

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____ ELOUISE PEPION COBELL, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:96CV01285
)	(Judge Lamberth)
GALE A. NORTON, Secretary of the)	
Interior, et al.,)	
)	
Defendants.)	
_____)	

**NOTICE OF FILING OF INTERIOR DEFENDANTS'
TWENTY-FOURTH STATUS REPORT**

Interior Defendants hereby give notice of the filing of their twenty-fourth report due in accordance with the Order of December 21, 1999.

A copy of the report is attached hereto.

Dated: February 1, 2006

Respectfully submitted,
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CERTIFICATE OF SERVICE

I hereby certify that, on February 1, 2006 the foregoing *Notice of Filing of Interior Defendants' Twenty-fourth Status Report* was served by Electronic Case Filing, and on the following who is not registered for Electronic Case Filing, by facsimile:

Earl Old Person (*Pro se*)
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/s/ Kevin P. Kingston
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THE SECRETARY OF THE INTERIOR
WASHINGTON

JAN 31 2006

J. Christopher Kohn
U.S. Department of Justice
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Re: Cobell v. Norton – *Status Report to the Court Number Twenty-Four*

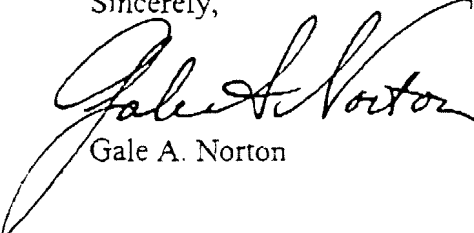
Dear Mr. Kohn:

Enclosed is the Department of the Interior's *Status Report to the Court Number Twenty-Four* (For the Period October 1, 2005 through December 31, 2005). Please forward a copy to the Court.

This is the 17th report in the revised Report format. My signature on this Report reflects my belief that my personal observations are true and correct, and that the information provided to me by others for inclusion in my observations, as well as accompanying sections of the Report are correct to the best of my knowledge.

Thank you for your assistance.

Sincerely,



Gale A. Norton

Enclosure

Status Report to the Court Number Twenty-Four

**For the Period
October 1, 2005 through December 31, 2005**



February 1, 2006

February 1, 2006

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I. INTRODUCTION

This *Status Report to the Court Number Twenty-Four* (Report) represents the period from October 1, 2005, through December 31, 2005. The Report is presented for the purpose of informing the Court on the progress of trust reform activities occurring during this reporting period, and progress of the historical accounting of individual Indian beneficiary funds managed by Interior.¹

This Report is prepared in a manner consistent with previous reports to the Court. Each manager in charge of an area of trust administration and the director of the historical accounting project are submitting reports on the progress of their respective activities.

A glossary of acronyms and abbreviations is included in this Report. The glossary is located at the end of the Report.

¹ This report contains information on the broad trust reform efforts underway at Interior. Accordingly, it may include information on reform efforts that are not within the scope of the *Cobell* litigation.

II. SECRETARY GALE NORTON'S OBSERVATIONS

As previously reported, Interior is engaged in a significant Regulatory Initiative to bring our trust and trust-related regulations into compliance with changes in the law and to update those regulations that are part of the implementation of trust improvements. The first draft of the regulations has been distributed to tribes and other stakeholders for their review. This draft represents the first major revision of these regulations in many years. Consequently, we plan to engage in discussions with major Indian organizations, hold consultation sessions to obtain broad input from interested individuals and tribes, and receive written comments – all before we incorporate these comments and publish the proposed regulations in the Federal Register to start the formal public comment period.

During the last reporting period, Congress passed appropriations for FY2006. Our requests for funds to continue work on trust reform were included. However, our request for \$135 million for the Office of Historical Trust Accounting was reduced to \$57 million. This money is expected to be used for IIM, SDA, and tribal accounting.

On December 8, 2005, the Associate Deputy Secretary and the Special Trustee testified before the House Resources Committee regarding legislation proposed by the Committee to settle *Cobell*. The draft legislation was identical to that introduced by the Senate Indian Affairs Committee earlier in CY2005. The testimony addressed the proposed legislation, the impact of the appellate decision vacating the structural injunction, and the results to date of the historical accounting project.

OHTA reports that it has reconciled more than 65,000 judgment and per capita accounts. OHTA continues to await Court permission to send historical statements of account to 28,107 judgment and per capita account holders. In addition, OHTA completed reconciliation of thousands of land-based transactions during the electronic era. Imaging and coding of documents needed for other land-based reconciliations continued during this reporting period.

Based on the information now available from the work of the past three years, and the recent appellate court decision vacating the district court's structural injunction, Interior is considering modifying its January 6, 2003, accounting plan. This process is focusing on lessons learned from work already completed, guidance in the appellate court decision, statistical sampling parameters, accounting costs, and the history of congressional funding.

A. INFORMATION TECHNOLOGY

Introduction

This section describes the status of Interior IT systems, particularly the systems that house or provide access to IITD or provide various computing capabilities, including functions critical to the proper administration of the individual Indian trust responsibilities within Interior. In addition, this section describes various efforts being made to improve IITD security within Interior, pursuant to OMB Circular A-130 Appendix III, and the status of Internet connectivity.

Accomplishments and Completions

ESN:

- Interior connected BOR, NBC and FWS to the ESN Internet gateways to complete Phase 1 of the ESN project. ESN provides consolidated Internet service to Interior with additional layers of perimeter security and additional security tools.
- Interior continues to implement Phase 2, which provides centrally managed Internet services.

Computer Security:

The primary focus for this reporting period has been preparation and submission of annual reports, including FISMA, assurance statements and the Performance and Accountability Report. Interior continued to make progress in enhancing IT security, which includes:

- Performing continuous monitoring of Internet-accessible systems;
- Implementing additional ESN capabilities; and,
- Implementing corrective actions for weaknesses identified by the Interior penetration tests and audits of financial systems.

The most noteworthy accomplishments and completions during the reporting period are described below.

Prevention and Monitoring

- Interior continued its external perimeter extended vulnerability scan testing of Internet-accessible systems, using capabilities established at ESN. Monthly reports tally the number of potential critical and major vulnerabilities, as well as the number of potential SANS Top 20 vulnerabilities. In most cases, a critical vulnerability allows a remote attacker to gain full control over the target without a user account on the system, and a major vulnerability allows a remote attacker to gain full control over the target if the attacker is logged onto the system.

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In addition to the vulnerability assessment performed, an independent information assurance test is conducted to verify whether vulnerabilities identified are false positives. As of the end of this reporting period, 40 critical, 32 major and zero SANS Top 20 vulnerabilities were identified. All identified critical or major vulnerabilities were either remediated or were false positives.

- Twenty-eight successful incidents involving non-trust bureaus were reported to DOI-CIRC during this reporting period. These incidents were primarily virus (or other malware) infections of limited scope and duration. Only two successful incidents were reported from trust bureaus: a laptop misconfiguration (corrected) and a server theft (currently being investigated for prosecution by external law enforcement). There was no IITD involved.
- Interior acquired an Interior-wide license for an internal scanning tool to be deployed at ESN, and is preparing to conduct Interior-wide internal vulnerability scans in test mode.
- OST completed integration of additional monitoring tools, enabling near real-time monitoring and correlation of security related events.
- NBC initiated a number of major security projects as corrective actions in response to the March and July OIG penetration test results. These are on-going activities that are expected to continue through the fiscal year:
 - Investigation, testing and implementation of encryption mechanisms; and
 - An independent security assessment, including penetration testing.
- As previously reported to the Court, MMS detected an unauthorized change of an administrator password on the contracted MRMSS (Data Warehouse) in August 2005. Final security scans and a security review were conducted by an independent contractor, which confirmed that the integrity of IITD was not compromised.

Policies and Guidance

- The BLM Assistant Director for Information Resources issued Instruction Memorandum 2006-13, "Revised Policy and Guidance for the Bureau of Land Management (BLM) Regarding the Movement of Federal Records" to state directors, center directors and assistant directors on October 3, 2005. This instruction memorandum established policy, procedures, and documentation requirements governing the movement of Indian fiduciary trust records. It also restated existing policy for the movement of all other official BLM records.
- The Interior CIO issued "Implementing OCIO Directive 2005-007 for Fiscal Year (FY) 2006 Plans of Actions and Milestones (POA&M) and Federal Information Security Management Act (FISMA) Performance Measures" to the heads of bureaus and offices on November 4, 2005. This memorandum provides guidance in completing POA&Ms and FISMA performance measures.

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- The Interior CIO and the Director of the Office of Acquisition and Property Management issued “Follow-on Consolidated IT Blanket Purchase Agreement for Select Hardware Equipment Purchases” to the heads of bureaus and offices on November 14, 2005. This memorandum provides a vehicle for bureaus and offices to acquire standardized IT hardware that meets Interior’s security and architecture requirements.
- The Interior CIO issued “Distribution of the Department of the Interior’s (DOI) Technology Reference Model (TRM) Version 3.0” to the bureau and office CIOs on November 30, 2005. This directive establishes current standards for hardware and software acquisition, and governance processes for maintaining these standards.
- The BLM Director of the Law Enforcement and Security Office issued Information Bulletin 2006-026 “Implementation of HSPD-12” to all field offices on November 16, 2005. The bulletin transmitted Interior memoranda on the requirements of HSPD-12 and a common identification standard for federal employees and contractors. It also requires training for all Smart Card² sponsors, registrars, and issuers.
- The Interior CIO issued “Enterprise Access Control Services (Active Directory)” to the bureau and office CIOs on December 21, 2005. This memorandum provided guidance and requirements for enterprise access control services implementation.
- The MMS CIO issued “FY2006 MMS IT Security Role-Based Training Requirements for IT-Related Professionals” to associate directors and IT-related professionals on November 8, 2005. This established FY2006 IT security training requirements for IT professionals.

Training and Awareness

- The Interior CIO received training through Interior’s new role-based training module on earned value management, electronic mail security, overview of wireless network security, and advanced wireless network security.
- Interior held an Interior-wide IT conference, “The Business of Information,” November 15-18, 2005. During this conference, Interior and its bureaus and offices provided presentations on a variety of IT security topics, including Indian trust responsibilities, C&A, FISMA requirements, E-Authentication and HSPD-12, managing POA&Ms, and IT security role-based training.

² A Smart Card is an encoded badge or token used for employee identification, verification, and various authorizations such as building access, security clearances, purchasing, electronic signatures, and computer log-on access.

Plans of Action and Milestones:

Interior tracked 1,631 POA&M recorded weaknesses, of which 323 weaknesses were identified this quarter and 1,308 weaknesses³ were carried over from the fourth quarter. Interior remediated and closed out 302 weaknesses this quarter. Interior is currently tracking 1,329 open weaknesses. All bureaus and offices with trust systems certified the completion of POA&M corrective actions.

BLM's major POA&M accomplishments included an updated and tested contingency plan for the Denver Data Center, establishing and staffing a full-time employee with specific responsibility for POA&M management, and closing technical weaknesses on two non-trust BLM systems.

OHA closed four POA&M items, with the nine remaining items prioritized and scheduled for completion during the next reporting period. More POA&M items are expected to be opened during the re-certification and accreditation of OHANet, scheduled for completion in the next reporting period.

A-130 Certification and Accreditation:

IATO documents for the GeoCommunicator and General Land Office systems were signed by the BLM Director in December 2005. The systems were reconnected to the Internet and are operational.

BLM has instituted an internal quality control of its C&A activities.

IT Systems Architecture:

Interior integrated data elements from its automated C&A document repository and tracking system into DEAR for more seamless and integrated reporting. After successful testing of DEAR, Interior expects to retire the separate C&A module of the security repository.

The MMS EA Team is preparing an overarching MMS EA modernization blueprint. This blueprint, or roadmap, is expected to represent, at a high level, a business-driven view of the direction EA is heading over the next 1-3 years. The roadmap is expected to include a description of the current baseline with a focus on the target or future architecture. A transition plan of activities and milestones to implement that architecture will also be incorporated in the roadmap.

³ Reported incorrectly in the previous status report as 1,314 due to a data transposition error.

E-Authentication and HSPD-12:

- BLM installed an updated version of its credential management system, and decommissioned the older identity management system. BLM has issued over 6,200 Smart Cards.

Staffing:

- Several architects within Interior are now Certified Enterprise Architects, including the Interior Chief Architect, Interior Data Architect, OSM Architect and two MMS Architects. These architects received certification from the Federal Enterprise Architecture Committee Institute in December 2005. Certification is equivalent to five graduate-level university courses. Benefits of having Certified Enterprise Architects include:
 - Continued maturation of EA programs.
 - Training in EA best practices and a standard body of knowledge recognized by both private and public sectors.
 - Understanding of the OMB and GAO EA policies, guidelines and maturity frameworks.
 - Reduction in risks towards accomplishing business and IT modernization projects.
- BLM hired an IT Security Policy Manager and an IT Risk Management Program Manager at its headquarters office this reporting period.

Current Status

A-130 Certification and Accreditation:

Ninety-eight percent of Interior systems have full ATO status.

ZANTAZ:

Extensive contract negotiations with ZANTAZ continued in this reporting period. Bureaus and offices affected by the ZStage issues are preparing to ship their tapes to ZANTAZ for restoration.

NBC in Denver expects to have its servers updated to correct ZStage issues in the next reporting period.

OST implemented an automated process to resend to the ZANTAZ Digital Safe any e-mail that did not have a valid Z Archive value.

Reports:

These reports were issued during this reporting period and are likely to be of interest to the Court.

- The Interior CIO submitted the FY2005 FISMA report to OMB on October 14, 2005. Included in the submission was a discussion of the differences between the CIO and IG sections of the report as well as Secretary Norton's transmittal letter requesting OMB to provide assistance in determining where, between these two perspectives, OMB's intent in measuring FISMA compliance lies.
- The Interior IG issued a report, "Annual Evaluation of the Information Security Program of the Department of the Interior (Report No. NSM-EV-MOI-0013-2005)," on October 6, 2005. This report presents the results of the OIG annual evaluation of Interior's IT security program, as required by FISMA, including a re-cap of related reports issued earlier in FY2005. Portions of this report were included in the Secretary's annual FISMA report noted above.
- Interior issued a report on November 10, 2005, on a Departmental IT security program assessment conducted by an independent contractor. The findings of this report contributed to Interior's overall assessment of the effectiveness of the IT security program, which is reflected in the annual FY2005 FISMA report and the FY2005 Performance and Accountability Report. The assessment reviewed Interior's IT security program's self-assessed 3.63 maturity level using the NIST 5-level maturity scale. The overall assessment confirms Interior's progress in developing a sound IT security program. The report also provided recommendations for further progress.
- Interior issued its FY2005 Performance and Accountability Report on November 15, 2005. The report provides results from several IT-related reviews, including FISMA evaluations, OIG and GAO reviews, and compliance with various financial-related mandates.
 - In October 2005, Interior's bureaus and offices completed assurance statements for IT security relating to compliance with the OMB Circular A-123, "Management Accountability and Control," the Federal Managers' Financial Integrity Act, the Federal Financial Management Improvement Act, A-130 and FISMA. The results were included in the Performance and Accountability Report.
 - Interior's Inspector General issued "Independent Auditors' Report on the Department of the Interior's Annual Report on Performance and Accountability for Fiscal Year 2005 (Report No. X-IN-MOA-0011-2005)" on November 15, 2005. This report, included in the Performance and Accountability Report, transmitted the audit report from an independent certified public accounting firm of Interior's financial statements for FY2005 and FY2004. The independent auditor issued an unqualified opinion, with fourteen reportable conditions, of which two were considered to be material weaknesses.

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- In November, BLM issued a report on the findings of a management control review of the New Mexico State Office information management programs. The review, conducted August 15-24, 2005, focused on records management and Indian trust programs in the New Mexico State Office, Farmington District Office, Albuquerque Field Office, Oklahoma Field Office, and the Oklahoma Field Station. Records (including IITD) storage facilities and procedures were reviewed for compliance with BLM policies and with the directions of this Court. Generally, the records management and Indian trust programs were found to be sound. A number of recommendations were made to improve the programs, including the purchase of fire-proof records storage cabinets.

MRM Legacy Media:

MRM has approximately 30,000 legacy system back-up tapes containing data that is redundant to data in MRMSS. In addition, the legacy back-up tapes represent only snapshots of data and mainframe system files at various points in time during legacy processing, and would have been suitable solely for recovering legacy mainframe operations as part of a disaster recovery plan. Preserving these legacy tapes would not serve any useful purpose because MRMSS contains current and legacy data representing the history of processing for MRMSS, as well as the legacy period. All data in the legacy databases, both Indian and federal, were fully converted to MRMSS in mid-2001. MRM subsequently discontinued its legacy mainframe data center, including disposing of the mainframe hardware and associated peripherals. As a result, MRM intends to effect the disposal of these tapes.

Delays and Obstacles

Like other federal agencies, Interior must address many challenges regarding the integration, performance, funding, security, and data integrity of IT systems. Interior initiated or completed steps to address some of the challenges reported in this and previous reporting periods. However, delays and obstacles listed here impede progress in achieving Interior's IT management goals:

Litigation

- Delays caused by last summer's extensive collection and production of documents and by court appearances put Interior several months behind in completing many required IT and IT security activities. These include completing corrective actions from audits and on POA&Ms, updating of required security policies and procedures, and implementing initiatives critical to continued improvements in IT security.
- Employee fears about becoming personally implicated in the *Cobell* litigation continue to undermine communication and decision-making, and are contributing factors to low employee morale.

Staffing

- Interior is experiencing high staff and management turnover in critical IT positions, particularly IT security. Recruitment challenges to attract qualified candidates continue, particularly in light of litigation impacts.
- The Interior Deputy CIO and Chief Information Security Officer positions were vacant during this reporting period. After being vacant since 2004, the Deputy CIO position is expected to be filled in the next reporting period. The Department's IT security staff was at 40% at the end of the reporting period, resulting in impacts to communications, efficiency, and oversight that are impeding IT security service area functions.
- The OST Deputy CIO position became vacant at the end of the reporting period.

Funding and Resources

- OCIO, along with Interior bureaus and offices, is responding to an extraordinary level of scrutiny, including OIG evaluations and audits, GAO evaluations and audits, and OMB- and NIST-required reviews. With the significant increase in review, Interior is expending considerable efforts in data collection, document production and related workloads, which diminishes the resources available for IT security-related activities.
- Funding availability will continue to dictate the timing of IT-related initiatives. Interior's FY2006 budget will require managing a variety of IT-related requirements and tradeoffs. Interior continues to prioritize its IT security needs in its budget requests within fiscal constraints.

Denied Internet Access

- Several Interior bureaus and offices (BIA, OHA, OST and SOL) have not been permitted by the Court to have Internet access since December 5, 2001. Lack of Internet access impedes work processes and the ability to communicate effectively, both internally and externally.
- Maintaining security on internal systems is more difficult without access to the Internet for research, reporting, and patch management. Similarly, promulgation of policy and training is substantially hampered by the lack of interconnectivity and Internet access.
- The concerns over potential future Court-ordered Internet shutdowns or other Court-ordered disruptions create uncertainty over how to proceed with enterprise initiatives and security improvements. Contingency planning for either external or internal disconnections (and all potential permutations) takes resources from planned and daily activities. For example, MMS continues to pay for separate Internet connections, duplicating services provided by ESN, to maintain capabilities in the event the Court orders an NBC shutdown. The

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possibility of future disruptions also raises concern over Interior's ability to provide services to its non-Interior customers.

Assurance Statement

I concur with the content of the information contained in the Information Technology section of the *Status Report to the Court Number Twenty-Four*. The information provided in this section is accurate to the best of my knowledge.

Date: January 24, 2006

Name: *Signature on File*

W. Hord Tipton

Interior Chief Information Officer

B. CADASTRAL SURVEY

Introduction

Cadastral surveys provide assurance that land boundaries for individual Indian and tribal trust lands are identified appropriately. By federal law, surveys of Indian lands are to be performed under BLM's direction and control. Official surveys, whether preexisting or new, identify the location of land boundaries of Indian trust assets and determine official acreage. The official surveys are integral to realty transactions, resource management activities, litigation support and the federal system of patent, allotment and survey records maintained by BLM. Ownership information, distribution of trust assets, and management of trust accounts may be related to or based upon information recorded in official surveys.

Accomplishments and Completions

Hiring of all 12 BLM Indian Lands Surveyors

During this reporting period, the FTM goal to hire 12 BLM Indian lands surveyors for the 12 BIA regions was accomplished.

The BLM Indian lands surveyors for the Southern Plains and Alaska Regions reported to their respective duty locations in this reporting period. The BLM Indian lands surveyors for the Midwest, Eastern Oklahoma, Great Plains and Northwest Regions are actively working with BIA staff and others in addressing survey boundary issues. The lands surveyors for Eastern, Navajo, Pacific, Rocky Mountain, Southwest and Western Regions are scheduled to report during the next reporting period.

Current Status

Interior Indian Trust Lands Boundary Standards (Draft)

The Draft Boundary Standards continue to be reviewed and revised based upon comments received from SOL. The SOL review is expected to be completed during the next reporting period, at which time an updated draft will be provided to Interior bureaus, offices and other affected parties.

Implementation of the FTM

During this reporting period the FTM goals continued to be implemented. These goals as they relate to cadastral survey are: (1) funding for the 12 BLM Indian lands surveyors located in the BIA Regions; (2) creation of the Certified Federal Surveyor program (where state licensed land surveyors can be certified to perform commercial activities under the direction and control of BLM); (3) improving the maintenance of the Public Land Survey System within Indian Country; and (4) creation of one standardized source of land status information based on cadastral data that delineates the official legal land descriptions.

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Cadastral Survey

The CFedS program certification panel and test writing committee met during this reporting period. The certification panel's membership is comprised of representatives from OST, BIA, BLM and the private sector. The certification panel prepared a draft manual and handbook for the administration and oversight of the CFedS program. The test writing committee is comprised of professional land surveyors from the BLM. The test writing committee began preparation of the final certification test. It is anticipated that the CFedS program will assure survey integrity, and should increase the production of surveys.

Delays and Obstacles

Disconnection from the Internet

The Court-ordered disconnection from the Internet continues to adversely impact the way communications are handled between BLM, BIA, OST and SOL, including the way CARS is being implemented and the review of the Interior Indian Trust Lands Boundary Standards. BLM's productivity has decreased, and the cost associated with dual networks has caused the cost of survey services to increase. This issue continues to impact BLM's ability to provide cadastral services in an effective and cost efficient manner to clients.

Funding of the FTM

Planning and scheduling of out-year FTM work is dependent on future funding.

Assurance Statement

I concur with the content of the information contained in the Cadastral Survey section of the *Status Report to the Court Number Twenty-Four*. The information provided in this section is accurate to the best of my knowledge.

Date: January 27, 2006

Name: *Signature on File*

Donald A. Buhler

Chief Cadastral Surveyor

Bureau of Land Management

C. MINERALS MANAGEMENT SERVICE

Introduction

Minerals Revenue Management, an MMS program, is responsible for collecting, accounting for, and distributing mineral revenues from both federal and Indian mineral leases, and for evaluating industry compliance with laws, regulations and lease terms. MRM maintains reported information and distributes revenues at the lease level. BIA maintains individual Indian ownership records that are used to provide information to OST for disbursement of the lease revenues to individual Indian beneficiaries.

Current Status

Indian Oil Rule

MMS continued with the rulemaking process for the valuation of oil produced from tribal and allotted Indian lands. The proposed rule for valuing crude oil produced from Indian leases now is expected to be published in February 2006.

Payment Receipt Date Verification

MMS continues to work with its contractor on system modifications that will allow MMS to identify prior errors, if any, in the Indian mineral revenue distribution file. Any potential additional interest that may be due to recipients would be identified upon review and analysis of the data produced from the system modifications.

MRM Legacy Media

MRM has approximately 30,000 legacy system back-up tapes containing data that is redundant to data in MRMSS. In addition, the legacy back-up tapes represent only snapshots of data and mainframe system files at various points in time during legacy processing, and would have been suitable solely for recovering legacy mainframe operations as part of a disaster recovery plan. Preserving these legacy tapes would not serve any useful purpose because MRMSS contains current and legacy data representing the history of processing for MRMSS, as well as the legacy period. All data in the legacy databases, both Indian and federal, were fully converted to MRMSS in mid-2001. MRM subsequently discontinued its legacy mainframe data center, including disposing of the mainframe hardware and associated peripherals. As a result, MRM intends to effect the disposal of these tapes.

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Minerals Management Service

Assurance Statement

I concur with the content of the information contained in the Minerals Management Service section of the *Status Report to the Court Number Twenty-Four*. The information provided in this section is accurate to the best of my knowledge.

Date: January 26, 2006

Name: *Signature on File*

Cathy J. Hamilton

Chief of Staff

Minerals Revenue Management

Minerals Management Service

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Office of Historical Trust Accounting

D. OFFICE OF HISTORICAL TRUST ACCOUNTING

Introduction

OHTA was established by Secretarial Order No. 3231 on July 10, 2001, and is charged with planning, organizing, directing and executing the historical accounting of IIM and tribal trust accounts. Since its 2001 inception, neither OHTA nor its contractors have stored the IIM transaction data used to perform historical accounting on a system connected to the Internet.

Current Status

Judgment and Per Capita IIM Accounts

OHTA continues to perform historical accounting procedures on Judgment and Per Capita IIM accounts. During this reporting period, OHTA completely reconciled an additional 2,903 Judgment IIM accounts and 3,164 Per Capita IIM accounts.

Results through December 31, 2005, are summarized in the table below.

	<u>Judgment Accounts</u>		<u>Per Capita Accounts</u>	
	<u>Number of Accounts</u>	<u>Percent of Total</u>	<u>Number of Accounts</u>	<u>Percent of Total</u>
Total at December 31, 2000 (including accounts open at October 25, 1994, but closed prior to December 31, 2000)	80,539	100.00%	19,033	100.00%
Reduction for accounts subsequently determined to be outside of the scope of the population	(835)	(1.04%)	N/A	N/A
Reconciled January 1, 2001, through September 30, 2005	(47,616)	(59.12%)	(11,922)	(62.64%)
Reconciled this reporting period	(2,903)	(3.60%)	(3,164)	(16.62%)
Remaining to be reconciled at December 31, 2005	<u>29,185</u>	<u>36.24%</u>	<u>3,947</u>	<u>20.74%</u>

Mailings to Judgment and Per Capita IIM Account Holders

OHTA has not mailed any Historical Statements of Account during this reporting period. A submission to mail 28,107 additional Historical Statements of Account, filed with the Court on March 24, 2005, is still pending approval.

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Office of Historical Trust Accounting

OHTA SDA Distribution Project - Undistributed SDA Balances at December 31, 2002

During this reporting period, 145 SDA involving \$1,217,075 were resolved and distributed. There remain 11,818 SDA involving \$19,357,040 to resolve and distribute. Distributions of SDA balances to rightful owners during the period January 1, 2003, through December 31, 2005, total \$38,847,657, including interest of \$2,711,962 posted from January 1, 2003, through the date of distribution.⁴

Land-Based IIM Accounts

Work continued on Land-Based IIM accounts during the reporting period.

Interest Recalculation

Interior plans to recalculate expected interest payments for each IIM account. This recalculation has been performed on the reconciled Judgment and Per Capita IIM accounts discussed above, for which no significant differences were found.

Imaging/Coding – Individual Indian Trust Documents

During this reporting period, OHTA completed scanning 781,122 pages, coding 82,591 documents and loading 42,263 documents into ART. All documents are checked for quality and accuracy before they are loaded into ART for reconciliation. This additional quality check accounts for the difference between the number of documents coded and number of documents loaded into ART.

Delays and Obstacles

Enacted appropriations for FY2003 through FY2006 have been below the President's requests, thus limiting the scope of the historical accounting that could be performed.

Assurance Statement

I concur with the contents of the information contained in the Office of Historical Trust Accounting section of the *Status Report to the Court Number Twenty-Four*. The information provided in this section is accurate to the best of my knowledge.

Date: January 27, 2006

Name: *Signature on File*
Bert T. Edwards, Executive Director
Office of Historical Trust Accounting

⁴ Interior also distributed approximately \$12 million during the two year period ending December 31, 2002, resulting in the distribution of approximately \$51 million in SDA.

III. OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

Special Trustee's Observations

Trust Initiatives for the 21st Century

The Concho and Anadarko pilot agencies have now become the model for implementing the FTM at all other BIA agencies. All agencies in the Southern Plains Region expect to complete their conversion of IT systems and implementation of new business processes during the first quarter of CY2006. Further, the Rocky Mountain Region has begun the conversion process. The transformation of the remaining agencies will be complete when all data and systems have been encoded, validated and reconciled. In addition, training needs to be conducted on the new operating systems, manuals, handbooks, and business processes.

Regulatory Initiative

The Associate Deputy Secretary distributed drafts of regulatory language to Tribes, congressional staff and other interested parties to begin the consultation process. Consultation sessions with Tribes and other stakeholders are expected to be held prior to publishing proposed regulations in the Federal Register in CY2006.

Annual Indian Trust Funds Financial Statement Audit

During this reporting period, OIG sent OST the "Independent Auditors' Report on the Tribal and Other Trust Funds and Individual Indian Monies Trust Funds Financial Statements for Fiscal Years 2005 and 2004 Managed by the Office of the Special Trustee for American Indians." In transmitting the auditor's findings to OST, OIG noted that the contractor "issued a qualified opinion on OST's financial statements because inadequacies in certain Department of the Interior trust-related systems and processes made it impracticable to extend auditing procedures sufficiently to satisfy auditors as to the fairness of trust fund balances." I generally concurred with the report's findings and recommendations, and noted specific actions being taken by OST to correct the auditor's two reported material weaknesses. The Assistant Secretary for Policy, Management and Budget is responsible for tracking implementation of recommendations to correct these weaknesses.

American Indian Probate Reform Act

Technical amendments to the Act were enacted that enable non-competitive contracts to be given to non-profit organizations for their help with training legal practitioners on AIPRA and educating beneficiaries about the impact of the Act.

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February 1, 2006

Office of the Special Trustee for American Indians

Conclusion

Trust reform continues to improve the delivery of beneficiary services throughout Indian Country, as exemplified by:

- milestones reached at the pilot agencies in the Southern Plains Region,
- the Trust Beneficiary Call Center,
- a lockbox system for collection and immediate deposit of receipts into the trust fund system,
- placement of experienced fiduciary trust officers at field offices and three urban locations,
- a records program run by trained, professional staff, and
- a state-of-the-art records repository.

These and other improvements ensure greater accountability and service to beneficiaries.

Assurance Statement

The comments and observations are provided by the Special Trustee for American Indians and reflect the opinion of the Special Trustee only.

Date: January 25, 2006

Name: *Signature on File*

Ross O. Swimmer

Special Trustee for American Indians

A. TRUST REVIEW AND AUDIT

Introduction

OTRA reports directly to the Special Trustee for American Indians. OTRA was created by OST as a response to trust initiatives developed during the tribal consultation process of 2002. OTRA conducts performance audits, examinations and reviews of Interior entities as well as Tribes that manage fiduciary trust activities. Examinations are routinely conducted at locations that perform trust operations, and are planned to result in a performance rating.

Current Status

Indian Trust Examinations

During this reporting period, OTRA performed 12 trust reviews. Five draft reports were issued for comment and 26 final reports were issued. In the *Status Report to the Court Number Twenty-Three*, OTRA reported that it issued seven final reports; there were actually nine.

OTRA completed seven trust record assessments and issued seven final reports during this reporting period. In the *Status Report to the Court Number Twenty-Three*, OTRA reported that it issued 22 final reports; there were actually 23.

Compliance Reviews

Compliance reviews are generated by information received from beneficiaries, employees and the public. During this reporting period, eight cases were in inventory. One case was added to the inventory. Field work or report drafting continued on the remaining cases.

Delays and Obstacles

Lack of Internet access impedes OTRA's work processes and its ability to communicate effectively, both internally and externally.

Assurance Statement

I concur with the content of the information contained in the Trust Review and Audit section of the *Status Report to the Court Number Twenty-Four*. The information provided in this section is accurate to the best of my knowledge.

Date: January 31, 2006

Name: *Signature on File*

D. Jeff Lords

Acting Director, Office of Trust Review and Audit
Office of the Special Trustee for American Indians

B. OST-OFFICE OF THE CHIEF INFORMATION OFFICER

1. RECORDS MANAGEMENT

Introduction

The Office of Trust Records was established in 1999 to develop and implement a program for the economical and efficient management of trust records, consistent with the 1994 Act, the Federal Records Act and other statutes and implementing regulations. The OTR records management program has been developed and implemented, and continues to evolve, to ensure that necessary Indian records are maintained, records retention schedules are consistent with retention needs, and records are safeguarded throughout their life-cycles.

Accomplishments and Completions

American Indian Records Repository

Approximately 130,015 indexed boxes are located in the AIRR as of the end of this reporting period. As previously reported, OTR has historically reported the number of boxes transferred to AIRR for storage. However, NARA uses cubic feet as the measure for records stored. Thus far, NARA reports that it is currently storing 131,236 cubic feet of indexed inactive records at AIRR. Some boxes are larger than one cubic foot (e.g., map boxes).

Records Indexing Project

Indexing of approximately 131,710 boxes has been completed as of the end of this reporting period. The number of completed boxes (indexed and quality reviewed) differs from the number of boxes stored at AIRR because not all completed boxes were sent to AIRR from the Annex before the end of the reporting period.

Approximately 6,835 boxes of inactive records were moved from BIA/OST field locations to the Lenexa Annex for indexing during this reporting period. Once indexed, these boxes will be stored in the AIRR.

Training

OTR provided records management training for 19 BIA- and OST-identified records contacts and 79 tribal employees during this reporting period.

Equipment Purchases

Forty-one pieces of fireproof filing equipment were delivered to BIA and OST offices during this reporting period.

Current Status

Safeguarding Records

As reported, 283 boxes of inactive records that were or may have been damaged or contaminated by mold, mildew, mouse droppings or other adverse elements were shipped to NARA for remediation in June 2005. As reported in the OTR Activity Report for November 2005 (filed December 15, 2005), the number has increased to 289 boxes as a result of holdings maintenance being performed. Some boxes cannot hold the entire contents of the original box and are placed in an “overflow box” which is kept with the original box. On December 23, 2005, OTR received a memorandum from the Preservation Specialist overseeing this project for NARA. As reported in the OTR Activity Report for December 2005 (filed January 13, 2006), the memorandum states that: 145 boxes are ready to be released for reference use (and have been sent for indexing and subsequent storage at AIRR); 60 boxes require simple holdings maintenance work; 21 boxes require humidification and flattening treatment; 39 boxes are badly damaged and require handling by a preservation specialist for further care; 16 boxes are exceptionally damaged and require specialized treatment; and 8 boxes contain oversized maps that could be copied in order to facilitate handling and promote preservation. NARA expects that a treatment plan will be provided to OTR in January 2006 for those boxes requiring further care. As reported in *Status Report to the Court Number Twenty-One*, the contractor estimated that less than 1% of the total pages of records assessed for this project are completely illegible.

National Archives Records

As reported in the OTR Activity Report for November 2005, OTR received a copy of a letter dated December 9, 2005, addressed to Dennis Gingold, Esq., from Jason Baron, Esq., Director of Litigation, Office of the General Counsel, National Archives and Records Administration providing “a further update concerning the incidents of attempted records disposal at Main Archives which occurred September 2005.” A copy of the letter was filed with the November 2005 Activity Report.

Records Retention Schedules

OTR received approval from the Archivist of the United States for the following electronic systems records schedules: the REM used in Anadarko (Southern Plains Region), InfoDat and CFI.

OTR continues to await NARA approval on seven electronic systems records schedules: GIS, MADS, Keyfile System, GLADS, Alaska Title Plant Database, Land Title Mapper, and BISS.

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Records Management

Records Evaluation

As previously reported, 31 boxes set aside for evaluation remain at OTR in Albuquerque pursuant to a litigation hold. There has been no change during this reporting period.

Delays and Obstacles

Lack of Internet access continues to hinder OTR's ability to provide remote access to the record index database for authorized users of the records. If Internet access were available, authorized researchers could conduct their searches from their respective work sites and only visit AIRR when necessary to inspect specific boxes.

Assurance Statement

I concur with the content of the information contained in the Records Management section of the *Status Report to the Court Number Twenty-Four*. The information provided in this section is accurate to the best of my knowledge.

Date: January 23, 2006

Name: *Signature on File*

Ethel J. Abeita

Director, Office of Trust Records

Office of the Special Trustee for American Indians

C. TRUST ACCOUNTABILITY

1. TRUST BUSINESS PROCESS MODELING

Introduction

Interior is working to build a highly effective fiduciary trust services organization by implementing the business objectives contained in the CTM. Those business objectives are being used to guide implementation of the FTM. Implementation of the FTM is a collaborative effort of BIA, OST, BLM, MMS and OHA, and is integrated with Interior's other trust reform initiatives. The FTM is being implemented to transform the current trust business processes into more efficient, consistent, integrated and fiscally responsible business processes that meet the needs and priorities of the beneficiaries.

Current Status

The final standardized leasing and permitting, rights-of-way and LTRO handbooks were completed and delivered to BIA. It is expected that these handbooks will be adopted during the next reporting period.

Regulations implementing the FTM were drafted as part of the Interior Regulatory Initiative.

Skills modeling has been completed for the fiduciary trust positions required to implement the FTM. Skill sets have been defined and validated for general and technical skills. Managerial skill sets have been defined and are expected to be validated during the next reporting period. Training needs have been identified for those general skills which were ranked as "critical" and "very important" to particular job functions, providing the foundation for curriculum development. Identification of training needs for the technical skills is expected to be completed before the end of FY2006.

OST participated with BLM on the development of a CFedS draft manual and handbook.

An initial site visit was held at the pilot agencies to determine whether processes are performed timely; to review workflows; to determine metrics; to standardize and automate forms; to schedule ongoing training; and to determine appropriate staffing needs.

Work has begun on developing a conveyance handbook and a minerals handbook. Drafts of four chapters for the minerals handbook have been completed for solids; fluids; coal; and sand, gravel and aggregates.

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February 1, 2006

Trust Business Process Modeling

Delays and Obstacles

Lack of Internet access impedes communication with other trust bureaus and offices, and hinders the expansion of reengineered processes that utilize the Internet. This exacerbates the sheer complexity of reengineering the existing trust business processes.

Assurance Statement

I concur with the content of the information contained in the Trust Business Process Modeling section of the *Status Report to the Court Number Twenty-Four*. The information provided in this section is accurate to the best of my knowledge.

Date: January 27, 2006

Name: *Signature on File*

John Bennett

Acting Deputy Special Trustee, Trust Accountability

Office of the Special Trustee for American Indians

2. TRUST DATA QUALITY AND INTEGRITY

Introduction

The success of trust reform depends, in part, on the accuracy of data generated from the maintenance of trust assets, ownership of trust assets, distribution of trust income, and management of trust accounts. The DQ&I project focuses on three primary initiatives: (1) assisting BIA with document encoding into the trust systems, (2) validating/correcting CDE to their respective source documents and (3) implementing Post-QA processes.

Accomplishments and Completions

During this reporting period, TPMC's contractors:

- Scanned trust conveyance documents necessary to perform CDE validation/correction for the Fort Berthold Agency.
- Completed pre-conversion encoding of documents supporting TAAMS Leasing deployment at the Horton, Shawnee and Pawnee Agencies.
- Researched and verified ID numbers for 578 beneficiaries, enabling the SPRO-LTRO to begin encoding their probate order backlog in TAAMS Title for the Horton, Shawnee and Pawnee Agencies.
- Analyzed remaining 95 Concho Agency and 19 Anadarko Agency variances in tract ownership between TAAMS Title and the REM legacy realty system. Provided summary correction sheets to BIA.

Current Status

The DQ&I project expanded to include RMRO-LTRO and Miami Agency. Operations continued for: (1) SPRO, (2) GPRO-LTRO, (3) Pima Agency and (4) PRO-LTRO.

During this reporting period, TPMC:

- Assisted Concho Agency to reduce RDRS data entry backlogs by encoding 22 probate orders, 4 oil and gas leases, and 9 landowner ID changes.
- Continued the CDE validation/correction task for Shawnee Agency and initiated encoding of encumbrance data into TAAMS Leasing.
- Initiated CDE validation/correction work and encoding of encumbrance data into TAAMS Leasing for Horton and Pawnee Agencies.

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February 1, 2006

Trust Data Quality and Integrity

- Performed additional global ID changes in TAAMS Title for SPRO, achieving 80% completion.
- Commenced scanning of encumbrance documents at RMRO-LTRO.
- Provided staff to assist RMRO-LTRO with recording 2,018 encumbrance documents in TAAMS Title.
- Scanned 17% of trust documents necessary to perform CDE validation/correction for Rosebud Agency.
- Conducted a site assessment and scanned 77% of trust documents necessary to perform CDE validation/correction for Miami Agency.

Delays and Obstacles

Lack of access to the Internet has resulted in: (1) communication delays; (2) adverse project coordination issues; (3) increased administrative program costs; and (4) the overall DQ&I project being unable to take full advantage of available information technology.

Assurance Statement

I concur with the content of the information contained in this Trust Data Quality and Integrity section of the *Status Report to the Court Number Twenty-Four*. The information provided in this section is accurate to the best of my knowledge.

Date: January 23, 2006

Name: *Signature on File*

John E. White

Trust Reform Officer

Office of the Special Trustee for American Indians

3. INDIAN FIDUCIARY TRUST TRAINING PROGRAM

Introduction

Interior has a continuing responsibility to provide adequate staffing, supervision and training for trust fund management and accounting activities. Fiduciary trust training is essential to the success of Interior's trust reform efforts and forms an integral part of all training for Interior employees who are involved in the management of Indian trust assets.

Accomplishments and Completions

OST offered two sessions of the course, *Fiduciary Overview Program*, presented by Cannon Financial Institute, with 52 OST, BIA and tribal personnel attending during this reporting period. A total of 736 people have attended this course since March 2003. Two additional sessions are expected to be presented during the next reporting period. This course compares and contrasts the federal Indian trust administered through Interior with private sector trusts administered through banks and other financial institutions.

During this reporting period, Cannon Financial Institute personnel also presented the *Risk Management, Wills & Probate, Accounting and Asset Management* specialty courses to 183 OST, BIA and tribal personnel. These four courses are part of the previously reported six-course certification program. Additional sessions of all six specialty courses are expected to be presented during the next reporting period.

During this reporting period, 20 OST personnel completed the *Certified Indian Fiduciary Trust Specialist* review session.

During this reporting period, OST training staff conducted six training sessions in TFAS, CSS, StrataVision and the historical query database for 59 OST, BIA and contractor staff.

OST and BIA staff presented the three-day course, *Trust Fundamentals*, to 35 OST, BIA and tribal staff. This course includes such topics as the history and policy of Indian trust, current trust reform activities, job roles and responsibilities, and organization and working relationships. This course is expected to be presented again during the next reporting period.

During this reporting period, OST training staff conducted two weeks of the three week *Fiduciary Trust Officer and Deputy Superintendent for Trust Orientation Program*. Fifteen OST and BIA staff attended the training. The third week is expected to be presented during the next reporting period.

Current Status

Construction continues on the NIPTC in Albuquerque. Opening ceremonies are expected to be held during April, 2006.

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Indian Fiduciary Trust Training Program

Delays and Obstacles

The lack of Internet access inhibits electronic communication with other governmental agencies and contractors, hinders the research of training tools and potential contractors, and restricts OST's ability to access online training programs.

Assurance Statement

I concur with the content of the information contained in the Indian Fiduciary Trust Training Program section of the *Status Report to the Court Number Twenty-Four*. The information provided in this section is accurate to the best of my knowledge.

Date: January 17, 2006

Name: *Signature on File*

Dianne M. Moran

Director, Trust Training

Office of the Special Trustee for American Indians

4. RISK MANAGEMENT

Introduction

The objectives of the risk management initiative are to design, deliver, and implement a comprehensive risk management program that includes extensive management controls for monitoring and evaluating Interior's Indian trust asset management program. The risk management program continues to be implemented by TPMC. OTRA monitors and evaluates management corrective action plans to mitigate control deficiencies.

Accomplishments and Completions

During this reporting period:

- Risk management content was accepted by OSM staff.
- OST risk management corrective action plans were loaded into the RM-PLUS tool to provide automated tracking.

Current Status

The RM-PLUS tool content for the Trust Beneficiary Call Center is under development.

OST continues to work with OSM and BLM on the IT security requirements to allow training to begin on the RM-PLUS tool.

Delays and Obstacles

The lack of Internet access complicates the implementation and use of RM-PLUS, since it is designed as a web-based application.

Assurance Statement

I concur with the content of the information contained in the Risk Management section of the *Status Report to the Court Number Twenty-Four*. The information provided in this section is accurate to the best of my knowledge.

Date: January 23, 2006

Name: *Signature on File*

John Bennett

Acting Deputy Special Trustee, Trust Accountability

Office of the Special Trustee for American Indians

5. REGULATIONS, POLICIES AND PROCEDURES

Introduction

OTP in OST was established on April 21, 2003, to assist Interior in establishing “consistent, written policies and procedures for trust fund management and accounting” as stated in the 1994 Act. OTP oversees and facilitates the development, promulgation and coordination of trust-related regulations, policies, procedures and other materials to guide the proper discharge of Interior’s fiduciary responsibilities. OTP is separate from BIA’s PPA, which is responsible for policies, procedures and regulations affecting all BIA activities. PPA activities thus are reported in the BIA section of the reports to the Court.

Current Status

OTP continues to develop the draft OST Directives System Handbook. Publication of the handbook still is expected by the end of the second quarter of FY2006.

The Reporting and Reconciliation DOP, which includes procedures for reconciling financial transactions and preparing financial statements, as well as reporting to Treasury, IRS and beneficiaries, was delayed in order to include enhanced processes. Completion and issuance now is expected during the next reporting period.

Proposed changes to the Account Maintenance DOP and the Disbursing DOP, specific to the Osage Nation, were completed and sent for field staff review. Final issuance is now expected in the next reporting period.

25 CFR 1200 – American Indian Trust Fund Management Reform Act. As a result of edits during the final approval process, publication now is expected by the end of the next reporting period.

Delays and Obstacles

Lack of access to the Internet and its repository of online statutes, the Federal Register and other resources continues to present challenges to this office.

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February 1, 2006

Regulations, Policies and Procedures

Assurance Statement

I concur with the content of the information contained in the Office of Trust Regulations, Policies and Procedures section of the *Status Report to the Court Number Twenty-Four*. The information provided in this section is accurate to the best of my knowledge.

Date: January 23, 2006

Name: *Signature on File*

Philip Viles, Director

Office of Trust Regulations, Policies and Procedures

Office of the Special Trustee for American Indians

D. FIELD OPERATIONS

1. APPRAISAL

Introduction

The Office of Appraisal Services, under a management contract with NBC-ASD, is responsible for Indian Land valuations. The contract was established to provide impartial estimates of market value for a variety of real property interests on land owned in trust or restricted status by individual Indians, Alaska Natives, and Indian Tribes. Various regulations governing Indian trust lands require valuations. To meet this requirement, an appraisal or other valuation method is used to determine fair market value of Indian lands.

Accomplishments and Completions

The MOU between OST and NBC for management of OAS was renewed for FY2006.

A Deputy Chief Appraiser for Policy and Compliance, and a Deputy Chief Appraiser for OST have been hired. Both are scheduled to report for duty in the next reporting period.

The position of Regional Supervisory Appraiser for the OAS Northwest Region was filled during this reporting period. OAS also filled a permanent review appraiser position in the Rocky Mountain Region.

The establishment of the OME within ASD was completed. The Chief Minerals Appraiser and the primary support staff are expected to be hired in the next reporting period. OME will establish the line of authority for mineral appraisals and will perform mineral evaluation services for clients in support of ILCA.

OAS has contracted to facilitate the migration of the Appraisal Request and Review Tracking System (ARRTS) into OAS, conduct a fractionated interest study, and provide contracted appraisal services.

Current Status

ASD, in coordination with OST, continues to conduct a comprehensive analysis of OAS staff and training requirements. Temporary review appraiser positions were added in the Alaska, Rocky Mountain and Western Regions, to help reduce the backlog in those areas. The contracted appraisal services will provide additional support in the Rocky Mountain and Northwest Regions to supplement the existing workforce.

A department-wide appraisal policy handbook, which incorporates the OAS handbook section, was completed in draft form and circulated for comment. Comments continue to be solicited and the handbook is expected to be approved by the end of the third quarter of FY2006.

STATUS REPORT TO THE COURT NUMBER TWENTY-FOUR

February 1, 2006

Appraisal

Appraisal Backlog

As of this reporting period, the appraisal backlogs are as follows:

	Appraisal Backlog As of 9/30/05	Appraisal Backlog * As of 12/30/05
Northwest	470	285
Rocky Mountain	811	758
Midwest	43	62
Western	37	153
Southwest	13	12
Eastern Oklahoma	68	85
Navajo	15	30
Pacific	0	0
Alaska	325	407
Eastern	0	0
Southern Plains	4	4
Great Plains	10	5
TOTAL	1,796	1,801

* The backlog includes all requests from BIA whether or not they are required for a proposed transaction. The requests are addressed in priority order based on factors such as court-ordered transactions, economic transactions, and rights-of-way transactions. The remaining appraisal requests for which no transaction is pending may appear on the backlog list until appraisal staff has completed priority assignments.

This table does not include appraisal backlog information from the compacted and contracted Tribes. The MOUs that currently are being negotiated with Tribes require quarterly reporting of backlog information. This information is expected to be incorporated into future reports to the Court.

Delays and Obstacles

The inability to utilize the Internet as a tool to communicate with outside contacts to research comparable sales and other information is a continuing hardship.

Difficulties continue in recruiting qualified appraisers for permanent, temporary and contract positions, particularly in remote locations.

STATUS REPORT TO THE COURT NUMBER TWENTY-FOUR

February 1, 2006

Appraisal

Assurance Statement

I concur with the content of the information contained in the Appraisal section of the *Status Report to the Court Number Twenty-Four*. The information provided in this section is accurate to the best of my knowledge.

Date: January 26, 2006

Name: *Signature on File*

Brian M. Holly, MAI

Appraisal Services Directorate

National Business Center

E. TRUST SERVICES

1. CURRENT ACCOUNTING ACTIVITIES

Introduction

Current accounting activities focus on: (a) whereabouts unknown accounts; (b) trust funds accounting system; (c) special deposit accounts; (d) small balance accounts; and (e) accounting discrepancies.

WAU are classified as such for various reasons, including (a) new accounts established without an address, (b) mail returned for invalid address and (c) account holder refused or did not claim mail. A variety of methods and means are used to locate WAU account holders.

TFAS is a generic term for a COTS trust fund accounting system that provides the basic receipt, accounting, investment, disbursing and reporting functions common to commercial trust funds management operations.

SDA are temporary accounts for the deposit of trust funds that cannot immediately be credited to the proper account holders. As explained in the BIA/OST Interagency Procedures Handbook, this type of account is to be used only as an exception to the rule that trust funds immediately be deposited to the credit of, and then distributed as soon as practicable to, the individual and tribal beneficiaries. The SDA project has two sub-projects: the retrospective (pre-January 1, 2003, receipts) and the prospective (post-December 31, 2002, receipts) phases. OHTA has responsibility for "resolution" (i.e., research and distribution of funds) of the retrospective phase, while BIA has comparable responsibility for the prospective phase. This section of the report to the Court thus addresses only the prospective phase.

Small balance accounts are defined as those with balances of \$.01 - \$1.00 and no activity in the preceding eighteen months. Management expenses for these accounts are considerable, in part because (as directed by Congress) annual statements must be sent to these account holders.

Various accounting discrepancies that existed prior to the conversion to TFAS still need research and resolution. Some may impact individual accounts. At present, OST has a daily and monthly reconciliation process in place to ensure that transactional reporting to Treasury is accurate and that any discrepancies are researched and reconciled during the next accounting period. While this process ensures resolution of current discrepancies in timely fashion, separate research and reconciliation efforts are needed to address the pre-TFAS discrepancies.

STATUS REPORT TO THE COURT NUMBER TWENTY-FOUR

February 1, 2006

Current Accounting Activities

a. Whereabouts Unknown Accounts

Current Status

During this reporting period, 2,330 accounts with a combined balance of \$2.3 million were added to the WAU list, and 4,268 account holders with a combined balance of \$5.6 million were located.

Priority continues to be placed on securing current addresses for account holders of the rolling top 100 highest dollar balance WAU accounts. During this reporting period, 10 of the top 100 WAU accounts, with combined account balances in excess of \$1.1 million, were updated with current addresses.

As of December 31, 2005, there were 44,692 WAU accounts with a combined balance of \$64,320,390. The following table illustrates the number of accounts stratified by account balance and WAU category:

Account balance	Correspondence/ Check Returned	Account Setup No Address	Awaiting Address Confirmation	Refused/ Unclaimed Mail	Total
Equal to or over \$100,000	19	10	0	0	29
Under \$100,000 and equal to or over \$50,000	39	15	0	0	54
Under \$50,000 and equal to or over \$5,000	1,983	806	0	2	2,791
Under \$5,000 and equal to or over \$1,000	6,024	1,571	4	7	7,606
Under \$1,000 and equal to or over \$100	8,234	3,128	7	3	11,372
Under \$100 and equal to or over \$1	11,641	4,654	10	3	16,308
Under \$1	3,216	3,300	12	4	6,532
Total	31,156	13,484	33	19	44,692

Delays and Obstacles

The influx of WAU accounts categorized as “Account Setup No Address” causes the total number of WAU accounts to remain relatively constant. These accounts primarily result from a lack of current addresses for individual heirs named in probate orders or recipients of per capita distributions. Also, accounts are being created in TFAS for non-financial asset owners in order to generate asset statements. Many of these owners do not have current addresses. As a result, the total number of WAU is expected to increase significantly.

STATUS REPORT TO THE COURT NUMBER TWENTY-FOUR

February 1, 2006

Current Accounting Activities

There presently are 16,844 supervised IIM account holders (minors, emancipated minors, adults in need of assistance, and non-compos mentis) coded as WAU. Updating supervised account addresses coded as WAU presents a challenge, since BIA Social Services must verify and update the address changes to these accounts.

The lack of Internet access limits communication effectiveness. OST and its contractor must rely primarily on mail and telephone communication with IIM account holders.

b. Trust Funds Accounting System

Accomplishments and Completions

For pilot agency account holders, TFAS began automatically posting real property income to accounts based upon the beneficial title interest recorded in TAAMS.

A trust funds receivable system for the pilot agencies was implemented.

A commercial lockbox for receipt of fiduciary trust funds was implemented nationwide. During this reporting period, 16,412 checks totaling in excess of \$131 million were collected.

c. Special Deposit Account Activity

Current Status

BIA has the responsibility for distribution of SDA funds received since January 1, 2003 (prospective receipts). It is the policy of BIA to distribute funds within 30 days of receipt into SDA. During this reporting period, there were 27,178 receipt transactions posted to SDA. Of these, 6,956 were undistributed and aged more than 30 days as of December 31, 2005.

During this reporting period, aged funds were held in 205 more SDA than in the previous reporting period. Undistributed aged receipts increased by 7,887 and the combined dollar amount increased by \$2,222,261.29. As of December 31, 2005, funds were held in SDA with a combined dollar amount of \$3,764,723.98, which represented 9,285 undistributed receipts aged over 30 days from January 1, 2003, through December 31, 2005. As of December 31, 2005, there were 706 receipts in 185 SDA aged more than one year for a combined dollar amount of \$450,907.52.

During this reporting period, OST contractors continued to assist the Fort Belknap Agency to reduce its backlogs by encoding probate orders into BIA's IRMS. Reducing backlogs assists agencies with their SDA distribution efforts.

STATUS REPORT TO THE COURT NUMBER TWENTY-FOUR

February 1, 2006

Current Accounting Activities

Delays and Obstacles

Some BIA agencies still are not utilizing StrataVision to obtain current aging reports to assist in the monitoring and management of their SDA receipt activity. OST continues to make training available to encourage the use of StrataVision.

d. Small Balance Accounts

As of December 31, 2005, there were 15,670 accounts that have a \$.01 - \$1.00 balance with no activity for the previous 18 months. The total sum included in those accounts is \$2,459.82. Statements are sent to account holders for these accounts on an annual basis pursuant to direction from Congress.

e. Accounting Discrepancies

As previously reported, Interior submitted to Congress a legislative proposal to resolve the approximate \$6 million difference between the subsidiary account ledger (liabilities) and the IIM investment pool (assets). During this reporting period, congressional staff requested additional and detailed information regarding the proposal, which is expected to be submitted during the next reporting period.

Note: This section continues on the next page.

STATUS REPORT TO THE COURT NUMBER TWENTY-FOUR

February 1, 2006

Current Accounting Activities

Assurance Statements

I concur with the content of the information contained in the Accounting Discrepancies subsection of the Current Accounting Activities section of the *Status Report to the Court Number Twenty-Four*. The information provided in this subsection is accurate to the best of my knowledge.

Date: January 25, 2006

Name: *Signature on File*

Margaret Williams

Deputy Special Trustee, Trust Services

Office of the Special Trustee for American Indians

I express no opinion on the content of the Accounting Discrepancies subsection, above. I concur with the content of the information contained in the balance of the Current Accounting Activities section of the *Status Report to the Court Number Twenty-Four*, and this information is accurate to the best of my knowledge.

Date: January 27, 2006

Name: *Signature on File*

John Bennett

Acting Deputy Special Trustee, Trust Accountability

Office of the Special Trustee for American Indians

IV. BUREAU OF INDIAN AFFAIRS

A. TRUST REGULATIONS, POLICIES AND PROCEDURES

Introduction

The Office of Planning and Policy Analysis (PPA) in the Office of the Assistant Secretary – Indian Affairs was established on April 21, 2003. PPA is responsible for developing and promulgating Indian Affairs directives. PPA is separate from OST's Office of Trust Regulations, Policies and Procedures, whose activities are reported in the OST section of the status reports to the Court.

Accomplishments and Completions

25 CFR 243 – Reindeer in Alaska – The final rule was published in the Federal Register on January 13, 2006, and will take effect on February 13, 2006.

60 IAM Information Resources Management – On December 27, 2005, AS-IA approved 60 IAM 1.

Current Status

Regulatory Initiative

The Regulatory Initiative covers the following draft regulations:

- **25 CFR 15 - Indian Probates**
- **25 CFR 151 – Land Acquisitions**
- **25 CFR 152 - Land Disposals**
- **25 CFR 162, Subparts A, B, E, F, G and H – Leases and Permits**
- **25 CFR 166 – Grazing Permits**
- **25 CFR 179 – Life Estates**
- **25 CFR 18/New – Tribal Probate Codes**
- **25 CFR New – Administrative Accounting and Appeals Process**
- **25 CFR New – WAU**
- **25 CFR New - Fees**
- **43 CFR 4 – OHA**

The preliminary draft regulations have been distributed to Indian Affairs staff and Tribes as part of the consultation effort prior to publication in the Federal Register. Publication is expected before the end of CY2006.

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Trust Regulations, Policies and Procedures

25 CFR 216 – Surface Exploration, Mining, and Reclamation of Lands – Publication of the proposed revisions is expected during the third quarter of CY2006. This regulation has been removed from the Regulatory Initiative.

25 CFR 162 – Leases and Permits, Subparts C and D – Residential Leases and Business Leases – The project continues on schedule, with the final rule expected to be published during the first quarter of CY2006.

25 CFR 169 – Rights-of-Way Over Indian Lands – Publication of the handbook was delayed and is currently under review by SOL. The handbook is expected to be published in the second quarter of CY2006.

Delays and Obstacles

Lack of access to the Internet has hindered PPA's ability to research statutes and departmental manuals and makes distribution of documents for review by Tribes more difficult and costly.

Assurance Statement

I concur with the content of the information contained in the Trust Regulations, Policies and Procedures – BIA section of the *Status Report to the Court Number Twenty-Four*. The information provided in this section is accurate to the best of my knowledge.

Date: January 27, 2006

Name: *Signature on File*

Debbie L. Clark

Acting Director, Office of Planning and Policy Analysis

Bureau of Indian Affairs

B. FRACTIONATION

Introduction

Fractionation of Indian trust and restricted land stems from the federal Indian policy of the 19th Century. Fractionation occurs as land passes from one generation to the next and more and more heirs or devisees acquire an undivided interest in the land. This is a complex and potentially emotionally-charged issue, due primarily to cultural differences, historical legacy and family associations of the present owners with the original Indian owners of those lands. Efforts to address this complex issue are coordinated primarily through the BIA Indian Land Consolidation Office, which seeks to help Tribes make use of the opportunities offered by the Indian Land Consolidation Act, as amended in 2004. ILCO is operating several acquisition projects and, from there, a nationwide plan is being implemented to promote consolidation of the ownership of Indian land.

Accomplishments and Completions

- Acquired 18,783 fractional interests during this reporting period, for a cumulative total of 202,775 interests for ILCP in the Midwest, Northwest, Western, Eastern Oklahoma, Navajo, Rocky Mountain and Great Plains Regions.
- Of the total interests acquired, 86% were interests of less than 2% ownership in the respective tracts of land.
- Acquired a cumulative total equivalent of 228,837.49 acres for the project reservations.

Current Status

ILCO continues to manage active acquisition programs for 18 reservations within seven BIA regions. All acquisition sites have been provided set budgets and guidance to assist their achievement of identified acquisition goals for FY2006.

Due to the volume of beneficiary requests to sell their land interests, the annual appropriations for purchases are expected to be exhausted before the end of the FY2006. If funds are exhausted, there currently is no expectation of additional acquisition funding.

Current ILCP activities include:

- Maintaining current support for the 18 participating reservations based on available funding;
- Continuing to target and acquire additional *Youpee* interests.
- Continuing implementation of LCTS. Completed field staff training in November 2005. Continuing to work with AS-IA CIO to obtain acceptance from BIA's Change Control Board of the first user version. Until acceptance is granted, field staff will maintain manual report efforts and will also begin to populate LCTS fields for comparison of data and report generation accuracy. Comparison of data from both sources will be validated over a period

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Fractionation

of at least two months to ensure accuracy and efficiency of LCTS. LCTS project is expected to be completed during FY2006.

Delays and Obstacles

- Providing support to the Great Plains and Southwest Regional LTROs to assist with recording ILCP deeds, re-vesting *Youpee* interests, researching ownership files and recording to ownership records reduces the availability of ILCP funds for acquisitions of land interests.
- Probate backlog and *Youpee* issues continue to impede the land-purchase transaction process.
- Lack of Internet access results in slower processing of applications from potential sellers and hinders searches for WAU account holders.

Assurance Statement

I concur with the content of the information contained in the Fractionation section of the *Status Report to the Court Number Twenty-Four*. The information provided in this section is accurate to the best of my knowledge.

Date: January 12, 2006

Name: *Signature on File*

Robert R. Jaeger
Director, Indian Land Consolidation Office
Bureau of Indian Affairs

C. PROBATE

Introduction

Federal law permits Indian owners to pass title to their trust assets by testamentary devise or by intestate succession, and imposes upon Interior the duty of determining the legal heirs. BIA, OHA and OST must coordinate their work to complete the probates of Indian estates. Information on the status of probates is contained within the ProTrac system. Each BIA regional office and corresponding agency is responsible for encoding new cases, examining “initial load” cases and making corrections. Data-cleanup continues in an effort to make ProTrac a more complete source of probate data.

Current Status

Case Preparation

According to ProTrac, 7,775 probate cases are in the case preparation stage.

Case Adjudication

According to ProTrac, 4,671 probate cases are in the case adjudication stage. As reported by OHA, deciding officials received 1,524 cases and issued decisions in 1,035 cases. OHA reported 3,434 cases pending.

Case Closure

According to ProTrac, there are 4,446 cases in the closing stage. Cases in the closing stage are ones that have been adjudicated but not distributed either in TFAS or at the LTRO.

Financial Case Closure

OST reported that it distributed funds and closed 1,225 accounts in TFAS, representing 1,175 estates. As of the end of December 2005, TFAS contained 30,368 open estate accounts, which is an increase of 132 from the 30,236 estate accounts at the end of the last reporting period.

Probate Handbook

During this period, SOL completed its review of the handbook. Publication is expected to occur in the next reporting period.

Delays and Obstacles

The following obstacles have been identified as having an impact on the progress of the probate program:

- Lack of access to the Internet, which includes the inability to use electronic mail communication between OHA and BIA/OST;
- Continued fractionation of ownership of Indian lands;
- Numerous initiatives competing for resources (e.g., *Youpee* revestitures, *Cobell* requirements);
- Cultural diversities regarding the subject of death;
- Completion of implementation of the probate reorganization.

Assurance Statement

I concur with the content of the information contained in the Probate section of the *Status Report to the Court Number Twenty-Four*. The information provided in this section is accurate to the best of my knowledge.

Date: January 27, 2006

Name: *Signature on File*
William Titchywy
Acting Special Projects Director
Western Region
Bureau of Indian Affairs

ACRONYMS AND ABBREVIATIONS

1994 Act (or Act)	American Indian Trust Fund Management Reform Act of 1994
A-130	Office of Management and Budget Circular A-130 Appendix III
ADM	Attorney Decision Makers
AFMSS	Automated Fluid Mineral Support System
AIMS	ActivCard Identity Management System
AIPRA	American Indian Probate Reform Act
AIRR	American Indian Records Repository
ALIS	Alaska Land Information System
ALJ	Administrative Law Judges
ARO	Alaska Region office
ARRTS	Appraisal Request and Review Tracking System
ART	Accounting Reconciliation Tool
AS-IA	Assistant Secretary-Indian Affairs
ASD	Appraisal Services Directorate
ATO	authority to operate
BIA	Bureau of Indian Affairs
BIAM	Bureau of Indian Affairs Manual
BISS	Box Index Search System
BLM	Bureau of Land Management
BOR	Bureau of Reclamation
BPA	Blanket Purchase Agreement
BRM	Business Reference Model
C&A	Certification and Accreditation
CARS	Cadastral Automated Request System
CDE	Critical Data Elements
CFedS	Certified Federal Surveyor
CFI	Continuous Forest Inventory
CGI	Software vendor successor to TAAMS vendor
CGIS	Cadastral Geographic Information Systems
CIFTA	Certified Indian Fiduciary Trust Analyst
CIFTS	Certified Indian Fiduciary Trust Specialist
CIO	Chief Information Officer
CIRC	Computer Incidents Response Center
CISSP	Certified Information System Security Professional
CMS	Credential Management System
COTS	Commercial off-the-shelf
CPIC	Capital Planning and Investment Control
CSIRC	Computer Security Incident Response Capability
CSIRT	Computer Security Incident Response Team
CSS	Customer StrataStation
CTM	Comprehensive Trust Management Plan
DAA	Designated Approving Authority
DEAR	DOI Enterprise Architecture Repository

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Acronyms and Abbreviations

DDoS	Distributed Denial of Service
DLRM	DOI Land and Resource Management
DM	Departmental Manual
DNS	Domain Name Server
DOI	Department of the Interior
DOP	Desk Operating Procedure
DoS	Denial of Service
DQ&I	Data Quality and Integrity
DRM	Data Reference Model
EA	Enterprise Architecture
ENA	Eastern Navajo Agency
EORO	Eastern Oklahoma Region office
ERO	Eastern Region office
ESN	Enterprise Services Network
FAMS	Facilities Asset Management System
FAR	Federal Acquisition Regulation
FFMIA	Federal Financial Management Improvement Act
FIMO	Farmington Indian Minerals Office
FIPS	Federal Information Processing Standards
FISMA	Federal Information Security Management Act
FMFIA	Federal Managers' Financial Integrity Act
FRC	Federal Records Center
FRD	Functional Requirements Document
FTM	Fiduciary Trust Model
FTO	Fiduciary Trust Officer
GAO	Government Accountability Office
GCDB	Geographic Coordinate Data Base
GIS	Geographic Information System
GLO	General Land Office
GLADS	Great Lakes Agency Database System
GPRO	Great Plains Region office
GPS	Global Positioning System
GSA	General Services Administration
GSS	General Support Systems
HSPD-12	Homeland Security Presidential Directive 12
IAM	Indian Affairs Manual
IATO	Interim Approval to Operate
IEA	Interior Enterprise Architecture
IFTR	Indian Fiduciary Trust Records
IG	Inspector General
IIM	Individual Indian Money
IITD	Individual Indian Trust Data
ILCA	Indian Land Consolidation Act
ILCO	Indian Land Consolidation Office
ILCP	Indian Land Consolidation Project

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Acronyms and Abbreviations

IM	Instruction Memorandum
InfoDat	Indian Forestry Database
Interior	Department of the Interior
IP	Internet Protocol
IPJ	Indian Probate Judges
IPv6	Internet Protocol Version 6
IQCS	Incidence Qualification and Certification System
IRM	Information Resources Management
IRMS	Integrated Records Management System
IRS	Internal Revenue Service
ISA	Information Security Assessment
IT	Information Technology
IV&V	independent verification and validation
LAN	Local area network
LCTS	Land Consolidation Tracking System
LMS	Learning Management System
LR2000	Legacy Rehost 2000 System
LRIS	Land Records Information System
LTIC	Land Tenure in Indian Country
LTRO	Land Titles and Records Office
MA	Major Applications
MAD/LCP	Management Accounting Distribution/Land Consolidation Program
MADS	Management Accounting Distribution System
MMD	Missing Mandatory Documents for Unrestricted Accounts
MMS	Minerals Management Service
MOU	Memorandum or Memoranda of Understanding
MRM	Minerals Revenue Management
MRMSS	Minerals Revenue Management Support System
MWRO	Midwest Region office
NARA	National Archives and Records Administration
NBC	National Business Center
NILS	National Integrated Lands System
NIPTC	National Indian Programs Training Center
NIST	National Institute of Standards and Technology
NPS	National Park Service
NRO	Navajo Region office
NWRO	Northwest Region office
O&G	Oil and Gas
OAS	Office of Appraisal Services
OCIO	Office of the Chief Information Officer
OHA	Office of Hearings and Appeals
OHTA	Office of Historical Trust Accounting
OIG	Office of the Inspector General
OME	Office of Minerals Evaluation
OMB	Office of Management and Budget

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Acronyms and Abbreviations

OSM	Office of Surface Mining
OST	Office of the Special Trustee for American Indians
OTFM	Office of Trust Funds Management
OTP	Office of Trust Regulations, Policies and Procedures
OTR	Office of Trust Records
OTRA	Office of Trust Review and Audit
PAR	Performance and Accountability Report
PIV	Personal Identity Verification
PLSS	Public Land Survey System
PMSO	Project Management Support Office
POA&M	Plans of Actions and Milestones
Post-QA	Post Quality Assurance
PPA	Office of Planning and Policy Analysis
PRIS	Production and Response Information System
PRO	Pacific Region office
ProTrac	Probate Case Management and Tracking System
QA	Quality Assurance
QC	Quality Control
RAF	Recommended Action Forms
RAS	Rangeland Administration System
RDRS	Royalty Distribution and Reporting System
REM	Real Estate Module
RFP	Request for Proposal
RM-PLUS	Risk Management Assessment/Evaluation tool
RMRO	Rocky Mountain Region office
ROW	Rights-of-Way
SANS	SysAdmin, Audit, Network, Security
SCADA	Supervisory Control and Data Acquisition
SDA	Special Deposit Accounts
SDLC	System Development Life Cycle
SMEs	Subject Matter Experts
SMS	System Management Servers
SOL	Office of the Solicitor
SPRO	Southern Plains Region office
SSA	Social Security Administration
SSM	System Security Manager
SSP	System Security Plan
ST&E	Security Test and Evaluation
STIGs	Security Technical Implementation Guides
SUS	System Update Servers
SWRO	Southwest Region office
TAAMS	Trust Asset and Accounting Management System
TAP	Technical Architecture Profile
TBCC	Trust Beneficiary Call Center
TESC	Trust Executive Steering Committee

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Acronyms and Abbreviations

TFAS	Trust Fund Accounting System
TPMC	Trust Program Management Center
TRAC	Trust Tracking and Coordination
Treasury	Department of the Treasury
TRM	Technical Reference Model
TRO	Temporary Restraining Order
UAT	User Acceptance Testing
USGS	United States Geological Survey
USPAP	Uniform Standards of Professional Appraisal Practice
VBNS	Very High Performance Backbone Network Service
VPN	Virtual Private Network
WAN	Wide area network
WAU	Whereabouts Unknown
WRO	Western Region office