

**EXAMINING DECADES OF DATA
MANIPULATION AT THE UNITED
STATES GEOLOGICAL SURVEY**

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT AND
INVESTIGATIONS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

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OVERSIGHT HEARING ON EXAMINING DECADES OF DATA MANIPULATION AT THE UNITED STATES GEOLOGICAL SURVEY

Tuesday, December 6, 2016
U.S. House of Representatives
Subcommittee on Oversight and Investigations
Committee on Natural Resources
Washington, DC

The subcommittee met, pursuant to call, at 10:05 a.m., in room 1324, Longworth House Office Building, Hon. Louie Gohmert [Chairman of the Subcommittee] presiding.

Present: Representatives Gohmert, Labrador, Westerman, Hice, Radewagen, and Dingell.

STATEMENT OF THE HON. LOUIE GOHMERT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. GOHMERT. The Subcommittee on Oversight and Investigations will come to order.

The subcommittee is meeting today to hear testimony examining decades of data manipulation at the United States Geological Survey.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member. Therefore, I would ask unanimous consent that all other Members' opening statements be made part of the hearing record if they are submitted to the Subcommittee Clerk by 5:00 p.m. today.

Hearing no objection, so ordered.

I will now recognize myself for 5 minutes for an opening statement.

Today, we will be examining decades of data manipulation that occurred within the United States Geological Survey, as well as the Agency's failure to take timely and appropriate corrective measures. USGS has been considered by many to be the gold standard of scientific integrity and reliability. That image has now been indelibly stained or, at best, profoundly shaken by the revelation of deliberate decades-long data manipulation.

Incredibly, this committee has learned that the USGS had shut down the lab from the DOI's Office of Inspector General months after it happened. In 2015, the Department of the Interior Scientific Integrity Review Panel investigating this manner concluded that there was a "chronic pattern of scientific misconduct" at the inorganic laboratory in Colorado. The panel also concluded that the laboratory's chemist "intentionally manipulated" data.

These shocking findings have not only impugned the integrity of the USGS, they also impugned the scientific underpinnings of policy decisions that may have been taken as a result of the USGS research.

I should note that we are not talking about just a few fudged numbers here and there. This involves research and personnel going all the way back to 1996. When the data manipulation was discovered in 2008, new employees were shuffled in; and yet the fraud continued, tainting thousands of sample results.

You might wonder how no one in USGS management noticed the junk science coming from the lab. Investigators offered one explanation pointing to the “conscious acquiescence and inattentiveness of others in the laboratory and/or the center’s management.”

While the long-term costs to USGS’s reputation may be incalculable, the Inspector General reported that from Fiscal Year 2008 through 2014, affected projects represented \$108 million. This does not include a prior decade of data manipulation. We are still trying to find out the extent of the projects that were affected and any policy decisions that were executed with falsified data. The reliability of data we are provided as lawmakers across a spectrum of issues is now called into question.

USGS is likely going to assure us that it will never happen again, that new procedures are in place, manuals have been rewritten, new positions have been created, and on and on, with solutions that make us just want to forget all this and get back to blind faith in Federal science.

However, in the discussion with our witness, I want one basic question answered—Why? Why did this happen? With all the briefings held with staff, the reports and audits written, we still do not know why this occurred. USGS told us it was the lab’s lousy air conditioning, but then said that was not it. USGS told us the data was changed to account for variable calibrations, and then said that was not it.

Finally, USGS offered up the excuse that it was plain incompetence. I still don’t buy it. Nearly 20 years of fraud and more than \$100 million flushed down the toilet; this should not be pinned on just one incompetent employee who was, remarkably, replaced by another incompetent employee. Not to mention the fact that the most recent fall guy had sterling employee evaluations.

The primary concern is not just the mechanics of this fraud; there should be a clear explanation as to why it happened. Any proposed solution is meaningless without it.

It is an unfortunate coincidence that our first hearing in this newly created subcommittee was on the lack of accountability of Federal science and the consequences of politically-driven science. Lives have been destroyed through the actions of Federal employees, motivated by entrenched ideologies, and use of manipulated data, or just garbage science. Let this hearing serve as a warning to any Federal employee who harbors thoughts of eschewing scientific integrity and transparency in order to advance some agenda. The subcommittee will not tolerate such actions, and will hold accountable those who act in such a manner or turn a blind eye.

I would point out, as we said, the problems go back to 1996 and were first discovered in 2008. This goes across Republican and Democrat party lines. This is a matter we need to get to the bottom of why it happened; so I appreciate your indulgence.

[The prepared statement of Mr. Gohmert follows:]

PREPARED STATEMENT OF THE HON. LOUIE GOHMERT, CHAIRMAN, SUBCOMMITTEE ON
OVERSIGHT AND INVESTIGATIONS

Today we will examine the decades of data manipulation that occurred within the United States Geological Survey as well as the Agency's failure to take timely and appropriate corrective measures. The USGS had been considered by many to be the gold standard of scientific integrity and reliability. That image has now been indelibly stained and, at best, profoundly shaken by the revelation of deliberate decades-long data manipulation. Incredibly, this committee learned that the USGS had shut down the lab from the DOI's Office of Inspector General months after it happened.

In 2015, a Department of the Interior Scientific Integrity Review Panel investigating the matter concluded that there was a "chronic pattern of scientific misconduct" at the inorganic laboratory in Colorado. The Panel also concluded that the laboratory's chemist "intentionally manipulated" data. These shocking findings have not only impugned the credibility of the USGS, they also impugn the scientific underpinnings of policy decisions that may have been taken as a result of USGS research.

I should note that we aren't talking about just a few fudged numbers here and there. This involves research and personnel going all the way back to 1996. When the data manipulation was discovered in 2008, new employees were shuffled in and yet the fraud continued tainting thousands of sample results. You might wonder how no one in USGS management noticed junk science coming from the lab. Investigators offered one explanation pointing to the "conscious acquiescence and inattentiveness of others in the laboratory and/or the center's management."

While the long-term costs to USGS's reputation may be incalculable, the Inspector General reported that from fiscal year 2008 through fiscal year 2014 affected projects represented \$108 million—this does not include a prior decade of data manipulation. We are still trying to find out the extent of the projects that were affected and any policy decisions that were executed with falsified data. The reliability of data we are provided as lawmakers across a spectrum of issues is now called into question.

USGS is likely going to assure us that it will never happen again, that new procedures are in place, manuals have been rewritten, new positions have been created and on and on with solutions that make us just want to forget all this and get back to blind faith in Federal science.

However, in the discussion with our witness, I want one basic question answered. Why? Why did this happen? With all the briefings held with your staff, the reports and audits written, we still do not know why this occurred. USGS told us it was the lab's lousy air conditioning but then said that was not it. USGS told us that data was changed to account for variable calibrations and then said it wasn't that either. Finally, USGS offered up the excuse that it was plain incompetence. I don't buy it. Nearly 20 years of fraud and more than \$100 million flushed down the toilet—you can't pin this on one incompetent employee who was remarkably replaced by another incompetent employee. Not to mention the fact the most recent fall guy had sterling employee evaluations. My primary concern isn't just the mechanics of this fraud; there should be a clear explanation of why this happened. Any proposed solution is meaningless without it.

It's an unfortunate coincidence that our first hearing in this newly created subcommittee was on the lack of accountability of Federal science and the consequences of politically driven science. Lives have been destroyed through the actions of Federal employees, motivated by entrenched ideologies, and use of manipulated data or just garbage science. Let this hearing serve as a warning to any Federal employee who harbors thoughts of eschewing scientific integrity and transparency in order to advance some agenda. This subcommittee will not tolerate such actions and will hold accountable those who act in such a manner or turn a blind eye.

Mr. GOHMERT. At this time, the Chair recognizes Mrs. Dingell for 5 minutes for an opening statement.

STATEMENT OF THE HON. DEBBIE DINGELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mrs. DINGELL. Thank you, Mr. Chairman.

Thank you, Deputy Director Werkheiser, for testifying today.

The United States Geological Survey, or USGS, is one of the most esteemed scientific organizations in the world. The Agency earned its reputation through 137 years of unparalleled insights into everything from earthquakes to clean drinking water, and climate change to fossil fuel reserves.

I also know how important their work is because the USGS's Great Lakes Science Center, which is in my district, has played an important role in helping to stop the spread of Asian carp in the Great Lakes. The effect of Asian carp, if they become fully established in the Great Lakes, is enormous, which is why I requested that this subcommittee hold a hearing on just one aspect of the damage—the effect on Great Lakes fisheries.

In order to effectively protect that \$4.5 billion in economic activity in the Great Lakes fisheries, we must have the best possible science from the best possible scientific institutions.

In fact, you would be hard pressed to find a congressional district that has not benefited from USGS's work, which is why it is so disappointing that they have been dealing with a scientific integrity issue.

For 18 years, chemists at a small lab in Colorado intentionally manipulated some of the data that they were hired to produce. Though none of the data was used to support any state or Federal regulations, seven papers were delayed and one had to be retracted.

USGS had the chance to correct it when the data manipulation was first uncovered in 2008; but after they cleaned house and hired new analysts and management, the same data manipulation continued unabated until it was discovered again in 2014.

The investigations that followed uncovered other disturbing things: the lab was found to be slow—they took seven times as long to analyze their samples as they should have, they were slow to identify the manipulation, they were slow to act to correct it and prevent the problem from happening, and they were slow to notify the customers.

The investigations also found that management was asleep at the wheel. Not only did management fail to catch the problem, but one manager looked the other way for a few months. Making matters worse, they presided over, and may have facilitated, a toxic workplace environment. Offensive language and behavior created an atmosphere that was so intimidating that a scientific integrity investigative body concluded that it contributed to the lab's substandard performance. Their report indicated that when a female employee tried to blow the whistle on it, management failed to support her. Any organization that devalues women in their workplace will not last. The scientific integrity report cited this failure as one of the main reasons it recommended that the lab close permanently.

The closure of this lab is a fair outcome. The USGS got a second chance to correct the problem, and they didn't. I believe the USGS

should be held to a higher standard and that the lab closure was the right decision.

Fortunately, all signs point to this problem being isolated to the inorganic lab. The closest comparison to the inorganic lab at USGS is the organic lab, which is reputable and in demand.

The report by the Scientific Integrity Review Panel concluded that “the organic laboratory section is an extremely productive, well-organized structure laboratory that is conducting important scientific research.” Of course, the remainder of the Agency continues to churn out science that is essential to the Nation.

At this point, there have been two Inspector General reports, a number of external audits, a number of internal reviews, and a scientific integrity investigation. At this point, there have been more investigations than the number of analysts that were in the lab.

I will be interested to know what my colleagues on the other side think this hearing will add to the pile, and more specifically, how this new information will help the USGS become a stronger agency. After all, that is one of the primary functions of oversight—to improve the effectiveness of the agencies that serve the American people.

So, I hope we can focus today on making sure we can learn from the well-documented mistakes, ensure that they will not be repeated, and focus on building the Agency up rather than tearing it down.

Thank you, Mr. Chairman.

[The prepared statement of Mrs. Dingell follows:]

PREPARED STATEMENT OF THE HON. DEBBIE DINGELL, RANKING MEMBER,
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Thank you Mr. Chairman. Thank you, Deputy Director Werkheiser for testifying today.

The United States Geological Survey, or USGS, is one of the most esteemed scientific organizations in the world. The Agency earned its reputation through 137 years of unparalleled insights into everything from earthquakes to clean drinking water, and climate change to fossil fuel reserves.

I also know how important their work is because the USGS's Great Lakes Science Center, which is in my district, has played an important role in helping to stop the spread of Asian carp in the Great Lakes. The effect of Asian carp if they became fully established in the Great Lakes is enormous, which is why I requested that this subcommittee hold a hearing on just one aspect of the damage—the effect on our Great Lakes fisheries. In order to effectively protect that \$4.5 billion in economic activity from Great Lakes fisheries, we must have the best possible science from the best possible scientific institutions.

In fact, you would be hard pressed to find a congressional district that hasn't benefited from USGS's work, which is why it is so disappointing that they have been dealing with a scientific integrity issue. For 18 years, chemists at a small lab in Colorado intentionally manipulated some of the data they were hired to produce. Though none of the data was used to support any state or Federal regulations, seven papers were delayed and one had to be retracted.

The USGS had the chance to correct it when the data manipulation was first uncovered in 2008. But after they cleaned house and hired new analysts and management, the same data manipulation continued unabated until it was discovered again in 2014.

The investigations that followed, uncovered other disturbing things. The lab was found to be slow. They took seven times as long to analyze their samples as they should have. They were slow to identify the manipulation. They were slow to act to correct it and prevent the problem from happening. They were slow to notify customers.

The investigations also found that management was asleep at the wheel. Not only did management fail to catch the problem, but one manager looked the other way for a few months. Making matters worse, they presided over—and may have facilitated—a toxic workplace environment. Offensive language and behavior created an atmosphere that was so intimidating, a scientific integrity investigative body concluded that it contributed to the lab's substandard performance. Their report indicated that when a female employee tried to blow the whistle on it, management failed to support her. Any organization that devalues the women in their workplace will not last. The scientific integrity report cited this failure as one of the main reasons it recommended that the lab be closed permanently.

The closure of the lab is a fair outcome. The USGS got a second chance to correct the problem. They didn't. I believe the USGS should be held to a higher standard and that the lab closure was the right decision.

Fortunately, all signs point to this problem being isolated to the Inorganic lab. The closest comparison to the Inorganic lab at USGS is the Organic lab, which is reputable and in demand. The report by the Scientific Integrity Review panel concluded that "the Organic Laboratory section is an extremely productive, well organized, structure laboratory that is conducting important scientific research." Of course, the remainder of the Agency continues to churn out science that is essential to the Nation.

At this point, there have been two Inspector General reports, a number of external audits, a number of internal reviews, and a Scientific Integrity Investigation. At this point, there have been more investigations than the number of analysts that were in the lab. I will be interested to know what my colleagues on the other side think this hearing will add to the pile and more specifically, how that new information will help USGS become a stronger agency.

After all, that is one of the primary functions of oversight—to improve the effectiveness of the agencies that serve the American people. So I hope we can focus today on making sure we learn from the well-documented mistakes, ensure that they won't be repeated, and let's focus on building the Agency up rather than tearing it down.

Mr. GOHMERT. Thank you.

At this time, I will remind the witness that, under our Committee Rules, oral statements are limited to 5 minutes. Your entire written statement will appear in the hearing record. When you begin, the light on the witness table will turn green, as it is now. When you have 1 minute remaining, the yellow light comes on. When time has expired, the red light comes on, and I will ask you to conclude your statement.

At this time, the Chair recognizes Mr. Werkheiser for his testimony.

**STATEMENT OF WILLIAM WERKHEISER, DEPUTY DIRECTOR,
UNITED STATES GEOLOGICAL SURVEY**

Mr. WERKHEISER. Chairman Gohmert, Ranking Member Dingell, and members of the committee, thank you for the opportunity to testify today. I am Bill Werkheiser, Deputy Director of the United States Geological Survey.

The United States Geological Survey has served the Nation for 137 years, providing unbiased science for use by decisionmakers covering a wide range of policy issues. Our reputation for scientific integrity is essential to everything we do.

That is why I am here today, to address a serious breach of scientific integrity at USGS. This is not a proud day for our agency's 8,670 employees. In my 30 years of Federal service at USGS, this is my lowest moment.

In 2014, USGS identified a potential incident of scientific misconduct at the Inorganic Geochemistry Lab in Lakewood, Colorado.

A scientist had been making improper adjustments to data from a machine used to measure heavy metals in coal and water samples. All work in the affected section of the laboratory was stopped and an internal investigation was initiated. USGS also promptly reported the possibility of scientific misconduct to the Office of the Inspector General.

Our investigations into the incident confirm that this data manipulation constituted scientific misconduct. This closely resembled a similar incident at the Inorganic Section that had occurred from 1996 to 2008. The investigation also identified additional management and personnel problems, including indications of a hostile work environment.

I suspect your questions are the same as mine—Why didn't we know this sooner? How could it have happened in the first place? How did it go on for so long without being detected?

Following the recommendations of the investigation, the USGS closed the Inorganic Section of the Energy Geochemistry Laboratory effective March 1, 2016. All the employees implicated in the scientific integrity incidents are no longer employed by the USGS. We posted public notice of this incident, contacted customers of the inorganic lab, and carefully reviewed work products that could have made use of manipulated data from the lab.

All failure of scientific integrity is a serious matter. Misconduct and mismanagement will not be tolerated at USGS. My job is to ensure a situation like this is never able to occur again. We are undertaking significant steps to enhance data quality assurance and quality control procedures.

First, I have asked the National Academy of Sciences to assess all the bureau's laboratory programs, data quality assurance, and quality control procedures. Second, I established a strategic lab committee to ensure that all of our laboratory assets are managed to best support the science mission of the USGS. Third, the energy program is developing a comprehensive and rigorous quality management system to replace current procedures. This will include periodic external review and international benchmarking. Fourth, we have hired a permanent quality management system manager who reports directly to headquarters to avoid any potential conflict of interest, as well as two laboratory quality assurance specialists that will oversee data quality in USGS energy science centers. Taken together, these steps will ensure that any future data quality problems are identified quickly and dealt with immediately.

In our 137-year history, the USGS has built a strong reputation on providing quality scientific information critical to the Nation. For example, our science has helped protect communities in the path of lava flows and prevented a catastrophic rupture along the Alaska pipeline. Most recently, we released an assessment that identified 20 billion barrels of technically recoverable oil resources in west Texas.

We do, and have done, important work in service of this Nation, but none of that excuses or explains this incident. I am committed to upholding the long-standing USGS reputation for scientific quality and integrity. We will continue to address the issues which led to misconduct at this USGS lab and will make all changes necessary to prevent it from happening again.

Throughout these incidents, we have tried to be accountable and transparent to the committee and the public. We have worked with your staff to provide briefings, documents, and other relevant information as quickly as possible, and to prioritize the delivery of the most critical documents to assist in your oversight.

To date, we have provided 270 documents, consisting of more than 4,000 pages responsive to 27 of your 30 specific requests. We anticipate supplying the remaining outstanding documents as soon as possible.

Thank you again for the opportunity to testify today. I am here to answer any questions you might have.

[The prepared statement of Mr. Werkheiser follows:]

PREPARED STATEMENT OF WILLIAM J. WERKHEISER, DEPUTY DIRECTOR,
U.S. GEOLOGICAL SURVEY

Chairman Gohmert, Ranking Member Dingell and members of the committee, thank you for the opportunity to testify today.

The U.S. Geological Survey (USGS) is the Nation's largest water, Earth, and biological science and civilian mapping agency, and the science agency for the Department of the Interior. For over 100 years, USGS has published unbiased science for use by decisionmakers, the Department of the Interior and other Federal agencies, consumers and industry, and the general public. Our reputation for scientific integrity is central to everything we do.

In October 2014 the USGS identified a potential incident of scientific misconduct at the Inorganic Section of the Energy Geochemistry Laboratory in Lakewood, Colorado. This laboratory provided chemical analysis of samples submitted by both USGS researchers and scientists outside of USGS. The misconduct centered on improper adjustments made to calibration and standardization curves of an inductively coupled plasma mass spectrometer, which typically was used to determine the concentrations of a wide range of heavy metals in coal and water samples.

Local managers immediately stopped all work in the Inorganic Section and initiated an internal investigation. We also promptly reported the possibility of scientific misconduct to the Department of the Interior's Office of the Inspector General (OIG) in November 2014. The USGS Office of Science Quality and Integrity (OSQI) performed a preliminary review in March 2015 to investigate the incident. At the conclusion of that review, in accordance with USGS and Department of the Interior policy, the USGS convened a Scientific Integrity Review Panel (SIRP) in June 2015 to investigate the incident. Following its investigation, the SIRP concluded that a chemist repeatedly falsified data by making improper adjustments to calibration and standardization curves and that this manipulation qualified as scientific misconduct. This closely resembled a similar incident at the Inorganic Section that had occurred from 1996–2008.

Following the recommendations of the SIRP, the USGS closed down the Inorganic Section of the Energy Geochemistry Laboratory, effective March 1, 2016. All of the employees implicated in either of the scientific integrity incidents are no longer employed by the USGS.

The USGS posted public notice¹ of this incident, and has since acted on the sole recommendation from the June 2016 OIG Report,² which was to notify stakeholders about the scientific integrity incident. The USGS contacted customers of the Inorganic Lab and carefully reviewed work products that could have made use of manipulated data from the lab. The USGS continues to evaluate the potential impacts stemming from this latest incident, but to date we have not identified any policy or management decisions affected by the manipulated data.

Any failure of scientific integrity is a serious matter. The USGS has taken and is continuing to take significant steps to enhance data quality assurance and quality control procedures. The Energy Resources Program (ERP) is developing a comprehensive, rigorous and externally vetted Quality Management System (QMS) to replace current procedures, pursuant to a May 2015 OIG Report.³ The QMS will ensure data quality through transparency of operation, periodic external review, and

¹ <http://energy.usgs.gov/GeochemistryGeophysics/GeochemistryLaboratories/GeochemistryLaboratoriesNotice.aspx>.

² <https://www.doi.gov/sites/doi.gov/files/2016EAU010Public.pdf>.

³ <https://www.doi.gov/sites/doi.gov/files/CREVGSV00032014PUBLIC.pdf>.

the addition of extensive quality assurance and quality control practices that are the foundation of international and national laboratory standards for competence and quality.⁴ Additionally, the ERP is hiring a permanent QMS Manager, who will report directly to headquarters under the ERP Coordinator to avoid any potential conflict of interest, as well as two Laboratory Quality Assurance Specialists who will oversee data quality in USGS Energy Science Centers in Reston, Virginia, and Lakewood, Colorado. The QMS Manager has been hired, and will start work this month. This more robust QMS will place ERP management in direct coordination with data quality managers, thus ensuring that any future data quality problems are identified quickly and dealt with immediately.

In addition, the USGS has created a Strategic Lab Committee to ensure that its laboratory assets are managed to best support the science mission of the USGS. This committee will assess laboratory assets that represent significant investments in personnel, facilities, equipment and operations across USGS mission areas and regions, and will also provide advice regularly on the strategic and tactical development of those assets. The USGS is also consulting with independent entities regarding assessments of the Bureau's laboratory programs, data quality assurance and quality control procedures.

In our 137-year history, the USGS has built a strong reputation on providing consistent, quality scientific information critical to the Nation. Our science has helped protect communities in the path of lava flows and prevented a catastrophic rupture along the Alaska pipeline. Our scientists have elucidated the geochemical processes behind mercury contamination, uncovered the mysteries of white-nose syndrome in North American bats, and investigated avian influenza in American poultry farms. Just a few weeks ago, we released an assessment that identified 20 billion barrels of technically recoverable oil resources remaining in the Wolfcamp Shale formation in the Permian Basin of west Texas. The societal value of these studies is why we are committed to upholding the long-standing USGS reputation for scientific quality and integrity. We will continue to address the issues which led to misconduct at this USGS lab, and will make all changes necessary to prevent such a thing from happening again.

Throughout these incidents, we have been open and transparent about our activities. We have also worked with congressional staff to provide briefings, documents and other relevant information as quickly as possible. We appreciate the opportunity to provide this information, and look forward to continuing to do so.

Thank you again for the opportunity to testify today. I will be happy to answer any questions you might have.

QUESTIONS SUBMITTED FOR THE RECORD TO WILLIAM WERKHEISER, DEPUTY
DIRECTOR, U.S. GEOLOGICAL SURVEY

Mr. Werkheiser did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Chairman Gohmert

Question 1. In your testimony you maintained that, at the time, USGS had provided the subcommittee with 270 documents that were responsive to "27 of your 30 specific requests," that were made in a September 23, 2016 letter from the subcommittee to USGS. In addition, you also testified that USGS anticipated "supplying the remaining outstanding documents as soon as possible." Could you provide the subcommittee with a list of the 27 requests that you testified USGS satisfied by the December 6, 2016 hearing as well as the requests that were satisfied by USGS's December 20 document production, making specific note whether the requests were fully or partially satisfied?

a. By approximately what date does USGS anticipate that it will be able to fully satisfy the subcommittee's requests, made in its September 23, 2016 letter?

Question 2. When does USGS anticipate the National Academy of Sciences' bureau-wide review of USGS laboratory data assurance and quality control procedures to be completed?

⁴International Organization for Standardization (ISO)/International Electrotechnical Commission (IEC) 17025, "General requirements for the competence of testing and calibration laboratories" and, The NELAP Institute (TNI), the national standard for laboratory accreditation.

Question 3. In its September 23, 2016 letter, the subcommittee requested USGS to provide information that would illustrate all the disciplinary actions the Agency took after the discovery of years-long data manipulation, first in 2008 and then again in 2014. In its December 20, 2016 document production USGS provided the subcommittee with a number of documents that described various disciplinary actions taken against a number of USGS employees. Do the documents provided to the subcommittee by USGS in its December 20 production represent the full extent of the disciplinary actions taken by the Agency in response to nearly two decades of data manipulation occurring at the Lakewood, Colorado Energy Resources Program Geochemistry Laboratory as well as the issues identified in the September 21, 2015 Scientific Integrity Review Panel Report? If not, when does USGS anticipate it will be able to satisfy the subcommittee's request in full?

Question 4. Your oral testimony noted that the Equal Employment Opportunity Commission determined that the safeguards USGS has in place to protect employees seeking to blow the whistle on potential workplace misconduct as well as policies that will ensure these matters are investigated fully are "not totally adequate" and are currently being revised. When does USGS anticipate that its revisions will be completed?

Question 5. What changes were made in the lab's standard operating procedures for the mass spectrometer after the first period of scientific misconduct was discovered? How did they prove ineffective at discovering the second course of data manipulation?

Question 6. In regards to allegations that laboratory personnel created a hostile work environment and that both management as well as the human resources offices failed to act on employee complaints, you testified that USGS is continuing to actively investigate this matter. When does USGS estimate this investigation will be completed and provide the subcommittee with a copy of the investigative report?

Question 7. A document provided to the committee noted that after the first iteration of data manipulation was discovered, the lab's manager and QA/QC officer reviewed 7 months' worth of the work produced by the analyst over a 12-year period. According to the document, the reviewers "did not find a single job without data manipulation," estimating that over 2,500 samples had analysis data manipulated. Could you provide the committee with the total number of sample analyses that have had data manipulated during the entire 18-year course of scientific misconduct?

Question 8. Currently, how many USGS labs are operating with fully implemented Quality Management Systems (QMSs)? How many are not? Will the QMS currently being developed by USGS encompass laboratories agency-wide or will individual laboratories retain their own QMSs? In the event that individual labs are permitted to retain their own QMSs, are these systems review and approved by USGS headquarters?

Question 9. USGS has established that data manipulation incidents occurred between both 1996 and 2008, as well as 2008 and 2014. How were these particular beginning and end dates established?

a. With what frequency did the data manipulation occur?

b. Are you able to isolate any particular time periods, such as weeks or months, during which the data manipulation did not occur?

Questions Submitted by Ranking Member Dingell

Question 1. I'm concerned about the blank pages from the document production the Chairman held up at the end of the hearing. Why were they blank?

Question 2. What is the evidence the analysts did not manipulate the data in order to achieve a desired outcome? How do we know the data was not manipulated to suit an agenda?

Question 3. I want to follow up on a question about the financial impact of the second incident that was raised in the hearing. Mr. Werkheiser indicated that the \$108 million assessed by the Inspector General (IG) was not fully explained. Please explain it.

Question 4. The IG report detailed the studies impacted by the second incident. Is that the entirety of the impacts from the second incident? Can we say with confidence that the impacts from the second incident are fully known or are known to the extent possible? What uncertainties about the extent of the impacts of the data manipulation remain for both of the incidents?

Mr. GOHMERT. Thank you, Mr. Werkheiser. We do appreciate your testimony. We appreciate you being here. I know that is not the most fun thing to do. But we will begin the questioning, and I will recognize myself for 5 minutes.

You have talked about the troubling aspect of this issue, but like I mentioned in the opening statement, going back to 1996, that is during the Clinton administration; through 2008, that is the Bush administration; to 2014, that is the Obama administration. I have to tell you, Mr. Werkheiser, when I first got elected, I can remember walking around Stephen F. Austin University, and they have done some great work in conjunction with the United States Geological Survey. I looked at this stuff from the USGS, and my thought, going back to high school, wow, the USGS, this is really quality stuff. And I got the high grade in science in my high school, and I remember seeing USGS, wow, this is really impressive. This is really quality stuff, as we talked about the gold standard.

So, it is really heartbreaking to think about all of the great work that has been done to build this phenomenal reputation of the United States Geological Survey, to come around to the point where we are now, where we have had years of just falsity and fraud, manipulating data. You got rid of one employee—and really, it doesn't sound like there were a lot of consequences there. That is deeply troubling. If somebody's falsifying data, it ought to be a blight on their total reputation and their professionalism.

But I come back to the question I mentioned in my opening statement—To what end? Why the continued falsification and manipulation of data? Do you have an answer to the why? As a lawyer, I was taught never ask the question “why,” but I really, truly want to know.

Mr. WERKHEISER. I share your concern. I was appalled and devastated when I learned of this incident. Like you, when I was in school, I learned of the USGS through an article that said the USGS was the best at what it does in the world. That made me want to become part of USGS, so I was deeply, deeply appalled when I learned about this incident.

While I cannot look into the mind of the analysts involved, what I can say is that with this instrument, when the raw information comes off of it, it often needs to be adjusted to comply with standards that are run.

Mr. GOHMERT. Well, Mr. Werkheiser, we had heard that originally that you have to change it some because of the calibration. But then it turned out, we heard from USGS, that really does not explain all of the falsification that we have here. So, I appreciate that position, but we heard that before and then it turned out that really was not the proper explanation.

Let's try again. Do you have some other explanation for why?

Mr. WERKHEISER. The issue is that those adjustments were well outside of established standards. And while I cannot look into the mind of the person or the analyst——

Mr. GOHMERT. You said that twice now, but the fact is you can ask the scientist why. Did you ever ask these people, “Why did you do this?”

Mr. WERKHEISER. Yes, they were asked why. Their explanation was that they felt those manipulations were justified when, in fact, they were not. We looked at it to see if there is a pattern of that manipulation. Was it consistently high, higher than the value should have been? Was it consistently lower than the value could have been? Were they trying to drive some agenda to falsify that data?

There was no consistent bias in that information. Sometimes it was high, sometimes it was low. In fact, the way the samples are submitted, there is no way for them to know what those samples are going to be used for. The project is not identified.

So, I cannot explain exactly why, except from what they tell us. It was in an effort, in their minds, to provide more accurate information, which is absolutely not the case.

Mr. GOHMERT. That is total irony. You manipulate data in order to make it more accurate. That is totally incongruent.

What do you believe is the long-term effect of USGS’s reputation in the science field? I mean, you have university students that are now saying, “What are we supposed to do? This is totally bogus science here.”

Mr. WERKHEISER. This is damaging to our reputation. There is absolutely no doubt about that. All I can do is to ensure that we rebuild and regain that reputation. The four steps I outlined before: bringing in the National Academy of Sciences, a very prestigious organization, to evaluate our protocols to help us into the future; the establishment of our strategic laboratory committee to look at all our assets, every lab we have; and the implementation of a QMS, quality management system, that will eventually encompass all of our laboratories across the USGS will help to rebuild that reputation.

Mr. GOHMERT. Has that been done?

Mr. WERKHEISER. The quality management system is underway.

Mr. GOHMERT. All right. Well, my time has expired.

I recognize Mrs. Dingell for 5 minutes.

Mrs. DINGELL. Thank you, Mr. Chairman.

Deputy Director Werkheiser, because I so value USGS’s work that it does and the people that work there, I want to ask you about the workplace environment at the lab. As you know, the Scientific Integrity Review Panel was appalled to learn that there was a toxic work environment characterized by “use of offensive language and behavior” that appears to be created, at least in part, by a lab analyst that was flippant and difficult to work with.

When a female staff member brought the issue to the attention of two levels of management, management and human relations appeared to have failed to adequately address the harassment. She was reportedly one of the several recipients of bullying behavior in the lab.

While this sounds like it is not a case of sexual harassment, because it happened to men and women, it is a case of harassment that apparently also went for a very long time without being addressed. In fact, it might not have been discovered at all or paid attention to, even though it was being reported, if not for this particular scientific integrity investigation.

I want to know how, in the absence of this kind of investigative report in other parts of USGS, can we know that such a hostile work environment has not taken root elsewhere in the Agency?

Mr. WERKHEISER. Thank you for the question. I also was deeply disturbed to learn of the hostile work environment at play here. I am appalled at that environment. So, the main question of "How can we be assured that this does not happen elsewhere in the Agency?" is one of great importance to me.

I will point to two things where I say I am confident that is not a culture within USGS. The two things I will point to are: if we look at our sexual harassment claims, they are the lowest in the Department of the Interior; and when you look at our Federal Employee Viewpoint Survey results, we consistently score higher—and these results are used to evaluate work employee engagement, employee satisfaction—those results are consistently higher than the Department and consistently higher than the government overall.

However, those are just statistics. Even one instance of hostile environment or sexual harassment is one too many. Our job is: "How do we ensure that we have a workplace where people feel safe and are comfortable bringing issues of this nature forward and not be afraid of any type of retaliation or retribution?"

In doing that, we take it very seriously, and we are undertaking a number of things that are happening. First, is that all the executives within USGS have attended training on workplace environment, workplace culture. That training will be cascaded through the organization until every employee has received that training and is made aware.

The other thing we have done is, in looking at this case in particular, it is clear that the employee did not feel comfortable coming forward. So, we need to have advocates for employees who represent their interest, and that they can go to confidentially and not be concerned about any retribution or any type of stigma attached to coming forward. We are working with the Department of the Interior to make our employees have access to an ombudsperson, at least one, maybe several, to ensure that confidentiality and that advocacy.

The other thing I will say is that our Director takes this issue very seriously. She has issued several memos and communications with employees on the issue. She has developed a work group to look at, in particular, workplace issues and reaching out to organizations such as the American Geosciences Institute and the American Geophysical Institute—or Union—to look at the processes and the lessons learned, the best practices from those very large institutions and bringing those into USGS.

Mrs. DINGELL. Let me quickly ask you two questions. I work there, and I want to report a harassment. How can I do that, be assured that my whistleblowing will remain confidential to all,

including my supervisor? And how do I know it will be investigated fairly, thoroughly, and promptly?

Mr. WERKHEISER. We have worked with our Office of Diversity and Equal Opportunity. That is where those claims are looked at and investigated. And we have had that looked at by the EEOC; and, I guess several years ago now, they determined that our systems were not totally adequate to ensure just what you had asked, that confidentiality and that ability to look and investigate an issue fully without any type of stigma attached to it. We are revising our policies in our office. We are working with the Department to do that.

Mrs. DINGELL. Thank you.

Mr. GOHMERT. Thank you, Mrs. Dingell. I really do appreciate your getting into that issue like that. I was reminded, in very recent years, we actually impeached a couple of judges, and one of them was about the workplace environment and harassment of the women on his staff. He should have been thrown out of office for the things he was doing.

I am wondering out loud here, maybe we need to encourage people that work in the Federal Government, if you have a hostile workplace environment, maybe we need to know and drag those people up here and over the coals, so that if they are tempted to abuse people working for them, particularly women working for them, maybe you will get a chance to come up here and be totally humiliated in front of the whole world. We will have to keep that in mind.

At this time, I would recognize Mr. Labrador for 5 minutes.

Mr. LABRADOR. Thank you, Mr. Chairman.

Thank you, Mr. Werkheiser, for being here today.

In reviewing some of the facts of this case, do you believe that the chemist most directly involved with the data manipulation was qualified for the job?

Mr. WERKHEISER. Using the instrument that he first started on in 2010, or I believe it was 2009, yes. New instrumentation was procured in 2012, and evidence indicates that he was not qualified to operate that instrument.

Mr. LABRADOR. It appeared that other employees of the inorganic chemistry lab were aware that the chemist in question did not even have sufficient database experience to do his job. They described his Microsoft Excel knowledge as rudimentary, i.e., freshman college level. The SIRP report team called this incomprehensible that this chemist in question was hired to work within this facility without possessing adequate data processing skills.

This man was a 30-year employee of the USGS working with expensive equipment, handling projects with a value in excess of \$100 million. How did he maintain his employment?

Mr. WERKHEISER. Most of his career, he was working in a different lab doing different things. And he was transferred to the Inorganic Geochemistry Lab, I believe, in 2009 or 2010, where he took over those new duties. So, it was clearly a management failure at several levels.

And, again, through these procedures and through this quality management system implementation, we intend to make sure that

does not happen again; or, if it does happen, that we catch it quickly and take appropriate action.

Mr. LABRADOR. I am trying to understand, because you, Mr. Werkheiser, you are one of the best witnesses that I have ever seen in Congress. I really want to praise you for taking responsibility. You seem to really care about your job, so I am trying to understand how this happened. With somebody that really cares about what they are doing, you have so much pride in the work that you do, how did this happen? Have you thought about that?

Mr. WERKHEISER. I have thought about it often, long and hard. The responsibility for ensuring that our employees are doing their jobs and are accountable to their jobs resides in all levels of management, from first-line supervisor up to the Director of the United States Geological Survey. Failures along the way are inexcusable, and I need to do a better job of holding my supervisors accountable, and that will trickle down through the organization.

Mr. LABRADOR. I am concerned by this and think everyone should be concerned, as you are. Here we have employees of what has already been described as the gold standard of scientific institutions, and they do not have the basic knowledge necessary to enter data into a computer. How do we know this is not happening in other labs in Denver or in every other Federal lab in the country?

Mr. WERKHEISER. Yes, we have a number of labs throughout the country. And, in fact, one of the labs in Denver that you just mentioned is our National Water Quality Lab. Whereas the lab in question, the Inorganic Geochemistry Lab, processed about 575 samples a year, the National Water Quality Lab processes about 35,000 to 40,000 samples a year. So, the throughput is much larger and employs a much larger staff.

The quality controls at that Denver lab, the National Water Quality Lab, are stringent. It is a best practice. It is recognized. It is reviewed often by external agencies. And there are other labs. Most of the labs across USGS that have that type of volume and that type of stature have similar quality management systems in place.

We have other labs that are research labs. Those are staffed by one or two people. They do work for their project. They may be developing methods that do not exist at this time, looking at very unique types of constituents. Those quality management systems are not as robust because they do not exist, but our new effort to implement here in this quality management system will eventually encompass all those labs.

Mr. LABRADOR. Can you give us some reason to continue to have faith in the research produced by the USGS?

Mr. WERKHEISER. Yes. As I said, I am confident that this was an isolated example. We have other quality assurance measures in place. For example, many of the projects that use this lab have their own quality assurance procedures in place, and they actually caught a number of the issues and did not use that information because they have those quality assurance procedures.

Mr. LABRADOR. Does the energy resources program at Lakewood facility have a fully functional quality management system in place?

Mr. WERKHEISER. Not at this time. That is what is being implemented now.

Mr. LABRADOR. How is it possible that it has taken this long to still not have a quality management system?

Mr. WERKHEISER. We have had quality management systems. They were not effective, as we mentioned in the opening statement. There have been a number of reviews, in particular, in this lab. After the 2008 incident, there was an internal review by a team from outside the lab. There was an external review in 2012 that had 29 recommendations that were implemented. But it was the responsibility of the local management to implement those recommendations, and they were slow to do that.

Those previous efforts were not successful, so we need to ensure that this future effort is successful. We believe that the robust system that we are putting in place, even though it will take some time to put in place, is the way to go. It is the right way to do it, and we have tried other ways that have not been effective.

Mr. LABRADOR. OK. Like I said, I have really enjoyed you as a witness, and I want to believe you. But the fact that we do not have the system in place is very concerning to all of us.

Mr. GOHMERT. Thank you, Mr. Labrador.

At this time, the Chair recognizes Mr. Westerman for 5 minutes.

Mr. WESTERMAN. Thank you, Mr. Chairman.

And, Mr. Werkheiser, thank you for your, pretty much, raw testimony today. I know this is not the first time this issue has been discussed in this committee. The last time there was only a little bit of smoke and we thought there was probably some fire, and I think you have verified that there was wrongdoing and definitely fire associated with this, figuratively speaking, obviously.

I would like to commend the Chairman and the Ranking Member. And I think this is a sign of the seriousness of this issue that scientific intellectual integrity is an important thing to everyone across these party lines, and it is something that we simply just cannot tolerate.

If you look at the founding of our greatest educational institutions in this country that even predate the Constitution, the motto of Harvard is veritas, which means truth; if you look at Yale, it is Lux et veritas, light and truth, so transparency and truth. This Nation has held that to be paramount for a long time, and when issues like this happen, it troubles us.

Personally, I worked as an engineer for over 20 years, and I used USGS data. And it makes me think, did I make professional decisions that I am accountable for based on flawed data? Even though it was not this data, but it was USGS data, and there are thousands and thousands of people across the country that have experienced that.

When we think about what has happened and how to move forward and why we, as Members of Congress and keepers of the taxpayers' dollar, should continue to invest in USGS, I think we need a better answer. I know that this data may not have been used directly in policy, but how much of this data was used by people in industry, or people in research.

How much of it—I mean, testing coal and heavy metals. Were there bad decisions made that resulted in somebody doing some-

thing in a process that harmed the environment? Were there decisions made that prevented someone from using something in a process that caused economic damage?

I think we need a better explanation, that you go back and find out exactly why this data was manipulated, what the far-reaching effects are. There is a proverb that says that if a thief is caught, he should repay it seven times over. I think USGS needs to do a more in-depth investigation so that we feel comfortable that the problem has been rectified and it will not happen again.

Are there any efforts underway to go back and trace the knowledge trail to see where this data might have been used and—even public opinion may have been influenced by articles that were written based on this research which actually could affect policy decisions. Where are you in the process of actually going back and uncovering the real damage that was done?

Mr. WERKHEISER. Yes. We are continuing to investigate the original information. Part of the issue and part of the reason that makes this so bad is that standard procedures for keeping records were not kept. So, the raw data that came off was not necessarily archived.

However, we have gone back and we have retrieved a significant amount of that information from other sources, and we are evaluating what that manipulation exactly looked like, how severe was it, can we re-create what the values should have been. We did not have that information when we first started the investigation. We have some of that now. So, we are hoping to go back and learn from that.

We were also making an effort to go back and, as you say, take a look at the stakeholders that may have used products from this lab. Most of those were internal, and we feel confident that none of the data used from this, at least this latest incident, made it into the public domain, that the projects that had those analyses run were able to capture it. It was definitely inefficient and cost money, but they were able to use other means to reach their conclusions, multiple lines of evidence.

Mr. WESTERMAN. So, 20 years of research and none of this ever got outside of the USGS?

Mr. WERKHEISER. I should have been clear. It was this latest incident from 2010, 2009 to 2014. We cannot evaluate the previous 1996 to 2008. That information does not exist. However, we have talked to scientists who used that information, who had projects back in that time frame and we are evaluating the potential impacts from that.

The other thing we are doing is we are looking at those 33 projects that used the information from the latest incident and are trying to backtrack that to look at all stakeholders, so that even if the data did not make it into the public domain, there may have been informal communications with others, and we are trying to backtrack that also.

Mr. WESTERMAN. So, you could maybe do research on where the lab was cited back as far as 20 years ago in other research papers. And also—I know I am out of time, but when do you expect to have that report to us on the effects of the manipulated data?

Mr. WERKHEISER. Yes. It will take several months to do that investigation, but certainly as soon as we have it, we would be happy to come and talk to you about it.

Mr. WESTERMAN. I yield back, Mr. Chairman.

Mr. GOHMERT. Thank you.

At this time, the Chair recognizes Mr. Hice for 5 minutes.

Dr. HICE. Thank you, Mr. Chairman.

And, Mr. Werkheiser, thank you for being here to try to answer some pressing questions.

Obviously, it is disturbing to all of us, disturbing to you as well, I am sure, and you have communicated to that. But when you have decades of falsified, manipulated data, we all recognize it is inexcusable. And it is phenomenal to me that something like that can even take place for so long and either not be checked or be overlooked. Whichever the case was, it is inexcusable.

Then we find that, as you mentioned, I believe it was 2008 when a new scientist was brought in, he immediately begins doing the same thing, and earlier this year receives a 30-year service award. It sounds like it is like a resume enhancer to come in and be involved in data manipulation. But the fact that it was intentional and continuous is very difficult to wrap my mind around, and I am sure others feel the same way.

Let's go to this second chemist, the new chemist that came in. We already had, from 1996 to 2008, a long period of manipulated data. We finally have a new chemist come in, and in 2014, discovered that that chemist, as I mentioned earlier and the Chairman did as well, had also been manipulating data.

How long did that chemist stay on the payroll after his fraudulent activity was discovered?

Mr. WERKHEISER. In October of 2014, a stop work order was issued, and that chemist was involved in trying to re-create the work he had done. Personnel actions were initiated, and I believe it was June 2016 when the separation took place.

Dr. HICE. All right. June 2016, after he had received a 30-year length-of-service award. Did he retire? Did he get full benefits?

Mr. WERKHEISER. I would be happy—

Dr. HICE. Please provide that information. I would be curious to know.

So, for 2 years he still remained on the payroll. What was he doing?

Mr. WERKHEISER. Trying to re-create the information that was in question.

Dr. HICE. Trying to re-create the falsified information?

Mr. WERKHEISER. Trying to justify his actions to the investigative bodies, the various bodies that went through that lab.

Dr. HICE. So, we, the taxpayers, were paying for a guy who manipulated data to justify why he manipulated it. Is that what you are telling us?

Mr. WERKHEISER. Well, to look at exactly the questions you had asked: Why did this happen, how did it happen.

Dr. HICE. That sounds to me like it could be done through interrogation rather than giving him 2 years on the payroll.

Mr. WERKHEISER. Our personnel processes are complex.

Dr. HICE. Did no one interrogate him?

Mr. WERKHEISER. They certainly questioned him.

Dr. HICE. I am not going to use that word "interrogate." Did no one try to just sit down and get the facts on the table?

Mr. WERKHEISER. Yes. Several times.

Dr. HICE. Did it take 2 years of him doing it on his own, and being paid? I mean, I don't understand this. It sounds to me like there is a brief slap on the wrist and he continues on the payroll until he is ready to retire, after he receives an award.

Mr. WERKHEISER. The length of service is exactly what it says. You work for 30 years and you get recognized for that. I don't think it was a slap on the wrist.

Dr. HICE. Let's not go on—my time is short—what disciplinary actions do you have against employees who commit data manipulation and fraud or commit something against supervisors?

Mr. WERKHEISER. There are various penalties, including suspension without pay up to separation from the Agency.

Dr. HICE. But that obviously did not occur in this case?

Mr. WERKHEISER. The action was initiated, yes.

Dr. HICE. After 2 years?

Mr. WERKHEISER. No. I mean, it was initiated, not right away but—

Dr. HICE. What discipline did he incur?

Mr. WERKHEISER. The investigation, as I said, is complex, takes time.

Dr. HICE. My question has to do with what discipline action was taken.

Mr. WERKHEISER. Again, I would be happy to provide that information.

Dr. HICE. Provide the information, Mr. Werkheiser. It seems like that would be something you would come to this committee hearing prepared to answer.

Mr. WERKHEISER. I cannot answer.

Dr. HICE. All right.

Mr. Chairman, I have one further question.

Mr. GOHMERT. Without objection.

Dr. HICE. Thank you.

This subcommittee has repeatedly asked, since the September 23 letter, for the performance evaluation of these two chemists who committed the manipulation. To this point, we have still not received those evaluations. When can we expect to receive that?

Mr. WERKHEISER. That information has left the USGS, is at the Department being reviewed at this time. Part of the reason it took so long to produce is that we had to retrieve that information from OPM. When the information came, much of that information was non-responsive to the specific request. So, we went through it and brought out the specific information requested. That is now at the Department being reviewed and will be here as soon as it is—

Dr. HICE. With all due respect, sir, we are the ones that want to review that information. We are the ones who requested it, and we expect it. When will we receive that?

Mr. WERKHEISER. It is at the Department, and we have, as I am sure you are aware, we have—

Dr. HICE. Can you give me a general time line?

Mr. WERKHEISER. Approximately 2 weeks.

Dr. HICE. Thank you, sir.

I now yield back. Thank you for your indulgence, Mr. Chairman.

Mr. GOHMERT. Thank you.

At this time, Mrs. Radewagen is recognized for 5 minutes.

Mrs. RADEWAGEN. Thank you, Mr. Chairman.

Thank you for your appearance today, Mr. Werkheiser.

I assume the lab lost a significant amount of credibility when the disclosure was made. What is really amazing and troubling among many details of this case is that the lab went ahead as if nothing occurred, and you doubled down on a \$174,000 piece of equipment that no one either knew how to operate, cared enough to operate correctly, or was even interested enough to oversee.

How do you justify buying a new piece of equipment like a mass spectrometer when no one was willing to verify that it was operated correctly?

Mr. WERKHEISER. In any laboratory situation, upgrades of equipment are a common business practice, and we need to stay on the forefront of technology. When new equipment comes out, oftentimes, I know in my experience in the Water Quality Laboratory, when the new generation of equipment comes out, they process more samples in a shorter amount of time and are more efficient in the processing of that information. Plus, they provide information that is more accurate and more reliable.

So, the purchase of equipment is a standard business practice that occurs throughout our labs. In this case, the critical failure was in not training this individual, not ensuring that this individual had the appropriate training and background to operate the equipment appropriately. That is a management failure. And that, again, is something that we recognize and that we will move forward to correct as part of some of the tasks we are undertaking to improve the quality of our laboratories.

Mrs. RADEWAGEN. We have one report stating the lab had an average turnaround time of 224 days to process samples. Did the lab have a reputation for long turnaround times to process samples?

Mr. WERKHEISER. It did, much longer than could be achieved in private laboratories. So, in addition to the scientific misconduct and integrity issues, the decision to close the lab also included those operational issues, such as turnaround time, and efficiency and value to the taxpayer.

Mrs. RADEWAGEN. So, coupled with knowledge that the lab had a history of inaccuracies and slow turnaround, why was management so complacent, or as the Scientific Integrity Review Panel described, characterized by conscious acquiescence and inattentiveness? Didn't that ultimately let the fraud continue until 2014?

Mr. WERKHEISER. Yes, it clearly was a management failure. As managers and as supervisors, we owe it to the taxpayer and to this country to hold ourselves and our employees accountable. That did not happen in this case.

Mrs. RADEWAGEN. Thank you, Mr. Chairman. I yield back.

Mr. GOHMERT. All right. Thank you.

We do have a few more questions. For one thing, you heard from the Ranking Member that the SIRP reported that a culture of harassment existed at the lab. That is so incredibly serious.

And, by the way, we have been going through this hearing all this time and I don't believe a single name has been mentioned. We are covered by Speech and Debate Clause privilege regarding things that are said on the record. But for the record, who was the person who was manipulating the data beginning back in 1996? We haven't even heard a name.

Mr. WERKHEISER. Again, I would be happy to provide that in private. Our advice is that because this is being broadcast, that we should not, because of privacy concerns——

Mr. GOHMERT. Well, that is the whole reason I ask. If somebody is making an abusive workplace, I want their name out there. They should not be provided protection from having their name mentioned. And with regard to privacy concerns, that is what I am saying. This is protected. You don't have to worry about lawsuits.

But if somebody is abusing female employees, I think it is good to talk about, like we did in Judiciary when we had a judge doing that. I would like for any man that is tempted to do that to realize that some day his name is going to be brought up in a broadcast.

Mr. WERKHEISER. What I can say is those employees are no longer with the United States Geological Survey. I would be happy to provide that information to you privately. My advice has been not to provide that publicly because of the public nature of this hearing.

Mrs. DINGELL. Mr. Chairman, I do think that we need to make the point this is still under active investigation and that the committee probably has the right at the end of the investigation to ask for the findings. Is that correct, that this is still under active investigation?

Mr. WERKHEISER. Yes.

Mr. GOHMERT. That is the case, OK. It is still under active investigation. So, the investigation is not concluded. Is that right?

Mr. WERKHEISER. Well, the overall investigation is not. Those employees are no longer with the United States Geological Survey, but there is still an active component going on.

Mr. GOHMERT. Active component to what?

Mr. WERKHEISER. To learn exactly what happened, what the nature of the issues were, how severe it was. It is not a formal investigation, but we are still investigating the issue.

Mrs. DINGELL. Mr. Chairman, again, so I had had questions about how are they allowed to retire, what were the circumstances, were people held accountable. Are we going to ultimately get that report?

Mr. WERKHEISER. I——

Mrs. DINGELL. I shared your concerns.

Mr. WERKHEISER. Yes. We——

Mrs. DINGELL. So, I was told it was still under active investigation. They did not have that yet, but I think this committee would like to see it when you do.

Mr. GOHMERT. Right.

Mr. WERKHEISER. We can certainly provide that to the committee, yes.

Mr. GOHMERT. All right. Thank you. Well, I would very much like to have that information.

And if the investigation has formally concluded—you say there may be some informality in the continuation. Well, if it is formally concluded, I would like this committee to have access to that information to know who was creating the problem. And I don't care if they retired or not. There need to be consequences. Even if at a minimum, it is having your name discussed on the record as someone who is abusing the employees under your supervision.

So, you are agreeing to get us that information, with regard to the investigation?

Mr. WERKHEISER. Yes.

Mr. GOHMERT. OK. And I do want to follow up with a couple more questions. Did the lab management take the discovery of the second instance of continuous data manipulation seriously?

Mr. WERKHEISER. Yes. When the second incident was discovered, the lab management acted immediately to notify the energy resources program at headquarters, and initiated an internal investigation from our Office of Science, Quality, and Integrity. That investigation eventually led to notification to the Office of Inspector General. It was self-reported. And the science center management generated all those requests.

Mr. GOHMERT. The reason I ask is that the SIRP noted that the lab's lead physical scientist, quality assurance officer, asserted "that all activities related to the SIRP are not necessary, and that the situation has been blown completely out of proportion."

Mr. WERKHEISER. Yes.

Mr. GOHMERT. Well, that sounded like it was not being taken seriously.

Mr. WERKHEISER. Right. The QA/QC person was not in the management chain. They are not a supervisor. The management chain took it very seriously and reported it.

Mr. GOHMERT. Well, did the laboratory's culture fostered by the United States Geological Survey promote an environment where a person would feel comfortable coming forward to expose the wrongdoing?

Mr. WERKHEISER. That is our job. Our job is to create that environment.

Mr. GOHMERT. Well, I know it is your job. The question is about whether it was done.

Mr. WERKHEISER. Yes. In this case, I don't believe enough was done to create that environment.

Mr. GOHMERT. All right. The SIRP found that whistleblowing, related to the second incidence of data manipulation, created "a feeling of mistrust and resentment present at all levels." So, it sounds like there is a lot more work that needs to be done there.

Mr. WERKHEISER. I would certainly agree.

Mr. GOHMERT. All right. I yield to the gentleman from Arkansas for 5 minutes.

Mr. WESTERMAN. Thank you again, Mr. Chairman.

Mr. Werkheiser, one thing that still troubles me is something in the response in the letter that you sent to Chairman Gohmert. It says here that we have been unable to determine either the rationale for the data manipulation or any consistent calculations that the analyst used in performing those data manipulations.

Is that still being investigated, or is that your final say on it?

Mr. WERKHEISER. The analyst in question has been consistent in his responses that he viewed that he was doing an appropriate adjustment to the data, even though it is clear that it was not. So, I don't think any further questioning of that person is going to yield anything different than that.

The investigation of, "Was there a pattern, is there a consistency as to how that manipulation happened, the extent of what it was"—many of the reasons for it are still under investigation. Since we have been able to identify some of that through notebooks and those type of things, with that information we are trying to re-create what exactly happened.

Mr. WESTERMAN. So, there is still investigation going on to try to determine the rationale?

Mr. WERKHEISER. Yes.

Mr. WESTERMAN. OK. The June 2016 Department of the Interior Inspector General report noted that the second case of continuous data manipulation at the Lakewood facility affected, at a minimum, projects that received \$108 million in funding. However, what remains unclear is the dollar value of the projects that were impacted by the data manipulation that occurred at the lab between 1996 and 2008, and we talked about that a little bit earlier about the records.

Could you tell the committee what was the aggregate dollar value of the projects that were affected during this earlier 12-year course of data manipulation?

Mr. WERKHEISER. We have been trying to assemble that information. Actually, I do not have that information, but I would like to follow up on the \$108 million figure.

That represents the total funding for those projects that used the lab. The actual value of those samples that were analyzed is much less than that. The projects and the results they make, they use many lines of evidence, they use outside labs, they use a number of—it represents the entire effort to produce a report or an assessment. The value of the impacted from the laboratory is probably a tenth of that.

Mr. WESTERMAN. Do you know how many projects were in that time period?

Mr. WERKHEISER. In the——

Mr. WESTERMAN. We have the dollar amount, but what was the number of projects affected?

Mr. WERKHEISER. In the second incident, it is 22 projects. We actually do not have the information for the first incident.

Mr. WESTERMAN. Do you happen to know how many projects there were?

Mr. WERKHEISER. Not for the first one. Those records just do not exist back that far. We have partial records, but dating back to 1996, that was prior to an automated laboratory information management system that was put in place in 2010.

Mr. WESTERMAN. Hopefully, you can understand the heartburn that creates, that there is a federally funded research lab with no data or no backup.

Mr. WERKHEISER. I do understand that on the financial side. We will try to re-create as much of that as we can.

Mr. WESTERMAN. Even on the research side.

Mr. WERKHEISER. Well, certainly on the research side, I think we know that the—Do we know how many projects? We do not know.

Mr. WESTERMAN. And no way to find out?

Mr. WERKHEISER. I will go back and try to.

Mr. WESTERMAN. I had a follow-up question—Did any of the data derived from the lab during this period affect any Federal legislation or regulation, Federal or state? If you don't even know what projects were done, obviously there is no way to determine if the research affected any state or Federal regulations.

Mr. WERKHEISER. I cannot address that with any certainty, that is true.

Mr. WESTERMAN. I guess with that, Mr. Chairman, I am at a loss for words.

Mr. GOHMERT. Mr. Hice, do you have any further questions?

All right. I would like to thank the witness, Mr. Werkheiser, for being here. And I appreciate the participation of the Members, the Ranking Member. Obviously, this is a reminder why we must be vigilant and make every effort to hold the executive branch accountable to the taxpayers.

While I hope this revelation of mass data manipulation is limited in scope, it is only through careful examination we can learn and move through and move forward with confidence. And it is normally an assurance to the public that we have this republican, small "r," form of government, where we have representatives, and if one party or one administration is manipulating or providing an abusive work environment, then it has always been a bit of a comfort—well, the next one coming in will surely correct that.

We have just seen an outrageous example of how none of those safeguards worked, none of the checks and balance work. And then we have someone, whose name I want to say on the record when we get the information, but you have people creating a hostile work environment, you have people totally manipulating data, fraudulent activity, a person involved in it is replaced to bring an end, only to see that continue on. It just is staggering.

And, as we said at the beginning, I think the Ranking Member and I both have always thought of the United States Geological Survey as the gold standard; and now I am not even sure it merits a mercury standard. I mean, it is changing and moving and doesn't seem to have much of a form. It is like that terrible joke about what would you like the answer to be.

Anyway, as much as I would like to dismiss this issue, we just cannot. As the facts come out, it seems to just open more and more questions. How did this go on over the span of three decades with the procedures, policy, and management over the course of 18 years? How does this happen? I know the United States Geological Survey wants to put this behind them, but as a committee, we cannot close the books on this when the Administration witness shows up with a two-sentence explanation.

This was a chance to get the record straight. We have been assured that you will get us additional information when the investigation is concluded, but I would suggest to you that we are still waiting for documents that we requested 3 months ago. Some of

the documents we did receive were redacted, they were duplicates, or even blank pages.

This document I am holding up here is a record of Dionex-IC-2000, 2011—Page 1 is a cover sheet; page 2, it is blank; page 3, it is blank; page 4, it is a comfort because this says this page is only for our committee use, and it is a blank piece of paper; page 5, this is only for committee use, and it is a blank piece of paper.

I don't know what you were expecting this committee, whether it is this side of the aisle or that side of the aisle, what is a committee supposed to do? We are supposed to play tic-tac-toe on this? For committee use only, pages 6 and 7, blank pieces of paper. Oh, we have a little bit on page 8. Again, a blank piece of paper on page 9. Page 10, we at least have a few things on that. Page 11, another blank piece of paper.

This is extraordinary. I mean, it is unbelievable. The Federal Government, regardless of administration, the Federal Government is being reduced to a joke, except it is so deadly serious.

So, the gold standard, it is not even a good toilet paper standard. When you submit the additional information, please give us something besides blank pieces of paper, because otherwise, at the hearing where we get into the names of people who have dishonored the government, dishonored themselves, dishonored those who worked under them, we don't want to have to bring up your name as one of those that has dishonored the committee.

You have been very gracious to come up here and to try to deal with this issue. But we hope as this administration comes to a close, the integrity and transparency will be restored, the Department of the Interior will abandon entrenched ideologies that have been going on over three decades, and finally hold wrongdoers accountable. Because one way or another, this committee is going to hold wrongdoers accountable, and we want to make sure that your name is not one of those who is helping cover for people who have done wrong over the years. If you will bear with me just one moment—

With that, let me also mention, Ranking Member Dingell, or other members of the committee, may have some additional questions for the witness. Under our rules, if any Member has additional questions, you will be required to respond to those, and we are not talking about blank pieces of paper with a stamp on it that says, "For Committee's Use Only."

Under Committee Rule 4(h), the hearing record will be held open for 10 business days to provide those responses after such questions, if any, are asked.

If there is no further business, then at this time the committee stands adjourned. Thank you.

[Whereupon, at 11:13 a.m., the subcommittee was adjourned.]

