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U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

2003 SEP -2 PM 2:16

NANCY H.
MAYER-WHITTINGTON
CLERK

ELOUISE PEPION COBELL, et al.,

Plaintiffs,

v.

GALE NORTON, Secretary of the Interior, et al.,

Defendants.

Case No. 1:96CV01285
(Judge Lamberth)

**NOTICE OF FILING OF THE FIFTEENTH QUARTERLY REPORT
FOR THE DEPARTMENT OF THE TREASURY**

The Department of the Treasury has prepared its *Fifteenth Quarterly Report on Actions Taken By the Department of the Treasury to Retain IIM-Related Documents Necessary For an Accounting* and submits it to the Court in accordance with this Court's Order of December 21, 1999.

A copy of the report is attached hereto.

Dated: September 2, 2003

Respectfully submitted,

ROBERT D. McCALLUM, JR.
Associate Attorney General

PETER D. KEISLER

Assistant Attorney General

STUART E. SCHIFFER

Deputy Assistant Attorney General

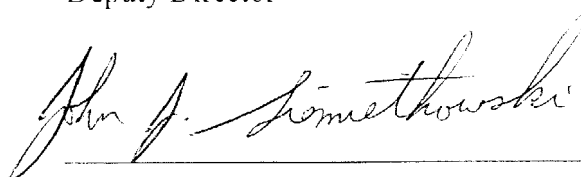
J. CHRISTOPHER KOHN

Director

SANDRA P. SPOONER

D.C. Bar No. 261495

Deputy Director



JOHN T. STEMPLEWICZ
Senior Trial Counsel
JOHN J. SIEMIETKOWSKI
Trial Attorney
Commercial Litigation Branch
Civil Division
P.O. Box 875
Ben Franklin Station
Washington, D.C. 20044-0875
(202) 514-3368 (phone)
(202) 514-9163 (fax)



DEPARTMENT OF THE TREASURY
BUREAU OF THE PUBLIC DEBT
WASHINGTON, DC 20239-0001

August 29, 2003

MEMORANDUM FOR: ROBERT D. McCALLUM, JR.
ASSOCIATE ATTORNEY GENERAL
U.S. DEPARTMENT OF JUSTICE
CIVIL DIVISION

FROM: BRIAN L. FERRELL 
CHIEF COUNSEL
BUREAU OF THE PUBLIC DEBT
DEPARTMENT OF THE TREASURY

SUBJECT: FIFTEENTH QUARTERLY REPORT
COBELL, ET AL. v. NORTON, ET AL.

Included with this cover memorandum is the "Fifteenth Quarterly Report on Actions Taken by the Department of the Treasury to Retain IIM-Related Documents Necessary for an Accounting" (the "Report"). The Report has been prepared by the Department of the Treasury pursuant to the Court Order and Opinion in *Cobell, et al. v. Babbitt, et al.* (D.D.C. CV No. 96-1285), filed December 21, 1999.

The Report includes information concerning the Financial Management Service, ("FMS"), Bureau of the Public Debt ("BPD") and certain Departmental Offices ("DO"). The Report was prepared based on information provided by a number of program offices from the above-described organizations. The preparation of the Report included circulation of drafts of the Report to program offices that are responsible for the actions described in the Report. Comments were received from those offices and incorporated in the Report.

Prior to submitting the Report to the Department of Justice, senior officials of FMS, BPD and DO reviewed a final draft of the Report.

The Department of the Treasury stands ready, in accordance with the Court's order, to respond to any questions or concerns the Court may have after reviewing the Report and attachments thereto.

**FIFTEENTH QUARTERLY REPORT ON ACTIONS TAKEN
BY THE DEPARTMENT OF THE TREASURY TO RETAIN
IIM-RELATED DOCUMENTS NECESSARY FOR AN ACCOUNTING**

Cobell, et al. v. Norton, et al.

D.D.C. CV No. 96-1285

August 29, 2003

This is the Department of the Treasury's ("Treasury") Fifteenth Quarterly Report, filed pursuant to the Court's December 21, 1999 Order ("Order") in the above-captioned case. It covers activities occurring over a three-month period from June 2, 2003 through August 29, 2003. The Order requires Treasury to report on the steps it has taken since the last quarterly report to rectify a single breach of its trust responsibilities, namely the destruction of IIM trust materials after their age exceeded six years and seven months. Cobell, et al. v. Babbitt, et al., 91 F. Supp. 2d 1, 50, 59 (D.D.C. 1999).

Treasury continues to preserve IIM-related documentation pursuant to the Court's August 12, 1999 Order, which defines the trust records that Treasury must retain. During the past quarter, Treasury again issued reminders to ensure the retention of required records. Among the reminders Treasury issued this quarter are letters reminding NARA (see Attachments A and B), a contractor (see Attachment C), banks (see Attachments D and E), and Secret Service (see Attachment F) to continue retaining pertinent records. In addition, employees of Financial Management Service (FMS) and the Bureau of the Public Debt (BPD) were again reminded to continue preserving records related to this litigation (see Attachments G and H), and retention instructions to pertinent Departmental Office (DO) employees continue to be posted on DO's intranet site.

As previously reported in Treasury's Fourteenth Quarterly Report filed June 2, 2003, on May 27, 2003, Treasury transmitted, through Justice, a report from its Chief Information Officer to the Special Master regarding a hardware failure, possibility of data loss, and e-mail system upgrade at the Departmental Offices. On June 27, 2003, a meeting was held among the Special Master's technical advisor, Treasury's Acting Deputy Chief Information Officer, and other Treasury representatives to discuss the matter further. On June 30, 2003, Treasury submitted, through Justice, to the Special Master's technical advisor the information that the technical advisor had requested at the end of the June 27, 2003 meeting. On July 7, 2003, the Special Master sent the technical advisor's report to Justice and to Plaintiffs' counsel. Treasury is currently reviewing the report. Treasury also continues to assess whether any data was lost during the system failure.

During this quarter, FMS approved an archive plan for CASH-LINK to ensure the data continues to be preserved as CASH-LINK II is implemented. The archive plan will convert and transfer all CASH-LINK data to DVD-ROM. (CASH-LINK is a cash concentration and information system that houses deposit data.)

In addition, the Federal Reserve Bank of San Francisco reported on July 1, 2003 that it had located one box of records that previously was reported missing on May 16, 2001. (See Attachment I.)

INDEX TO ATTACHMENTS

*The Department of the Treasury's Fifteenth Quarterly Report
August 29, 2003*

- | | |
|---------------------|---|
| Attachment A | August 8, 2003 letter from FMS to NARA, reminding NARA to continue the "freeze" on FMS records at Federal Records Centers |
| Attachment B | August 19, 2003 letter from BPD to NARA, reminding NARA to continue suspending destruction of BPD records at Federal Records Centers |
| Attachment C | August 6, 2003 letter from FMS Contracting Officer James R. Hamrick to Didlake, Inc., reminding it to continue retaining closed check claims case records indefinitely |
| Attachment D | Example of August 11, 2003 letter sent by FMS to all (approximately 475) banks that act or have acted as Treasury's financial agents, reminding them to continue to retain, indefinitely, records associated with Interior's deposits to Treasury General Accounts at those banks |
| Attachment E | August 26, 2003 letters mailed by FMS to the two banks (Mellon Bank and Bank of America) that administer lockboxes for IIM deposits, reminding them to continue preserving all records pertinent to those lockbox accounts |
| Attachment F | August 26, 2003 letter issued by FMS, reminding the U.S. Secret Service to continue preserving, until further notice, all Treasury checks that FMS forwards for investigation and related information and records (without the enclosures) |
| Attachment G | Global e-mail issued August 13, 2003 to all BPD employees, and posted on BPD's intranet site, reminding employees to continue preserving IIM-related records indefinitely and sending all <u>Cobell</u> -related e-mail to BPD's dedicated mailbox |
| Attachment H | Global e-mail issued August 14, 2003 to all FMS employees, and posted on FMS' intranet site, reminding employees to continue retaining records related to this litigation indefinitely and to continue utilizing the "Cobell Archive" mailbox to retain all IIM-related e-mail |
| Attachment I | July 1, 2003 letter from the Director of the Federal Reserve Bank of San Francisco to the Commissioners of FMS and BPD, reporting finding one box of records previously reported missing |

Financial Management Service
memorandum

August 8, 2003

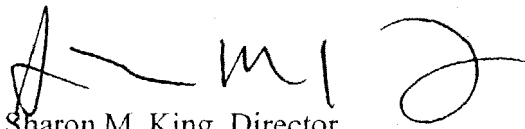
Thomas E. Mills
Assistant Archivist for Regional Records Services
National Archives and Records Administration
Office of Regional Records Services
8601 Adelphi Road, Suite 3600
College Park, MD 20740

Dear Mr. Mills:

The purpose of this letter is to remind you that Financial Management Service (FMS), a bureau of the U.S. Department of the Treasury, remains under court order to preserve records indefinitely for purposes of the Cobell, et al. v. Norton, et al. litigation. Therefore, we request that the Federal Records Centers continue to implement the freeze on all records from FMS Record Groups 39, 50 and 425 and preserve all such records until further notice.

If you have any questions, you may contact Jean Sadlowe at (202) 874-8954. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. M. King', with a stylized flourish at the end.

Sharon M. King, Director
Administrative Programs Division



DEPARTMENT OF THE TREASURY
BUREAU OF THE PUBLIC DEBT
PARKERSBURG, WV 26106-1328

August 19, 2003

National Archives and Records Administration
Life Cycle Management Division
Attention: James Veach
8601 Adelphi Road
College Park, MD 20740-6601

Re: Suspending Destruction

Dear Mr. Veach:

As you are aware, the Bureau of the Public Debt (BPD), Department of the Treasury, has been under court order since August 1999 to preserve all documents relating to the pending litigation, Cobell v. Norton, et al., which challenges the government's management of the Individual Indian Monies (IIM).

The purpose of this letter is to remind you that BPD remains under court order to preserve records indefinitely for purposes of the Cobell litigation. Therefore, we request that the Federal Records Centers continue to implement the freeze on all records from BPD Record Groups 53 and 82 and preserve all such records until further notice.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script, reading "Vicki Thorpe", is positioned above the typed name.

Vicki Thorpe, Manager,
Graphics, Printing, and Records Branch
Records Officer



DEPARTMENT OF THE TREASURY
FINANCIAL MANAGEMENT SERVICE
WASHINGTON, D.C. 20227

August 6, 2003

Didlake, Inc.
Attn: Ethel Hughes, Project Manager
3700 East-West Highway, Room B-014
Hyattsville, MD 20782

Re: FMS Contract Number FHQ99D51295

Dear Ms. Hughes:

Please continue to ensure that appropriate personnel at your company who perform work for FMS under the referenced contract are aware of, and are complying with, FMS' longstanding instructions to retain, indefinitely, all check claims related records. Such records include microfiche copies of closed check claims case files, original documents contained in such files (including original TFS 1133 claim forms), and any supporting information or documentation associated with same.

Our letter to you dated August 7, 2001 included a copy of the retention order issued August 12, 1999 in the Cobell, et al. v. Norton, et al. litigation. If you need another copy of the retention order, please let me know.

Please make FMS aware of any concerns you may have regarding these instructions. You may contact the COTR, Marilyn Haynes, at (202) 874-8445 or me, at (202) 874-7271, if you have any questions.

Thank you for your continued cooperation.

Sincerely,

A handwritten signature in black ink that reads "James R. Hamrick". The signature is fluid and cursive, with the first name "James" being more prominent.

James R. Hamrick
Contracting Officer

cc: Marilyn Haynes, COTR
Beth Kramer, Office of Chief Counsel



DEPARTMENT OF THE TREASURY
FINANCIAL MANAGEMENT SERVICE
WASHINGTON, D.C. 20227

August 11, 2003

Dear Sir:

Please continue to follow the instructions stated in FMS' letters to your financial institution dated July 9, 1999, August 2, 1999, December 16, 1999, September 7, 2000, February 15, 2001, August 17, 2001, February 15, 2002, August 15, 2002, and January 22, 2003 regarding document retention. Due to ongoing litigation [Cobell, et al. v. Norton, et al., Civ. No. 1-96CV01285 (D. D.C.)], your financial institution must retain, until further notice:

Standard Form 215, Standard Form 5515 and any supporting documentation, IN ALL FORMS AND MEDIA, associated with transactions relating to deposits received from the Department of the Interior for credit to the Treasury's General Account (TGA). This includes paper, electronic, microfilm, microfiche, or any other media.

If you have not already done so, please designate a point of contact at your financial institution to disseminate these record retention instructions to appropriate personnel at your organization (including records management personnel). Please ensure that an appropriate dissemination process is in place and is being followed at your financial institution.

If these retention instructions create a problem for your operations, please send your concerns in writing to Manager, Banking Operations Branch at 401 14th Street, S.W., Room 436, Washington, DC 20227, as soon as possible.

Thank you for your continuing cooperation in this matter. If you have any questions, you may contact Doris Hyman at (202) 874-7132 or me at (202) 874-6762.

Sincerely,

A handwritten signature in dark ink, appearing to read "Alexa Urban" followed by a stylized flourish or initials.

Alexa Urban, Director
Financial Services Division
A/C Federal Finance



DEPARTMENT OF THE TREASURY
FINANCIAL MANAGEMENT SERVICE
WASHINGTON, D.C. 20227

AUG 26 2003

Ms. Elaine Friedman, Vice President
Mellon Bank
Mellon Client Service Center
Suite 1260
Pittsburgh, PA 15262-0001

Re: Minerals Management Service Lockbox Account
Agency Location Code 14170001, Lockbox Number 911-4258

Dear Ms. Friedman:

As you know, FMS remains under a continuing court order in Cobell, et al. v. Norton, et al. to preserve, indefinitely, all records relating to Individual Indian Money (IIM) trust funds and trust assets. Accordingly, please continue to retain all documentation pertaining to the above-referenced lockbox account until further notice. You have confirmed that the records for this account include:

- Standard Form 215
- Standard Form 5515
- ACH Receiving Remittance/Payment Report
- Demand Deposit Account Activity Statements
- Any forms used to facilitate internal processing, such as the CASH-LINK Deposit Report Form

You must retain the records for this account IN ALL FORMS AND MEDIA generated for the account. This includes paper, electronic, microfilm, microfiche, or any other media. If you create the same record in multiple media, you must retain the record in all media.

Please distribute this letter to the appropriate bank personnel, including records management personnel. If you have any questions regarding these retention instructions, please contact me at (202) 874-6762. Thank you for your continued cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alexa Urban".

Alexa Urban, Director
Financial Services Division
Federal Finance



DEPARTMENT OF THE TREASURY
FINANCIAL MANAGEMENT SERVICE
WASHINGTON, D.C. 20227

Attachment E
2 of 2

AUG 26 2003

Mr. Stephen C. Herndon, Senior Vice President
Bank of America
Federal Government Banking Division
600 Peachtree Street, NE
Atlanta, GA 30308-2214

Re: Bureau of Indian Affairs – Palm Springs Lockbox Account
Agency Location Code 00004844, Lockbox Number 72758

Dear Mr. Herndon:

As you know, FMS remains under a continuing court order in Cobell, et al. v. Norton, et al. to preserve, indefinitely, all records relating to Individual Indian Money (IIM) trust funds and trust assets. Accordingly, please continue to retain all documentation pertaining to the above-referenced lockbox account until further notice. You have confirmed that the records for this account include:

- Standard Form 215
- Standard Form 5515
- Check copies
- Monthly Account Activity Reports (MAAR)
- Monthly Account Analysis Statements (MAAS)
- Standard Listing
- Any forms used to facilitate internal processing, such as the Daily Balance Sheet

You must retain the records for this account IN ALL FORMS AND MEDIA generated for the account. This includes paper, electronic, microfilm, microfiche, or any other media. If you create the same record in multiple media, you must retain the record in all media.

As of this time, the Court still has not acted on Treasury's July 9, 2001 Motion to replace the existing August 12, 1999 retention order in this case. Accordingly, notwithstanding that you began generating photocopies of checks associated with this account on October 1, 2001, you must continue retaining any duplicate copies on microfilm, unless and until FMS obtains court approval to retain only pre-October 2001 microfilm copies and post-September 2001 photocopies.

Page 2

Please distribute this letter to the appropriate bank personnel, including records management personnel. If you have any questions regarding these retention instructions, please contact me at (202) 874-6762. Thank you for your continued cooperation.

Sincerely,

A handwritten signature in cursive script, reading "Alexa Urban". The signature is written in dark ink and is positioned above the printed name and title.

Alexa Urban, Director
Financial Services Division
Federal Finance

cc: Linda S. Corbett; Senior Vice President, Bank of America



DEPARTMENT OF THE TREASURY
FINANCIAL MANAGEMENT SERVICE
HYATTSVILLE, MD 20782

Attachment F

August 26, 2003

Brian K. Nagel
Assistant Director,
Office of Investigations
U.S. Secret Service
950 H Street, N.W.
Washington, D.C. 20223

Re: Document Retention Order in Cobell, et al. v. Norton, et al.
Civ. No. 1-96CV01285 (D.D.C.)

Dear Mr. Nagel:

This is a reminder that Treasury remains subject to a continuing court order in the above-referenced lawsuit to retain, indefinitely, "all documents and data relating to Individual Indian Money trust funds and Individual Indian trust assets." Copies of the document retention order entered in the case on August 12, 1999 and Treasury's Stipulation filed with the court on July 6, 1999 were provided with some of our previous reminder letters to Secret Service, but I am enclosing copies again for your ease of reference.

As stated in our previous letters to Secret Service dated January 14, 2000, October 13, 2000, February 28, 2001, August 29, 2001, August 28, 2002, and February 12, 2003, among the types of records that Treasury must preserve to comply with the court order and Stipulation are all checks and check-related records. Accordingly, please continue to preserve, until further notice, all checks that FMS forwards to your bureau for investigation and all information and records your bureau maintains relating to those checks. Please continue to take all steps necessary to determine and document that all such records in the possession of Secret Service are being preserved indefinitely.

If you have any questions concerning the Cobell document retention order and Stipulation, please contact Beth Kramer in the FMS Chief Counsel's office, at (202) 874-7036, or me, at (202) 874-7913.

Thank you for your continued cooperation and assistance.

Sincerely,

Ronald G. Cymbor, Director
Financial Processing Division

cc: Thomas Dougherty, Office of Chief Counsel, U.S. Secret Service – Fax #202/406-6544

Anne Meister

08/13/2003 12:59 PM

To: All - BPD (Business use only!)

cc:

Subject: Litigation reminder

Once again, many thanks for all your diligence in preserving records that could potentially contain information relevant to the Cobell litigation.

You've seen the **Important Reminder** below before, but I am asking you to please take a few minutes once again to refresh yourselves on our obligations to preserve records.

The rule of thumb here is -- **when in doubt, don't throw it out!** Never assume that you know what might or might not be potentially relevant to this litigation. First, check with your supervisor, manager, or Jimmy Phillips.

Important Reminder to Preserve IIM-related records:

All BPD employees are again reminded of the continuing need to retain indefinitely and safeguard all records in our possession or under our control that relate to Individual Indian Money (IIM) trust monies. I cannot overemphasize to each of you the importance of this.

Van's instructions of September 1, 1999, are still in effect. Please review these on PDWeb at the following address: <ftp://ntpdweb/occ/litigation/cobell/cobmem3.pdf>

To further emphasize, instructions to preserve IIM-related e-mails also remain in effect. Please continue to send a "cc" (not a "bcc") of all e-mails (including attachments) that you initiate where they relate in any way to the Cobell litigation, Individual Indian Monies or Department of Interior investments on behalf of individual Indians to "IIM Mailbox." Also, forward all e-mails that you receive (including attachments and retaining forwarding history) that relate in any way to the Cobell litigation, Individual Indian Monies or Department of Interior investments on behalf of individual Indians, to "IIM Mailbox" unless you can tell from the message that the initiator of the e-mail has already copied the "IIM Mailbox."

The Federal Reserve Banks are under orders not to destroy any fiscal agency records unless they have received specific permission in writing from Public Debt or FMS authorizing the destruction. If you should get a call from FRB personnel related to this issue immediately refer the inquiry to Jimmy Phillips at (202) 691-3683. Do not attempt to give guidance on document retention matters to any FRB employee.

If you have *any* questions about the subject of this e-mail message, you should also contact your supervisor or Jimmy Phillips.

Thank you again for your care and attention to this important litigation-related responsibility.

Anne



Official FMS Business

[
]

To: Office of the Commissioner Agency Services Debt Management Services Federal Finance Financial C
Governmentwide Accounting Information Resources Management Regional Operations HQ Austin Bir
Kansas City Philadelphia San Francisco

Date: 08/14/2003

From: William Higgins

Subject: Important message about Cobell to all FMS employees from the Commissioner

Date: August 12, 2003

To: All FMS Employees

From: Richard L. Gregg
Commissioner

Subject: Cobell Litigation – Records Retention Requirements

All FMS employees are again reminded that FMS remains subject to a continuing court order, requiring us to retain and safeguard all records that relate to the Individual Indian Money (IIM) trust fund and IIM trust assets, indefinitely. Do not destroy any records unless you have followed the below-described "Process for Obtaining Disposition Approval" and received written approval from the Chief Counsel. Continue to copy or forward all Cobell-related e-mail to the dedicated "Cobell Archive@fms" mailbox in accordance with the memoranda identified below. I appreciate your continued compliance with these instructions and encourage you to review the pertinent memoranda and e-mails, which are described below and posted on FMS' intranet under "News" or "Hot Topics" and "Cobell Litigation."

Process for Obtaining Disposition Approval (for documents not pertaining to any pending litigation): The internal process for reviewing and approving non-litigation-related records for disposition is outlined in a memorandum issued March 7, 2000 by Chief Counsel Debra N. Diener. This process applies to all types of records, in all media. Each Assistant Commissioner area must seek written approval from the Chief Counsel to dispose of any records, by submitting a memorandum to the Chief Counsel through the Assistant Commissioner for Management. This process is not to be used for IIM records or any other litigation-related records. If you have any questions about the process, or need assistance to determine whether particular records are litigation-related, please contact Beth Kramer in the Office of Chief Counsel, at (202) 874-7036, fax number (202) 874-6627.

Use of E-Mail Mailbox: Please continue copying or forwarding all Cobell-related e-mail and other electronic documents to the dedicated "Cobell Archive@fms" mailbox, in accordance with the guidance issued by the Deputy Chief Information Officer on July 2, 1999 and May 30, 2000. To insert the mailbox address on an e-mail, simply type "Cobell" and press the "Enter" key. If you need additional guidance on this, please contact Beth Kramer.

Archiving Electronic Records: As provided in a memorandum entitled "Maintenance of Data on FMS Systems" issued by Deputy Commissioner Kenneth R. Papaj on March 3, 2000 (revised and reissued March 24, 2000), no IIM data or other litigation-related data is to be removed from any FMS electronic production system, except pursuant to an approved archive plan and schedule that ensures the data's

preservation and retrievability. Proposed archive plans should be submitted to the Commissioner's Office for approval, through the Assistant Commissioner for Management and the Chief Counsel.

Federal Reserve Bank Records: The Federal Reserve Banks have been instructed not to destroy any fiscal agency records unless they have received specific permission in writing from FMS or the Bureau of the Public Debt authorizing the destruction. Please refer any record retention-related inquiries from FRB personnel to Beth Kramer at (202) 874-7036, fax number (202) 874-6627. Do not attempt to give guidance on record retention matters to any FRB employee.

Pertinent Memoranda and E-mails Available on FMS' Intranet: The following memoranda and e-mails describe the types of records FMS must retain indefinitely for the Cobell litigation, the processes for requesting approval to dispose of records and to archive data from electronic production systems, and the requirements for using the "Archive Cobell" mailbox to preserve Cobell-related electronic records:

1. Commissioner Richard L. Gregg's August 30, 1999 memorandum directing all FMS employees to preserve indefinitely all documents and data relating to IIM trust monies. This memorandum includes the court's August 12, 1999 retention order and a list of the types of records FMS must preserve. *Note that the records FMS must retain for the Cobell litigation include not only IIM-related records but certain entire categories of records that FMS agreed to retain, regardless of whether they are IIM-related (for example, all Treasury checks).*

2. The Deputy Chief Information Officer's July 2, 1999 guidelines for utilizing the "Archive Cobell" mailbox.

3. The Deputy Chief Information Officer's May 30, 2000 e-mail, which reiterates the policy for using the "Archive Cobell" mailbox. It also provides guidance for using the mailbox with Lotus Notes e-mail.

4. Deputy Commissioner Kenneth R. Papaj's March 3, 2000 memorandum (revised and reissued March 24, 2000) to Assistant Commissioners, entitled "Maintenance of Data on FMS Systems."

5. Chief Counsel Debra N. Diener's March 7, 2000 memorandum to Assistant Commissioners, outlining the requirements for seeking approval to dispose of documents not pertinent to pending litigation.

To locate these documents, double click on the icon for Netscape Navigator. This moves you to FMS' Intranet. Under "News" or "Hot Topics," click on "Cobell Litigation." If you have any questions, please contact Debra Diener, Chief Counsel, at (202) 874-6824 or Beth Kramer at (202) 874-7036.

Thank you.

[Click here for more information on Cobell Litigation](#)

*** END OF ANNOUNCEMENT ***

Federal Reserve Bank of San Francisco
Fiscal Agent of the United States
San Francisco, CA 94120

July 1, 2003

Mr. Richard L. Gregg
Commissioner
Department of the Treasury
Financial Management Services
Washington, DC 20227

Mr. Van Zeck
Commissioner
Department of the Treasury
Bureau of Public Debt
999 E Street
Washington, DC 20239-0001

Dear Mr. Gregg and Mr. Van Zeck:

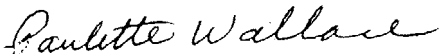
This letter is to update you on our list of boxes that were reported missing in our letter to you dated May 16, 2001. The following box has been found in the San Francisco Office:

77085756 Govt Tran 5285-86 HSR BX 11/17/97

Our Audit Department has examined and cleared this box and it will be returned to storage.

A report of the missing and destroyed material is enclosed. If you have any questions, please feel free to contact me at (415) 974-2389.

Sincerely,



Paulette Wallace
Director
Federal Reserve Bank of San Francisco

Enclosure

C: Robert Parry, President
John Moore, First Vice President
Robert Wiley, Group Vice President
Susan Sutherland, Senior Vice President
John Parrish, General Auditor
Lee Dwyer, Vice President
Jimmy Kamada, Director

Response to FMS and BPD Questions

May 16, 2001

1. A description of the records that were destroyed both as to the content and time period with as much specificity as possible;

Following a detailed, day-by-day review of the materials in the Twelfth District's offices, we have determined that some materials for the following specific dates are missing or were destroyed, as follows:

Missing Material		
Location	Form/Document	Dates
San Francisco	a) Box 69937483 – Treasurer of USA Bank Entries	a) 5/11 – 5/18/98
	b) Box 69943\$03 - PD 5174 30 Yr Bond	b) 2/16-8/16/94
	c) Box 77077052 – Treasure of USA Bank Entries	c) 8/14-8/21/96
	d) Box 77078323 – LL532 Securities Surrendered for Redemption or Exchange	d) 7/1-8/15/96
	e) Box 77133569 – Savings Bonds	e) 1/1/90-12/31/93
	Correspondence	f) 6/16-6/24/98
	f) Box 77133592 – Treasurer of USA Bank Entries	g) 4/6-4/14/98
	g) Box 77133598 – Treasurer of USA Bank Entries	h) 9/1-10/30/96
	h) Box 80493676 – IAS Entries	i) 1/3-2/25/94
	i) Box 77135512 – LA Roll Film #1823-1860	j) 3/9/99
	j) Box 093925650 – Govt Blk#0681-0682 Control Box	k) 7/21/98
	k) Box 093942997 – Govt Blk#2021-2024 Control Box	l) 11/17/97
	l) Box 77085756 – Govt Tran5285-86 HSR BX	m) 8/1-8/31/99
	m) Box 50822488 – Daily Work Folders	n) 1/1-2/28/99
	n) Box 80508295 – Bank Entries – IAS entries	o) 3/3/00
	o) Box 116700977 – Checks RSTL records	p) 8/9/00
	p) Box 128384351 – Checks RSTL records	q) 10/10/00
	q) Checks Fine Sort box – EZ entries	r) 11/3/00
	r) Checks RCPC Settlement (RSTL) box (form 215)	s) 8/16/00
	s) Checks RCPC Settlement (RSTL) box (box found, but forms 215's not enclosed)	t) 1/2-9/97
	t) Box 77075738 – Treasurer of the USA Bank Entries ¹	u) 4/8-12/93 and 4/22/93
	u) FMS 62 forms	
Portland	a) PD 5270	a) 4/14/00, 12/27/00
	b) SF 5515	b) 4/14/00, 6/8/00, 12/27/00
	c) SF 215	c) 6/16/00, 12/4/00

¹ This box was located and examined as part of the audit review process; however, the vendor was unable to locate the box when it was requested at a later date.

Missing Material		
Location	Form/Document	Dates
Seattle	a) Bills (PD5176-1 13-week Tender; PD5176-2 26-week Tender; PD5176-3 52-week Tender) b) Notes/Bonds (PD 5174-1 2/3 Note Tender; PD 5174-3 5/10 Note Tender; PD 5174-4 Bond Tender; PD 5381 rev 10/98 Bill, Note & Bond) c) PD5178 Transaction Request d) PD5179 Security Transfer Request e) PD5180 Reinvestment Request f) PD5182 New Account Request g) PARS Activity Report ²	a) 7/92-7/93 b) 7/92-12/92 c) 7/92-11/92 d) 7/92-12/92 e) 7/92-12/92 f) 7/92-12/94 g) 7/97-12/97
	SF 215 and SF 5515 forms and supporting documentation for government agency deposits of cash (list of currency by denomination) ³	1994: 6/7, 6/8, 9/13, 10/26 1995: 1/6, 4/11, 4/25, 10/12, 10/17, 11/1 1996: 2/14, 4/4, 4/22, 4/23, 8/9, 8/12, 8/15, 8/30, 9/19, 12/27 1997: 5/12, 7/2, 8/1 1998: 4/23, 5/18, 9/25 1999: 5/5, 12/23 2000: 1/28, 2/18, 3/27, 5/17, 5/18, 5/19, 7/17, 9/19
	a) SF 215, 5515, PD 5270 b) FMS 62	a) 4/11/95 and 5/28/98 b) 8/21/98
Destroyed Material		
San Francisco	Supporting documentation for government agency deposits of cash (list of currency by denomination) ³	11/1/92 to 12/31/93 and 9/1/96 to 10/31/96

2. When the destruction took place, who authorized the destruction and the basis for that authorization of destruction;

² PARS reports are generated from a Treasury application and used to balance securities holdings at the aggregate level. The reports do not provide information at the transaction level.

³ It is rare that a government agency provide supporting documentation with a deposit of currency. This documentation may be a listing of the cash deposit by denomination (i.e., the number of \$1 bills, \$5 bills, etc.).

CERTIFICATE OF SERVICE

I declare under penalty of perjury that, on September 2, 2003 I served the foregoing *Notice of Filing of the Fifteenth Quarterly Report for the Department of Treasury* by facsimile in accordance with their written request of October 31, 2001 upon:

Keith Harper, Esq.
Native American Rights Fund
1712 N Street, N.W.
Washington, D.C. 20036-2976
(202) 822-0068

Dennis M Gingold, Esq.
Mark Kester Brown, Esq.
607 - 14th Street, NW
Box 6
Washington, D.C. 20005
(202) 318-2372

Per the Court's Order of April 17, 2003,
by facsimile and by U.S. Mail upon:

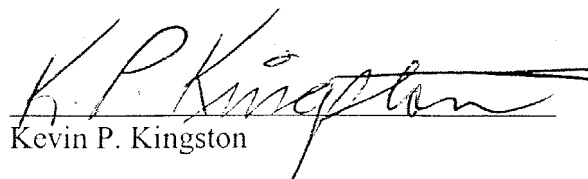
By U.S. Mail upon:

Earl Old Person (*Pro se*)
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Browning, MT 59417
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By Hand Delivery upon:

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Kevin P. Kingston