan. 23, 2014) [hereinafter Crosby Tr.].
[228] Armstrong Tr. at 15.
[229] *Id.*
[230] Maddaloni Tr. at 35.
[231] *Id.* (emphasis added).
[232] Locke, *Census Bureau Announces Reforms*, *supra* note 220.
[233] *Regional Office Realignment*, *supra* note 212.

major cities[234] to organize the collection of data for the Decennial Census and other surveys, such as the American Community Survey and the Economic Census.[235] Each regional office had about 600 employees—approximately 50 employees located in the office and the rest in the field.[236] Below is a map of the organizational structure in place in 2010:[237]

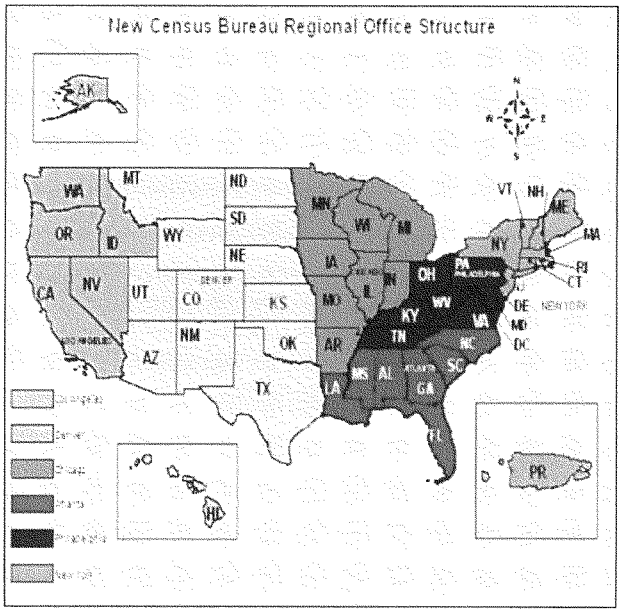


Previous Census Bureau Regional Office Structure

In June 2011, the Census Bureau overhauled the field office structure to cut costs.[238] The realignment took place over an 18-month period, with a January 2013 deadline. The proposed changes were part of a broader effort to improve efficiency.[239] Between July 2011 and January 2013, the Bureau reorganized its regional offices, going from 12 offices to six—located in

[234] These offices were: Boston, MA; New York, NY; Philadelphia, PA; Detroit, MI; Chicago, IL; Kansas City, KS; Seattle, WA; Charlotte, NC; Atlanta, GA; Dallas, TX; Denver, CO; and Los Angeles, CA. *See Regional Offices*, *supra* note 218.
[235] Locke, *Census Bureau Announces Reforms*, *supra* note 220.
[236] *Regional Office Realignment*, *supra* note 212.
[237] Locke, *Census Bureau Announces Reforms*, *supra* note 220.
[238] U.S. Census Bureau, Press Release, *U.S. Census Bureau Announces Field Management Reforms to Reduce Costs & Enhance Data Quality* (June 29, 2011), *available at* http://www.census.gov/newsroom/releases/archives/miscellaneous/realignment.html (last visited June 9, 2014).
[239] *Id.*

Atlanta, Chicago, Denver, Los Angeles, New York, and Philadelphia.[240] The current regional office structure reflects these changes:[241]



Current Census Bureau Regional Structure

Robert Groves, then-Director of the Census Bureau, cited cost and efficiency concerns as the primary motivating factor behind the reorganization. He stated:

> The new design strengthens and unifies the supervision of field representatives and increases the number of supervisory staff working out of their homes. Simultaneously, we are reviewing the technical and administrative organization within the headquarters offices in order to assure that we have both a strong technical skill mix and a cost efficient administrative organization, matching that of the new regional structure.[242]

---

[240] *Regional Offices*, *supra* note 218.
[241] Locke, *Census Bureau Announces Reforms*, *supra* note 220.
[242] Robert Groves, *A Restructuring of Census Bureau Regional Offices*, U.S. CENSUS BUREAU DIRECTOR'S BLOG (June 29, 2011), http://directorsblog.blogs.census.gov/2011/06/29/a-restructuring-of-census-bureau-regional-offices/ (last visited Aug. 28, 2014).

The Census Bureau estimated the reorganization would save $15-18 million, after transition costs, starting in fiscal year 2014.[243] Gary Locke, then-Secretary of Commerce, also cited cost concerns as a motivating factor behind the reorganization.[244] Locke stated:

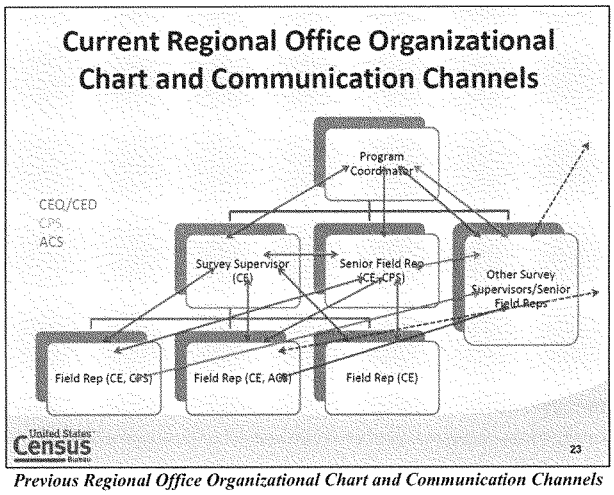
> At the Census Bureau, spending wisely means taking advantage of advances in technology that have allowed survey organizations to provide its field interviewers with better tools and move to a leaner management structure. Increasing virtualization, along with more timely management information, can yield both cost and quality advantages.[245]

According to a Census Bureau presentation,[246] the changes in the number of offices and the management of data collection were linked. The Census Bureau made significant changes to its regional command structure. While there was no change in responsibilities for the roughly 7,600 FRs, there were significant changes in supervisory structure and responsibilities, with more supervisory staff slated to work from home.[247]

Fernando Armstrong, a 36-year veteran of the Census Bureau who currently serves as Regional Director for the Philadelphia Region, discussed changes in the supervisory process at length during his interview with Committee investigators.[248] He noted that the data collection structure in place until 2011—prior to the restructuring—was convoluted and the lines of authority were unclear between surveys. The Census Bureau included the diagram below in a presentation delivered by then-Director Groves.[249]

---

[243] *Regional Office Realignment*, *supra* note 212.
[244] Locke, *Census Bureau Announces Reforms*, *supra* note 220.
[245] *Id.*
[246] U.S. Census Bureau, *Groves Presentation*, *available at* http://www.census.gov/sdc/groves_presentation.pdf (last visited Aug. 28, 2014) [hereinafter *Groves Presentation*].
[247] *Id.*
[248] Armstrong Tr. at 7-14.
[249] *Groves Presentation*, *supra* note 250.



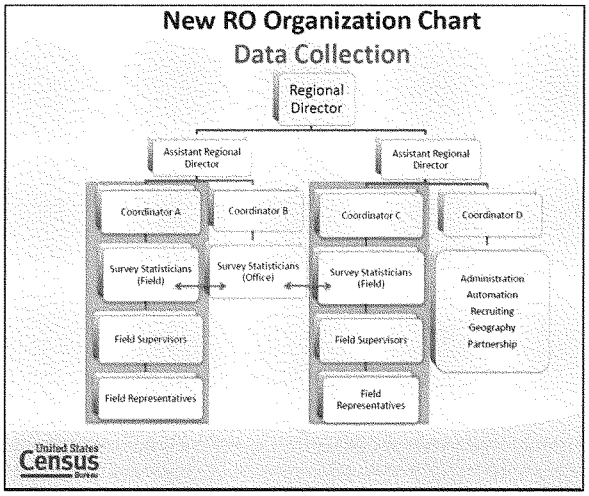
Previous Regional Office Organizational Chart and Communication Channels

The Census Bureau made a number of changes to this command structure as part of the reorganization. The Bureau established a new Field Supervisor position.[250] Armstrong testified that the Field Supervisor position would do work similar to the SFR, but would also have managerial responsibilities, such as payroll authority, over FRs.[251] The SFR position is slated to be phased out by December 2014. In the meantime, SFRs no longer perform any supervisory functions. Armstrong explained the SFRs' responsibilities until the end of 2014. He stated: "So, we have SFRs now that are working like they were before, and they do not supervise. They do reinterview, they do Type A follow up, they take emergency assignments, they do observations, they work for the field supervisor."[252]

The Survey Statistician position was split into two different roles. Survey Statistician Field (SSF) staffers work from home and manage data collection of Field Representatives via Field Supervisors.[253] SSFs are responsible for a geographical area, and they oversee data collection for all surveys in their portion of the region.[254] Survey Statistician Office (SSO) staffers are based in the regional office and are responsible for training but not for day-to-day management of field staffers.[255] SSO staffers are responsible for a single survey, and they distribute case assignments for their respective survey.[256] The Census Bureau's updated Regional Organization chart demonstrates that data collection is streamlined under the new structure.[257]

---

[250] Armstrong Tr. at 9.
[251] *Id.* at 15.
[252] *Id.* at 17.
[253] Almerini Tr. at 17-18.
[254] *Id.*
[255] *Groves Presentation*, *supra* note 250.
[256] Almerini Tr. at 17-18.
[257] *Groves Presentation*, *supra* note 250, at 24.



Current Regional Office Organizational Chart and Communication Channels

c. CPS Data Collection Procedures

The process for CPS data collection involves an "interview week," which typically includes the 19th day of a given month.[258] The questions in the survey pertain to the prior week, which is the reference period.[259] The reference week includes the 12th day of a given month.[260] In the months of November and December, both the interview week and the corresponding reference period occur a week earlier in order to avoid the holidays.[261] Interview week begins on Sunday and typically ends the following Tuesday.[262]

The Census Bureau sends a letter to the household informing them that a Census employee will visit over the course of CPS interview week.[263] Once the regional office receives cases from Census Headquarters, the regional office is responsible for assigning cases to its employees in the field.[264] Survey Statisticians assign cases to FRs and SFRs.[265] Under the

---

[258] U.S. Census Bureau, *Current Population Survey (CPS), Collecting Data, available at* http://www.census.gov/cps/methodology/collecting.html (last visited June 9, 2014) [hereinafter *Collecting Data*].
[259] *Labor Force Statistics*, *supra* note 14.
[260] *Id.*
[261] *Collecting Data*, *supra* note 262; Almerini Tr. at 60.
[262] If the supplemental interview is longer than average, the Interview Week may be extended to Wednesday. *See* Almerini Tr. at 60.
[263] *Id.* at 21.
[264] Armstrong Tr. at 23.
[265] *Id.*

current command structure, SSO staffers make case assignments.[266] Survey Statisticians distribute assignments prior to the start of data collection so that Field Representatives and/or Senior Field Representatives (FR/SFRs) can map out their routes and plan for the upcoming two-week survey period.[267]

Former Philadelphia Regional Office Program Coordinator Joal Crosby, explained the internal process for data collection in 2010.[268] Crosby stated:

> Q. So I guess getting into just more of a generic on any of the surveys, can you walk us through what happens for . . . what are the steps that you start taking to make sure that work will eventually -- cases will eventually get to the field representative? Do you have to do anything? Is that automatic?
>
> A. Well, as a program coordinator, I would have overseen the operation. So I would check with the supervisor to want to make sure that the cases did come in from headquarters, they would come through the database called ROSCO . . . Once the supervisor sees the assignment or the cases, they would then make assignments for the FRs. They are given a date to release the cases. The FR transmits to pick up the cases or the assignment. The SFR would contact them to make sure they received them and reviewed them. And they would be able to start on either the 1st or the 19th, whichever date that survey is supposed to start interviewing.
>
> Q. Okay. So then it would be the survey statistician who is assigning the caseload for both the FRs and the SFRs?
>
> A. Yes.[269]

The SFR or FR accesses the files on a Census-issued laptop, and once the interview period starts, enters survey information using a program called Computer Assisted Personal Interviewing (CAPI).[270] In addition to CAPI, the Census Bureau collects, filters, and manages survey data through several internal systems. The Regional Office manages files in Regional Office Survey Control (ROSCO), while Census Bureau Headquarters manages the full data through the Master Control System (MCS).[271] When an FR or SFR completes the interview, he or she submits the data using CAPI.[272] The data is then sent to the MCS at Headquarters via

---

[266] Almerini Tr. at 18.
[267] *Id.* at 20.
[268] Crosby Tr. at 12-13.
[269] *Id.*
[270] IT Briefing, *supra* note 217.
[271] *Id.*
[272] *Id.*

ROSCO.[273] Program Coordinator Thomas Almerini described what happens after data transmission. He testified:

> Q. [O]nce that data's been transmitted to headquarters, what happens with that?
>
> A. The regional office in our case receives a report. We'll look at the report the next day and say this person had three completed interviews yesterday. Headquarters will get the actual case files with the actual data, and their analysts will then accumulate all the data together and then run it through their system in terms of the actual analysis, compilation of the raw data, and then the actual analysis of the final table of numbers statistics.[274]

At that point, the regional office can only see that the survey was submitted as complete.[275] If an interviewer successfully conducts and submits the interview, it goes to the MCS at Headquarters. If the interviewer submits the case as a non-interview, however, it is automatically directed to a regional office supervisor for review. Non-interview cases fall into one of three categories: Type A, Type B, and Type C. [276] Type B coding represents either vacant households or households where occupants are ineligible for interview, because this address is not their primary place of residence or they are in the armed forces.[277] A Type C is an address that no longer serves as a residence.[278] If an address is classified as Type C, the unit was either demolished or condemned, or has been converted to a business.[279]

Cases in which the interviewer could not obtain an interview for an occupied household—such as when the household refused to participate—are classified as Type A.[280] This classification counts against the overall response rate, both for the interviewer and the region. When the cases are directed to supervisory review, the Survey Statistician or Program Coordinator handling that survey has the option to reassign the case to a more experienced or more senior Census employee to try to obtain the interview. Survey Statistician Timothy Maddaloni explained the process.[281] Maddaloni stated:

> Q. You don't see whether it's a non-interview?
>
> A. If it's a non-interview, a Type B, which is a vacant interview, or a Type C, demolished, we have an option in our system called "Supervisory Review," and that's where we can accept them, send them back out to the field, you know, get them to be redone. But

---

[273] *Id.*
[274] Almerini Tr. at 22.
[275] Maddaloni Tr. at 12.
[276] *Collecting Data*, *supra* note 262.
[277] *Id.*
[278] *Id.*
[279] *Id.*
[280] *Id.*
[281] Maddaloni Tr. at 15.

anytime it's an interview or a partial interview, it automatically gets checked in without our consent.

Q. Okay. And so, if it's a Type B or a Type C --

A. Yes, sir.

Q. -- and -- so when that happens, does that mean that you would have to -- is it a step that's put on you to approve or send it back out, or . . . you can intervene if you want to?

A. It's a step on myself or my other supervisor that we worked with at the time to look at it, review the notes, make sure they did it properly, and then accept it or send it back out to the field.

Q. Okay. But, basically, it stops at your door or your --

A. Yes.

Q. -- partner's door?

A. And the one thing with that is, if it did turn in as a refusal, there's nothing in the system that allows us to change it to an interview. It would have to be sent back out to the field, and someone would have to do the interview for that.

Q. Okay. So let's say it's not a refusal, let's say it's demolished or . . . a non-response, and you had to take a step, how involved is that process? Is that effectively logging out the case? Or is it basically --

A. Basically all it's doing is, you hit the "accept" button and save.

Q. Okay.

A. Basically what we do is, once you see it in there, you review the notes, make sure that they have a name and contact number, just so we can confirm it to make sure that it's legit.

Q. Okay. And by reviewing the notes, I mean, you're opening up the folder --

A. Opening up the actual file . . . and reading whatever the field representative wrote as their notes on that case and why they coded it out that way.

Q. Okay. And so all of those cases will eventually then pass through you, but let's say one you're not sure about. What's the normal process of, okay, I'm not sure if this is a refusal or it's actually demolished? What do you want to do, you know, if you think something's gone on? Can you walk us through that?

A. You normally -- well, we'd review it. Normally we'd talk with the senior field representative . . . and let them know, hey, I'm putting a note and sending it back out, this needs to be recoded or redone, those kind of things.

* * *

A. Also, the only other thing that could happen during this time, if it is closeout and, say, the field representative sends it in, coding it incorrectly, they may have sent it in as Type C demolished but in actuality their notes say that it's a vacant interview, what we'd have to do is change it. We would send it to, you know, our supervisor in the office laptop and use their notes, what they had, and change the code to a Type B vacant. . . . It's still . . . a non-interview, but that's the only time we would change anything.[282]

d. Quality Control Mechanisms

The primary data quality check is the reinterview process.[283] Each month, a random selection of survey interviews is subject to reinterview.[284] Reinterview is the process by which a reinterviewer contacts the household to confirm that the original interviewer conducted the interview and coded the correct interview type.[285] Quality control reinterviews require the reinterviewer only to ask a select number of questions.[286] The reinterviewer has access to basic data and is prompted to confirm this data is correct.[287] Unless, the reinterviewer encounters any errors, the reinterview is composed entirely of questions requiring yes or no answers.[288]

To select the CPS reinterview sample each cycle, Census Headquarters selects FR/SFRs, then picks cases from these FR/SFRs' workloads for reinterview.[289] Every FR/SFR is periodically selected for reinterview, so that each FR/SFR is subject to reinterview at least once a year.[290] The amount of cases selected from each FR/SFR's workload is dependent on the

---

[282] Maddaloni Tr. at 15.
[283] CURRENT POPULATION SURVEY (CPS) CAPI REINTERVIEWER'S MANUAL 1 (2010) [hereinafter CAPI REINTERVIEWER'S MANUAL].
[284] Maddaloni Tr. at 26.
[285] Maddaloni Tr. at 58; CAPI REINTERVIEWER'S MANUAL, *supra* note 287, at 1.
[286] CAPI REINTERVIEWER'S MANUAL, *supra* note 287, at 3.
[287] CURRENT POPULATION SURVEY (CPS) CAPI REINTERVIEW SELF-STUDY 5-2–5-6 (2010) [hereinafter CAPI REINTERVIEW SELF-STUDY].
[288] *Id.*
[289] CAPI REINTERVIEWER'S MANUAL, *supra* note 287, at 3-4.
[290] Almerini at 73.

FR/SFR's CPS tenure.[291] An FR/SFR is not informed when his or her cases are selected for reinterview.[292]

Immediately after case assignments are released to FR/SFRs, headquarters picks a random sample of the FR/SFR's cases for reinterview and distributes the reinterview samples to the regional office for assignment.[293] Regional offices, for the most part, assign reinterview to the direct supervisor of the original interviewer.[294] Reinterview happens on a rolling basis, so once the original interview is submitted, the case then becomes eligible for reinterview.[295] The reinterviewer does not have access to data collected from the initial interview, but does have the basic information reported, such as a roster of the individuals at the location.[296]

A survey supervisor can put an FR/SFR into supplemental reinterview at any point when an issue arises, such as a discrepancy.[297] During supplemental reinterview, the regional office places the request for an FR or SFR to be placed in supplemental reinterview.[298] Headquarters places all of that individual's cases for the upcoming month in reinterview.[299] The regional office, however, is responsible for assigning these reinterview cases.[300] It is then up to the discretion of the regional office to determine how many and which reinterview cases are actually assigned.[301]

A supervisor has two options when placing an FR/SFR into supplemental reinterview.[302] If it is still within the CPS survey timeframe, the supervisor can put the FR/SFR into supplemental reinterview for the current month.[303] The second option is for the supervisor to make a note to put the FR/SFR in supplemental reinterview for the following month.[304] The Committees' investigation has determined that there is no formal documentation comprehensively detailing all of the quality control mechanisms in place.

e. Suspected Falsification Procedures

FINDING:	**The suspected falsification procedures are inconsistent from region to region and from case to case. The system relies on paper-based forms, making it vulnerable to error and deliberate circumvention.**

[291] CAPI REINTERVIEWER'S MANUAL, *supra* note 287, at 5.
[292] CPS 256, CURRENT POPULATION SURVEY OFFICE MANUAL (2010) 10-2 [hereinafter CPS OFFICE MANUAL].
[293] Maddaloni Tr. at 26.
[294] *Id.*
[295] CAPI REINTERVIEWER'S MANUAL, *supra* note 287, at 3.
[296] IT Briefing, *supra* note 217.
[297] CAPI REINTERVIEWER'S MANUAL, *supra* note 287, at 5-6.
[298] IT Briefing, *supra* note 217.
[299] *Id.*
[300] *Id.*
[301] *Id.*
[302] CAPI REINTERVIEWER'S MANUAL, *supra* note 287, at 5-6.
[303] *Id.*
[304] *Id.*

If a reinterviewer suspects falsification, he or she codes the reinterview to indicate suspected falsification and explains discrepancies in the case notes.[305] According to the CPS Reinterviewer's Manual, "If the reinterviewer suspects falsification and needs additional information about the original interview, the RO [Regional Office] can print out a trace file of the case if it is less than 90 days old."[306] Although, according to Program Coordinators Thomas Almerini and Joal Crosby, this process is cumbersome and rare.[307] Maddaloni testified:

> We can print out a— it's called a trace file, once we need to look further into a case. But it's basically, it's kind of coded differently. You can't see the clear data within a case. You can see it answered one or two to a certain thing. So it's kind of, we can see something, but it's a big file. And we normally don't do that.[308]

The CPS Reinterviewer's Manual continues that if the reinterviewer suspects falsification, he or she "should call the program supervisor immediately."[309] It is the program supervisor's responsibility to "notify the regional office management staff as soon as they are alerted to possible falsification."[310] Once the reinterviewer submits the reinterview coded for suspected falsification, it goes to the regional office for supervisory review.[311] At that point, it is the supervisor's responsibility to investigate.[312]

i. Paper-Based Falsification Report

If the supervisor determines that there is suspected falsification, he or she is supposed to flag the interview by initiating a suspected falsification follow-up form.[313] The form, called an 11-163, is the only paper-based component of the data collection and quality control process.[314] Philadelphia Regional Director Fernando Armstrong spoke about the 11-163.[315] The supervisor begins the 11-163 and sends the first portion of the report to Headquarters.[316] Armstrong stated:

> A. The form is supposed—immediately when you discover the possible—the potential falsification through going into sup[ervisory] review and looking at what the reinterviewer sent to you, you take the 11-163, you complete the cover, you peel the cover, you send the cover to headquarters while you keep the rest of the form, and you conduct the investigation using the rest of the form.

---

[305] *Id.* at 18-19.
[306] *Id.* at 5.
[307] *See* Almerini Tr. at 88-89; Crosby Tr. at 20-21.
[308] Maddaloni Tr. at 17.
[309] CAPI REINTERVIEWER'S MANUAL, *supra* note 287, at 15.
[310] *Id.*
[311] *Id.* at 18.
[312] CAPI REINTERVIEW SELF-STUDY, *supra* note 291, at 6-1.
[313] Maddaloni Tr. at 37-38.
[314] Armstrong Tr. at 157.
[315] *Id.*
[316] *Id.* at 88-89.

Q. Okay.

A. But the first flag to headquarters is when you send that cover.[317]

Armstrong explained that 11-163s should be in electronic form because they are the primary indicator to Headquarters.[318] The 11-163 guides the supervisor through the investigation process, which ultimately culminates in the supervisor's recommended response, whether it is disciplinary, constructive, or a non-response.[319]

The process for suspected falsification relies heavily on the supervisor's judgment as to whether discrepancies amount to intentional falsification, starting from the very decision to initiate an investigation and begin the 11-163.[320]

The Survey Statistician had full authority to determine whether a discrepancy amounted to suspected falsification.[321] On December 3, 2010, Survey Statistician Timothy Maddaloni recounted to his supervisor, Almerini, why he chose not to initiate an investigation.[322] Maddaloni wrote:[323]

From: Timothy P Maddaloni
To: Thomas J Almerini
Subject: Re: [redacted]
Date: 12/03/2010 10:28 AM

Thom,

The other person that was in falsification was [redacted]. I pulled the trace file and spoke with Mr Melton about the situation before accepting it. He was knowledgeable about the case and explained that he did speak with her and she told him her information didn't change and asked the work related questions. I told him that I would give him a warning about it and if it happens again I will go through with the process. I clicked on the radio button in rosco that I was not filling out a falsification form and wrote an explanation in the notes section for it. I will put him in supplemental re-interview for Dec. Thanks

Timothy Maddaloni
Supervisory Survey Statistician
U.S. Census Bureau
Philadelphia Regional Office

"I told him that I would give him a warning about it and if it happens again I will go through the process."

Supervisors are expected to act in accordance with the intent of the current procedures, but still have the opportunity to act at will.[324] When asked about the potential for a supervisor to cover up flagged falsification, Former Program Coordinator Joal Crosby testified:

---

[317] *Id.*
[318] *Id.* at 89.
[319] *Id.* at 112-113.
[320] Armstrong Tr. at 100.
[321] E-mail from Timothy Maddaloni, Survey Statistician, to Thomas Almerini, Program Coordinator (Dec. 3, 2010 10:28 a.m.).
[322] *Id.*
[323] *Id.*
[324] Crosby Tr. at 86-87.

Q. Okay. So in this instance, if a survey statistician -- would this be a way that a survey statistician would be able to cover for a reinterview that they didn't want?

I mean, it sounds to me . . . that if a survey statistician could simply close out the record or maybe restart the record to avoid filling out an 11-163, do you say that's at least theoretically possible?

A. It is possible . . . But I would not recommend doing that, because it's not following procedures.[325]

Program Coordinators are responsible for overseeing this reporting and investigation process and making sure the survey statistician is completing the process in a timely manner.[326] Relying on paper-based forms, however, makes it difficult to track and streamline the investigation's progress.[327] Armstrong acknowledged the struggles present with the current procedures. He stated:

Q. With regard to 11-163, how much discretion is there in issuing one? So does a survey statistician have a lot of discretion —you know, sometimes it might appear that it's falsification, but they say actually I—there's good enough notes explaining that this isn't falsification, but we need to work with this person to correct their actions. What type of discretion do they have?

A. They don't have the discretion. I cannot say that they don't take the discretion. They are supposed to follow strictly the process of 11-163 and do it on a timely basis. I have to say that there are some survey statisticians that we have—occasionally we've had to prod them to make sure that they are doing it on time and that they are—they continue to do it on time.[328]

The Form 11-163 process is imperfect: regions are slow in completing them, and Census Headquarters sometimes fails to follow up promptly.[329] Armstrong emphasized how making the 11-163 an electronic form would help remove the discretionary nature of the suspected falsification process.[330] Armstrong pointed to the inherent problems of a paper-based form. He testified:

---

[325] *Id.*
[326] Armstrong Tr., at 93.
[327] *Id.* at 157.
[328] *Id.*, at 109-110.
[329] IT Briefing, *supra* note 217.
[330] Armstrong Tr. at 157-58.

Q. Based on your many years in the Bureau, do you believe that -- would you categorize the quality control efforts as successful?

A. I think yes. I think we -- it have. There's room for improvement. I think that one of the big steps in the improvement would be to automate the 11-163. The initial interview is done on a laptop. The reinterview is done on a laptop. And immediately people know, why do we need to have a paper document to walk through the process of the falsification? If we were to automate the 11-163 at the same time, the Demographic Surveys Branch would get the message, the Office of the General Counsel could get the message, the Office of the Inspector General could get the message.

Q. And it would also create a mechanism to hold your program coordinators more accountable to actually process these?

A. I guess, yes.

Q. I mean, you did say it was one of your concerns?

A. Yeah.

Q. So it would create a system that electronically would at least move the system more efficiently through the process?

A. Correct.[331]

After completing the process guided by the 11-163 form, the supervisor is prompted to choose what the next step will be.[332] A supervisor can choose to propose termination or a number of less severe options, including a formal warning, additional training, observation, and supplemental reinterview.[333]

ii. Five-Day Letter

When a regional office determines that the discrepancy was likely intentional falsification, they issue what is called a five-day letter to the FR/SFR.[334] The five-day letter cites the discrepancies found, and it gives the FR/SFR five days to provide a written response explaining the discrepancies.[335] If the regional office does not receive a response, or if they deem the response insufficient, it will submit a proposal for termination to Headquarters.[336]

---

[331] *Id.*
[332] *Id.* at 112-13.
[333] *Id.*; Form 11-163, Aug. 30, 2010, *supra* note 112.
[334] Maddaloni Tr. at 36.
[335] *Id.*
[336] *Id.*

Regional Director Fernando Armstrong described the process for sending a five-day letter. He stated:

> Q. When is a [five]-day letter issued?
>
> A. The [five]-day letter is issued when there is, as a result of re interview, discrepancies are found. And we want to give the employee the opportunity to respond to the apparent discrepancy.
>
> Q. Would a [five]-day letter go out around the same time that an 11-163 form is issued?
>
> A. Well, the [five]-day letter goes out to the FR. The 11-163, the cover of the 11-163 goes to headquarters. They can happen at the same time. There's no -- usually they happen at the same time, hopefully within the first 2 or 3 days of discovering the discrepancy.
>
> Q. Now, you said the computer system can generate reports. Correct?
>
> A. The computer system tells the survey statistician that the re interviewer found discrepancy and sent a case to sup review, supervisory review, for the survey statistician to be aware that falsification or discrepancies were discovered.[337]

This process is inconsistent, and often left to the discretion of the Survey Statistician. In November 2011, an SFR e-mailed Timothy Maddaloni inquiring whether Maddaloni sent a five-day letter pertaining to falsification found during October reinterview.[338] Maddaloni said he had not had time to send the five-day letter yet and hoped to get around to it the following week.[339]

---

[337] Armstrong Tr. at 108.
[338] E-mail from Timothy Maddaloni, Survey Statistician, to Philadelphia Regional Office Official (Nov. 10, 2011, 5:11 p.m.).
[339] *Id.*

From: Timothy P Maddaloni
To: [redacted]
Subject: Re: Phone call
Date: 11/10/2011 05:11 PM

No the letter hasn't been sent yet. It has been absolute chaos here b/c of the Detroit trip last week and training all week here. I will definitely have the letter out on Monday once I catch my breath.....not fun times.

Tx and have a good weekend

Timothy Maddaloni
Supervisory Survey Statistician
U.S. Census Bureau
Philadelphia Regional Office
Phone: [redacted]
Fax: [redacted]

Procedures for five-day letters can vary.[340] Program Coordinator Thomas Almerini explained that the regional office has 60 days after submitting the 11-163 cover page to Census Headquarters to produce a final report of their findings.[341] According to Almerini, there are no standard procedures guiding the timeline for five-day letters.[342] Almerini described the variance involved in the five-day letter procedure. He testified:

> Q. How soon is a determination made once a five-day letter -- a response is received from the five-day letter?
>
> A. Response? That -- that varies. I've had determinations take several weeks only because of the volume of work that the supervisors are involved in. I've had other situations done within, you know, three to five workdays.
>
> Q. So there's no formal time frame?
>
> A. There's no formal time frame, but we were required to do a final report within 60 days of the day we report the falsification.[343]

iii. Inconsistent Procedures for Suspected Falsification

Procedures for suspected falsification are inconsistent from region to region.[344] In some regions, FR/SFRs suspected of data falsification may continue working on surveys throughout the course of an investigation.[345] In other regions, the suspected FR/SFR may not receive case assignments until the investigation is complete.[346] In a November 2011 e-mail, a Survey

[340] Almerini Tr. at 107-108.
[341] *Id.* at 106.
[342] *Id.* at 108.
[343] *Id.*
[344] IG Report, *supra* note 94, at 49-50.
[345] *Id.*
[346] *Id.*

Statistician at the Philadelphia Regional Office described the inconsistencies in an effort to propose a unified national policy.[347]

To: PHRO SUPS[redacted], PHRO MGMT[redacted]
From: [redacted]
Date: 11/16/2011 10:51AM
Subject: Survey Implementation Items - Input

Hi All,

Below are three scenarios presented to the Survey Implementation Team in order to propose a universal, national policy on these performance related issues. I ask that you please take a look at them and share your thoughts on how to fairly approach them. Please provide any input you may have by COB tomorrow, Thursday, Nov. 17th. Thanks for your help.

[redacted]

1. PIPS -- How they should be applied to FRs..... Applying them in a consistent forma follows the Type A policy in relationship to longitudinal surveys. Specifically what is solution if an FR is placed on a PIP due to low response rate or high Type As, and th those cases are reassigned to another FR to conduct the interviews and attempt salvaging the case. In many regions, the Type A stays with the original FR regardle outcome through the new FR's work. And the FR on the PIP has no way of rectifying improving the outcome. Is there a better uniform way to manage and apply PIPS in surveys. The issue has come about due to a case in which an FR was given a small workload (4 cases) while on a PIP and was still charged with cases they weren't allo to work on (the previous Type As). It wasn't viewed favorably by the judge that the employee didn't have a reasonable chance to get off of the PIP. So how do we hand these types of PIPs? Do we let the FR work the Type A even though it has been confirmed or the respondent tells them not to come back? What do you think? How you do it now?

2. FRs accused of data falsification - when is their current workload removed and reassigned to another FR, or should it be? Various strategies used by each of the regions including immediate pulling of work, after the 5 day letter etc. Need a consistent approach for Data falsification accusations of FRs. So if an FR is accused of data falsification (not yet proven), do we take work away? If so, at what point in time?

3. When do you remove an FR from a particular survey that they have been trained on if there are problems with performance or data quality or if they request it? When do you

"Need a consistent approach for Data falsification accusations of FRs. So if an FR is accused of data falsification (not yet proven), do we take work away? If so, at what point in time?"

Nearly three years later, the Census Bureau has yet to implement a unified policy.[348] There is a dissonance between the regional office and Census Headquarters on how to handle an employee's workload during a suspected falsification investigation.[349] Regional offices continue to determine their own protocols.[350] Thomas Almerini explained the procedure after a case is handed over to Census Headquarters for a determination. He stated:

> Q. Is -- is the regional office's participation over now? Is it now headquarters?

[347] E-mail from Timothy Maddaloni, Survey Statistician, to Philadelphia Regional Office Official (Nov. 16, 2011, 4:57 p.m.).
[348] IG Report, *supra* note 94, at 49-50, 60.
[349] Almerini Tr. at 111.
[350] Armstrong Tr. at 161.

A. No, we still -- we have to wait for them to make a determination. We have to then decide how are we going to handle this. If the -- if we clearly suspect based on several counts of falsification or suspected falsification, the director may even go as far as saying well, this person's data quality is at such a level that I can't in good conscience allow them to continue to work because we're compromising the data for our sponsor, which is our primary obligation, therefore, we're going to pull their work, and we would call the FR and inform them that until this investigation's completed, we're not going to give you any work.

Q. So they would not necessarily get paid during that time frame.

A. That's correct.

Q. Do you consult with attorneys and HR people if that determination is made?

A. We -- well, that's -- that's a bone of contention honestly because the attorneys tend to like us to have people continue to work even if they're suspect of falsification because they want to avoid constructive termination. Our director doesn't agree with that. So we've had egregious situations where we've pulled people from work and didn't get any real push-back from that, but normally, you know, I guess you could say our -- our director's view and the counsel view at headquarters differ.[351]

Not only does the personnel approach vary from region to region, but also from case to case within regions.[352] Most regions determine whether to continue assigning cases during investigation for falsification based on the individual case.[353] Some regional offices allow FR/SFRs to conduct interviews while under investigation for falsification.[354] Maddaloni described the Philadelphia Regional Office's policies on pulling workloads after reaching the conclusion that an employee falsified.[355] Maddaloni testified:

Q. Let me make it simple. If you guys determine that the employee has falsified data, and that you wish him or her to be terminated, what happens to that person's caseload?

A. It stays. Until that letter, or proposal to remove letter, or someone from headquarters, or someone from management says pull their

[351] *Id.*
[352] Maddaloni Tr. at 76.
[353] *Id.*
[354] Maddaloni Tr. at 78.
[355] *Id.*

workload, they get the same assignment on a month to month basis until they are proven guilty.[356]

This approach potentially compromises data integrity. If the FR/SFR continues to receive assignments and is ultimately found to have falsified, the regional office has risked data integrity by allowing the individual to continue submitting interviews. A May 1, 2014 report issued by the Department of Commerce Office of Inspector General also determined the inconsistent policies remain problematic.[357] The report recommended a coherent national policy that prevents FR/SFRs under investigation from continuing to submit cases, citing the heightened potential for inaccurate data.[358]

X. Fundamental Flaws in the System

FINDING:	**Data quality-assurance efforts are fundamentally flawed. Regional offices are responsible for both data collection and quality control, which often have conflicting objectives.**

The process intended to ensure data quality is fraught with a number of inherent flaws. Incentive structures for reviewers discourage the identification of falsification. The falsification investigation still occurs in a cumbersome, paper-based process. And the chain of custody records on interview data is inadequate. As was the case in 2010, the Census Bureau still mostly uses response rates to determine performance ratings.[359] The quality assurance method—reinterviews—remains within the current chain of command. There are few incentives for reporting suspected falsification, and the process for doing so is difficult. The current system's holes could lead to instances in which falsification occurs.

a. Pressure to Perform

Documents and interviews obtained by the Committees show there was, and still remains, significant pressure for Census employees working on the CPS to perform a standard number of interviews.[360] The current incentive structure rewards high response rates and encourages interviewers to obtain survey responses by all means necessary.[361] Maddaloni explained the pressure associated with this structure.[362] Maddaloni testified:

> Q. What would you say is the most important driving factor, in your experience anyway, for FRs in doing their work? Is it getting more hours? Is it --

[356] *Id.*
[357] IG Report, *supra* note 94, at 48-49.
[358] *Id.*
[359] Almerini Tr. at 145-146.
[360] *See e.g.*, E-mail from Timothy Maddaloni, Survey Statistician, to Stefani Butler, Senior Field Rep., et al. (Nov. 23, 2011, 2:54 p.m.) [hereinafter Maddaloni E-mail, Nov. 23, 2011]; Almerini Tr. at 145-146.
[361] Maddaloni E-mail, Nov. 23, 2011, *supra* note 364; Almerini Tr. at 40.
[362] Maddaloni Tr. at 22.

A. Absolutely. You know, the more cases that they have, the more hours they can charge, the more miles they can charge, 100 percent.

Q. And so, do you think this puts some pressure on FRs in terms of response rates?

A. Well, there's always pressure. It's, you know, it's the job. It's you want to do a good job, because, you know, the household respondents aren't as nice as they used to be, so their job is a little bit harder. So there is pressure, absolutely.[363]

Performance standards for interviewers are mainly based on interview completion rates, resulting in significant pressure on interviewers to heighten response rates.[364]

i. Importance of Response Rates

FINDING:	**Philadelphia Regional Office supervisors regularly emphasized the importance of obtaining survey response rates, with little to no mention of data integrity. Employees experienced significant pressure to achieve and improve their response rates by any means possible. Pressure to meet these requirements stemmed from both the Regional Office and Census National Headquarters.**

For many Census employees, response rates are the principal measure of performance.[365] Some surveys require a 90% response rate.[366] A higher response rate statistically improves the data quality.[367] The response rate requirement also adds substantial pressure for interviewers to obtain completed interviews.[368] Program Coordinator Thomas Almerini discussed the response rates and the system's inherent pressure to perform.[369] Almerini stated:

Q. So it would be safe to say that there's a clear kind of pressure for that group of people to find ways to improve their rates.

A. Yes.

Q. . . . [C]an you kind of describe . . . ways in which they might feel the pressure for this? I mean, . . . would they be getting daily conversations from their supervisors?

---

[363] *Id.*
[364] Maddaloni E-mail, Nov. 23, 2011, *supra* note 364; Almerini Tr. at 40.
[365] Maddaloni Tr. at 21-22.
[366] Armstrong Tr. at 133.
[367] *Id.*
[368] Almerini Tr. at 145-146; Maddaloni Tr. at 21-22.
[369] Almerini Tr. at 145-146.

A. They'd be getting regular feedback from either their SFR or . . . their office supervisor. It would be the survey statistician for their surveys. Some of these people had multiple surveys, so they would be talking to two different people in the office and getting feedback about . . . how they're doing with their work.

Q. Okay.

A. But yeah, there would be pressure there because every month they'd get an update basically saying . . . you did well this month, you had . . . 18 out of 20 interviews for 90 percent, which is good, or you . . . only had a 50 percent response rate, which is . . . below the standard we've established for you, so . . . you need to improve or you're in danger of . . . being terminated. So they had . . . warning that their job was on the line.[370]

The pressure is not limited to FR/SFRs collecting interviews.[371] Regional office supervisors also face pressure to accumulate high interview response.[372] Supervisors are evaluated on different standards than their subordinates, but the collective response rates under their supervision serve as indicators of their management ability.[373] While response rates are not the sole measurement of a supervisor's performance, response rates are part of evaluation standards.[374] Almerini testified:

Q. Okay. Is there any kind of incentive program for, just starting with the 2010 time period, for . . . the survey statistician to have better response rates for the –

A. Again, their overall success factors into their rating, but there's nothing structured.[375]

* * *

If it's apparent that there's a lack of effort or failure to plan, failure to staff, if . . . there are actually circumstances that are in the sense caused by maybe the lack of leadership or support or initiative on the part of the supervisor, we look at that also in terms of their rating. I would say that the success of the survey will play a part in the rating obviously. If someone is very successful, . . . their survey is well staffed and running well and the response rates are

[370] *Id.*
[371] *See id.*
[372] Almerini Tr. at 26-27.
[373] *See id.*; Maddaloni Tr. at 22-23.
[374] *Id.*
[375] Almerini Tr. at 26.

> always good and the costs are within -- you know, below the national average, chances are they're going to get at least a . . . level 3 rating or better based on their . . . overall initiative.
>
> Q. So then that would be true of the program coordinators as well?
>
> A. That would also be true of the program coordinators because we're part of the management of the surveys.[376]
>
> Q. And then I assume going forward to today, would that be true of the SSFs and the SSOs?
>
> A. Yeah.[377]

The pressure placed on regional supervisors remains under the current structure, and according to Almerini, dividing the Supervisor Statistician position did not alleviate the pressure.[378] Both the SSF and the SSO now feel pressure for high survey data collection rates.[379]

Supervisors are responsible for keeping survey staff from falling behind on their survey responses.[380] Throughout the week, supervisors send e-mails and make phone calls encouraging interviewers to find a way to obtain survey responses.[381] Documents show this pressure was a regular part of communications from supervisors at the Philadelphia Regional Office.[382]

Survey Statistician Timothy Maddaloni conveyed significant pressure to his subordinates on multiple occasions from 2010 to 2012.[383] In a January 2012 e-mail, he encouraged a long list of Census interviewers to push themselves beyond their perceived ability to obtain more interviews before CPS closed out.[384] Maddaloni joked about how hard they should push for interviews.[385]

---

[376] *Id.* at 26-27.
[377] *Id.*
[378] *Id.*
[379] *Id.*
[380] Almerini Tr. at 133.
[381] *See id.* at 145-146.
[382] *See e.g.*, e-mail from Thomas Almerini, Program Coordinator, to Thomas Almerini, Program Coordinator (Oct. 25, 2011, 10:19 p.m.) [hereinafter Almerini E-mail, Oct. 25, 2011].
[383] *Id.*
[384] E-mail from Timothy Maddaloni, Survey Statistician, to Stefani Butler, Senior Field Rep., et al. (Jan. 20, 2012, 4:33 p.m.).
[385] *Id.*

From: Timothy P Maddaloni
To: [redacted]
Subject: CPS Update
Date: 01/20/2012 04:33 PM

Currently we are at 71.18% with 717 cases remaining. Unfortunately we did not come close to that 90% goal nor did we beat yesterdays goal at 75%.

I have already accepted 46 Type A's. Our goal is to only have between 250-275 Type A's for an entire CPS week. That leaves us needing appoximately 500 interviews over these next few days before closeout. This is the main reason why I try and push so hard early on so we can get this # down before closeout. We can get these interviews done but I need everyone on board pushing to get these done

We may have some inclement weather approaching so please be prepared and I need to make sure that everyone is still out and working.....just be smart and safe.

Karen will be in the office tomorrow from 9:30-1:30 and I will be in the same time on Sunday

Once again thank you to those who continue to take on extra cases to help out.....it is greatly appreciated

The goal for tonight is to get 175 interviews as a team. If you are able to get 1, push for 2. If you get 2, push for 3 and so on. Don't stop until you are ready to pass out.....I'm just kidding there but you get the point.

Please get these interviews done and not wait until the last day.

Thanks again and good luck

BE SAFE

Timothy Maddaloni
Supervisory Survey Statistician
U.S. Census Bureau
Philadelphia Regional Office

"If you are able to get 1, push for 2. If you get 2, push for 3 and so on. Don't stop until you are ready to pass out.....I'm just kidding there but you get the point."

Maddaloni's supervisor, Almerini, also pressured subordinates to hit performance goals.[386] In an October 2011 e-mail to all Philadelphia Regional Office CPS employees, Almerini expressed shock and disappointment with the CPS numbers.[387]

From: Thomas J Almerini
To: Thomas J Almerini
Cc: PHRO [redacted]
Subject: CPS Tues 10 AM Update ALERT
Date: 10/25/2011 10:19 AM

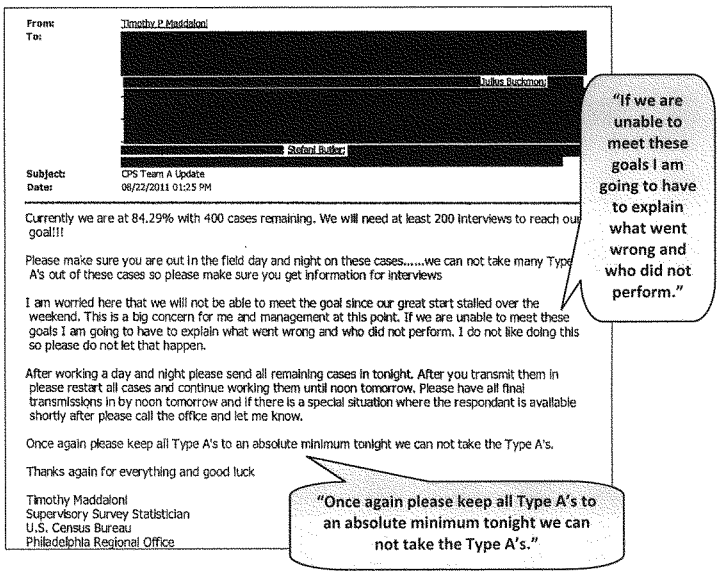
We only checked in 159 of the 312 interviews we needed last evening. We are trying to salvage what's left. Bottom line is we need 89 more interviews to hit 90%. At the moment worst case is 88.46% RR. This won't be our worst but we are all shocked and disappointed in trying to figure out what happened (or didn't happen) last evening.

Thomas J. Almerini
Program Coordinator
U.S. Census Bureau

"This won't be our worst but we are all shocked and disappointed in trying to figure out what happened (or didn't happen) last night."

[386] Almerini E-mail, Oct. 25, 2011, *supra* note 386.
[387] *Id.*

The documents show supervisors attributing demands to "management" as a whole.[388] In an August 2011 e-mail to CPS interviewers, Maddaloni voiced concerns with the CPS response numbers.[389] He described how he would have to answer for the low response if the interviewers did not meet their goal.[390] Maddaloni also indicates that he would tell management which individual FR/SFRs did not perform.[391]



From: Timothy P Maddaloni
To: [redacted] Julius Buckmon; [redacted] Stefani Butler; [redacted]
Subject: CPS Team A Update
Date: 08/22/2011 01:25 PM

Currently we are at 84.29% with 400 cases remaining. We will need at least 200 interviews to reach our goal!!!

Please make sure you are out in the field day and night on these cases.....we can not take many Type A's out of these cases so please make sure you get information for interviews

I am worried here that we will not be able to meet the goal since our great start stalled over the weekend. This is a big concern for me and management at this point. If we are unable to meet these goals I am going to have to explain what went wrong and who did not perform. I do not like doing this so please do not let that happen.

After working a day and night please send all remaining cases in tonight. After you transmit them in please restart all cases and continue working them until noon tomorrow. Please have all final transmissions in by noon tomorrow and if there is a special situation where the respondant is available shortly after please call the office and let me know.

Once again please keep all Type A's to an absolute minimum tonight we can not take the Type A's.

Thanks again for everything and good luck

Timothy Maddaloni
Supervisory Survey Statistician
U.S. Census Bureau
Philadelphia Regional Office

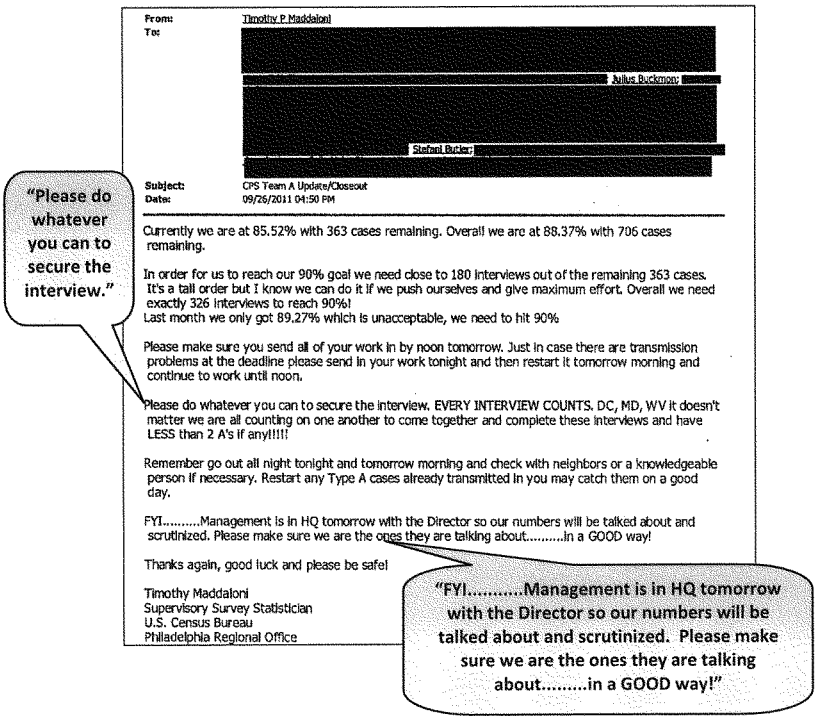
"If we are unable to meet these goals I am going to have to explain what went wrong and who did not perform."

"Once again please keep all Type A's to an absolute minimum tonight we can not take the Type A's."

The documents show that pressure stemmed not only from the Philadelphia Regional Office, but also from Census Headquarters.[392] In a September 2011 e-mail, Maddaloni encouraged a list of FR/SFRs to "do whatever [they] can to secure the interview."[393] He insisted they work all night and the following day to collect the interviews.[394] Maddaloni included that

[388] *See e.g.*, e-mail from Timothy Maddaloni, Survey Statistician, to Julius Buckmon, Field Rep., Stefani Butler, Senior Field Rep., et al. (Aug. 22, 2011, 1:25 p.m.) [hereinafter Maddaloni E-mail, Aug. 22, 2011].
[389] Maddaloni E-mail, Aug. 22, 2011, *supra* note 392.
[390] *Id.*
[391] *Id.*
[392] *See e.g.*, e-mail from Timothy Maddaloni, Survey Statistician, to Julius Buckmon, Field Rep., Stefani Butler, Senior Field Rep., et al. (Sept. 26, 2011, 4:50 p.m.) [hereinafter Maddaloni E-mail, Sept. 26, 2011].
[393] Maddaloni E-mail, Sept. 26, 2011, *supra* note 396.
[394] *Id.*

management would be at Census Headquarters, and that he did not want to answer for a poor response rate.[395]



From: Timothy P Maddaloni
To: [redacted] Julius Buckmon; [redacted] Stefani Butler; [redacted]
Subject: CPS Team A Update/Closeout
Date: 09/26/2011 04:50 PM

Currently we are at 85.52% with 363 cases remaining. Overall we are at 88.37% with 706 cases remaining.

In order for us to reach our 90% goal we need close to 180 interviews out of the remaining 363 cases. It's a tall order but I know we can do it if we push ourselves and give maximum effort. Overall we need exactly 326 interviews to reach 90%!
Last month we only got 89.27% which is unacceptable, we need to hit 90%

Please make sure you send all of your work in by noon tomorrow. Just in case there are transmission problems at the deadline please send in your work tonight and then restart it tomorrow morning and continue to work until noon.

Please do whatever you can to secure the interview. EVERY INTERVIEW COUNTS. DC, MD, WV it doesn't matter we are all counting on one another to come together and complete these interviews and have LESS than 2 A's if any!!!!!

Remember go out all night tonight and tomorrow morning and check with neighbors or a knowledgeable person if necessary. Restart any Type A cases already transmitted in you may catch them on a good day.

FYI.....Management is in HQ tomorrow with the Director so our numbers will be talked about and scrutinized. Please make sure we are the ones they are talking about.....in a GOOD way!

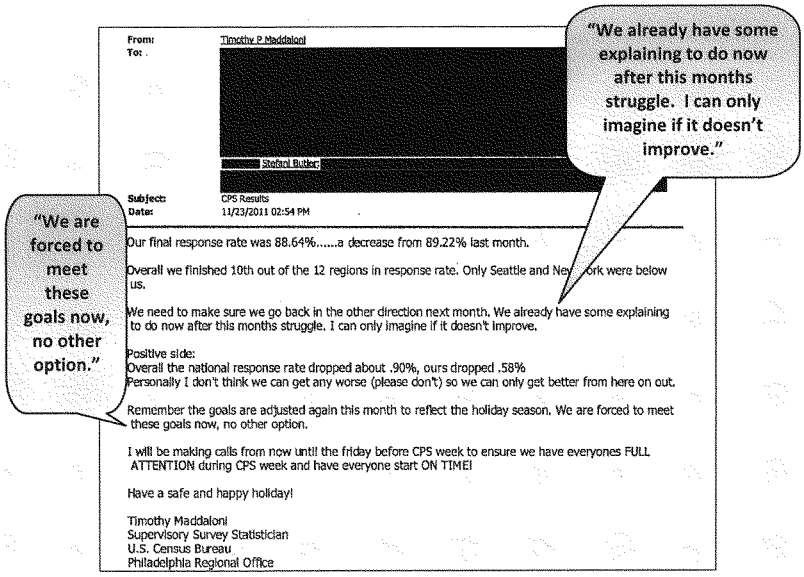
Thanks again, good luck and please be safe!

Timothy Maddaloni
Supervisory Survey Statistician
U.S. Census Bureau
Philadelphia Regional Office

Maddaloni also underscored the need for achieving response rates in his November 2011 e-mail.[396] Maddaloni's e-mail scolded a list of FR/SFRs for the previous month's poor CPS performance.[397] He wrote, "We are forced to meet these goals now, no other option."[398]

---

[395] *Id.*
[396] Maddaloni E-mail, Nov. 23, 2011, *supra* note 364.
[397] *Id.*
[398] *Id.*



Maddaloni voiced concern over the potential consequences if response rates did not improve the following month.[399] He warned he would call interviewers prior to CPS week to guarantee their "FULL ATTENTION."[400]

Maddaloni's supervisor, Program Coordinator Thomas Almerini acknowledged that significant pressure to meet response rate standards could lead interviewers to falsify.[401] He stated:

> Q. [D]id you find any instances over the course of your tenure as a program coordinator, or even at the Census, where there's pressure that the field reps or the senior field reps would feel . . . I guess significant pressure to achieve these particular response rates for a particular survey?
>
> A. Yeah, I think there is . . . a certain amount of expectation and pressure.

[399] *Id.*
[400] *Id.*
[401] Armstrong Tr. at 40.

> Q. Do you think that like causes them to . . . falsify data or do other things to try to achieve those response rates?
>
> A. It could. You know, it's certainly within the realm of possibility that they'll feel like, you know, . . . my response rate is below . . . what's expected of me and I'm afraid ratings are coming up, . . . I might not get a good rating if I don't turn more of my nonresponses, . . . so it could lead them to feel like, you know, I might want to cut a few corners to get my numbers up, my response rate.[402]

Maddaloni also recognized the potential consequences of the heavy demands placed on FR/SFRs.[403] In a March 2012 e-mail to Census employees, Maddaloni implored the recipients not to resign.[404] He acknowledged how these demands might have affected team morale.[405]

---

[402] *Id.*
[403] E-mail from Timothy Maddaloni, Survey Statistician, to Stefani Butler, Senior Field Rep., et al. (Mar. 25, 2012, 12:47 p.m.).
[404] *Id.*
[405] *Id.*

From: Timothy P Maddaloni
To: [redacted]
Cc: [redacted]
Subject: CPS UPDATE.....
Date: 03/25/2012 12:47 PM

We meet again.....

I have been asked by Management to come back to CPS and help out until we close out on Wednesday afternoon. At first I was hesitant because I have some other obligations that I need to tend to.....but then I remembered that we have a great team over here at CPS that will help make closeout a lot smoother so I am excited for the opportunity to work together and get us back on track.

Currently we are at 72.63% (Team A) and overall at 78.70%. I understand that we are behind but I also understand that ASEC is a pain in the .... The March month is never easy and we are down to 3 days to have everything completed. Team A currently has 705 cases still remaining....about 150 behind our normal pace. Please do whatever you can to get these interviews INCLUDING the supplement. I understand that there are certain situations where we won't get the supplement and I understand but just please do your best at acquiring this information.

Due to the nature of March and where we stand now, I am authorizing 10 hour days from here on out to get these assignments completed and to help catch up. Now I don't want everyone just charging 10 hour days with a small assignment. Please make sure if you are charging the 10 hour days that you have a significant amount of work left and you are making significant progress. If you are unsure with your workload please contact your SFR for the OK or call the RO. At this point we need everyone putting as much time as they can on these cases to get the job done. Just be productive!

In the few hours I have taken over I have heard a few instances where some important and valuable team members are upset about cases being pulled and how conversations went on the phone. Resignations are also being thought about due to these circumstances. PLEASE DO NOT RESIGN!!!!! You are vital to the team and to the Bureau! I will talk with each of you at some poin[illegible] the next few days. We will work through everything and make sure the team morale is back where [illegible]eds to be for CPS moving forward.

I look forward to working with everyone again for the next few days and hope t[illegible]r I can to get us back on track and secure a great response rate.

Thanks again and good luck!

Timothy Maddaloni
Supervisory Survey Statistician
U.S. Census Bureau
Philadelphia Regional Office

"In the few hours I have taken over I have heard a few instances where some important and valuable team members are upset about cases being pulled and how conversations went on the phone. Resignations are also being thought about due to these circumstances. PLEASE DO NOT RESIGN!!!!!"

ii. Performance Improvement Plans (PIP)

FR/SFRs are well aware of the consequences for poor performance. If an FR/SFR is unable to attain the expected response rate and desired time for completing a case, he or she may be placed on a Performance Improvement Plan (PIP).[406] If an employee is under-performing,

[406] Armstrong Tr. at 31, 107; Maddaloni Tr. at 49.

supervisors meet with management to discuss the employee's performance.[407] Supervisors and management then decide whether an employee should be placed on a PIP.[408]

The PIP is meant to be a temporary process.[409] It allows a 90-day period for the FR/SFR to improve his or her response rate.[410] Each month, the employee receives feedback regarding their improvement while on a PIP.[411] If the FR/SFR does not improve, he or she is subject to review, performance analysis, and possible extension of the PIP.[412] If supervisors determine that the employee is incapable of improving after an employee completes a PIP, the Bureau will initiate the termination process.[413]

Each year, FR/SFRs receive feedback on their performance.[414] FR/SFRs receive a rating anywhere from level 1 to 5.[415] The level at which an FR/SFR performs determines whether the employee must be placed on a PIP.[416] Those employees eligible for placement on a PIP must be performing at no higher than the level 1 response rate goal for a particular survey.[417] During their testimony, Armstrong and Maddaloni both estimated that approximately 10 to 15 employees are placed on a PIP each year.[418] Almerini testified that approximately 30 to 40 employees are currently on a PIP.[419]

According to Armstrong's testimony, if an individual is placed on a PIP, the Bureau has "an obligation to let that person improve their performance."[420] Supervisors, therefore, cannot significantly alter the volume of work assigned to an employee attempting to improve their response rate through a PIP.[421] Armstrong explained that this practice prevented supervisors from obstructing an employee's ability to improve their response rate.[422] He also stated that if an employee is placed on a PIP, supervisors are able to temporarily decrease the employee's workload, providing an enhanced opportunity to improve the response rate.[423] He added that while an employee is on a PIP, the Bureau would not train the employee on another survey.[424]

---

[407] Maddaloni Tr. at 49.
[408] *Id.* at 70.
[409] Armstrong Tr. at 31.
[410] *Id.*; Almerini Tr. at 96.
[411] *Id.*
[412] Armstrong Tr. at 31; Maddaloni Tr. at 71; Almerini Tr. at 98.
[413] Armstrong Tr. at 31; Maddaloni Tr. at 71.
[414] Armstrong Tr. at 160.
[415] *Id.*
[416] *Id.*
[417] *Id.* at 26-27.
[418] *Id.* at 31; Maddaloni Tr. at 49.
[419] Almerini Tr. at 115.
[420] Armstrong Tr. at 26.
[421] *Id.*
[422] *Id.*
[423] *Id.*
[424] *Id.*

b. Insufficient Quality Control Measures

FINDING:	**The current mechanisms for data quality control are insufficient and could serve to discourage individuals from identifying and reporting suspected falsification.**

The new Census Bureau structure is a significant improvement. As one regional director explained, prior to the changes, each of the 12 regions could establish its own data quality standards.[425] The misalignment was not optimal for data quality. There are now defined national standards for data quality.[426] While these changes do offer improvements for data quality, flaws remain.

Census Bureau IT staff informed the Committees that although reinterview encourages data quality, it does not improve data quality in the present collection cycle.[427] The reinterview—at least for CPS—is more of a deterrent for falsification rather than an immediate quality check.[428] The Census Bureau's Internal Survey Sponsor will not know the reinterview results for weeks or months after the close of CPS.[429]

Almerini testified on the changes in data quality tracking. He stated:

> Q. Are you doing anything proactive, say, seeing if someone has a -- kind of statistically showing shorter interviews or high . . . survey completion rates that might be red flags?
>
> A. Yeah, we do a lot more of that now. We have a number of statistics databases that have been produced for us where . . . one of the new roles of -- under the survey statisticians in the office is to use these tools to evaluate the quality of data.[430]
>
> * * *
>
> Q. Were these the same quality control methods utilized back in 2010 and 2011?
>
> A. No, these are -- well, they had started developing a number of those methodologies, and only around 2010-2011, they started sharing some of these databases with us to be able to use, and . . . during the transition period, they developed . . . the unified tracking system to give us more paradata level types of things we

[425] Armstrong Tr. at 33.
[426] *Id.*
[427] IT Briefing, *supra* note 217.
[428] *Id.*
[429] *Id.*
[430] Almerini Tr. at 74.

could look at like that . . . further drill down deeper into the quality aspects of the data.[431]

i. Quality Checks Remain in the Chain of Command

FINDING:	**The primary data quality assurance check—reinterview—remains in the original interviewer's chain of command, effectively diminishing the objectivity of the process.**

In 2010, either the survey statistician or the senior field representative conducted the reinterviews of field representatives' interviews.[432] In the current structure, the reinterview and data quality checks remain in the original interviewer's chain of command, relying heavily on the field supervisor position to conduct reinterview.[433] The same supervisor's job performance is measured, in part, on successful data collection and high response rates on his or her survey.[434] The same supervisor responsible for identifying and reporting data falsification has a vested interest in the interviewer's completion rates. Keeping the reinterview process within the chain of command is problematic because it diminishes the objectivity of the process.

Regional supervisors oversee both data collection and quality control.[435] According to the 2010 CPS Reinterviewer's Manual, "The same reinterviewer should not be assigned to reinterview a particular FR each time that FR falls into reinterview."[436] Both the national standards and the regional offices recognize the potential for cover-up during the reinterview process.[437] Maddaloni expressed the viewpoint of the regional office: "So we do know shortcuts happen in the field. It's just our job to try and find it."[438] Maddaloni also explained regional practices—aimed at preventing data falsification cover-up—that acknowledge the potential for bias within the chain of command.[439] Maddaloni stated:

> Q. Do you think it makes sense that SFRs are doing the reinterviews for their FRs?
>
> A. Yes.
>
> Q. Do you have any concern that because of the working relationship it could --

[431] *Id.* at 75.
[432] Almerini Tr. at 31.
[433] Maddaloni Tr. at 32, 43.
[434] *Id.* at 22-23.
[435] *Id.* at 58.
[436] CAPI REINTERVIEWER'S MANUAL, *supra* note 287, at 7.
[437] *See id.*
[438] Maddaloni Tr. at 43.
[439] *Id.* at 58-59.

A. Yes. And that's why we do -- give it to different SFRs or people at times, because there is that concern that they develop a relationship.[440]

Most reinterviews, nonetheless, remain in the original FR's chain of command.[441] Maddaloni confirmed this practice. Maddaloni testified:

Q. So it's fair to say that, generally speaking, reinterviews come through the chain of command.

A. Absolutely.[442]

After explaining the chain of custody, Maddaloni discussed ways to circumvent the reinterview system.[443] He stated:

Q. And then, more in a general sense, can you think of any ways in which the quality-control system could be circumvented?

A. The automatic assignment of the reinterview, like I said, is randomized from month to month. When we get assigned to the field, the SFRs could just say that the reinterview was done and completed, there was no concerns, and it would come in as anything -- it was something normal. We would say that the job was done. They could put a note in a case that the reinterview was completed, and that's how you circumvent it.[444]

Armstrong expressed similar concern over the possibility for abuse.[445] He stated:

Q. And that's just interesting because that was one of the areas in some of our discussion with -- and looking at the documents some concern is that someone could cover for a field representative through the reinterview process by just confirming what was said prior. And do you feel confident that the system in place now with the 20 percent outside review -- reinterview process of the specific area helps to root out any possible misconduct by --

A. I think it does. It is -- it's -- we have, on and off, moved the work around, especially if it's work that can be done on the phone. As a matter of fact, nationwide, Bureau wide, field division wide, we are considering moving reinterview to the National Processing

---

[440] *Id.*
[441] *Id.* at 32.
[442] *Id.*
[443] *Id.* at 31-32.
[444] *Id.*
[445] Armstrong Tr. at 156-157.

Center so that all the reinterview be done by someone else. There's a cost motivation for that. There's also an impartiality motivation for that. So we are proposing to do that, and hopefully, in the near future, it will go there.

Q. And you think that's an improvement to the quality check mechanism?

A. I think it would be -- it would make reinterview less expensive. It would make it more -- will root out any possibility of not being as objective as it should be.[446]

ii. No Incentives for Identifying Falsification

Current quality control structure and methods could discourage individuals from identifying falsification. There are no incentives for an individual to identify falsification.[447] There are incentives for having high response rates, having high conversion rates, and maintaining staffing levels.[448] Program Coordinator Thomas Almerini described the incentive and performance evaluation structure for survey supervisors. He testified:

Q. Okay. Is there any kind of incentive program for, just starting with the 2010 time period, for . . . the survey statistician to have better response rates for the –

A. Again, their overall success factors into their rating, but there's nothing structured.

* * *

If it's apparent that there's a lack of effort or failure to plan, failure to staff, if . . . there are actually circumstances that are in the sense caused by maybe the lack of leadership or support or initiative on the part of the supervisor, we look at that also in terms of their rating. I would say that the success of the survey will play a part in the rating obviously. If someone is very successful . . . their survey is well staffed and running well and the response rates are always good and the costs are within -- you know, below the national average, chances are they're going to get at least a . . . level 3 rating or better based on their . . . overall initiative.

Q. So then that would be true of the program coordinators as well?

---

[446] *Id.*
[447] Almerini Tr. at 26.
[448] *Id.* at 26-27.

A. That would also be true of the program coordinators because we're part of the management of the surveys.

Q. And then I assume going forward to today, would that be true of the SSFs and the SSOs?

A. Yeah.[449]

Identifying falsification does not benefit response rates, but ignoring discrepancies or suspected falsification would effectively result in more completed interviews and, in turn, benefit the overall response rates. Converting Type-A non-interviews to completed interviews is applauded.[450] Admitting to an inability to obtain an interview and submitting cases as Type-A is seen as a last resort and negatively affects perceptions of job performance.[451]

If reinterviewers discover discrepancies during the reinterview process, they are encouraged to check for all possible explanations for discrepancies before reporting suspected falsification.[452] This instruction is printed in bold in the CPS Reinterviewer's Manual.[453] The manual states, "Before reaching a conclusion that an FR is falsifying data make every effort to see if there is any other explanation for discrepancies."[454] The manual then lists possible explanations for the discrepancies and example questions for reinterviewers to ask, so that they exhaust all alternative explanations before reporting suspected falsification.[455]

Identifying falsification also requires supervisors to conduct a lengthy and cumbersome investigation—the timing, completion, and results of which are not part of their performance evaluations.[456] The Census Bureau distributes charts and records of response and Type-A conversion rates.[457] Records of suspected falsification and termination, however, compare regional offices—not individual supervisors.[458] Program Coordinator Thomas Almerini stated:

Q. [I]s there . . . any tracking . . . of how supervisors deal with reinterview, like . . . what are the results of different supervisors to see if there's patterns and . . . how things come out when they reinterview?

A. There's no real tracking . . . -- you know, we'll know just anecdotally that well . . . it just so happens that because CPS and APS are bigger surveys, they have a higher frequency of five-day

[449] *Id.* at 26-27.
[450] *See* Butler Tr. at 59.
[451] *See* Almerini Tr. at 96.
[452] CAPI REINTERVIEWER'S MANUAL, *supra* note 287, at 16.
[453] *Id.*
[454] *Id.*
[455] *Id.* at 16-17.
[456] *See* Almerini Tr. at 26-27, 88-89.
[457] *See e.g.*, e-mail from FLD Labor & Crime Surveys to CPS Program Coordinators (Sept. 22, 2011, 2:56 p.m.); U.S. Census Bureau, *CPS Type A Conversion Rates* (Feb. 2, 2011).
[458] Almerini Tr. at 141-42.

> letters and therefore generate a higher frequency of 11-163 falsification reports, and out of those, . . . we'll look usually at the end of the year when we get a report that says well, you've terminated five people, and two of them were terminated for falsification on CPS, one was terminated for falsification on the consumer expenditure survey, two were terminated for falsification on the American Community Survey. . . . [W]e'll know basically a breakdown . . . when we get the aggregate results, so that's basically our way of tracking in the big picture.[459]

The data on falsification reports are not attributed to the individual supervisor, and the supervisor is not accountable for his or her rates—only whether he or she completes the investigations that he or she chose to begin.[460] Given the negative connotation associated with falsification, falsification report numbers can be misconstrued as an indicator of poor management or hiring, rather than attention to detail and high data-quality standards. Supervisors have limited accountability or incentive for identifying falsification.[461] Regional Director Fernando Armstrong described11-163 numbers as part of the aggregate data equation, rather than a measure of thorough data quality management.[462] Armstrong stated:

> A. The analysis of the data and the reinterview, the 163, the 11-163 that I keep referring to, is forwarded to the analytical people in headquarters. We don't know what they do with it. They do their analysis and they prepare reports, which I assume they share with the sponsors of the survey, about the level of falsification or discrepancies or whatever, but the regional office is not involved in that.
>
> Q. Okay.
>
> A. Nor do we get reports about that.[463]

iii. Limited Means for Reporting Suspected Falsification

FINDING:	**There are no clear guidelines available to all Census employees for straightforward reporting of suspected falsification.**

There are limited methods available to FR/SFRs for reporting suspected falsification without supervisory approval.[464] SFRs may have the opportunity to flag a concern if assigned to reinterview a particular FR's case.[465] An FR, however, has limited, difficult options for

---

[459] *Id.*
[460] *Id.* at 127.
[461] Armstrong Tr. at 80-81.
[462] *Id.*
[463] *Id.*
[464] Almerini Tr. at 49; Armstrong Tr. at 108; Butler Tr. at 83; Maddaloni Tr. at 37.
[465] Maddaloni Tr. at 47-50.

reporting suspected falsification, which fall outside the realm of everyday options.[466] There are also limited options for an FR/SFR to report concerns regarding a supervisor.[467] While upper-level regional management expects that FR/SFRs will make them aware if there are concerns with their immediate supervisor's data integrity, there is limited opportunity for anonymity or confidentiality when expressing concerns within the chain of command.[468]

In June 2010, ARD Harold Hayes sent an e-mail to 14 management officials at the Philadelphia Regional Office.[469] Hayes received a call from an SFR who wanted to voice concerns.[470] Hayes oversaw the SFR's supervisor, so Hayes would be an appropriate point of contact if the SFR had any particular concerns related to her supervisor.[471] Hayes consulted with his management team in preparation for the call.[472]

From: Timothy P Maddaloni
To: Harold E Hayes
Subject: Re: [redacted] - I46
Date: 06/03/2010 09:50 AM

Harold,

The roster shows ACS, CPS, SOC, PAL [redacted] is not in today and I am unaware of any problems. Thanks

Timothy Maddaloni
Supervisory Survey Statistician
U.S. Census Bureau
Philadelphia Regional Office
Phone: [redacted]
Fax: [redacted]

▼ Harold E Hayes---06/02/2010 05:13:16 PM---I can't tell from the roster what surveys she works so I have to ask everyone - I got a call from he

From: Harold E Hayes/PH/BOC
To: [redacted] Timothy P Maddaloni/PH/[redacted], Thomas J Almerini/PH/[redacted], Roderick C Wiley/PH/[redacted], Joal A Crosby/PH/[redacted], [redacted]
Date: 06/02/2010 05:13 PM
Subject: [redacted] - I46

I can't tell from the roster what surveys she works so I have to ask everyone - I got a call from her and she wants to discuss some concerns and ask me some questions. Can anyone enlighten me of any issue related to [redacted] before I engage her on the phone?

Harold

[466] Crosby Tr. at 126.
[467] Butler Tr. at 9.
[468] Almerini Tr. at 221-222.
[469] E-mail from Harold Hayes, Asst. Regional Dir., to Timothy Maddaloni, Survey Statistician, et al. (June 2, 2010, 5:13 p.m.) [hereinafter Hayes E-mail, June 2, 2010].
[470] *Id.*
[471] Butler Tr. at 89; Almerini Tr. at 100.
[472] Hayes E-mail, June 2, 2010, *supra* note 473.

Hayes was not yet aware of the SFR's concerns, and so he sent this e-mail to become better informed. The SFR, however, skipped the normal chain of command, choosing instead to contact Hayes, rather than the SFR's immediate supervisors. Hayes's e-mail informed the SFR's supervisors that the SFR went above their heads, bringing the concerns to their supervisor.[473] The documentation does not show that the concerns were related to suspected falsification or data quality. There is, however, an apparent lack of anonymity present in the current reporting structure. Concerns over anonymity could deter employees from reporting suspected falsification and other data quality issues.

Maddaloni discussed the current procedures for reporting suspected falsification and lack of anonymity in the current construct.[474] Maddaloni testified:

> Q. If an employee suspects another employee is falsifying data, is there a procedure for reporting these suspicions?
>
> A. Just conversations or e-mails, yes.
>
> Q. Employees can also report suspected falsification to headquarters. Is that correct?
>
> A. They could, but it usually will get kicked back to us to review.
>
> Q. If an employee chooses to remain anonymous from reporting falsification of data, is this possible through the current system?
>
> A. To remain anonymous?
>
> Q. Yeah.
>
> A. The respondents can remain anonymous, but the field representatives are not anonymous.
>
> Q. But the person reporting the falsification. Is there a way for them to be anonymous?
>
> A. They could call in and just not say who is calling. But the office has caller ID, so we would see phone numbers, so. . . .[475]

The procedures lack a simple and effective way to report suspected falsification. A different SFR in the Philadelphia region, Stefani Butler, discussed the available methods.[476] Butler testified:

---

[473] While the SFR was later subject to investigation and received a five-day letter, there is no indication of retaliatory motives nor do the two events appear to have any correlation. *See id.*
[474] Maddaloni Tr. at 71-72.
[475] *Id.*
[476] Butler Tr. at 82-83.

Q. And what was the process for you as a senior field representative for reporting an employee not following proper protocol?

A. If I had the actual case, I would report it through the case. But if I noticed discrepancies, I would bring it to the supervisor's attention.[477]

There is no mechanism in the interview system for an interviewer to report oddities in previous data entries other than by informal means, such a phone call to a supervisor.[478] The current procedures are difficult to navigate and put the burden of proof on a supervisor within the interviewer's direct chain of command.

1. Conflict of Interest for Reviewing Employee Conduct

Butler noted that the Employee Relations Board (ERB) acts on submissions from the regional office regarding employee conduct. In addition, the ERB is supposed to be a resource for employees to dispute a claim.[479] This created a potential conflict of interest for Butler, who suspected that individuals in the regional office were covering up data falsification.[480] Butler testified:

Q. Do you believe that headquarters at all participated in retaliating against you?

A. The Employee Relations Branch.

* * *

Q. They retaliated against you?

A. Yes.

Q. How?

A. They work in conjunction with the regional office.

Q. I see.

A. So, for example, they recently put me on a PIP. I have been there almost 16 years. I have never had a PIP. Prior to 2010, my ratings were grade 5's -- rating 5's. Now I'm graded at 1's and 2's. Nothing happened in between where I was given any instruction,

[477] Butler Tr. at 82-83.
[478] IT Briefing, *supra* note 25.
[479] Butler Tr. at 111-114.
[480] *Id.*

any conversations about my performance decreasing. ERB is the ones who the regional office tells them what they want them to say and they write the documents up, but ERB is also the same place that I'm told to go to to dispute a document that they wrote for the regional office. So, yeah, the PIP that was recently given to me last year was written by ERB per the regional office, but the regional office has since offered to remove it and give me all my duties back, which I have in writing from them.

* * *

Q. So they might not be complicit; they are just doing their job of helping to produce a document that is requested from Fernando down?

A. Yeah. Exactly. I think whatever the regional office gives them, they are acting on, but that is also the place where I go to to dispute, but they have a conflict, as far as I am concerned.

Q. Yeah. It is a dual duty.

A. Right.

Q. Okay.

A. And it is the same people doing both duties, so that is where the conflict comes in at.

Q. Okay. All right.[481]

In her testimony, Butler noted that there were only two individuals in the ERB office that are assigned to the Philadelphia Regional Office. When she reported Buckmon for falsification, those individuals at ERB were in communication with Armstrong and Roman, whom Butler believed were trying to undermine her credibility.[482] The ERB produces documents on behalf of the regional office administration and handles employee claim disputes. As a result, there is a potential conflict with the ERB's responsibilities with respect to employees working within the regional office, as the same people are performing both sets of duties.[483]

[481] *Id.*
[482] *Id.*
[483] *Id.*

c. Insufficient Record-Keeping

FINDING:	**There is no single master record of a case. The case-tracking systems make it difficult—sometimes impossible—to determine the full history and corresponding chain of custody of a particular case.**

Under the current structure, sufficient recordkeeping is lacking. A supervisor can wipe the data and notes from a case by restarting the case.[484] Case notes attached to the file can be edited and deleted with no record of any changes made.[485] There is no way to match edits in a trace file to the Census employee who made the edits with certainty.[486] The case file only records who submitted the completed file, and the trace file does not attribute ownership to the logged keystrokes.[487] These insufficiencies reveal a lack of transparency and accountability surrounding data collection.

i. Data Files

There are three types of data sets pertaining to each case: the Blaise data, the trace file, and the data recorded by the Unified Tracking System (UTS).[488] The UTS—implemented in July 2012—does not record who reassigned a case, but it does record who was originally assigned the case and who completed the case.[489] The Blaise data—also called the case file—includes all of the interview response data.[490] The Blaise data contains the FR/SFR code for whoever submitted the completed file.[491] The Blaise data will only show who last accessed the file in CAPI or CATI.[492] It also allows the interviewer to input case notes.[493] Maddaloni described the case notes:

> Q. Is there a distinction between the notes and the data?
>
> A. Yes.
>
> Q. Okay. Can you describe that?
>
> A. The notes are what the field representatives type in after each attempt . . . on a case. Or maybe someone like me, where I have -- they send it in as a Type A refusal, I'll put notes in it and send it back out to the field representative.

---

[484] IT Briefing, *supra* note 217.
[485] *Id.*
[486] *Id.*
[487] IT Briefing, *supra* note 217.
[488] *Id.*
[489] *Id.*
[490] *Id.*
[491] *Id.*
[492] *Id.*
[493] *Id.*

> So there will be different notes in it throughout. And since this is a longitudinal survey, different FRs would have the case, so you would have different field representatives' notes in that case. So that's basically you would see, every contact attempt or a note from the supervisor about the case itself.[494]

Supervisors rely heavily on the case notes to make determinations regarding supervisory review, reinterview, and suspected falsification.[495] Case notes attached to the file, however, can be edited and deleted with no record of these changes.[496] The case notes also have a character limit, so notes sometimes have to be deleted to make room for updates.[497]

The third set of data is the trace file.[498] The trace file includes all the keystrokes entered by the interviewer as well as timestamps for each keystroke.[499] Tracefiles do not capture the interviewer code.[500] The tracefile indicates when each keystroke happened, but there is no indicator of who input each keystroke in the tracefile.[501]

There appears to be confusion among Philadelphia Regional Office supervisors surrounding what is captured in the data files. Program Coordinator Thom Almerini testified:

> Q. When data is input into the bureau's computer system, is there an electronic notation reflecting the name of the person inputting the data, including the date and time of when that occurred?
>
> A. Yes.[502]

Almerini maintained that any changes made by supervisors would be captured in the trace file and attributed to that supervisor.[503] He stated:

> Q. And again, that -- there would be a notation reflecting that new case demonstrating the change with the name of the person doing that, plus date and time?
>
> A. Yeah.
>
> Q. Was this true in 2010?

---

[494] Maddaloni Tr. at 17.
[495] *Id.* at 13-14, 16-17, 27-28, 36-37.
[496] IT Briefing, *supra* note 217.
[497] *Id.*
[498] *Id.*
[499] *Id.*
[500] *Id.*
[501] *Id.*
[502] Almerini Tr. at 88.
[503] *Id.* at 89-90.

A. Yes, yeah, and usually a case file, even like if a case has been restarted, like if the case let's say is turned in as a noninterview, we'll have that keystroke file along with the case. So let's say John Smith turns a case in as a type A, and he gives it to Mary Jones, who's the field supervisor. Mary Jones gets a completed interview. John Smith's data that he keyed in, his keystrokes will be in there as well as Mary Jones and her interview.

Q. Could a supervisor make change -- changes to the data after the fact, or you know, at any point after the field rep puts data into the system?

A. No, they would have to essentially go back in and restart the case over again.

Q. **And again, if they did that, a notation would reflect their name, plus the date and time that they made changes or --**

A. **Correct, that would be added to the trace file of the case.**[504]

Contrary to Almerini's testimony, trace files do not include a notation reflecting the user who inputs data.[505] According to a sample trace file provided to the Committees, there is no name or interviewer code attached to the time stamp or keystroke data.[506] A portion of the trace file is shown below:[507]

CPS Audit Trail File – Type A re-assigned and converted to a Type B

```
"2/7/2014 8:37:17 AM","Enter Form:1","Key:00000025"
"2/7/2014 8:37:17 AM","Enter Field:DATECHANGE","Status:Normal","Value:20140207"
"2/7/2014 8:37:17 AM","Mouse:119,30","Message:LeftDown","HitTest:Caption"
"2/7/2014 8:37:17 AM","Mouse:119,30","Message:LeftDown","HitTest:Caption"
"2/7/2014 8:37:18 AM","Mouse:988,145","Message:LeftUp","HitTest:Client"
"2/7/2014 8:37:19 AM","Mouse:147,336","Message:LeftDown","HitTest:Client"
"2/7/2014 8:37:19 AM","Mouse:147,336","Message:LeftDown","HitTest:Client"
"2/7/2014 8:37:19 AM","Mouse:147,336","Message:LeftUp","HitTest:Client"
"2/7/2014 8:37:19 AM","Mouse:147,336","Message:LeftUp","HitTest:Client"
"2/7/2014 8:37:21 AM","(KEY:)[ENTR]"
"2/7/2014 8:37:21 AM","Leave Field:DATECHANGE","Cause:Next Field","Status:Normal","Value:20140207"
"2/7/2014 8:37:21 AM","Enter Field:bFront.bIntro.START_CP","Status:Normal","Value:"
"2/7/2014 8:37:23 AM","(KEY:)4[ENTR]"
"2/7/2014 8:37:24 AM","Action:Store Field Data","Field:bFront.bIntro.START_CP"
"2/7/2014 8:37:25 AM","Leave Field:bFront.bIntro.START_CP","Cause:Next Field","Status:Normal","Value:4"
"2/7/2014 8:37:25 AM","Enter Field:bCoverage.NONTYP","Status:Normal","Value:"
"2/7/2014 8:37:27 AM","(KEY:)1[ENTR]"
```

[504] *Id.*
[505] IT Briefing, *supra* note 217.
[506] U.S. Census Bureau, *Sample CPS Audit Trail File* (2014).
[507] *Id.*

ii. Supervisory Changes and Surrounding Records

In a briefing provided to the Committees, Census Bureau IT staff observed that restarting a case brings the case file and trace file back to their "pristine" states, essentially wiping the data clean, including case notes.[508] Reassignment, on the other hand, keeps the original data file.[509] When a case is restarted, the data is recorded in a new trace file.[510] The Blaise data records who ultimately submits the case, but it does not record the chain of custody of the case—except if a Census employee chooses to include this information in the case notes.[511]

Almerini discussed how a supervisor could take advantage of this insufficient record-keeping to falsify data.[512] Almerini testified:

> Q. Is it possible for a supervisor to change a noninterview notation on the system to successful interview notation undetected?
>
> A. No, that -- that -- you would have to essentially load the case onto your own laptop, put some data in and, you know, like let's say -- a supervisor could conceivably do that. They could say well, Mary Smith sent me a refusal. I'm going to load it on my computer, I'm going to call the person tonight and try to get an interview. That can happen. So the supervisor could convert a case. Just the same, they could even just say well, I'm going to load it on my computer but I'm going to falsify. So it's possible, if a supervisor really wanted to, they could falsify data.
>
> Q. But if they were to do that, it's fair to say that there would be a notation reflecting that a supervisor had changed -- changed that notation.
>
> A. They would -- they would say that . . . like well, I called and followed up and I converted the case from a noninterview to an interview.
>
> Q. But let's say you were looking -- you were reviewing one of our subordinates' --
>
> A. Right.

---

[508] The Census Bureau retains all tracefiles and Blaise files, but they are only accessible over the long-term by Census National Headquarters in Suitland, Maryland. *See* IT Briefing, *supra* note 217.
[509] *Id.*
[510] *Id.*
[511] *Id.*
[512] Almerini Tr. at 91-93.

Q. -- supervisors who did that. **You would be able to determine what they did compared to what the original field rep had done.**

A. **Yeah, I'd be able to have access to the case file, the keystroke file.**

Q. **Okay. And you could distinguish between each person inputting data.**

A. **Yeah, yeah. Like I said, it's very difficult and cumbersome and it's not something we do on a regular basis.** There probably -- I would say the analysts are probably more adept at doing that kind of operation.

Q. But we are based on some extreme case.

A. Absolutely.

Q. But in extreme cases, you could do that.

A. Correct.[513]

Supervisors have the authority to adjust particular types of cases with minimal accountability review.[514] Census Bureau IT staff informed the Committees that it is possible for a supervisor to determine a case was miscoded before CPS ends and make edits to the case.[515] According to a senior CPS official who briefed the Committees, although this practice is technically possible, it never actually occurs.[516] The Census Bureau does not have a policy in place to address such situations.[517] According to Timothy Maddaloni, this practice happens occasionally.[518] He testified:

> Also, the only other thing that could happen during this time, if it is closeout and, say, the field representative sends it in, coding it incorrectly, they may have sent it in as Type C demolished but in actuality their notes say that it's a vacant interview, what we'd have to do is change it. We would send it to, you know, our supervisor in the office laptop and use their notes, what they had, and change the code to a Type B vacant.[519]

Maddaloni also described an additional method for dealing with discrepancies between case notes and coding. He further stated:

---

[513] *Id.* (emphasis added).
[514] *See id.*
[515] IT Briefing, *supra* note 217.
[516] *Id.*
[517] *Id.*
[518] Maddaloni Tr. at 15.
[519] *Id.*

Q. Let's say we talked about that there was -- the notes might say, I talked to the person, they accidentally coded it as demolished. You are going to go in and -- or something around those lines. If you were to make the change to correct that --

A. Right.

Q. -- there would still be a notation reflecting that you made that change.

A. Correct.

Q. Okay. Could you as part of your closeout decide that I am just going to reassign it to myself and conduct the interview?

A. Yes.

Q. Okay. Have you ever done that?

A. Yes.[520]

Maddaloni's belief that this practice was "not abnormal" differed from the senior Census Bureau official's perception.[521] Maddaloni stated that this practice occurred regularly. [522] He testified:

Q. Have you ever cancelled a subordinate's interview, reassigned the case to yourself, and conducted a new interview for that address?

A. Cancelled an interview?

Q. Or reassigned it to yourself.

A. Have I ever reassigned a case to myself? Yes.

Q. And, in essence, does that cancel the original interview?

A. If it's a refusal or anything, it could -- yes, I have transferred cases to my computer, yes.

Q. Okay. And has the subsequent interview ever differed from the original results as reported by the field representative?

A. Yes.

---

[520] *Id.* at 66.
[521] *Id.* at 119-120.
[522] *Id.*

* * *

Q. **Does this happen on a regular basis?**

A. It happens maybe once a month.

Q. Okay.

A. **It does happen once or twice a month.**

Q. So it's fair to say that **it's <u>not</u> abnormal** to at times have to make corrections with regard to certain cases that are miscoded or other issues that might pop up as a result of your review after it's submitted by the field representative.

A. **Correct.**[523]

d. Inadequate Employee and Supervisor Training

The Census Bureau's training program for field-based employees does not emphasize the importance of data quality.[524] The training program conveys the importance of data integrity, but not data quality.[525] Senior Field Representative Stefani Butler described the training program. She stated:

Q. Do you feel that you got sufficient training to execute each and every task required under your positions?

A. No. The training are self studies. They send you a booklet like this, FedEx or UPS, in the mail, and you read it from home and you study it. Then you go into a classroom and the trainer uses the same book and goes over everything with you. You get an answer, you get questions and answers, and the answers are in the back of the book. So you pretty much can go to the back of the book, get the answers, and fill in the test part.[526]

The reinterview process is the primary check for data quality.[527] The 2010 CPS Reinterviewer's Manual—the edition obtained by the Committees—includes memory-based exercises on the definition of falsification.[528] Lesson 6, Page 1 reads as follows:[529]

---

[523] Maddaloni Tr. at 119-120 (emphasis added).
[524] IG Report, *supra* note 94, at 52.
[525] *Id.*
[526] Butler Tr. at 52-53.
[527] CAPI REINTERVIEWER'S MANUAL, *supra* note 287, at 1.
[528] *Id.*, at 75, 77-78.

Lesson 6 - Falsification

What is Falsification?	Falsification is when the interviewer knowingly deviates from current interviewing procedures, and/or improperly classifies units, to avoid interviewing units. This includes • Making up information and • Intentionally misclassifying units as Type B or Type C noninterviews.

Two pages later, the trainee must complete a review exercise on data falsification:[530]

Lesson 6 Review Exercise

1. Falsification is when the interviewer _____ deviates from current interviewing procedures, and/or _____ classifies units, to _____ interviewing units.

For each of the questions/statements below, fill the one circle that best applies.

2. You should confront an interviewer immediately if you suspect the interviewer of falsification.

   ○ True ○ False

3. If you do not suspect falsification and your supervisor has no objections to your conferring with the interviewer, meet with the interviewer as soon as possible after you complete the reinterview of his/her cases.

   ○ True ○ False

Now compare your answers to the answer key on the next page.

The Answer Key is included on the following page:[531]

Answer Key for Lesson 6

1. Falsification is when the interviewer __knowingly__ deviates from current interviewing procedures, and/or __improperly__ classifies units, to __avoid__ interviewing units.

2. You should confront an interviewer immediately if you suspect the interviewer of falsification.

   ○ True ● False

3. If you do not suspect falsification and your supervisor has no objections to your conferring with the interviewer, meet with the interviewer as soon as possible after you complete the reinterview of his/her cases.

   ● True ○ False

Program Coordinator Thomas Almerini believed the training program was sufficient.[532] Almerini explained the training FRs receive on the importance of data quality.[533] He testified:

---

[529] *Id.* at 75.
[530] *Id.* at 77.
[531] *Id.* at 78.
[532] Almerini Tr. at 150-151.
[533] *Id.*

Q. Okay, and then for . . . a given field rep, are they given any refreshers over the . . . course of the year to remind them about the importance of not falsifying data, data integrity[?] . . .

A. There might be general mention of it. People kind of know it's -- it's been an established pattern. It's kind of like the unforgivable sin, if you will . . . within the bureau.

Q. But there's no formal -- I mean, like Congressional staff, just to use an example, we're required to take an annual ethics class.

A. Uh-huh.

Q. Is there an annual data integrity --

A. There's a data stewardship class, **which implies that -- it's more about the protection of Title 13 data.**

Q. Okay.

A. Protection of personally identifiable information or PII, so basically it's more how to manage . . . the fact that they're in a responsible position. They work with the public. They're handling sensitive data. You know, someone is telling you their life story on paper[.][534]

This approach relies heavily on an FR's interpretation of general principles. The Census Bureau does not clearly define expectations for data quality during its training processes, resulting in confusion among FRs.[535] Almerini further stated:

Q. Are field workers made aware that falsification is prohibited and can lead to termination?

A. Most of them are. I've occasionally had people that seem to think -- one person once said I thought I would get another chance, but . . . they knew it's serious, and we spell that out in the five-day letter that the . . . discrepancies are taken very seriously.[536]

Relying on five-day letters to convey the seriousness of data falsification does not prevent falsification. Five-day letters are issued after discrepancies are found.[537] Spelling out the serious consequences of data falsification in a five-day letter is a retrospective reprimand. The Census Bureau emphasizes the importance of data stewardship to employees early on, but

[534] *Id.*
[535] *Id.* at 98.
[536] *Id.*
[537] *Id.* at 49.

while the Bureau places a lot of emphasis on data quality in public statements, it only places minimal emphasis on data quality to data collectors in the field.[538] In contrast, FRs and SFRs receive multiple e-mails during each CPS week reminding them of the importance of response rates.[539]

Almerini reasoned an FR/SFR is expected to infer the importance of data integrity from "general mention" and "an established pattern."[540] Relying on FR/SFRs to draw conclusions from indirect instruction raises questions, especially as supervisors encourage FR/SFRs to "do whatever [they] can to secure the interview."[541]

During the OIG's 2013-2014 investigation into the Philadelphia Regional Office's alleged manipulation of the survey data falsification, the OIG reviewed the Census Bureau's training manuals and quality control and assurance processes.[542] In its May 1, 2014, report the OIG found that the Bureau's CPS procedural manual and training materials were "outdated, inconsistent, and do not discuss prohibitions and serious consequences for falsifying data."[543]

The OIG found that the Bureau's training materials are outdated, while some materials that the Bureau updated still contain archaic terms.[544] For instance, the CPS pre-classroom self-study materials refer to outdated position titles and include an outdated supervisory structure.[545] Further, the on-the-job training form used to conduct initial observations for new hires refers to outdated position titles.[546] Although the Bureau updated the CPS reinterviewer's manual in April 2013, it still refers to position titles that no longer exist within regional offices.[547] The OIG also noted that the Bureau's CPS training materials do not mention the prohibition against data falsification or its consequences.[548]

The OIG included in its report a specific recommendation to the Bureau to correct and update procedural manuals and training materials.[549] The OIG recommended that the Bureau include updated position titles and information about detecting and handling falsification issues.[550] In its report, the OIG cautioned that without updates, the Bureau's training procedures have the potential to confuse, waste time, and result in errors in data collection.[551]

---

[538] *See* IG Report, *supra* note 94, at 52.
[539] Butler Tr. at 20.
[540] Almerini Tr. at 150-51.
[541] Maddaloni E-mail, Sept. 26, 2011, *supra* note 396.
[542] IG Report, *supra* note 94, at 4.
[543] *Id.* at 2.
[544] *Id.* at 51-52.
[545] *Id.* at 51.
[546] *Id.* at 52.
[547] *Id.* at 51.
[548] IG Report, *supra* note 94, at 52.
[549] *Id.* at 56.
[550] *Id.* at 2, 56.
[551] *Id.* at 52.

XI. Recommendations

The claims brought forth by Butler and Buckmon highlight a number of vulnerabilities in the CPS quality assurance practices. It is imperative the Census Bureau take swift corrective action to ensure data integrity. It may be prudent for the Census Bureau to also look into best practices in the private sector to discern if there are additional ways to ensure data integrity that it has not yet considered. The following section outlines a number of recommendations that would address the current shortfalls of the Bureau's quality assurance efforts.

- **A Clear Process Should Exist for Field Representatives to Report Potential Falsification.**

For a number of surveys conducted by the Census Bureau, including CPS, households and addresses may remain in the survey sample for a number of months in a row. After the first month in the sample, FRs receive information about the household based on the prior interview(s), such as the name of the respondent or the number of people living at the address. While clearly limited in nature, this information is still sufficient to allow an FR to identify potential falsification in cases where one month's responses might be strongly at odds with a previous month's responses. Unfortunately, there is no clear process whereby an FR can easily report these concerns today.

To address this and similar concerns, the Bureau should create a dedicated falsification reporting tool within its CATI and CAPI programs. This tool should enable users to quickly flag specific case files for further scrutiny and describe their concerns with these cases.

- **Reinterview Should Be Conducted Independent of the Chain of Command.**

Under the current system, a team leader or, more frequently, an FR's direct supervisor, conducts reinterview. This system would allow supervisors to cover for FRs that deliberately falsify, making such falsification nearly impossible to detect. Further, it puts supervisors in a difficult position where they are responsible for identifying falsification even though identifying it could make it harder for the survey to reach its goals. This can lead supervisors to give FRs greater benefit of the doubt than is warranted in certain cases.

The best way to avoid this situation is for Census Bureau employees outside of the original interviewer's chain of command to conduct reinterview. One way to accomplish this goal is to assign reinterview cases randomly to reviewers located in regions different than the reviewed individual. A second way would be to create an independent body to act as a clearinghouse for all reinterview, removing reinterview entirely from Field Supervisor and Survey Statistician job responsibilities. According to the May 2014 Commerce OIG report, the Census Bureau uses the latter option for the Decennial Census. The OIG recommended implementing this structure across all surveys.

- **Case Tracking Systems Must Be Improved.**

Currently, there is no single master record that allows reinterviewers or auditors to determine the full history of an individual case file, including the keystroke log, who was responsible for each keystroke, whether a case was restarted or partially erased, and who was responsible for the assignment or reassignment of a case. To find this information for a specific case file today, an individual would need access to three individual data sources: the Blaise file, which is the actual survey response; the trace file, which includes a time-stamped keystroke log, and the Unified Tracking System (UTS), which tracks who assigns and who completes cases. In cases of potential data falsification and cover up by regional office staff, this division of information makes it exceedingly difficult to understand the full history of individual case files and impossible to quickly compile the case histories of large numbers of case files.

To correct this problem, the Census Bureau should significantly expand the UTS to include the ability to track every change made to an individual case file. This full access does not necessarily need to be made available to reinterviewers, but should be made available to auditors, including the Office of Inspector General. It is especially important in instances in which allegations have been made that supervisors have engaged in a cover up for data falsification, as was the case in the Philadelphia Regional Office.

- **The Form 11-163 Process Must Become Electronic.**

When an irregularity is caught during the reinterview process, the record for the resulting investigation is kept in hard copy form, on carbon paper. This system is unnecessarily vulnerable to both accidental error and deliberate circumvention. Since there is only one copy of the form, the form can be lost or misplaced, and it can be hard to track when forms are due or whether forms have been sent to the appropriate officials. Moreover, a paper form also makes it difficult for regional office and headquarters staff to check on the status of any Form 11-163, or even confirm that an investigation into an irregularity has begun.

Moving to an electronic process would increase transparency for the investigations and curb delays. Such a system should allow all interested parties at both regional offices and headquarters to see when an irregularity is flagged in reinterview, the status of the digital Form 11-163, the individual responsible for the completion of the form, and the completion date required.

- **The Census Bureau and the Department of Commerce Need to Improve Their Responsiveness to Congress.**

One of the recurring themes of the Committee's investigation has been the failure of the Census Bureau and the Department of Commerce to cooperate with the Committees and respond to requests within a reasonable timeframe. Starting the with Committees' initial letter, the Department displayed a pattern of delay and obstruction. Initially the Department refused to provide any of the documents requested by the Committees. Then after a staff-level meeting discussing the document request and the Department's commitment to cooperation, the Committees only received 4 pages of documents in the following week, and a month in total

before the Committees received a substantive document production. Moreover, despite the Committees' request for transcribed interviews with seven individuals on November 22, 2013, the Department waited four weeks before scheduling the first witness and nearly three more weeks before scheduling a second. This behavior is unacceptable and created the appearance that the Department was not acting in good faith to respond to Congressional oversight requests.

XII. Conclusion

The Committees' investigation identified a number of flaws in the current quality assurance process for the Census Bureau's data collection efforts nationwide. As the nation's, if not the world's, preeminent statistical agency, the Census Bureau's methods and data integrity must be above reproach. Unfortunately, the Bureau's current practices make it difficult to report or track potential data falsification and, in some cases, create clear incentives to disregard potential data falsification. Witnesses described circumstances in which it would be possible to circumvent the system and falsify data. Because these employees have highlighted the potential for abuse, the Census Bureau must implement changes that will eliminate these deficiencies and improve overall quality.

The insufficient records surrounding data collection demonstrate a lack of transparency and limited accountability. With no master data set attached to individual case files, it is difficult, and sometimes impossible, to determine the chain of custody. The record-keeping pertaining to suspected falsification procedures is also problematic. The inefficient, paper-based investigative procedures lack consistency and make tracking suspected falsification difficult. The process for reporting and investigating the suspected falsification is inconsistent and relies heavily on the subjective determinations of supervisors. Interviewers, in many instances, continue conducting interviews while undergoing investigation for suspected falsification, potentially compromising data integrity.

Regional offices are responsible for both data collection and quality control, which often have conflicting objectives. Most Census Bureau employees are evaluated, at least in part, on survey response rates. Testimony and documents obtained by the Committees indicate a high-pressure environment, in which interviewers are encouraged to do whatever it takes to obtain a 90% survey response rate. Supervisors are responsible for helping maintain both survey response numbers and staffing levels. At the same time, the same supervisors oversee data quality control, namely the reinterview process. The Census Bureau expects that its regional supervisors will act in accordance with the intent of the current procedures, but supervisors still have the opportunity to act at will.

The Census Bureau can minimize the potential for conflict of interest by separating reinterview from the regional chain of command and, thus, allowing quality control to function independently from data collection. Reinterview should not be the only opportunity for field-based falsification detection. As cases are sometimes assigned to different interviewers from month to month, interviewers in the field might come across an oddity worth further review. Currently, there is no mechanism, aside from e-mailing or calling a supervisor, whereby interviewers can simply flag oddities for further review. Adding a falsification-reporting tool

accessible by all levels of Census Bureau staff would provide a badly needed additional quality check.

The Census Bureau must strive to prevent future incidents such as the one Ms. Butler brought to light. The Committees' investigation highlighted a number of vulnerabilities in the current survey collection structures and quality control practices, as well as recommendations to address these weaknesses. Implementing the recommendations outlined here will affirm the Census Bureau's commitment to data integrity. The Committees will continue to assess whether the Census Bureau is taking all necessary steps to guarantee the quality of its surveys.

○