United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

The Honorable Dan Burton
Chairman, Committee on
Government Reform
House of Representatives
Washington, D.C. 20515

SEP 30 2002

Dear Mr. Chairman:

In November 2001 the General Accounting Office (GAO) issued its report entitled "Improvements Needed in Tribal Recognition Process" (Report). Pursuant to 31 U.S.C. 720, we are submitting to the House Committee on Government Reform and the Senate Committee on Governmental Affairs, this written statement of actions that we have taken and will take on the GAO recommendations.

The GAO recommended that Federal acknowledgment decisions made in the regulatory process of the Department be more (1) predictable and (2) timely. We concur with these two general recommendations. The GAO accepted the existence of an acknowledgment process within the Department, but suggested that improvements be made to that process.

We developed a strategic plan to make acknowledgment precedents more accessible and to provide clearer guidelines to the regulations in order to ensure consistency and to improve public understanding of acknowledgment decisions. We completed an analysis of the workload and needs assessment for the Branch of Acknowledgment and Research. Lastly, we developed a strategic action plan for procedural and other changes that will result in more timely decisions.

We share the goal of improving this important Federal function to better serve Indian tribes.

Sincerely,

Assistant Secretary - Indian Affairs

Enclosure

Similar letter sent to:

Senator Joseph I. Lieberman, Chairman, Committee on Governmental Affairs
Senator Robert C. Byrd, Chairman, Committee on Appropriations
Representative C.W. Young, Chairman, Committee on Appropriations
The Honorable Mitchell E. Daniels, Jr., Director, Office of Management and Budget
The Honorable David M. Walker, Comptroller General of the United States

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Department of the Interior
Bureau of Indian Affairs
Office of Tribal Services
Branch of Acknowledgment and Research

STRATEGIC PLAN

Response to the November 2001
General Accounting Office Report

September 2002

Approved: SEP 12 2002
(date)

Assistant Secretary - Indian Affairs

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THE ASSISTANT SECRETARY - INDIAN AFFAIRS' RESPONSE TO THE NOVEMBER 2001 GAO REPORT

The Assistant Secretary - Indian Affairs (AS-IA) submits the following plan of action in response to the two major "Recommendations to the Secretary of the Interior" listed on page 20 of the November 2001 General Accounting Office (GAO) Report, *Indian Issues: Improvements Needed in the Tribal Recognition Process.*

Response to GAO Recommendation A

To ensure more "predictable and timely" tribal acknowledgment decisions, the November 2001 GAO Report recommends that the Secretary of the Interior direct the Bureau of Indian Affairs (BIA) to:

> **Provide a clearer understanding of the basis used in recognition decisions by developing and using transparent guidelines that help interpret key aspects of the criteria and supporting evidence used in federal recognition decisions.**

On October 18, 2001, the Department wrote to Mr. Barry T. Hill, Director, Natural Resources and Environment, GAO:

> We concur with the GAO recommendation that there needs to be a clear understanding and presentation of the basis for evaluating evidence when making acknowledgment decisions. In response to this recommendation, we will develop expanded guidelines which will discuss in depth specific issues raised by GAO, such as "time gaps" and the percentage of members descending from historical tribes, and other topics, including some not raised by GAO. Unlike the 1997 *Official Guidelines to the Federal Acknowledgment Regulations,* which are aimed at the general public and focus principally on how the process works, these new guidelines will be aimed at researchers for the government, third parties and petitioners and explain in detail how evidence is evaluated and how precedents are used as a guide to evaluating evidence.
>
> In addition, we also believe that many currently available documents, including the regulations at 25 CFR Part 83, previous decisions and technical reports, the 1978 *Regulations, Guidelines and Policies*, and 1997 *Official Guidelines to the Federal Acknowledgment Regulations*, court decisions on acknowledgment issues, policy statements, and letters to petitioners or others which furnish advice and interpretations of the regulations, provide useful sources and guidance for understanding how evidence is evaluated during the decision-making process. While these records have always been available to the petitioners, all interested parties, and the public, they have not been compiled as a single body of material and made available in easily accessible locations.

In response to the above concerns, the BIA submits a strategic plan to provide petitioners, interested parties, and the public a "clearer understanding of the basis" of acknowledgment decisions. This plan includes some steps which may be accomplished in a very short time and other steps that will require more time and resources to develop. The BIA's Branch of Acknowledgment and Research (BAR) within the Office of Tribal Services (OTS) is the program office charged with implementing this plan action.

MAKING THE PROCESS CLEARER, The BIA Action Plan for Recommendation A

The strategic action plan includes developing guidelines that interpret key aspects of the criteria and the supporting evidence used in Federal acknowledgment decisions. This plan includes the means for making existing materials easily accessible to the public by using current technology resources in the form of CD-ROMs and use of the World Wide Web, specifically, the BAR web site. The use of appropriate outsourcing to create CD-ROMs will be considered for core documents, such as proposed findings, final determinations, and other related documents.

The following table provides a list of actions to carry out the action(s) and time frames for completing the action(s). During the course of implementing this part of the strategic plan, actions may be modified as the BIA continues to improve the guidance available on the acknowledgment process.

It must be noted that any actions involving the uploading of available information to the Internet will be predicated upon the decision of the United States District Court of the District of Columbia, allowing the BIA to reconnect to the Internet.

MAKING THE PROCESS CLEARER, The BIA Action Plan for Recommendation A

TASKS - 1st Quarter = January, February, & March; 2nd Quarter = April, May, & June; 3rd Quarter = July, August, & September; 4th Quarter = October, November, & December	PROJECTED DUE DATES
1. Compile all acknowledgment decisions: *Federal Register* notices, reconsidered decisions, final determinations, proposed findings, summaries under the criteria, and technical reports.	1st Quarter 2003
a. Prepare Standard Operating Procedures (SOP) and plan for records retention	1st Quarter 2003
b. Create index	1st Quarter 2003
c. Upload on the BIA-BAR web-page and provide links to such decisions.	2nd Quarter 2003
2. Compile pertinent technical assistance/guidance materials: technical assistance letters, letters with advice, policy statements, and interpretations of the regulations, and any other guidance.	1st Quarter 2003
a. Prepare SOP and plan for records retention	1st Quarter 2003
b. Create index	1st Quarter 2003
c. Upload on the BIA-BAR web-page and provide links to such materials.	2nd Quarter 2003
3. Compile all published and unpublished court decisions involving acknowledgment issues.	4th Quarter 2002
a. Prepare SOP and plan for records retention	4th Quarter 2002
b. Provide citations to published court decisions	4th Quarter 2002
c. Create index	4th Quarter 2002
d. Upload unpublished decisions on the BIA-BAR web-page and provide links to such decisions.	1st Quarter 2003
4. Compile all Interior Board of Indian Appeals (IBIA) acknowledgment decisions and accompanying documents such as Departmental responses to and referrals from Secretary.	4th Quarter 2002
a. Prepare SOP and plan for records retention	4th Quarter 2002
b. Create index	4th Quarter 2002
c. Create links between those findings on the Department's homepage and the BIA-BAR web-page.	4th Quarter 2002
5. Update and expand the 1997 *Official Guidelines to the Federal Acknowledgment Regulations*, and complete research guidelines for petitioners, third parties, researchers, and the general public.	4th Quarter 2002
a. Prepare SOP for updating and maintaining the guidelines	4th Quarter 2002
6. Complete and update the *Acknowledgment Precedent Manual.*	4th Quarter 2002
a. Prepare SOP for organizing and updating	4th Quarter 2002
b. Create index to discussions of topics in documents so that researchers and evaluators can immediately access technical assistance letters, reports, decisions, and court documents on topics such as "gaps," "informal authority," "village-like setting," etc.	4th Quarter 2002
c. Upload on the BIA-BAR web-page and provide links to such topics in documents	1st Quarter 2003
7. Assign a web-page manager to maintain and upload key documents to the BAR web-page in a timely manner.	2nd Quarter 2002 completed
8. Create an official publication of acknowledgment decisions.	2nd Quarter 2003
9. Create a CD-ROM for the acknowledgment decisions and related documents which will include 25 CFR Part 83 regulations, Updated 1997 Official Guidelines, and the Acknowledgment Precedent Manual.	2nd Quarter 2003
a. Contract for CD ROM burning.	2nd Quarter 2003
b. Provide copies of CDs to BIA agency and regional offices, state libraries, and other regional libraries or archives.	2nd Quarter 2003
10. Develop other actions relating to improving the guidance available on the acknowledgment process as may be determined through this strategic planning process.	Ongoing

Response to GAO Recommendation B

To improve the responsiveness of the Federal acknowledgment process, the November 2001 GAO report recommended that the Secretary of the Interior direct the BIA to:

> **Develop a strategy that identifies how to improve the responsiveness of the process for federal recognition. This strategy should include a systematic assessment of the resources available and needed that leads to the development of a budget commensurate with workload.**

The AS-IA concurred with the GAO recommendation to improve the responsiveness of the Federal acknowledgment process. The BIA has developed strategies to address immediate concerns regarding the current workload, as well as address the long-term goal of making decisions on all documented petitions for Federal acknowledgment in a more timely manner.

Maintaining the standards of the regulations at 25 CFR Part 83 will ensure that the acknowledgment decisions are consistent with law. Thorough and comprehensive review will ensure fair and accurate decisions. Therefore, this action plan to improve responsiveness is not based on any change in the present standards or on a less thorough review of petitions.

The BIA action plan for Recommendation (B) includes three parts:

(1) Implement immediate actions;

(2) Perform a needs assessment of current workload and resources; and

(3) Examine possible refinements to the procedures, some of which may require regulatory changes or legislative action.

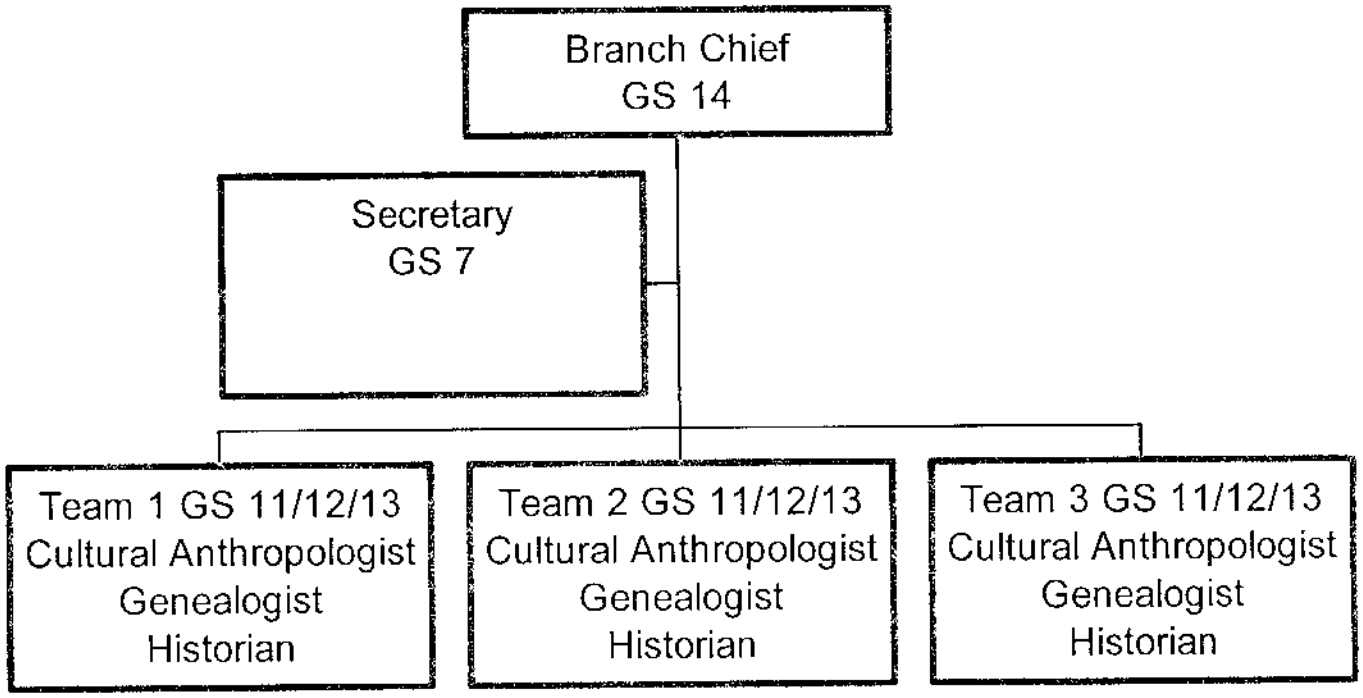
The BIA has completed Part (1). The BIA took immediate action by filling two existing vacant positions in the BAR and by establishing a new Government Performance and Review Act (GPRA) goal to improve program performance.

IMMEDIATE ACTIONS, Part (1) The BIA Action Plan for Recommendation B

Vacancies filled

The BIA hired for the BAR a genealogical researcher who reported to duty on May 6, 2002, and a cultural anthropologist who reported to duty on June 3, 2002. The current staff of the BAR consists of: one branch chief, one secretary, three cultural anthropologists, three genealogists, and three historians. The BAR now has three complete teams of researchers. The organizational chart of BAR follows:

Current Organizational Chart
Branch of Acknowledgment and Research
FY 2002



GPRA goal established

The BAR assigns a professional research team which generally consists of one cultural anthropologist, one genealogist, and one historian to evaluate each petition. Assuming that each BAR team could focus on its assigned petitions, rather than administrative duties, the GPRA goal is:

> Each team should produce:
> (a) one proposed finding and
> (b) one final determination, one reconsidered final determination, or, provide litigation support.

This goal is based on researchers being allowed to perform their primary duties within their job descriptions, and thus assumes that additional administrative staff members are provided to handle such items as responding to FOIA requests.

Approximately half of the cases since 1987 have gone to the Interior Board of Indian Appeals (IBIA) for review and/or litigation in district court. Half of these cases have required extensive additional work by BAR researchers, either in preparing a reconsidered final determination, or in supporting the Office of the Solicitor. The staff time donated to reconsidered decisions and litigation support are equivalent to the time required to prepare for a final determination.

With three professional research teams in place, the BAR would produce three proposed findings and three final determinations per year and eliminate the "backlog" in approximately six years.[1] With six teams in place, the BAR would produce six proposed findings and six final determinations per year and eliminate the "backlog" in approximately three to four years.

"Backlog" is defined as the current workload – those petitions on active consideration, those petitions on the "Ready, Waiting for Active Consideration" list, and those petitions waiting for a technical assistance review. The calculations supporting the GPRA goal, including necessary staffing levels and organizational charts, follow.

---

[1]Based on the varying amount of work per discipline on any particular petition, "six teams" does not require six researchers from each discipline, but rather a balancing in numbers based on workload among the disciplines. Also, some petitions require more work than others. Thus, the GPRA goal is a "Branch" goal, not a "per researcher goal." In addition, six to twelve months for the training of new staff should also be considered.

NEEDS ASSESSMENT, Part (2) The BIA Action Plan for Recommendation B

As recommended by the November 2001 GAO report, the BIA conducted an assessment of its resources to support budget proposals commensurate with the current workload. The needs assessment addresses and makes recommendations on all pertinent matters.

The BAR, OTS, BIA, and the Assistant Secretary - Indian Affairs' office coordinated the preparation of this needs assessment. The BAR completed the review of the current workload, estimated work, and resources required to address the immediate decisions pending for petitions on active consideration and those "Ready, Waiting for Active Consideration." This assessment follows.

Method

The BAR's workload and staff can be divided into three basic groups: professional, administrative, and support. In addition, there is a known workload and a variable workload. The known or predictable workload includes *Federal Register* and public notices, required communications to petitioners, states, and attorneys general, technical assistance review (TA) letters, peer reviews, Proposed Finding (PF), and Final Determination (FD). The variable workload includes Interior Board of Indian Appeals (IBIA) referrals, litigation, Freedom of Information Act (FOIA) requests, and Congressional inquiries.

The BAR's mission is to produce recommended proposed findings and final determinations on documented petitions, including requisite technical assistance (formal and informal), any required reconsidered final determination, and litigation support to defend those decisions. Determining the basic professional workload in support of this mission is the first task. Estimates of the workload of an administrative staff and support staff follow from a calculation of the professional workload on findings.

The BAR determined the known professional workload and calculated the professional staff necessary to do it. This analysis assumes that the professional staff focuses on processing and evaluating the petitions.

(1) What is the Known Professional Workload?

The regulations require the BIA to conduct a TA review of a documented petition before it is place on "Ready, Waiting for Active Consideration." Currently, there are 15 petitions needing TA review letters. After a TA review letter is submitted to the petitioner, the petitioner is required to respond. The length of time a petitioner takes to respond is variable. When the petitioner believes its documented petition is "Ready," it will request the BIA to place the documented petition on "Active Consideration." Currently, it is anticipated that no new petitioner will be placed on the "Ready, Waiting for Active Consideration" list until the workload of petitions currently awaiting PF's and FD's are completed.

A petition currently on "Ready, Waiting for Active Consideration" requires a PF and a FD, but not a TA letter. Some petitions on "Active Consideration" need both a PF and a FD. Others on "Active Consideration" need only a FD. Currently, there are 14 petitions needing PFs and 21 petitions needing FDs. Approximately 10 petitions of this "workload" may require IBIA review, reconsideration, or litigation support.

Actions Required	Current Number of Petitions
# TA	15
# PF	14
# FD	21 (+10 estimated reconsidered petitions)

(2) How Many Professional "Staff-years" Are Needed to Complete Each Task?

The number of professional "staff-years"needed to complete the known workload of TAs, PFs, and Fds, based on our experience, is broken down as follows:

1. It takes a team which usually consists of a cultural anthropologist, genealogist, and historian, 1 month per team member per TA review letter or three months collectively per year or .25 staff years to complete TA letters for petitions not yet on the "Ready" list, including peer review for PFs, FDs, and Reconsidered FDs.

2. It takes a team 8 months per team member or 24 months per team per PF or (24 months/12 months) 2 staff years to complete PFs, including informal and formal TA.

3. It takes a team 3 months per team member or 9 months per team per FD or (9 months/12 months) .75 staff years to complete FDs, or reconsidered FDs or provide litigation support.

# staff-years for TA review letters (+ peer reviews)	.25
# staff-years for PF (+ informal and formal TA)	2.00
# staff-years for FD (+ reconsidered FDs and litigation support)	.75

(3) How many professional "staff-years" are needed to complete the existing workload?

# TA x # staff-years per TA)	15 x 0.25 = 3.75
+ (# PF x # staff-years per PF)	14 x 2.00 = 28.00
+ (# FD x # staff-years per FD)	31 x 0.75 = 23.25
= Total professional staff-years	55.00

(4) How Many Professional Staff Are Needed?

The answer to this question depends on expectations for eliminating the current professional workload within a certain number of years.

If adequate administrative and support staff relieve the professional staff of administrative and support tasks, then the total professional staff-years divided by the years for completion equals the number of professional staff needed.

total professional staff-years / number of years = number of professional staff

3 years:	55/3 = 18.3 staff or 6 full teams
4 years:	55/4 = 13.7 staff or 5 full teams
5 years:	55/5 = 11.0 staff or 4 full teams
6 years:	55/6 = 9.1 staff or 3 full teams

At current staff levels, it will take six years to eliminate the existing known workload. If the expectation is to eliminate the current professional workload in three years, then six research teams will need to be established. Training of additional teams and middle management will require additional time, resulting in a projection of over four years to eliminate the current professional workload.

Analyze Current Non-case Variable Workload

Currently, an estimated 40 to 60 percent of the BAR research staff time is spent on administrative duties. The majority of these duties are associated with FOIA requests. The BAR annually receives between 80 to 100 FOIA and FOIA-related requests for copies of voluminous documented petition and administrative correspondence files. The majority of this work could be reallocated to an administrative staff rather than from the research staff.

In addition, the researchers spend significant time in processing requests for reconsideration and defending litigation. Much of the administrative work associated with IBIA reviews and litigation could also be reallocated to administrative staff, such as preparing the major administrative records for IBIA appeals and litigation.

Litigation is expected to increase as productivity increases. The amount of litigation is not dependent on whether a decision is to acknowledge or to decline to acknowledge. BAR is involved with six cases in Federal Court. One administrative record for the court entailed over 30,000 pages, prepared in digital format on eight CD-ROMs, three videos, five audio tapes, and two floppy discs.

With three teams or nine researchers, between four and six non-case staff would need to be hired to meet the administrative duties. This figure is based on the following:

52 weeks x 40 hours = 2,080 hours
- Leave 20 days (160 hrs)
- Holiday 10 days (80 hrs)
1,840 hours a year

1,840 hours a year x 40 percent = 736 hours of non-case workload
736 hours x 9 current researchers = 6,624 hours
6,624 hours / 1,840 hours a year = 3.6 or 4 individuals needed for non-case workload

1,840 hours a year x 60 percent = 1,104 hours of non-case workload
1,104 hours x 9 current researchers = 9,936 hours
9,936 hours / 1,840 hours a year = 5.4 or 6 individuals needed for non-case workload

Estimate Future Non-case Variable Workload and Resources

With 6 teams or 18 researchers, 8 to 11 non-case staff would need to be hired to meet the administrative duties. This figure is based on the following:

736 x 6 teams or 18 researchers = 13,248 hours
13,248 / 1,840 hours a year = 7.2 or 8 individuals needed for non-case variable workload

1,104 x 6 teams or 18 researchers = 19,872 hours
19,872 / 1,840 hours a year = 10.8 or 11 individuals needed for non-case variable workload

Analyze Skills Needed to Accomplish Tasks

As of September 2002, the BAR consists of eleven staff members ($1,100,000 FY2003 President's Budget). The staff members include: one (1) branch chief, one (1) secretary, three (3) cultural anthropologists, three (3) genealogical researchers and three (3) historians.

The analysis recommends a total of 33 staff members ($3,184,000) to eliminate the current workload in three to four years. The total staffing needs are as follows:

Review Staffing Needs

STAFF:

Chief		1	Administrative
Federal Acknowledgment Specialist		1	Administrative, middle mgmt.
Records Manager/FOIA Officer		1	Administrative, middle mgmt., FOIA
Research Coordinator		2	Administrative, middle mgmt.
Researchers	Genealogist	6	Professional, PFs, FDs, TA letters
	Historian	6	Professional, PFs, FDs, TA letters
	Anthropologist	6	Professional, PFs, FDs, TA letters
Research Assistant		4	Support, research/data entry
Administrative Assistant		1	Support, surname pkgs., final letters
Secretaries		2	Support, surname pkgs, final letters
Records clerk		1	Support, records, file room, FOIA
File clerk		2	Support, copying, phone
TOTAL STAFF [+22]		33	

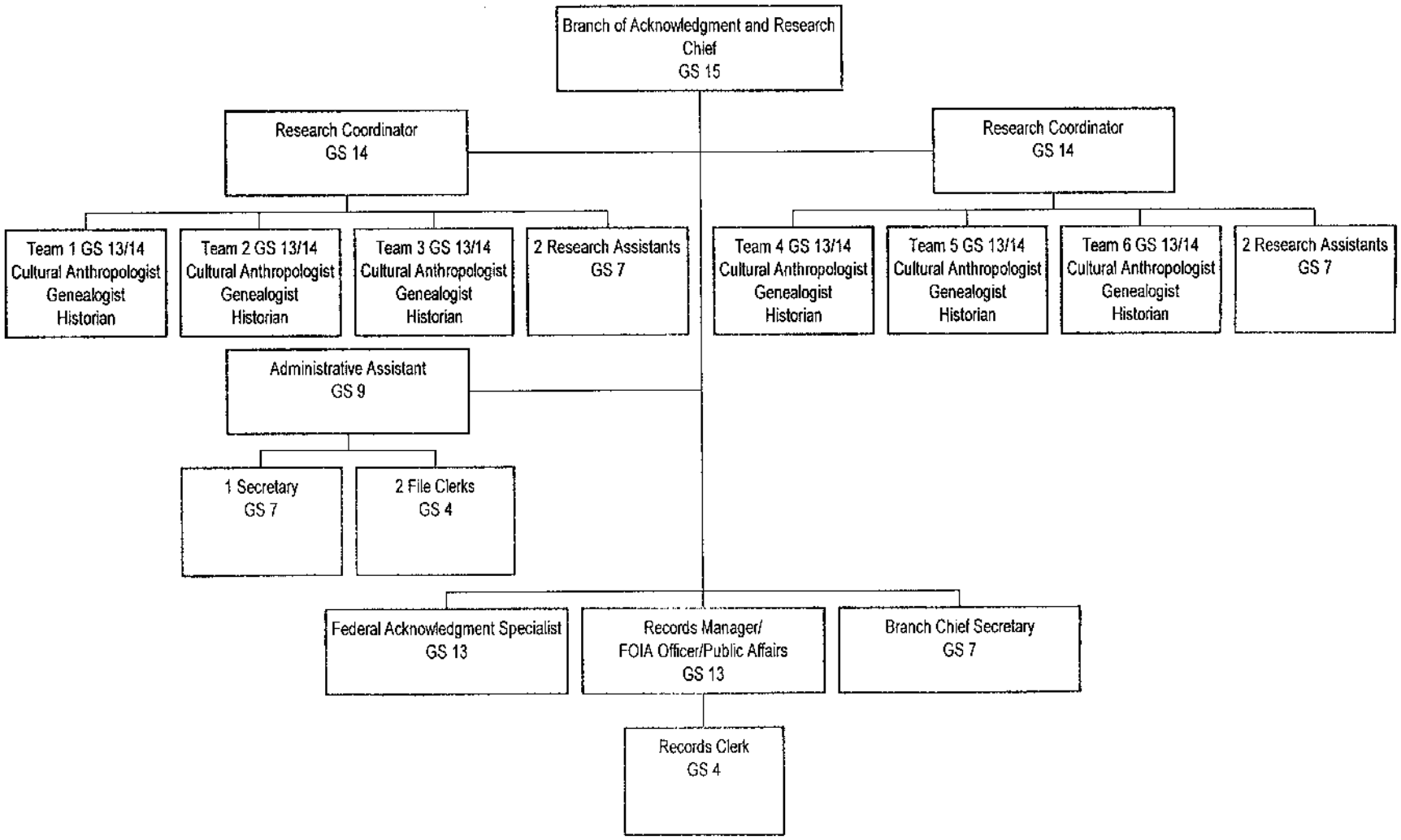
The number of additional full-time employees (FTE) needed is 22. The cost analysis is provided in the following table:

Position	#	Grade/Step*	Gross Salary**	20/27% Benefits	Annual Cost	Rounded	Estimated Travel
Division Chief	1	GS 15/5 (104,336)	108551	29309	137860	138000	1000
Federal Acknowledgment Specialist	1	GS 13/5 (75,058)	78090	21084	99174	99000	1000
Records Manager-FOIA Officer	1	GS 13/5 (75,058)	78090	21084	99174	99000	1000
Research Coordinator	2	GS 14/5 (88,699)	184564	49832	234396	234000	2000
Cultural Anthropologist	6	GS 14/5 (88,699)	532194	143692	675886	676000	6000
Genealogist	6	GS 13/5 (75,058)	468540	126506	595046	595000	6000
Historian	6	GS 14/5 (88,699)	532194	143692	675886	676000	6000
Research Assistant/Data Entry	4	GS 7/5 (35,584)	148086	39983	188069	188000	2000
Administrative Assistant	1	GS 9/5 (43,525)	45283	12226	57509	58000	0
Secretary	2	GS 7/5 (35,584)	74043	19992	94035	94000	0
Records Clerk	1	GS 4/5 (25,674)	26711	7212	33923	34000	0
File Clerk	2	GS 4/5 (25,674)	53422	14424	67846	68000	0
TOTAL	33		2329768	629056	2958804	2959000	25000

*Salary Table 2002-DCB, OPM - annual rate

**annual rate with estimated pay cost increase for 2003 and 2004

Proposed Organizational Chart
Branch of Acknowledgment and Research



Assess Staff Training Needs

As certain hardware and software are procured, the staff must be trained. In addition, as staff increases in the number of professional researchers, intermediary management must be established to supervise, coordinate, and manage. Management training will be required. We estimate that approximately $600.00 per staff member per year would meet training needs.

OTHER SUPPORT RELATED COSTS:

Travel		25,000.00
Training		20,000.00
Federal Express		5,000.00
Federal Register		70,000.00
Telephones	Includes voice tree and voice mail service	15,000.00
Printing		50,000.00
Miscellaneous	Supplies/equipment, etc.	40,000.00
	Subtotal Other Support Related Costs	225,000.00
	BAR STAFFING AND OTHER SUPPORT RELATED COSTS TOTAL ($2,959,000 + 225,000)	**$3,184,000.00**

Evaluate the use of Support Staff

The BAR estimates that approximately 40 to 60 percent of the the professional staff workload is currently administrative. As the production of the professional staff increases, the need for administrative and support staff will also increase. The majority of the support staff workload (copying and production of administrative records) could be contracted out, as appropriate.

Consider Appropriate Use of Contracting

The Department is committed to appropriate outsourcing. In January 2002, the Department contracted with research assistant technicians to perform data entry from an acknowledgment petition into a database. The use of contractors to develop a database system and to perform data entry into this database is a pilot project (FAIR - Federal Acknowledgment Information Resource) designed to speed the analysis and evaluation of acknowledgment. FAIR is designed to incorporate all of the information in a given case into one system and to provide a better understanding of the factual bases of the acknowledgment decision-making process. This pilot project addresses both concerns raised in the November 2, 2001, GAO report. The Department will broaden the evaluation of the hardware and software; and determine the general applicability and effectiveness of entering data into a computer system.

Proposed outsourcing of review of documents in response to FOIA requests for acknowledgment petition materials is appropriate. Outsourcing on an experimental basis for some of this work, such as copying, redacting, and accomplishing other tasks under FOIA, with appropriate restrictions to protect privacy interests, is an option under consideration. Outsourcing is particularly appropriate to address fluctuations in workload.

Proposed outsourcing of certain administrative duties associated with preparing administrative records for administrative hearings and litigation is appropriate. Such outsourcing will free the BIA researchers to evaluate the evidence submitted on other petitions and prepare recommended decisions. One of the primary reasons for not making more use of outsourcing for administrative duties has been lack of available funds.

Previous experience indicates that contracting substantive review of petition materials is cumbersome and less cost-effective than BIA researcher evaluation, does not save time, or is often unsatisfactory either to petitioners or interested parties, or both.

In 1988, the BIA contracted out a majority of the archival research and review on a petition. The petitioner complained that it "did not ask for any short cuts," and requested that a "complete investigation" be done "on and by the BIA staff." Similarly, in another case, the petitioner complained that the BIA staff has not done a field visit, but that only a contractor had. In response, the BIA staff made a field visit, which resulted in a duplication of effort. In negotiations in 2000 on another matter, the petitioner, state, and other interested parties firmly expressed a desire for BIA researchers to do all the evaluation of the evidence on the pending petition.

However, contracting may be effective as a supplemental effort. The Department has contracted, in seven separate instances, certain aspects of the acknowledgment process. Such experience showed some flaws, but confirmed that contracting may be effective as a supplemental effort. We will review the viability of contracting in petition process.

Assess Current Non-staffing Resources

The BAR currently requires infrastructure and equipment as follows:

- Shelving for petitions
- Microfilm cabinets
- 2 Microfilm reader/printers
- CD containers
- 11 phones
- 1 fax machine
- 1 copier
- Computer Hardware/Software:
  - 11 Computers
  - 11 Printers

The BAR currently occupies 2,697 square feet for office and storage space:

1 Chief's office
- 213 square feet

1 Secretary's office and 1 professional staff area
- 315 square feet

4 Professional staff offices - two per room
- 232 square feet
- 228 square feet
- 238 square feet
- 251 square feet

1 Main File Room - Completed cases, pending documented petitions, administrative correspondence files, and BAR management files
- 490 square feet

1 Research Library/Conference Room - Books, microfilm, and maps
- 247 square feet

1 store room - 2nd floor; Chronology files, Legislation files, and Litigation files
- 260 square feet

1 store room - 2nd floor; Completed cases
- 205 square feet

Project Future Space and Storage Needs

If as many as 22 additional staff are hired, the BAR will need approximately an additional 3,170 square feet for researcher offices, storage areas, and processing areas will be required. The breakdown is listed as follows:

File Room	[500 sq. ft.]
Offices (10 shared offices)	[10 rooms, 237 sq. ft. x 10 = 2,370 sq. ft]
Records Management Office/Scanning station	[300 sq. ft]

Project Future Equipment and Hardware and Software Needs

An increase in staff would require additional hardware and software. Each staff will need a phone and a basic personal computer, printer, monitor, and software.

Phones (22 additional staff)
Computers (22 additional staff)
- Hardware
- Software (license agreements)

In addition, a records management coordinator would need hardware and software as described within the next section.

Evaluate Advanced Technology for Case Analysis and Records Management

The BAR has 77 fully documented petitions (56 resolved, 13 active, and 8 ready), most of which fall between 10,000 to 35,000 pages. We have an additional 67 petitions which are partially documented, most of which fall between 1,000 to 5,000 pages. An initial estimate of total pages for all petitions would be close to 3,000,000; and these pages must be managed.

The BAR has been in contact with the Department's Documents Management Unit (DMU) which has three scanning stations. The DMU provided BAR with a quotation for a high-volume scanner which would be necessary for BAR's voluminous, multi-page documents for records management. This cost quotation is listed as follows:

Hardware: Model	Product	Type	Price
M4099D	M4099D Scanner, 90 PPM SIMP/170 PPM	OM	$15,047.00*

Software: Microsoft SQL Server (Database software) Package
- ISQLW Query Analyzer
- Enterprise Manager
- DTS Wizard
- Microsoft Access
- CD Writing Programs

*based on DMU's last purchase

If BAR were able to obtain a records management component, 37 resolved petition decision-making documents would have immediate priority for processing. These decision-making documents (PFs, FDs, Reconsidered FDs) would be scanned and the original voluminous documented petitions would be retired to the National Archives Records Center. Retiring the resolved documented petitions to the National Archives Records Center would allow for a more efficient use of space. The next priority for scanning would be those documented petitions to be processed under the refined system developed by the pilot project.

Based on DMU's experience, a records management unit would require: 1) additional staff (records management/FOIA coordinator and clerical staff); 2) physical space (a room dedicated for preparing the documents - requiring additional hardware and software for a scanning station, a coding station, and a processing station); 3) server space requiring additional hardware (at least a couple of hard drives); 4) print server; 5) backup units; and 6) software.

Consider Separate Budget Line Item for the Acknowledgment Process

The Department has approved the BIA's plan to elevate the BAR to a division level. The Division of Federal Acknowledgment and Research would have a separate budget line item and would require a GS-15 Division Chief. Two other positions are proposed for up-grading: the cultural anthropologist and historian positions. This up-grade from a GS-13 to a GS-14 would assist in recruiting and maintaining these two professional staff positions due to their specialization and educational requirements.

Part (3) The BIA Action Plan for Recommendation B – Procedural and Other Changes

We developed a strategic action plan to improve responsiveness and timeliness by reviewing and examining possible changes in the procedures, in the evaluation of evidence and in the distribution of documents under FOIA. The review evaluated actions which can be accomplished with the existing regulations, and other actions which will require revised regulations or legislation. This strategic plan addressed impediments to a responsive and timely Federal acknowledgment process and possible resolutions of these impediments.

The strategic plan includes the following:

Part 3) The Action Plan for Recommendation B – Procedural and Other Changes

POSSIBILITIES - 1st Quarter = January, February, & March; 2nd Quarter = April, May, & June; 3rd Quarter = July, August, & September; 4th Quarter = October , November, & December	AUTHORITY TO MAKE CHANGE	RECOMMENDATION TO ASIA	DEPARTMENT'S ACTION
A. Deadlines and Time Lines			
1. Review the acknowledgment regulations to determine whether a "sense of urgency" could be instilled in the acknowledgment process by establishing more specific and predictable deadlines for the Department in providing technical assistance and making evaluations, for petitioners in preparing petitions and responding to technical assistance, and for petitioners and third parties in filing comments.	ASIA/REGULATIONS	1st Quarter 2003	2nd Quarter 2003
2. Devise a priority ranking for petitioners currently on active consideration which defines the order in which their proposed findings and final determinations will be considered; investigate impediments to orderly consideration, such as extensions and other interruptions which compete for staff resources, and propose steps for resolving these impediments.	BAR/COURT CASES	1st Quarter 2003	2nd Quarter 2003
3. Allow for the negotiation of time lines with the petitioner and third parties appropriate for each case.	BAR/REGULATIONS	1st Quarter 2003	2nd Quarter 2003
4. Impose "sunset rule" deadlines on petitioners to submit completed petitions with supporting evidence.	CONGRESS	1st Quarter 2003	2nd Quarter 2003
B. Provisions for handling documents			
1. Require a standard, more efficient format for the submission of petitions, evidence, and third party comments.	REGULATIONS	1st Quarter 2003	2nd Quarter 2003
2. Allow third parties to respond to petitioner's comments during the response period that follows the comment period.	REGULATIONS	1st Quarter 2003	2nd Quarter 2003
3. Outsourcing on an experimental basis copying, redacting, and accomplishing other tasks under FOIA.	BAR	4th Quarter 2002	1st Quarter 2003
4. Broaden the evaluation of hardware and software; and determine the general applicability and effectiveness of entering data into a computer system (FAIR).	BAR	4th Quarter 2002	1st Quarter 2003
5. Address the issue of FOIA requests in the context (1) of providing materials to third parties, (2) of the increase in activity by such third parties noted by the GAO report, and (3) of the increased workload and complexity.	CONGRESS	1st Quarter 2003	2nd Quarter 2003
6. Explore possibility of asking Congress to provide limited statutory relief from the Privacy Act and FOIA exemptions to allow the release of all information of the documented petitioner, except certain personal records such as: membership lists, genealogical charts, and sacred sites information to third parties.	CONGRESS	1st Quarter 2003	2nd Quarter 2003
7. Explore whether to allow interested parties to receive copies of all non-privacy documents at specific periods in the process without invoking FOIA and require petitioners to provide copies of their documents directly to interested parties.	REGULATIONS	1st Quarter 2003	2nd Quarter 2003
C. Evaluation			
1. Review the effects of allowing negative proposed findings to be issued on a single criterion.	ASIA/REGULATIONS	1st Quarter 2003	2nd Quarter 2003
2. Change the evaluation of "continuous existence" from the creation of the U.S. or from the beginning of U.S. jurisdiction rather than from first sustained contact with non-Indians.	REGULATIONS	1st Quarter 2003	2nd Quarter 2003
D. Procedural			
1. Eliminate letters of intent to petition and remove groups with only letters of intent from the document maintained by the BIA showing the status of petitioners for acknowledgment; or, require that letters of intent include a governing document, membership list and names of individuals in the governing body and offices they hold.	REGULATIONS	1st Quarter 2003	2nd Quarter 2003

2. Limit each petitioner to one technical assistance review.	REGULATIONS	1st Quarter 2003	2nd Quarter 2003
3. Eliminate reviews prior to active consideration for previous "unambiguous" Federal acknowledgment and expedited negative reviews.	REGULATIONS	1st Quarter 2003	2nd Quarter 2003
E. Other			
1. Review "Changes in the Internal Processing of Federal Acknowledgment Petitions," a "directive" published in the *Federal Register* on February 11, 2000, for possible revisions.	ASIA	4th Quarter 2002	1st Quarter 2003
2. Examine other possible changes to the procedures, the evaluation, the means of providing evidence to the government, and distributing documents to third parties.	REGULATIONS	1st Quarter 2003	2nd Quarter 2003
3. Evaulate opportunity to contract research assistance to outside entities.	BAR	4th Quarter 2002	1st Quarter 2003