

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, <u>et al.</u> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:96CV01285
)	(Judge Robertson)
DIRK KEMPTHORNE, Secretary of the Interior, <u>et al.</u> ,)	
)	
Defendants.)	

**DEFENDANTS’ NOTICE TO THE COURT REGARDING
INSPECTOR GENERAL’S “NOTIFICATION OF POTENTIAL FINDING AND
RECOMMENDATIONS” WITH RESPECT TO INFORMATION TECHNOLOGY SYSTEMS**

As part of the Department of the Interior’s information technology security program, the Department of the Interior’s Office of the Inspector General conducts security evaluations of Interior IT systems, often with limited or no prior notice to administrators of the systems being tested. This testing, including testing done by the Inspector General as an independent auditor of agency practices, is part of a comprehensive security program for information technology systems and is designed to identify the potential for successful intrusion attempts and other potential vulnerabilities. See Federal Information Security Management Act of 2002, 44 U.S.C. § 3545(b) (requiring independent annual evaluations); National Institute of Standards and Technology (“NIST”) Special Publication (“SP”) 800-42, Guidelines for Network Security Testing, October 2003; NIST SP 800-30, Risk Management Guide for Information Technology Systems, July 2002.

By this Notice, Defendants advise the Court that the Inspector General has issued a document dated March 13, 2007, entitled “Information Technology Evaluation Notification of Potential Finding and Recommendations,” with respect to an information technology evaluation where unauthorized access was obtained to information technology systems within the Department of the Interior.¹

The Inspector General’s Notification of Potential Finding and Recommendations has received and continues to receive attention from senior management within both the Interior Department’s Office of the Secretary and the Office of the Chief Information Officer, as well as the senior management of the relevant bureaus or offices, and all vulnerabilities identified by the Inspector General either have been or will be addressed promptly. Defendants will supplement this notice with further information, as necessary.

Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General

MICHAEL F. HERTZ
Deputy Assistant Attorney General

J. CHRISTOPHER KOHN
Director

¹ Because of the need to protect the security of the Interior Department’s IT systems, this notice is generic in nature and will not disclose details regarding the Inspector General’s Notification of Potential Finding and Recommendation.

/s/ Robert E. Kirschman, Jr.
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March 19, 2007

CERTIFICATE OF SERVICE

I hereby certify that, on March 19, 2007 the foregoing *Defendants' Notice to the Court Regarding Inspector General's "Notification of Potential Finding and Recommendations" with Respect to Information Technology Systems* 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*)
Blackfeet Tribe
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/s/ Kevin P. Kingston

Kevin P. Kingston