

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, et al., )  
 )  
 Plaintiffs, )  
 )  
 v. ) Case No. 1:96CV01285  
 ) (Judge Robertson)  
 DIRK KEMPTHORNE, Secretary of the Interior, )  
 et al., )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

**NOTICE OF FILING OF THE TWENTY-NINTH QUARTERLY REPORT  
FOR THE DEPARTMENT OF THE TREASURY**

The Department of the Treasury has prepared its *Twenty-Ninth 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: March 1, 2007

Respectfully submitted,  
PETER D. KEISLER  
Assistant Attorney General  
STUART E. SCHIFFER  
Deputy Assistant Attorney General  
J. CHRISTOPHER KOHN  
Director

/s/ John J. Siemietkowski  
ROBERT E. KIRSCHMAN, Jr.  
(D.C. Bar No. 406635)  
Deputy Director  
JOHN J. SIEMIETKOWSKI  
Trial Attorney  
Commercial Litigation Branch  
Civil Division  
P.O. Box 875  
Ben Franklin Station

Washington, D.C. 20044-0875  
Phone (202) 514-3368  
Fax (202) 514-9163

CERTIFICATE OF SERVICE

I hereby certify that, on March 1, 2007 the foregoing *Notice of Filing of the Twenty-Ninth 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:

Earl Old Person (*Pro se*)  
Blackfeet Tribe  
P.O. Box 850  
Browning, MT 59417  
Fax (406) 338-7530

/s/ Kevin P. Kingston  
Kevin P. Kingston



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

March 1, 2007

MEMORANDUM FOR: PETER D. KEISLER  
ASSISTANT ATTORNEY GENERAL  
CIVIL DIVISION  
U.S. DEPARTMENT OF JUSTICE

FROM: PAUL G. WOLFTEICH  
CHIEF COUNSEL *Paul G. Wolfteich*  
BUREAU OF THE PUBLIC DEBT  
DEPARTMENT OF THE TREASURY

SUBJECT: TWENTY-NINTH QUARTERLY REPORT  
*COBELL v. KEMPTHORNE*

Included with this cover memorandum is the "Twenty-Ninth 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. Comments were received from those offices and incorporated in the Report. Senior officials of FMS, BPD and DO 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.

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

*Cobell v. Kempthorne*

March 1, 2007

This is the Twenty-Ninth 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 December 1, 2006 through February 28, 2007. The Order requires Treasury to report on the steps it has taken since the last quarterly report to preserve IIM-related documents.

During the past quarter, Treasury again issued reminders to ensure the retention of required records. The reminders Treasury issued include letters reminding Secret Service (see Attachment A), the National Archives and Records Administration (NARA) (see Attachments B and C), banks (see Attachments D and E), and employees of the Financial Management Service (FMS) and Bureau of the Public Debt (BPD) (see Attachments F and G) to continue preserving records related to this litigation. Retention instructions to pertinent Departmental Office (DO) employees continue to be posted on DO’s intranet site (see Attachment H).

Effective February 2007, FMS implemented an enhancement to the CASHLINK II system, to strengthen the effectiveness of the retention reminders that FMS issues via CASHLINK II, in the form of “Business Alert Messages,” to all active CASHLINK II users (i.e., to all banks that currently act as Treasury’s financial agents). The enhancement prevents users from deleting any unopened messages.

As reported in Treasury’s Twenty-Seventh Quarterly Report filed September 1, 2006, several boxes of FMS and BPD records were affected by a water sprinkler incident at the Washington National Records Center (WNRC) in July 2006, and NARA sent the boxes to a contractor to be freeze-dried. As of the date of this report, most of the records have been dried and returned to the WNRC (approximately 20 boxes remain to be dried).

As also reported in Treasury’s Twenty-Seventh Quarterly Report, a portion of FMS’ working copy set of microfilm copies of negotiated Treasury checks was exposed to water when the basement of FMS’ Hyattsville, Maryland office flooded on June 25, 2006. The water exposure is believed to have affected the quality of the check images on at least portions of some of the water-exposed microfilm cartridges. FMS sent samples of the water-exposed cartridges to a contractor for assessment. The contractor advised FMS that washing the microfilm would remediate any adhesions (film layers sticking together), thereby preventing further damage to the images on the microfilm and restoring the functioning of the microfilm (i.e., by enabling it to be fed through a microfilm reader). Based on the contractor’s advice and the fact that only approximately 2,000 (roughly one-sixth) of the water-exposed cartridges contain copies of checks for which original checks may not be available, FMS decided to procure washing services for those 2,000 water-exposed cartridges only. During the next reporting period, FMS will

begin preparing the water-exposed cartridges that will not be washed, for shipment to the WNRC. During this reporting period, all of the non-water-exposed cartridges were packed into approximately 1,200 boxes, and half of those boxes were shipped to the WNRC. The remaining boxes of non-water-exposed cartridges will be shipped to the WNRC upon completion of necessary paperwork.

Finally, we note that Donald V. Hammond resigned as Treasury's Fiscal Assistant Secretary in January 2007, and accepted a position with the Board of Governors for the Federal Reserve System. Kenneth Carfine now serves as Acting Fiscal Assistant Secretary.

## **INDEX TO ATTACHMENTS**

*The Department of the Treasury's Twenty-Ninth Quarterly Report  
March 1, 2007*

- Attachment A** February 6, 2007 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.
- Attachment B** February 7, 2007 letter from FMS to NARA, reminding NARA to continue the “freeze” on FMS records at Federal Records Centers.
- Attachment C** February 15, 2007 letter from BPD to NARA, reminding NARA to continue the “freeze” on BPD records at Federal Records Centers.
- Attachment D** Examples of February 2007 Business Alert Message issued by FMS to all banks that act as Treasury’s financial agents and February 28, 2007 letter issued by FMS to all banks that formerly acted as Treasury’s financial agents, reminding them to continue to retain, indefinitely, records associated with Interior’s deposits to the Treasury General Account.
- Attachment E** February 28, 2007 letters issued by FMS to Mellon Bank and Bank of America, reminding them to continue preserving all records pertinent to two lockbox accounts used to process IIM deposits (the account at Mellon Bank is open; the account at Bank of America is closed).
- Attachment F** Global e-mail issued February 16, 2007 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 G** Global e-mail issued February 23, 2007 to all BPD employees, and posted on BPD’s intranet site, reminding employees to continue preserving IIM-related records indefinitely and sending all IIM-related e-mail to BPD’s dedicated mailbox.
- Attachment H** Retention instructions to DO employees, posted on DO’s intranet site, including steps for sending e-mail documents to DO’s dedicated “Cobell” mailbox.



DEPARTMENT OF THE TREASURY  
FINANCIAL MANAGEMENT SERVICE  
HYATTSVILLE, MD 20782

Attachment A

February 06, 2007

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:

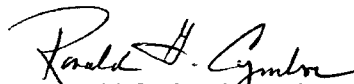
This is a reminder that Treasury remains subject to a continuing court order in the above-referenced lawsuit, requiring Treasury to retain, indefinitely, "all documents and data relating to Individual Indian Money trust funds and Individual Indian trust assets." Copies of the document retention order 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, including our reminder letter dated August 26, 2003. Please let me know if you need copies of those documents.

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, February 12, 2003, August 26, 2003, January 16, 2004, August 2, 2004, February 2, 2005, August 10, 2005, February 6, 2006, and August 11, 2006), among the types of records that Treasury must preserve to comply with the court order and Stipulation are all Treasury checks and check-related records. Accordingly, please continue to preserve, until further notice, all Treasury 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





DEPARTMENT OF THE TREASURY  
FINANCIAL MANAGEMENT SERVICE  
HYATTSVILLE, MD 20782

Attachment B

February 7, 2007

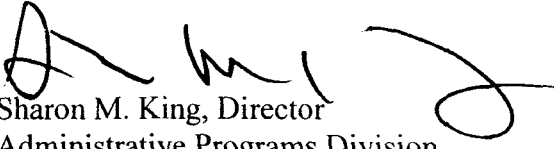
Thomas E. Mills  
Assistant Archivist for Regional Records Services  
National Archives and Records Administration  
Office of Regional Records Services  
8601 Adelphi Road, Suite 3600  
College Park, MD 20740

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 Charles Brett at (202) 874-6156. Thank you for your cooperation in this matter.

Sincerely,

  
Sharon M. King, Director  
Administrative Programs Division



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

Attachment C

February 15, 2007

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

Re: Suspending Destruction

Dear Mr. Cooper:

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. Kempthorne, 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 that reads "Vicki S Thorpe".

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

**[Business Alert Message (BAM) for Current TGAs]**

This is a reminder to continue preserving records in accordance with FMS' prior instructions to your financial institution. As stated in our initial letter dated July 9, 1999 and each successive reminder letter, including the most recent Business Alert Message issued August 2006, 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 and compliance process is in place to ensure these instructions are being followed at your financial institution.

If these retention instructions create a problem for your operations, please send your concerns in writing to the Over-the-Counter Revenue Collection Division at 401 14<sup>th</sup> Street, S.W., Room 307C, Washington, D.C. 20227.

If you have any questions, contact the Federal Reserve Bank of St. Louis at 1-866-771-1842 or Ava Singleton on (202) 874-9986.



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

Attachment D  
(2 of 2)

February 28, 2007

Dear Sir or Madam:

This is a reminder to continue preserving records in accordance with FMS' prior instructions to your financial institution. As stated in our initial letter dated July 9, 1999 and each successive reminder letter, including our most recent reminder letter dated August 11, 2006, 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 any such records formerly maintained by the financial institutions shown on the attached list, now in your possession, custody or control. 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 and compliance process is in place to ensure these instructions are being followed at your financial institution.

If these retention instructions create a problem for your operations, please send your concerns in writing to the Over-the-Counter Revenue Collection Division (OTCD) at 401 14th Street, S.W., Room 307C, Washington, DC 20227, as soon as possible.

Thank you for your continuing cooperation in this matter. If you have any questions, the first point of contact is the Federal Reserve Bank of St. Louis at 1-866-771-1842. Should you have further questions, feel free to contact Ava Singleton on (202) 874-9986.

Sincerely,

A handwritten signature in black ink, appearing to read "Corvelli A. McDaniel".

Corvelli A. McDaniel, Director  
Over-the-Counter Revenue Collection Division (OTCD)  
A/C Federal Finance



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

Attachment E  
(1 of 2)

February 28, 2007

Ms. Elaine Friedman, Vice President  
Mellon Bank  
Mellon Client Service Center  
Suite 1260  
Pittsburgh, PA 15259-0001

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 II  
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 appropriate bank personnel, including records management personnel. If you have any questions regarding these retention instructions, please contact John Flesch at (202) 874-6577. Thank you for your continued cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael C. Salapka".

Michael C. Salapka  
Acting Director  
General Revenue Collection Division



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

Attachment E  
(2 of 2)

February 28, 2007

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 (closed 11/1/05)  
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. Notwithstanding the fact that the above-referenced lockbox account was closed effective November 1, 2005, please continue to retain all documentation pertaining to the account until further notice. You have confirmed that the account records 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

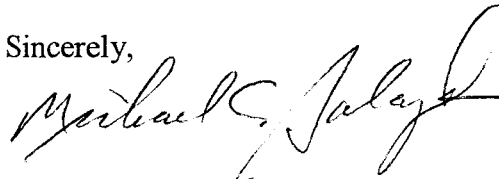
Your bank must continue to retain the records for this account IN ALL FORMS AND MEDIA that were generated. Accordingly, notwithstanding that your bank began generating photocopies of the checks associated with this account on October 1, 2001, you must continue retaining any duplicate copies on microfilm, unless and until FMS obtains court approval for your bank to retain only pre-October 2001 microfilm copies and post-September 2001 photocopies.

Page 2 – Mr. Herndon

Please distribute this letter to appropriate bank personnel, including records management personnel. If you have any questions regarding these retention instructions, please contact John Flesch at (202) 874-6577.

Thank you for your continued cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael C. Salapka". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Michael C. Salapka  
Acting Director  
General Revenue Collection Division

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



## Official FMS Business

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

**Date:** 02/16/2007

**From:** William Higgins

**Subject:** Cobell and Tribal Trust Litigation - FMS Retention Requirements

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Date: February 16, 2007

To: All FMS Employees

From: Kenneth R. Papaj  
Commissioner

Subject: Cobell and Tribal Trust Litigation – FMS Retention Requirements

All FMS employees are again reminded that FMS remains subject to continuing court orders and Treasury directives, requiring us to retain and safeguard all documents, data and tangible things that relate to Individual Indian Money (IIM) and Tribal trust funds and assets, indefinitely. To ensure that we remain in compliance with the court orders and directives, **please continue to adhere to the following FMS requirements:**

Do not destroy any documents, data or tangible things unless you have received written approval from the Chief Counsel. This rule applies to all documents, data and tangible things, whether litigation-related or not. Prepare a disposition request, following the instructions contained in the Chief Counsel's March 7, 2000 memorandum entitled "Process for Obtaining Disposition Approval" (posted on the FMS intranet on the "Cobell/Tribal Litigation" page). The only exception to this rule is for "obvious non-record materials," as described in the attached "Quick Reference Guide."

Continue copying or forwarding all Cobell-related and Tribal-related e-mail and other electronic documents to their respective dedicated mailboxes ("Cobell Archive@fms" for Cobell-related e-mail/electronic documents and "Tribal Mailbox@fms" for Tribal-related e-mail/electronic documents). To insert a mailbox address on an e-mail, simply type "Cobell" or "Tribal" and press the "Enter" key. You may delete your copy of any e-mail or other electronic document sent to these mailboxes.



Promptly forward any voicemail messages that relate to the Jicarilla Apache Nation or The Pueblo of Laguna Tribe to FMS' dedicated "Tribal" voicemail repository. Step-by-step instructions for forwarding voicemail messages to the repository are provided in a March 26, 2004 memorandum (posted on the FMS intranet on the "Cobell/Tribal Litigation" page).

Do not archive (move) data from any FMS electronic production systems that contain litigation-related data, except pursuant to a written archive plan that has been approved by the Commissioner's Office. Please refer to the Deputy Commissioner's March 24, 2000 memorandum entitled "Maintenance of Data on FMS Systems" (posted on the FMS intranet on the "Cobell/Tribal Litigation" page) for more information about this requirement.

Do not attempt to give guidance on record retention matters to Federal Reserve Bank personnel. Please refer all such questions to Terri Dawson at (202) 874-6877 or to Beth Kramer at (202) 874-7036.

I appreciate your continued compliance with these instructions and encourage you to review the pertinent memoranda posted on the FMS intranet. To locate the memoranda, double click on the icon for Internet Explorer. This moves you to FMS' intranet. Under "News" or "Hot Topics," click on "Cobell/Tribal Litigation."

If you have questions or need assistance regarding any of these retention requirements, please do not hesitate to contact Terri Dawson at (202) 874-6877 or Beth Kramer at (202) 874-7036.

Thank you.

Attachment

## “A Quick Reference Guide”

**REMEMBER: PRESERVE ALL INTERIOR/INDIAN-TRUST-RELATED MATERIAL!!**

### OBVIOUS NONRECORD MATERIALS

These may be destroyed without the approval of the Chief Counsel

CATEGORIES	EXAMPLES
<b>1. Non-Treasury/FMS Material</b>	<ul style="list-style-type: none"> <li>• Office supply catalogs</li> <li>• vendor marketing materials</li> <li>• non-FMS publications/manuals, such as phone books, Federal Register, dictionaries, “Lotus Notes for Dummies,” etc.</li> </ul>
<b>2. Treasury/FMS Distribution/Reference Material</b>	<ul style="list-style-type: none"> <li>• attendee’s copy of handouts received at meetings, training, etc.</li> <li>• employee’s copy of work-related organization charts, phone lists, Treasury Correspondence Manual, etc.</li> <li>• employee’s copy of FMS publications, such as “Fiscal Scene”</li> <li>• excess stocks of FMS marketing materials, such as Direct Deposit brochures</li> <li>• notices received re: IT security, scheduling of meetings &amp; van rides, training, “acting” managers, voting leave, etc.</li> </ul>
<b>3. Personal Papers</b>	<ul style="list-style-type: none"> <li>• notices received re: retirements, deaths, TSP, CFC, PTI, Flex Account, etc.</li> <li>• employee’s copy of T&amp;A, payroll, personnel, etc. records (<u>except</u> travel records/receipts)</li> <li>• printouts of non-Federal Web pages that were not used for FMS business</li> <li>• non-FMS-related calendars/reminders</li> <li>• recipes, poems, cartoons, etc.</li> </ul>
<b>4. Other</b>	<ul style="list-style-type: none"> <li>• printer banner pages and printer failure reports</li> <li>• interim drafts created but never circulated to anyone</li> <li>• duplicates of any of the examples in these four categories.</li> </ul>

Nancy Fleetwood/BPD

02/23/2007 03:09 PM

To All - BPD (Business use only!)

cc

Subject IMPORTANT REMINDER TO ALL EMPLOYEES

I'd like to remind all employees that BPD remains subject to a court order that governs the retention of records relating to the Individual Indian Money (IIM) trust fund and IIM trust assets. To ensure compliance with this court order, you should not destroy any documents or data pertaining to the following subjects without written approval from the Chief Counsel or his designee:


- IIM deposit fund investment records
- IIM accounts and accounts held in trust by the Department of the Interior
- Savings bonds held in trust form of registration by the Department of the Interior
- Correspondence (internal and external) relating to Individual Indian Money
- Electronic communications, such as e-mails and Internet messages, relating to the subjects above, unless those communications have been forwarded to the *Cobell* mailbox.

You should continue to copy or forward all e-mails relating to the IIM trust fund, IIM trust assets, and the *Cobell* litigation to the dedicated IIM Mailbox. To insert the mailbox address on an e-mail, simply type "IIM Mailbox" and press the "Enter" key.

The Federal Reserve Banks have also been instructed not to destroy any fiscal agency records unless they have received specific permission in writing from Treasury authorizing the destruction. Please refer any inquiries from FRB personnel regarding record retention to Jimmy Phillips at (202) 504-3683, fax number (202) 504-3630. Don't attempt to give guidance on record retention matters to any FRB employee.

I appreciate your continued compliance with these instructions and encourage you to occasionally review the pertinent memoranda and e-mails, which are posted on PD Web under the Office of the Chief Counsel's (OCC) website. Just click on the office link "OCC" and then click on "*Cobell v. Kempthorne*," which appears in the "Litigation" section.

Thanks again for the great support you have shown in helping Public Debt comply with a very challenging court order.



## Litigation Obligations and Directives

### Office of the General Counsel

#### Directive From General Counsel To All Departmental Offices Employees Concerning Cobell Litigation

By order of the Court in Cobell v. Norton, Departmental Offices employees must preserve all documents and records, whether in paper, electronic, or other form, that are relevant to any aspect of the government's responsibilities with respect to the individual Indian money trust. Such responsibilities include, but are not limited to, management, administration, collection, disbursement, investment, and accounting of trust funds.

To comply with the various court orders to which we are subject in Cobell v. Norton, to make it easier to manage and retrieve electronic mail as needed, and to help ensure that our electronic mail will continue to operate, I am requesting that you do the following things:

#### **Step One: Search for Previous E-Mails You Have Sent or Received**

Search your e-mail, including "Inbox," "Drafts," "Message Log," and all "Folders" and "Archives," for anything that relates in any way to the Cobell litigation, Individual Indian Monies, or Department of Interior investments on behalf of individual Indians. Forward any e-mails that you find on this subject (including attachments and retaining forwarding history) to "Cobell" or [Cobell@do.treas.gov](mailto:Cobell@do.treas.gov). In an effort to manage electronic mail, we have created this dedicated mailbox for Cobell-related and/or discussions relating to Individual Indian Money account.

#### **Step Two: E-Mails That You Send in the Future**

Beginning immediately, send a "cc" (not a "bcc") of all e-mails (including attachments) that you initiate, that relate in any way to the Cobell litigation, Individual Indian Monies or Department of Interior investments on behalf of individual Indians, to "Cobell."

#### **Step Three: E-Mails That You Receive in the Future**

Also beginning immediately, forward all e-mails that

[About Us](#)

[Contacts](#)

[Page Owner](#)

[Home](#)

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 "Cobell," unless you can tell from the message that the e-mail has already been sent to the "Cobell."

If you have questions on this process or the retention of documents, call Thomas McGivern, Counselor to the General Counsel, at 622-2317.

If you need help in formulating e-mail searches or forwarding messages, or have questions on the "Cobell" mailbox, contact the HelpDesk at 622-1111.

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Contact Webmaster | Updated: Monday, April 14

