



# Semiannual Report to Congress

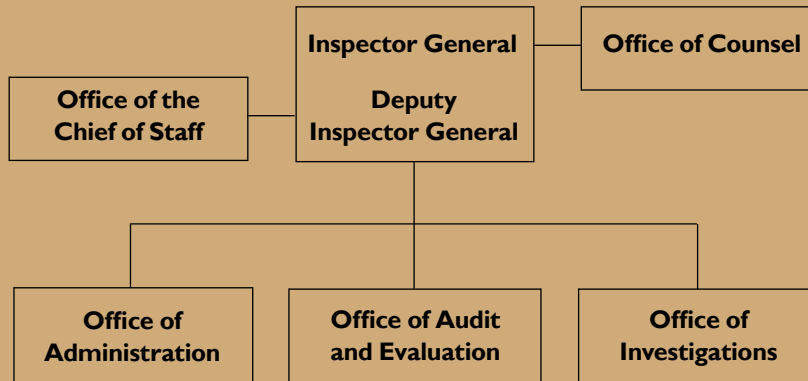


**U.S. Department of Commerce  
Office of Inspector General**

**September 2023**



# OFFICE OF INSPECTOR GENERAL




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## Oversight Areas

Office of the Secretary  
 Bureau of Economic Analysis  
 Bureau of Industry and Security  
 U.S. Census Bureau  
 U.S. Economic Development Administration  
 Economics and Statistics Administration  
 First Responder Network Authority  
 International Trade Administration  
 Minority Business Development Agency  
 National Institute of Standards and Technology  
 National Oceanic and Atmospheric Administration  
 National Technical Information Service  
 National Telecommunications and Information Administration  
 United States Patent and Trademark Office

## OIG Main Number

Inspector General . . . . . 202-793-3331

## OIG Hotline

Telephone . . . . . 800-424-5197

TDD . . . . . 855-860-6950

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**U.S. Department of Commerce  
Office of Inspector General**

# **Semiannual Report to Congress**

**September 2023**



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## FROM THE INSPECTOR GENERAL

I am pleased to present the U.S. Department of Commerce (the Department) Office of Inspector General's *Semiannual Report to Congress* for the 6 months ending September 30, 2023.

This report summarizes work we initiated and completed during this semiannual period on a number of critical Departmental activities. Over the past 6 months, our office issued 10 products related to our audit, evaluation, and inspection work. These products addressed programs and personnel associated with the U.S. Census Bureau, U.S. Economic Development Administration (EDA), National Oceanic and Atmospheric Administration (NOAA), National Telecommunications and Information Administration, United States Patent and Trademark Office, and the Department itself. This report also describes our investigative activities addressing programs and personnel associated with the Census Bureau, EDA, NOAA, and the Department.

We thank Secretary Raimondo, senior officials throughout the Department, and members of Congress and their staffs for their support of our work and for their receptiveness to our recommendations to improve Departmental programs and operations.



PEGGY GUSTAFSON

## HIGHLIGHTS:

**10**

Audit, Evaluation, and  
Inspection Products

**34**

Works in Progress

**10**

Investigative Reports

**432**

Hotline Contacts

# OVERSIGHT AREAS REPORTED ON THIS PERIOD

## COMPLETED WORKS (BY OVERSIGHT AREA)

During this reporting period, we issued 17 products related to our audit, evaluation, inspection, and investigation work.

<b>Department or Operating Unit</b>	<b>Number of Projects</b>
Department-Wide	3
Census	3
EDA	3
NOAA	5
NTIA	2
USPTO	1
<b>Total Projects</b>	<b>17</b>

# DEPARTMENT-WIDE MANAGEMENT



The **U.S. Department of Commerce**'s mission is to create the conditions for economic growth and opportunity for all communities. Through its 13 bureaus, the Department works to drive U.S. economic competitiveness, strengthen domestic industry, and spur the growth of quality jobs in all communities across the country. The Department serves as the voice of business in the federal government, and at the same time, the Department touches and serves every American every day.

## **FY 2022 COMPLIANCE WITH IMPROPER PAYMENT REQUIREMENTS (OIG-23-020-I)**

As mandated by the Payment Integrity Information Act of 2019 (PIIA) and in accordance with guidance issued by the Office of Management and Budget (OMB), we initiated this review to determine whether the U.S. Department of Commerce (the Department) complied with PIIA, which is intended to improve efforts to identify and reduce government-wide improper payments. To determine fiscal year (FY) 2022 compliance, we reviewed the “Payment Integrity” section of the Department’s *FY 2022 Agency Financial Report (AFR)*, accompanying materials to the *AFR*, and other improper payment-related documentation. We also assessed the Department’s efforts related to preventing and reducing improper payments and unknown payments. Based on our review, we concluded that the Department complied with the PIIA criteria for FY 2022. Additionally, as part of our review, we evaluated the adequacy of the Department’s efforts to prevent and reduce improper payments and unknown payments. We did not identify any actions needed to further improve prevention and reduction measures within the Department.

## **SECURITY WEAKNESSES IN THE DEPARTMENT’S MISSION-CRITICAL HIGH VALUE IT ASSETS LEAVE THE ASSETS VULNERABLE TO CYBERATTACKS (OIG-23-030-A)**

To fulfill its mission, the Department and its bureaus operate hundreds of information systems. Among these are systems designated as high value assets (HVAs)—systems so critical that their loss or corruption would seriously affect the Department’s ability to meet its mission or do its work. We conducted this audit to determine if the Department and its bureaus identify and remediate vulnerabilities on HVAs in accordance with federal requirements.

We found that although the Department conducts HVA assessments in accordance with federal requirements, it did not always effectively identify and remediate vulnerabilities. It also did not follow best-practice security guidance for HVAs. As a result, HVAs are operating with significant risk due to unresolved vulnerabilities. In fact, we successfully exploited security weaknesses on multiple HVAs as part of our audit. We recommended that the Deputy Secretary of Commerce direct the Department’s Chief Information Officer to follow our four recommendations aimed at determining why vulnerabilities are not always detected and remediated promptly and to update Departmental policies and processes to improve controls over HVA testing.

We also learned during our audit that the United States Patent and Trademark Office (USPTO) had asked the Department to downgrade its HVAs to non-HVAs. In September 2023, the Department’s Chief Information Officer agreed to downgrade the majority of USPTO’s HVAs. Although we offered no recommendations on this matter, the Department should reevaluate how it identifies all of its HVAs to ensure that it is consistently protecting and prioritizing its mission-critical systems.

## **REVIEWS OF SINGLE AUDITS**

*Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance)* (2 Code of Federal Regulations [C.F.R.] Part 200) requires colleges,



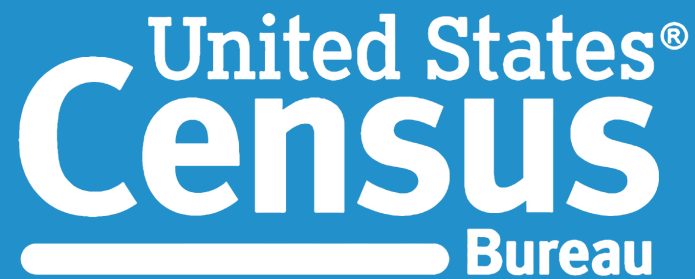
universities, state and local governments, tribes, and nonprofit organizations that expend \$750,000 or more per year in federal awards to obtain an annual independent financial audit, referred to as a “single audit” (2 C.F.R. § 200.501). We conducted desk reviews on a judgmental sample of single audit reporting packages for which the Department is the cognizant or oversight agency. The objectives of the desk reviews included identifying quality issues that may warrant follow-up work, revisions to the reporting package, or appropriate management official attention. During the desk reviews, we examined the audit reporting packages, which included financial statements, federal award expenditures, and auditors’ reports, but not the auditors’ underlying documentation. We then determined whether the audit met *Uniform Guidance*, generally accepted government auditing standards (GAGAS) and American Institute of Certified Public Accountants audit standards.

During this period, we conducted desk reviews of 12 single audit reporting packages. The audits were conducted by 12 different independent public accounting firms and covered \$129 million in total federal expenditures, including \$63 million in Department direct expenditures. We found 4 of the 12 audit reporting packages (33 percent) fully met federal reporting requirements, whereas the remaining 8 (67 percent) did not meet all requirements.

#### **OFFICE OF THE SECRETARY EMPLOYEE PROSECUTED FOR POSSESSION OF CHILD PORNOGRAPHY**

On April 20, 2023, the Office of Inspector General (OIG) closed a joint investigation with the U.S. Department of Homeland Security (DHS) Investigations substantiating alleged possession and distribution of child pornography by a federal employee who worked within the Department’s Office of the Secretary. The investigation revealed that the employee was part of an online child exploitation chat group that traded child pornography. The employee was terminated from employment with the Department at the time of arrest. The former employee pleaded guilty to receiving child pornography, a violation of 18 U.S.C. § 2252A(a)(2), and was sentenced to 66 months in prison and 5 years of supervised release. The former employee was also ordered to pay \$9,000 in restitution to victims and will be required to register as a sex offender upon release.

**U.S. CENSUS BUREAU**



The **U.S. Census Bureau**'s mission is to serve as the nation's leading provider of quality data about its people and economy.

## **THE CENSUS BUREAU NEEDS TO IMPROVE ITS PERFORMANCE MANAGEMENT PROCESSES AND QUALITY CONTROL PROGRAM FOR THE REIMBURSABLE SURVEYS PROGRAM (OIG-23-025-A)**

We conducted this audit to determine whether reimbursable surveys conducted by the U.S. Census Bureau's Demographic Programs Directorate provided quality and reliable data to help sponsoring federal agencies make informed decisions. Specifically, we examined (1) whether the Directorate's divisions met or exceeded quality metrics for the reimbursable surveys they carry out; (2) whether the Census Bureau's quality assurance processes for survey data collection, processing, and reporting were working as intended; and (3) the impact on survey sponsors of data whose established performance metrics or quality assurance processes were not met or carried out.

We reviewed three reimbursable survey programs and found that the Census Bureau generally provided reliable data. We also found that while the Census Bureau has established controls along with performance and quality metrics to ensure the quality of survey data, it did not consistently follow or achieve these metrics. We issued 15 recommendations to the Director of the Census Bureau. These recommendations included reviewing metrics, evaluating strategies to improve response rates, ensuring that quality assurance requirements are met, and improving quality control related to falsification investigations.

## **FORMER CENSUS BUREAU EMPLOYEE PLEADED GUILTY TO FALSE STATEMENT OR FRAUD TO OBTAIN FEDERAL EMPLOYEES' COMPENSATION**

On May 12, 2023, OIG closed an investigation substantiating allegations that a former Census Bureau employee submitted inappropriate and/or excessive reimbursement requests associated with worker's compensation benefits. The joint investigation with the U.S. Department of Labor (DOL) OIG established that between August 2018 and October 2019, the former employee submitted \$27,576 worth of fraudulent medical travel reimbursement claims to the DOL Office of Workers' Compensation Programs for costs associated with fictitious medical appointments. The former employee pleaded guilty to a violation of 18 U.S.C. § 1920. In July 2022, the former employee was sentenced to 2 years of probation and ordered to pay \$26,875.57 in restitution.

## **CENSUS BUREAU CONTRACTOR INVOICED UNALLOWABLE EMPLOYEE BONUS PAYMENTS**

On July 28, 2023, OIG closed an investigation into allegations that a Census Bureau contractor submitted invoices for employee bonus payments that were unallowable under the Federal Acquisition Regulation. The investigation revealed the contractor paid more than \$1.8 million in unallowable employee bonuses from the contract; however, Census Bureau personnel explicitly approved these payments. The investigation was closed without further action.

# U.S. ECONOMIC DEVELOPMENT ADMINISTRATION



The **U.S. Economic Development Administration's** mission is to lead the federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy.

## **EDA IMPLEMENTED AND FOLLOWED THE REQUIREMENTS FOR AWARDING AND DISBURSING CARES ACT FUNDING THROUGH THE REVOLVING LOAN FUND PROGRAM (OIG-23-021-I)**

We conducted this evaluation to determine whether the U.S. Economic Development Administration (EDA) followed federal and Department guidelines to award and disburse Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding through its Revolving Loan Fund (RLF) Program. Specifically, we determined (1) how EDA selected applicants to receive CARES Act funds through the RLF Program, (2) whether EDA ensured that RLF pre-disbursement requirements were met prior to disbursing CARES Act funds, and (3) how EDA is monitoring CARES Act funds after they have been disbursed to RLF recipients.

We found that EDA had a process to select applicants and award CARES Act funds on a competitive and noncompetitive basis through the RLF program. In addition, EDA generally ensured that RLF pre-disbursement requirements were met before disbursing CARES Act funds and had a process for monitoring the funds after they were disbursed. We did not issue any recommendations as a result of this evaluation.

## **EDA GENERALLY MAINTAINED GRANT AWARD FILES DURING THE COVID-19 PANDEMIC (OIG-23-029-I)**

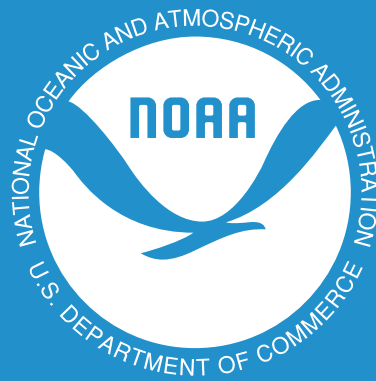
We conducted this evaluation to determine whether EDA properly maintained grant files during the COVID-19 pandemic.

We found that EDA generally maintained grant files during the COVID-19 pandemic. In addition, EDA generally complied with Department policy for grant file requirements. We did not issue any recommendations as a result of this evaluation.

## **EDA GRANT RECIPIENT USED RLFS FOR COLLATERAL**

On August 30, 2023, OIG closed an investigation into allegations that an EDA grant recipient improperly used RLFS for collateral. The investigation, which revealed substantial mismanagement of EDA funds by the grantee and its prior executive management, determined the grantee improperly pledged EDA funds as collateral for an unrelated line of credit for its operations. OIG referred the matter to the U.S. Department of Justice (DOJ), which declined prosecution. EDA subsequently terminated the awards.

# NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION



The **National Oceanic and Atmospheric Administration's** mission is to understand and predict changes in climate, weather, oceans, and coasts, to share that knowledge and information with others, and to conserve and manage coastal and marine ecosystems and resources.

## **SATELLITE INTEGRATION AND TEST PHASE IMPROVEMENTS ARE NEEDED TO ENSURE THE SUCCESS OF FUTURE POLAR WEATHER SATELLITE MISSIONS (OIG-23-027-A)**

The National Oceanic and Atmospheric Administration's (NOAA's) polar weather satellites (PWSs) provide data to support weather forecasts and warnings of severe weather events. We conducted this audit to assess the PWS program's execution of selected satellite development activities. To satisfy our objective, we examined aspects of the program's environmental test campaign and pre-launch readiness efforts for Joint Polar Satellite System (JPSS)-2, the second satellite in the JPSS program. JPSS-2 is now operating, and the program is building JPSS-3 and JPSS-4, the next satellites in the series.

We found that the program was generally successful in the testing and readiness efforts we reviewed. However, the program should take additional steps to ensure instruments on JPSS-3 and JPSS-4 are protected from contamination and tested as they will fly. The program should also improve its processes for capturing and communicating lessons learned. In addition, it needs to improve its requirement verification process for the JPSS-3 and JPSS-4 missions. We issued five recommendations to the NOAA Deputy Undersecretary of Operations, aimed at improving controls over contamination protection, lessons-learned processes, and requirement verification processes.

## **THE GEOXO PROGRAM: COST AND SCHEDULE BASELINES ARE ESTABLISHED, BUT NOAA SHOULD EVALUATE PLANS FOR THE CENTRAL SATELLITE MISSION AND REVISE ITS APPROACH TO PERFORMANCE GAINS TO PROVIDE THE BEST OVERALL VALUE (OIG-23-028-A)**

NOAA's Geostationary Extended Observations (GeoXO) program (the program) will provide the next generation of satellites in geostationary earth orbit, replacing Geostationary Operational Environmental Satellite-R Series satellites. We conducted this audit to assess NOAA's progress in defining GeoXO's mission and establishing programmatic baselines.

Overall, we found that the program has defined its operational capabilities to support meeting its mission requirements. Also, the program has established cost and schedule baselines but continues to refine its initial requirements. We found that the program should evaluate its plans for the Central satellite mission. Revising the program's plans would enable it to put funds to better use. In addition, we found that the program can improve its approach to achieving desired performance gains.

We issued four recommendations to the NOAA Deputy Under Secretary for Operations. Two recommendations related to GeoXO's Central satellite included updating plans and assessing cost and performance tradeoffs. The other two recommended GeoXO procurements specify contract requirements for desired performance gains and future satellite system acquisitions define both threshold and objective contract requirements.

## **NOAA EMPLOYEE SUBMITTED WIFE'S RESUME TO CONTRACTOR DURING BIDDING PERIOD**

On August 10, 2023, OIG closed an investigation substantiating allegations that a NOAA employee, who was part of a technical evaluation team reviewing potential contract companies for a large-scale NOAA information technology (IT) contract, sent his wife's resume to one of the bidding companies while the proposals were still being evaluated. Although the employee's wife was not offered a position and witness interviews confirmed the employee had no undue influence over the final selection of the contract award, his actions could have created a perception of influence by those who bid on the contract. This action resulted in the employee receiving a letter of counseling and being required to complete Department ethics training.

## **NOAA EMPLOYEE SOLICITED FUNDS FROM FOREIGN ENTITIES**

On August 30, 2023, OIG closed an investigation substantiating allegations that a NOAA employee violated ethics regulations by soliciting official and nonofficial travel reimbursements from foreign entities for the purpose of promoting a project that was developed by a private company operated by a family member. Based on the investigation, NOAA proposed to terminate the employee and, as part of a settlement agreement, allowed him to voluntarily retire from federal service.

## **NOAA EMPLOYEE ACCEPTED COMPENSATION FROM FOREIGN INSTITUTIONS**

On August 30, 2023, OIG closed an investigation substantiating allegations that a NOAA employee violated ethics regulations when, on multiple occasions, the employee accepted compensation from foreign institutions for speaking engagements related to the employee's official duties. This action resulted in the employee receiving a letter of reprimand.



# NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION



The **National Telecommunications and Information Administration** is the executive branch agency that is principally responsible by law for advising the President on telecommunications and information policy issues. NTIA's programs and policymaking focus largely on expanding broadband internet access and adoption in America, expanding the use of spectrum by all users, and ensuring that the Internet remains an engine for continued innovation and economic growth.

## **NTIA TOOK THE NECESSARY STEPS TO IMPLEMENT THE REQUIREMENTS FOR AWARDING FUNDS UNDER THE CONSOLIDATED APPROPRIATIONS ACT, 2021 (OIG-23-018-I)**

We conducted this evaluation to determine whether the National Telecommunications and Information Administration (NTIA) complied with the requirements of the Consolidated Appropriations Act, 2021 (CAA).<sup>1</sup> Specifically, we determined (1) what steps NTIA took to award and disburse funds, (2) the challenges faced during implementation, and (3) the status of awarding and disbursing funds under the CAA.

We found that NTIA took steps to implement the CAA requirements and mitigate the impact of the challenges faced. Among other things, NTIA solicited feedback from stakeholders before issuing notices of funding opportunities for the Broadband Infrastructure Program, the Tribal Broadband Connectivity Program (TBCP), and the Connecting Minority Communities Pilot Program; developed a plan to identify reviewers, assign applications to reviewers, and document review results; and compared applications to existing broadband availability data to determine whether there is adequate service in applicants' proposed service areas. We did not issue any recommendations as a result of this evaluation.

## **NTIA'S RELIANCE ON SELF-CERTIFICATIONS INCREASED FRAUD RISK FOR THE TRIBAL BROADBAND CONNECTIVITY PROGRAM (OIG-23-022-M)**

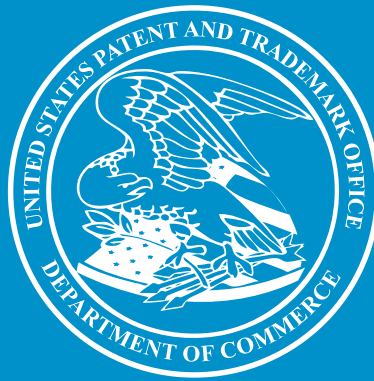
We issued a management alert about an urgent issue we discovered during an ongoing audit of NTIA's implementation of the TBCP. NTIA allowed tribes to self-certify in their TBCP grant applications that they were not currently served by a broadband provider and that they did not have an enforceable commitment from a provider to build out broadband service on their lands. However, we determined during our audit that NTIA relied on these self-certifications instead of independently determining whether the tribes' proposed broadband service areas were actually unserved and whether the tribes had already received, or were being considered for, funding from other federal programs.

NTIA's reliance on self-certifications is an inherent key fraud risk that affects the TBCP. Self-certifications present opportunities for applicants, service providers, or consultants to misrepresent information they submit to NTIA. As a result, there is an increased risk of fraud for the 88 TBCP grants, totaling \$1.6 billion, awarded between March and December 2022. In addition, if grants were awarded to ineligible applicants, it reduced the funding available for eligible tribes that need it.

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<sup>1</sup> Pub. L. No. 116-260 (2020).

# UNITED STATES PATENT AND TRADEMARK OFFICE



The mission of the **United States Patent and Trademark Office** is to drive U.S. innovation, inclusive capitalism, and global competitiveness.

## **USPTO NEEDS TO IMPROVE OVERSIGHT AND IMPLEMENTATION OF PATENT CLASSIFICATION AND ROUTING PROCESSES (OIG-23-026-A)**

We conducted this audit to determine whether USPTO's patent application classification and routing processes were effective. Specifically, we determined whether (1) USPTO adequately ensured that classification contractors were providing quality patent classification and reclassification services; (2) USPTO examiners properly challenged claim indicator (known as "C-star" or C\*) classifications and whether USPTO properly resolved challenges; and (3) USPTO effectively designed and implemented Cooperative Patent Classification system (CPC)-based routing.

We found that USPTO's patent classification and routing processes were not effective. Specifically, we found that USPTO did not ensure effective contract oversight for classification services, lacked adequate controls to ensure that classification challenges were efficiently and effectively submitted and adjudicated, and did not effectively design and implement CPC-based routing.

We issued seven recommendations to the Under Secretary of Commerce for Intellectual Property and Director of the USPTO. The recommendations included developing a plan to address the continuing lack of compliance with initial classification error rate requirements, documenting the official roles and responsibilities for all members of the contract team and all offices tasked with contractual planning and oversight duties, strengthening controls to ensure Contractor Performance Assessment Reporting System ratings for the classification contracts are accurate and completed in accordance with USPTO policy, strengthening controls on the classification challenge process, and creating a routing implementation plan.

# WORK IN PROGRESS

## WORK IN PROGRESS (BY OVERSIGHT AREA)

During this reporting period, we initiated or continued 34 audit, evaluation, and inspection projects.

Department or Operating Unit	Number of Projects
Department-Wide	6
BIS	2
Census	5
EDA	2
FirstNet Authority	3
ITA	1
NIST	3
NOAA	7
NTIA	2
USPTO	3
<b>Total Projects</b>	<b>34</b>

## DEPARTMENT-WIDE

### **Audit of the Department's Implementation of the Business Applications Solution Program**

To assess the Department's progress in managing and implementing the Business Applications Solution (BAS) program.

### **Evaluation of Single Audit Findings Impacting Department of Commerce Programs**

To determine whether the Department's oversight of grantees is sufficient to ensure selected findings identified in single audit reports are mitigated and recommendations are implemented.

## **Fiscal Year 2023 Department of Commerce Consolidated Financial Statements Audit**

To determine whether the financial statements are presented fairly, in all material respects, in accordance with generally accepted accounting principles. The audit will also consider the Department's internal control over financial reporting and test compliance with certain provisions of laws, regulations, contracts, and grant agreements that could have a direct and material effect on the financial statements.

### **Audit of the Department's Implementation of Multi-Factor Authentication on High Value Assets**

To determine whether the Department has implemented multi-factor authentication on its HVAs in accordance with zero trust architecture principles.

### **Audit of Departmental Employee Locality Pay**

To determine whether the Department ensures employees are paid the correct locality pay in accordance with applicable regulations and policy.

### **Audit of Grants Enterprise Management System (GEMS) Program Implementation**

To assess the Department's management and implementation of the GEMS program.

## **BUREAU OF INDUSTRY AND SECURITY**

### **Audit of BIS' Efforts to Counter China's Military-Civilian Fusion Strategy**

To assess the adequacy of the actions taken by the Bureau of Industry and Security (BIS) to reduce the risk of China's military-civil fusion threats.

### **Audit of BIS' Enforcement of Russia and Belarus Export Controls**

To assess the actions taken by BIS to detect and prosecute violations of Russia and Belarus export controls.

## **U.S. CENSUS BUREAU**

### **Audit of the 2020 Census Paid Advertising Campaign**

To determine whether the Census Bureau effectively managed selected task orders related to paid advertising for the 2020 Census integrated communications contract to ensure desired outcomes were achieved.

### **Evaluation of 2020 Census Experiments and Evaluations Operation**

To determine whether the Census Bureau prepared adequate and timely operational assessments that included the appropriate metrics to support planning for the 2030 decennial research and testing.

**Audit of the U.S. Census Bureau's 2020 Post-Enumeration Survey (PES)**

To assess the validity of the 2020 PES results as they relate to overcounts and undercounts.

**Evaluation of U.S. Census Bureau Workforce Recruitment, Hiring, and Retention**

To evaluate the effectiveness of the strategies the Census Bureau uses to support its recruitment, hiring, and retention of employees in mission-critical positions.

**Audit of U.S. Census Bureau American Community Survey**

To determine whether the Census Bureau has implemented adequate data collection procedures to ensure American Community Survey estimates are reliable.

**U.S. ECONOMIC DEVELOPMENT ADMINISTRATION****Audit of EDA's Monitoring of Fiscal Year 2019 Disaster Relief Awards (will result in two separate reports)**

To determine whether grants awarded under the *FY 2019 EDA Disaster Supplemental Notice of Funding Opportunity* are effectively and adequately monitored by EDA. Specifically, we will determine whether EDA monitored grants to ensure (1) compliance with grant terms, conditions, and performance requirements and (2) costs associated with awards were allowable, allocable, and reasonable, in accordance with federal cost principles.

**Audit of CARES Act Grant Recipients Through EDA's Revolving Loan Fund Program**

To determine whether costs claimed by CARES Act RLF grant recipients were allowable, allocable, and reasonable.

**FIRST RESPONDER NETWORK AUTHORITY****Audit of FirstNet Authority's Nationwide Public Safety Broadband Network Device Connection Targets**

To determine whether First Responder Network Authority (FirstNet Authority) is ensuring that AT&T is achieving the desired results for device connection targets for each state and territory.

**Audit of FirstNet Authority's Nationwide Public Safety Broadband Network Coverage**

To determine whether FirstNet Authority is ensuring that AT&T is achieving the desired results for network coverage for each state and territory.

**Audit of the Nationwide Public Safety Broadband Network's Services During the Maui Wildfires**

To assess FirstNet Authority's Nationwide Public Safety Broadband Network's services in response to the Maui wildfires.

**INTERNATIONAL TRADE ADMINISTRATION****Audit of ITA's Efforts to Resolve Foreign Trade Barriers**

To assess the progress and actions taken by the International Trade Administration (ITA) to prevent, reduce, and remove foreign trade barriers.

## NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

### **Evaluation of NIST Grantees' and Subrecipients' Use of Pandemic Relief Funds**

To determine whether National Institute of Standards and Technology (NIST) grantees and subrecipients accounted for and expended pandemic relief funds provided under the CARES Act and subsequent funding authorizations in accordance with federal laws and regulations.

### **Evaluation of NIST's Manufacturing Extension Partnership (MEP) Economic Impact Reporting**

To determine whether NIST's MEP effectively monitored and evaluated economic impact reporting.

### **Evaluation of Creating Helpful Incentives to Produce Semiconductors (CHIPS) Workforce Management**

To assess NIST's progress in meeting workforce hiring milestones for the CHIPS Program and Research and Development Offices.

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

### **Evaluation of NOAA Fisheries Grantees' and Subrecipients' Use of Pandemic Relief Funds**

To determine whether NOAA Fisheries grantees and subrecipients accounted for and expended pandemic relief funds provided under the CARES Act and subsequent funding authorizations in accordance with federal laws and regulations.

### **Audit of Puerto Rico's Department of Natural and Environmental Resources Use of Federal Emergency and Pandemic Relief Financial Assistance Funds (will result in two separate reports)**

To determine whether federal funds received by Puerto Rico Department of Natural and Environmental Resources to support its fisheries participants in recovering from the impacts of the COVID-19 pandemic and damages caused by several hurricanes were properly disbursed and funds were used for their intended purposes.

### **Audit of Puerto Rico Department of Natural and Environmental Resources' Administering of National Oceanic and Atmospheric Administration Grants**

To determine whether Puerto Rico's Department of Natural and Environmental Resources (1) claimed allowable, allocable, and reasonable costs and (2) met performance requirements of the grants.

### **Audit of NESDIS' Transition of Ground System Capabilities to Its Common Cloud Framework**

To assess the National Environmental Satellite, Data, and Information Service's (NESDIS') progress implementing the NESDIS Common Cloud Framework.

### **Audit of Office of Marine and Aviation Operations Aircraft Program**

To assess NOAA's progress replacing its hurricane hunter aircraft.



### **Audit of NOAA's Office of Space Commerce Space Policy Directive-3 Activities**

To assess the Office of Space Commerce's progress in providing space situational awareness data and space traffic management services to commercial space operators in accordance with Space Policy Directive-3.

### **Evaluation of NOAA's NWS Tornado Forecasting and Warning Performance**

To assess National Weather Service (NWS) tornado forecasting and warning performance and identify potential opportunities for enhanced effectiveness.

## **NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION**

### **Audit of TBCP Funds Awarded by NTIA**

To determine whether NTIA properly disbursed the federal funds provided for the TBCP and whether grantees and subrecipients used TBCP funds for their intended purposes.

### **Evaluation of Broadband Deployment Challenges**

To identify potential challenges for deploying broadband to underserved and unserved communities.

## **UNITED STATES PATENT AND TRADEMARK OFFICE**

### **Audit of USPTO's Acquisition Practice**

To determine whether USPTO's processes and activities for acquisition planning are effective and consistent with established practices, procedures, and regulations.

### **Fiscal Year 2023 USPTO Financial Statements Audit**

To determine whether the financial statements are presented fairly, in all material respects, in accordance with generally accepted accounting principles. The audit will also consider USPTO's internal control over financial reporting and test compliance with certain provisions of laws, regulations, and contracts that could have a direct and material effect on the financial statements.

### **Evaluation of Ethics Oversight in Preventing Financial Conflicts of Interest by USPTO Patent Examiners**

To determine whether USPTO and the Department are effectively administering their ethics rules to prevent financial conflicts of interest by USPTO patent examiners.

# STATISTICAL DATA

Consistent with the Inspector General Act of 1978, as amended, OIG is providing the following statistical data:

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10-a. Description of Closed and Non-Public Inspections, Evaluations, and Audits	<a href="#">46</a>
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## TABLE I. OFFICE OF INVESTIGATIONS STATISTICAL HIGHLIGHTS FOR THIS PERIOD

**Investigative activities** cover investigations opened and closed by OIG; arrests by OIG agents; indictments and other criminal charges filed against individuals or entities as a result of OIG investigations; and convictions secured at trial or by guilty plea as a result of OIG investigations.

**Allegations processed** presents the number of complaints from employees, stakeholders, and the general public that were handled by our Compliance and Ethics unit. Of these, some resulted in the opening of investigations; others were referred to bureaus for internal administrative follow-up. Others were unrelated to Departmental activities or did not provide sufficient information for any investigative follow-up and so were not accepted for investigation or referral.

The metrics used for the statistical data referenced in table I, *Office of Investigations Statistical Highlights for This Period*, include the following: ensure data input is completed accurately; obtain data extraction via reports generated in OIG's case management system; and complete quality assurance with supporting documentation in the case files and discussions with individual investigative personnel.

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### Allegations Received

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Total hotline contacts	432
Contacts related to Departmental programs	301
Number of hotline referrals to Departmental management	168

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### Reports

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Total number of investigative reports issued during the reporting period <sup>a</sup>	10
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### Prosecutive Actions

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Total number of individuals or entities referred to DOJ for criminal prosecution	12
Total number of entities referred to state/local prosecuting authorities	0
Indictments/Informations/Criminal Complaints	8
Convictions	2

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<sup>a</sup> This figure consists of Reports of Investigation, Case Closure Memorandums to the Department/Bureaus (Investigative Summaries), and Notice of Concern Memorandums.

## TABLE 2. RESOLUTION AND FOLLOW-UP

The Inspector General Act of 1978, as amended (IG Act), requires us to present in this report information concerning reports issued before the beginning of the reporting period (April 1, 2023) for which no management decision had been made by the end of the period (September 30, 2023). No reports remain unresolved for more than 6 months for this reporting period.

**Audit resolution** is the process by which the Department reaches an effective management decision in response to audit reports. **Management decision** refers to management's evaluation of the findings and recommendations included in the report and the issuance of a final decision by management concerning its response.

Department Administrative Order 213-5, *Audit and Evaluation Resolution and Follow-up*, provides procedures for management to request a modification to an approved action plan or for a financial assistance recipient to appeal an audit resolution determination. The following table summarizes modification and appeal activity during the reporting period.

Report Category	Modifications	Appeals
Actions pending (April 1, 2023)	9	0
Submissions	5	0
Decisions	8	0
Actions pending (September 30, 2023)	6	0

### TABLE 3. AUDIT AND INSPECTION STATISTICAL HIGHLIGHTS FOR THIS PERIOD

**Audits** comply with standards established by the Comptroller General of the United States for audits of federal establishments, organizations, programs, activities, and functions.

**Inspections** include evaluations, inquiries, and similar types of reviews that do not constitute an audit or a criminal investigation.

Questioned Costs <sup>a</sup>	\$0
Value of audit recommendations that funds be put to better use <sup>b</sup>	\$32,800,000
<b>Total potential monetary benefits</b>	<b>\$32,800,000</b>
Value of audit recommendations agreed to by management <sup>c</sup>	\$0

<sup>a</sup> **Questioned cost:** This is a cost questioned by OIG because of (1) an alleged violation of a provision of a law, regulation, contract, grant, cooperative agreement, or other agreement or document governing the expenditure of funds; (2) a finding that, at the time of the audit, such cost is not supported by adequate documentation; or (3) a finding that an expenditure of funds for the intended purpose is unnecessary or unreasonable.

<sup>b</sup> **Value of audit recommendations that funds be put to better use:** This results from an OIG recommendation that funds could be used more efficiently if Department management took action to implement and complete the recommendation. Such actions may include (1) reductions in outlays; (2) deobligation of funds from programs or operations; (3) withdrawal of interest subsidy costs on loans or loan guarantees, insurance, or bonds; (4) costs not incurred by implementing recommended improvements related to the Department, a contractor, or a grantee; (5) avoidance of unnecessary expenditures identified in pre-award reviews of contracts or grant agreements; or (6) any other savings specifically identified.

<sup>c</sup> **Value of audit recommendations agreed to by management:** This is the sum of (1) disallowed costs and (2) funds to be put to better use that are agreed to by management during resolution. Disallowed costs are the amount of costs that were questioned by the auditors or the agency action official and subsequently determined—during audit resolution or negotiations by a contracting officer—not to be charged to the government.

## TABLE 4. REPORTS WITH QUESTIONED COSTS

See table 3 for a definition of “questioned cost.” An **unsupported cost** is a cost that is not supported by adequate documentation at the time of the review. Questioned costs include unsupported costs.

Report Category	Number	Questioned Costs (\$)	Unsupported Costs (\$)
A. Reports for which no management decision had been made by the beginning of the reporting period	0	\$0	\$0
B. Reports issued during the reporting period	0	\$0	\$0
<b>Total reports (A+B) requiring a management decision during the period</b>	<b>0</b>	<b>\$0</b>	<b>\$0</b>
C. Reports for which a management decision was made during the reporting period	0	\$0	\$0
i. Value of disallowed costs		\$0	\$0
ii. Value of costs not disallowed		\$0	\$0
D. Reports for which no management decision had been made by the end of the reporting period	0	\$0	\$0

## TABLE 5. REPORTS WITH RECOMMENDATIONS THAT FUNDS BE PUT TO BETTER USE

See table 3 for a definition of “recommendations that funds be put to better use.”

Report Category	Number	Value (\$)
A. Reports for which no management decision had been made by the beginning of the reporting period	1	\$6,888,807
B. Reports issued during the reporting period	1	\$32,800,000
<b>Total reports (A+B) requiring a management decision during the period</b>	<b>2</b>	<b>\$39,688,807</b>
C. Reports for which a management decision was made during the reporting period	0	\$0
i. Value of recommendations agreed to by management		\$0
ii. Value of recommendations not agreed to by management		\$0
D. Reports for which no management decision had been made by the end of the reporting period	2	\$39,688,807

## TABLES 6, 6-A, 6-B, 6-C, AND 6-D. REPORT TYPES FOR THIS PERIOD

**Performance audits** provide findings or conclusions based on an evaluation of sufficient, appropriate evidence against criteria. Performance audits provide objective analysis to assist management and those charged with governance and oversight in using the information to improve program performance and operations, reduce costs, facilitate decision making by parties with responsibility to oversee or initiate corrective action, and contribute to public accountability.

**Inspections** include evaluations, inquiries, and similar types of reviews that do not constitute an audit or investigation. An inspection is defined as a process that evaluates, reviews, studies, or analyzes the programs and activities of a department or agency to provide information to managers for decision making; makes recommendations for improvements to programs, policies, or procedures; and identifies where administrative action may be necessary.

**Financial statement audits** are primarily to provide an opinion about whether an entity's financial statements are presented fairly in all material respects in conformity with an applicable financial reporting framework. Reporting on financial statement audits performed in accordance with GAGAS also includes reports on internal control over financial reporting and on compliance with provisions of laws, regulations, contracts, and grant agreements that have a material effect on the financial statements.

**Other public reports** from this period include a management alert and a semiannual report on the status of broadband deployment.

### TABLE 6. SUMMARY OF REPORT TYPES FOR THIS PERIOD

Type	Number of Reports	Table Number
Performance Audits	5	Table 6-A
Inspections/Evaluations	4	Table 6-B
Financial Statement Audits	0	N/A
Other Public Reports	2	Table 6-D
<b>Total</b>	<b>11</b>	



**TABLE 6-A. PERFORMANCE AUDITS**

<b>Report Title</b>	<b>Report Number</b>	<b>Date Issued</b>	<b>Funds to Be Put to Better Use (\$)</b>	<b>Amount Questioned (\$)</b>	<b>Amount Unsupported (\$)</b>
<i>The Census Bureau Needs to Improve its Performance Management Processes and Quality Control Program for the Reimbursable Surveys Program</i>	<a href="#"><u>OIG-23-025-A</u></a>	08.30.2023	0	0	0
<i>USPTO Needs to Improve Oversight and Implementation of Patent Classification and Routing Processes</i>	<a href="#"><u>OIG-23-026-A</u></a>	08.30.2023	0	0	0
<i>Satellite Integration and Test Phase Improvements Are Needed to Ensure the Success of Future Polar Weather Satellite Missions</i>	<a href="#"><u>OIG-23-027-A</u></a>	09.05.2023	0	0	0
<i>The GeoXO Program: Cost and Schedule Baselines Are Established, But NOAA Should Evaluate Plans for the Central Satellite Mission and Revise Its Approach to Performance Gains to Provide the Best Overall Value</i>	<a href="#"><u>OIG-23-028-A</u></a>	09.20.23	\$32,800,000	0	0
<i>Security Weaknesses in the Department's Mission-Critical High Value IT Assets Leave the Assets Vulnerable to Cyberattacks</i>	<a href="#"><u>OIG-23-030-A</u></a>	09.28.2023	0	0	0

**TABLE 6-B. INSPECTIONS/EVALUATIONS**

<b>Report Title</b>	<b>Report Number</b>	<b>Date Issued</b>	<b>Funds to Be Put to Better Use (\$)</b>	<b>Amount Questioned (\$)</b>	<b>Amount Unsupported (\$)</b>
<i>NTIA Took the Necessary Steps to Implement the Requirements for Awarding Funds Under the Consolidated Appropriations Act, 2021</i>	<a href="#"><u>OIG-23-018-I</u></a>	04.24.2023	0	0	0
<i>Fiscal Year 2022 Compliance With Improper Payment Requirements</i>	<a href="#"><u>OIG-23-020-I</u></a>	05.22.2023	0	0	0
<i>EDA Implemented and Followed the Requirements for Awarding and Disbursing CARES Act Funding Through the Revolving Loan Fund Program</i>	<a href="#"><u>OIG-23-021-I</u></a>	05.24.2023	0	0	0
<i>EDA Generally Maintained Grant Award Files During the COVID-19 Pandemic</i>	<a href="#"><u>OIG-23-029-I</u></a>	09.26.2023	0	0	0

**TABLE 6-C. FINANCIAL STATEMENT AUDITS**

There were no financial statement audits for this period.

**TABLE 6-D. OTHER PUBLIC REPORTS**

<b>Report Title</b>	<b>Report Number</b>	<b>Date Issued</b>
<i>Management Alert: NTIA's Reliance on Self-Certifications Increased Fraud Risk for the Tribal Broadband Connectivity Program</i>	<a href="#">OIG-23-022-M</a>	07.10.2023
<i>Semiannual Status Report on NTIA's Broadband Programs</i>	<a href="#">OIG-23-024</a>	08.21.2023

## TABLES 7, 7-A, 7-B, AND 7-C. UNIMPLEMENTED AND UNRESOLVED RECOMMENDATIONS BY OPERATING UNIT

All tables concerning unimplemented or unresolved recommendations do not include recommendations from (a) recurring annual audits (such as financial statement audits) or (b) single audits.

Recommendations from all performance audit, evaluation, and inspection reports issued prior to FY 2019 have been implemented.

**Resolved but unimplemented recommendations** are those for which (a) the operating unit(s) agreed to OIG recommendations and (b) OIG approved the action plan. Columns 2 through 5 of table 7 provide details on resolved but unimplemented recommendations.

**Unresolved recommendations** include those with no approved action plan as of September 30, 2023, or those for which the action plans are not due until after September 30, 2023. Columns 6 and 7 of table 7 provide details on unresolved recommendations.

Table 7-a provides details on FYs 2019–2023 performance audit, evaluation, or inspection reports that have resolved but unimplemented recommendations. During this period, we issued 76 audits and evaluations (excluding financial statement audits). As of September 30, 2023,

- 32 of the 76 reports (42 percent) had resolved but unimplemented recommendations;
- 102 of 451 total recommendations (23 percent) were resolved but unimplemented; and
- 3 of these resolved but unimplemented recommendations had potential monetary benefits of \$330,612,560.

Table 7-b provides details on 5 performance audits with 35 unresolved recommendations and 1 evaluation with 5 unresolved recommendations.

Table 7-c provides details on performance audit, evaluation, or inspection reports for which management took longer than 60 days to respond.

**TABLE 7. SUMMARY OF UNIMPLEMENTED AND UNRESOLVED RECOMMENDATIONS BY OPERATING UNIT**

Operating Unit	FYs 2019–2021 Unimplemented Recs (Resolved)	Potential Monetary Benefits of FYs 2019–2021 Unimplemented Recs	FYs 2022–2023 Unimplemented Recs (Resolved)	Potential Monetary Benefits of FYs 2022–2023 Unimplemented Recs	Unresolved FYs 2022– 2023 Recs	Potential Monetary Benefits of Unresolved FYs 2022– 2023 Recs
<b>Bureau of Economic Analysis</b>						
<b>Bureau of Industry and Security</b>	1	\$0	5	\$0		
<b>U.S. Census Bureau</b>	2	\$0	16	\$0	15	\$0
<b>U.S. Economic Development Administration</b>						
<b>First Responder Network Authority</b>						
<b>International Trade Administration</b>						
<b>Minority Business Development Agency</b>						
<b>National Institute of Standards and Technology</b>	1	\$0			5	\$6,888,807
<b>National Oceanic and Atmospheric Administration</b>	2	\$11,895,000	10	\$0	9	\$32,800,000
<b>National Technical Information Service</b>						
<b>National Telecommunications and Information Administration</b>			5	\$296,299,098		
<b>Office of the Secretary</b>	15	\$0	36	\$0	4	\$0
<b>United States Patent and Trademark Office</b>	5	\$0	4	\$22,418,462	7	\$0
<b>Total</b>	<b>26</b>	<b>\$11,895,000</b>	<b>76</b>	<b>\$318,717,560</b>	<b>40</b>	<b>\$39,688,807</b>

## TABLE 7-A. UNIMPLEMENTED RECOMMENDATIONS FROM AUDIT, EVALUATION, AND INSPECTION REPORTS

Table 7-a does not include recommendations from (a) financial statement audits or (b) those addressed to specific non-federal entities in connection with audits of financial assistance awards.

Recommendations from all performance audit, evaluation, and inspection reports issued prior to FY 2019 have been implemented.

- FY 2019: OIG issued 12 reports with a total of 79 recommendations. As of September 30, 2023, 4 recommendations (5 percent of FY 2019 recommendations) were resolved but unimplemented. There are no unimplemented recommendations with potential monetary benefits.
- FY 2020: OIG issued 16 reports with a total of 76 recommendations. As of September 30, 2023, 13 recommendations (17 percent of FY 2020 recommendations) were resolved but unimplemented. There is one unimplemented recommendation, with \$11,895,000 in funds put to better use, for \$11,895,000 in potential monetary benefits.
- FY 2021: OIG issued 14 reports with a total of 72 recommendations. As of September 30, 2023, 9 recommendations (13 percent of FY 2021 recommendations) were resolved but unimplemented. There are no unimplemented recommendations with potential monetary benefits.
- FY 2022: OIG issued 19 reports with a total of 112 recommendations. As of September 30, 2023, 34 recommendations (30 percent of FY 2022 recommendations) were resolved but unimplemented. There is one unimplemented recommendation, with \$22,418,462 in questioned costs, for \$22,418,462 in potential monetary benefits.
- FY 2023: OIG issued 15 reports with a total of 112 recommendations. As of September 30, 2023, 42 recommendations (38 percent of FY 2023 recommendations) were resolved but unimplemented. There is one unimplemented recommendation, with \$296,299,098 in funds put to better use, for \$296,299,098 in potential monetary benefits.

The remaining 6 reports and their 40 unresolved recommendations are listed under table 7-b.

Date Report Issued	OIG Report No. and Title	Total Recommendations Made	Unimplemented Recommendation(s)	Potential Monetary Benefits of Unimplemented Recommendations
02.06.2019	<a href="#">OIG-19-008-A</a> , 2020 Census: Issues Observed During the 2018 End-to-End Census Test's Address Canvassing Operation Indicate Risk to Address List Quality	6	Recommendation 1	0
06.13.2019	<a href="#">OIG-19-014-A</a> , Inadequate Management of Active Directory Puts USPTO's Mission at Significant Cyber Risk	8	Recommendation 4	0
09.30.2019	<a href="#">OIG-19-026-A</a> , The Department Needs to Improve Its Capability to Effectively Share Cyber Threat Information	4	Recommendations 1 and 2	0
11.12.2019	<a href="#">OIG-20-006-A</a> , NOAA's Office of Marine and Aviation Operations Needs to Improve the Planning and Governing of Its Ship Fleet Recapitalization Effort	7	Recommendation 1	\$11,895,000 Funds to Be Put to Better Use
02.11.2020	<a href="#">OIG-20-018-A</a> , Failures in the Department's Security Program Resulted in Exposure of Sensitive Trade Information to Unvetted Foreign Nationals	12	Recommendations 1, 2, 3, 6, 7, 8, 9, 10, 11, and 12	0
07.20.2020	<a href="#">OIG-20-037-A</a> , Fleet Program Is Not Managed in Accordance with Fleet Management Requirements	7	Recommendations 2 and 4	0
10.01.2020	<a href="#">OIG-21-001-A</a> , The Department Has Made Progress Meeting Its Responsibilities Under the Geospatial Data Act But Must Improve Controls to Ensure Full Compliance	6	Recommendation 3	0
01.25.2021	<a href="#">OIG-21-020-A</a> , Decisions on Exclusions from Section 232 Tariffs Were Not Transparent and Based on Incomplete and Inaccurate Information	2	Recommendation 1	0
05.03.2021	<a href="#">OIG-21-024-A</a> , Audit of National Institute of Standards and Technology Working Capital Fund for Fiscal Year Ended September 30, 2019	5	Recommendation 5	0
05.25.2021	<a href="#">OIG-21-027-I</a> , OMAO Must Define and Implement a Disciplined Requirements Management Process to Ensure Future Acquisitions Meet User Needs	7	Recommendation 1	0

Date Report Issued	OIG Report No. and Title	Total Recommendations Made	Unimplemented Recommendation(s)	Potential Monetary Benefits of Unimplemented Recommendations
08.11.2021	<a href="#">OIG-21-033-A</a> , <i>USPTO Should Improve Controls over Examination of Trademark Filings to Enhance the Integrity of the Trademark Register</i>	7	Recommendations 3, 4, 5, and 7	0
08.16.2021	<a href="#">OIG-21-034-A</a> , <i>The U.S. Census Bureau's Mishandling of a January 2020 Cybersecurity Incident Demonstrated Opportunities for Improvement</i>	9	Recommendation 9	0
11.08.2021	<a href="#">OIG-22-003-A</a> , <i>Audit of the Department's Digital Accountability and Transparency Act of 2014 Submission for the First Quarter of Fiscal Year 2021</i>	9	Recommendations 3, 4, 5, 6, 7, and 8	0
12.02.2021	<a href="#">OIG-22-010-I</a> , <i>USPTO Has Opportunities to Improve its Patent Examination Process and to Advance Patent Decision-Making</i>	7	Recommendation 5	0
12.16.2021	<a href="#">OIG-22-014-I</a> , <i>The Department Must Improve Processes for Addressing and Managing H Referrals</i>	2	Recommendations 1 and 2	0
01.25.2022	<a href="#">OIG-22-017-A</a> , <i>The Department Needs to Improve Its System Security Assessment and Continuous Monitoring Program to Ensure Security Controls Are Consistently Implemented and Effective</i>	8	Recommendation 3	0
06.08.2022	<a href="#">OIG-22-022-A</a> , <i>The Success of NOAA's Next-Generation Satellite System Architecture Depends on Sound Requirements Management Practices</i>	7	Recommendations 1, 2, 3, 4, 5, 6, and 7	0
06.15.2022	<a href="#">OIG-22-023-I</a> , <i>The Department Mismanaged, Neglected, and Wasted Money on the Implementation of IT Security Requirements for Its National Security Systems</i>	5	Recommendations 1, 2, 3, 4, and 5	0
07.07.2022	<a href="#">OIG-22-025-A</a> , <i>The BAS Program Needs to Increase Attention to Business Process Reengineering and Improve Program Management Practices</i>	6	Recommendations 1, 2, 3, 4, 5, and 6	0



Date Report Issued	OIG Report No. and Title	Total Recommendations Made	Unimplemented Recommendation(s)	Potential Monetary Benefits of Unimplemented Recommendations
07.20.2022	<a href="#">OIG-22-026-A</a> , <i>USPTO Needs to Improve Its Cost Estimating, Scheduling, and Agile Practices to Timely Retire Legacy Systems</i>	6	Recommendations 1 and 6	0
08.16.2022	<a href="#">OIG-22-028-A</a> , <i>USPTO Should Strengthen Its Planning and Oversight of Patent Data Capture Contracts to Manage Risks and Prevent Unnecessary Costs</i>	5	Recommendation 1	\$22,418,462
09.14.2022	<a href="#">OIG-22-031-A</a> , <i>Missing Security Controls Put the Department's Cloud-Based High Value Assets at Risk</i>	2	Recommendations 1 and 2	0
09.22.2022	<a href="#">OIG-22-033-A</a> , <i>Performance Audit of the U.S. Department of Commerce's Working Capital Funds</i>	5	Recommendation 2	0
11.22.2022	<a href="#">OIG-23-004-I</a> , <i>Simulated Internal Cyber Attack Gained Control of Critical Census Bureau Systems</i>	10	Recommendations 1, 2, 5, and 7	0
11.28.2022	<a href="#">OIG-23-005-A</a> , <i>FirstNet Authority Could Not Demonstrate Investment Decisions Were the Best Use of Reinvestment Funds or Maximized the Benefits to Public Safety</i>	9	Recommendation 4	\$296,299,098
01.09.2023	<a href="#">OIG-23-008-I</a> , <i>Bureau of Industry and Security's Law Enforcement Oversight Policies and Procedures Need Improvement</i>	7	Recommendations 1, 2, 3, 4, and 5	0
02.27.2023	<a href="#">OIG-23-011-I</a> , <i>The Census Bureau Can Improve Processes to Promote Transparency of Cooperative Agreements</i>	5	Recommendations 1, 2, 3, and 4	0
03.01.2023	<a href="#">OIG-23-012-A</a> , <i>FirstNet Authority Failed to Provide Adequate Contract Oversight for Its Initial Two Reinvestment Task Orders</i>	6	Recommendations 1, 2, 3, and 4	0
03.08.2023	<a href="#">OIG-23-013-A</a> , <i>Capstone Report: Effective Reviews Are Needed to Enhance the Security Posture of the Department's Active Directories</i>	1	Recommendation 1	0
03.13.2023	<a href="#">OIG-23-015-A</a> , <i>Space Weather Follow-On (SWFO) Program: Rideshare Schedule Presents Challenges and Lack of Backup Option Warrants NOAA Attention</i>	6	Recommendations 1, 2, and 6	0

<b>Date Report Issued</b>	<b>OIG Report No. and Title</b>	<b>Total Recommendations Made</b>	<b>Unimplemented Recommendation(s)</b>	<b>Potential Monetary Benefits of Unimplemented Recommendations</b>
<b>03.22.2023</b>	<b><a href="#">OIG-23-016-A</a>, <i>Audit of the U.S Census Bureau Working Capital Fund for Fiscal Year Ended September 30, 2020</i></b>	14	Recommendations 3, 4, 7, 8, 9, 10, 11, and 12	0
<b>03.22.2023</b>	<b><a href="#">OIG-23-017-I</a>, <i>Fundamental Deficiencies in OS' Cybersecurity Incident Response Program Increase the Risk of Cyberattacks</i></b>	14	Recommendations 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, and 14	0

## TABLE 7-B. UNRESOLVED RECOMMENDATIONS FROM AUDIT, EVALUATION, AND INSPECTION REPORTS

Table 7-b includes audit, evaluation, and inspection reports with unresolved recommendations (i.e., OIG has not yet approved auditees' action plans). Either OIG is reviewing an action plan submitted or the action plan is not due until after September 30, 2023. The 6 reports listed have a total of 40 unresolved recommendations.

Date Report Issued	OIG Report No. and Title	Total Recommendations Made	Reason	Potential Monetary Benefits of Unresolved Recommendations
03.13.2023	<a href="#">OIG-23-014-I</a> , <i>NIST Must Improve Monitoring of MEP to Prevent Waste of Financial Resources</i>	5	NIST submitted an initial agency action plan on May 1, 2023, which it revised on June 13, 2023, following OIG comments. However, OIG determined that the revision was not responsive to recommendations 1 and 3 and did not concur. NIST has submitted multiple revisions to its agency action plan—most recently as of September 29, 2023. OIG expects to review and make a decision on the updated action plan by October 27, 2023.	\$6,888,807
08.30.2023	<a href="#">OIG-23-025-A</a> , <i>The Census Bureau Needs to Improve Its Performance Management Processes and Quality Control Program for the Reimbursable Surveys Program</i>	15	Action Plan Due 10.30.2023	0
08.30.2023	<a href="#">OIG-23-026-A</a> , <i>USPTO Needs to Improve Oversight and Implementation of Patent Classification and Routing Processes</i>	7	Action Plan Due 10.30.2023	0
09.05.2023	<a href="#">OIG-23-027-A</a> , <i>Satellite Integration and Test Phase Improvements Are Needed to Ensure the Success of Future Polar Weather Satellite Missions</i>	5	Action Plan Due 11.06.2023	0

Date Report Issued	OIG Report No. and Title	Total Recommendations Made	Reason	Potential Monetary Benefits of Unresolved Recommendations
09.20.2023	<a href="#">OIG-23-028-A</a> , <i>The GeoXO Program: Cost and Schedule Baselines are Established, But NOAA Should Evaluate Plans for the Central Satellite Mission and Revise Its Approach to Performance Gains to Provide the Best Overall Value</i>	4	Action Plan Due 11.20.2023	\$32,800,000
09.28.2023	<a href="#">OIG-23-030-A</a> , <i>Security Weaknesses in the Department's Mission-Critical High Value IT Assets Leave the Assets Vulnerable to Cyberattacks</i>	4	Action Plan Due 11.27.2023	0

### TABLE 7-C. REPORTS FOR WHICH MANAGEMENT TOOK LONGER THAN 60 DAYS TO RESPOND

There were no instances before and during this semiannual period of an operating unit within the Department taking longer than 60 days to provide an establishment comment that addressed the recommendations of a report.

## TABLE 8. REPORTS ON INVESTIGATIONS CONCERNING ALLEGED MISCONDUCT BY SENIOR GOVERNMENT EMPLOYEES

There were two reports on investigations where allegations of misconduct by a Senior Government Employee were substantiated during this period.

OIG Case No.	Narrative Description of Investigations Concerning Senior Government Employees Where Allegations of Misconduct Were Substantiated
21-0856-W	OIG substantiated whistleblower retaliation by an NWS senior official. The case was not referred to the DOJ. More details on the case can be found below in table 9.
22-0271-W	OIG substantiated whistleblower retaliation by a senior official within ITA. The case was not referred to DOJ. More details on the case can be found below in table 9.

## TABLE 9. DESCRIPTIONS OF INSTANCES OF WHISTLEBLOWER RETALIATION

There were two reports of investigation concerning instances of whistleblower retaliation this period.

OIG Case No.	Narrative Description of Investigations Concerning Senior Government Employees Where Allegations of Whistleblower Retaliation Were Substantiated
21-0856-W	On August 10, 2023, OIG closed an investigation substantiating a whistleblower retaliation allegation. The investigation found that an NWS senior official retaliated against an NWS employee when they did not pay him a performance award. The investigation revealed the employee had submitted a complaint to NOAA alleging a hostile work environment, which was a protected disclosure. Although NWS officials contended they would not have paid the employee a performance award regardless of the employee's complaint because he accepted another position within NWS, they did not provide sufficient evidence to meet the clear and convincing standard necessary to rebut the employee's allegation. As a result, NWS paid the employee the performance award. The employee also alleged denial of job opportunities because of the protected communication; however, NWS provided clear and convincing evidence for why it did not select the employee for a new position.
22-0271-W	On May 23, 2023, OIG closed an investigation substantiating a whistleblower retaliation allegation by a senior official within the ITA. The complainant made two protected disclosures to senior ITA employees questioning whether appropriated funds could be used to pay for an atypical event and food. Another ITA official, who knew of the complainant's protected disclosures, subjected the complainant to two personnel actions by significantly changing the complainant's duties less than a month after the complainant made the protected disclosures. OIG determined the ITA official failed to provide clear and convincing evidence that the complainant's duties were not changed due to the protected disclosure. The ITA official received a verbal admonishment for their actions.

## TABLE 10. DESCRIPTION OF CLOSED AND NON-PUBLIC INSPECTIONS, EVALUATIONS, AUDITS, AND CERTAIN INVESTIGATIONS

OIG is required to describe (a) any inspection, evaluation, and audit conducted that is closed and not disclosed to the public and (b) any investigation conducted involving a senior government employee that is closed and not disclosed to the public (see tables 10-a and 10-b, respectively).

## TABLE 10-A. DESCRIPTION OF CLOSED AND NON-PUBLIC INSPECTIONS, EVALUATIONS, AND AUDITS

During this semiannual period, we issued one evaluation and one audit that were not disclosed to the public. We also closed one evaluation.

Date Product Issued	Title	Narrative Description
04.05.23	<i>Evaluation of the Department's Personnel Security Program</i>	On November 9, 2022, we initiated an evaluation of the Department's Personnel Security Program. Our objective was to determine whether the Department effectively manages the Personnel Security Program in accordance with applicable policies and guidance. On April 5, 2023, we issued a memorandum to inform the Department that we had decided to close this evaluation.
04.24.2023	<i>Fiscal Year 2023 Cybersecurity Information Sharing Act Evaluation (OIG-23-019-I)</i>	As required by the Cybersecurity Information Sharing Act of 2015, we initiated an evaluation of the sharing capabilities used by the Department. We provided responses to the inspectors' general jointly developed questions on actions taken by the Department to carry out the guidance contained in the Act. These responses will assist in creating an interagency report on the actions of the executive branch of the federal government to carry out this law.  Our objective for this evaluation was to provide input to a joint report on actions taken during calendar years 2021 and 2022 to carry out the Act's requirements. Although the majority of the requirements written in the law are not binding on the Department, sections 103 and 105 require the Department to follow the procedures and guidance authored by DHS, DOJ, the U.S. Department of Defense, and the Office of the Director of National Intelligence. Three of the guidance documents— <i>Final Procedures Related to the Receipt of Cyber Threat Indicators and Defensive Measures by the Federal Government</i> ; <i>Privacy and Civil Liberties Final Guidelines: Cybersecurity Information Sharing Act of 2015</i> ; and <i>Guidance to Assist Non-Federal Entities to Share Cyber Threat Indicators and Defensive Measures with Federal Entities under the Cybersecurity Information Sharing Act of 2015</i> —have been updated since their initial publication.
07.25.2023	<i>FY 2023 Federal Information Security Modernization Act Annual Report (OIG-23-023-A)</i>	To meet OIG obligations under the Federal Information Security Modernization Act, we assessed the effectiveness of the Department's information security program and practices against metrics developed by DHS and OMB. Specifically, we reviewed a representative subset of 10 IT systems across the Department and its bureaus. We assessed each of the five functional areas against the metrics and found the Department's overall maturity rating is not fully effective.

## TABLE 10-B. DESCRIPTION OF CERTAIN CLOSED AND NON-PUBLIC INVESTIGATIONS (NARRATIVE DESCRIPTION FOR CLOSED CASES OF INVESTIGATIONS INVOLVING SENIOR GOVERNMENT EMPLOYEES NOT DISCLOSED TO PUBLIC—UNSUBSTANTIATED)

During this semiannual period, we issued three products involving senior government employees that were closed and not disclosed to the public.

OIG Case No.	Narrative Description for Closed Cases of Investigations Involving Senior Government Employees Not Disclosed to Public
<b>21-1287-W</b>	On August 10, 2023, OIG closed an investigation without substantiating an allegation that two NTIA senior officials retaliated against an NTIA employee in separate actions for making a protected disclosure alleging gross waste. OIG established that the employee had experienced a significant change in duties and responsibilities and received a letter of reprimand. However, OIG did not establish that the Senior Executive who changed the employee's duties and responsibilities knew of the protected disclosure. The change appeared to be part of broader organizational restructuring. OIG substantiated that the Senior Executive who issued the letter of reprimand may have known of the protected disclosure but issued the letter of reprimand more than 2 years after the protected disclosure. Therefore, the whistleblower retaliation allegations were unsubstantiated, because OIG did not establish that the protected disclosure was a contributing factor to either the significant change in duties and responsibilities or the letter of reprimand.
<b>23-0410</b>	On August 30, 2023, OIG closed an investigation into an allegation that a senior NOAA official influenced the award of a contract to a recipient with a history of unsatisfactory performance. The allegation was unsubstantiated, and the investigation was closed without further action.
<b>21-0554</b>	On September 15, 2023, OIG closed an investigation into allegations that a Department Senior Executive and a Department political appointee retaliated against another Department Senior Executive when the Department removed the complainant from the Senior Executive Service before the end of their 1-year probationary period. OIG did not substantiate the whistleblower retaliation allegation. OIG established the complainant's protected disclosures alleging an illegal hiring action and an abuse of authority and established that the Department removed the complainant near the end of their 1-year probationary period (which was within a few months of complainant's earliest protected disclosure). However, the Department provided clear and convincing evidence that it would have removed the complainant from the Senior Executive Service regardless of the protected disclosure by showing that the complainant had difficult, and at times heated, relationships with clients within the Department.

# REPORTING REQUIREMENTS

The IG Act specifies reporting requirements for semiannual reports. The requirements are listed below and indexed to the applicable pages of this report.

<b>TOPIC</b>	<b>PAGE(S)</b>
Review of Legislation and Regulations	<a href="#">49</a>
Significant Problems, Abuses, and Deficiencies Relating to the Administration of Programs and Operations; Associated Reports and Recommendations for Corrective Action	<a href="#">6</a>
Recommendations Made Before the Reporting Period for Which Corrective Action Has Not Been Completed and Potential Cost Savings Associated With the Recommendation	<a href="#">38</a>
Significant Investigations Closed	<a href="#">6</a>
Convictions Resulting From Investigations	<a href="#">27</a>
Audit, Inspection, and Evaluation Reports With Questioned Costs, Unsupported Costs, and Funds Put to Better Use; Associated Management Decisions	<a href="#">30, 31</a>
Management Decisions Regarding Audits, Inspections, or Evaluations Issued During a Previous Reporting Period	<a href="#">28</a>
Information Required by the Federal Financial Management Improvement Act of 1996	<a href="#">49</a>
Results of Peer Reviews Conducted by Another OIG	<a href="#">49</a>
Status of Any Outstanding Recommendations From Peer Reviews Conducted by Another OIG and Why Implementation Is Not Complete	N/A
Prior Peer Reviews Conducted of Another OIG and List of Outstanding or Not Fully Implemented Recommendations From Any Peer Review	<a href="#">50</a>
Statistical Tables Regarding Investigations	<a href="#">27</a>
Description of Metrics Used for Determining the Data in the Statistical Tables Regarding Investigations	<a href="#">27</a>
Investigations Concerning Senior Government Employees or Officials in Which Allegations of Misconduct Were Substantiated	<a href="#">45</a>
Description of Whistleblower Retaliation Instances	<a href="#">45</a>
Description of Establishment Interference Attempts	N/A
Description of Closed and Non-Public Inspections, Evaluations, and Audits; Investigations Involving a Senior Government Employee	<a href="#">46, 47</a>
Statistical Tables Showing Audit, Inspection, and Evaluation Reports for Which Final Action Had Not Been Taken Before the Commencement of the Reporting Period	<a href="#">38</a>
Statement on Why Final Action Has Not Been Taken With Respect to Each Audit, Inspection, and Evaluation Report in Which a Management Decision Has Been Made but Final Action Has Not Been Taken	<a href="#">43</a>



The following section includes information required under the IG Act that is not otherwise addressed in this report, along with supplemental information on select reporting topics:

## REVIEW OF LEGISLATION AND REGULATIONS

This section requires the inspector general of each agency to review existing and proposed legislation and regulations relating to that agency's programs and operations. Based on this review, the inspector general is required to make recommendations concerning the impact of such legislation or regulations on (1) the economy and efficiency in the administration of programs and operations administered or financed by the agency or (2) the prevention and detection of fraud and abuse in those programs and operations. Some of OIG's audits examine compliance with existing laws, regulations, and other legal requirements. OIG's reports of such audits describe findings and include recommendations on any action necessary to address such findings. OIG is also a participant in the Council of the Inspectors General on Integrity and Efficiency (CIGIE) and its regular review of legislative and regulatory items that affect the inspector general community at large and individual departments. During this reporting period, our office reviewed Section 5274 of the National Defense Authorization Act (circulated by CIGIE as a draft legislative proposal). We also reviewed the following—including, but not limited to—H.R. 788, Stop Settlement Slush Funds Act of 2023, and H.R. 1162, Accountability for Government Censorship Act.

## INFORMATION REQUIRED BY THE FEDERAL FINANCIAL MANAGEMENT IMPROVEMENT ACT

No matters to report.

## RESULTS OF PEER REVIEW CONDUCTED BY ANOTHER OIG

On September 20, 2017, OIG's Office of Investigations received official notification that the system of internal safeguards and management procedures for OIG's investigative function was in compliance with the quality standards established by CIGIE and the applicable Attorney General Guidelines. The Peace Corps OIG, with assistance by the computer forensic staff from National Aeronautics and Space Administration OIG, conducted the peer review.

On March 23, 2021, the Office of Audit and Evaluation (OAE) received official notification of its peer review of its audit operations by the OIG for the U.S. Small Business Administration (SBA). SBA OIG's System Review Report of our audit operations is available on our website. We received a *pass* rating, the highest available rating.

On September 13, 2022, OAE received official notification of its peer review of its inspection and evaluation operations by the OIG of the Library of Congress (LOC), conducted in accordance with CIGIE Inspection and Evaluation Committee guidance. LOC OIG assessed the extent to which our office complied with CIGIE's *Quality Standards for Inspection and Evaluation* standards, January 2012 (Blue Book). LOC OIG determined that our policies and procedures generally were consistent with the Blue Book standards. We received one recommendation that OIG management should confirm supervisory review through electronic sign-off has occurred prior to issuance of the final report for all project documentation, especially those

that support conclusions in the report. We have implemented the recommendation and consider it closed.

### **PEER REVIEWS CONDUCTED OF ANOTHER OIG AND LIST OF OUTSTANDING OR NOT FULLY IMPLEMENTED RECOMMENDATIONS FROM ANY PEER REVIEW**

In July 2023, OIG's Office of Investigations completed its peer review of investigative operations for the OIG of the Board of Governors of the Federal Reserve System & Consumer Financial Protection Bureau (FRB OIG). OIG's Office of Investigations found that the FRB OIG system of internal safeguards and management procedures for its investigative function was in compliance with the quality standards established by CIGIE and the applicable Attorney General Guidelines.

### **DESCRIPTION OF ESTABLISHMENT INTERFERENCE ATTEMPTS**

These sections require a detailed description of any attempt to interfere with the independence of the Office including (1) budget constraints designed to limit the capabilities of the Office and (2) incidents where the establishment has resisted or objected to oversight activities of the Office or restricted or significantly delayed access to information, including the justification for such action. There were no reports to the Secretary during this semiannual period.

# ACRONYMS AND ABBREVIATIONS

<b>AFR</b>	Agency Financial Report	<b>HVA</b>	high value asset
<b>BAS</b>	Business Applications Solution	<b>IG Act</b>	Inspector General Act of 1978, as amended
<b>BIS</b>	Bureau of Industry and Security	<b>IT</b>	information technology
<b>CAA</b>	Consolidated Appropriations Act, 2021	<b>ITA</b>	International Trade Administration
<b>CARES Act</b>	Coronavirus Aid, Relief, and Economic Security Act	<b>JPSS</b>	joint polar satellite system
<b>C.F.R.</b>	Code of Federal Regulations	<b>LOC</b>	Library of Congress
<b>CHIPS</b>	Creating Helpful Incentives to Produce Semiconductors	<b>MEP</b>	Manufacturing Extension Partnership
<b>CIGIE</b>	Council of the Inspectors General on Integrity and Efficiency	<b>NESDIS</b>	National Environmental Satellite, Data, and Information Service
<b>CPC</b>	Cooperative Patent Classification	<b>NIST</b>	National Institute of Standards and Technology
<b>COVID-19</b>	coronavirus disease 2019	<b>NOAA</b>	National Oceanic and Atmospheric Administration
<b>Department</b>	U.S. Department of Commerce	<b>NTIA</b>	National Telecommunications and Information Administration
<b>DHS</b>	U.S. Department of Homeland Security	<b>NWS</b>	National Weather Service
<b>DOJ</b>	U.S. Department of Justice	<b>OAE</b>	Office of Audit and Evaluation
<b>DOL</b>	U.S. Department of Labor	<b>OIG</b>	Office of Inspector General
<b>EDA</b>	U.S. Economic Development Administration	<b>OMAO</b>	Office of Marine and Aviation Operations
<b>FirstNet Authority</b>	First Responder Network Authority	<b>OMB</b>	Office of Management and Budget
<b>FRB OIG</b>	OIG of the Board of Governors of the Federal Reserve System & Consumer Financial Protection Bureau	<b>PES</b>	Post-Enumeration Survey
<b>FY</b>	fiscal year	<b>PIIA</b>	Payment Integrity Information Act of 2019
<b>GAGAS</b>	generally accepted government auditing standards	<b>PWS</b>	polar weather satellites
<b>GEMS</b>	Grants Enterprise Management System	<b>RLF</b>	Revolving Loan Fund
<b>GeoXO</b>	Geostationary Extended Observations	<b>SBA</b>	U.S. Small Business Administration
		<b>SWFO</b>	Space Weather Follow-On
		<b>TBCP</b>	Tribal Broadband Connectivity Program

**Uniform Guidance** *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*

**U.S.C.**

United States Code

**USPTO**

United States Patent and Trademark Office

**UPI** unexpended program income

**U.S.** United States

# REPORT

# FRAUD & WASTE ABUSE



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U.S. Department of Commerce  
Office of Inspector General  
1401 Constitution Avenue, NW  
Washington, DC 20230

[www.oig.doc.gov](http://www.oig.doc.gov)



#### OUR MISSION

To improve the programs and operations of the U.S. Department of Commerce through independent and objective oversight.