

Department of Health and Human Services

**OFFICE OF
INSPECTOR GENERAL**

**HHS MADE SOME PROGRESS TOWARD
COMPLIANCE WITH THE GEOSPATIAL
DATA ACT**

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Deputy Inspector General
for Audit Services

September 2022
A-18-22-11400

Office of Inspector General

<https://oig.hhs.gov>

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OFFICE OF AUDIT SERVICES FINDINGS AND OPINIONS

The designation of financial or management practices as questionable, a recommendation for the disallowance of costs incurred or claimed, and any other conclusions and recommendations in this report represent the findings and opinions of OAS. Authorized officials of the HHS operating divisions will make final determination on these matters.

Report in Brief

Date: September 2022

Report No. A-18-22-11400

U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES
OFFICE OF INSPECTOR GENERAL



Why OIG Did This Audit

The Geospatial Data Act of 2018 (GDA) mandates that the Inspector General of a covered agency submit to Congress, not less than once every 2 years, an audit of its covered agency's collection, production, acquisition, maintenance, distribution, use, and preservation of geospatial data.

Our objective was to determine HHS's progress toward compliance with the GDA.

How OIG Did This Audit

The Council of the Inspectors General on Integrity and Efficiency determined that the fiscal year 2022 audits should address the agency's progress toward compliance with the responsibilities established under section 759(a) of the GDA.

We interviewed HHS's Acting Chief Data Officer to determine HHS's compliance with the GDA and to identify the HHS operating and staff divisions (referred to as HHS components) that collect, maintain, publish, disseminate, or preserve geospatial data. We surveyed the HHS components that dealt with geospatial data about their geospatial activities supporting HHS's implementation of the covered agency responsibilities of the GDA.

HHS Made Some Progress Toward Compliance With the Geospatial Data Act

What OIG Found

HHS made some progress toward compliance with the GDA, but we identified certain covered agency responsibilities that HHS has not fulfilled. Additionally, HHS has not maintained a departmentwide inventory of all geospatial data assets, or accurately reported its achievements in implementing the GDA requirements, as required by GDA section 759(b).

These conditions occurred because there was limited departmentwide oversight and coordination in its implementation of geospatial-related responsibilities, requirements, policies, and activities across all HHS components. These conditions contributed to HHS's noncompliance with the covered agency responsibilities established in the GDA.

As a result, HHS is susceptible to inefficient and ineffective management of geospatial assets, which increases the risk of inconsistent efforts or inability to minimize the costs to acquire, manage, share, and use geospatial data, expertise, technology, and services.

What OIG Recommends and HHS's Comments

We recommend that HHS (1) ensure that it and its components fully implement the covered agency responsibilities found in GDA section 759(a); (2) ensure that that HHS Senior Agency Official for Geospatial Information or designated official oversee, coordinate, and facilitate HHS's implementation of the geospatial-related requirements, policies, and activities; (3) maintain an inventory of all geospatial data assets, per section 759(b) of the GDA; and (4) prepare the required annual reports/self-assessments based on the statuses of all of HHS's components.

HHS concurred with all our recommendations and described actions it has taken and plans to take to address them. HHS stated that the HHS Acting Chief Data Officer, as the official delegated with the responsibilities to work with the HHS Data Governance Board, will oversee, coordinate, and facilitate HHS's implementation of the geospatial-related requirements, policies, and activities. In addition, HHS stated that it is in the process of authorizing an application that will be used to maintain a departmentwide data inventory. HHS also stated that it plans to complete HHS's FY 2022 annual report/self-assessment based on input from all of HHS's components.

TABLE OF CONTENTS

INTRODUCTION.....	1
Why We Did This Audit.....	1
Objective.....	1
Background.....	1
Geospatial Data Act of 2018.....	1
Geospatial Data.....	2
The Federal Geographic Data Committee.....	2
Covered Agency Responsibilities Under Section 759 of the Geospatial Data Act.....	3
How We Conducted This Audit.....	3
FINDINGS.....	4
HHS Has Not Fulfilled Certain Covered Agency Responsibilities Established Under Section 759(a) of the Geospatial Data Act.....	5
HHS Did Not Maintain a Departmentwide Inventory of All Geospatial Data Assets.....	6
HHS Did Not Properly Prepare the Annual Report, Including Its Self-Assessment.....	7
RECOMMENDATIONS.....	7
HHS COMMENTS AND OFFICE OF INSPECTOR GENERAL RESPONSE.....	7
APPENDICES	
A: Audit Scope and Methodology.....	9
B: Council of the Inspectors General on Integrity and Efficiency Letter to Congress.....	10
C: Federal Requirements.....	12
D: HHS Comments.....	19

INTRODUCTION

WHY WE DID THIS AUDIT

The Geospatial Data Act of 2018 (GDA) mandates that the Inspector General (IG) of a covered agency submit to Congress, not less than once every 2 years, an audit of its covered agency's collection, production, acquisition, maintenance, distribution, use, and preservation of geospatial data. The Department of Health and Human Services (HHS) meets the GDA's definition of a covered agency.¹ In addition, the Office of Management and Budget (OMB) recognizes HHS as an executive agency that produces, maintains, or uses geospatial information.²

The GDA requires the audit to review HHS compliance with the (a) standards for geospatial data, (b) covered agency's responsibilities established in the GDA, and (c) limitation on the use of Federal funds for geospatial data.

OBJECTIVE

Our objective was to determine HHS's progress toward compliance with the GDA.

BACKGROUND

The Geospatial Data Act of 2018

On October 5, 2018, the President signed into law the GDA as part of the FAA [Federal Aviation Administration] Reauthorization Act of 2018 (P.L. No. 115-254, Subtitle F). The purpose of the GDA is to foster efficient administration of geospatial data, technologies, and infrastructure by improving the coordination and partnerships between the producers and consumers of geospatial information in Federal, State, Tribal, and local governments, the private sector, and academia. Additionally, the GDA is intended to reduce duplicative efforts to procure geospatial data, services, expertise, and technology within the Federal Government. To facilitate efficient geospatial activities in the Federal Government, the GDA formalizes geospatial-related committees and governance processes. Additionally, the GDA codifies portions of OMB Circular

¹ The GDA defines a covered agency as an executive department, as defined in section 101 of Title 5, United States Code, that collects, produces, acquires, maintains, distributes, uses, or preserves geospatial data to achieve its mission.

² OMB Memorandum M-06-07, *Designation of a Senior Agency Official for Geospatial Information*, describes "geospatial information" as information associated with a specific geographic location. Examples of geospatial information include maps, satellite imagery, and census and housing data. Geospatial information supports many missions, including national security, law enforcement, health care, the environment, and natural resources conservation.

No. A-16, *Coordination of Geographic Information, and Related Spatial Data Activities*, and the tools used to develop, drive, and manage the National Spatial Data Infrastructure (NSDI).³

Geospatial Data

Geospatial data is information that identifies the geographic location and characteristics of natural or constructed features and boundaries on the Earth. This information may be derived from, among other things, remote sensing, mapping, and surveying technologies. Statistical data may be included in this definition at the discretion of the collecting agency. See the detailed definition in Appendix C.

Geospatial data and geospatial data-related information systems and tools at HHS include, but are not limited to, the National Environmental Public Health Tracking Network (which brings together health data and environmental data from national, State, and city sources and provides supporting information to make the data easier to understand); HHS emPOWER Map (a map that displays Medicare beneficiaries in geographic areas who are reliant on electricity-dependent medical equipment); GeoHealth (Administration for Strategic Preparedness & Response's (ASPR's) secure Geographic Information System (GIS)-based, electronic, interactive mapping application that incorporates information from other Federal and public agencies into a single visual environment for enhanced situational awareness, assessment, and management of resources for planning, and responses to natural, man-made, or pandemic events); and Indian Health Service (IHS) GIS (which includes maps, apps, content, and services based on IHS data and a publicly accessible thematic and population data system).

The Federal Geographic Data Committee

The Federal Geographic Data Committee (FGDC) is an interagency committee that acts as the lead entity in the executive branch and develops, implements, and reviews the policies, practices, and standards related to geospatial data and is responsible for facilitating the implementation of the NSDI and the coordination of geographic information and related spatial data activities.⁴ FGDC leads the development and management of and operational decision making for the NSDI strategic plan. The GDA requires the FGDC to evaluate, summarize, and report on every covered agency's performance in fulfilling the responsibilities listed in the GDA (i.e., meets expectations, has made progress toward expectations, or fails to meet

³ The GDA defines the NSDI as the technology, policies, criteria, standards, and employees necessary to promote geospatial data sharing throughout the Federal Government; State, Tribal, and local governments; and the private sector (including nonprofit organizations and institutions of higher education).

⁴ OMB Circular No. A-16 defines "spatial data" as information that identifies the geographic location and characteristics of natural or constructed features and boundaries on the Earth. The information may be derived from remote sensing, mapping, charting, surveying technologies, GPS, or statistical data, among other sources.

expectations). In addition, the GDA requires FGDC to operate the GeoPlatform, an electronic service providing the general public with access to geospatial data and metadata.⁵

The FGDC Steering Committee is the policy-level interagency group responsible for providing leadership and direction in support of OMB Circular No. A-16-related activities and the development of the NSDI. It makes recommendations of high-level National Geospatial Data Asset portfolio-wide priorities based on key Federal mission needs, Presidential priorities, and congressional mandates. Responsibilities of the FGDC Steering Committee include but are not limited to voting on the adoption of FGDC standards and decisions; promoting the allocation of agency resources to fulfill the responsibilities of effective spatial data collection, production, and stewardship; and ensuring the communication of key national geospatial activities within the agency.

Covered Agency Responsibilities Under Section 759 of the Geospatial Data Act

Section 759 of the GDA is divided into 3 sections, which relate to a covered agency's responsibilities, reporting, and audits.

Section 759(a) established 13 responsibilities the covered agency is to fulfill (Appendix B). These responsibilities enable the covered agency to use Federal resources wisely and to build the NSDI.

Section 759(b) requires the covered agency to submit an annual report to FGDC regarding its achievements in preparing and implementing the strategic plan for the NSDI (section 759(a)(1)) and complying with the other requirements in section 759(a).

Section 759(c) mandates that each IG submit to Congress, not less than once every 2 years, an audit of its covered agency's collection, production, acquisition, maintenance, distribution, use, and preservation of geospatial data.

HOW WE CONDUCTED THIS AUDIT

The Council of the Inspectors General on Integrity and Efficiency (CIGIE) determined that due to the continuing implementation of the GDA, conducting the mandatory audits as prescribed by the GDA would result in reports submitted by the IGs in October 2022 being inconclusive for two of the three audit requirements, i.e., sections 759(c)(1) and (c)(3). CIGIE determined that the fiscal year (FY) 2022 audits should address section 759(c)(2), which focuses on the covered agency's progress toward compliance with the responsibilities established under section 759(a). (See Appendix B for the CIGIE letter to Congress.) Therefore, based on guidance from CIGIE, the scope of our audit focused on determining the status of HHS's compliance with the 13 responsibilities established in section 759(a) of the GDA. We also reviewed HHS annual reports

⁵ Metadata is data that provides information about other data.

(section 759(b)(1)) and determined whether HHS maintained an inventory of geospatial data assets (section 759(b)(2)(B)).

This audit approach did not include a review of HHS compliance with geospatial standards or the limitation of funding, as required by 759(c)(1) and 759(c)(3). This was because the FY 2022 mandatory audit scope period overlaps with the estimated GDA implementation period established by the FGDC. As part of this implementation period, the FGDC was evaluating the existing body of geospatial standards, among other items. Without geospatial standards established by the FGDC, it is currently difficult to determine which standards the audits should use to evaluate HHS compliance (section 759(c)(1)). Also, because the law established a 5-year implementation period before limiting the use of Federal funds for non-compliant activities, compliance with the requirement in section 759(c)(3) was not evaluated in the FY 2022 audit.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. We shared with HHS information about our preliminary findings before issuing our draft report.

Appendix A describes our audit scope and methodology, and Appendix C contains Federal requirements.

FINDINGS

HHS made some progress toward compliance with the GDA, but we identified certain covered agency responsibilities that HHS has not fulfilled. Additionally, HHS has not maintained a departmentwide inventory of all geospatial data assets, or accurately reported its achievements in implementing the GDA requirements, as required by GDA section 759(b).

These conditions occurred because there was limited departmentwide oversight and coordination in its implementation of geospatial-related responsibilities, requirements, policies, and activities across all HHS offices and operating and staff divisions (referred to as “HHS components”). These conditions contributed to HHS’s noncompliance with the covered agency responsibilities established in the GDA.

As a result, HHS is susceptible to inefficient and ineffective management of geospatial assets, which increases the risk of inconsistent efforts or inability to minimize the costs to acquire, manage, share, and use geospatial data, expertise, technology, and services.

HHS HAS NOT FULFILLED CERTAIN COVERED AGENCY RESPONSIBILITIES ESTABLISHED UNDER SECTION 759(a) OF THE GEOSPATIAL DATA ACT

Section 759(a) of the GDA established the responsibilities of a covered agency. Additionally, OMB Circular No. A-16 states that “to use federal resources wisely, and to build the NSDI, all agencies that collect, use, or disseminate geographic information and/or carry out related spatial data activities will, both internally and through their activities involving partners, grants, and contracts,” meet particular requirements in the coordination and use of spatial data. On the basis of information gathered from the HHS Office of the Chief Information Officer and seven HHS components that work with geospatial data, we determined that HHS has met only 1 of the 13 covered agency responsibilities established under section 759(a) of the GDA.

The HHS Chief Information Officer (CIO) has tasked the oversight for the implementation of the GDA compliance to the Acting HHS Chief Data Officer (CDO). HHS and its components have made some progress toward compliance with the GDA, and HHS has plans to increase GDA compliance in FY 2023 with increased resources.

The following are some of the 13 responsibilities and relevant HHS actions:⁶

- Section 759(a)(1) of the GDA established that, as a covered agency, HHS must “prepare, maintain, publish, and implement a strategy for advancing geographic information and related geospatial data and activities appropriate to the mission of the covered agency, in support of the strategic plan for the National Spatial Data Infrastructure.” According to the CDO, a departmentwide strategy is currently being developed with plans to complete it in FY 2023. Seven HHS components reported that they collect, maintain, publish, disseminate, or prepare geospatial data, but only two have implemented a strategy. Although HHS is not in compliance with this responsibility, two of its components have implemented a strategy.
- Section 759(a)(5) of the GDA established that, as a covered agency, HHS must “allocate resources to fulfill the responsibilities of effective geospatial data collection, production, and stewardship with regard to related activities of the covered agency, and as necessary to support the activities of the Committee.” HHS has designated its CIO as its Senior Agency Official for Geospatial Information (SAOGI) to ensure that the Department has allocated resources and supports the activities of the FGDC. The CIO has tasked the responsibility of ensuring GDA compliance to the Acting CDO. As part of this assignment, the Acting CDO has been representing HHS at the FGDC Steering Committee meetings. The Acting CDO has stated that additional resources are needed to ensure that HHS is meeting the GDA requirements. Although HHS has made progress toward expectations, it does not meet expectations for this responsibility.

⁶ We are reporting on 5 of the 13 responsibilities for which we had sufficient information to assess compliance.

- Section 759(a)(7) of the GDA established that, as a covered agency, HHS must “coordinate and work in partnerships with other Federal agencies, agencies of State, tribal, and local governments, institutions of higher education, and the private sector to efficiently and cost-effectively collect, integrate, maintain, disseminate, and preserve geospatial data, building upon existing non-federal geospatial data to the extent possible.” Five of the seven surveyed components said that they work with others through activities like the HHS Data Council, HHS Data Governance Board, and work groups organized by ASPR’s Geospatial Integration, Analysis, and Visualization Branch. On the basis of the HHS component responses, HHS has not yet demonstrated that it satisfied this responsibility departmentwide.
- Section 759(a)(11) of the GDA established that, as a covered agency, HHS must “search all sources, including the GeoPlatform, to determine if existing Federal, State, local, or private geospatial data meets the needs of the covered agency before expending funds for geospatial data collection.” Although HHS, as a Department, has stated that it has not made any progress for this requirement, six of the seven surveyed components stated that they work with other components and organizations to minimize the collection or acquisition of duplicate data.
- Section 759(a)(13) of the GDA established that, as a covered agency, HHS must “appoint a contact to coordinate with the lead covered agencies for collection, acquisition, maintenance, and dissemination of the National Geospatial Data Asset data themes used by the covered agency.” The HHS Acting CDO has been assigned as the contact and has been attending the FGDC Steering Committee meetings representing HHS. HHS is compliant with this responsibility.

HHS has not yet fully satisfied certain covered agency responsibilities outlined in section 759(a) of the GDA. A lack of departmentwide resources, oversight, and coordination related to the implementation of geospatial-related requirements across HHS contributed to the lack of compliance.

HHS DID NOT MAINTAIN A DEPARTMENTWIDE INVENTORY OF ALL GEOSPATIAL DATA ASSETS

Section 759(b) of the GDA requires covered agencies to maintain an inventory of all geospatial data assets and to identify federal-wide geospatial data assets. However, HHS did not have a departmentwide inventory of all geospatial data assets. Although some of the HHS components had an inventory of their geospatial data assets, others did not have an inventory. HHS is in the process of implementing a system to maintain a consolidated list of all HHS geospatial data assets.

Consequently, HHS has not made progress toward complying with the reporting requirements in section 759(b) of the GDA and may not be aware of all its geospatial assets and their location. The lack of an assigned GDA point of contact until recently and resources at HHS level to oversee the implementation of the GDA requirements have contributed to the condition.

HHS DID NOT PROPERLY PREPARE THE ANNUAL REPORT, INCLUDING ITS SELF-ASSESSMENT

The GDA includes management and reporting responsibilities for covered agencies, which includes HHS. Covered agencies are responsible for submitting annual reports, as required in section 759(b)(1), which include self-assessments on their performance in meeting the 13 responsibilities of the GDA (i.e., meets expectations, made progress toward expectations, fails to meet expectations) to the FGDC. FGDC posted each covered agency's annual report and self-assessment on its website. FGDC also prepared a summary of the status of the 13 responsibilities of each covered agency for FY 2020 and 2021.

ASPR prepared the HHS FY 2020 and 2021 annual reports. However, these reports represented only ASPR's status regarding the implementation of the 13 responsibilities, not the statuses of all of HHS's components. As a result, the FGDC reports for FYs 2020 and 2021, which were based on the HHS submission, did not accurately reflect HHS's overall progress toward compliance with the GDA's 13 responsibilities since the self-assessments covered only a single HHS component. This occurred because HHS did not have effective departmentwide oversight for the implementation of the GDA.

RECOMMENDATIONS

We recommend that the Department of Health and Human Services:

- ensure that it and its components fully implement the covered agency responsibilities found in GDA section 759(a);
- ensure that the HHS Senior Agency Official for Geospatial Information or designated official oversee, coordinate, and facilitate HHS's implementation of the geospatial-related requirements, policies, and activities;
- maintain an inventory of all geospatial data assets, per section 759(b) of the GDA; and
- prepare the required annual reports/self-assessments based on the statuses of all of HHS's components.

HHS COMMENTS AND OFFICE OF INSPECTOR GENERAL RESPONSE

In written comments on our draft report, HHS concurred with all our recommendations and described actions it has taken and plans to take to address them. HHS stated that the HHS CDO as the official delegated with the responsibilities to work with the HHS Data Governance Board will oversee, coordinate, and facilitate HHS's implementation of the geospatial-related requirements, policies, and activities. In addition, HHS stated that it is in the process of authorizing an application that will be used to maintain a departmentwide data inventory. HHS

also stated that it plans to complete HHS's FY 2022 annual report/self-assessment based on input from all of HHS's components.

We are encouraged that HHS has taken and plans to take action to address its compliance with GDA requirements.

HHS's comments are included in their entirety in Appendix D.

APPENDIX A: AUDIT SCOPE AND METHODOLOGY

SCOPE

This is the second in a series of audits mandated by Congress to oversee compliance with the GDA. CIGIE convened a working group with representatives from the covered agency IGs to reach consensus on an audit approach for the FY 2022 GDA-related audits. Based on guidance from CIGIE, the scope of our audit focused on determining the current status of HHS's compliance with the 13 responsibilities established in section 759(a) of the GDA. We also reviewed HHS annual reports (section 759(b)(1)) and determined whether HHS maintained an inventory of geospatial data assets (section 759(b)(2)(B)).

Our scope included HHS components and their divisions, centers, institutes, and offices that collect, maintain, publish, disseminate, and preserve geospatial data.

We performed our fieldwork from March through August 2022.

METHODOLOGY

Our methodology included a request for information, identified by the HHS CDO, from HHS and its components that prepare, maintain, publish, or implement geospatial data that support HHS's requirements to fulfill covered agency responsibilities.

To accomplish our objective, we:

- reviewed relevant Federal laws, requirements, and Government websites on geospatial-related assets and investment information;
- reviewed HHS annual reports;
- interviewed the HHS CDO and ASPR Chief Geospatial Information Officer;
- surveyed seven HHS components that dealt with geospatial data about their geospatial activities supporting HHS's implementation of the covered agency responsibilities detailed in GDA sections 759(a) and (b)(2); and
- discussed our results with HHS officials.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

**APPENDIX B: COUNCIL OF THE INSPECTOR GENERAL ON INTEGRITY AND EFFICIENCY LETTER
TO CONGRESS**



October 18, 2021

The Honorable Maria Cantwell
Chairwoman
The Honorable Roger F. Wicker
Ranking Member
Committee on Commerce, Science,
and Transportation
United States Senate
Washington, D.C.

The Honorable Eddie Bernice Johnson
Chairwoman
The Honorable Frank Lucas
Ranking Member
Committee on Science, Space,
and Technology
U.S. House of Representatives
Washington, D.C.

Dear Chairwomen and Ranking Members:

The Council of the Inspectors General on Integrity and Efficiency (CIGIE) recognizes and appreciates your leadership on issues of geospatial data. In particular, we believe the enactment of the Geospatial Data Act of 2018 (P.L. 115-254) will improve the continuing development of geospatial data and technology. To make sure this happens, the Geospatial Data Act provides for oversight by way of the Federal Inspectors General. Specifically, the Geospatial Data Act requires the biennial completion of a review of Covered Agencies' compliance with standards established by the Act, Covered Agencies' responsibilities detailed in the Act, and Covered Agencies' compliance with the prohibition of Federal funding for non-compliant datasets.

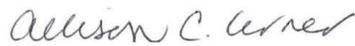
We are writing this letter on behalf of CIGIE to inform you of an important distinction with the biennial Geospatial Data Act audits by the Inspector General community. Specifically, the Fiscal Year 2022 mandatory audit scope period overlaps with the estimated Geospatial Data Act implementation period established by the Federal Geographic Data Committee (FGDC). As part of the implementation phase, the FGDC is evaluating the existing body of standards, among other items. Due to the continuing implementation of the Geospatial Data Act, conducting the mandatory audits as prescribed by the Act would result in reports submitted by the Inspectors General in October 2022 being inconclusive for two of the three audit requirements.

To address this challenge while continuing to meet the mandatory audit requirements, CIGIE convened a working group with representatives from the Covered Agency Inspectors General to reach a consensus on an audit approach for the Fiscal Year 2022 audits. The Covered Agency Inspectors General determined that audits focused on the Covered Agencies' progress toward compliance with the Geospatial Data Act, including the agencies' compliance with requirements under subsection (a), would likely provide the best value to the Covered Agencies, Congress, and the Public. This is a somewhat narrower approach than what the law requires because it is currently difficult to determine which standards the audits should use in evaluating compliance. Also, because the law establishes a five-year implementation period before limiting the use of Federal funds for non-compliant activities, this requirement would not be evaluated in the Fiscal Year 2022 audits.

This consensus approach will afford each Covered Agency Inspector General latitude to perform additional testing based on the Covered Agency's geospatial footprint, as determined necessary by the applicable Inspector General.

Should you or your staffs have any questions about our approach or other aspects of our collective Geospatial Data Act oversight activities, please do not hesitate to contact us at (703) 292-4978 or (703) 248-2296 respectively.

Sincerely,



Allison C. Lerner
Chair, Council of the Inspectors General on
Integrity and Efficiency
Inspector General, National Science
Foundation



Tammy L. Whitcomb
Chair, Council of the Inspectors General on
Integrity and Efficiency, Technology
Committee
Inspector General, U.S. Postal Service

cc: The Honorable Gary C. Peters, Chairman
The Honorable Rob Portman, Ranking Member
Senate Committee on Homeland Security and Governmental Affairs

The Honorable Carolyn B. Maloney, Chairwoman
The Honorable James Comer, Ranking Member
House Committee on Oversight and Reform

The Honorable Jason Miller, Deputy Director OMB and Executive Chair, Council of the
Inspectors General on Integrity and Efficiency

The Honorable Gene Dodaro, Comptroller General, GAO

APPENDIX C: FEDERAL REQUIREMENTS

Geospatial Data Act of 2018 (GDA), (P.L. No. 115-254),

SEC. 752, DEFINITIONS.

(3) the term “covered agency”—

(A) means—

(i) an Executive department, as defined in section 101 of title 5, United States Code, that collects, produces, acquires, maintains, distributes, uses, or preserves geospatial data on paper or in electronic form to fulfill the mission of the Executive department, either directly or through a relationship with another organization, including a State, local government, Indian tribe, institution of higher education, business partner or contractor of the Federal Government, and the public;

(ii) the National Aeronautics and Space Administration; or

(iii) the General Services Administration; and

(B) does not include the Department of Defense (including 30 components and agencies performing national missions) or any element of the intelligence community;

(5) the term “geospatial data”—

(A) means information that is tied to a location on the Earth, including by identifying the geographic location and characteristics of natural or constructed features and boundaries on the Earth, and that is generally represented in vector datasets by points, lines, polygons, or other complex geographic features or phenomena;

(B) may be derived from, among other things, remote sensing, mapping, and surveying technologies;

(C) includes images and raster datasets, aerial photographs, and other forms of geospatial data or datasets in digitized or non-digitized form; and

(D) does not include—

(i) geospatial data and activities of an Indian tribe not carried out, in whole or in part, using Federal funds, as determined by the tribal government;

(ii) classified national security-related geospatial data and activities of the Department of Defense, unless declassified;

(iii) classified national security-related geospatial data and activities of the Department of Energy, unless declassified;

(iv) geospatial data and activities under chapter 22 of title 10, United States Code, or section 110 of the National Security Act of 1947 (50 U.S.C. 3045);

(v) intelligence geospatial data and activities, as determined by the Director of National Intelligence; or

(vi) certain declassified national security-related geospatial data and activities of the intelligence community, as determined by the Secretary of Defense, the Secretary of Energy, or the Director of National Intelligence.

SEC. 753. FEDERAL GEOGRAPHIC DATA COMMITTEE.

(a) **IN GENERAL.** —There is established within the Department of the Interior an interagency committee to be known as the Federal Geographic Data Committee, which shall act as the lead entity in the executive branch for the development, implementation, and review of policies, practices, and standards relating to geospatial data.

(b) **MEMBERSHIP.** —

(1) **CHAIRPERSON AND VICE CHAIRPERSON.** —The Secretary of the Interior and the Director of the Office of Management and Budget shall serve as Chairperson of the Committee and Vice Chairperson of the Committee, respectively.

(2) **OTHER MEMBERS.** —

(A) **IN GENERAL.** —The head of each covered agency and the Director of the National Geospatial-Intelligence Agency shall each designate a representative of their respective agency to serve as a member of the Committee.

(B) **REQUIREMENT FOR APPOINTMENTS.** —An officer appointed to serve as a member of the Committee shall hold a position as an assistant secretary, or an equivalent position, or a higher-ranking position.

(c) **DUTIES.** —The Committee shall—

(1) lead the development and management of and operational decision making for the National Spatial Data Infrastructure strategic plan and geospatial data policy in accordance with section 755;

(2) designate National Geospatial Data Asset data themes and oversee the coordinated management of the National Geospatial Data Asset data themes in accordance with section 756;

(3) establish and maintain geospatial data standards in accordance with section 757;

(4) periodically review and determine the extent to which covered agencies comply with geospatial data standards;

(5) ensure that the GeoPlatform operates in accordance with section 758;

(6) direct and facilitate national implementation of the system of National Geospatial Data Asset data themes;

(7) communicate with and foster communication among covered agencies and other entities and individuals relating to geospatial data technology development, transfer, and exchange in order to—

(A) identify and meet the needs of users of geospatial data;

(B) promote cost-effective data collection, documentation, maintenance, distribution, and preservation strategies; and

(C) leverage Federal and non-Federal resources, such as promoting Federal shared services and cross-agency coordination for marketplace solutions;

(8) define roles and responsibilities and promote and guide cooperation and coordination among agencies of the Federal Government, State, tribal, and local

governments, institutions of higher education, and the private sector in the collection, production, sharing, and use of geospatial information, the implementation of the National Spatial Data Infrastructure, and the identification of proven practices;

(9) coordinate with international organizations having an interest in the National Spatial Data Infrastructure or global spatial data infrastructures;

(10) make available online and update at least annually—

(A) a summary of the status for each National Geospatial Data Asset data theme, based on the report submitted by the applicable lead covered agency under section 756(b)(3)(E)(ii)(I), which shall include—

(i) an evaluation of the progress of each lead covered agency in achieving the requirements under subparagraphs (A), (B), (C), and (D) of section 756(b)(3); and

(ii) a determination of whether, for each of subparagraphs (A), (B), (C), and (D) of section 756(b)(3), each lead covered agency meets expectations, has made progress toward expectations, or fails to meet expectations;

(B) a summary and evaluation of the achievements of each covered agency, based on the annual report submitted by the covered agency under section 759(b)(1), which shall include a determination of whether the covered agency meets expectations, has made progress toward expectations, or fails to meet expectations for each of paragraphs (1) through (13) of section 759(a);

(C) a collection of periodic technical publications, management articles, and reports related to the National Spatial Data Infrastructure; and

(D) a membership directory for the Committee, including identifying members of any subcommittee or working group of the Committee;

(11)

(A) make available to and request comments from the Advisory Committee regarding the summaries and evaluations required under subparagraphs (A) and (B) of paragraph (10); (B) if requested by the Advisory Committee, respond to any comments by the Advisory Committee; and

(C) not less than once every 2 years, submit to Congress a report that includes the summaries and evaluations required under subparagraphs (A) and (B) of paragraph (10), the comments of the Advisory Committee, and the responses of the Committee to the comments;

(12)

(A) make available to and request comments from covered agencies regarding the summaries and evaluations required under subparagraphs (A) and (B) of paragraph (10); and

(B) not less than once every 2 years, submit to Congress a report that includes the comments of the covered agencies and the responses of the Committee to the comments; and

(13) support and promote the infrastructure of networks, systems, services, and standards that provide a digital representation of the Earth to users for many applications.

SEC. 759. COVERED AGENCY RESPONSIBILITIES.

(a) IN GENERAL. —Each covered agency shall—

- (1) prepare, maintain, publish, and implement a strategy for advancing geographic information and related geospatial data and activities appropriate to the mission of the covered agency, in support of the strategic plan for the National Spatial Data Infrastructure prepared under section 755(c);
- (2) collect, maintain, disseminate, and preserve geospatial data such that the resulting data, information, or products can be readily shared with other Federal agencies and non-Federal users;
- (3) promote the integration of geospatial data from all sources;
- (4) ensure that data information products and other records created in geospatial data and activities are included on agency record schedules that have been approved by the National Archives and Records Administration;
- (5) allocate resources to fulfill the responsibilities of effective geospatial data collection, production, and stewardship with regard to related activities of the covered agency, and as necessary to support the activities of the Committee;
- (6) use the geospatial data standards, including the standards for metadata for geospatial data, and other appropriate standards, including documenting geospatial data with the relevant metadata and making metadata available through the GeoPlatform;
- (7) coordinate and work in partnership with other Federal agencies, agencies of State, tribal, and local governments, institutions of higher education, and the private sector to efficiently and cost-effectively collect, integrate, maintain, disseminate, and preserve geospatial data, building upon existing non-Federal geospatial data to the extent possible;
- (8) use geospatial information to—
 - (A) make Federal geospatial information and services more useful to the public;
 - (B) enhance operations;
 - (C) support decision making; and
 - (D) enhance reporting to the public and to Congress;
- (9) protect personal privacy and maintain confidentiality in accordance with Federal policy and law;
- (10) participate in determining, when applicable, whether declassified data can contribute to and become a part of the National Spatial Data Infrastructure;
- (11) search all sources, including the GeoPlatform, to determine if existing Federal, State, local, or private geospatial data meets the needs of the covered agency before expending funds for geospatial data collection;
- (12) to the maximum extent practicable, ensure that a person receiving Federal funds for geospatial data collection provides high-quality data; and
- (13) appoint a contact to coordinate with the lead covered agencies for collection, acquisition, maintenance, and dissemination of the National Geospatial Data Asset data themes used by the covered agency.

(b) REPORTING. —

(1) IN GENERAL. —Each covered agency shall submit to the Committee an annual report regarding the achievements of the covered agency in preparing and implementing the strategy described in subsection (a)(1) and complying with the other requirements under subsection (a).

(2) BUDGET SUBMISSION. —Each covered agency shall—

(A) include geospatial data in preparing the budget submission of the covered agency to the President under sections 1105(a) and 1108 of title 31, United States Code;

(B) maintain an inventory of all geospatial data assets in accordance with OMB Circular A–130, or any successor thereto; and

(C) prepare an annual report to Congress identifying Federal-wide geospatial data assets, as defined in OMB Circular A–16, as set forth in OMB memo M–11–03, Issuance of OMB Circular A–16 Supplemental Guidance (November 10, 2010), or any successor thereto.

(3) DISCLOSURE. —Each covered agency shall disclose each contract, cooperative agreement, grant, or other transaction that deals with geospatial data, which may include posting information relating to the contract, cooperative agreement, grant, or other transaction on www.USAspending.gov and www.itdashboard.gov, or any successors thereto.

(4) OMB REVIEW. —In reviewing the annual budget justifications submitted by covered agencies, the Office of Management and Budget shall take into consideration the summary and evaluations required under subparagraphs (A) and (B) of section 753(c)(10), comments, and replies to comments as required under paragraphs (11) and (12) of section 753(c), in its annual evaluation of the budget justification of each covered agency.

(5) REPORTING. —The Office of Management and Budget shall include a discussion of the summaries and evaluation of the progress in establishing the National Spatial Data Infrastructure in each E-Government status report submitted under section 3606 of title 44, United States Code.

(c) AUDITS. —Not less than once every 2 years, the inspector general of a covered agency (or senior ethics official of the covered agency for a covered agency without an inspector general) shall submit to Congress an audit of the collection, production, acquisition, maintenance, distribution, use, and preservation of geospatial data by the covered agency, which shall include a review of—

(1) the compliance of the covered agency with the standards for geospatial data, including metadata for geospatial data, established under section 757;

(2) the compliance of the covered agency with the requirements under subsection (a); and

(3) the compliance of the covered agency on the limitation on the use of Federal funds under section 759A.

OMB Circular No. A-16 Revised, M-11-03, *Coordination of Geographic Information and Related Spatial Activities*, issued November 10, 2010.

SEC. 1. Purpose of this Circular:

Spatial data refers to information about places or geography and has traditionally been shown on maps. This Circular describes the effective and economical use and management of spatial data assets in the digital environment for the benefit of the government and the nation. The Circular affirms and describes the National Spatial Data Infrastructure (NSDI) as the technology, policies, standards, human resources, and related activities necessary to acquire, process, distribute, use, maintain, and preserve spatial data. The Circular describes the management and reporting requirements of Federal agencies in the acquisition, maintenance, distribution, use, and preservation of spatial data by the Federal Government. The Circular establishes the FGDC as the interagency coordinating body for NSDI-related activities, chaired by the Secretary of the Interior with the Deputy Director for Management, Office of Management and Budget (OMB) as Vice-Chair.

SEC. 2. National Spatial Data Infrastructure:

- a. The National Spatial Data Infrastructure (NSDI) assures that spatial data from multiple sources (federal, state, local, and tribal governments, academia, and the private sector) are available and easily integrated to enhance the understanding of our physical and cultural world.
- b. Components of the NSDI:
 - 1) Data themes are electronic records and coordinates for a topic or subject, such as elevation or vegetation. This Circular requires the development, maintenance, and dissemination of a standard core set of digital spatial information for the Nation that will serve as a foundation for users of geographic information. This set of data consists of themes of national significance (see Appendix E). Themes providing the core, most commonly used set of base data are known as framework data, specifically geodetic control, orthoimagery, elevation and bathymetry, transportation, hydrography, cadastral, and governmental units. Other themes of national significance are also an important part of the NSDI and must be available to share with others. Additional data themes may be added with the approval of the FGDC.

NSDI data themes developed with appropriate metadata, using FGDC standards and served through the Clearinghouse, facilitate interoperability and information exchange across administrative boundaries.

- 2) Metadata are information about data and/or geospatial services, such as content, source, vintage, spatial scale, accuracy, projection, responsible party, contact phone number, method of collection, and other descriptions. Metadata are critical to document, preserve and protect agencies' spatial data assets.

Reliable metadata, structured in a standardized manner, are essential to ensuring that geospatial data are used appropriately, and that any resulting analysis is credible. Metadata also can be used to facilitate the search and access of data sets or geospatial services within a Clearinghouse or data library. All spatial data collected or derived directly or indirectly using federal funds will have FGDC metadata.

SEC. 4. Federal Geographic Data Committee (FGDC):

The FGDC is an interagency committee responsible for facilitating Circular A-16 related activities and implementation of the NSDI. The FGDC is chaired by the Secretary of the Department of the Interior, with the Deputy Director for Management, OMB, serving as Vice-Chair. Chair and Vice-Chair may designate an individual to act in their stead. All agencies responsible for spatial data themes are required to be members of the FGDC.

The FGDC will establish procedures and committee structures as are necessary and sufficient to carry out interagency coordination and the implementation of the NSDI, in accordance with existing law, statute, and policy.

SEC. 6. Types of data activities applicable to the Circular:

All spatial data and geographic information systems activities—financed directly or indirectly, in whole or in part, by federal funds.

APPENDIX D: HHS COMMENTS



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Office of the Chief Information Officer
Washington, D.C. 20201

DATE: September 15, 2022

TO: Amy J. Frontz, Deputy Director for Audit Services

FROM: Karl S. Mathias, Ph.D., Chief Information Officer 
karl.mathias [Sep 21, 2022 14:13 EDT]

SUBJECT: *OIG Draft Report: HHS Made Some Progress Toward Compliance With the Geospatial Data Act, A-18-22-11400*

The Department of Health and Human Services (HHS) Office of the Chief Information Officer (OCIO) thanks the Office of the Inspector General (OIG) for your review of HHS' compliance with the Geospatial Data Act. We welcome the opportunity to respond to the report that your office has developed.

As requested, our office has reviewed the aforementioned report and has attached written comments regarding the validity of facts, actions taken and planned actions, based on your recommendations. We look forward to continuing our collaboration efforts to bring HHS into full compliance with the Geospatial Data Act.

If you have any questions or need additional information, please reach out to the Chief Data Officer (Acting), Nikolaos Ipiotis at Nikolaos.Ipiotis@hhs.gov or (202) 604-7302.

Attachment A: Response from the Office of the Chief Information Officer (OCIO) regarding *HHS Made Some Progress Toward Compliance With the Geospatial Data Act, A-18-22-11400*

cc:

Nikolaos Ipiotis, Chief Data Officer (Acting)

Jeffrey Arman, Assistant Director, Cybersecurity & IT Audit Division, OIG



September 2022

Attachment A: Response to OIG's Draft Report, "HHS Made Some Progress Toward Compliance With the Geospatial Data Act" (A-18-22-11400)

OIG Recommendation

1. Ensure that HHS and its components fully implement the covered agency responsibilities found in GDA section 759(a).

HHS Response: HHS concurs with OIG's recommendation.

The HHS CIO will support full implementation of the covered agency responsibilities found in GDA section 759(a). As a first step the CIO will ensure that applicable requirements of GDA section 759(a) are addressed in the HHS Data Strategy which is currently under development.

2. Ensure that the HHS SAOGI or designated official oversee, coordinate, and facilitate the HHS's implementation of the geospatial-related requirements, policies, and activities.

HHS Response: HHS concurs with OIG's recommendation.

The appointment of the HHS CIO as the SAOGI and the delegation of these responsibilities to the HHS Chief Data Officer (CDO) provides clear lines of responsibility for HHS implementation of geospatial-related requirements. The CDO in collaboration with the HHS Data Governance Board will oversee, coordinate, and facilitate HHS's implementation of the geospatial-related requirements, policies, and activities as HHS moves forward to adopt a department-wide data strategy and data policies.

3. Maintain an inventory of all geospatial data assets, per section 759(b) of the GDA.

HHS Response: HHS concurs with OIG's recommendation.

The HHS CIO is in the process of authorizing an application that will be used to maintain a department-wide data inventory. The metadata associated with this inventory will indicate if geospatial data is part of each dataset. This will enable HHS to produce a real-time inventory of geospatial data assets.

4. Prepare the FGDC annual reports/self-assessments based on the statuses of all of HHS's components.

HHS Response: HHS concurs with OIG's recommendation.

The HHS CIO plans to complete the FY2022 annual report/self-assessment based on input from all of HHS's components.