IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

NOTICE OF FILING OF
SECRETARY OF THE INTERIOR ORDER
NO. 3235 AND RELATED PRESS RELEASE

Interior Defendants hereby give notice of the filing of the Secretary of the Interior's Order Number 3235, dated November 19, 2001, attached hereto.

The subject of the Order is Establishment of the Office of Indian Trust Transition.

A related press release regarding the appointment of the Director of the Office of Indian Trust Transition is also attached.

Dated: November 20, 2001

Respectfully submitted,

ROBERT D. McCALLUM
Assistant Attorney General
STUART E. SCHIFFER
Deputy Assistant Attorney General
J. CHRISTOPHER KOHN
Director
SANDRA P. SPOONER
Deputy Director

JOHN T. STEMPLEWICZ
Senior Trial Counsel

Commercial Litigation Branch
Civil Division
P.O. Box 875
Ben Franklin Station
Washington, D.C. 20044-0875
(202) 514-7194

OF COUNSEL:

Sabrina A. McCarthy
Department of the Interior
Office of the Solicitor

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

ORDER NO. 3235

Subject: Establishment of the Office of Indian Trust Transition

Sec. 1 **Purpose.** The purpose of this Order is to establish a temporary office in the immediate Office of the Secretary that will be responsible for planning and implementing the transition of the Department's Indian trust functions, currently located in various units of the Department of the Interior (Department), to a new entity within the Department.

Sec. 2 **Authority.** This Order is issued in accordance with the American Indian Trust Fund Management Reform Act of 1994, Public Law 103-412, codified as 25 U.S.C. §§ 161a, 162a and 4001, et seq.; and Section 2 of Reorganization Plan No. 3 of 1950, as amended (64 Stat. 1262), 5 U.S.C. App.

Sec. 3 **Definitions.**

a. Indian trust. For the purposes of this Order, Indian trust means lands, natural resources, money, or other assets held by the Federal government in trust, or that are restricted against alienation, for Indian tribes and individual Indians. Indian trust includes trust reform, as set forth in b., below.

b. Trust reform. For purposes of this Order, trust reform, which is part of Indian trust, means all activities associated with the subprojects identified in the February 29, 2000, Revised and Updated High Level Implementation Plan (HLIP) and the plans that address the following four breaches of trust identified in Cobell v. Norton: Computer and Business Systems Architecture Framework; Collection of Missing Information from Outside Sources; Retention of IIM - Related Trust Documents; and Workforce Planning. Trust reform also includes all activities associated with subsequent additions or revisions to the HLIP or breaches plans and all other reforms necessary for the proper discharge of the Secretary's trust responsibilities to Indian tribes and individual Indians.

Sec. 4 **Establishment of the Office of Indian Trust Transition.**

a. The Office of Indian Trust Transition (Office) is hereby established as a temporary office

in the immediate Office of the Secretary. It will be headed by a Director, who will report to the Deputy Secretary.

b. The Office will be responsible for planning and implementing the process for transferring program responsibilities for Indian trust (including trust reform) from the bureaus and offices of the Department to a new entity within the Department. The Office's responsibilities will include, but will not be limited to:

(i) consulting with Indian tribes, Congress, employees, and others as appropriate;

(ii) providing guidance on Indian trust reform and Indian trust activities as the Director determines to be necessary;

(iii) supervising the staff of the Office and coordinating the activities of those employees responsible for trust reform;

(iv) evaluating and recommending organizational structures for effective and efficient Indian trust efforts;

(v) evaluating consultants' reports and recommendations;

(vi) reviewing human resources and budgetary needs and recommending personnel reassignments, budgetary proposals, and plans for appropriations transfers;

(vii) developing and awarding contracts for planning activities and computer servicing initiatives;

(viii) reviewing current Indian trust policies and procedures;

(ix) entering into appropriate memoranda of understanding and cooperative agreements;

(x) identifying Indian trust functions within the Department that will transfer to the new entity.

Sec. 5 **Delegations of Authority.** The Director of the Office is delegated, through the Deputy Secretary, all the authority of the Secretary necessary to carry out the functions of the Office. This authority may be redelegated.

Sec. 6 **Administrative Provisions.** The Assistant Secretary-Policy, Management and Budget will take appropriate steps to effect the transfer of the functions and resources necessary to establish the Office.

Sec. 7 **Expiration Date**. This Order is effective immediately. It will remain in effect until the provisions are converted to the Departmental Manual, or until it is amended, superseded, or revoked, whichever occurs first. In the absence of any of the foregoing actions, the provisions of this Order will terminate and be considered obsolete on December 31, 2002.

Gale A. Norton

Secretary of the Interior

Date:

NEWS
U.S. DEPARTMENT OF THE INTERIOR

Office of the Secretary
For Immediate Release: Nov. 20, 2001

Contact: John Wright
202-208-6416

Ross Swimmer Tapped to Head Implementation Team for New Office of Indian Trust Transition

WASHINGTON -- Secretary of the Interior Gale Norton announced today that Ross Swimmer, a former Assistant Secretary of Indian Affairs, prominent Indian attorney and banker will serve as the Director of the Office of Indian Trust Transition. The appointment is effective on Nov. 26, 2001.

"Ross Swimmer has the professional background and wealth of experience that are critical to handling the responsibilities of this very important project," said Secretary Norton. "His knowledge, commitment, impressive array of management and advocacy skills will provide the leadership that is required to transition the Indian trust program."

As the Director of the Office of Indian Trust Transition (OITT), Mr. Swimmer will be responsible for planning and implementing the actions needed to consolidate Indian trust functions, currently located throughout the Department into one organization unit. Mr. Swimmer will seek to ensure effective consultation occurs with Indian tribes, Congress, DOI employees and other interested parties. He will provide executive leadership and direction to ensure sufficient personnel and budgetary resources are provided, organizational units are properly defined and strategic plans for trust activities are properly developed.

Swimmer has extensive experience working with Indian issues from the federal perspective. He served at the Interior Department during the Reagan Administration (1985-1989), as Assistant Secretary of Indian Affairs. He was responsible for the general policy regarding Indian affairs and oversight of Indian activities. During his three-year stint at Interior, he had direct experience with the management of tribal trust funds and settlement of tribal water right claims in the West.

Mr. Swimmer also served as principal chief of the Cherokee Nation of Oklahoma, where he was elected to three successive terms. Under his leadership, he focused on implementing the concept of self-help for rural development, which became a model for Indian tribes and rural areas throughout the country. During his tenure, the Cherokee Nation was recognized as innovative and progressive. His accomplishments as principal chief include improving economic development, health care, rural housing, water and waste water facilities, and education.

Mr. Swimmer, a member of the Cherokee Nation, served as president of the Cherokee Group, L.L.C., since 1995. The Group is a consulting firm that represents Indian clients engaged in government issues at the state and federal level, and supports the development of businesses on Indian lands. Prior

- more -

positions include serving as "of counsel" to the law firm of Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., where he organized the Indian law practice section of the firm. He served as Chairman of First State Bank located in Hulbert, Okla., at the time, one of only two American Indian owned banks in the U.S. Before that he was Chairman and CEO of Cherokee Nation Industries, a manufacturing company that he reorganized in the mid-1970's during his term as principal chief.

With his roots in Oklahoma, Swimmer attended Oklahoma University, where he received both his Bachelor of Arts and Juris Doctor degrees.

- DOI -

CERTIFICATE OF SERVICE

I declare under penalty of perjury that, on November 20, 2001, I served the foregoing Notice of Filing of Secretary of the Interior Order No. 3235 and Related Press Release, by facsimile only, in accordance with their written request of October 31, 2001, upon:

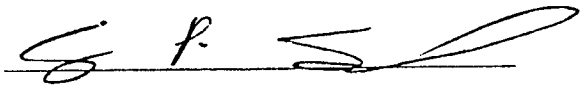
Keith Harper, Esq.
Lorna Babby, Esq.
Native American Rights Fund
1712 N Street, NW
Washington, D.C. 20036-2976
202-822-0068

Dennis M Gingold, Esq.
Mark Brown, Esq.
1275 Pennsylvania Avenue, N.W.
Ninth Floor
Washington, D.C. 20004
202-381-2372

and by facsimile and hand delivery upon:

Alan L. Balaran, Esq.
Special Master
1717 Pennsylvania Ave., N.W.
12th Floor
Washington, D.C. 20006

and by U.S. Mail upon:

Elliott Levitas, Esq.
1100 Peachtree Street, Suite 2800
Atlanta, GA 30309-4530

Joseph S. Kieffer
Court Monitor
420 7th Street, NW
Apt 705
Washington, DC 20004