

Status Report to the Court Number Twenty

**For the Period
October 1, 2004 through December 31, 2004**



February 1, 2004

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I. INTRODUCTION

This *Status Report to the Court Number Twenty* (Report) represents the period from October 1, 2004, through December 31, 2004. 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

I am pleased to report that Interior has taken major steps toward the development of the National Indian Programs Training Center. When completed, the training center will provide a physical location for conducting trust training as well as other Interior Indian work. It will be located in new BIA facilities in Albuquerque, and will be accessible not only to employees of Interior, but also to tribes and other parties performing Indian-related work who need specialized trust training. The center is to be operated under the guidance of a governance board consisting of membership from BIA, OST, DOI University (an Interior agency that provides various training programs for employees), BLM and MMS. DOI University will manage the day-to-day operations. In the long run, the training center should help fulfill BIA's workforce needs by providing its employees knowledge and skills necessary for promotions and professional development.

As reported previously, the American Indian Probate Reform Act was passed by the Congress and signed into law by the President. This is a unique legislative action that should help significantly to reduce fractionation in the future, and give beneficiaries more control over their property interests. The Act requires Interior to make explanatory information available to Indians and tribes about the new law, and to certify that adequate notice of the law has been provided. The law mandates a one-year waiting period from the date of this certification before many of its provisions take effect. To answer questions from the public when the explanatory materials are distributed, we plan to provide employee training, especially for trust officers and call-center employees. The trust officers, many of whom are not only trust experts but also attorneys, are expected to be the primary point of contact for beneficiaries' inquiries.

In the FY2005 appropriations bill, Congress reduced our request for the Indian Land Consolidation Program by \$7 million, commenting in P.L. 108-447, "The managers are concerned about recent events in the courts that will likely slow the process of Indian land consolidation and reduce the ability of the Department of the Interior to obligate funds for acquisition of lands.... The actions of the court concerning notifying Indian landowners of ongoing litigation will undoubtedly slow the process of consolidation of lands."

Interior's budget request for the historical accounting project for FY2005 was \$109 million. Congress appropriated approximately \$57 million. This is roughly \$13 million more than in FY2004, but a reduction of \$52 million from the budget request to Congress. Accordingly, completion of the accounting work contemplated in the January 6, 2003, plan will take longer than originally anticipated.

The historical accounting project reports having completed over 36,000 Judgment IIM account reconciliations and is in the process of reconciling land-based transactions of \$100,000 or more and a national sample of land-based transactions under \$100,000. OHTA has located and scanned more than 6.4 million pages of records that may be used for future accounting work. Additional work is being done to image and index the records electronically for more efficient use. So far, the accounting work has disclosed very few accounting discrepancies. Lessons

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Secretary Gale Norton's Observations

learned from this work are expected to help improve the methods being used for historical accounting in the future.

This is the 20th Report to the Court and, as has been reported in this and previous Court Reports, much has been accomplished toward reforming the fiduciary trust. As detailed in this report, we have progressed toward a beneficiary service concept, especially through our call center and trust officers. What is left is the continued implementation of the Comprehensive Trust Plan through infusion of the Fiduciary Trust Model processes in all aspects of trust management in Interior bureaus and offices. This will consume several more years of activity and should result in a beneficiary trust that is more reliable, accurate and accountable.

During this reporting period, Deputy Secretary Steve Griles announced his resignation from the Department of the Interior effective January 31, 2005. Our trust reform efforts have benefited tremendously from the many long hours, practical ideas, management improvements, and intense efforts contributed by Deputy Secretary Griles.

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

Computer Security:

Interior continues to make progress in ensuring IT security and, in particular, addressing the potential risks associated with unauthorized access to IITD from the Internet. A primary focus for this reporting period has been conducting reviews of C&A documentation. The most noteworthy accomplishments and completions during the reporting period are described below.

Training and Awareness

- A revised version of mandatory annual end-user IT security awareness training was completed and will be deployed in January 2005 for the new annual cycle of training. The latest version of the training incorporates updates to Interior guidance and OIG recommendations for content.
- OCIO conducted POA&M training for bureau and office IT security personnel.
- Interior targeted CISSP certification because CISSP credentials indicate those certified have demonstrated experience in the field of information security, passed a rigorous examination, subscribe to a code of ethics and maintain certification with continuing education. To date, 63 Interior personnel representing all bureaus and offices have been awarded the CISSP certification.

Prevention and Monitoring

- BIA purchased and distributed new equipment that will allow standard, secure operating systems to replace a major portion of BIA legacy operating systems, a requirement that enables bureau-wide deployment of patch management capability. Where equipment and operating systems meet configuration requirements, patch management has been implemented, which might have mitigated or prevented the previously-reported Blaster incident.
- The Interior OIG began unannounced penetration testing exercises for systems connected to the Internet. The OIG is expected to continue these exercises for all bureaus and offices throughout FY2005. In the initial testing, the intrusion attempts were detected and blocked by the subject agency. Even when all intrusion attempts are successfully blocked, testing

may provide information on potential vulnerabilities. Correction of such vulnerabilities is expected to be incorporated into the POA&M process for remediation.

- Interior implemented a policy and procedures requiring each bureau and office to establish a monthly vulnerability scanning program utilizing the Interior standard for high-risk internal network segments.

Policies and Guidance

- The Memorandum “E-Authentication Risk Assessment,” dated October 6, 2004, from Interior’s CIO was sent to bureau and office CIOs.² The Memorandum “Homeland Security Presidential Directive - 12 Compliance,” dated December 27, 2004, from Interior’s Assistant Secretary for Policy, Management and Budget was sent to assistant secretaries and heads of bureaus and offices.³ These memoranda continue Interior’s aggressive efforts to improve IT security and efficiency.
- The MMS CIO issued the Memorandum “FY2005 IT Security Training Requirements for Information Technology (IT) Professionals,” dated October 14, 2004. MMS requires IT professionals to accumulate a minimum of eight credit hours of IT security training annually.
- The Memorandum “Certification and Accreditation Package Reviews,” dated October 20, 2004, from Interior’s CIO was sent to assistant secretaries and heads of bureaus and offices. This memorandum describes the C&A documentation quality review process, as described in the previous report to the Court. It directs bureau and office CIOs to resolve identified deficiencies in C&A documentation within 180 days.
- The BLM CIO issued Instruction Memorandum 2005-009, dated October 21, 2004, “Eliminating Access to Critical Business Systems by Employees No Longer with BLM.” This memorandum is in response to financial systems audit findings and documents additional requirements to ensure terminated employee access to financial systems is promptly removed.
- The Memorandum “Findings and Recommendations Database Status Certification,” dated October 29, 2004, from Interior’s CIO was sent to the CIOs for OST, BLM, OHA and SOL and the AS-IA. This memorandum provides the results of an independent contractor review of the process for closing items in the audit findings database described in the *Eighteenth Status Report to the Court*.

² E-Authentication is designed to provide a trusted and secure standards-based authentication architecture. This approach would provide a uniform process for establishing electronic identity and eliminate the need to develop redundant solutions for the verification of identity and electronic signatures. E-Authentication’s distributed architecture would also allow citizens and businesses to use non-government-issued credentials to conduct transactions with the government.

³ HSPD-12 would establish a common identification standard for all federal government employees and contractors for physical and computerized systems and data access while providing a roadmap for other applications. The HSPD-12 policy establishes sound criteria for verifying an employee's identity designed to be strongly resistant to identity fraud, tampering, counterfeiting and terrorist exploitation. The standard includes graduated criteria, from least secure to most secure, to ensure flexibility in selecting the appropriate level of security for each application.

- The Interior CIO issued the Memorandum “Freezing of Patch Management Software Purchases,” dated November 3, 2004, which began the process for establishing a standard solution for the deployment of patch management software.
- The Interior CIO issued the Memorandum “VPX Configuration Requirements,” dated November 10, 2004, which established standardized bureau-to-bureau network connectivity.
- The BLM CIO issued Instruction Memorandum 2005-023, dated November 15, 2004, “Requirements for User Access to Automated Systems.” This memorandum addresses a POA&M requirement and documents the established practice of requiring IT security awareness training prior to allowing access to BLM systems.

Certification and Accreditation:

As previously reported, accreditation packages of federal agencies prepared for compliance with FISMA and A-130 vary in quality and standards of content. Interior is addressing this challenge faced by federal agencies by establishing a quantitative checklist for C&A package quality and applying it to accredited systems. This process was established by memorandum of October 20, 2004, as noted above. Although not required by FISMA or A-130, two quality assurance reviews have been conducted by qualified third parties for completed trust system C&A packages.

Although some of the reviews indicated documentation of the C&A packages was sufficient, the reviews also indicated a need for improved documentation in some instances and disclosed insufficient documentation in other instances. This lack of documentation may indicate that in some cases the C&A itself was incomplete or improperly organized. While many areas in C&A packages identified for improvement have already been corrected, issues needing resolution are expected to be tracked via the POA&M process. Interior is working with bureaus and offices to supplement these supporting documents within the next two reporting periods.

IT Systems Architecture:

Phase 3B of the DEAR data validation and population was launched during this reporting period and is expected to be completed during the next reporting period. This phase focuses on cross-mapping Interior’s system inventory to the functions and activities performed by the system as defined in the OMB and Interior BRMs. The Interior BRM is an extension of the OMB BRM that details at a more granular level the functions and activities performed within Interior. This cross-mapping supports Interior’s modernization blueprint analyses for determining potentially duplicative systems and systems that may benefit from integration, thus improving overall portfolio management.

DOI Land and Resource Management System

DLRM is being designed as a new, integrated land and natural resource management system and is currently in the requirements review stage. By memorandum dated December 14, 2004, Interior bureaus and offices were requested to review for approval the FRD for the DLRM

system. The FRD identifies the high-level functional and performance requirements that were gathered in a series of meetings with subject matter experts across Interior. Interior is moving forward on acquiring a tailored COTS system. After approval of the FRD, this project is expected to enter the acquisition phase.

Leasing System Module Independent Verification and Validation

An independent software assurance test of the CGI leasing software module, formerly a part of the TAAMS project, was conducted during the week of October 18, 2004. Interior contracted technical expertise in conducting IV&V testing and software assurance services. The independent contractor developed test plans for each of the leasing functions, and coordinated and conducted testing of the leasing software module viability. The test demonstrated that the leasing software module can provide an interim solution for the existing high-risk BIA legacy realty systems. The DLRM system is expected to provide a long-term solution for the legacy functionality.

TrustNet

During this reporting period, TrustNet, an internal secured network, was expanded as follows:

- All SOL WAN segments are now routed through the ESN operations center in Herndon, VA. Final SOL connection to TrustNet was delayed to upgrade facilities for communications circuits, which is now complete. SOL expects to be operational by the end of the third quarter of FY2005.
- OHA's Arlington office, two field offices, and its ZANTAZ connection have been connected to Interior's ESN. OHA's remaining field offices are expected to be connected to ESN during the next reporting period.

Current Status

Prevention and Monitoring

Interior continued testing Internet-accessible systems against the SANS Top 20 vulnerability list. For the third consecutive reporting period, no hosts were found to have vulnerabilities listed in the SANS Top 20.

OIG FY2004 FISMA Evaluation and Plans of Action and Milestones

Interior bureaus and offices are reviewing findings identified by OIG as part of its FY2004 annual FISMA and financial audits. Bureaus and offices incorporate findings that are not already corrected into their POA&M, once those findings are validated. Those findings are expected to be resolved through the normal process of working through POA&M. Findings lacking sufficient specificity are not incorporated into POA&M.

Trust Network Connection

Interior continued progress on ESN to consolidate departmental Internet connections, add centrally-managed network perimeter security, provide secure connectivity between bureaus and offices (Intranet) and implement 24-hour network security monitoring.

BIA Live E-mail Capture

On December 9, 2004, a new e-mail system administrator identified two BIA internal mail servers that were not configured properly, and as a result were not sending copies of email between or within these servers to the ZANTAZ digital safe. An investigation of the situation disclosed that mail between and within these two servers had not been sent to ZANTAZ from July to December 2004. The configuration was immediately corrected with the installation of a new version of the ZANTAZ software. BIA captured e-mail between and within the two servers during the time in question on back-up tapes. During the next reporting period, BIA expects to transfer the content of back-up tapes to ZANTAZ to ensure the digital safe has a copy of the e-mails that were not captured live.

Reports:

- Interior issued its annual *Report on Performance and Accountability, Fiscal Year 2004* on November 15, 2004. This report contains a summary of FISMA findings, as well as financial system audits conducted during the second and third quarters of FY2004. The report notes that the IT-security material weakness, identified in FY2003, was downgraded to a reportable condition as a result of improvements in Interior's security position and general compliance with FISMA.
- The Interior OIG issued *Evaluation Report: Department of the Interior's Use of Wireless Technologies*, Report No. A-IN-MOA-0004-2004, December 6, 2004. This report found that "although DOI has taken some steps to control this technology, it needs to develop and implement an overall strategy to manage DOI's wireless capabilities."

Delays and Obstacles

There are many challenges that must be addressed regarding the integration, performance, funding, security, and data integrity of Interior 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 still impede progress in achieving Interior's IT management goals:

Litigation

- Employee fears about becoming personally implicated in the *Cobell* litigation are undermining creativity and decision making. This impediment has worsened within Interior as new restrictions on communication have been placed on Interior employees by the Court.

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Information Technology

- Uncertainty over reconnection status and process is hampering progress on several IT projects that would improve efficiency and IT security.

Funding

- Funding availability will continue to dictate the timing of IT-related initiatives. Interior's FY2005 budget will require managing a variety of IT-related requirements and tradeoffs. The additional resources (time, personnel, and funding) provided for IT security have limited the funding for other IT-related activities, which on occasion has adversely impacted overall systems performance.

Reengineering Effort

- Interior is conducting a business process reengineering effort to standardize and streamline trust business processes. IT system specifications, design, and procurement may depend upon the timing and results of the reengineering effort and available funding.

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.

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*. The information provided in this section is accurate to the best of my knowledge.

Date: February 1, 2005

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

Training

The BLM National Training Center released its fourth Internet-based, self-paced course. The course provides an introduction to water boundary surveys, and contains material related to water boundaries of Indian country and federal lands.

GCDB Data Collection for High Priority Areas

Three of the four GCDB pilot projects to develop a CGIS were funded in this reporting period. BIA, OST, BLM and the three Tribes prepared MOU defining the roles and responsibilities of each participant. These projects are expected to demonstrate how survey data can be used to improve the management of resources and other trust assets. These projects also are expected to provide documentation of the benefits realized or obstacles encountered in the collection of GCDB data. Data collection began and is expected to continue in the next reporting period. More business process decisions can be confidently made using a survey-based CGIS than with any other GIS, resulting in increased efficiency and return on investment.

Interagency Agreements for Cadastral Survey Services

Two interagency agreements between BIA and BLM were signed during this reporting period. One of the agreements supports the New York State lands claim litigation, and the other provides initial FY2005 funding to BLM for cadastral survey services on trust and restricted lands throughout Indian country.

Current Status

Interior Indian Trust Lands Boundary Standards (Draft)

BIA, BLM, OST and tribal representatives attended their third working group meeting and continued to examine and finalize the trust lands boundary standards, developed an

implementation plan/consultation schedule and outlined development plans for manuals, handbooks and directives. The working group made progress on proposed changes to the Departmental Manual and creating a handbook. The Departmental Manual Subgroup and the BLM Manual and Handbook Subgroup had follow-up meetings.

BIA, BLM, OST and tribal representatives have scheduled their fourth working group meeting for January 11-13, 2005, in Washington, DC, at which discussion is expected regarding manual and handbook development.

Missing BIA Indian Service Survey Records and Unofficial Survey Records

As previously reported, BLM cadastral surveyors often have been able to gather only portions of the records of unofficial surveys conducted by the BIA Indian Service surveyors during the 19th and 20th centuries, as well as unofficial surveys performed by other federal agencies or their agents. BLM continues to search for the records as surveys are performed. BLM also expects to coordinate with OTR to determine whether any survey information has been discovered through its indexing project.

BLM's General Land Office (GLO) System, which includes scanned images of Indian title documents, is expected to be used as a tool for searching BLM offices for missing survey information. GLO has scanned 150,000 Indian allotment patents, and has approximately 32,000 known allotment patents that will be indexed and scanned in the future.

Training

BLM has an assistance agreement with the Oregon Institute of Technology (OIT) to develop the surveying curriculum for the OIT Department of Geomatics. OIT and BLM have initiated discussions to expand the assistance agreement to cooperate with Tribes in the Pacific and Northwest Regions to establish training opportunities for tribal members.

Delays and Obstacles

Communications with Class Members in *Cobell v. Norton*

The BLM cadastral program is affected by the Court orders concerning communications with class members in the *Cobell v. Norton* case. In the process of performing cadastral surveys in support of land transfers, BLM cadastral surveyors often must communicate in writing with landowners.

Funding of the Recommendations Outlined in the FTM

Due to scheduling conflicts, the BLM Cadastral Survey Program has not been able to obtain clarification on the funding of the recommendations outlined in the FTM related to cadastral surveys. This funding issue may affect BLM's capability to meet its timeline as proposed in the FTM. This issue is expected to be addressed during the next reporting period.

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.

Limited Resources

The cost to perform all cadastral services identified to date by BIA would be approximately 64.4 million dollars. The current BIA budget of eight million dollars per year only addresses the most urgent needs. Furthermore, an estimated four to five million dollars in new cadastral requests are generated each year.

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*. The information provided in this section is accurate to the best of my knowledge.

Date: January 25, 2005

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.

Accomplishments and Completions

Document Procedures Regarding Royalties Disbursement

As previously reported, MMS worked with BIA and OST to prepare Memoranda of Understanding documenting inter-bureau procedures regarding information exchanges associated with mineral revenue disbursements. The effective date of the OST/MMS MOU was August 13, 2004. MMS and BIA completed their MOU during this reporting period. The effective date of the BIA/MMS MOU is January 7, 2005.

Current Status

Indian Oil Rule

As previously reported, a proposed rule for valuing crude oil produced from Indian leases is being considered and remains a high priority for Interior. MMS began drafting the proposed rule during this reporting period. A timeline for promulgation of the new rule was established, and public workshops are expected to be held during the next two reporting periods. The proposed rule is expected to be published by August 31, 2005.

Payment Receipt Date Verification

As previously reported, enhancements to the MRM financial system remain on hold as MRM is preparing for an upgrade to its PeopleSoft software. The upgrade is now rescheduled for completion during the next reporting period. The delay was necessary to enable contract auditors to complete their audit of the FY2004 financial statements with a minimum of disruption. Once the software changes and system enhancements are completed and tested, further errors are expected to be prevented. MMS will then devote resources to identify prior errors in the Indian mineral revenue distribution file.

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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*. The information provided in this section is accurate to the best of my knowledge.

Date: January 31, 2005

Name: *Signature on File*
Cathy J. Hamilton
Chief of Staff
Minerals Revenue Management
Minerals Management Service

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.

Current Status

Accounting Standards Manual

As previously reported, periodic revisions are routinely made to the *Accounting Standards Manual*. Another revision was issued in December 2004.

Judgment IIM Accounts

OHTA continues to perform historical accounting procedures on Judgment IIM accounts. During this reporting period, OHTA completely reconciled an additional 6,004 accounts in Subgroups⁴ as follows: 307 accounts in Subgroup A, 3,499 accounts in Subgroup B, 1,256 accounts in Subgroup C, and 942 accounts in Subgroup D. Of the 36,701 Judgment IIM accounts completely reconciled as of December 31, 2004, quality control review has been completed for 31,782 accounts. OHTA expects to complete quality control review of the other 4,919 completely reconciled accounts during the next reporting period.

As more data—particularly from the “Paper Records Era”—is collected and keyed into the transaction listings, some accounts are reclassified into Subgroups different from their original classification. The following tables present the total number of Judgment IIM accounts in each Subgroup reconciled as of December 31, 2004, including accounts reconciled in previous reporting periods. The tables also report balances and throughput.

⁴ Subgroup A contains Judgment IIM accounts with receipt deposit(s) and monthly interest postings through December 31, 2000, and no disbursement of funds. Subgroup B contains only Judgment IIM accounts with receipt deposit(s) and monthly interest postings with a single disbursement. Subgroup C contains only Judgment IIM accounts with receipt deposit(s) and monthly interest postings with multiple disbursements. Subgroup D contains accounts with both (1) Judgment transactions with receipt deposit(s) and monthly interest postings, and (2) land-based transactions (income from land interests owned by the account holder).

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Office of Historical Trust Accounting

Status of Work

Judgment IIM Accounts Open as of 12/31/00

Number of Accounts: 33,205 Balances Total: \$80,839,699 Throughput* Total: \$140,694,346

	<u>Subgroup A</u>	<u>Subgroup B</u>	<u>Subgroup C</u>	<u>Subgroup D</u>	<u>Totals</u>
<u>Completely Reconciled</u>					
Number of Accounts	18,110	2	--	1,496	19,608
\$ Balances Reconciled	\$52,297,305	--	--	\$700,353	\$52,997,658
\$ Throughput* Reconciled	\$52,452,366	\$6,197	--	\$17,791,317	\$70,249,880
<u>Partially Reconciled</u>					
Number of Accounts	0	2	2	3,151	3,155
\$ Balances	--	--	--	\$6,738,872	\$6,738,872
\$ Throughput* Reconciled	--	\$5,203	\$3,415	\$2,259,473	\$2,268,091
\$ Throughput to be Reconciled**		\$6,743	\$17,682	\$19,947,904	\$19,972,329
<u>Paper Records Era Reconstruction</u>					
Number of Accounts***					10,442
\$ Balances to be Reconciled					\$21,103,169
\$ Throughput to be Reconciled**					\$48,204,046

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Reconciled	NA	\$100,693,913	\$31,303,250	\$12,946,923	\$144,944,086
<u>Partially Reconciled</u>					
Number of Accounts	NA	2,247	1,151	6,908	10,306
\$ Balances	NA	--	--	--	--
\$ Throughput* Reconciled	NA	\$2,884,206	\$2,652,725	\$9,191,470	\$14,728,401
\$ Throughput to be Reconciled**	NA	\$10,247,332	\$12,148,534	\$89,446,097	\$111,841,963
<u>Paper Records Era Reconstruction</u>					
Number of Accounts***					19,935
\$ Balances Reconciled					--
\$ Throughput to be Reconciled					\$228,442,254

* Throughput is defined as the sum of the receipts and disbursements in the Electronic Records Era portion of an account.

** Throughput relating to respective accounts to be reconciled.

*** Distribution of reconstructed Paper Records Era accounts unknown.

The majority of the remaining Judgment IIM accounts (as well as some Per Capita IIM accounts) require conversion of transaction data recorded in manual ledgers into electronic format. As of December 31, 2004, OHTA has searched approximately 2,800 boxes of stored records for manual ledgers required to complete the account history for Judgment and Per Capita IIM accounts that originated in the "Paper Records Era." Approximately 222,000 transactions for 23,000 Judgment and Per Capita IIM accounts have been located and entered into electronic format as a result of this effort.

Mailings to Judgment IIM Account Holders

On October 22, 2004, the Court approved mailings to 17,096 Judgment IIM account holders. As a result, OHTA mailed: 1) supplemental notices to all 1,208 recipients of the October 2002 mailing of Historical Statements of Account; and 2) 8,329 Historical Statements of Account with an accompanying transmittal letter explaining the statement. Additional Historical Statements of Account are expected to be mailed during the next reporting period. The mailing process is subjected to a quality control review.

In order to obtain the most current addresses, OHTA does not request mailing addresses from OST until statements are to be mailed. When current addresses were requested for the 17,096 Judgment IIM account holders, OHTA was unable – for various reasons – to obtain addresses for more than 5,000 of these account holders. The OST system does not maintain addresses for former account holders, and many of these account holders have reached the age of majority, received their money and no longer have any type of IIM account. Also, some of the account holders are WAU. OST has agreed to use its current methods to locate WAU account holders to assist OHTA in finding addresses for the more than 5,000 account holders for which no current address exists. OST's efforts to locate WAU addresses are discussed in the Current Accounting Activities section of this Report.

A toll-free telephone number has been established and is available to account holders and/or their guardians in the event they have questions about the mailings. OHTA is contacting BIA regional, BIA agency, and OST offices to explain the mailings. OHTA also is providing background materials to assist those offices in responding to inquiries they may receive.

Per Capita IIM Accounts

OHTA continues to perform historical accounting procedures on Per Capita IIM accounts. During this reporting period, OHTA completely reconciled an additional 2,105 accounts in Subgroups⁵ as follows: 514 accounts in Subgroup A, 909 accounts in Subgroup B, 646 accounts in Subgroup C, and 36 accounts in Subgroup D. Of the 7,360 Per Capita IIM Accounts completely reconciled as of December 31, 2004, quality control review has been completed for 7,122 accounts. OHTA expects to complete quality control review of the other 238 completely reconciled accounts during the next reporting period.

As more data—particularly from the “Paper Records Era”—is collected and keyed into the transaction listings, some accounts are reclassified into Subgroups different from their original classification. The following tables present the total number of Per Capita IIM accounts in each Subgroup reconciled as of December 31, 2004, including accounts reconciled in previous reporting periods. The tables also report balances and throughput.

Note: This section continues on the next page.

⁵ Subgroup A contains Per Capita IIM accounts with receipt deposit(s) and monthly interest postings through December 31, 2000, and no disbursement of funds. Subgroup B contains only Per Capita IIM accounts with receipt deposit(s) and monthly interest postings with a single disbursement but do not necessarily disburse the entire balance of the account. Subgroup C contains only Per Capita IIM accounts with receipt deposit(s) and monthly interest postings with multiple disbursements but do not necessarily disburse the entire balance of the account. Subgroup D contains accounts with both (1) Per Capita transactions with receipt deposit(s) and monthly interest postings, and (2) land-based transactions (income from land interests owned by the account holder).

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Office of Historical Trust Accounting

Status of Work

Per Capita IIM Accounts Open as of 12/31/00

Number of Accounts: 9,013 Balances Total: \$69,486,684 Throughput* Total: \$98,208,350

	<u>Subgroup A</u>	<u>Subgroup B</u>	<u>Subgroup C</u>	<u>Subgroup D</u>	<u>Totals</u>
<u>Completely Reconciled</u>					
Number of Accounts	1,979	624	509	77	3,189
\$ Balances Reconciled	\$11,183,836	\$5,926,524	\$4,374,309	\$235,879	\$21,720,548
\$ Throughput* Reconciled	\$12,601,494	\$7,439,334	\$6,152,310	\$455,274	\$26,648,412
<u>Partially Reconciled</u>					
Number of Accounts	--	191	699	4,680	5,570
\$ Balances	--	\$2,135,314	\$8,543,731	\$36,891,617	\$47,570,662
\$ Throughput* Reconciled	--	\$2,224,321	\$9,505,600	\$31,656,216	\$43,386,137
\$ Throughput to be Reconciled**	--	\$728,211	\$3,947,251	\$23,323,109	\$27,998,571
<u>Paper Records Era Reconstruction</u>					
Number of Accounts***					254
\$ Balances to be Reconciled					\$195,474
\$ Throughput to be Reconciled					\$175,230

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Number of Accounts: 10,020

Balances Total: \$0

Throughput* Total: \$93,733,222

	<u>Subgroup A</u>	<u>Subgroup B</u>	<u>Subgroup C</u>	<u>Subgroup D</u>	<u>Totals</u>
<u>Completely Reconciled</u>					
Number of Accounts	NA	3,511	635	25	4,171
\$ Balances Reconciled	NA	--	--	--	--
\$ Throughput* Reconciled	NA	\$36,948,110	\$8,656,406	\$428,746	\$46,033,262
<u>Partially Reconciled</u>					
Number of Accounts	NA	581	646	2,659	3,886
\$ Balances	NA	--	--	--	--
\$ Throughput* Reconciled	NA	\$2,625,257	\$4,701,805	\$10,416,610	\$17,743,672
\$ Throughput to be Reconciled**	NA	\$5,440,311	\$7,882,222	\$15,921,504	\$29,244,037
<u>Paper Records Era Reconstruction</u>					
Number of Accounts***					1,963
\$ Balances to be Reconciled					--
\$ Throughput to be Reconciled					\$712,251

* Throughput is defined as the sum of the receipts and disbursements in the Electronic Records Era portion of an account.

** Throughput relating to respective accounts to be reconciled.

*** Distribution of reconstructed Paper Records Era accounts unknown.

Land-Based IIM Accounts

During this reporting period, OHTA received an interim report from its contractor on the accounting and reconciliation work completed thus far. The report describes OHTA's efforts to support the ongoing litigation and summarizes the results to date of a reconciliation of Electronic Records Era transactions from the OHTA land-based IIM account population (i.e., land-based IIM accounts open on or after October 25, 1994, or open as of December 31, 2000). The report covers all regions except Alaska and Eastern, which were reported on in *Status Report to the Court Number Eighteen*, and Navajo, which is being deferred until the records from that region are indexed. The report discusses work performed to date in the following two categories:

- High-Dollar Transactions identified as equal to or in excess of \$100,000: 930 debit transactions and 919 credit transactions have been identified to date.
- National Sample Transactions under \$100,000: a random selection of 2,044 debit transactions and 2,401 non-interest credit transactions have been identified to date.

OHTA continues to conduct reconciliation work on these transactions. A final report, to include the Navajo Region, is expected during FY2005 when reconciliation work is completed.

OHTA SDA Distribution Project

To reflect more accurately the nature of the work, the SDA Clean-Up Project was renamed the OHTA SDA Distribution Project. The project continues to identify the proper ownership of residual funds in SDA. The objective is to identify and to transfer or distribute funds held in SDA to proper IIM accounts, tribal accounts, or non-trust owners.

Note: This section continues on the next page.

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The results of the OHTA SDA Distribution Project, as of December 31, 2004, are provided in the following table.

SDA Resolution Progress

	<u>Number of Accounts</u>	<u>Dollars</u>
SDA as of December 31, 2000	21,415	\$67,900,000
SDA resolved from January 1, 2001, through December 31, 2002	<u>(3,687)</u>	<u>(12,407,265)</u>
SDA as of January 1, 2003	17,728	55,492,735
Interest posted on undistributed SDA and additional collections (net of disbursements thereof) credited to SDA from January 1, 2003, through September 30, 2004 (seven quarters)	--	6,226,323
SDA resolved from January 1, 2003, through September 30, 2004 (seven quarters)	<u>(4,498)</u>	<u>(26,797,018)</u>
SDA that remained to be resolved as of September 30, 2004 - Reported in the <i>Status Report to the Court Number Nineteen</i>	13,230	34,922,040
Interest posted on undisbursed SDA and additional collections (net of disbursements thereof) credited to SDA during the reporting period ending December 31, 2004	--	923,090
SDA resolved from October 1, 2004, through December 31, 2004	<u>(311)</u>	<u>(1,636,582)</u>
SDA remaining to be resolved as of December 31, 2004	<u>12,919</u>	<u>\$34,208,548</u>

OHTA continues to coordinate its SDA work with BIA and OST. During this reporting period, OHTA prepared SDA materials to resolve SDA at 73 agency, regional and tribal offices.

The following table reflects the SDA dollars resolved by type of recipient from January 1, 2003, to December 31, 2004. Recipient data for the period from January 1, 2001, through December 31, 2002, is not yet readily available. Recipients in the "other" category include transfers to the Miscellaneous Receipts Account at Treasury, account reclassifications and transfers to the Federal Finance System.

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	<u>Transfers to IIM Accounts</u>	<u>Transfers to Tribal Accounts</u>	<u>Paid to Non- Indian Third Party</u>	<u>Other</u>	<u>Total</u>
Dollars resolved from January 1, 2003, through September 30, 2004 - Reported in the <i>Status Report to the Court Number Nineteen</i>	\$10,131,005	\$8,565,825	\$3,498,888	\$4,601,300	\$26,797,018
Dollars resolved from October 1, 2004, through December 31, 2004	<u>875,267</u>	<u>477,154</u>	<u>63,933</u>	<u>220,228</u>	<u>1,636,582</u>
Total	<u>\$11,006,272</u>	<u>\$9,042,979</u>	<u>\$3,562,821</u>	<u>\$4,821,528</u>	<u>\$28,433,600</u>

Imaging/Coding – Individual Indian Trust Documents

On November 1, 2004, OHTA released its *Coding and Imaging Manual*, which formalizes the coding process. Portions of the imaging guidance are under development and will be released during the next reporting period.

OHTA’s IIM imaging and coding efforts continued during this reporting period. As of December 31, 2004, OHTA had completed the following imaging and coding work.

Imaging and Coding Progress

	<u>Pages Scanned</u>	<u>Documents Coded</u>	<u>Documents Loaded into Accounting Reconciliation Tool</u>
Work results from July 9, 2003 (commencement of imaging and coding), through September 30, 2004 – Reported in the <i>Status Report to the Court Number Nineteen</i>	5,980,801 ⁶	218,063	217,512
Work results from October 31, 2004, through December 31, 2004	<u>419,245</u>	<u>5,327</u>	<u>5,827</u>
Cumulative results from July 9, 2003, through December 31, 2004	<u>6,400,046</u>	<u>223,390</u>	<u>223,339</u>

⁶ The *Status Report to the Court Number Nineteen (Report)* reported 952,872 pages scanned during that period. 211,007 of those pages were scanned for OHTA’s tribal reconciliation work and should not have been included in the *Report*. OHTA scanned 741,865 pages for IIM work during the nineteenth reporting period.

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Delays and Obstacles

Four factors affected OHTA's ability to search for trust records necessary to its ongoing historical accounting projects.

- Because of Interior's priority to preserve and protect Indian trust-related records, OTR continues to relocate records from Albuquerque to the AIRR in Lenexa, KS. Records being prepared for shipment, in transit to the AIRR, or being processed by NARA were unavailable to OHTA during portions of this reporting period.
- During this reporting period, OHTA shut down its imaging and coding operation in Albuquerque and moved the operation to the AIRR. This move temporarily reduced the volume of documents imaged and coded. As of the end of this reporting period, the imaging and coding transition to the AIRR was complete.
- As reported in the *Status Report to the Court Number Nineteen*, OHTA's access to OTR records in Albuquerque was limited because of court orders in *Pueblo of Laguna v. United States*, *Jicarilla Apache v. United States*, and *Osage Nation and/or Tribe of Indians of Oklahoma v. United States*. During this reporting period, representatives of the Tribes involved in these cases continued to review records and select documents for production. Once the reviews and subsequent document productions are complete, OHTA again should be able to access these documents.
- OHTA has reached the maximum capacity for the number of people who can work in the archival storage area at the Lenexa FRC, based on the prior working agreement between Interior and NARA regarding the build-out of space at the facility. OHTA and OTR are negotiating a contract with NARA to expand record storage and work space at the Lenexa FRC, for the purpose of conducting expanded imaging, coding and document searching of the records. OHTA expects the expansion to be completed by June 30, 2005.

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*. The information provided in this section is accurate to the best of my knowledge.

Date: January 27, 2005

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

III. OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

Introduction

The Office of the Special Trustee for American Indians was created by the American Indian Trust Fund Management Reform Act of 1994. The 1994 Act provides direction to the Department of the Interior on accounting for Indian trust funds and reforming the operation of the Indian fiduciary trust. The Special Trustee's responsibilities under the Act include creating a comprehensive strategic plan for the operation of the trust and providing oversight of the accounting for Indian trust funds and the reform of the trust.

In addition to the role of the Special Trustee set forth in the Act, the Secretary assigned other duties to the Special Trustee, including accounting and investing of collected funds, developing a risk management program, managing a reengineering effort of the trust business processes and creating an audit and review function to grade the performance of various Interior bureaus and offices and Tribes that perform fiduciary trust functions.

Special Trustee's Observations

Trust Initiatives for the 21st Century

Work continued on the development of an implementation plan that will result in the installation of the Fiduciary Trust Model throughout Interior. Approximately 50 trust officers and support staff have been hired to serve at BIA agency locations and other locations with large Indian populations where the trust workload is substantial. These trust officers will be the lead workers to ensure that the FTM is installed consistently at various BIA agencies and regional offices. The pilot agencies at Anadarko and Concho continued to test new systems and implement the FTM processes.

Decisions were made regarding two outstanding items in the FTM, direct pay and non-trust ownership of interests in trust parcels. During the next reporting period, the FTM Implementation Team expects to begin addressing these items through a regulatory development process. Initial recommendations include a provision that direct pay will continue to be permitted for Tribes and allottees as long as all owners of a parcel agree and are able to receive their income directly from the payor. Owners of non-trust interests in trust parcels will be encouraged to manage their interests directly. However, in those instances where that might not be possible, Interior expects to propose a method of protecting their interests.

Trust Review and Audit

OTRA completed the field work for the review of BIA agencies and Tribes located in Oklahoma with compacted or contracted trust functions. Several reports are final. Preliminary indications are that work is performed at varying levels of quality, and corrective action plans are being requested where deficiencies exist. Final reports for the remaining agencies, regional offices and Tribes are expected to be completed during the next reporting period. The draft examination

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Office of the Special Trustee for American Indians

handbook was used effectively as a guide and is expected to be used in the future. The first official version of the handbook, titled "Trust Examiner's Guide," is expected to be available for use during the next reporting period.

The Section 139 Tribes' status was continued in the FY2005 appropriation bill language. The essence of the language is to exempt three Tribes and one consortium of seven Tribes from impacts of the FY2003 reorganization of BIA and OST, and to ensure that funding levels are not negatively impacted by the reorganization or reengineering process. In exchange, these Tribes agreed that they would meet the same level of trust services as required of the Secretary by statute and regulation.

Appraisals

Interior's Appraisal Services Directorate began work on reforming the appraisal program. As Special Trustee, I have directed the Chief Appraiser of the Directorate to begin an immediate review of the right-of-way appraisal process used at Navajo and other regions. This review is expected to ensure that appropriate valuation information is provided to allottees for them to negotiate the granting of rights-of-way. As a result of independent studies performed for OST, it is apparent that changes are necessary in the processes for valuing rights-of-way. As reported in the Appraisal Section of this report, the Chief Appraiser has proposed a contract for an independent appraisal of certain rights-of-way at Navajo that were reported on by the former Special Master in August 2003. These rights-of-way will be valued for renewal since they will expire in less than two years.

In addition, an issue has arisen as to the standard to be used by appraisers in valuing a renewal of a right-of-way. Regulations only permit limited term rights-of-way to be approved for individual Indian trust land, in contrast to privately held lands that usually have perpetual rights-of-way. As a result, such rights-of-way often are renewed periodically, and it is necessary to determine the kind of appraisal that must be done for these renewals. A request has been made for guidance from the Solicitor's Office on this subject. This guidance is expected by the end of the next reporting period.

Congressional Action

The President signed into law the American Indian Probate Reform Act of 2004 (PL 108-374), which had been passed by Congress during the previous reporting period. This law provides a federal uniform probate code to be used throughout Indian country, with limited exceptions. The Act also allows individuals to enter into self-directed trusts with Interior to manage their own property without Interior oversight. Also included is a provision defining "highly fractionated" land, so that these lands can be treated differently for inheritance purposes. It is expected that these provisions will enhance the land consolidation effort by providing useful tools to individuals, Tribes and Interior. The law requires that the Secretary notify Indian Tribes and owners of trust or restricted lands of the changes made by the Act, and certify that the notice requirements were met. Most of the provisions of the law then will take effect one year from the

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date of the certification. The notice is being prepared by BIA and is expected to be completed and ready for mailing during the third quarter of FY2005.

Conclusion

FY2005 is expected to be a major year for implementation of the improvements and reforms to the Indian fiduciary trust. Although many of the sections of this Report are prepared by my office, the actual work of reform is performed by a combination of several bureaus and offices within Interior. My work will continue to be focused on the required oversight to ensure that these bureaus and offices are working together to effect the changes necessary to modernize the trust and assure accountability to the beneficiaries of the trust. Finally, Interior will reach out to beneficiaries through trust administrators, trust officers, beneficiary call center and publications, as well as through teamwork among bureaus and offices, to ensure the greatest beneficiary focus possible.

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 31, 2005

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 of Interior entities as well as Tribes that manage fiduciary trust activities. These reviews are planned to result in a performance rating. OTRA also conducts audits and reviews that may be requested by individual account holders, Tribes, the Special Trustee and Interior staff. Priorities for review are determined by the locations with the greatest volume of trust activities.

Accomplishments and Completions

Annual Interior Indian Trust Funds Financial Statement Audit

The Indian trust funds financial statement audit, required by the American Indian Trust Fund Management Reform Act of 1994, is conducted by an independent auditor under OIG management. The auditor delivered the FY2004 audit report to OIG during this reporting period.

Current Status

Annual Audit Corrective Actions

As of December 31, 2004, OST managers reported progress on development of corrective action plans for material weaknesses, non-compliance issues and management letter comments in response to the FY2004 audit. Additionally, the auditor identified as a material weakness OST reliance on BIA processing of trust transactions, where BIA performs a critical role in the receipt and determination of ownership of funds. OST is dependent upon BIA to complete corrective actions with regard to this issue.

Compliance Reviews

During this reporting period, eleven cases were in inventory. Field work or report drafting continued on these cases.

Examinations of Self-Governance Demonstration Tribes

During this reporting period, BIA and OST held two meetings with Section 139 Tribes. The purpose of these meetings was to discuss the trust evaluation reports. Tribes were advised that corrective action plans would continue to be monitored. However, there is no budgetary impact expected as a result of the reviews.

The FY2005 Interior appropriations act again provides for conditional exemption from the impacts of trust reform and reorganization for these Tribes. OTRA expects to plan and conduct appropriate trust evaluations for these Tribes in FY2005.

Indian Trust Rating System

Development of the rating system continues. Pilot tests of the rating system examination process were conducted with Tribes, OST field offices and BIA agencies within the Southern Plains Region and the Eastern Oklahoma Region. Reports of these pilot examinations are expected to be available to senior OST management during the next reporting period.

A draft handbook containing guidance on processes and procedures was field tested. The “Trust Examination Guide” is expected to be used for conducting additional exams in other field locations during the next reporting period. The examination process and procedures are expected to be revised as needed.

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*. The information provided in this section is accurate to the best of my knowledge.

Date: January 26, 2005

Name: *Signature on File*

William P. Ragsdale
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

During this reporting period, approximately 10,900 indexed boxes of inactive Indian records were moved to the AIRR in Lenexa, KS, from OTR's facilities in Albuquerque, NM. Approximately 75,300 indexed boxes are located in the AIRR as of the end of this reporting period.

Records Indexing Project

Indexing of 97,220 boxes was completed by the end of this reporting period. Priority for the indexing of boxes of Indian records continued to be given to those boxes of records potentially responsive to tribal trust litigation, and included boxes required by OHTA for litigation discovery requests.

Approximately 3,490 boxes of records were moved from BIA/OST locations and OTR to the Lenexa Annex for indexing. Once indexed, these boxes then will be stored in the AIRR. The Albuquerque portion of the indexing project concluded in November 2004, and all indexing now occurs in Lenexa.

In December 2004, OTR and its contractor worked at the Southern Plains Regional Office and the Anadarko Agency to prepare and ship inactive records to Lenexa. It is anticipated that this project will conclude during the next reporting period, and approximately 1,200 boxes of inactive records will have been sent to Lenexa for indexing and subsequent storage in AIRR.

Training

OTR provided records management training for 40 OST-identified records contacts and provided a records management briefing for 31 OST managers during this reporting period. OTR also conducted records management training for attorneys hired by the Department of Justice,

Environment and Natural Resources Division, in order to familiarize them with BIA and OST records management programs.

Equipment Purchases

OTR provided 24 pieces of fireproof filing equipment to OST and 261 pieces to BIA programs during this reporting period.

Current Status

Safeguarding Records

During this reporting period, the contractor assessed 283 boxes of records that were or may have been damaged or contaminated by mold, mildew, mouse droppings, or other adverse elements. It is anticipated that a written report regarding the contractor's assessment will be available early during the next reporting period. OTR expects to work with NARA on proposed remediation of damaged records where necessary.

Record Keeping Requirements

On October 1, 2004, tribal leaders were sent a letter with an update on the work of the Tribal/Federal Trust Records Management Work Group and asked to provide comments and suggestions on proposed language for management of fiduciary trust records that will be negotiated into the FY2006 funding agreements for compacted and contracted Tribes. On November 8, 2004, a meeting was held with tribal representatives to discuss the proposed language. Tribal representatives requested an extension through December 18, 2004, which was granted, to comment on the proposed language. Some comments have been received and are under consideration. During the next reporting period, it is anticipated that a Federal Register Notice will be published announcing tribal consultation meetings on the proposed policy.

Site Assessments

Site assessments are conducted to evaluate record management programs at BIA and OST offices. If a site assessment indicates a need for a corrective action plan, a plan is drafted by the agency and sent to OTR for review and approval. After approval, OTR monitors implementation of corrective actions. During this reporting period, OTR furnished written site assessment reports to the following BIA offices: Pawnee Agency, Southern Ute Agency, Laguna Agency, Northern Pueblos Agency, Anadarko Agency, Shawnee Agency, Horton Field Office and Southern Plains Regional Office. OTR also furnished written reports on the site assessments to the following OST offices: Pawnee Agency, Anadarko Agency, Shawnee Agency, Horton Field Office and Southern Plains Regional Office.

OTR completed records management site assessments of BIA and OST programs located at the Eastern Oklahoma Regional Office, Okmulgee Agency, Talihina Agency, Osage Agency, Chickasaw Agency, Wewoka Agency and Miami Agency. In cooperation with OTRA, OTR

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Records Management

also completed records management site assessments of compacted and contracted trust programs at Creek Nation, Choctaw Nation, Chickasaw Nation, Osage Tribe and Wyandotte Tribe. Written reports are expected to be furnished to these offices during the next reporting period.

Records Evaluation

Some boxes of materials provided to attorneys conducting discovery for tribal trust litigation were found to contain torn documents. Thirty-one boxes were set aside by OTR for evaluation, because they were marked by the OST field office located in the BIA SWRO as containing duplicates or other non-record material.

These boxes are being reviewed by OST to determine whether their contents might be federal/trust records or whether they had been properly marked as non-record duplicates. The review is expected to be completed during the next reporting period.

Delays and Obstacles

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

Use of the limited space in OTR facilities continued to affect OTR's daily work activities as OTR staff attempted to respond to requests for boxes of records from federal attorneys, plaintiffs' tribal trust litigation attorneys and their contractors, and federal agencies and their contractors. Due to tribal trust litigation court orders and agreements regarding discovery, several thousand boxes of indexed records must remain in Albuquerque. Otherwise, these boxes could be moved to Lenexa and discovery could take place in the AIRR, a state-of-the-art archive facility.

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*. The information provided in this section is accurate to the best of my knowledge.

Date: January 31, 2005

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 Fiduciary Trust Model. The FTM, formerly known as the “To-Be” Model, is structured around the following major trust business processes:

- **Financial Operations** – To assure the timely identification, collection, deposit, investment and distribution of income due or held on behalf of tribal and individual beneficiary account holders.
- **Beneficiary Relationship Development and Management** – To provide beneficiaries with accurate and timely trust asset information and counseling on asset use and management by incorporating the Secretary’s Trust Principles and the concepts outlined in the CTM into the process.
- **Ownership** – To ensure the inventory of trust or restricted ownership interests is current, accurate and accessible. This process ensures the identification of all beneficiary ownership interests for accurate and timely distribution of income, as well as distribution of trust assets to current and future beneficiaries.
- **Land and Natural Resources Planning** – To provide beneficiaries with the support necessary to develop wide-area plans that enhance, and expedite the management and utilization of trust land and natural resources.
- **Land and Natural Resources Use and Management** – To ensure lands are productive and managed in accordance with accepted conservation and preservation practices. Land use is monitored for compliance with and enforcement of established agreements to protect trust assets.

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.

Accomplishments and Completions

The FTM recommendations relating to direct pay and fee interests in trust parcels have been accepted and are expected to be incorporated into regulations for implementation.

As previously reported, Interior plans to implement the FTM in three phases. TPMC coordinated and facilitated implementation team meetings during this reporting period. Project teams baselined project implementation schedules for all eight Phase 1 projects.

A standardized template/format has been approved for use with each handbook developed for the FTM.

The initial testing of the beneficiary call center prototype began in early December 2004, and included the development of standard operating procedures and a customized tracking and reporting system. This testing redirects to the call center calls made to the toll-free number that would otherwise be directed to the Shawnee Field Office and Concho and Anadarko Agencies. During the first 19 business days, the call center received a total of 2,442 calls from beneficiaries. The call center staff provided first-line resolution for 92% of these calls. First-line resolution means the person answering the call resolved the inquiry without referral or escalation.

Current Status

During this reporting period, work was initiated to develop the training curriculum to support the implementation of the Phase 1 projects, and to develop job competency models for clarifying roles to be performed in each of the FTM business processes.

TPMC continues to participate in the Interior-wide effort to identify functional requirements for the IT systems that support implementation and operation of the FTM.

TPMC is developing an enhanced communication strategy to promote the implementation of FTM business processes to internal and external stakeholders.

Delays and Obstacles

Major obstacles affecting the ability of Interior to build a trust services delivery model include:

- lack of Internet access,
- sheer complexity of reengineering the existing trust business processes to achieve integrated and consistent 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*. The information provided in this section is accurate to the best of my knowledge.

Date: January 28, 2005

Name: *Signature on File*

D. Jeff Lords

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 accomplishing three initiatives: (1) validating/correcting current CDE to their respective source documents, (2) implementing Post-QA review processes which will help ensure that on-going updates to CDE remain accurate, and (3) providing trust transaction and real property asset statements to beneficiaries, after CDE validation/correction has been completed for a location. CDE are defined as those trust data elements that are needed to provide: (1) timely and accurate payments to beneficiaries, (2) timely and accurate transaction listings and asset inventories to beneficiaries, and (3) effective management of the assets. Examples of CDE are beneficiary name, account number, tract identification number, and land ownership interests.

Accomplishments and Completions

During this reporting period, TPMC:

- Completed CDE validation on the remaining 1% of the Anadarko Agency land tracts, bringing the total completed to 100%.
- Completed scanning of available trust documents necessary to perform CDE validation/correction for the Pawnee, Northern California, and Southern California Agencies.
- Encoded 100% of the Concho Agency CDE corrections for which it is responsible. Of the total CDE corrections identified, TPMC is responsible for encoding 74% and BIA is responsible for encoding the remaining 26% into the land title system.
- Encoded into the land title system an additional 9,450 Concho Agency CDE, which did not exist in the former BIA legacy land title system. Examples of these CDE are: (1) agency contract number, (2) document effective date and (3) document cancellation date.
- Encoded 35% of the Anadarko Agency CDE corrections for which it is responsible. It is anticipated the remaining 65% will be encoded by the end of the next reporting period. Of the total CDE corrections identified, TPMC is responsible for encoding 63% and BIA is responsible for encoding the remaining 37% into the land title system.

In addition, as reported by TPMC's contractors, the following assigned tasks, which eliminated or reduced backlogs, were completed during this reporting period:

- Encoded eight out of 676 encumbrances in the legacy land title system for the PRO-LTRO, for a total of 448 encumbrances encoded to date. Until the conversion to the new land title

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Trust Data Quality and Integrity

system is complete, the remaining balance of 228 documents cannot be encoded by the contractor and have been returned to the LTRO manager.

- Inventoried 803 Fort Belknap Agency probate orders to assist this agency with its SDA distribution efforts.
- Prepared the remaining 232 Concho Agency abstracts of producing oil and gas lease assignments, which completed this 623 abstract preparation task. In the previous reporting period, the required number of abstracts was reported as 657. The reduction of 34 abstracts resulted from changes in operating status from producing to non-producing.

Current Status

Currently, the DQ&I project is being conducted at: (1) SPRO-LTRO for all SPRO agency/field office locations (Anadarko Agency, Concho Agency, Pawnee Agency, Horton Agency, and Shawnee Field Office), (2) GPRO-LTRO for the Pine Ridge Agency, (3) Pima Agency and (4) PRO-LTRO for the Palm Springs Field Office, Northern California Agency and Southern California Agency.

During the reporting period, 5,810 Pine Ridge Agency trust documents were scanned. These documents are necessary to perform CDE validation/correction for that location. This document scanning is expected to be completed during the latter part of June 2005.

During the latter part of the reporting period, nine additional TPMC contractor personnel received land title system write-access authority for the SPRO. Sixteen contractor personnel now have write-access authority for the SPRO, which allows the contractor to encode certain CDE corrections. Also, BIA provided 31 land title system user IDs for read-only access to contractor personnel during this reporting period.

The 66 residual land title chain sheets that were returned to the BIA Alaska Region title plant during the last reporting period are tentatively scheduled for encoding into the land title system during the fourth quarter of FY2005.

Also, during this reporting period, TPMC's contractor continued to support:

- Encoding Palm Springs Field Office land title documents into the land title system. By the end of the reporting period, an additional 26 out of 521 identified land title documents had been encoded. To date, 311 documents have been encoded. Previously, 512 land title documents were reported as needing to be encoded, which increased to 521 due to locating nine additional land title documents at the PRO-LTRO. This task has been temporarily suspended until the PRO-LTRO land title system conversion is complete.
- Encoding Papago Agency probate orders into IRMS, which assists that agency with its SDA distribution efforts. By the end of the reporting period, 40 out of 121 Papago Agency probate orders had been encoded.

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Trust Data Quality and Integrity

- Assisting Concho Agency with research and correction of cases where a beneficiary had been assigned more than one unique landowner ID number in the various trust systems. These landowners with multiple ID numbers were identified during the CDE validation/correction task.

Delays and Obstacles

During this reporting period, the following delays and obstacles impeded the progress of the DQ&I project:

- Securing timely BIA trust system logon IDs and security profile set-ups.
- Due to land title system conversion issues at the PRO-LTRO, the Post-QA review process remains to be implemented at that location.
- A delay in document scanning was experienced at GPRO-LTRO for two weeks in December 2004 due to lack of worksite access, which was corrected during this reporting period.
- 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*. The information provided in this section is accurate to the best of my knowledge.

Date: February 1, 2005

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

During this reporting period, construction began on the National Indian Programs Training Center in Albuquerque. The new training center will be managed by DOI University and is expected to develop and deliver courses to address Indian program needs at all levels and functions. The center also is expected to prepare Indian program staff in the use of technology and resources. OST expects to participate in the development and use of the new training facility.

OST offered five sessions of the course, *Fiduciary Overview Program*, presented by Cannon Financial Institute, with 121 BIA, OST, MMS and tribal personnel attending during this reporting period. A total of 594 people have attended this course since March 2003. This course compares and contrasts the federal Indian trust administered through Interior with private sector trusts administered through banks and other financial institutions. Additional sessions are scheduled to be held during the next reporting period.

During this reporting period, OST training staff conducted six sessions to provide training in TFAS, StrataVision and the historical query database to 24 OST, BIA and contractor staff.

The three-day course, *Trust Fundamentals*, which is a comprehensive orientation program tailored to meet the needs of employees in trust-related positions, was presented to BIA and OST employees in Anchorage. This course is expected to be taught three or four times a year by regional BIA/OST employees.

The New Hire Handbook for the Supervisor was published this reporting period. The handbook is expected to be distributed to all BIA and OST supervisors during the next reporting period.

OST received the CD version of the course, *Responsibilities for Indian Trust Assets (Fiduciary Trust Foundations: An Introduction to Trust Reform and Change)*. The CD is included in the new hire handbook.

Current Status

As previously reported, OST developed a three-week orientation program for OST regional trust administrators, trust officers, BIA superintendents and deputy superintendents for trust. During

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Indian Fiduciary Trust Training Program

this reporting period, 32 OST and BIA staff completed this program. Currently, 34 staff members are enrolled in the program.

Cannon personnel presented the *Fiduciary Behavior, Guardianship and Asset Management* specialty courses to 35 OST trust officers. These three courses comprise the initial implementation of the previously reported certification program.

Recommendations for improvements to training identified in the *Training Inventory and Identification of Critical Functional Training Areas for the Department of the Interior's Indian Trust Training Program* continue to be reviewed for course development in conjunction with implementation of the FTM.

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*. The information provided in this section is accurate to the best of my knowledge.

Date: January 25, 2005

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.

Current Status

At the beginning of this reporting period, the prior risk management contract expired. Beginning in FY2005, the risk management contract was separated into two contracts: 1) content development and training; 2) system maintenance and enhancement. Both contracts were solicited during the reporting period and are expected to be awarded at the beginning of the next reporting period.

Delays and Obstacles

The lack of Internet access complicates the implementation and use of RM-PLUS since it was 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*. The information provided in this section is accurate to the best of my knowledge.

Date: February 1, 2005

Name: *Signature on File*

D. Jeff Lords

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.

Accomplishments and Completions

Additions to the virtual DOI Fiduciary Library include:

- Updated chapters of the Departmental Manual;
- An explanatory listing of and links to MMS policies and procedures that pertain to Indian trust assets;
- Enacted version of the American Indian Probate Reform Act of 2004 (S. 1721).

OTP staff completed a compilation and analysis of current OST policies, procedures, DOPs, memoranda, and delegations of authority. This data is being used to refine the DOI Fiduciary Library.

The OTP liaison group met during this reporting period and was briefed by a TPMC representative on OST’s activities following the Secretary’s acceptance of the FTM.

OTP completed work on numerous frequently-used forms and added the forms to Infonet. The forms can be retrieved, completed electronically and printed.

The investing DOP and the new account maintenance DOP were completed and published on Infonet.

Current Status

OTP staff completed work on the final draft of an OST Directives Handbook. The handbook was placed on SiteScape and comments were solicited. During the next reporting period, the handbook is expected to be published in final form and the directives system it describes is expected to be adopted for use by OST.

OTP continues to work with OST’s OCIO to establish SiteScape as a viable information management and dissemination tool. Promoting the use and functionality of SiteScape remains a priority.

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Regulations, Policies and Procedures

25 CFR 124 – Deposits of Proceeds of Lands Withdrawn for Native Selection Under the Alaska Native Claims Settlement Act. It was decided to amend this rule and, after further review by SOL, comments and changes were made accordingly. Final approval is expected to be secured and a publication schedule established during the next reporting period.

25 CFR 1200 – American Indian Trust Fund Management Reform Act. The regulations promulgated by Interior in 25 CFR Part 1200 describe the processes by which Indian Tribes can manage tribal funds currently held in trust by the United States. OTP drafted a proposed final rule to update references to organizations, positions, and addresses that have changed, and to make other minor editorial changes to improve clarity. Final approval is expected to be secured and a publication schedule established during 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.

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*. The information provided in this section is accurate to the best of my knowledge and belief.

Date: January 26, 2005

Name: *Signature on File*

Richard V. Fitzgerald, 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 is responsible for the Indian land valuation program, which 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 land actions require valuations. To meet this requirement, an appraisal or other valuation method is used to ensure that fair and just compensation is received on Indian land transactions. The types of land actions are varied. Major types include commercial, industrial, recreational, agricultural and other types of leases; rights-of-way; land sales and land exchanges; grazing and range permits and assessment of trespass damages.

Accomplishments and Completions

The contract between NBC-ASD and OST-OAS for the management of the appraisal program was initiated during this reporting period.

The MOU between BIA-ILCO and OST-OAS to provide appraisal services in support of the ILCO program was finalized during this reporting period.

Current Status

NBC-ASD, in coordination with OST, has initiated a comprehensive analysis of OAS staffing and training requirements. This study and analysis is expected to include:

- Recommendations found in an independent review completed in FY2004 that examined the appraisal services provided throughout OAS.
- Recommendations found in another independent review completed in FY2004 that examined certain right-of-way appraisals within the Navajo region that were completed prior to September 2, 2003.
- Revised position descriptions to make them consistent with current NBC-ASD position descriptions.
- An assessment of the vacant regional appraiser position located in the Eastern Region.
- A training plan to address the weaknesses identified in the independent reviews and to establish an overall framework for ensuring that appraisal services meet appropriate professional appraisal standards.

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Appraisal

In response to the independent review concerning right-of-way appraisals, a directive is currently being prepared by NBC-ASD to address the proper appraisal methods and techniques to be used by OAS appraisers.

A project to revise and update the OAS appraisal handbook, in conjunction with an updated department-wide appraisal handbook, has been initiated. The policies related to the valuation of rights of way will be incorporated into the revised OAS appraisal handbook. This project is expected to be completed during FY2005.

Work continues on the cooperative effort between OAS and NBC to establish regional contracts with independent contractors to perform appraisals and alleviate backlogs. A revised scope of work has been developed and is expected to be readvertised during the next reporting period in those regions where this approach has proven to be successful. The use of contractors is expected to be considered as part of the staffing analysis discussed above.

Appraisal Backlog

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

	Appraisal Backlog As of 09/30/04	Appraisal Backlog As of 12/31/04
Northwest	57	51
Rocky Mountain	103	152
Midwest	5	14
Western	0	37
Southwest	0	8
E. Oklahoma	0	55
Navajo	110	182
Pacific	7	7
Alaska *	297	135
Eastern	0	0
Southern Plains	0	6
Great Plains	0	46
Total	<u>579</u>	<u>693</u>

*Due to extreme weather conditions, Alaska appraisers inspect properties during the summer months and complete the reports during the winter months.

This table does not include appraisal backlog information from the compacted and contracted Tribes. To date, OST has not been successful in obtaining this information from Tribes. However, the requirement to report backlog information on a quarterly basis is incorporated into the FY2005 appraisal compacts and contracts negotiated by OST.

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.

During this reporting period, the appraisal program was indirectly affected by the Court's orders concerning communications with class members in the *Cobell v. Norton* case. These orders delayed the processing of land sales, which resulted in fewer appraisal requests. However, the appraisal backlog increased once this delay was resolved.

Assurance Statement

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

Date: January 31, 2005

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. All IIM accounts have been converted to this system.

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 Handbook Procedures, 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.

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Current Accounting Activities

a. Whereabouts Unknown Accounts

Accomplishments and Completions

During this reporting period, tribal leaders were asked to compare the WAU list to their tribal enrollment records and to publish the WAU list in their tribal newspapers. In response, OST received documentation from 74 Tribes, resulting in 1,100 unsupervised WAU accounts being updated with current addresses.

TPMC staff made several beneficiary outreach trips during this reporting period. OST set up a booth at the annual National Congress of American Indians conference to further our efforts in locating beneficiary addresses. Working directly with Turtle Mountain and Blackfeet agencies as well as The Confederated Salish and Kootenai Tribes of the Flathead Reservation, TPMC updated 619 unsupervised WAU accounts.

Current Status

Priority continues to be placed on securing current addresses for the rolling top 100 highest dollar balance WAU accounts. During this reporting period, seven of the top 100 account holders were located, with combined account balances in excess of \$579,700. A statement of work was developed to hire a contractor to locate the top 100 account holders.

During this reporting period, 2,056 accounts were added to the WAU list and 4,637 accounts were located. As of December 31, 2004, there were 52,179 WAU accounts with a balance of \$76,919,903.44. 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	25	8	0	0	33
Under \$100,000 and equal to or over \$50,000	44	12	1	0	57
Under \$50,000 and equal to or over \$5,000	2,428	833	89	2	3,352
Under \$5,000 and equal to or over \$1,000	6,911	1,913	100	5	8,929
Under \$1,000 and equal to or over \$100	9,877	3,897	187	10	13,971
Under \$100 and equal to or over \$1	13,425	6,311	314	12	20,062
Under \$1	3,872	1,795	100	8	5,775
Total	36,582	14,769	791	37	52,179

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 probates lacking addresses for individual heirs.

There are 20,385 supervised IIM account holders (minors, emancipated minors, adults in need of assistance, and non-compos mentis) coded as WAU. Updating supervised account addresses presents a challenge because, in addition to securing the current address, BIA Social Services must also verify the address changes to these accounts. OST is exploring methods for streamlining the verification process.

WAU accounts with a balance of less than one dollar present an obstacle because the affected account holders have less incentive to update their IIM accounts given the small amounts involved.

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

OST continued working with the contractor on an enhancement to TFAS to produce account holder statements for the assets held by Concho and Anadarko Agency IIM account holders that identify the source of income and a listing of all assets owned. Testing of the enhancement began during this reporting period and is expected to continue during the next reporting period, with actual production of the first statements scheduled for the end of March 2005.

OST also continued working with the TFAS contractor and BIA to distribute income generated from real property assets to the owners of those assets at the Concho and Anadarko agencies. A test file was received from the BIA title system during this reporting period. Continued testing is expected to occur during the next reporting period

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 15,413 receipt transactions posted in SDA. Of these, 2,177 were aged more than 30 days as of December 31, 2004.

During this reporting period, aged funds were held in 112 more SDA than in the previous reporting period. However, undistributed aged receipts decreased by 1,618, while the combined dollar amount increased by \$57,820.58. As of December 31, 2004, funds were held in SDA with

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Current Accounting Activities

a combined dollar amount of \$2,266,573.62, which represented 3,848 undistributed receipts aged over 30 days from January 1, 2003, through December 31, 2004. As of December 31, 2004, there were 1,077 receipts in 228 SDA for a combined dollar amount of \$539,352.61 aged over one year.

TPMC staff continues to target the top 10 BIA agencies with the largest aged-SDA receipt balances. During this reporting period, efforts were concentrated to assist agency staff in performing work necessary to distribute aged receipts at the Fort Belknap, Standing Rock, and Eastern Navajo Agencies. TPMC staff, OHTA, and their respective contractors spent a combined five weeks at these three agencies assisting their staff in distributing aged receipts. Due to these combined efforts, aged receipts totaling \$95,000 were distributed from SDA during the reporting period. In addition to assisting with research at these agencies, OST staff and contractors provided guidance and training to their staff in: (1) encoding lease and allotment numbers on transactions; (2) accessing reports on electronically stored reports; and (3) utilizing aging reports in SDA management.

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.

Agency staff turnover, training, obtaining IRMS access, and IRMS probate order encoding backlogs also contribute to delays in timely distributing aged SDA receipts. For example, it will be necessary to have a contractor encode backlogged probate orders to the BIA distribution system before distribution can be completed at Fort Belknap Agency.

d. Small Balance Accounts

As of December 31, 2004, there were 14,496 accounts that have a \$.01 - \$1.00 balance with no activity for the previous 18 months. The total sum included in those accounts is \$2,110.79. Statements are sent to account holders for these accounts on an annual basis pursuant to direction from Congress.

The number of small balance accounts that were inactive decreased considerably because a high interest rate credited to TFAS accounts in November created transaction activity in many of those accounts.

e. Accounting Discrepancies

Interior's proposal to resolve the \$5.8 million difference between the subsidiary account ledger (liabilities) and the IIM investment pool (assets) is currently included in the FY2006 budget request.

The draft procedure to transfer non-trust WAU to the Treasury Unclaimed Moneys Account is being reviewed by central office staff. Once this review is complete, final edits may be made to the procedure.

As previously reported, Interior has received comments from the private sector concerning distribution of pre-1994 unposted interest. OST plans to work with SOL to develop a solution for distributing this interest. Legislation may be sought.

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*. The information provided in this subsection is accurate to the best of my knowledge.

Date: January 31, 2005

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*, and this information is accurate to the best of my knowledge.

Date: January 31, 2005

Name: *Signature on File*
D. Jeff Lords
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 in the Office of the Assistant Secretary – Indian Affairs was established on April 21, 2003. PPA is responsible for ensuring BIA’s knowledge of, access to, and compliance with applicable regulations, policies, and procedures. 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.

PPA:

- coordinates development of strategic plans and annual performance reports in support of the Government Performance and Results Act;
- determines the reliability of performance measures and evaluates the AS-IA and related bureau programs for effectiveness;
- provides guidance and technical assistance to all programs under the purview of the Principal Deputy AS-IA to ensure compliance with Administration initiatives;
- provides assistance for the development of manuals that set forth Indian Affairs program and administrative policies and handbooks documenting operating procedures;
- publishes and maintains the Indian Affairs Manual, which contains the policies and general procedures that are essential to the efficient administration of Indian Affairs;
- reviews applicable notices and rules that are prepared for publication in the Federal Register.

Accomplishments and Completions

Directives Library – The electronic library has been developed and implemented. It is available to all BIA staff on the BIA intranet site.

Current Status

25 CFR 161 - Navajo Partitioned Lands Grazing Permits – BIA requested concurrence from the Tribe’s Resources Committee twice during this reporting period with no response. BIA will continue to encourage a response from the Resources Committee. The completion date for this regulation will remain undetermined.

25 CFR 162 Subparts C & D – Residential Leases and Business Leases – The final rule is now expected to be published by the end of the third quarter of FY2005.

25 CFR 216 - Surface Exploration, Mining, and Reclamation of Lands – The project is actively being addressed again, and publication of the final rule is now expected by the end of the first quarter of FY2007.

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Trust Regulations, Policies and Procedures

25 CFR 243 - Reindeer in Alaska – The final rule is still expected to be published by the end of the second quarter of FY2005.

The following projects were delayed pending completion of the FTM and formatting standardization, and are now expected to be published by the end of the third quarter of FY2005:

- **Surface Leasing (25 CFR 162) Handbook**
- **Fee-to-Trust Handbook**
- **Trust-to-Trust Handbook**
- **Rights-of-Way Handbook**
- **Grazing Permits (25 CFR 166) Handbook**

National Environmental Policy Act Compliance Handbook – The project was delayed by personnel issues and is now scheduled for publication by the end of the second quarter of FY2005.

IAM Parts 1, 2, 3 and 7 containing delegations of authority – The project continues to be delayed and now has an undefined publication date.

IAM Part 13 - Indian Self-Determination – The project was delayed by personnel issues and is now scheduled for publication by the end of the third quarter of FY2005.

BIAM Conversion to IAM

The following BIAM parts are in the process of being converted to the IAM:

35 BIAM Information Resources Management – The IAM and Handbook have been drafted, and the review process has begun. Publication is expected by the end of the third quarter FY2005.

46 BIAM Facilities Management – A workgroup is in the process of drafting an IAM and corresponding handbook. The project has been delayed by organizational/reporting changes. Completion is expected by the end of the third quarter FY2005.

51 BIAM Indian Rights Protection – No activity has taken place with this project. The completion date is now undefined.

54 BIAM Resources/Land – The Surface Leasing Handbook referenced above has been drafted to replace a portion of 54 BIAM. Additional activity is needed to replace all portions of the BIAM and draft an IAM part. The completion date is now undefined.

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Trust Regulations, Policies and Procedures

54 BIAM Real Property Management – The Fee-To-Trust, Trust-To-Trust and Right-of-Way Handbooks referenced above have been drafted to replace portions of 54 BIAM. Additional activity is needed to replace all portions of the BIAM and draft an IAM part. The completion date is now undefined.

57 BIAM Road Construction – Work groups have been convened and are working on converting the BIAM to IAM/Handbook format. The completion date is undefined.

58 BIAM Road Maintenance – No activity has taken place with this project. The completion date is now undefined.

66 BIAM Social Services – The IAM has been drafted, and the review process has begun. There has been no activity taken to develop a handbook. The completion date is now undefined.

Delays and Obstacles

Due to complications related to the reorganization, many of the above-described projects have been delayed. Additionally, the work to standardize IAM and handbook formats, completed during this reporting period, also contributed to project delays.

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*. The information provided in this section is accurate to the best of my knowledge.

Date: January 28, 2005

Name *Signature on File*

Thomas Young

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 2000. ILCO is operating pilot projects and, from there, a nationwide plan is being implemented to promote consolidation of the ownership of Indian land.

Accomplishments and Completions

- Acquired 8,530 fractional interests during this reporting period, for a cumulative total of 117,661 interests for ILCP in the Midwest, Northwest, Western, Eastern Oklahoma and Great Plains Regions. The cumulative total of interests was adjusted upward (+ 6,231) from the previous report to the Court based on a corrected count from one of the project reservations. Of the total interests acquired, 90% were interests of less than 2% ownership in the respective tracts of land.
- Acquired a cumulative total equivalent of 86,564.80 acres for the project reservations.

Current Status

ILCO is managing active acquisition programs for 14 reservations within five BIA regions. Current ILCP activities include:

- Implementing ILCO's national expansion strategy;
- Utilizing a tribal contractor to support acquisition and recording activities at the Miami Field Office for the Quapaw Tribe, at the Pima Agency for the Gila River Tribe and at the Great Plains' Centralized Acquisition Office, including support for the Regional Land Titles and Records Office;
- Negotiating a cooperative agreement with The Confederated Salish and Kootenai Tribe for performance of non-inherently federal ILCP activity on the Flathead Reservation;
- Continuing a review of a draft acquisition plan to acquire *Youpee* interests;
- Continuing the preparatory work for the Navajo (Navajo Region) and Crow (Rocky Mountain Region) Reservations, with active acquisition activity projected to begin during the second quarter of FY2005.

Delays and Obstacles

- The need to reconcile ownership records causes delays in the expansion of ILCP. Reconciliation is expected to improve as a result of the ongoing implementation of the CGI title system.
- Recruiting qualified staff at remote locations is a challenge.
- Probate backlog and *Youpee* issues continue to impede the land-purchase transaction process.
- Lack of receipt of surface and subsurface values has delayed some acquisition programs and may delay expansion efforts because the values are not being received in a timely manner to coincide with projected acquisition activity.
- Lack of a case management system impacts on current administrative and reporting requirements and may delay future expansion efforts because work activities will remain highly labor intensive.
- Lack of Internet access results in slower processing of applications from potential sellers and hinders searches for WAU account holders.
- The *Cobell* court orders regarding communications with individual landowners created additional work for staff and contributed to delays in processing land sale applications. Perceived ambiguities in the orders resulted in initial confusion by BIA staff. Confusion among landowners about the meaning of the orders continued. Delays also resulted in increased time needed to send and receive notice and waiver documents that were required to be sent with all written communications to potential sellers.

Assurance Statement

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

Date: January 26, 2005

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. In order to perform this duty, BIA, OHA and OST must coordinate their work to accomplish the probate process.

Accomplishments and Completions

Case Preparation

Case preparation is the initial stage of the probate process. During this stage of the process, information is researched and gathered regarding the identity and whereabouts of presumptive heirs, and an inventory of the trust assets of an estate is prepared. As of the end of this reporting period, 11,478 probate cases were in the case preparation stage.

Case Adjudication

In the case adjudication stage, deciding officials are OHA Administrative Law Judges, OHA Indian Probate Judges and BIA Attorney Decision Makers. ADM have authority to probate and determine the heirs in estates containing trust cash assets less than \$5,000. In addition, ADM have the authority to probate estates containing land and/or cash assets that do not present questions of law or fact. In the latter instance, where there is an issue of law or fact, the estate must be sent to ALJ or IPJ for adjudication.

In this reporting period, BIA deciding officials received 150 cases and issued decisions in 221 cases; OHA deciding officials received 461 cases and issued decisions on 722 cases.

Case Closure

Case closure is the posting and recording of ownership and distribution of assets after the case has been adjudicated. In this reporting period, OST distributed funds and closed 946 accounts representing 904 estates. TFAS, as of the end of December 2004, contained 28,047 open estate accounts, which is a decrease of 54 from the 28,101 estate accounts at the end of the last reporting period.

Current Status

Probate Case Management and Tracking System

As previously reported, ProTrac was developed to provide probate case tracking information and to assist in the management of probate cases within BIA, OHA and OST. Each BIA regional office and corresponding agencies continued in the process of encoding new cases, examining

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Probate

“initial load” cases and making corrections. Data-cleanup continued for this period, with the end goal to replace the monthly manual spreadsheet report described in previous reports. The monthly manual caseload spreadsheet report is scheduled to be discontinued in June 2005, and ProTrac will then be the source of probate data. A meeting is scheduled in March 2005 to identify program enhancements and requirements to enable ProTrac to become a total probate system.

Probate Handbook

As previously reported, Interior’s draft handbook of Indian probate procedures, dated September 30, 2003, was circulated in final draft form and reviewed by field probate users. Publication is now expected in the second quarter of CY2005 due to the enactment of the American Indian Probate Reform Act of 2004.

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;
- Fractionation of ownership of Indian lands;
- Numerous initiatives competing for resources (e.g., *Youpee* reconstitutions, *Cobell* requirements, CGI title conversion, realty system development);
- Cultural diversities regarding the subject of death;
- 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*. The information provided in this section is accurate to the best of my knowledge.

Date: January 26, 2005

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
AIRR	American Indian Records Repository
ALJ	Administrative Law Judges
ARO	Alaska Regional Office
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
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
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
CISSP	Certified Information System Security Professional
COTS	Commercial off-the-shelf
CSIRC	Computer Security Incident Response Capability
CSIRT	Computer Security Incident Response Team
CTM	Comprehensive Trust Management Plan
DAA	Designated Approving Authority
DEAR	DOI Enterprise Architecture Repository
DLRM	DOI Land and Resource Management
DOP	Desk Operating Procedure
DM	Departmental Manual
DOI	Department of the Interior
DQ&I	Data Quality and Integrity
ENA	Eastern Navajo Agency
EORO	Eastern Oklahoma Regional Office
ERO	Eastern Regional Office
ESN	Enterprise Services Network
FAR	Federal Acquisition Regulation
FIMO	Farmington Indian Minerals Office

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Acronyms and Abbreviations

FISMA	Federal Information Security Management Act
FRC	Federal Records Center
FRD	Functional Requirements Document
FTM	Fiduciary Trust Model
GAO	Government Accountability Office
GCDB	Geographic Coordinate Data Base
GIS	Geographic Information System
GPRO	Great Plains Regional Office
GPS	Global Positioning System
GSA	General Services Administration
GSS	General Support Systems
IAM	Indian Affairs Manual
IATO	Interim Approval to Operate
IIM	Individual Indian Money
IITD	Individual Indian Trust Data
ILCA	Indian Land Consolidation Act
ILCO	Indian Land Consolidation Office
ILCP	Indian Land Consolidation Project
Interior	Department of the Interior
IPJ	Indian Probate Judges
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
LRIS	Land Records Information System
LTIC	Land Tenure in Indian Country
LTRO	Land Titles and Records Office
MA	Major Applications
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
MWRO	Midwest Regional Office
NARA	National Archives and Records Administration
NBC	National Business Center
NIST	National Institute of Standards and Technology
NPS	National Park Service
NRO	Navajo Regional Office
NWRO	Northwest Regional Office
O&G	Oil and Gas
OAS	Office of Appraisal Services

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Acronyms and Abbreviations

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
OMB	Office of Management and Budget
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
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
PRO	Pacific Regional Office
ProTrac	Probate Case Management and Tracking System
QA	Quality Assurance
QC	Quality Control
RAF	Recommended Action Forms
REM	Real Estate Module
RFP	Request for Proposal
RM-PLUS	Risk Management Assessment/Evaluation tool
RMRO	Rocky Mountain Regional Office
SANS	SysAdmin, Audit, Network, Security
SDA	Special Deposit Accounts
SDLC	System Development Life Cycle
SMS	System Management Servers
SOL	Office of the Solicitor
SPRO	Southern Plains Regional Office
SSA	Social Security Administration
SSM	System Security Manager
SSP	System Security Plan
ST&E	Security Test and Evaluation
SUS	System Update Servers
SWRO	Southwest Regional Office
TAAMS	Trust Asset and Accounting Management System
TAP	Technical Architecture Profile
TESC	Trust Executive Steering Committee
TFAS	Trust Fund Accounting System
TPMC	Trust Program Management Center
TRAC	Trust Tracking and Coordination
Treasury	Department of the Treasury
TRM	Technical Reference Model

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Acronyms and Abbreviations

TRO	Temporary Restraining Order
USGS	United States Geological Survey
WAN	Wide area network
WAU	Whereabouts Unknown
WRO	Western Regional Office