



January 12, 2021

MEMORANDUM FOR: Dr. Steven Dillingham
Director
U.S. Census Bureau

A handwritten signature in black ink, reading "Peggy E. Gustafson".

FROM: Peggy E. Gustafson
Inspector General

SUBJECT: Request for Information Pursuant to the Inspector General Act
of 1978, as Amended

The Office of Inspector General (OIG) has learned that you recently directed U.S. Census Bureau (Bureau) employees to produce a technical report relating to Executive Order 13880 that includes data on documented and undocumented persons in the United States. OIG understands that the production of this report is “a number one priority” for you and that you had given a deadline of Friday, January 15, 2021, for the report. We also understand that two political appointees at the Bureau are the driving forces behind this work—Nathaniel Cogley and Benjamin Overholt, who will be leaving the Bureau in the coming days. Career employees informed us that they are under significant pressure to produce this technical report. Given this backdrop, OIG requests information from you to understand (1) how you will ensure the data quality of this report and (2) the reasons you prioritized this report.

Data Quality

OIG communicated with several whistleblowers at the Bureau about your directive for a technical report. Those employees acknowledged that they have not had sufficient time to conduct their normal data quality checks, and they expressed concern that the data required for this report is not ready for publication for several reasons. First, the Bureau has not established defined business rules to allocate the data properly into the requested categories. Without sufficiently detailed business rules, Bureau employees are unsure whether categories of documented and undocumented persons would be accurate. For example, one Bureau employee informed OIG that the Bureau has not received necessary legal guidance on what would constitute a documented or undocumented person in all cases. Without defined rules for how data is allocated among these categories, the accuracy and the integrity of the categorization is in question. Second, Bureau employees do not fully understand the data sets they must analyze. Many of these data sets originate from outside the Bureau, and Bureau employees worry that their unfamiliarity with the data sets could lead to bias or mischaracterizations of the data. Third, Bureau officials are concerned that incomplete data could be misinterpreted, misused, or otherwise tarnish the Bureau’s reputation. For example, OIG understands that there is a request for a residual category of the report that will include both undocumented persons and documented persons without sufficiently identifiable data.

Lumping disparate groups into the same category presents the potential for misinterpretation of data categories. One senior Bureau employee went as far to say that this work is statistically indefensible.

For these reasons, Bureau employees informed OIG that this data is not ready for publication with these unsettled issues, and resolution is not possible by your recently issued deadline. Bureau whistleblowers believe this report is being rushed without legitimate reason and will result in an inferior Bureau product.

Priority of this Technical Report

Despite serious data quality concerns relayed to OIG, we understand that your directive is “a number one priority” and that you recently expected the technical report by this Friday, January 15, 2021. We understand this deadline may no longer be in effect. OIG is also aware that you inquired into a financial reward for speed on this directive. Further, the work to meet this directive occurs during a time when the Bureau continues to resolve anomalies identified during the data processing stage of the 2020 Census. The Bureau has stated publicly that experts have been working hard since mid-October to process the 2020 Census data, and it is the goal of the Bureau to deliver the population counts used for apportionment as close to the December 31, 2020, statutory deadline as possible. Setting this technical report as “a number one priority” also comes at a time when the Bureau proceeds with the transition of administrations and continues to navigate the unprecedented coronavirus disease 2019 (COVID-19) pandemic.

Requests for Information

Because of these concerns, OIG requests information from you on this matter. Specifically, please inform us in writing of the following:

1. What are the purposes and intended uses for this report?
2. Did you direct the production of this report based on the advice or an order from other persons or entities? If so, who?
3. What was or were the reason(s) for the requested deadline of Friday, January 15, 2021, for the report? How did you determine that deadline?
4. What is the current deadline for this report?
5. Do you intend to release this report before all business rules for data categorization are settled? If so, why?
6. Will this report be consistent with Bureau standards for data quality and integrity? If not, why not?
7. Do you intend to release this report if it does not receive the usual and customary internal reviews and approvals? If so, why?
8. Why is the report “a number one priority,” and, separately, who set the report as a priority for the Bureau?

9. Are there other “number one priorities” for the Bureau? If so, name them in order of importance, including this directive.
10. Has this directive taken staff off other priorities for the Bureau? If so, explain the impacts of any such shifts in resources.
11. What is the impact of the prioritization of the technical report on the timeline for completing the apportionment count? Please explain any such impact. If you believe there is no impact, please explain.

Please produce your complete responses to these questions by close of business on Thursday, January 14, 2021. After reviewing information produced in response to this request, OIG will evaluate whether to interview you under oath regarding this and other relevant matters.

OIG has the statutory mission to promote the efficiency and effectiveness of the Department of Commerce's programs and operations.¹ OIG also endeavors to detect and deter waste, fraud, and abuse.² The Inspector General Act of 1978, as amended, authorizes the Inspector General “to make such investigations and reports relating to the administration of the programs and operations of [the Department] as are, in the judgment of the Inspector General, necessary or desirable[.]”³

You are obligated to cooperate with this request. Department Organization Order 10-13, § 4.01, states that “[t]he officers and employees of the Department shall cooperate fully with the officials and employees of the OIG and shall provide such information, assistance, and support without delay as is needed for the OIG to properly carry out the provisions of the [Inspector General] Act [of 1978].” While you are required to cooperate with OIG, legal protections prohibit retaliation for cooperation.

If you have any questions or need additional information, please contact me at (202) 482-5992.

¹ 5 U.S.C. App. § 2.

² *Id.*

³ *Id.* § 6(a)(2).