

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 DIRK KEMPTHORNE, Secretary of the Interior,)
 et al.,)
)
 Defendants.)
 _____)

Case No. 1:96cv01285-JR

**NOTICE OF FILING OF THE THIRTY-SIXTH QUARTERLY REPORT
FOR THE DEPARTMENT OF THE TREASURY**

The Department of the Treasury has prepared its *Thirty-Sixth 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: December 1, 2008

Respectfully submitted,
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MICHAEL F. HERTZ
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J. CHRISTOPHER KOHN
Director

/s/ Robert E. Kirschman, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that, on December 1, 2008 the foregoing *Notice of Filing of the Thirty-Sixth Quarterly Report for the Department of the Treasury* was served by Electronic Case Filing, and on the following who is not registered for Electronic Case Filing, by facsimile:

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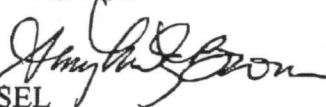
/s/ Kevin P. Kingston
Kevin P. Kingston



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

December 1, 2008

MEMORANDUM FOR: GREGORY G. KATSAS
ASSISTANT ATTORNEY GENERAL
CIVIL DIVISION
U.S. DEPARTMENT OF JUSTICE

FROM: AMY MERTZ BROWN 
ACTING CHIEF COUNSEL
BUREAU OF THE PUBLIC DEBT
DEPARTMENT OF THE TREASURY

SUBJECT: THIRTY-SIXTH QUARTERLY REPORT
COBELL v. KEMPTHORNE

Included with this cover memorandum is the "Thirty-Sixth 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 v. Babbitt* (D.D.C. CV No. 96-1285), filed December 21, 1999.

The Report includes information concerning the Financial Management Service ("FMS"), the 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. Senior officials at FMS and BPD reviewed the Report before it was submitted to the Department of Justice.

The Department of the Treasury stands ready to respond to any questions or concerns the Court may have after reviewing the Report.

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

Cobell v. Kempthorne

December 1, 2008

This is the Thirty-Sixth Quarterly Report filed by the Department of the Treasury (“Treasury”) 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 September 1, 2008 through November 30, 2008. The Order requires Treasury to report on the steps it has taken since the last quarterly report to preserve IIM-related documents.

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, the Records and Information Management Branch (RIMB) at the Financial Management Service (FMS) provided training to FMS employees on records management and court-ordered litigation retention requirements. RIMB provided two three-hour training sessions at the FMS facility in Hyattsville, Maryland, a three-hour course at the FMS Regional Financial Center in Philadelphia, Pennsylvania, and six briefings to new employees during Entrance on Duty sessions during the quarter.

On November 19-20, 2008, representatives from FMS and the Bureau of Public Debt (BPD), and Federal Reserve Bank (FRB) personnel from each FRB district, attended the 2008 Treasury Programs Symposium hosted by the Federal Reserve Bank of St. Louis. BPD, FMS and FRB-St. Louis personnel participated as panelists in a discussion concerning records retention, which updated attendees on the status of the Indian trust litigation and provided an overview and reminder concerning Treasury's current Indian trust record retention instructions to the FRBs.