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**United States General Accounting Office
Washington, DC 20548**

October 24, 2000

The Honorable Dan Miller
Chairman, Subcommittee on the Census
Committee on Government Reform
House of Representatives

Subject: Census Bureau Participation in Los Angeles Symposium, August 2000

Dear Mr. Chairman:

This letter responds to your request that we review the Bureau of the Census' participation in a symposium entitled "Advocacy in the Next Millennium: New Paradigms for Progress." The event, which focused on challenges facing the African American community, including census undercounts, took place in Los Angeles, CA, on August 12, 2000. The Bureau attended the symposium as part of its partnership program, a nationwide effort reflecting the Bureau's belief that broad-based participation in the census must be built at the community level. Because promotional material used the Census 2000 logo, identified the Bureau as a sponsor of the symposium, and made it appear that the event was connected to the Democratic National Convention (which began in Los Angeles on August 14th), you had several questions concerning the Bureau's attendance.

Specifically, as agreed with your office, we reviewed (1) the extent to which the Bureau's participation in the symposium was consistent with applicable appropriations act provisions, (2) the review process the Bureau used to determine whom it partners with, (3) how the review process was applied to its decision to participate in this event, and (4) the Bureau's specific expenditures on the symposium and how the Bureau believes they furthered the purposes of the partnership program. Assessing the appropriateness of the Bureau's participation at the event was beyond the scope of this review. As part of our ongoing examination of the 2000 Census, we are conducting a larger study of the Bureau's partnership program that focuses on how it was implemented and some of the key ingredients that appear to be common to a successful partnership effort. We anticipate issuing that report in the future.

We obtained our information by reviewing applicable appropriations act provisions; interviewing officials responsible for approving partnering requests at Bureau headquarters in Suitland, MD, and at the Los Angeles Regional Census Center; interviewing Bureau staff who participated in the symposium; and examining relevant documents, such as budget memoranda.

On October 13, 2000, we requested comments on a draft of this letter from the Secretary of Commerce by October 20, 2000. None were provided in this time frame.

We did our audit work in Washington, D.C.; Bureau headquarters in Suitland, MD; and the Bureau's Los Angeles Regional Census Center in September and October 2000. Our work was done in accordance with generally accepted government auditing standards.

Results in Brief

The Bureau's participation in the Los Angeles symposium complied with annual appropriations act provisions that prohibit federal agencies from using appropriated funds for purposes of publicity or propaganda, unless authorized by Congress. According to Bureau officials, the Bureau's participation consisted of answering questions about the census and distributing promotional items such as posters. Because the Bureau's role appears to have been informational in nature and did not emphasize the importance of the Bureau such that it amounted to publicity or propaganda, the Bureau's participation in the symposium did not violate appropriations act restrictions.

According to Bureau officials, decisions on which organizations to partner with and what events to attend are governed by unwritten guidelines and criteria. In place of written guidance, officials said that decisions are driven by the Bureau's desire to partner with virtually any organization that will support the census, particularly those organizations that serve hard-to-count populations; and the unique demographic, cultural, and other characteristics of each census region. In practice, partnership officials at both Bureau headquarters and the Los Angeles regional office said that the Bureau relies on the judgement of its temporary employee partnership specialists and other Bureau employees to decide which organizations to partner with, what events to attend, and how to make the best use of their time.

According to Bureau officials, the request to participate in the symposium was approved at the headquarters level by the Special Assistant to the Director and Associate Director for Field Operations. The request was subsequently approved at the local level by a Los Angeles Assistant Regional Census Manager. These officials said they approved the request because the event was expected to attract 1,500 to 2,000 African Americans, a hard-to-count population that the Bureau has targeted as part of its outreach program. Therefore, they said they considered the request routine. Further, they said they were unaware of how the Bureau's role was being characterized until they saw it in the press several days after the event.

With respect to the symposium's use of the Census 2000 logo, Bureau officials told us that the Bureau made it available on its Internet site and encouraged organizations to use it to help promote the census. We accessed the Bureau's Internet site and found that guidelines for using the logo contained strict stylistic standards but did not include any information on what constitutes appropriate use.

Bureau officials said that that the cost to participate in the symposium was minimal. Two of the three partnership specialists who attended the event each claimed 8 hours of compensatory time for the amount of time they spent at the symposium. One

specialist also requested \$8.13 for mileage costs. The specialists said they distributed about 300 posters; 3,000 pens; and an unknown number of magnets, balloons, and other promotional items. Bureau officials said the 300 posters cost about \$117, but they were unable to provide cost information on the other items. According to Bureau regional officials, the promotional items were already part of the Los Angeles Regional Census Center's inventory—no items were purchased specifically for the symposium.

Although the Bureau had generally completed its 2000 Census data collection operations at the time of the symposium, Bureau officials said the event was consistent with the goals of the partnership program because, as noted above, they believed that it was an opportunity to reach out to a large audience of African Americans, answer their questions about the census, and promote a series of workshops the Bureau was conducting on accessing and using census data. These workshops were designed to show partners and other interested parties how to obtain census data on the Internet and how the data can be useful to their organizations and communities. The Los Angeles region has conducted about 100 such workshops since August, according to Bureau officials. The Bureau partnership specialists who attended the event estimated that between 500 and 1,000 people stopped by the Bureau's table.

Background

To help it conduct a more complete and accurate census, the Bureau reports that it partnered with 140,000 government, private sector, social service, community, and other organizations. The Bureau created its partnership program in recognition of the fact that such organizations supply the unique local knowledge, experience, and expertise necessary for a successful headcount. To date, partners have helped the Bureau with such critical tasks as reviewing the accuracy of the Bureau's address list, recruiting temporary census workers, and reaching out to traditionally hard-to-count populations to motivate them to participate in the census. The Bureau hired over 600 temporary employees called partnership specialists to help local organizations initiate and sustain their 2000 Census activities. The Bureau's enacted budget for fiscal year 2000 included about \$70.5 million for its national and regional partnership program.

On August 12, 2000, three partnership specialists from the Bureau's Los Angeles Regional Census Center set up an information table at a symposium entitled "Advocacy in the Next Millenium: New Paradigms for Progress." The Bureau's participation in the event came at the request of a Bureau partner and producer of the symposium, Tavis Smiley. Mr. Smiley is a Black Entertainment Television talk show host and radio commentator and, according to Bureau officials, had actively promoted the 2000 Census. The symposium was free to the public and focused on various challenges facing the African American community, census undercounts among them. Symposium speakers included a number of African American political leaders, journalists, and scholars, as well as sports and entertainment figures. It was held at the University of Southern California's Bovard Auditorium in Los Angeles and was scheduled to run from 8:30 a.m. to 4:30 p.m.

A press release promoting the symposium stated that the purpose of the symposium was to “proclaim to the Democratic party the issues that it must address on behalf of one of its most loyal constituencies,” and it was “ideally timed to the eve of the Democratic National Convention.” The press release also noted how the event was “made possible by the generous donations” of AT&T, Microsoft, and Census 2000, among others. In addition, other promotional material noted the Bureau’s sponsorship and used the Census 2000 logo.

The Bureau’s Participation in the Symposium Was Consistent With Applicable Appropriations Act Provisions

Annual appropriations act provisions prohibit federal agencies from using appropriated funds for publicity or propaganda purposes, unless authorized by Congress.¹ We have interpreted these provisions on a number of occasions and have held that they were intended to prohibit “publicity of a nature tending to emphasize the importance of the agency or activity in question.”² The restriction is typically directed toward activities whose obvious purpose is “self-aggrandizement” and “puffery.”³ On the other hand, we have concluded that these provisions do not prohibit an agency’s legitimate informational activities. For example, public officials may report on the activities and programs of their agencies, may justify those policies to the public, and may rebut attacks on those policies.⁴ The executive branch has a duty to inform the public regarding government policies, and policymaking officials have traditionally used government resources to explain and defend their policies.⁵

As discussed in greater detail below, the partnership specialists we interviewed said they answered questions about the census and gave away a variety of promotional items, including posters, pens, balloons, and magnets. Because the Bureau’s role appears to have been informational in nature and did not emphasize the importance of the Bureau or Bureau programs such that it constituted puffery or self-aggrandizement, we conclude that the Bureau did not violate the appropriations act limitations on publicity and propaganda.

Partnering Decisions are Governed by Unwritten Guidelines and Criteria

According to regional and headquarters officials we met with, partnering decisions are not subject to written guidelines and criteria. Rather, decisions are driven by (1) the Bureau’s objective to partner with virtually any organization that wants to support the census, especially those with a constituency that includes hard-to-count populations; and (2) the unique demographic, social, and other characteristics of each census region. A headquarters partnership official said that the Bureau decided against developing a set of formal guidelines because it would be difficult for the guidelines to capture these regional differences. As an example, the official said that in some rural locations, the Bureau might want to have census events at the local firehouse because it often serves as a rural community’s social center. In other areas

¹ Treasury and General Government Appropriations Act, 2000, P.L. 106-58, sec. 632, Sept. 29, 1999.

² 31 Comp. Gen. 311, 313 (1952).

³ Comptroller General Decision, B-212069, Oct. 6, 1983.

⁴ Comptroller General Decision, B-114823, Dec. 23, 1974.

⁵ Comptroller General Decision, B-194776, June 4, 1979.

of the country, firehouses do not have this function, and a different site would better suit the Bureau's needs.

Moreover, the official said that the Bureau's regional directors—some with operational know-how spanning several censuses—believed they already knew the types of organizations with which to partner. In place of specific written guidelines, the Bureau encouraged partnership staff to work with organizations to promote the census, a message that was conveyed in the training given to partnership personnel and in oral guidance given to regional directors during the Bureau's regular directors' conferences.

In practice, partnership officials at both Bureau headquarters and the Los Angeles regional office said that the Bureau relies on the judgement of its partnership specialists to decide which organizations to partner with, what events to attend, and how to make the best use of their time. For example, the Los Angeles partnership specialists told us that they first identified which population groups would be less likely to participate in the census. Then, partly on the basis of the contacts they developed from their prior work experience in community service positions, they partnered with churches, health clinics, schools, and similar organizations that served those population groups.

Although the specialists operated independently, according to Bureau officials, their work was subject to supervisory review. Supervisory partnership specialists called team leaders were to examine the weekly itineraries developed by the partnership specialists and discuss any activity that could raise perceptual or other problems. At the Los Angeles regional office, officials said the process worked as follows: by Wednesday of each week, partnership specialists faxed or hand-delivered their itineraries for the upcoming week (beginning the following Monday) to both their team leader and partnership coordinator. An administrative employee checked in the itineraries to make sure they were received from each specialist. The partnership coordinator and team leader reviewed the itineraries weekly to (1) see where the specialists were planning to be; (2) ensure they had enough activities planned with certain types of groups, such as religious organizations; and (3) ensure they were treating different population groups equally. On the basis of their reviews, a team leader or partnership coordinator might occasionally question why the specialist was planning to go to a particular event, such as a job fair.

Headquarters and regional officials told us that the Bureau has an unwritten policy not to partner with law enforcement and certain other federal agencies, such as the Internal Revenue Service, the Federal Bureau of Investigation, and the Immigration and Naturalization Service (INS), because it could give the public the wrong impression that the Bureau was sharing information with those organizations. For example, the Los Angeles office decided against attending a citizenship ceremony sponsored by INS. Although the event offered a unique opportunity to educate a potentially hard-to-count group about the importance of participating in the census, the Bureau chose not to attend because the Bureau did not want anyone to misconstrue its relationship with INS. Nevertheless, Los Angeles partnership staff said they tried to work with as many organizations as possible; and, in fact, the citizenship ceremony was the only event that they could recall in which they did not participate because of the nature of the sponsoring organization.

To guard against any inappropriate engagements with political organizations, Bureau officials told us that about 2 years ago, all staff were sent a memorandum concerning their responsibilities under the Hatch Act.⁶ New employees were also to receive this information as part of a package of material the Bureau gave them when they first came on board. An official of the Los Angeles office said that a memorandum describing Hatch Act restrictions was included in the training provided to partnership staff. This memo, which we reviewed, provides guidelines on allowable and prohibited political activities; however, it is generic in nature and does not provide any guidelines specific to partnering activities.

The Bureau's Decision to Participate in the Symposium

According to Bureau officials, two employees approved the request to participate in the symposium. At the Bureau's headquarters in Suitland, MD, the request was approved by the Special Assistant to the Director and Associate Director for Field Operations. The request was also approved in the Los Angeles office by an Assistant Regional Census Manager and therefore was not part of the review process described above. These officials told us that they based their decisions on the fact that it would give the Bureau an opportunity to reach an audience of 1,500 to 2,000 African Americans, a hard-to-count population targeted by the Bureau, and was thus a routine request.

According to these officials, a representative of Mr. Smiley's organization telephoned the headquarters Field Operations official in March or April 1999 to discuss the Bureau's attendance at the Los Angeles symposium. At that time, the date of the event was unknown. According to the Bureau's headquarters official, in a subsequent telephone conversation just before the symposium, Mr. Smiley's representative mentioned that the event was to take place on the weekend before the Democratic Convention but was in no way connected to it. The Field Operations official referred the representative to the Los Angeles Assistant Regional Census Manager. On Tuesday, August 8th, Mr. Smiley's representative telephoned the Los Angeles Assistant Regional Census Manager. The manager said that during the conversation, there was no mention of the Democratic Convention or any indication that the event was political. Further, the manager and the three partnership specialists who attended the event all said that they were unaware of how promotional material was characterizing the Bureau's role in the symposium until it was reported in the press several days later. In fact, the partnership specialists said they had few details about the event other than some basic logistical information, such as its time and location.

With respect to the symposium's use of the Census 2000 logo, Bureau officials told us that although the Bureau made it available on its Internet site and encouraged organizations to use it to help promote the census, it would be impossible to monitor whether it was used appropriately by a census partner. In our review of the guidelines for using the logo posted on the Bureau's Internet site, we found that the Bureau discusses the importance of presenting the logo consistently and lays out very

⁶ Under 5 U.S.C. sections 7321-7326 (commonly known as the "Hatch Act"), federal employees are prohibited from engaging in partisan political activities.

strict rules on colors, fonts, and other stylistic standards; but aside from these presentation guidelines, it provides no guidance on what constitutes appropriate use.

Officials Said Bureau Expenditures on the Symposium Were Minimal and Furthered the Purpose of the Partnership Program

The incremental cost of participating in the symposium was minimal, according to Bureau officials. Two of the partnership specialists attending the event each requested 8 hours of compensatory time off for the time they spent at the Saturday symposium because they had already worked their scheduled 40-hour work week. They said that they arrived at around 7:30 a.m. to set up the table and left around 3:30 p.m. when they ran out of promotional items. The third specialist did not request any compensatory time or other type of reimbursement. None of the specialists received overtime pay. In addition to compensatory time off, one specialist claimed \$8.13 for mileage costs. The specialists estimated they distributed 300 posters; about 3,000 pens; and an indeterminate number of other promotional items, such as balloons and magnets. Bureau officials said the posters cost about \$117, but they were unable to provide cost information on the other items. The officials also said that the items were already part of the Los Angeles Regional Census Center's partnership program inventory. No items were purchased specifically for this event.

Bureau officials in both headquarters and in the Los Angeles region said that attending the symposium was consistent with the partnership program's goal of reaching out to traditionally hard-to-count populations, including African Americans. They stated that throughout the census, the Bureau partnered with African American organizations, attending events targeting this population and encouraging their participation in the census. Symposium organizers told the Bureau that the event would attract key leaders in the African American community and that they expected a large turnout of between 1,500 and 2,000 people. Of these, the partnership specialists estimate that between 500 and 1,000 people stopped by the table, which was set up on a patio outside the entrance to the auditorium.

Although the Bureau had completed most of its 2000 Census data collection operations at the time of the symposium, regional census officials said they viewed the symposium as an opportunity to (1) answer questions about the census, (2) support the Bureau's nationwide efforts to thank partners for their hard work during the census, and (3) promote a series of workshops the Bureau was conducting on the use and availability of census data. The workshops were designed to update partners and other interested parties on the status of the 2000 Census and describe census data products, including how to access them on the Internet and how the data could be useful to their communities and organizations. Bureau officials said this is important because the Bureau, in promoting the census, emphasized how census participation would benefit a community. Since August 2000, partnership staff in the Los Angeles region said they have held about 100 such workshops.

According to Bureau headquarters and regional partnership officials, the Bureau intends to institutionalize its partnership program so that it can maintain the organizational relationships the Bureau developed for the 2000 Census and not have to start over when preparing for the next decennial count. They said this contrasts with the Bureau's experience during the 1980 and 1990 Censuses, when the Bureau

did not follow up with its partners and sustain the relationships already established. As part of our larger review of the Bureau's partnership program noted above, we are examining the Bureau's efforts to institutionalize its partnership program and some of the factors that appear to be common to successful partnership engagements.

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As agreed with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from its issue date. At that time, we will send copies to Representative Carolyn B. Maloney, Ranking Minority Member of this Subcommittee; the Honorable Norman Y. Mineta, Secretary of Commerce; the Honorable Kenneth Prewitt, Director of the Bureau of the Census; the Honorable Johnnie E. Frazier, Inspector General, Department of Commerce; and the Honorable Elaine Kaplan, Special Counsel, Office of Special Counsel. Copies will be made available to others on request. If you have any questions concerning this letter, please contact me on (202) 512-8676.

Sincerely yours,

A handwritten signature in black ink, appearing to read "J. Christopher Mihm". The signature is written in a cursive style with a large, stylized initial "J" and a long, sweeping underline.

J. Christopher Mihm
Director
Strategic Issues

