



OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

**INSPECTOR GENERAL'S
STATEMENT SUMMARIZING THE
MAJOR MANAGEMENT AND
PERFORMANCE CHALLENGES
FACING THE DEPARTMENT OF THE
INTERIOR**



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OCT 15 2010

Memorandum

To: Secretary Salazar

From: Mary L. Kendall
Acting Inspector General

A handwritten signature in blue ink that reads "Mary L. Kendall".

Subject: Inspector General's Statement Summarizing the Major Management and Performance Challenges Facing the Department of the Interior
(Assignment No. X-SP-MOI-0008-2010)

In accordance with the Reports Consolidation Act of 2000, we are submitting what we have determined to be the most significant management and performance challenges facing the Department of the Interior (Department). The challenges listed are for inclusion in the Department's Performance and Accountability Report for fiscal year 2010. They reflect what the Office of Inspector General considers significant impediments to the Department's efforts to promote economy, efficiency, and effectiveness in its bureaus' management and operations.

The top management and performance challenges are:

- Outer Continental Shelf Energy Oversight
- Financial Management
- Information Technology Security
- Health, Safety, and Maintenance
- Responsibility to Indians and Insular Areas
- Resource Protection and Restoration
- Revenue Collections
- Acquisition Management

These issues are important to the Department's mission, involve large expenditures, require significant management improvements, or involve significant fiduciary relationships. We believe the Department could enhance and improve its overall operational effectiveness and efficiency by developing strategies to identify and correct deficiencies, especially in activities that cut across bureau and program lines.

Attachment

Office of Inspector General Update Regarding the Top Management Challenges for the Department of the Interior

1. Outer Continental Shelf Energy Oversight

The *Deepwater Horizon* tragedy of April 20, 2010, took 11 lives, caused the destruction of an offshore drilling rig, led to the release of approximately 4.9 million barrels of oil, and significantly disrupted the Gulf of Mexico (GOM) region's economy and environment. Recognizing that oil and gas remain an important part of the Nation's energy economy, the Government is changing laws, regulations, and organizational structures in an effort to prevent such catastrophic occurrences in the future. The accident and ensuing spill challenged 40 years of the generally accepted belief that offshore operations could occur safely under existing regulation and oversight.

Offshore oil and gas development constitutes approximately 30 percent of domestically produced oil and 11 percent of the domestic natural gas supply. The vast majority of this production occurs in the central and western GOM. In achieving such levels of production, the GOM offshore oil and gas industry has, in recent decades, reached farther offshore and deeper undersea. Many of the facilities are larger, more complex, more technologically sophisticated, and more distant than ever. Simultaneously, Government oversight of the prolific energy resources of the GOM has become more complex and challenging.

In view of the many lessons that can and should be learned from the *Deepwater Horizon* accident, the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) has the opportunity to make systemic changes that will help create a better and more effective regulatory and oversight program. The Department of the Interior (Department) continues to perform reviews of the responsibilities of BOEMRE including leasing, lease monitoring, and royalty oversight. Reviews should assess whether some of the duties should be restructured.

The review of Federal offshore oil and gas operations was conducted by the Outer Continental Shelf Safety Oversight Board. The Office of Inspector General (OIG) participated in the review. The Board's September 1, 2010 report detailed 59 recommendations to improve operations. BOEMRE subsequently developed an implementation plan for the recommendations. In addition, the OIG will issue a separate report which will make additional recommendations.

2. Financial Management

The Department manages an annual appropriation of about \$20 billion¹, revenues of \$9 to \$25 billion annually from onshore and offshore mineral leases, and \$3.7 billion in funds held in trust. By contract, the independent public accounting firm KPMG LLP completes the annual financial audit of the Department. KPMG LLP rendered an unqualified opinion on the consolidated financial statements of the Department for fiscal year (FY) 2009, although the Department still

¹ Revised to reflect the enacted FY 2010 budget.

had six significant deficiencies in internal controls over financial reporting, of which none were considered a material weakness and five were repeated from FY 2008. In addition, KPMG LLP identified two instances in which the Department did not comply with laws and regulations in FY 2009, specifically the Single Audit Act Amendments of 1996 and the Prompt Payment Act. However, the number of control deficiencies identified for the FY 2010 review to date has significantly decreased.

The implementation of the Financial and Business Management System (FBMS) continues to be a management challenge for the Department. FBMS has been under consideration and implementation for at least 10 years. FBMS was supposed to be fully implemented by 2010, but to date only three bureaus/offices have transitioned. Complete implementation is currently estimated for 2013. The number and variety of programs across the Department make budget and performance integration particularly difficult.

On June 28, 2010, the Office of Management and Budget (OMB) issued memorandum M-10-26, titled "Immediate Review of Financial Systems IT Projects," which stated that "Federal Information Technology (IT) projects too often cost more than they should, take longer than necessary to deploy, and deliver solutions that do not meet our business needs. Although these problems exist across our IT portfolio, financial systems modernization projects in particular have consistently underperformed in terms of cost, schedule, and performance." To address these problems, OMB launched an IT project management reform effort that required "all CFO Act agencies to immediately halt the issuance of new task orders or new procurements for all financial system projects pending review and approval from OMB." OMB's assessment of FBMS is ongoing. The Department recently proposed revisions to the FBMS implementation plan to address OMB's concerns.

3. Information Technology Security

The Department's FY 2010 budget for IT is \$995 million. That budget funds the network infrastructure, IT security, and various IT investments, which are intended to align with Departmental mission objectives. IT supports the Department's diverse programs meant to protect and manage our Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated Island communities. IT security strives to assure the confidentiality, integrity and availability of information assets.

The Department continues to employ a decentralized and fragmented IT governance framework, which does not optimally operate or fully comply with legislation and Federal policy. Despite some improvements and progress, decentralized management, resource gaps, disconnection from the internet related to the *Cobell v. Salazar* case, a lack of centralized asset management capability and other factors have left the Department struggling to meet information security and privacy mandates. A lack of strategic direction in implementation of information technology resulted in inadequate oversight even when appropriate technology exists.

The Federal Information Security Management Act of 2002 requires the Secretary of the Interior to delegate to the Department's Chief Information Officer (CIO) "the authority to ensure

compliance with the requirements imposed on the agency under this subchapter.” We routinely found that guidance issued by the CIO was not implemented.

- In August 2006, the CIO directed all bureaus and offices to transition to the Department’s remote access system by January 31, 2007. In FY 2010, we found that many bureaus still operate their own separate, remote access systems.
- In June 2006, OMB Memorandum 06-16 “recommends allowing remote access only with two-factor authentication where one of the factors is provided by a device separate from the computer.” Of the users who utilize the Department’s Remote Access Solution, 78 percent did not use the two-factor authentication.
- In December 2009, the CIO directed all bureaus and offices to utilize the Departmental Access System for on-boarding employees and contractors prior to initiating IT user access accounts. We found in FY 2010, not all bureaus were following this guidance.

During 2010, our evaluations revealed:

- Inaccuracies in IT asset inventory
- Duplicative IT functions
- Resistance to consolidated IT operations and management
- A fragmented continuous monitoring program
- Inadequate departmental oversight
- Incomplete assessments of privacy risk

The Department launched an initiative in June 2010 called the DOI Innovation and Efficiency Team (DIET) which currently is in the planning phase. Per the DIET charter, "this initiative was created to identify and implement immediate and long-term solutions to realize cost savings, cost avoidance, cost efficiencies and/or innovations across the DOI IT environment." That initiative includes objectives directly related to its IT Security Program. As the Department moves forward in implementing various facets of the initiative, they have the potential to address a number of IT security challenges.

4. Health, Safety, and Maintenance

Each year, more than 500 million people visit the Department’s National parks and monuments, wildlife refuges, and recreational sites. The Department is responsible for serving these visitors and maintaining and protecting thousands of facilities and millions of acres of property. In some cases, the isolation of Department lands and facilities presents vulnerabilities and makes safety and maintenance challenging. Our work has documented decades of maintenance, health, and safety issues that place the Department’s employees and the public at risk.

Aircraft

In February 2009, we issued a flash report discussing U.S. Fish and Wildlife Service (FWS) use of eight Department-owned aircraft. For more than a decade, the Department has allowed these

aircraft to be flown over maximum takeoff gross weight according to Federal Aviation Administration regulations and manufacturer specifications. FWS acknowledged the risks, and has taken steps to purchase replacement aircraft.

Deferred Maintenance

The Department is responsible for roads, bridges, schools, office buildings, irrigation systems, and reservoirs for which repair and maintenance have been postponed because of budgetary constraints. The Department's FY 2010 estimate to correct deferred maintenance, the Department's term for unfunded repair and maintenance needs, ranges from \$13.0 billion to \$19.2 billion. Deterioration of assets because of uncorrected deferred maintenance poses health and safety hazards.

Abandoned Mines

Land managed by the Department has posed hazards to the public. Many abandoned mines, primarily in western states, pose dangerous safety and environmental hazards. In a July 2008 report, the OIG reported grave concerns to the Department regarding its failure to mitigate the hazards posed by abandoned mines on Federal lands. As stated in our report, "Mines located primarily in the Western States of California, Arizona, and Nevada have dangerously dilapidated structures, serious environmental hazards, and gaping cavities — some capable of swallowing an entire vehicle." The Department concurred and has implemented two of the report's three recommendations.

Our May 2009 report on Mining Claimant Administration addressed how the Bureau of Land Management (BLM) might be more effective in working with claim holders or claimants to mitigate the most serious physical safety hazards. BLM is missing opportunities to enhance public safety by neither coordinating with claimants nor actively seeking claimant assistance in mitigating the hazards. Six of the ten report recommendations have been implemented, and the Department is continuing to address the remaining issues.

5. Responsibility to Indians and Insular Areas

Management problems persist in programs for Indians and island communities. The Department manages relationships with 564 Federally recognized Indian tribes, has trust responsibilities for 112 million surface and subsurface acres of land belonging to Indian tribes and individuals, and provides education services to approximately 42,000 Indian children in 184 schools and dormitories. The Department also has various responsibilities to seven island communities to include four territories and three sovereign island nations. The Department provides general administrative supervision of the relations between the U.S. government and the territories of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands. For the three sovereign nations, the Department is responsible for administering and overseeing U.S. Federal assistance provided under Compacts of Free Association. In carrying out these responsibilities, the Department is required to coordinate with the State Department and other Federal agencies to promote economic development and budgetary self-reliance in these countries.

Indian Affairs

Responsibility to American Indians has consistently been a top management challenge for the Department. Indian Country programs managed by the Department include Indian Trust for Lands and Funds, Indian Education, Self-Determination, Energy and Economic Development, Indian Gaming, and Justice Services. Approximately 25 percent of OIG investigations involve Indian Country issues.

Recent OIG reviews disclosed needed improvements in preventing school violence and fractionalization of land. Our February 2010 review to evaluate the quality of school safety measures in place to prevent violence at Bureau of Indian Education (BIE) funded schools revealed many indicators of potential violence, deficiencies in school policies aimed at preventing violence, and substantial deficiencies in preventative and emergency safety procedures resulting in schools being dangerously unprepared to prevent violence and ensure the safety of students and staff. Indian Affairs (IA) concurred with the report's four recommendations which, if implemented, will improve safety measures in place at BIE funded schools.

The Federal Government has long acknowledged the resulting complexity from fractionation on Indian Trust operations. Fractionation is the result of dividing Tribal land into parcels and allotting the parcels to individual Indians. The allotments are subsequently divided among heirs through probate. With each generation, the amount of fractionation increases. To date, the Department has not developed a comprehensive plan that will guide its efforts to reduce fractionation.

The myriad problems we have uncovered portray programs that are sorely understaffed, underfunded, and poorly managed. The OIG has identified gross program inefficiencies along with criminal conduct at many levels of IA. The greatest obstacle to reform, however, is the leadership vacuum that has existed for almost a decade. Assistant Secretaries have typically served for only 6 to 18 months, which has resulted in constantly shifting priorities and messages to Bureau employees and American Indians. The current Assistant Secretary – IA stated in his confirmation hearing that he would consent to a 4-year commitment. This commitment should eliminate the past leadership vacuum and ensure continuity, which will promote the establishment of consistent priorities within Indian Affairs.

Insular Areas

The Department seeks to increase Federal responsiveness to the needs of the Insular Areas through the Office of Insular Affairs (OIA). OIA works to improve the financial management practices of Insular Area governments and to increase economic development opportunities through financial and technical assistance. The FY 2010 budget for Insular Areas includes \$85 million for capital improvements, operation, and technical assistance to the four U.S. territories, \$218 million for the programs of the three nations under the Compacts of Free Association, and \$177 million in tax-related payments to the U.S. Virgin Islands and Guam.² Overall, OIA

² Revised to reflect the enacted FY 2010 budget.

annually funds Insular Area government programs focusing on education, health care, infrastructure improvement, public sector capacity building, private sector development, and the environment.

Unfortunately, the people of the Insular Areas are ill-served by their local governments and the OIA. For example, our review of the funds used for security improvements at the Virgin Islands Governor's private residence concluded that approximately \$500,000 of public funds, earmarked by the Legislature for road repair in the Virgin Islands, were misspent. Our September 2010 report on the Virgin Islands Port Authority concluded that the Authority regularly circumvented or inadequately documented the procurement process in the issuance of its capital improvement projects. The problems we observed are not new, having been identified and reported on 5 years ago.

Our reviews have consistently pointed to problems that might have been mitigated had OIA provided adequate oversight or taken a more active approach in assisting Insular Area governments. Numerous reviews have pointed to ongoing management and financial problems in the Insular Areas and OIA. We identified problems in the areas of grants management, water and wastewater systems, noncompetitive procurements, tax collection, and property accountability and management.

We evaluated the OIA program management to determine if OIA is able to effectively assist the Insular Area governments in gaining economic self-sufficiency and improve the quality of life for their people. Our May 2010 report concluded that OIA's ability to accomplish major policy objectives in the Insular Areas is hindered by a lack of technical expertise and authority to directly assist the Insular Areas. OIA can improve fulfilling its responsibilities in three areas: grants management, advocacy, and performance management. The OIG is concerned that OIA, as it is currently structured, may not be able to successfully assist the Insular Areas to improve services in critical areas such as education, health care, and utilities. OIA concurred with the report and cited planned corrective actions that, if implemented, should address the report's three recommendations. OIA received a \$200,000 program increase in 2010 to hire additional personnel to address audit concerns and expand technical assistance, training, and oversight activities, but has yet to fill the positions.

6. Resource Protection and Restoration

The Department's resource managers face the challenging task of balancing competing interests for the use and protection of the Nation's natural resources. The Department manages one-fifth of U.S. land, including 391 National park units and 548 wildlife refuges. BLM is the Nation's largest land manager with responsibility for 258 million acres of land across the West, as well as a 700 million acre onshore, subsurface mineral estate.

Wildland Fire Management

Interior's ability to mitigate the threat of wildfire and its associated cost is of concern. The Department recently transferred wildland fire management from BLM to the Office of Wildland Fire Coordination in an effort to focus attention on controlling the threat of wildland fires and its

escalating costs. Congressional interest in wildland fire is at an all-time high. As recently as March 2009, the GAO stated that wildfire problems facing the Nation continue to grow and identified findings in funding and cost control. To address these concerns, the Department completed a number of corrective actions and stated that it was developing a comprehensive fire management “Cohesive Strategy,” consistent with recent GAO recommendations. This strategy is expected to be completed by the end of 2011.

In response to concerns expressed by the Congress and OMB, the OIG assessed the Department’s accountability through its wildland fire management programs to determine whether or not adequate funding guidance and oversight had been provided to help wildland urban interface areas take advantage of existing federal resources, specifically National Fire Plan grants, to reduce fire risks. The Department’s four fire agencies – BLM, NPS, FWS, and the BIA – spend approximately one billion dollars annually to reduce wildland fire damages. Even so, the Department’s wildland fire management programs received the lowest rating possible from OMB’s Performance Assessment Rating Tool: “Results Not Demonstrated.” The Assistant Secretary for Policy, Management and Budget concurred with the report’s four recommendations.

Roads Program

At the request of the Congress, OIG evaluated the Department’s roads programs at BIA, NPS, FWS, BLM, and the Bureau of Reclamation. These five bureaus manage approximately 186,713 miles of roads that are designated for either public or administrative use. The Department of the Interior and the Department of Transportation jointly manage three programs through the use of memoranda of agreement. Our February 2010 report concluded that each bureau was responsible for framing its own roads programs and that Interior exercises no centralized oversight of roads program activities within the bureaus. For example, BIA and BLM have the two largest road programs with respect to mileage, but do not have adequate inventories. Further, neither BIA nor BLM exercise sufficient oversight to ensure that roads funds are being properly managed and used for intended purposes. The resulting decentralization has led to a number of inconsistencies and has adversely affected program transparency and efficiency, funds accountability, and, most importantly, public safety. The Department subsequently agreed to establish a position to provide oversight of the different roads programs.

Museum Collections

Our December 2009 report on the museum collections found that the Department is failing to fulfill its stewardship responsibilities over museum collections second in size only to the Smithsonian Institution. The Department manages collections that are estimated to include over 146 million items of artwork, artifacts, and other museum objects at 625 Department facilities and at least 1,020 non-Departmental facilities. Specifically, we found widespread failure to properly execute the three key processes required to maintain accountability over museum collections: accessioning, cataloging, and inventorying.

These widespread accountability issues are largely due to poor program management, ineffective oversight, poor reporting, and an insufficient allocation of resources. Many of these problems have been documented since 1990. Although the Department developed agency-wide standards

for managing museum collections, bureaus are not following that guidance. Establishing accountability over these museum collections has not been a priority for the Department. As a result, collections are unavailable for research, education, or display and are subject to theft, deterioration, and damage. We also found that the Department needs to take additional steps to improve preservation practices over its museum collection. Because preservation of collections has been neglected, countless artwork, artifacts, and other museum objects are in jeopardy. The Department is in the process of implementing the report's 13 recommendations for corrective action.

7. Revenue Collections

The Department has jurisdiction over 1.76 billion acres of the Outer Continental Shelf, manages about one-fifth of the land area of the United States, and administers 700 million acres of subsurface minerals throughout the Nation. Almost one-third of the Nation's domestic energy production is generated from Department lands and waters. The Department collected royalties of approximately \$9.9 billion in 2009 and \$23.4 billion in 2008. Royalties include monetary (Royalty-in-Value (RIV)) and product (Royalty-in-Kind (RIK)). The RIK program is in the process of being phased out. After the *Deepwater Horizon* tragedy, the Department began assessment of the duties of the Minerals Management Service which had the royalty responsibilities. The Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) was established and became responsible for most of the Service's responsibilities. In October 2010, the responsibilities for royalty collection and oversight, specifically the Mineral Revenue Management directorate, were transferred to the new Office of Natural Resources Revenue (ONRR).

Our work has revealed weaknesses in the oversight and collection and management of royalties. BOEMRE has begun to correct its Royalty Program weaknesses, but more needs to be done. For example, our February 2009 report on nonproducing oil and gas leases concluded that a system needs to be established allowing BOEMRE, ONRR, BLM, and BIA to communicate efficiently and effectively regarding oil and gas leases and royalty collections. Further, improvements are needed in the administration of non-producing oil and gas leases regarding establishing one system for monitoring leases and working with Congress to determine the extent of monitoring of lease development and development of a clear policy on the production of oil and gas from Federal leases. In a March 2010 report, we concluded that BLM, BOEMRE, and ONRR need to carry out effective oversight and management of the beneficial use gas. No royalties are assessed on this gas and the potential royalty value of the gas was \$145 million in 2008. Finally, our March 2010 report on geothermal royalties concluded that ONRR should increase monitoring of geothermal lessees and reevaluate the appropriateness of a 99 percent deduction allowance. The Department generally concurred with the reports' recommendations and is in the process of taking corrective actions.

The Department must identify growth opportunities as it manages the public's vast royalty and energy resources. In February 2009, Congress passed a \$787 billion spending bill, the American Recovery and Reinvestment Act (Recovery Act), to stimulate the economy by providing jobs and investing in the Nation's infrastructure. The vision behind the Recovery Act is to double the Nation's supply of renewable energy over the next 3 years, and make an enormous investment in

basic research funding for new energy source discoveries. To advance the vision of a clean energy economy, the Secretary issued Secretarial Order 3285 to establish the production, development, and delivery of renewable energy as a top priority for the Department. The order establishes an Energy and Climate Change Task Force to lead this new agenda and to identify specific zones of public land where Interior efforts can facilitate a rapid and responsible move to large-scale production of solar, wind, geothermal, and biomass energy. The Department has seen some success in its Renewable Energy Program since the Energy Policy Act of 2005, including issuing a final rule for renewable energy on the Outer Continental Shelf and establishing Federal/state task forces to work with individual states on proposed offshore wind activities.

8. Acquisition Management

Procurement, contracts, and grants historically have been areas subject to fraud and waste Government-wide; managing them continues to pose a challenge. The Department procurement and financial assistance awards in FY 2010 exceeded \$5 billion, which represented over one-third of the Department's total budget. These awards included \$4.7 billion in contracts with over 70,000 transactions, and more than \$1.7 billion in Federal assistance to over 2,300 recipients.

The Recovery Act provided nearly \$3 billion to the Department. The funds, received by six bureaus, are being awarded under contracts and financial assistance agreements and are being spent on habitat restoration, facilities and roads improvements and construction, scientific equipment, water infrastructure in western states, and improving conditions in Indian country.

To ensure compliance with the stringent requirements of the Recovery Act, the Department issued over ten new policies for acquisition and financial assistance, including new review requirements for actions that were not competitive or fixed price. Bureaus increased their review programs, and the Office of Acquisition and Property Management (PAM) conducted reviews of actions that were non-competitive or not fixed-price. These reviews uncovered opportunities for improved policy and guidance in a number of areas. One key area of focus for financial assistance was on workforce training and professionalism. PAM staff worked closely with OMB and the Office of Personnel Management on the development of a new career series for financial assistance managers and awarding officials.

The Department's acquisition workforce obligated the vast majority of stimulus funds in accordance with the schedule established in the Recovery Act. This significant effort of obligating almost \$3 billion in about 19 months, in addition to executing actions to obligate appropriated funds, placed a severe burden on the acquisition workforce. Most contract awards involved competition and were made as fixed-price awards to minimize risk to the Government.

The Department now faces new Recovery Act challenges and must focus on the execution of the contracts, grants and cooperative agreement to ensure that the awarded funds are used for their intended purposes with minimal waste, fraud, or mismanagement. The acquisition workforce must ensure proper identification of Recovery Act awards and, in coordination with the OMB, diligently update outdated project lists to ensure transparency. The workforce must continue to monitor whether applicable recipients of funds are reporting on FederalReporting.gov, and bureaus must take aggressive action regarding those who fail to report. Such actions may include

termination of contracts or withholding of payments, as well as suspension and debarment proceedings.

Training for contracting officers and grant managers is critical to develop the skills necessary to effectively manage pre-solicitation planning, competition, proper selection of the contracting method, and administration. The Department continues to make progress toward establishing a strong suspension and debarment program to protect against fraud, waste, abuse, and the misuse of Federal funds. In response to our recommendations, the Department committed necessary resources to fund, establish, and staff an effective suspension and debarment program. The Department's Debarment Program Manager and OIG's Compliance Specialist have provided suspension and debarment training to over 300 contract and financial assistance award personnel and other Department officials. In FY 2010, the Suspending and Debarring Official has taken 25 debarment referrals resulting in 23 debarment actions to date.

Another challenge confronting the Department is the identification and application of funds required for justified contract change orders, especially on large construction projects, and efforts to ensure compliance with the Davis-Bacon Act wage requirements. The Department needs to ensure that Small Business Administration set-aside contracts are not awarded to, or performed by, unqualified contractors.

Report Fraud, Waste, and Mismanagement



Fraud, waste, and mismanagement in government concern everyone: Office of Inspector General staff, Departmental employees, and the general public. We actively solicit allegations of any inefficient and wasteful practices, fraud, and mismanagement related to Departmental or Insular Area programs and operations. You can report allegations to us in several ways.



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