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# **HHS Continues to Make Progress Toward Compliance With the Geospatial Data Act**



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### Why OIG 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. HHS meets the GDA's definition of a covered agency. In addition, the Office of Management and Budget recognizes HHS as an executive agency that produces, maintains, or uses geospatial information.
- This audit fulfills the GDA mandate for OIG 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.

### What OIG Found

HHS continues to make 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, and did not include six HHS staffing divisions that handle geospatial data in its self-assessment of progress toward fulfilling GDA responsibilities.

### What OIG Recommends

We made four recommendations, including that HHS fulfill the remaining seven covered agency responsibilities established in GDA, ensure that the HHS Office of the Chief Data Officer facilitates HHS's implementation of geospatial-related requirements, develop and maintain an inventory of all geospatial data assets, and prepare the required annual reports regarding the achievements of the covered agency in accordance with GDA requirements.

HHS concurred with all four of our recommendations.

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## 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.<sup>1</sup> In addition, the Office of Management and Budget (OMB) recognizes HHS as an executive agency that produces, maintains, or uses geospatial information.<sup>2</sup>

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

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<sup>1</sup> 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.

<sup>2</sup> 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).<sup>3</sup>

## **Geospatial Data**

Geospatial data are 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 B

Geospatial data and geospatial data-related information systems and tools at HHS include, but are not limited to, (1) 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); (2) HHS emPOWER Map (a map that displays Medicare beneficiaries in geographic areas who are reliant on electricity-dependent medical equipment); (3) GeoHealth (Administration for Strategic Preparedness and 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 (4) 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. The 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 expectations). In addition, the GDA requires the FGDC to operate the GeoPlatform, an electronic service providing the general public with access to geospatial data and metadata.<sup>4</sup>

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<sup>3</sup> 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).

<sup>4</sup> 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 (OMB Circular A-16).

The FGDC Steering Committee 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 the 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 Expectations Under Section 759 of the Geospatial Data Act**

Section 759 of the GDA is divided into three sections that relate to a covered agency's responsibilities, reporting, and audits:

- Section 759(a) established 13 responsibilities a covered agency is required to fulfill. These responsibilities enable the covered agency to use Federal resources wisely and build the NSDI.
- Section 759(b) requires a covered agency to submit an annual report to the 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 2024 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) 2024 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 C for CIGIE's November 30, 2023, letter to Congress on this subject.) 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 (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), because the FY 2024 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 difficult to determine which standards the audits should use to evaluate HHS compliance (section 759(c)(1)). Also, because the GDA established a 5-year implementation period before limiting the use of Federal funds for noncompliant activities, this audit did not evaluate compliance with the section 759(c)(3) requirement.

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 B contains Federal requirements.

## FINDINGS

HHS continues to make 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 and did not include all its components in its self-assessment of progress toward fulfilling GDA responsibilities.

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”). In addition, HHS did not understand that the annual report should include all components.

As a result, HHS is susceptible to inefficient and ineffective management of geospatial assets, which is contrary to the intent of GDA. It 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. HHS and its components have made progress toward meeting the 13 covered agency responsibilities listed in GDA section 759(a). Our prior audit of HHS’s compliance with the GDA,

issued in 2022, determined that HHS met a single responsibility of appointing 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.<sup>5</sup> For this audit, HHS fulfilled the following 5 additional GDA responsibilities:

- 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) (section 759(a)(1));
- promote the integration of geospatial data from all sources (section 759(a)(3));
- 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 (section 759(a)(7));
- participate in determining, when applicable, whether declassified data can contribute to and become a part of the National Spatial Data Infrastructure (section 759(a)(10)); and
- to the maximum extent practicable, ensure that a person receiving Federal funds for geospatial data collection provides high-quality data (section 759(a)(12)).

However, based on information gathered from the HHS Chief Data Officer and 14 HHS components (8 Operating Divisions (OpDivs) and 6 Staffing Divisions (StaffDivs)) that reported having worked with geospatial data, we determined that HHS has not fulfilled 7 of the 13 covered agency responsibilities. Specifically, HHS did not fulfill the following GDA responsibilities:

- 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 (section 759(a)(2));
- 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 (section 759(a)(4));
- 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 FDGC (section 759(a)(5));

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<sup>5</sup> HHS Made Some Progress Toward Compliance With the Geospatial Data Act ([A-18-22-11400](#)), issued Sept. 26, 2022.



- 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<sup>6</sup> (section 759(a)(6));
- use geospatial information to make Federal geospatial information and services more useful to the public, enhance operations, support decision making, and enhance reporting to the public and to Congress (section 759(a)(8));
- protect personal privacy and maintain confidentiality in accordance with Federal policy and law, when geospatial data records are created, and activities conducted (section 759(a)(9)); and
- 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 (section 759(a)(11)).

We determined that a lack of HHS departmentwide oversight and coordination in its implementation of geospatial-related responsibilities, requirements, policies, and activities across all HHS components contributed to this noncompliance. By not fully complying with the GDA, HHS cannot ensure that geospatial data are properly maintained in coordination with other agencies to promote efficiency and cost-effectiveness data collection, integration, dissemination, and preservation.

#### **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 has not developed or maintained an inventory of all departmentwide geospatial data assets.

Without an inventory of its geospatial data assets, HHS may not be aware of all of its assets or where they are stored. Therefore, HHS may not include all its geospatial data assets when implementing cybersecurity controls and reporting to the OMB and Congress.

#### **HHS DID NOT PROPERLY PREPARE THE ANNUAL REPORT BECAUSE STAFFDIVS WERE NOT INCLUDED IN HHS'S SELF-ASSESSMENT**

Section 759(b)(1) of the GDA requires covered agencies to submit to the FDGC 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).

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<sup>6</sup> Operating under the authority of the Geospatial Data Act of 2018, the GeoPlatform is a cross-agency collaborative effort and shared service emphasizing government-to-citizen communication.

The covered agency's annual report must include a self-assessment of its achievements in fulfilling the 13 responsibilities of the GDA (i.e., meets expectations, made progress toward expectations, fails to meet expectations). The FGDC posted each covered agency's annual report and self-assessment on its website. The FGDC also prepared a summary of the status of the 13 responsibilities of each covered agency for FY 2023.

HHS submitted an annual report to the FGDC for FY 2023 that included its self-assessment and achievements towards fulfilling its 13 responsibilities. HHS based its annual report on surveys that it sent only to its OpDivs. HHS did not survey its 22 StaffDivs, even though we found that 6 StaffDivs collect, maintain, publish, disseminate, or preserve geospatial data. As a result, HHS's self-assessment and achievements listed in its FY 2023 annual report did not consider responses from StaffDivs. This occurred because HHS was not aware the StaffDivs should be included in the self-assessment. However, HHS is now aware and indicated that it will include StaffDivs in its future self-assessments.

By not following GDA reporting requirements, HHS coordination with other Federal agencies; State, tribal and local governments; institutions of higher education; and the private sector to promote efficiency and cost-effectiveness when collecting, integrating, maintaining, disseminating, and preserving geospatial data may not be as effective as intended by the GDA.

## **RECOMMENDATIONS**

We recommend that the Department of Health and Human Services:

- fulfill the remaining seven covered agency responsibilities established in GDA section 759(a);
- ensure that the HHS Office of the Chief Data Officer oversees, coordinates, and facilitates HHS's implementation of geospatial-related requirements, policies, and activities;
- develop and maintain an inventory of all geospatial data assets in accordance with section 759(b) of the GDA; and
- prepare the required annual reports regarding the achievements of the covered agency in preparing and implementing the strategic plan for the National Spatial Data Infrastructure (section 759(a)(1)) and complying with the other requirements in section 759(a).

## **HHS COMMENTS AND OFFICE OF INSPECTOR GENERAL RESPONSE**

In written comments on our draft report, HHS concurred with all four of our recommendations and described actions it has taken and plans to take to address them. HHS stated that the HHS Office of the Chief Data Officer (OCDO) will work with the HHS Data Governance Board to establish a new HHS Geospatial Working Group to oversee the implementation of all 13 covered agency responsibilities across the Department. In addition, HHS stated that, moving forward, OCDO will survey both OpDivs and StaffDivs to ensure that all HHS components are included in the FY2024 annual report.

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 third 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 2024 GDA-related audits. 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 (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 2024 through September 2024.

### METHODOLOGY

Our methodology included a request for information, identified by the HHS Chief Data Officer (CDO), from HHS and its components that prepare, maintain, publish, or implement geospatial data that support HHS's requirements to fulfill its 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, including self-assessments, Geospatial Data Strategy, and source documentation provided by the HHS CDO;
- interviewed the HHS CDO;
- analyzed responses to surveys we developed and distributed to 11 HHS OpDivs and 22 StaffDivs that contained questions about their geospatial activities; 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: 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](http://www.USAspending.gov) and [www.itdashboard.gov](http://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, SUPPLEMENTAL GUIDANCE, “COORDINATION OF GEOGRAPHIC INFORMATION COORDINATION OF GEOGRAPHIC INFORMATION AND RELATED 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 C: COUNCIL OF THE INSPECTOR GENERAL ON INTEGRITY AND EFFICIENCY  
LETTER TO CONGRESS



COUNCIL OF THE INSPECTORS GENERAL  
ON INTEGRITY AND EFFICIENCY

November 30, 2023

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

The Honorable Frank Lucas  
Chairman  
The Honorable Zoe Lofgren  
Ranking Member  
Committee on Science, Space,  
and Technology  
U.S. House of Representatives  
Washington, D.C.

Dear Chairpersons and Ranking Members:

The Council of the Inspectors General on Integrity and Efficiency (CIGIE) appreciates your leadership on geospatial data issues. The Geospatial Data Act of 2018<sup>1</sup> (the Act) mandates oversight through Federal Inspectors General (IG) to ensure effective implementation of the related requirements. Specifically, the Act requires biennial IG audits to evaluate the following:

1. Covered Agencies' compliance with geospatial data and metadata standards established under the Act.
2. Covered Agencies' compliance with responsibilities outlined in the Act.
3. Covered Agencies' compliance with the limitation of Federal funding for noncompliant datasets.<sup>2</sup>

We are writing this letter on behalf of CIGIE to inform you about an important timing concern related to the biennial audits conducted by the IG community. The standards required for implementation of the Act by Covered Agencies have not yet been issued by the Federal Geographic Data Committee (FGDC). As of now, there is no projected release date available. Consequently, the full implementation of the Act is delayed, which in turn limits the IG community's ability to conduct a comprehensive biennial audit in Fiscal Year 2024. We cannot assess compliance with two of the three audit requirements (specifically, audit evaluation tasks 1 and 3 listed above). To address this challenge, CIGIE has taken proactive measures to establish a consensus within the IG community on an audit approach for the Fiscal Year 2024 audits.

After careful deliberation and similar to our prior audits, the Covered Agency IG representatives have concluded that audits focused on assessing the progress of Covered Agencies toward compliance with the Act, including their adherence to the Act's requirements outlined in section 759(a), 43 U.S.C. § 2808(a), would offer the most value to the covered agencies, Congress, and the Public.

<sup>1</sup> Pub. L. No. 115-254, Subtitle F (2018), codified at 43 U.S.C. §§ 2801-2811.

<sup>2</sup> 43 U.S.C. § 2808(c).

In our view, this approach is appropriate due to the inherent challenges in determining the precise standards that audits should utilize to assess compliance at this time. Moreover, it is important to note that the limitation on the use of Federal funds for noncompliant geospatial data will not apply until 5 years after FGDC's establishment of standards. As such, compliance with the limitation is not yet auditable.

This approach would provide each Covered Agency IG with the flexibility to conduct additional testing as needed, depending on the geospatial footprint of the respective covered agency. The relevant IG would make this determination as they see fit.

Furthermore, among the 16 federal agencies specified under the Act, more than half of them do not accumulate or publish substantial or significant volumes of new geospatial assets on a biennial basis. Consequently, many IG audit teams are contemplating the adoption of weighted or risk-based approaches. Additionally, the CIGIE Legislation Committee has encouraged Congress to repeal the requirement that IGs conduct a biennial audit to allow IGs the flexibility to assess the risks of geospatial data at the agencies they oversee and provide a cost-effective, risk-based review if appropriate.

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 202-208-5475. In the alternative, please feel free to have your staff contact Andrew Cannarsa, CIGIE's Executive Director, at 202-292-2603.

Sincerely,



Mark L. Greenblatt  
Chair, Council of the Inspectors General  
on Integrity and Efficiency  
Inspector General  
U.S. Department of the Interior



Robert P. Storch  
Chair, Council of the Inspectors General on  
Integrity and Efficiency, Technology  
Committee  
Inspector General, U.S. Department of Defense

cc: The Honorable Gary C. Peters, Chairman  
The Honorable Rand Paul, Ranking Member  
Committee on Homeland Security and Government Affairs  
  
The Honorable James Comer, Chairman  
The Honorable Jamie Raskin, Ranking Member  
House Committee on Oversight and Accountability  
  
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 D: HHS COMMENTS



September 2024

OCIO General Comments to *HHS Continues to Make Progress Toward Compliance with the Geospatial Data Act (A-18-24-03500)*

The U.S. Department of Health & Human Services (HHS) Office of the Chief Information Officer (OCIO) appreciates the opportunity from the HHS Office of the Inspector General to review and comment on this draft report.

### OIG Recommendations

1. We recommend that the Department of Health and Human Services fulfill all 13 covered agency responsibilities established in GDA section 759(a).

**HHS Response:** *HHS OCDO concurs with the recommendation.*

*HHS OCDO will work with the HHS Data Governance Board (DGB) to establish a new HHS Geospatial Working Group (WG) to oversee the implementation of all 13 covered agency responsibilities across the Department. The HHS Geospatial WG consist of geospatial subject matter experts (SMEs) from all HHS Components (OpDivs and StaffDivs). The HHS Geospatial WG will be responsible for:*

- *Overseeing the implementation of the HHS Geospatial Strategy and corresponding action plan by developing appropriate sub-committees to provide the necessary support to OpDivs and StaffDivs to meet expectations on all 13 responsibilities. The measurement of successful implementation will be reflected when HHS divisions submit their attestation as part of their annual self-reporting; and,*
- *Developing and issuing necessary guidance for the geospatial community.*

*The HHS Geospatial WG will be established by the 2<sup>nd</sup> Quarter of the FY2025.*

2. We recommend that the Department of Health and Human Services ensure that the HHS Office of the Chief Data Officer oversees, coordinates, and facilitates HHS's implementation of geospatial-related requirements, policies, and activities.

**HHS Response:** *HHS OCDO concurs with the recommendation.*

*The HHS Office of Chief Data Officer will designate a federal lead and professional services to support the HHS Geospatial WG to oversee, coordinate, and facilitate HHS's implementation of geospatial-related requirements, policies, and activities.*

*The additional support will be in place by the 2<sup>nd</sup> Quarter of the FY2025.*

3. We recommend that the Department of Health and Human Services develop and maintain an inventory of all geospatial data assets in accordance with section 759(b) of the GDA.



September 2024

OCIO General Comments to *HHS Continues to Make Progress Toward Compliance with the Geospatial Data Act (A-18-24-03500)*

***HHS Response:*** *HHS OCDO concurs with the recommendation.*

*HHS OCDO is in the process of procuring an enterprise-wide data catalog and inventory platform to track department-wide data assets, including geospatial data assets. Once established, this platform will create a centralized data access system for all HHS employees with a PIV card (by leveraging Multifactor Authentication) to find, search and preview the Department's geospatial data assets.*

*Additionally, HHS OCDO is in the process of updating the draft 2021 HHS Metadata Standard based feedback from the HHS Metadata Standard WG which includes geospatial SMEs. After the metadata standard is updated and approved by the WG, it will be sent to the HHS Data Governance Board (DGB) for final approval prior to publishing.*

*The planned completion date for both efforts is estimated to be the end of CY2025.*

4. We recommend that the Department of Health and Human Services prepare the required annual reports regarding the achievements of the covered agency in preparing and implementing the strategic plan for the National Spatial Data Infrastructure (section 759(a)(1)) and complying with the other requirements in section 759(1).

***HHS Response:*** *HHS OCDO concurs with the recommendation.*

*Moving forward OCDO will survey both OpDivs and StaffDivs to ensure that all HHS components are included in the FY2024 annual report.*

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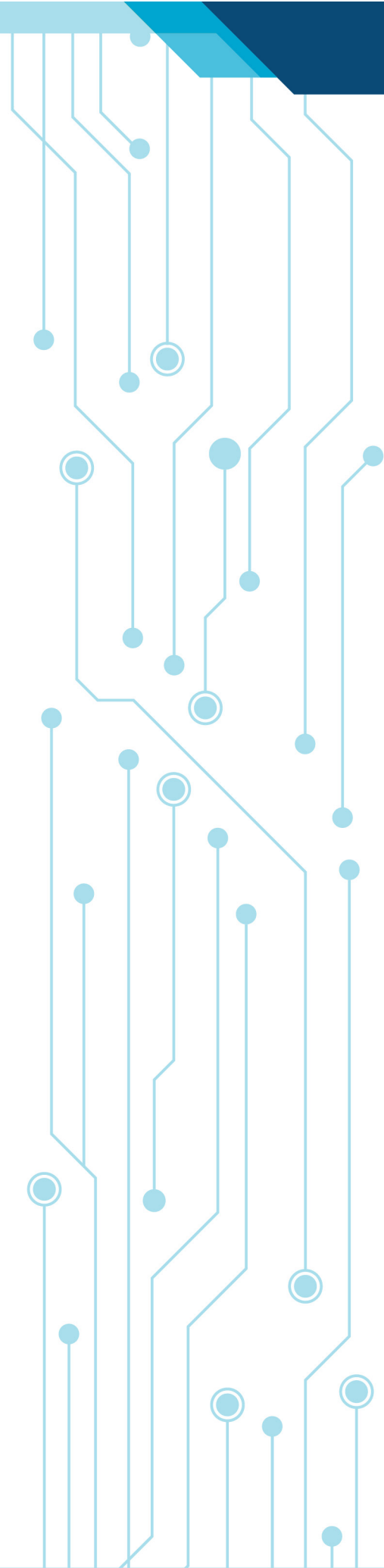
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