



**Accessible Version**

May 12, 2023

The Honorable Gina M. Raimondo  
Secretary  
U.S. Department of Commerce  
1401 Constitution Ave. NW  
Washington, D.C. 20230

**Priority Open Recommendations: Department of Commerce**

Dear Secretary Raimondo:

The purpose of this letter is to update you on the overall status of the Department of Commerce’s implementation of our recommendations and to call your continued attention to areas where open recommendations should be given high priority.<sup>1</sup> In November 2022, we reported that, government-wide, 77 percent of our recommendations made 4 years ago were implemented.<sup>2</sup> Commerce’s recommendation implementation rate was 93 percent. As of April 2023, Commerce had 145 open recommendations. Fully implementing these open recommendations could significantly improve Commerce’s operations.

Since our July 2022 letter, Commerce has implemented two of our 16 open priority recommendations.

- In August 2022, National Telecommunications and Information Administration (NTIA) and the Federal Communications Commission (FCC) jointly issued an updated memorandum of understanding (MOU) to promote the efficient use of radio spectrum in the public interest, as we recommended in June 2021. Having this updated MOU should better ensure effective collaboration between FCC and NTIA in their roles as federal spectrum managers.<sup>3</sup>
- In February 2023, Commerce implemented the last of eight IT workforce planning activities we recommended in November 2016. As a result of its actions, the department has improved its capability to anticipate and respond to changing staffing needs and to control human capital risks when developing, implementing,

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<sup>1</sup>Priority recommendations are those that we believe warrant priority attention from heads of key departments or agencies. They are highlighted because, upon implementation, they may significantly improve government operations, for example, by realizing large dollar savings; eliminating mismanagement, fraud, and abuse; or making progress toward addressing a high-risk or duplication issue.

<sup>2</sup>GAO, *Performance and Accountability Report: Fiscal Year 2022*, [GAO-23-900398](#) (Washington, D.C.: Nov. 15, 2022)

<sup>3</sup>GAO, *Spectrum Management: Agencies Should Strengthen Collaborative Mechanisms and Processes to Address Potential Interference*, [GAO-21-474](#) (Washington, D.C.: June 29, 2021).

and operating critical IT systems.<sup>4</sup>

We ask your continued attention to the remaining 14 priority recommendations. We are also adding three new recommendations. One is related to strengthening Commerce’s privacy programs and two are related to the National Oceanic and Atmospheric Administration’s (NOAA) joint work with the Environmental Protection Agency (EPA) to maintain and enhance a national program to reduce harmful algal blooms and hypoxia.<sup>5,6</sup> This brings the total number of priority recommendations to 17. (See enclosure for the list of recommendations.)

## The 17 priority recommendations fall into the following eight areas.

### **Decennial Census.**

The Bureau has implemented a series of innovations to rein in cost increases and enhance data quality for recent decennial censuses. As of September 2022 the 2020 Census cost about \$13.5 billion, and if the September 2022 estimate holds, the Bureau will have continued slowing the decennial rate of cost growth. For example, the count in 2020 will cost roughly \$99 per household, compared to \$92 for 2010, \$80 for 2000, and \$45 for 1990 (in constant 2020 dollars). Implementing the five priority recommendations we identified in this area, such as tracking the Bureau’s future design innovations within its cost estimation and budget execution framework and evaluating how major operational changes affected the quality and completeness of enumeration operations, will improve the Bureau’s planning and budgeting for the 2030 Census.

### **Ensuring the cybersecurity of the nation.**

A key component of mitigating and responding to cyber threats is having a qualified, well-trained cybersecurity workforce. Accordingly, federal agencies are required to categorize all IT, cybersecurity, and cyber-related positions using Office of Personnel Management personnel codes for specific work roles, and identify critical staffing needs. Implementing the one priority recommendation in this area—by ensuring the appropriate National Initiative for Cybersecurity Education framework work role codes are used—will improve Commerce’s cybersecurity workforce planning for IT management occupational series positions.

### **Improving the nation’s water quality.**

Over the past 50 years, the nation’s water quality and drinking water have improved, but threats to water quality and safety remain. These threats include harmful algal blooms—overgrowths of algae in water bodies that can produce toxins that harm humans and animals—and hypoxia. NOAA and EPA co-chair a federal interagency working group to address these threats.

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<sup>4</sup>GAO, IT Workforce: Key Practices Help Ensure Strong Integrated Program Teams; Selected Departments Need to Assess Skill Gaps, [GAO-17-8](#) (Washington, D.C.: Nov 30, 2016.).

<sup>5</sup>GAO, Privacy: Dedicated Leadership Can Improve Programs and Address Challenges, [GAO-22-105065](#) (Washington, D.C.: Sep 22, 2022.); Water Quality: Agencies Should Take More Actions to Manage Risks from Harmful Algal Blooms and Hypoxia, [GAO-22-104449](#) (Washington, D.C.: Jun 15, 2022.).

<sup>6</sup>Hypoxia is a condition associated with some algal blooms where oxygen levels in a water body are depleted and most animals cannot survive.

Implementing our two priority recommendations to (1) document and define what a national program would entail and (2) develop a national goal for prevention would help to protect the quality of our nation's water resources by improving NOAA's ability to manage risks from harmful algal blooms and hypoxia.

### **Privacy.**

The protection of personal privacy has become a more significant issue in recent years with the advent of new technologies and the proliferation of personal information. Federal agencies collect and process large amounts of personally identifiable information (PII) for various government programs. Accordingly, they must ensure that any PII they collect, store, or process is protected from unauthorized access, tampering, or loss. Implementing the one priority recommendation in this area—to incorporate privacy into its organization-wide risk management strategy, including determining its privacy risk tolerance—will enable Commerce to better mitigate privacy risks.

### **International trade.**

The Export Enhancement Act of 1992 directed the interagency Trade Promotion Coordinating Committee (TPCC) to assess the appropriate levels and allocations of resources and develop a government-wide strategic plan that identifies federal export promotion priorities, among other things. The TPCC neither reports nor compiles information on how federal export promotion resources align with government-wide priorities. Implementing the one priority recommendation in this area—reporting how resources are allocated by agency and aligned with priorities—will help decision makers in Congress and the administration determine whether the return on the federal investment in export promotion is adequate and make informed decisions about future resource allocations.

### **Managing climate change risks.**

The federal government needs a comprehensive approach to improve the climate resilience of facilities it owns and operates and land it manages. This involves incorporating climate change resilience standards into agencies' infrastructure and facility planning processes. It also involves working with relevant professional associations to incorporate climate change information into structural design standards. Implementing the one priority recommendation in this area—convening agencies for a coordinated ongoing government-wide effort—will enable Commerce to provide the best available forward-looking climate information to standards-developing organizations for their consideration in building codes, design standards, and voluntary certifications. This step will help reduce federal fiscal exposure to climate change.

### **Managing the radio-frequency spectrum.**

Radio-frequency spectrum demand among government and private sector users has increased. This in turn, has increased the potential for interference problems. The National Telecommunications and Information Administration (NTIA) within Commerce regulates and manages spectrum use for federal users. Implementing the five priority recommendations in this area, for example, establishing procedures to help guide the design of spectrum-sharing and potential-interference studies, will help to improve NTIA's spectrum management and reduce the risk of interference.

## Conflict minerals rule.

Armed groups in the eastern Democratic Republic of the Congo continue to profit from the exploitation of minerals. Since 2013, Commerce has been required to report to Congress annually a list of worldwide conflict mineral processing facilities and an assessment of Independent Private Sector Audits (IPSA). IPSAs are filed in conjunction with required Securities and Exchange Commission disclosures.<sup>7</sup> Implementing the one priority recommendation in this area—to improve the effectiveness of the disclosure rule by, among other things, submitting a plan with steps and timeframes for assessing the accuracy of the IPSAs to Congress—will provide decision makers in Congress required information on the accuracy of the IPSAs and other due diligence processes used by filing companies.

As you know, in April 2023, we issued our biennial update to our [High-Risk List](#). This list identifies government operations with greater vulnerabilities to fraud, waste, abuse, and mismanagement or the need for transformation to address economy, efficiency, or effectiveness challenges.<sup>8</sup> We removed the [decennial census](#) high-risk area because the Census Bureau made progress in addressing data quality concerns, chartered a high-level governance group, and implemented priority recommendations. GAO will monitor 2030 Census planning—already underway—for emerging risks and challenges.

Two high-risk areas—[limiting the federal government’s fiscal exposure by better managing climate change risks](#) and [ensuring the effective protection of technologies critical to U.S. national security interests](#)—relate to multiple agencies, including Commerce.

Several other government-wide high-risk areas also have direct implications for Commerce and its operations. These include: (1) [improving the management of IT acquisitions and operations](#), (2) [strategic human capital management](#), (3) [managing federal real property](#), (4) [ensuring the cybersecurity of the nation](#),<sup>9</sup> and (5) [government-wide personnel security clearance process](#).

We urge your attention to the fiscal risks of climate change and the protection of critical technologies high-risk areas, as well as the government-wide high-risk areas as they relate to Commerce. Progress on high-risk areas has been possible through the concerted actions and efforts of Congress, the Office of Management and Budget (OMB), and the leadership and staff in agencies, including within Commerce. In March 2022, we issued a report on key practices to successfully address high-risk areas, which can be a helpful resource as your agency continues to make progress addressing these high-risk issues.<sup>10</sup>

In addition to your continued attention on these issues, Congress plays a key role in providing

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<sup>7</sup>Disclosure rules require companies to file a Specialized Disclosure report if they manufacture or contract to have manufactured products that contain conflict minerals necessary to the functionality or production of those products.

<sup>8</sup>GAO, High-Risk Series: Efforts Made to Achieve Progress Need to be Maintained and Expanded to Fully Address All Areas, [GAO-23-106203](#) (Washington, D.C.: Apr 20, 2023).

<sup>9</sup>With regard to cybersecurity, we also urge you to use foundational information and communications technology supply chain risk management practices set forth in our December 2020 report: GAO, *Information Technology: Federal Agencies Need to Take Urgent Action to Manage Supply Chain Risks*, [GAO-21-171](#) (Washington, D.C.: Dec. 15, 2020).

<sup>10</sup>GAO, High-Risk Series: Key Practices to Successfully Address High-Risk Areas and Remove Them from the List, [GAO-22-105184](#) (Washington, D.C.: Mar 3, 2022).

oversight and maintaining focus on our recommendations to ensure they are implemented and produce their desired results. Legislation enacted in December 2022 includes a provision for GAO to identify any additional congressional oversight actions that can help agencies implement priority recommendations and address any underlying issues relating to such implementation.<sup>11</sup>

There are various strategies Congress can use in addressing our recommendations, such as incorporating them into legislation. Congress can also use its budget, appropriations, and oversight processes to incentivize executive branch agencies to act on our recommendations and monitor their progress. For example, Congress can hold hearings focused on Commerce's progress in implementing GAO's priority recommendations, withhold funds when appropriate, or take other actions to provide incentives for agencies to act. Moreover, Congress could follow up during the appropriations process and request periodic updates. Congress also plays a key role in addressing any underlying issues related to the implementation of these recommendations. For example, Congress could pass legislation providing an agency explicit authority to implement a recommendation or requiring an agency to take certain actions to implement a recommendation.

Copies of this report are being sent to the Director of the Office of Management and Budget and the appropriate congressional committees. In addition, the report will be available on the GAO website at <http://www.gao.gov>.

I appreciate Commerce's continued commitment to these important issues. If you have any questions or would like to discuss any of the issues outlined in this letter, please do not hesitate to contact me or Michelle Sager, Managing Director, Strategic Issues at [sagerm@gao.gov](mailto:sagerm@gao.gov) or 202-512-6806. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Our teams will continue to coordinate with your staff on all of the 145 open recommendations, as well as those additional recommendations in the high-risk areas for which Commerce has a leading role. Thank you for your attention to these matters.

Sincerely yours,

A handwritten signature in black ink that reads "Gene L. Dodaro". The signature is written in a cursive, flowing style with a large, prominent "D" at the end.

Gene L. Dodaro

Comptroller General of the United States

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<sup>11</sup>James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, Pub. L. No. 117-263, § 7211(a)(2), 136 Stat. 2395, 3668 (2022); H.R. Rep. No. 117-389 (2022) (accompanying Legislative Branch Appropriations Act, H.R. 8237, 117th Cong. (2022)).

Enclosure

cc: The Honorable Shalanda Young, Director, Office of Management and Budget  
Don Graves, Deputy Secretary, Department of Commerce  
Robert Santos, Director of the Census Bureau  
Alan Davidson, Assistant Secretary of Commerce for Communications and  
Information and NTIA Administrator  
MaryAnn Mausser, GAO Liaison Officer

## Enclosure Priority Open Recommendations to the Department of Commerce

### Decennial Census

**2010 Census: Key Efforts to Include Hard-to-Count Populations Went Generally as Planned; Improvements Could Make the Efforts More Effective for Next Census. GAO-11-45. Washington, D.C.: December 14, 2010.**

**Year Recommendation Made:** 2011

**Recommendation:** To help improve the effectiveness of the Census Bureau's outreach and enumeration efforts, especially for hard-to-count (HTC) populations, should they be used again in the 2020 Census, and to improve some of the Bureau's key efforts to enumerate HTC populations, the Secretary of Commerce should require the Under Secretary for Economic Affairs as well as the Director of the Census Bureau to evaluate the extent to which each special enumeration activity improved the count of traditionally hard-to-enumerate groups and use the results to help inform decision making on spending for these programs in 2020.

**Action Needed:** Commerce generally agreed with this recommendation. In March 2022, Bureau officials described various strategies they were considering for including this information in operational plans for the 2030 Census. In February 2023, we discussed with Bureau officials how prior operational plans did not always include evaluative data from prior research. To fully implement this recommendation, the Bureau needs to demonstrate, in support of its forthcoming design for the 2030 Census, the evidence it has considered related to how various special enumeration activities may have contributed to census cost and accuracy in the 2020 Census. Until the Bureau implements this recommendation, it will be difficult for it to demonstrate the evidentiary basis for decisions it makes about its special enumeration activities for the 2030 Census.

**Director:** Yvonne D. Jones, Strategic Issues

**Contact Information:** [jonesy@gao.gov](mailto:jonesy@gao.gov) or (202) 512-6806

**2020 Census: Census Bureau Needs to Assess Data Quality Concerns Stemming from Recent Design Changes. GAO-21-142. Washington, D.C.: December 3, 2020.**

**Year Recommendation Made:** 2021

**Recommendation:** The Secretary of Commerce and the Director of the Census Bureau should update and implement assessments, evaluations, and coverage measurement efforts to address the effects of the Bureau's response to COVID-19 that we identified, including data quality concerns and potential operational benefits from innovations.

**Action Needed:** Commerce agreed with this recommendation. In February 2023, Bureau officials confirmed they expected to release a thematic report on implementation of late design changes by the end of December 2023. To fully implement this recommendation, the Bureau's assessments, evaluations, and coverage measurement efforts will need to address the effects of the changes to operations-effects such as those we identified and inclusive of those on data quality and possible operational benefits that may have been unexpected. Addressing this recommendation as part of the overall 2020 assessment will help the Bureau ensure public confidence in the 2020 Census and inform future census planning efforts.

**Director:** Yvonne D. Jones, Strategic Issues

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**Decennial Census: Bureau Should Assess Significant Data Collection Challenges as It Undertakes Planning for 2030. [GAO-21-365](#). Washington, D.C.: March 22, 2021.**

**Year Recommendation Made:** 2021

**Recommendation:** The Secretary of Commerce and the Director of the U.S. Census Bureau should, to inform 2030 planning, evaluate how major operational changes in response to data collection challenges affected the quality and completeness of nonresponse follow-up and group quarters enumerations. At a minimum, this evaluation should address: (1) late design changes, (2) procedures for accessing multi-unit buildings, (3) the process for reassigning cases, (4) supervisory alerts used to manage enumerators, (5) quality control over training assessments, and (6) the eResponse option for group quarters data collection.

**Action Needed:** Commerce agreed with this recommendation. In January and June 2022 the Bureau provided us with relevant documents for how it will evaluate data collection challenges identified in our report. In February 2023, the Bureau also shared plans for future projects that will address this recommendation. This recommendation will remain open until we are able to review relevant documents including applicable operational assessments due to be released in the spring of 2024.

**Director:** Yvonne D. Jones, Strategic Issues

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**2020 Census: Innovations Helped with Implementation, but Bureau Can Do More to Realize Future Benefits. [GAO-21-478](#). Washington, D.C.: June 14, 2021.**

**Year Recommendation Made:** 2021

**Recommendation:** The Secretary of Commerce and the Director of the U.S. Census Bureau should track the Bureau's future design innovations within the Bureau's cost estimation and budget execution framework.

**Action Needed:** Commerce agreed with this recommendation. In summer of 2022, Bureau officials said they piloted having program managers approximate cost allocations for 2030 Census enhancement areas. As of February 2023, the Bureau reported it was gathering cost data for the enhancement areas and that it would provide this to us after its leadership team finalized it. Officials said that they planned to update budget estimates for enhancement areas on an annual basis throughout the lifespan of their research projects. To fully implement this recommendation, the Bureau will need to demonstrate evidence of its new process and reporting and determine how it can be used to identify the effects of future design innovations on the 2030 Census' actual and estimated cost. Better integrating these activities will position the Bureau to demonstrate the value of future design innovations.

**Director:** Yvonne D. Jones, Strategic Issues

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**2020 Census: Lessons Learned from Planning and Implementing the 2020 Census Offer Insights to Support 2030 Preparations, [GAO-22-104357](#). Washington, D.C.: February 11, 2022.**

**Year Recommendation Made:** 2022

**Recommendation:** The Secretary of Commerce and the Director of the U.S. Census Bureau should develop a plan to improve resiliency of its 2030 Census research and testing activity in response to Bureau-identified budget uncertainty, including but not limited to specifying the tests and projects that are most important to conduct.

**Action Needed:** Commerce agreed with this recommendation. In September 2022, the Bureau provided documents describing and demonstrating actions the Bureau was taking to improve its budget development, execution, and oversight. The Bureau has also identified two program risks to the 2030 Census related to budget uncertainty and reported drafting contingency plans for those risks. As of February 2023, Bureau officials confirmed this as a priority they were working to address. To fully address this recommendation, the Bureau will need to demonstrate how its 2030 Census tests and projects that are most important to conduct are protected from budget uncertainty. Implementing this recommendation will improve the resiliency of the Bureau's most important tests and projects helping to reduce the overall risk to the 2030 Census.

**Director:** Yvonne D. Jones, Strategic Issues

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## Ensuring the Cybersecurity of the Nation

**Cybersecurity Workforce: Agencies Need to Accurately Categorize Positions to Effectively Identify Critical Staffing Needs. [GAO-19-144](#). Washington, D.C.: March 12, 2019.**

**Year Recommendation Made:** 2019

**Recommendation:** The Secretary of Commerce should take steps to review the assignment of the "000" code to any positions in the department in the 2210 information technology (IT) management occupational series and assign the appropriate National Initiative for Cybersecurity Education (NICE) framework work role codes.

**Action Needed:** Commerce agreed with the recommendation, but as of February 2023, has yet to provide sufficient evidence that it has implemented it. To fully implement this recommendation, Commerce needs to review the assignment of the "000" code to any positions in the department in the 2210 IT management occupational series and assign the appropriate NICE role codes. Implementing this recommendation will improve Commerce's ability to effectively identify critical IT staffing needs.

**High Risk Area:** [Ensuring the Cybersecurity of the Nation](#)

**Director:** Dave Hinchman, Information Technology and Cybersecurity

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## Improving the Nation's Water Quality

***Water Quality: Agencies Should Take More Actions to Manage Risks from Harmful Algal Blooms and Hypoxia.*** [GAO-22-104449](#). Washington, D.C.: Jun 15, 2022.

**Year Recommendations Made:** 2022

**Recommendations:** The Administrator of the National Oceanic and Atmospheric Administration (NOAA) and the Administrator of the Environmental Protection Agency (EPA), in collaboration with the members of the working group, should take the following two actions:

- document and define what a national harmful algal bloom (HAB) and hypoxia program would entail, including identifying the program's resource needs.
- develop a national goal for the group focused on efforts to prevent HABs and hypoxia.

**Action Needed:** Commerce agreed with our recommendations. For the first recommendation, NOAA stated that it was working with EPA and other members of the interagency HAB and hypoxia working group to develop a national program, including identifying associated goals, objectives, milestones, and resource needs. The agency added in February 2023 that this process and the development of a corresponding implementation plan was expected to be completed by December 2024. By defining and documenting what a national HAB and hypoxia program would entail, NOAA and EPA, as co-chairs of the working group, would be better positioned to implement the program and enhance federal efforts to manage the risks of HABs and hypoxia.

NOAA also stated that it was taking actions, in consultation with EPA and other members of the working group, to develop a national goal for the group focused on efforts to prevent HABs and hypoxia. In February 2023, NOAA stated that the agency expects this goal to be developed and incorporated into a scientific assessment of HABs and hypoxia mandated by the Harmful Algal Bloom and Hypoxia Research and Control Act, as amended, which is expected to be completed in 2024. By developing a national goal to focus on preventing HABs and hypoxia, the working group could help to increase federal attention on prevention actions to reduce the risks that HABs and hypoxia pose to state, local, and tribal communities.

**Director:** J. Alfredo Gómez, Natural Resources and Environment

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## Privacy

***Privacy: Dedicated Leadership Can Improve Programs and Address Challenges,*** [GAO-22-105065](#). Washington, D.C.: Sep 22, 2022.

**Year Recommendation Made:** 2022

**Recommendation:** The Secretary of Commerce should ensure that its organization-wide risk management strategy includes key elements, including a determination of privacy risk tolerance.

**Action Needed:** Commerce agreed with our recommendation and reported plans to develop a formal action plan. As of February 2023, Commerce had not provided additional updates on actions taken to address this recommendation. To fully address this recommendation, Commerce needs to ensure that its risk management strategy incorporates privacy, including a determination of risk tolerance. Implementing this recommendation will enable Commerce to better mitigate privacy risks.

**High Risk Area:** [Ensuring the Cybersecurity of the Nation](#)

**Directors:** Jennifer Franks, Information Technology and Cybersecurity and Marisol Cruz Cain, Information Technology and Cybersecurity

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## International Trade

**Export Promotion: Better Information Needed about Federal Resources. GAO-13-644.**  
Washington, D.C.: July 17, 2013.

**Year Recommendation Made:** 2013

**Recommendation:** To improve the consistency, comprehensiveness, and transparency of information provided to Congress and policymakers on the federal investment in export promotion programs, the Secretary of Commerce, as chair of the Trade Promotion Coordinating Committee (TPCC), should report in its National Export Strategies (NES) on how resources are allocated by agency and aligned with priorities.

**Action Needed:** Commerce agreed with this recommendation in 2013, but noted the TPCC's limited authority over other agencies' budget reporting and resource allocations. While the TPCC did issue NES reports in 2014 and 2016, those reports did not contain budgetary information from TPCC agencies to show how resources were allocated across the country and around the world among its member agencies or across federal export promotion priorities, as they had in the past. In February 2023, Commerce officials reported that the TPCC Secretariat worked with OMB to collect information on TPCC agencies' trade promotion budgets. They said while some agencies were able to provide trade promotion budget data, others did not break out trade promotion activities within their overall program budgets and were not able to provide budget data. Due to incomplete data collection, officials said the TPCC Secretariat was not able to calculate a unified trade promotion budget. Commerce officials also said the TPCC Secretariat facilitated the development of a National Export Strategy throughout 2022, which was undergoing final interagency clearance and is expected to be published by May 2023. Because of challenges collecting trade promotion budget information, officials said the NES would not include a proposed unified trade promotion budget.

To fully implement this recommendation, Commerce needs to report the budgetary information in its National Export Strategy to the designated congressional committees annually. Without better information on agencies' export promotion resources, decision makers cannot determine whether the federal investment in export promotion aligns with government-wide priorities or make informed decisions about future resource decisions.

**Director:** Kimberly M. Gianopoulos, International Affairs and Trade

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## Managing Climate Change Risks

**Improved Federal Coordination Could Facilitate Use of Forward-Looking Climate Information in Design Standards, Building Codes, and Certifications. [GAO-17-3](#). Washington, D.C.: November 30, 2016.**

**Year Recommendation Made:** 2017

**Recommendation:** To help reduce federal fiscal exposure by enhancing the resilience of infrastructure to extreme weather, the Secretary of Commerce, through the Director of the National Institute of Standards and Technology (NIST), in consultation with the Mitigation Framework Leadership Group and U.S. Global Change Research Program, should convene federal agencies for an ongoing government wide effort to provide the best available forward-looking climate information to standards-developing organizations for their consideration in the development of design standards, building codes, and voluntary certifications.

**Action Needed:** Commerce neither agreed nor disagreed with our recommendation. NIST took a first step toward implementing the recommendation when, in 2021, it held a workshop aimed at connecting the U.S. building codes and standards development communities with agencies and organizations collecting and disseminating climate change information. Further, the joint explanatory statement accompanying the Consolidated Appropriations Act, 2023, directed NOAA to identify and support NIST's utilization of an authoritative set of climate information that emphasizes forward-looking climate data and projections to be utilized in the standard-setting process. As of February 2023, NIST officials told us they have assessed priority federal agency needs for climate data and projections, as directed by the joint explanatory statement, but this assessment is undergoing interagency review and is not publicly available. The joint explanatory statement directs the NOAA Administrator to submit this assessment to congressional appropriations committees by June 27, 2023.

To fully implement this recommendation, NIST needs to coordinate with other federal agencies to identify forward-looking climate information for standards-developing organizations, which would include publicly releasing such information. Implementing this recommendation will ensure standards-developing organizations have the best available forward-looking climate information.

**High Risk Area:** [Limiting the Federal Government's Fiscal Exposure by Better Managing Climate Change Risks](#)

**Director:** J. Alfredo Gómez, Natural Resources and Environment

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## Managing the Radio-Frequency Spectrum

**Spectrum Management: Agencies Should Strengthen Collaborative Mechanisms and Processes to Address Potential Interference.** [GAO-21-474](#). Washington, D.C.: June 29, 2021.

**Year Recommendations Made:** 2021

### **Recommendations:**

- The National Telecommunications and Information Administration (NTIA) Administrator should establish clearly defined and agreed-upon processes for making decisions on spectrum-management activities that involve other agencies, particularly when consensus cannot be reached, in consultation with the Federal Communications Commission (FCC) and; as appropriate; the Department of State.
- The NTIA Administrator should clarify and further identify shared goals or outcomes for spectrum-management activities that involve collaboration and ways to monitor and track progress, in consultation with FCC and; as appropriate; State.
- The NTIA Administrator should request that State initiate a review of the General Guidance Document; in consultation with NTIA, FCC, and other relevant participants; and update and develop a means to continually monitor and update this document.
- The NTIA Administrator should establish procedures to help guide the design (including selection of acceptable assumptions and methodologies) of spectrum-sharing and potential-interference studies intended as U.S. contributions to World Radiocommunication Conference technical meetings, in consultation with FCC, State, and other federal participants of the U.S. technical preparatory process.

**Action Needed:** Commerce agreed with all four of these recommendations to NTIA. In January 2023, NTIA officials said they are working on a spectrum initiative that will address most of these recommendations, which they expect to announce in the spring of 2023 and implement soon thereafter. Additionally, they said that they had made the request to State to initiate a review of the General Guidance Document and that work to revise the document is underway. However, as of January 2023, NTIA still needs to complete the recommended actions including:

- Complete its establishment of processes for making decisions on spectrum management activities that involve other agencies;
- Complete its development of shared goals and outcomes for spectrum management activities that involve collaboration with other agencies, and ways to monitor and track progress;
- Provide documentation of its efforts to work with State to develop a means to continually monitor and update the General Guidance Document; and
- Complete development of procedures to guide spectrum-sharing and potential interference studies.

Implementing these recommendations will improve NTIA's ability to manage spectrum and reach agreement on related matters with other federal agencies.

**Directors:** Andrew Von Ah, Physical Infrastructure, and Karen L. Howard, Science, Technology Assessment, and Analytics

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***Spectrum Management: NTIA Should Improve Spectrum Reallocation Planning and Assess Its Workforce.*** [GAO-22-104537](#). Washington, D.C.: January 27, 2022.

**Year Recommendation Made:** 2022

**Recommendation:** The NTIA Administrator should document and disseminate to federal agencies policies and procedures describing how it collects and considers agencies' views on spectrum-related matters to present the views of the executive branch to FCC.

**Action Needed:** Commerce agreed with this recommendation. NTIA officials reported they plan to review the guidance about how NTIA collects and considers agencies' views on spectrum-related matters. However as of January 2023, NTIA has yet to take action to fully implement it. By establishing a documented process to inform how NTIA collects and synthesizes agency viewpoints will enable NTIA to mitigate confusion on its role, the expectations of federal agencies involved, and improve transparency of how and why NTIA provides the final information to FCC.

**Director:** Andrew Von Ah, Physical Infrastructure

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## Conflict Minerals Rule

**SEC Conflict Minerals Rule: Companies Face Continuing Challenges in Determining Whether Their Conflict Minerals Benefit Armed Groups.** [GAO-16-805](#). Washington, D.C.: August 25, 2016.

**Year Recommendation Made:** 2016

**Recommendation:** To improve the effectiveness of the Securities and Exchange Commission's (SEC) conflict minerals disclosure rule, the Secretary of Commerce should submit to the appropriate congressional committees a plan outlining steps that Commerce will take, with associated timeframes, to (1) assess the accuracy of the independent private sector audits (IPSA) and other due diligence processes described under section 13(p) of the Securities Exchange Act of 1934; (2) develop recommendations for the process used to carry out such audits, including ways to improve the accuracy of the audits and establish standards of best practices for such audits; and (3) acquire the necessary knowledge, skills, and abilities to carry out these responsibilities.

**Action Needed:** Commerce agreed with this recommendation. However, as of February 2023, it has not taken action to implement it because Commerce officials are waiting for SEC to act on the relevant implementing regulations in light of a court ruling that part of those regulations

violate the constitution. To fully implement this recommendation, Commerce needs to submit a plan to the appropriate congressional committees with associated time frames that includes how Commerce assesses the accuracy of IPSAs; develops recommendations for the process used to carry out IPSAs; and acquires the necessary knowledge, skills, and abilities to carry out these responsibilities. Implementing this recommendation will provide decision makers in Congress required information on the accuracy of the IPSAs and other due diligence processes used by filing companies.

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