



Semiannual Report to Congress

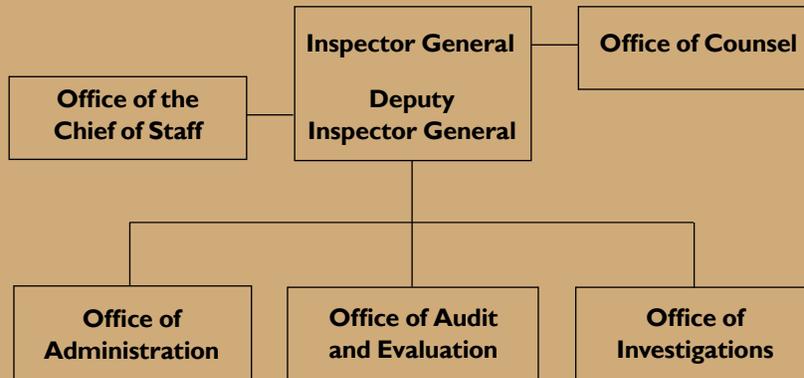


**U.S. Department of Commerce
Office of Inspector General**

March 2023



OFFICE OF INSPECTOR GENERAL



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

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More Information

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CONTENTS

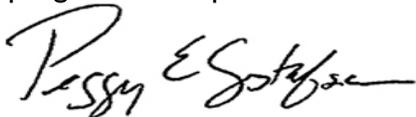
- FROM THE INSPECTOR GENERAL 1
- TOP MANAGEMENT AND PERFORMANCE CHALLENGES FACING THE DEPARTMENT OF COMMERCE.....2
- OVERSIGHT AREAS REPORTED ON THIS PERIOD4
- DEPARTMENT-WIDE MANAGEMENT5
- BUREAU OF INDUSTRY AND SECURITY9
- U.S. CENSUS BUREAU 11
- U.S. ECONOMIC DEVELOPMENT ADMINISTRATION..... 14
- FIRST RESPONDER NETWORK AUTHORITY 16
- NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY..... 18
- NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION 20
- UNITED STATES PATENT AND TRADEMARK OFFICE 22
- WORK IN PROGRESS..... 24
- STATISTICAL DATA 29
- REPORTING REQUIREMENTS..... 49
- ACRONYMS AND ABBREVIATIONS 52

FROM THE INSPECTOR GENERAL

I am pleased to present the U.S. Department of Commerce Office of Inspector General's *Semiannual Report to Congress* for the 6 months ending March 31, 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 13 products related to our audit, evaluation, and inspection work. These products addressed programs and personnel associated with the Bureau of Industry and Security, United States Census Bureau, First Responder Network Authority, National Institute of Standards and Technology, National Oceanic and Atmospheric Administration (NOAA), United States Patent and Trademark Office (USPTO), and the Department itself. This report also describes our investigative activities addressing programs and personnel associated with the United States Economic Development Administration, NOAA, and USPTO.

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 E. GUSTAFSON

HIGHLIGHTS:

13

Audit, Evaluation, and
Inspection Reports

33

Works in Progress

10

Investigative Reports

467

Hotline Contacts

TOP MANAGEMENT AND PERFORMANCE CHALLENGES FACING THE DEPARTMENT OF COMMERCE

The Office of Inspector General (OIG) is required by statute (see 31 U.S.C. § 3516(d)) to report annually the most serious management and performance challenges facing the U.S. Department of Commerce (the Department). Below is a summary of our final report ([OIG-23-001](#)), issued October 13, 2022, on the Department's top management and performance challenges for fiscal year (FY) 2023.

Challenge 1: Improving the Department's Cybersecurity Effectiveness Through Zero Trust

- Continuing to mature the information technology (IT) security program
- Transitioning to zero-trust architecture

Challenge 2: Ensuring Continuity of Environmental Data from Satellites, Ships, Aircraft, and Ground-Based Systems and Improving Weather and Climate Services

- Maintaining continuity of geostationary and polar satellites
- Developing the next generation of satellite systems
- Protecting observations, operations, and communications from frequency interference
- Moving toward an operational collision avoidance support service
- Recapitalizing ships and aircraft
- Balancing weather service improvements and longer-term climate resilience

Challenge 3: Managing IT Investments and Improving Supported Operations

- Avoiding further delays to Business Applications Solution (BAS) implementation
- Managing risks to the implementation of an enterprise grants management system

Challenge 4: Ensuring Prudent Financial Management and Oversight of Broadband Infrastructure Funding

- Acquiring and maintaining sufficient staff with proficiency to ensure proper oversight and use of funds
- Implementing appropriate measures to prevent, detect, and report potential fraud and hold grantees, subgrantees, contractors, and subcontractors accountable for performance

Challenge 5: Enforcing Fair and Secure Trade and Effectively Implementing Export Controls

- Combating unfair trade practices by effectively resolving trade barriers and enforcing U.S. trade agreements
- Combating China's military-civil fusion strategy
- Ensuring proper implementation of export controls related to Russia's invasion of Ukraine

Challenge 6: Deploying a Nationwide Public Safety Broadband Network (NPSBN)

- Ensuring a sound reinvestment process
- Ensuring appropriate task order oversight
- Ensuring proper NPSBN adoption and coverage

Challenge 7: Improving Management and Oversight of Contracts and Grants to Ensure Responsible Spending

- Ensuring the integrity of grant programs
- Ensuring programs approved for State Small Business Credit Initiative funding comply with program requirements
- Developing and retaining a competent acquisition workforce to support the Department's mission

Challenge 8: Establishing a Strong Framework with Adequate Resources to Support the 2030 Census Planning Efforts and Enhance Overall Survey Quality

- Ensuring the timely delivery of 2020 Census studies and the timely completion of the *2020 Post-Census Group Quarters Review* needed to inform 2030 Census planning
- Ensuring information from the *Post-Enumeration Survey* is used to develop a strategy for obtaining a more accurate count of certain demographic groups and state populations for the 2030 Census
- Enhancing the accuracy and reliability of the U.S. Census Bureau's (the Bureau's) address list
- Ensuring data products provide timely, reliable, and quality data to stakeholders

Challenge 9: Strengthening U.S. Leadership in Intellectual Property

- Continuing efforts to improve and maintain patent quality and service
- Protecting and supporting registration processes and trademark owners
- Improving critical mission support functions

OVERSIGHT AREAS REPORTED ON THIS PERIOD

COMPLETED WORKS (BY OVERSIGHT AREA)

During this reporting period, we completed 17 audit, evaluation, inspection, and investigation projects.

Department or Operating Unit	Number of Projects
Department-Wide	4
BIS	1
Census	3
EDA	1
FirstNet	2
NIST	1
NOAA	3
USPTO	2
Total Projects	17

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.

DEPARTMENT OF COMMERCE FY 2022 FINANCIAL STATEMENTS (OIG-23-002-A; OIG-23-007-A)

KPMG LLP (KPMG)—an independent public accounting firm—performed the audit in accordance with U.S. generally accepted auditing standards, standards applicable to financial audits contained in *Government Auditing Standards* (GAS), and Office of Management and Budget (OMB) Bulletin No. 22-01, *Audit Requirements for Federal Financial Statements*.

In its financial statement audit report (OIG-23-002-A) of the Department, KPMG determined that the financial statements were fairly presented, in all material respects, and in accordance with U.S. generally accepted accounting principles. KPMG identified no material weaknesses in internal control over financial reporting. In addition, KPMG identified no instances of reportable noncompliance with applicable laws, regulations, contracts, and grant agreements, as well as no instances in which the Department's financial management systems did not substantially comply with certain provisions from Section 803(a) of the Federal Financial Management Improvement Act of 1996.

As part of this audit, KPMG evaluated general IT controls supporting the Department's financial reporting and issued a separate IT report (OIG-23-007-A). This report is protected from public disclosure in accordance with federal law.

2023 ANNUAL LETTER TO OMB RE: GOVERNMENT CHARGE CARD ABUSE PREVENTION ACT OF 2012 (OIG-23-010-M)

The Government Charge Card Abuse Prevention Act of 2012 (Charge Card Act) and OMB's implementing guidance (OMB M-13-21) require each OIG to perform risk assessments and periodic audits, if necessary, to detect illegal, improper, or erroneous purchase and travel card activity. They also require the OIG, in coordination with the Department, to report to the Director of OMB on the implementation of recommendations from any audits performed. The Director of OMB will transmit the results to Congress and the Comptroller General.

If annual agency purchase card spending exceeds \$10 million, the Charge Card Act and OMB M-13-21 require the inspector general and the head of the agency to jointly submit semiannual reports to the Director of OMB summarizing confirmed card violations and disciplinary actions taken. In FY 2021, the Department had \$12.4 million in purchase card expenses. If annual agency travel card spending exceeds \$10 million, the Charge Card Act and OMB M-13-21 require periodic audits of the agency's travel card program. In FY 2021, the Department had \$5.4 million in travel card expenses.

We provided July 2022 and January 2023 Department reports to OMB regarding known and completed reviews and investigations of fraudulent use or abuse of purchase and travel cards that resulted in fraud, loss to the government, or misappropriation of funds or assets. Currently, there are no open recommendations concerning the use of government purchase or travel cards. However, there is an open hotline investigation involving a substantial allegation regarding misuse of a government credit card. The investigation is pending notification of a final corrective action from the agency.

We conducted a risk assessment for illegal, improper, or erroneous FY 2021 purchase card and travel card transactions. We based the risk assessment on an analysis of trends and variances from the previous year. We assessed each Department bureau, and the resulting scores

determined the bureaus fell within a reasonable range of risk. The average risk scores of all the bureaus combined increased slightly from FY 2020 to FY 2021. We did not conduct a purchase or travel card audit of FY 2021 transactions.

CAPSTONE REPORT: EFFECTIVE REVIEWS ARE NEEDED TO ENHANCE THE SECURITY POSTURE OF THE DEPARTMENT'S ACTIVE DIRECTORIES (OIG-23-013-A)

We conducted this audit to identify the remaining Department Active Directories that have not been reviewed by OIG, and summarize past OIG work related to the management of Active Directories. We also issued a survey to the Department's 11 bureaus¹ to determine whether they operated Active Directories and, if so, whether they had policies for regular Active Directory security reviews.

We found that a lack of adequate Active Directory security reviews caused similar issues across multiple Department bureaus and that the Department does not have a policy for regular Active Directory security reviews. Without effective security reviews, deficiencies will likely continue to exist within the Department, providing threat actors with additional potential attack paths to undermine the sensitive data and applications that are supported by Active Directories.

We issued one recommendation to the Deputy Secretary of Commerce to direct the Department's Chief Information Officer to establish a Department-wide policy for periodic reviews of Active Directories to include frequency of review and use of specialized tools.

FUNDAMENTAL DEFICIENCIES IN OS' CYBERSECURITY INCIDENT RESPONSE PROGRAM INCREASE THE RISK OF CYBERATTACKS (OIG-23-017-I)

We conducted this evaluation to assess the adequacy of actions taken by the Department and its bureaus when detecting and responding to cyber incidents in accordance with federal and Departmental requirements.

We found that the Office of the Secretary Security Operations Center's (OS SOC's) security tools were not properly configured to detect incidents, OS SOC did not effectively handle a simulated incident, and OS' Office of the Chief Information Officer did not manage its incident detection and response program in accordance with federal requirements. We issued 14 recommendations to the Deputy Secretary of Commerce.

These recommendations included establishing processes and procedures to review security tool configurations; ensuring policies and procedures are developed and up to date; and providing sufficient oversight to contractors.

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,

¹Although there are 13 bureaus at the Department, the Office of the Secretary's Office of the Chief Information Officer is responsible for the IT Security of the Minority Business Development Agency and the U.S. Economic Development Administration.

universities, state and local governments, tribes, and non-profit organizations that expend \$750,000 or more a 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 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 underlying auditors’ audit documentation. We then determined whether the audit met *Uniform Guidance*, generally accepted government auditing standards (GAGAS), *GAS*, and American Institute of Certified Public Accountants audit standards.

During this period, we conducted desk reviews of 11 single audit reporting packages. The audits were conducted by 11 different independent public accounting firms and covered \$208 million in total federal expenditures, including \$174 million in Department direct expenditures. We found 4 of the 11 audit reporting packages (36 percent) fully met federal reporting requirements, whereas the remaining seven (64 percent) did not meet all requirements.

BUREAU OF INDUSTRY AND SECURITY



The **Bureau of Industry and Security**'s mission is to advance U.S. national security, foreign policy, and economic objectives by ensuring an effective export control and treaty compliance system and promoting continued U.S. strategic technology leadership.

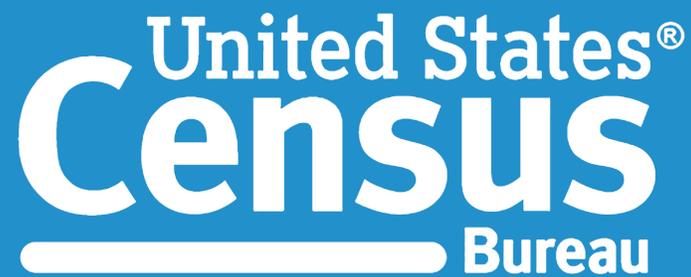
BUREAU OF INDUSTRY AND SECURITY'S LAW ENFORCEMENT OVERSIGHT POLICIES AND PROCEDURES NEED IMPROVEMENT (OIG-23-008-I)

We conducted this evaluation to determine if the Bureau of Industry and Security (BIS) law enforcement function satisfied relevant statutes and guidelines, developed plans and policies for oversight and the extent to which that oversight was provided within BIS, and included adequate and up-to-date training. We also conducted this evaluation to determine the extent to which the Department provides oversight to ensure BIS' law enforcement powers are properly exercised within jurisdictional limits.

We found that BIS has the legal basis and authority for its law enforcement functions, oversight policies and procedures need improvement, the Office of Export Enforcement has procedures to provide adequate training but oversight of firearms qualifications and training needs improvement, and the Department provides oversight of BIS law enforcement functions.

We issued seven recommendations to the Assistant Secretary for Export Enforcement, including ensuring written policies encompass all oversight activities performed and implementing policies and procedures to monitor and track firearms qualifications and training.

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.

SIMULATED INTERNAL CYBER ATTACK GAINED CONTROL OF CRITICAL CENSUS BUREAU SYSTEMS (OIG-23-004-I)

We conducted this evaluation to determine the effectiveness of the Bureau’s cybersecurity posture against a simulated real-world attack. We simulated an attack against the Bureau’s systems to test its defenses, through a process known as a cyber “red team.”²

We found that the red team was able to gain unauthorized and undetected access to a Bureau domain administrator account as well as personally identifiable information of Bureau employees; reduce the Bureau’s defensive options; use insecure programs to send fake emails; and carry out several malicious actions that identified IT security weaknesses. While we identified significant security weaknesses, we also found that key security controls kept the red team from establishing an initial foothold on the internal network. We issued 10 recommendations to the Director of the Bureau. These recommendations included implementing additional processes and controls to protect against attacks, as well as conducting a full after-action review to develop a corrective action plan to resolve specific issues identified by the red team.

THE CENSUS BUREAU CAN IMPROVE PROCESSES TO PROMOTE TRANSPARENCY OF COOPERATIVE AGREEMENTS (OIG-23-011-I)

We conducted this evaluation to determine whether the Bureau’s Ask U.S. Panel cooperative agreement was properly authorized, executed, and administered in accordance with relevant laws and regulations. Specifically, we determined whether (1) the Bureau’s award of the agreement was in accordance with applicable federal regulations and Bureau policies, and (2) the Bureau’s administration of the agreement complied with the terms and conditions established in the agreement.

We found that the Bureau’s use of a cooperative agreement was authorized by statute and the process for awarding the cooperative agreement followed the agency’s guidelines, but management and oversight of the cooperative agreement lacked transparency over key financial assistance award processes. We issued five recommendations to the Director of the Bureau. These recommendations included establishing or revising policies and procedures to require evidence of award decisions and documentation of reviews validating expenditures and justifications for scope expansions.

AUDIT OF THE U.S. CENSUS BUREAU WORKING CAPITAL FUND FOR FISCAL YEAR ENDED SEPTEMBER 30, 2020 (OIG-23-016-A)

We contracted with Ollie Green & Company (OG&C)—an independent certified public accounting firm—to perform this audit of the Bureau’s working capital fund (WCF) for the fiscal year ended September 30, 2020. The audit objective was to determine whether budgetary controls over the WCF are adequate, including whether the Bureau (1) appropriately determines its rates (including overhead charges), (2) appropriately accounts for advances and carryover balances, and (3) equitably distributes costs to the Bureau’s customers in accordance with applicable laws, regulations, and policy.

² A cyber “red team” is the deliberate use of an emulated threat against organizational assets to test the defenses of an organization.

Our office oversaw the progress of this audit to ensure that OG&C performed the audit in accordance with GAS and contract terms. However, OG&C is solely responsible for the report and conclusions expressed in it.

OG&C found that the carryover balance was sufficiently supported. However, OG&C found that program division overhead rate calculations were not always supported; internal controls needed improvement related to closing expired agreement orders, timely refund of unused advances on reimbursable agreement orders and projects authorized to close, and cost monitoring of reimbursable and fixed fee projects; improvements were needed to ensure agreement orders are consistent with appropriation law; and reimbursable Bureau overhead rates adjustment decisions were not documented. OG&C made 14 recommendations, which included implementing internal controls and associated policies and procedures related to the finding areas, as well as revising the Policies and Procedures Manual. The Bureau concurred with all 14 recommendations.

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.

REVOLVING LOAN FUND OPERATOR VIOLATED STANDARD TERMS AND CONDITIONS

On February 21, 2023, OIG closed an investigation into alleged conflicts of interest by a U.S. Economic Development Administration (EDA) Revolving Loan Fund (RLF) Operator. The investigation revealed the RLF Operator issued two loans to a small business that was owned by a member of its Board of Directors. Further, OIG discovered the RLF Operator issued two loans to a non-profit organization which was led by a member of its Board of Directors. All four loans violated EDA's RLF Standard Terms and Conditions, as well as 13 C.F.R. § 302.17. EDA required the RLF Operator to make four program changes relating to the operation of the EDA-funded RLF.

FIRST RESPONDER NETWORK AUTHORITY



The **First Responder Network Authority**'s mission is to oversee the buildout, development, and operation of the nationwide public safety broadband network called FirstNet.

FIRSTNET AUTHORITY COULD NOT DEMONSTRATE INVESTMENT DECISIONS WERE THE BEST USE OF REINVESTMENT FUNDS OR MAXIMIZED THE BENEFITS TO PUBLIC SAFETY (OIG-23-005-A)

We conducted this audit to determine whether First Responder Network Authority's (FirstNet Authority's) process for reinvesting fee payments is effective and consistent with established practices, procedures, and regulations. This report is one of a series of reports covering FirstNet Authority's reinvestment process.

We found that FirstNet Authority (1) has not established a sound process for selecting reinvestment opportunities and (2) could not demonstrate that the opportunities it selected were the most appropriate or efficient use of resources for addressing network performance gaps and meeting first responders' needs. We issued nine recommendations to the Assistant Secretary of Commerce for Communications and Information and National Telecommunications and Information Administration (NTIA) Administrator. These recommendations included ensuring that selected investment opportunities address performance gaps and stakeholder needs; ensuring that procedures are established to ensure that FirstNet Authority maintains an appropriate arms-length relationship with contractors; and implementing policies and procedures to provide greater oversight of the investment process, put \$296,299,098 in funds to better use, and ensure future multibillion-dollar reinvestments are supported and justified and reflect public safety priorities.

FIRSTNET AUTHORITY FAILED TO PROVIDE ADEQUATE CONTRACT OVERSIGHT FOR ITS INITIAL TWO REINVESTMENT TASK ORDERS (OIG-23-012-A)

We conducted this audit to determine whether FirstNet Authority's process for reinvesting fee payments is effective and consistent with established practices, procedures, and regulations. This report, the last of three reports, focused on contract oversight of the reinvestments.

We found that FirstNet Authority did not adequately assess or independently verify contractor performance regarding deployables, contracting officer's representatives relied on personnel that are not certified or appointed to monitor contracts, and Senior Management Council reviews were not transparent for the NPSBN reinvestment task orders. We issued six recommendations to the Assistant Secretary of Commerce for Communications and Information and NTIA Administrator. These recommendations included strengthening contract monitoring activities to ensure that contractor performance measures are sufficiently detailed and verified and that Senior Management Council meetings and related decisions are transparent and fully documented.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

The logo for the National Institute of Standards and Technology (NIST) is displayed in a bold, white, sans-serif font. The letters 'N', 'I', and 'S' are connected, and the 'T' is a simple vertical bar. The logo is centered on the page.

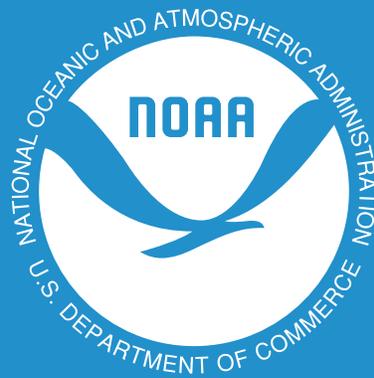
The **National Institute of Standards and Technology**'s mission is to promote U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that enhance economic security and improve our quality of life.

NIST MUST IMPROVE MONITORING OF MEP TO PREVENT WASTE OF FINANCIAL RESOURCES (OIG-23-014-I)

We conducted this evaluation to determine the adequacy of the National Institute of Standards and Technology's (NIST's) oversight of its Hollings Manufacturing Extension Partnership (MEP) to ensure requirements are met.

We identified nearly \$6.9 million in funds that could be put to better use and grow the U.S. economy. We found that NIST's inadequate oversight of MEP has led to inefficient use of financial resources and concerns that financial assistance award recipients did not comply with key award terms. We found NIST did not require MEP Centers to use unexpended program income (UPI) during the award period and allowed MEP Centers to retain substantial amounts of UPI from federal financial assistance awards. We also found that NIST did not review executive salaries for reasonableness or address potential conflicts of interest among recipients. We issued five recommendations to the Under Secretary of Commerce for Standards and Technology and Director of NIST. These recommendations included changing NIST policy to ensure recipients reinvest UPI or withhold federal funds until UPI is used to pay down allowable project expenses, setting limits on executive compensation, and ensuring recipients disclose potential conflicts of interest.

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.

SPACE WEATHER FOLLOW-ON PROGRAM: RIDESHARE SCHEDULE PRESENTS CHALLENGES AND LACK OF BACKUP OPTION WARRANTS NOAA ATTENTION (OIG-23-015-A)

We conducted this audit to identify Space Weather Follow-On (SWFO) program challenges that may affect cost, schedule, or overall mission performance and assess the extent to which the National Oceanic and Atmospheric Administration (NOAA) is addressing them.

We found that NOAA needs to ensure that SWFO to Lagrange Point I has launch contingency options commensurate with its role as a critical, high-profile mission and that the SWFO program should improve its lessons-learned processes and contract surveillance oversight. We also found that NOAA should update its space weather observation requirements in accordance with its validation criteria. Without NOAA attention, the inflexibility of the launch plan could lead to a gap in space weather observation capability that would impact forecasting services. Additionally, further actions to improve lessons-learned collection and contract oversight may help address current, as well as future, program challenges.

We issued six recommendations to the NOAA Deputy Under Secretary for Operations regarding launch schedule flexibility, updating the Space Weather – Geomagnetic Storm Warning Gap Mitigation Plan for Space-Based Observations, updating plans for lessons learned and conducting lessons learned sessions, updating the ground project quality assurance surveillance plan, assessing program control activities, and updating NOAA requirements validation documents or amending the validation levels of requirements to reflect the cited documentation.

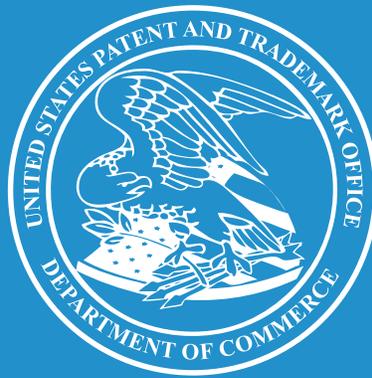
NOAA CONTRACTOR FAILED TO PAY ITS SUBCONTRACTORS

On December 2, 2022, OIG closed an investigation into allegations a contractor failed to pay its subcontractors for work performed under contracts awarded by several government agencies, including NOAA. The investigation found evidence supporting the allegation, and a subcontractor reported receiving payment after taking legal action against the contractor. The investigation further determined the contractor falsely certified it had never had a federal contract award terminated in the System for Award Management. No Department awards were impacted by this false certification. The investigation was referred to the U.S. Department of Justice (DOJ), who declined to accept the investigation for development and potential prosecution.

DEATH OF NOAA CONTRACTOR

On March 15, 2023, OIG closed an investigation into the death of a NOAA contractor who was found deceased in his vehicle in the parking lot of a NOAA facility. Local police responded and discovered a driver's license belonging to the contractor; however, the name on the driver's license did not match the name used by the contractor. Further investigation by OIG determined the contractor was born in a foreign country and that his birth name matched the name on the driver's license. It was determined the contractor became a Canadian citizen and subsequently a U.S. citizen, later renouncing his U.S. citizenship and legally changing his name to that known by NOAA personnel before his death. An investigation determined the contractor did not have access to sensitive NOAA information while employed, and his death was determined to be due to natural causes.

UNITED STATES PATENT AND TRADEMARK OFFICE



The mission of the **United States Patent and Trademark Office** is to foster innovation, competitiveness, and economic growth, domestically and abroad, by providing high-quality and timely examination of patent and trademark applications, guiding domestic and international intellectual property (IP) policy, and delivering IP information and education worldwide.

UNITED STATES PATENT AND TRADEMARK OFFICE FY 2022 FINANCIAL STATEMENTS (OIG-23-003-A; OIG-23-006-A)

KPMG performed the audit in accordance with U.S. generally accepted auditing standards, standards applicable to financial audits contained in GAS, and OMB Bulletin No. 22-01, *Audit Requirements for Federal Financial Statements*.

In its financial statement audit report (OIG-23-003-A) of the United States Patent and Trademark Office (USPTO), KPMG determined that the financial statements were fairly presented, in all material respects, and in accordance with U.S. generally accepted accounting principles. KPMG identified no material weaknesses in internal control over financial reporting. In addition, KPMG identified no instances of reportable noncompliance with applicable laws, regulations, contracts, and grant agreements.

As part of this audit, KPMG evaluated general information technology (IT) controls supporting USPTO's financial reporting and issued a separate IT report (OIG-23-006-A). This report is protected from public disclosure in accordance with federal law.

FEDERAL EMPLOYEE VIOLATED FEDERAL LAW BY WORKING FOR USPTO AND SBA CONCURRENTLY

On November 4, 2022, OIG closed an investigation involving an allegation that a federal employee violated federal law by working for both USPTO and the U.S. Small Business Administration (SBA) concurrently. The employee resigned from the SBA and subsequently the USPTO during the course of this investigation. The investigation was referred to DOJ, which declined to accept the investigation for prosecution. Additionally, the matter was referred to the USPTO for any action deemed appropriate.

WORK IN PROGRESS

WORK IN PROGRESS (BY OVERSIGHT AREA)

During this reporting period, we initiated or continued 33 audit, evaluation, and inspection projects.

Department or Operating Unit	Number of Projects
Department-Wide	9
BIS	1
Census	3
EDA	3
FirstNet	2
ITA	1
NIST	2
NOAA	5
NTIA	3
USPTO	4
Total Projects	33

DEPARTMENT-WIDE

Audit of the Department's Identification and Remediation of Vulnerabilities for High Value Assets

To determine if the Department and its bureaus identify and remediate vulnerabilities on High Value Assets according to federal requirements.

Audit of the Department's Implementation of the BAS Program

To assess the Department's progress in managing and implementing the BAS program.

Evaluation of the Department's Personnel Security Program

To determine whether the Department effectively manages the Personnel Security Program in accordance with applicable policies and guidance.

Evaluation of the Department's FY 2022 Compliance With Improper Payment Requirements

To determine the Department's compliance with the Payment Integrity Information Act of 2019 (PIIA) for FY 2022.

CYs 2021–2022 Cybersecurity Information Sharing Act Evaluation

As required by the Cybersecurity Information Sharing Act of 2015 (CISA), we are initiating an evaluation of the sharing capabilities used by the Department. Pursuant to the requirements in CISA, we will assist in creating an interagency report on the actions taken by the executive branch of the federal government to carry out this title during calendar years (CYs) 2021–2022.

Evaluation of Single Audit Findings Impacting Department 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.

FY 2023 Department 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.

FY 2023 Federal Information Security Modernization Act of 2014 Compliance Audit

To assess the effectiveness of the Department's information security program and practice. Specifically, we will assess the Department's and selected bureaus' policies, procedures, and selected IT systems.

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 high value assets in accordance with zero-trust architecture principles.

BUREAU OF INDUSTRY AND SECURITY

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

To assess the adequacy of the actions taken by BIS to reduce the risk of China's military-civil fusion threats.

U.S. CENSUS BUREAU

Audit of the U.S. Census Bureau Demographic Programs Directorate's Reimbursable Survey Data Quality and Reliability

To determine whether reimbursable surveys conducted by this directorate provide quality and reliable data to help sponsoring federal agencies make informed decisions.

Audit of the 2020 Census Paid Advertising Campaign

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

U.S. ECONOMIC DEVELOPMENT ADMINISTRATION

Audit of EDA's Monitoring of FY 2019 Disaster Relief Awards

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.

Evaluation of EDA's Administering of CARES Act Funding Through Its RLF Program

To determine whether EDA followed federal and Departmental guidelines to award and disburse Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding through its RLF Program.

Evaluation of EDA's Grant File Maintenance

To determine whether EDA is properly maintaining grant files during the COVID-19 pandemic.

FIRST RESPONDER NETWORK AUTHORITY

Audit of FirstNet Authority's NPSBN Device Connection Targets

To determine whether 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 NPSBN Coverage

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

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 remove, reduce, and prevent foreign trade barriers.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

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

To determine whether 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 MEP Economic Impact Reporting

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

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Audit of NOAA's Geostationary Extended Observations (GeoXO) Program Formulation

To assess NOAA's progress defining GeoXO's mission and establishing programmatic baselines.

Audit of Polar Weather Satellites (PWS) Program Execution

To assess the PWS program's execution of selected development activities.

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 the Puerto Rico Department of Natural and Environmental Resources' Use of Federal Emergency and Pandemic Relief Financial Assistance Funds

To determine whether federal funds received by the 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 the Puerto Rico Department of Natural and Environmental Resources' Administering of NOAA Grants

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

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

Evaluation of NTIA's Implementation of Coronavirus Response and Relief Requirements Under the Consolidated Appropriations Act, 2021

To determine whether NTIA is complying with the Coronavirus Response and Relief Requirements under the Consolidated Appropriations Act, 2021. Specifically, we will determine (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 Consolidated Appropriations Act, 2021.

Evaluation of Infrastructure Investment and Jobs Act Programs

To conduct a series of reviews to determine whether NTIA and its recipients are sufficiently overseeing Infrastructure Investment and Jobs Act projects to ensure program requirements are met and funds are used for their intended purposes.

Audit of Tribal Broadband Connectivity Program Funds Awarded by NTIA

To determine whether NTIA properly disbursed the federal funds provided for the Tribal Broadband Connectivity Program, and whether grantees and subrecipients used Tribal Broadband Connectivity Program funds for their intended purposes.

UNITED STATES PATENT AND TRADEMARK OFFICE

Audit of USPTO's Patent Classification and Routing Processes

To determine whether USPTO's patent application classification and routing processes are effective.

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.

FY 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, the OIG is providing the following statistical data:

TABLES	PAGES
1. Office of Investigations Statistical Highlights for This Period	<u>30</u>
2. Resolution and Follow-Up	<u>31</u>
3. Audit and Inspection Statistical Highlights for This Period	<u>32</u>
4. Reports with Questioned Costs	<u>33</u>
5. Reports with Recommendations That Funds Be Put to Better Use	<u>34</u>
6. Report Types for This Period	<u>35</u>
6-A. Performance Audits	<u>36</u>
6-B. Inspections/Evaluations	<u>37</u>
6-C. Financial Statement Audits	<u>38</u>
6-D. Other Public Reports	<u>38</u>
7. Summary of Unimplemented and Unresolved Recommendations by Operating Unit	<u>40</u>
7-A. Unimplemented Recommendations from Audit, Evaluation, and Inspection Reports	<u>41</u>
7-B. Unresolved Recommendations from Audit, Evaluation, and Inspection Reports	<u>45</u>
7-C. Reports for Which Management Took Longer Than 60 Days to Respond	<u>45</u>
8. Reports on Investigations Concerning Senior Government Employees	<u>46</u>
9. Descriptions of Instances of Whistleblower Retaliation	<u>46</u>
10. Description of Closed and Non-Public Inspections, Evaluations, Audits, and Certain Investigations	<u>47</u>
10-A. Description of Closed and Non-Public Inspections, Evaluations, and Audits	<u>47</u>
10-B. Description of Certain Closed and Non-Public Investigations	<u>48</u>

TABLE I. OFFICE OF INVESTIGATIONS STATISTICAL HIGHLIGHTS FOR THIS PERIOD

Investigative activities include the total of Investigative Reports issued, referrals to DOJ and state/local prosecuting authorities, 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 contacts 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.

Metrics used for the statistical data referenced in table I include the following: ensure data input is completed accurately, obtain data extraction via reports generated in our case management system, and complete quality assurance with supporting documentation in the case files and discussions with individual investigative personnel.

Allegations Received

Total hotline contacts	467
Contacts related to Departmental programs	357
Number of hotline referrals to Departmental management	158

Reports

Total number of investigative reports issued during the reporting period ^a	10
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Prosecutive Actions

Total number of individuals or entities referred to DOJ for criminal prosecution	24
Total number of entities referred to state/local prosecuting authorities	1
Indictments/Informations/Criminal Complaints	3
Convictions	3

^a 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

This table provides information concerning reports issued before the beginning of the reporting period (October 1, 2022) for which no management decision had been made by the end of the period (March 31, 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 (October 1, 2022)	7	1
Submissions	10	1
Decisions	8	1
Actions pending (March 31, 2023)	9	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 ^a	\$0
Value of audit recommendations that funds be put to better use ^b	\$303,187,905
Total potential monetary benefits	\$303,187,905
Value of audit recommendations agreed to by management ^c	\$296,299,098

^a **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.

^b **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.

^c **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	1	\$22,418,462	\$0
B. Reports issued during the reporting period	0	\$0	\$0
Total reports (A+B) requiring a management decision during the period	1	\$22,418,462	\$0
C. Reports for which a management decision was made during the reporting period	1	\$22,418,462	\$0
i. Value of disallowed costs		\$0	\$0
ii. Value of costs not disallowed		\$22,418,462	\$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	0	\$0
B. Reports issued during the reporting period	2	\$303,187,905
Total reports (A+B) requiring a management decision during the period	2	\$303,187,905
C. Reports for which a management decision was made during the reporting period	1	\$296,299,098
i. Value of recommendations agreed to by management		\$296,299,098
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	1	\$6,888,807

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 are comprised of reports and letters to Congress and OMB.

TABLE 6. SUMMARY OF REPORT TYPES FOR THIS PERIOD

Type	Number of Reports	Table Number
Performance Audits	5	Table 6-A
Inspections/Evaluations	5	Table 6-B
Financial Statement Audits	4	Table 6-C
Other Public Reports	4	Table 6-D
Total	18	

TABLE 6-A. PERFORMANCE AUDITS

Report Title	Report Number	Date Issued	Funds to Be Put to Better Use (\$)	Amount Questioned (\$)	Amount Unsupported (\$)
<i>FirstNet Authority Could Not Demonstrate Investment Decisions Were the Best Use of Reinvestment Funds or Maximized the Benefits to Public Safety</i>	<u>OIG-23-005-A</u>	11.28.2022	\$296,299,098	0	0
<i>FirstNet Authority Failed to Provide Adequate Contract Oversight for Its Initial Two Reinvestment Task Orders</i>	<u>OIG-23-012-A</u>	03.01.2023	0	0	0
<i>Capstone Report: Effective Reviews Are Needed to Enhance the Security Posture of the Department's Active Directories</i>	<u>OIG-23-013-A</u>	03.08.2023	0	0	0
<i>Space Weather Follow-On (SWFO) Program: Rideshare Schedule Presents Challenges and Lack of Backup Option Warrants NOAA Attention</i>	<u>OIG-23-015-A</u>	03.13.2023	0	0	0
<i>Audit of the U.S. Census Bureau Working Capital Fund For Fiscal Year Ended September 30, 2020</i>	<u>OIG-23-016-A</u>	03.22.2023	0	0	0

TABLE 6-B. INSPECTIONS/EVALUATIONS

Report Title	Report Number	Date Issued	Funds to Be Put to Better Use (\$)	Amount Questioned (\$)	Amount Unsupported (\$)
<i>Simulated Internal Cyber Attack Gained Control of Critical Census Bureau Systems</i>	<u>OIG-23-004-I</u>	11.22.2022	0	0	0
<i>Bureau of Industry and Security's Law Enforcement Oversight Policies and Procedures Need Improvement</i>	<u>OIG-23-008-I</u>	01.09.2023	0	0	0
<i>The Census Bureau Can Improve Processes to Promote Transparency of Cooperative Agreements</i>	<u>OIG-23-011-I</u>	02.27.2023	0	0	0
<i>NIST Must Improve Monitoring of MEP to Prevent Waste of Financial Resources</i>	<u>OIG-23-014-I</u>	03.13.2023	\$6,888,807	0	0
<i>Fundamental Deficiencies in OS' Cybersecurity Incident Response Program Increase the Risk of Cyberattacks</i>	<u>OIG-23-017-I</u>	03.22.2023	0	0	0

TABLE 6-C. FINANCIAL STATEMENT AUDITS

Report Title	Report Number	Date Issued	Funds to Be Put to Better Use (\$)	Amount Questioned (\$)	Amount Unsupported (\$)
Office of the Secretary					
<i>Department of Commerce FY 2022 Financial Statements</i>	OIG-23-002-A	11.15.2022	0	0	0
<i>Summary of Findings Related to Information Technology Controls in Support of the Fiscal Year 2022 U.S. Department of Commerce Consolidated Financial Statement Audit</i>	OIG-23-007-A	12.08.2022	0	0	0
United States Patent and Trademark Office					
<i>United States Patent and Trademark Office FY 2022 Financial Statements</i>	OIG-23-003-A	11.15.2022	0	0	0
<i>Summary of Findings Related to Information Technology Controls in Support of the Fiscal Year 2021 USPTO Financial Statement Audit</i>	OIG-23-006-A	12.08.2022	0	0	0

TABLE 6-D. OTHER PUBLIC REPORTS

Report Title	Report Number	Date Issued
<i>FY 2022 Small Business Innovation Research Letter to Congress</i>	Letter	10.03.2022
<i>Top Management and Performance Challenges Facing the Department of Commerce in FY 2023</i>	OIG-23-001	10.13.2022
<i>Semiannual Report on NTIA's Broadband Programs</i>	OIG-23-009	01.24.2023
<i>2023 Annual Letter to OMB re: Government Charge Card Abuse Prevention Act of 2012</i>	OIG-23-010-M	01.27.2023

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 2016 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 March 31, 2023, or those for which the action plans are not due until after March 31, 2023. Columns 6 through 7 of table 7 provide details on unresolved recommendations.

Table 7-A provides details on FYs 2016–2023 performance audit, evaluation, or inspection reports that have resolved but unimplemented recommendations. During this period, we issued 134 audits and evaluations (excluding financial statement audits). As of March 31, 2023,

- 30 of the 134 reports (22 percent) had resolved but unimplemented recommendations;
- 105 of 703 total recommendations (15 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 4 performance audits with 27 unresolved recommendations and 5 evaluations with 33 unresolved recommendations.

Table 7-C confirms that there were no 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	FY 2016–2020 Unimplemented Recs (Resolved)	Potential Monetary Benefits of FY 2016–2020 Unimplemented Recs	FY 2021–2023 Unimplemented Recs (Resolved)	Potential Monetary Benefits of FY 2021–2023 Unimplemented Recs	Unresolved FY 2022– 2023 Recs	Potential Monetary Benefits of Unresolved FY 2022– 2023 Recs
Bureau of Economic Analysis						
Bureau of Industry and Security			1	\$0	7	\$0
U.S. Census Bureau	5	\$0	15	\$0	19	\$0
U.S. Economic Development Administration						
First Responder Network Authority						
International Trade Administration			1	\$0		
Minority Business Development Agency						
National Institute of Standards and Technology			2	\$0	5	\$6,888,807
National Oceanic and Atmospheric Administration	2	\$11,895,000	8	\$0	6	\$0
National Technical Information Service						
National Telecommunications and Information Administration			12	\$296,299,098	6	\$0
Office of the Secretary	14	\$0	28	\$0	17	\$0
United States Patent and Trademark Office	1	\$0	16	\$22,418,462		\$0
Total	22	\$11,895,000	83	\$318,717,560	60	\$6,888,807

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 2016 have been implemented.

- FY 2016: OIG issued 27 reports with a total of 111 recommendations. As of March 31, 2023, 1 recommendation (1 percent of FY 2016 recommendations) was resolved but unimplemented. There are no unimplemented recommendations with potential monetary benefits.
- FY 2019: OIG issued 12 reports with a total of 79 recommendations. As of March 31, 2023, 8 recommendations (10 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 March 31, 2023, 13 recommendations (17 percent of FY 2020 recommendations) were resolved but unimplemented. There is 1 unimplemented recommendation, with \$11,895,000 in funds put to better use, for \$11,895,000 potential monetary benefits.
- FY 2021: OIG issued 14 reports with a total of 72 recommendations. As of March 31, 2023, 15 recommendations (21 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 March 31, 2023, 49 recommendations (44 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 potential monetary benefits.
- FY 2023: OIG issued 10 reports with a total of 77 recommendations. As of March 31, 2023, 19 recommendations (25 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 potential monetary benefits.

The remaining 9 reports and their 60 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
04.18.2016	OIG-16-025-A , <i>The Census Working Capital Fund Lacks Transparency</i>	6	Recommendation 2	0
10.30.2018	OIG-19-002-A , <i>The Census Bureau Must Improve Its Implementation of the Risk Management Framework</i>	7	Recommendations 1, 3, and 4	0
02.06.2019	OIG-19-008-A , <i>2020 Census: Issues Observed During the 2018 End-to-End Census Test's Address Canvassing Operation Indicate Risk to Address List Quality</i>	6	Recommendation 1	0
06.13.2019	OIG-19-014-A , <i>Inadequate Management of Active Directory Puts USPTO's Mission at Significant Cyber Risk</i>	8	Recommendation 4	0
08.12.2019	OIG-19-022-A , <i>Geostationary Operational Environmental Satellite—R Series: Program Success Requires Added Attention to Oversight, Risk Management, Requirements, and the Life-Cycle Cost Estimate</i>	11	Recommendation 7	0
09.30.2019	OIG-19-026-A , <i>The Department Needs to Improve Its Capability to Effectively Share Cyber Threat Information</i>	4	Recommendations 1 and 2	0
11.12.2019	OIG-20-006-A , <i>NOAA's Office of Marine and Aviation Operations Needs to Improve the Planning and Governing of Its Ship Fleet Recapitalization Effort</i>	7	Recommendation 1	\$11,895,000 Funds to Be Put to Better Use
02.11.2020	OIG-20-018-A , <i>Failures in the Department's Security Program Resulted in Exposure of Sensitive Trade Information to Unvetted Foreign Nationals</i>	12	Recommendations 1, 2, 3, 6, 7, 8, 9, 10, 11, and 12	0
07.20.2020	OIG-20-037-A , <i>Fleet Program Is Not Managed in Accordance with Fleet Management Requirements</i>	7	Recommendations 2 and 4	0
10.01.2020	OIG-21-001-A , <i>The Department Has Made Progress Meeting Its Responsibilities Under the Geospatial Data Act But Must Improve Controls to Ensure Full Compliance</i>	6	Recommendation 3	0
01.25.2021	OIG-21-020-A , <i>Decisions on Exclusions from Section 232 Tariffs Were Not Transparent and Based on Incomplete and Inaccurate Information</i>	2	Recommendations 1 and 2	0

Date Report Issued	OIG Report No. and Title	Total Recommendations Made	Unimplemented Recommendation(s)	Potential Monetary Benefits of Unimplemented Recommendations
05.03.2021	OIG-21-024-A , <i>Audit of National Institute of Standards and Technology Working Capital Fund for Fiscal Year Ended September 30, 2019</i>	5	Recommendation 5	0
05.25.2021	OIG-21-027-I , <i>OMAO [Office of Marine and Aviation Operations] Must Define and Implement a Disciplined Requirements Management Process to Ensure Future Acquisitions Meet User Needs</i>	7	Recommendation 1	0
07.06.2021	OIG-21-030-I , <i>USPTO Has Opportunities to Improve Its Internal Controls and Oversight Related to PTA [Patent Term Adjustment] and PTE [Patent Term Extension] Calculations</i>	6	Recommendation 1	0
08.11.2021	OIG-21-033-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	OIG-21-034-A , <i>The U.S. Census Bureau's Mishandling of a January 2020 Cybersecurity Incident Demonstrated Opportunities for Improvement</i>	9	Recommendations 2, 3, 5, 7, and 9	0
11.08.2021	OIG-22-003-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	OIG-22-010-I , <i>USPTO Has Opportunities to Improve its Patent Examination Process and to Advance Patent Decision-Making</i>	7	Recommendations 3, 5, and 7	0
12.14.2021	OIG-22-011-I , <i>FirstNet Authority Must Increase Governance and Oversight to Ensure NPSBN Security</i>	6	Recommendations 1, 5, and 6	0
01.25.2022	OIG-22-017-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	Recommendations 1, 2, and 3	0
06.08.2022	OIG-22-022-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

Date Report Issued	OIG Report No. and Title	Total Recommendations Made	Unimplemented Recommendation(s)	Potential Monetary Benefits of Unimplemented Recommendations
06.15.2022	OIG-22-023-I , <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	OIG-22-025-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
07.20.2022	OIG-22-026-A , <i>USPTO Needs to Improve Its Cost Estimating, Scheduling, and Agile Practices to Timely Retire Legacy Systems</i>	6	Recommendations 1, 2, 3, 4, 5, and 6	0
08.16.2022	OIG-22-028-A , <i>USPTO Should Strengthen Its Planning and Oversight of Patent Data Capture Contracts to Manage Risks and Prevent Unnecessary Costs</i>	5	Recommendations 1 and 2	\$22,418,462
09.14.2022	OIG-22-031-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	OIG-22-032-A , <i>The Department Needs to Improve Its Metadata Processes Under the Geospatial Data Act</i>	5	Recommendations 1, 2, 3, 4, and 5	0
09.22.2022	OIG-22-033-A , <i>Performance Audit of the U.S. Department of Commerce's Working Capital Funds</i>	5	Recommendation 2	0
11.22.2022	OIG-23-004-I , <i>Simulated Internal Cyber Attack Gained Control of Critical Census Bureau Systems</i>	10	Recommendations 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10	0
11.28.2022	OIG-23-005-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	Recommendations 1, 2, 3, 4, 5, 6, 7, 8, and 9	\$296,299,098

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 March 31, 2023. The 9 reports listed have a total of 60 unresolved recommendations.

Date Report Issued	OIG Report No. and Title	Total Recommendations Made	Reason	Potential Monetary Benefits of Unresolved Recommendations
12.16.2021	OIG-22-014-I , <i>The Department Must Improve Processes for Addressing and Managing 'H' Referrals</i>	2	Action Plan Was Due 02.14.2022	0
01.09.2023	OIG-23-008-I , <i>Bureau of Industry and Security's Law Enforcement Oversight Policies and Procedures Need Improvement</i>	7	Action Plan Was Due 03.09.2023	0
02.27.2023	OIG-23-011-I , <i>The Census Bureau Can Improve Processes to Promote Transparency of Cooperative Agreements</i>	5	Action Plan Due 04.28.2023	0
03.01.2023	OIG-23-012-A , <i>FirstNet Authority Failed to Provide Adequate Contract Oversight for Its Initial Two Reinvestment Task Orders</i>	6	Action Plan Due 05.01.2023	0
03.08.2023	OIG-23-013-A , <i>Capstone Report: Effective Reviews Are Needed to Enhance the Security Posture of the Department's Active Directories</i>	1	Action Plan Due 05.08.2023	0
03.13.2023	OIG-23-014-I , <i>NIST Must Improve Monitoring of MEP to Prevent Waste of Financial Resources</i>	5	Action Plan Due 05.12.2023	\$6,888,807
03.13.2023	OIG-23-015-A , <i>Space Weather Follow-On (SWFO) Program: Rideshare Schedule Presents Challenges and Lack of Backup Option Warrants NOAA Attention</i>	6	Action Plan Due 05.15.2023	0
03.22.2023	OIG-23-016-A , <i>Audit of the U.S. Census Bureau Working Capital Fund for Fiscal Year Ended September 30, 2020</i>	14	Action Plan Due 05.22.2023	0
03.22.2023	OIG-23-017-I , <i>Fundamental Deficiencies in OS' Cybersecurity Incident Response Program Increase the Risk of Cyberattacks</i>	14	Action Plan Due 05.22.2023	0

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

There were 0 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 SENIOR GOVERNMENT EMPLOYEES

There was one report on investigation concerning a senior government employee for this period.

OIG Case No.	Narrative Description of Investigations Concerning Senior Government Employees Where Allegations of Misconduct Were Substantiated
21-0751	On January 20, 2023, a senior government employee was terminated from his position at USPTO for improper conduct and lack of candor. OIG substantiated a conflict-of-interest violation under 5 C.F.R. § 2635, as well as USPTO and Department policies. It was determined that the senior government employee, in an effort to obtain employment for his adult son, assisted in creating a new position within a USPTO contract, influenced the wording of a contract modification, and influenced the decision by the existing contractor to hire his son. We questioned the senior government employee about his involvement in the aforementioned offense, and he stated he had no knowledge of his son's application and employment with the contractor; however, our investigation determined that he assisted his son with crafting and editing his resume and provided him the contact information of the hiring official.

TABLE 9. DESCRIPTIONS OF INSTANCES OF WHISTLEBLOWER RETALIATION

There were no instances of whistleblower retaliation this period.

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

OIG is required to describe both (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 two inspections, evaluations, and audits that were not disclosed to the public.

Date Product Issued	Title	Narrative Description
12.08.2022	<i>Summary of Findings Related to Information Technology Controls in Support of the Fiscal Year 2021 USPTO Financial Statement Audit (OIG-23-006-A)</i>	<p>The Chief Financial Officers' Act of 1990, as amended by the Government Management Reform Act of 1994, requires the preparation of annual audited financial statements covering all accounts and activities for the 24 federal departments and agencies, including the Department, which is audited at the Department level. In addition, USPTO prepares separate stand-alone financial statements covering its accounts and activities, which are audited at the USPTO level.</p> <p>KPMG performed this audit on our behalf and performed procedures to determine whether general IT controls were properly designed and operating effectively to support USPTO's financial reporting. KPMG did not identify any control deficiencies related to USPTO's general IT controls. As a result, KPMG did not report any current year findings or recommendations.</p>
12.08.2022	<i>Summary of Findings Related to Information Technology Controls in Support of the Fiscal Year 2022 U.S. Department of Commerce Consolidated Financial Statement Audit (OIG-23-007-A)</i>	<p>The Chief Financial Officers' Act of 1990, as amended by the Government Management Reform Act of 1994, requires the preparation of annual audited financial statements covering all accounts and activities for the 24 federal departments and agencies, including the Department, which is audited at the Department level.</p> <p>KPMG performed this audit on our behalf and performed procedures to determine whether general IT controls were properly designed and operating effectively to support the Department's financial reporting. KPMG identified findings and made related recommendations for improvements.</p>

TABLE 10-B. DESCRIPTION OF CERTAIN CLOSED AND NON-PUBLIC INVESTIGATIONS

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
22-0338-W	On November 8, 2022, OIG closed a case in which the complainant alleged whistleblower retaliation for raising technical and efficiency concerns to her supervisors about software programs that the USPTO employed. Investigation determined the complainant failed to make a protected disclosure and therefore failed to make a <i>prima facie</i> case of whistleblower retaliation. Additionally, even if the complainant had made a protected disclosure, it is likely the USPTO would be able to prove by clear and convincing evidence that it would have taken the same action against the complainant regardless of her disclosures.
22-0514-W	On December 29, 2022, OIG closed a case in which the complainant stated that a USPTO supervisor created a hostile work environment and participated in whistleblower reprisal actions. The complainant stated she was removed as a Contracting Officer's Representative from a mission-critical contract for hearsay, without justification per the Commerce Acquisition Manual and was not given an option to appeal. Investigation determined the complainant failed to make a protected disclosure and therefore failed to make a <i>prima facie</i> case of whistleblower retaliation.
22-0484-P	On March 16, 2023, OIG closed a case in which the complainant stated a NOAA senior government employee threatened to remove a subordinate in retaliation for making several protected disclosures. Investigation determined protected disclosures were made; however, there was insufficient evidence to prove the supervisor took or threatened to take a personnel action against the employee. Therefore, OIG found the evidence does not support a <i>prima facie</i> case of retaliation. Additional investigation revealed evidence of leadership deficiencies in that office, and they were referred to NOAA.

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.

SECTION	TOPIC	PAGE(S)
4(a)(2)	Review of Legislation and Regulations	50
5(a)(1)	Significant Problems, Abuses, and Deficiencies Relating to the Administration of Programs and Operations and Associated Reports and Recommendations for Corrective Action	4
5(a)(2)	Recommendations Made Before the Reporting Period for Which Corrective Action Has Not Been Completed and Potential Cost Savings Associated With the Recommendations	41
5(a)(3)	Significant Investigations Closed	4
5(a)(4)	Convictions Resulting From Investigations	30
5(a)(5)	Audit, Inspection, and Evaluation Reports With Questioned Costs, Unsupported Costs, Funds Put to Better Use, and Associated Management Decisions	33, 34
5(a)(6)	Management Decisions Regarding Audits, Inspections, or Evaluations Issued During a Previous Reporting Period	31
5(a)(7)	Information Required by the Federal Financial Management Improvement Act of 1996	50
5(a)(8)	Results of Peer Reviews Conducted by Another OIG	50
5(a)(9)	Status of Any Outstanding Recommendations From Peer Reviews Conducted by Another OIG and Why Implementation Is Not Complete	N/A
5(a)(10)	Peer Reviews Conducted of Another OIG and List of Outstanding or Not Fully Implemented Recommendations From Any Peer Review	51
5(a)(11)	Statistical Tables Regarding Investigations	30
5(a)(12)	Description of Metrics Used for Determining the Data in 5(a)(11)	30
5(a)(13)	Investigations Concerning Senior Government Employees or Officials in Which Allegations of Misconduct Were Substantiated	46
5(a)(14)	Description of Whistleblower Retaliation Instances	N/A
5(a)(15)	Description of Establishment Interference Attempts	N/A
5(a)(16)	Description of Closed and Non-Public Inspections, Evaluations, and Audits and Investigations Involving a Senior Government Employee	48

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:

SECTION 4(a)(2): 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 legislation and regulations including, but not limited to, U.S. House of Representatives (H.R.) 7776, James M. Inhofe National Defense Authorization Act for Fiscal Year 2023; H.R. 5961, Technical Revisions to Title 5, United States Code; H.R. 140, Protecting Speech from Government Interference Act; H.R. 8325, Preventing Personal Conflicts of Interest in the Federal Acquisition Act; and proposed updates to Department of Commerce regulations at 15 C.F.R. Part 4, "Disclosure of Government Information."

SECTION 5(a)(2): RECOMMENDATIONS MADE BEFORE THE REPORTING PERIOD FOR WHICH CORRECTIVE ACTION HAS NOT BEEN COMPLETED AND POTENTIAL COST SAVINGS ASSOCIATED WITH THE RECOMMENDATIONS

This section requires an identification of each recommendation made before the reporting period for which corrective action has not been completed, including the potential costs savings associated with the recommendation. Refer to table 7-A, *Unimplemented Recommendations from Audit, Evaluation, and Inspection Reports*, which includes recommendations for reports [OIG-20-006-A](#) and [OIG-22-028-A](#) for which corrective actions have not been completed.

SECTION 5(a)(7): INFORMATION REQUIRED BY THE FEDERAL FINANCIAL MANAGEMENT IMPROVEMENT ACT

No matters to report.

SECTION 5(a)(8): 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 the peer review of its audit operations by SBA OIG. 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 the peer review of its inspection and evaluation operations by the Library of Congress (LOC) OIG, conducted in accordance with CIGIE Inspection and Evaluation Committee guidance. LOC OIG assessed the extent to which OAE complied with CIGIE's *Quality Standards for Inspection and Evaluation* standards, January 2012 (Blue Book). LOC OIG determined that OAE's policies and procedures generally were consistent with the Blue Book standards. OAE 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 documents that support conclusions in the report. We have implemented the recommendation and consider it closed.

SECTION 5(a)(10): PEER REVIEWS CONDUCTED OF ANOTHER OIG AND LIST OF OUTSTANDING OR NOT FULLY IMPLEMENTED RECOMMENDATIONS FROM ANY PEER REVIEW

OIG did not complete any peer reviews of another OIG during this reporting period. There are no outstanding or unimplemented recommendations from previous peer reviews.

SECTIONS 5(a)(15): DESCRIPTION OF ESTABLISHMENT INTERFERENCE ATTEMPTS

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

ACRONYMS AND ABBREVIATIONS

BAS	Business Applications Solution	ITA	International Trade Administration
BIS	Bureau of Industry and Security	KPMG	KPMG LLP
Bureau	U.S. Census Bureau	LOC	Library of Congress
CARES Act	Coronavirus Aid, Relief, and Economic Security Act	MBDA	Minority Business Development Agency
Census	Census Bureau	MEP	Manufacturing Extension Partnership
C.F.R.	Code of Federal Regulations	NIST	National Institute of Standards and Technology
CIGIE	Council of the Inspectors General on Integrity and Efficiency	NOAA	National Oceanic and Atmospheric Administration
CISA	Cybersecurity Information Sharing Act of 2015	NPSBN	Nationwide Public Safety Broadband Network
COVID-19	coronavirus disease 2019	NTIA	National Telecommunications and Information Administration
Department	U.S. Department of Commerce	OAE	Office of Audit and Evaluation
DOJ	U.S. Department of Justice	OG&C	Ollie Greene & Company, CPAs
EDA	U.S. Economic Development Administration	OIG	Office of Inspector General
FirstNet Authority	First Responder Network Authority	OMAO	Office of Marine and Aviation Operations
FY	fiscal year	OMB	Office of Management and Budget
GAGAS	generally accepted government auditing standards	OS SOC	Office of the Secretary Security Operations Center
GAO	U.S. Government Accountability Office	PIIA	Payment Integrity Information Act of 2019
GAS	Government Auditing Standards	PWS	Polar Weather Satellites
GeoXO	Geostationary Extended Observations	RLF	Revolving Loan Fund
GSA	U.S. General Services Administration	SBA	U.S. Small Business Administration
H.R.	U.S. House of Representatives	SWFO	Space Weather Follow-On
IG Act	Inspector General Act of 1978, as amended	Uniform Guidance	<i>Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards</i>
IT	information technology		

UPI

unexpended program income

WCF

working capital fund

USPTO

United States Patent and
Trademark Office

REPORT

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