

501 School Street, SW, Suite 500
Washington, DC 20024
Phone: 202-646-5172
Fax: 202-646-5199

2009-316
Judicial Watch

Fax

To: Board of Governors of the Federal
Reserve System
Freedom of Information Office

From: Jenny Small
Judicial Watch

Fax: 202-872-7565

Date: February 27, 2009

Re: Freedom of Information Act Request

Pages: 5 (including cover)

☐ **Urgent** ☒ **For Review** ☐ **Please Comment** ☒ **Please Reply** ☐ **Please Recycle**

•Comments: If you do not receive all pages, please call 202-646-5172.

FREEDOM OF INFORMATION ACT REQUEST



Judicial Watch

Because no one is above the law!

27 February 2009

VIA CERTIFIED MAIL & FACSIMILE

Freedom of Information Office
Board of Governors of the Federal Reserve System
20th & Constitution Avenue, NW
Washington, DC 20551
FAX: (202) 872-7565
Article Number: (70020510000210704940)

Re: Freedom of Information Act Request

Dear Sir/ Madam:

Pursuant to the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Judicial Watch, Inc. hereby requests that the Board of Governors of the Federal Reserve System produce any and all agency records concerning the following subjects within twenty (20) business days:

1. Complete and current balance sheet (note: we are seeking more than the "Consolidated Statement of Condition of All Federal Reserve Banks").
2. Records related to the Federal Reserve's balance sheet in terms of:
 - a. New deposits created as part of financial intervention in financial institutions
 - b. Money borrowed from the public
 - c. Method for creating the balance sheet
 - d. Maiden LLC I, II, and III breakdown of payments (including amount used for operating expenses, principle, and interest)
 - e. Details on "Term Auction Credit" including calculations
 - f. Details of "Other Loans" from assets
 - g. Details of "Central Bank liquidity Swaps"
 - h. Details of "U.S. Treasury, supplementary financing account"
 - i. Details of Money Market Investor Funding Facility and a list of financial institutions chosen to participate.

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Freedom of Information Act Request
February 27, 2009
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3. Any and all records including memorandum concerning disclosure policies regarding the balance sheet.
4. Determination and correspondence related to the creation of the "Credit and Liquidity Programs and Balance Sheet" website.

Time Frame: January 1, 2008- Present

We call your attention to President Obama's January 21, 2009 Memorandum concerning the Freedom of Information Act, in which he states:

All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA... The presumption of disclosure should be applied to all decisions involving FOIA.¹

President Obama adds that "The Freedom of Information Act should be administered with a clear presumption: In the case of doubt, openness prevails." Nevertheless, if any responsive record or portion thereof is claimed to be exempt from production under FOIA, please provide sufficient identifying information with respect to each allegedly exempt record or portion thereof to allow us to assess the propriety of the claimed exemption. *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). In addition, any reasonably segregable portion of a responsive record must be provided, after redaction of any allegedly exempt material. 5 U.S.C. § 552(b).

For purpose of this request, the term "record" shall mean: (1) any written, printed, or typed material of any kind, including without limitation all correspondence, memoranda, notes, messages, letters, cards, telegrams, teletypes, facsimiles, papers, forms, records, telephone messages, diaries, schedules, calendars, chronological data, minutes, books, reports, charts, lists, ledgers, invoices, worksheets, receipts, returns, computer printouts, printed matter, prospectuses, statements, checks, statistics, surveys, affidavits, contracts, agreements, transcripts, magazine or newspaper articles, or press releases; (2) any electronically, magnetically, or mechanically stored material of any kind, including without limitation all electronic mail or e-mail, meaning any electronically transmitted text or graphic communication created upon and transmitted or received by any computer or other electronic device, and all materials stored on compact disk, computer disk, diskette, hard drive, server, or tape; (3) any audio, aural, visual, or video records, recordings, or representations of any kind, including without limitation all

¹ President Barack Obama, "Memorandum for the Heads of Executive Departments and Agencies, Subject: Freedom of Information Act," January 21, 2009; <http://www.whitehouse.gov/the_press_office/FreedomofInformationAct>

**Board of Governors of the Federal Reserve System
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cassette tapes, compact disks, digital video disks, microfiche, microfilm, motion pictures, pictures, photographs, or videotapes; (4) any graphic materials and data compilations from which information can be obtained; (5) any materials using other means of preserving thought or expression; and (6) any tangible things from which data or information can be obtained, processed, recorded, or transcribed. The term "record" also shall mean any drafts, alterations, amendments, changes, or modifications of or to any of the foregoing.

Judicial Watch also hereby requests a waiver of both search and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) and 5 U.S.C. § 552(a)(4)(A)(iii). Judicial Watch is entitled to a waiver of search fees under 5 U.S.C. § 552(a)(4)(A)(ii)(II) because it is a member of the news media. See *National Security Archive v. U.S. Department of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). In fact, Judicial Watch has been recognized as a member of the news media in other FOIA litigation. See *Judicial Watch, Inc. v. U.S. Department of Justice*, 133 F. Supp.2d 52 (D.D.C. 2000); and, *Judicial Watch, Inc. v. Dep't of Defense*, 2006 U.S. Dist. LEXIS 44003, *1 (D.D.C. June 28, 2006). Judicial Watch, Inc. regularly obtains information about the operations and activities of government through FOIA and other means, uses its editorial skills to turn this information into distinct works, and publishes and disseminates these works to the public. It intends to do likewise with the records it receives in response to this request.

Judicial Watch also is entitled to a complete waiver of both search fees and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). Under this provision, records:

shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester. 5 U.S.C. § 552(a)(4)(A)(iii).

In addition, if records are not produced within twenty (20) business days, Judicial Watch is entitled to a complete waiver of search and duplication fees under the OPEN Government Act of 2007, Section 6(b).

Judicial Watch is a 501(c)(3), not-for-profit, educational organization, and, by definition, it has no commercial purpose. Judicial Watch exists to educate the public about the operations and activities of government, as well as to increase public understanding about the importance of ethics and the rule of law in government. The particular records requested herein are sought as part of Judicial Watch's ongoing efforts to document the operations and activities of the federal government and to educate the public about these operations and activities. Once Judicial Watch obtains the requested records, it intends to analyze them and disseminate the results of its analysis, as well as

Board of Governors of the Federal Reserve System
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February 27, 2009
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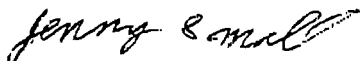
the records themselves, as a special written report. Judicial Watch will also educate the public via radio programs, Judicial Watch's website, and/or newsletter, among other outlets. It also will make the records available to other members of the media or researchers upon request. Judicial Watch has a proven ability to disseminate information obtained through FOIA to the public, as demonstrated by its long-standing and continuing public outreach efforts, including radio and television programs, website, newsletter, periodic published reports, public appearances, and other educational undertakings.

Given these circumstances, Judicial Watch is entitled to a public interest fee waiver of both search costs and duplication costs. Nonetheless, in the event our request for a waiver of search and/or duplication costs is denied, Judicial Watch is willing to pay up to \$100.00 in search and/or duplication costs. Judicial Watch requests that it be contacted before any such costs are incurred, in order to prioritize search and duplication efforts.

In an effort to facilitate record production within the statutory time limit, Judicial Watch is willing to accept documents in electronic format (e.g. e-mail, .pdfs). When necessary, Judicial Watch will also accept the "rolling production" of documents.

If you do not understand this request or any portion thereof, or if you feel you require clarification of this request or any portion thereof, please contact us immediately at 202-646-5181 or jsmall@judicialwatch.org. We look forward to receiving the requested documents and a waiver of both search and duplication costs within twenty (20) business days. Thank you for your cooperation.

Sincerely,



Jenny Small
Judicial Watch, Inc.
Researcher

Board of Governors of the Federal Reserve System

Office of the Secretary

Freedom of Information Assignment

Request No:	Request Type:	Request Category:	Requester:	Received Date:
2009100316	Formal	Other	Jenny Small	02/27/2009

Transaction Type: Initial

Please return this completed form, attaching all responsive documents, to Denise Harris, Stop 132, by 03/09/2009.

If responsive documents are available electronically, please email to FOI.Section@frb.gov by 03/09/2009.

The Law Requires the Board to Respond to This Request by: 03/27/2009

NOTE: This information is used in the preparation of invoices and for the Annual Report to Congress. Questions may be directed to Denise on x3684

Each division handling any part of this request should report on this form all time it spends on the request in quarter hours by grade level:

1. Search Hours -- Time spent looking for material responsive to the request including line-by-line identification of material within documents.
2. Review Hours -- Time spent determining if material is exempt from disclosure
3. Nonbillable Hours -- All other time spent on the request.

-- ASSIGNMENTS --

<u>Division</u>	<u>Person Assigned</u>
------------------------	-------------------------------

LEGAL	To be added
LEGAL	To be added
RBOPS	Roseman

TIME REPORT (per person)			
Grade	Billable Hours		Nonbillable Hours
	Search	Review	
FR 31-36			
FR 21-22			
FR 23-26			
FR 27+			
Computer			

DESCRIPTION

the Consolidated Statement of Condition of all Federal Reserve Banks, from January 1, 2008 to the present

NOTES

RECOMMENDED DISPOSITION

_____ **NO responsive records**

_____ **Records not reasonably identified**

_____ **Grant request in full**

_____ **Confirmed w/FR Bank (see Note:)**

_____ **Deny in full**

_____ **Deny in part**

EXEMPTIONS:

Signed: _____

Date: _____



BOARD OF GOVERNORS
OF THE
FEDERAL RESERVE SYSTEM
WASHINGTON, D. C. 20551

ADDRESS OFFICIAL CORRESPONDENCE
TO THE BOARD

February 27, 2009

Ms. Jenny Small
Judicial Watch, Inc.
501 School Street, SW, Suite 500
Washington, DC 20024

FOIA Request No. 2009100316

Dear Ms. Small,

This will acknowledge receipt of your letter dated 02/27/2009 and received by the Board on 02/27/2009, in which you request, pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, records pertaining to the Consolidated Statement of Condition of all Federal Reserve Banks, from January 1, 2008 to the present.

In accordance with section 261.17 of the Board's Rules Regarding Availability of Information, unless a request for a fee waiver is granted, this letter also confirms our assumption that you will pay all fees incurred in the processing of your request. In your letter you agreed to pay fees up to \$100.

The Board makes every effort to fulfill requests in a timely manner; however, there may be delays in fulfilling complex requests or those that require consultation. Please feel free to contact the Board's FOIA Requester Service Center at (202) 452-3684 to obtain information about the status of your request.

Very Truly Yours,

A handwritten signature in cursive script that reads "Martha Connor". Below the signature, the word "for" is written in a smaller, simpler script.

Jeanne M. McLaughlin
Manager, Freedom of Information Office



BOARD OF GOVERNORS
OF THE
FEDERAL RESERVE SYSTEM
WASHINGTON, D. C. 20551

ADDRESS OFFICIAL CORRESPONDENCE
TO THE BOARD

March 27, 2009

Ms. Jenny Small
Researcher
Judicial Watch, Inc.
501 School Street SW
Suite 725
Washington, DC 20024

Dear Ms. Small:

This is in response to your letter dated and received by the Board's Freedom of Information office on February 27, 2009. Pursuant to the Freedom of Information Act (the "Act"), 5 U.S.C. § 552, you request a copy of the following, for the period January 2008 through the date of your request:

1. Complete and current balance sheet (note: we are seeking more than the "Consolidated Statement of Condition of All Federal Reserve Banks).
2. Records related to the Federal Reserve's balance sheet in terms of:
 - a. New deposits created as part of financial intervention in financial institutions
 - b. Money borrowed from the public
 - c. Method for creating the balance sheet
 - d. Maiden [Lane] I, II, and III[, LLC] breakdown of payments (including amount used for operating expenses, principal and interest)
 - e. Details on "Term Auction Credit" including calculations
 - f. Details of "Other Loans" from assets
 - g. Details of "Central Bank Liquidity Swaps"
 - h. Details of "U.S. Treasury, supplementary financing account"
 - i. Details of Money Market Investor Facility and a list of financial institutions chosen to participate.
3. Any and all records including memorand[a] concerning disclosure policies regarding the balance sheet.
4. Determination and correspondence related to the creation of the "Credit and Liquidity Programs and Balance Sheet" website.

As indicated below, we are unable to determine what information you are seeking that is not already published on the Board's website with respect to items 1, 2(a), (b) and (d)-(i), and 3 of your request. The Board's Rules Regarding Availability of Information ("Rules") require that

a request “reasonably describe the records in a way that enables the Board’s staff to identify and produce the records with reasonable effort and without unduly burdening or significantly interfering with any of the Board’s operations.” 12 CFR 261.12(b)(1). For the reasons that follow, items 1 through 3 of your request do not meet those criteria. Thus, we are unable to process these items as presented.

Item 1 of your request seeks all agency records regarding a “complete and current balance sheet.” Although this item goes on to note that you are seeking more than the “Consolidated Statement of Condition of All Federal Reserve Banks,” you do not indicate what level of information (Board, and/or individual Reserve Banks) you are seeking and for what period of time (weekly, annually, or some other interval). The Board publishes a host of financial information on the Federal Reserve System. This includes a statistical release, entitled the “Factors Affecting Reserve Bank Balances,” also known as the “H.4.1” release, on a weekly basis (see <http://www.federalreserve.gov/releases/h41/current/h41.htm>). Item 8 of the H.4.1 presents the “Consolidated Statement of Condition of All Federal Reserve Banks.” This release also presents, among numerous other details, the “Statement of Condition of Each Federal Reserve Bank” (Release Item 9). In addition, the Board’s Annual Reports and Annual Budget Reviews, accessible at <http://www.federalreserve.gov/boarddocs/rptcongress/default.htm#ar>, provide detailed information on the operations of the Board and the Federal Reserve Banks. You may wish to take a look at these resources and determine after review what, if any, additional information you seek.

As with item 1, we are unable to determine what information you are seeking by items 2(a), (b), and (d)-(i) of your request that is not already published on the Board’s website. You seek “records related to the Federal Reserve’s balance sheet” and list various subjects for which you seek information. The weekly H.4.1 release (particularly Release Items 1-6) contains details on each of these subjects, particularly items 2(a), (b), and (d)-(i).¹ You will find additional, extensive details on the “Term Auction Facility” (item 2(e) of your request), “Central Bank Liquidity Swaps” (item 2(g) of your request), and the “Money Market Investor Funding Facility” (item 2(i) of your request) at the following links, respectively:

<http://www.federalreserve.gov/monetarypolicy/taf.htm>;

http://www.federalreserve.gov/monetarypolicy/bst_liquidityswaps.htm; and

<http://www.federalreserve.gov/monetarypolicy/mmiff.htm>.² You may wish to take a look at these resources and determine, after review, if there is additional information you seek.

Item 3 seeks “[a]ny and all records including memorand[a] concerning disclosure policies regarding the balance sheet.” Item 2(c) seeks records regarding the “[m]ethod for creating the balance sheet.” The balance sheet(s) to which these items apply is unclear, as is what is intended by the reference in item 3 to “disclosure policies.” The “Financial Accounting Manual for the

¹ We note, with respect to item 2(d), that the Board will be publishing more detailed information on the operations, including expenses, of the ML LLCs as part of its Annual Report, to be published in or about April 2009. The information to be published might satisfy this portion of your request, as well as other request items.

² No institutions have utilized the MMIF to date. Accordingly, we are unable to provide you with the “list” you request in item 2(i) of your request.

Federal Reserve Banks” is available in response to a request under the Act. The Manual sets forth the accounting policies governing preparation of the balance sheets of the Federal Reserve Banks. We would be pleased to provide you with a copy upon request. Any other information you seek must be specifically identified so that staff will know for what to search and where.

Item 4 of your request seeks: “Determination and correspondence related to the creation of the ‘Credit and Liquidity Programs and Balance Sheet’” webpage. By this, we assume you are seeking records reflecting the decision to establish the webpage and discussions regarding specific information that should be included. We do not construe your request as seeking redlined drafts of the text of the webpage, reflecting non-substantive changes. Our search is proceeding on this basis. We request that you inform us in writing to clarify the scope of this item, if this is not what you were intending to request.

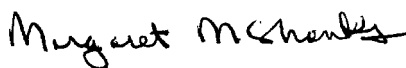
For the foregoing reasons, we cannot process items 1, 2(a), (b), and (d)-(i), and 3 of your request at this time. Of course, you may file a new request for the information you seek, containing a degree of specificity sufficient to permit us to conduct a reasonable search for your records, at any time.

We are proceeding with our search for information in response to items 2(c) and 4 of your request. It is possible that records responsive to your request might be maintained at both the Board and the Reserve Banks; however, at this time, our staff has not yet been able to complete a search to determine whether there are Board records within the scope of your request in those locations. In addition, the Board currently is processing an unusually large volume of complex requests, including several on an expedited (priority) basis. Because of these circumstances, we currently do not anticipate that we will be able to respond to the remaining portions of your request (i.e., items 2(c) and 4) within the ten additional days provided by the Act. We are hopeful, however, that we will be able to respond on or before April 30, 2009.

To enable us to respond more quickly, you may wish to narrow the scope of items 2(c) and/or 4 of your request to limit the number of potentially responsive records or to arrange an alternative time frame for processing of this request. Any such proposal for an alternative time frame for processing should be in writing (hard copy or e-mail) directed to the Board’s Freedom of Information office.

Items 2(c) and 4 of your request will be processed as soon as possible. If you have any questions or seek information on the status of processing your request, you may contact Ms. Jeanne McLaughlin, Manager of the Board’s Freedom of Information office, at 202-452-2407.

Very truly yours,


Margaret McCloskey Shanks
Associate Secretary of the Board

AMT
AMT:amt

U:\FOIA\2009\09-009-0316.extension.doc

bcc: Ms. Harris
Mr. Greg Evans
Ms. Brenda Richards
Ms. Thro
Ms. McLaughlin
Mr. O'Rourke
Ms. Logan
Board Records

FOIA # 09-0316 (extension letter)

Note: (b) (5)
(b) (5)

2009-316
Amendment



Jeanne M
McLaughlin/BOARD/FRS
04/03/2009 01:29 PM

To Alison M Thro/BOARD/FRS@BOARD, Denise
Harris/BOARD/FRS@BOARD
cc
bcc
Subject Judicial Watch's FOIA Clarification 316

— Forwarded by Jeanne M McLaughlin/BOARD/FRS on 04/03/2009 01:26 PM —



"Jenny Small"
<jsmall@judicialwatch.org>
04/03/2009 01:13 PM

To <jeanne.m.mclaughlin@frb.gov>
cc
Subject Judicial Watch's FOIA Clarification 316

Please respond to
"Jenny Small"
<jsmall@judicialwatch.org>

Ms. McLaughlin:

Please see the attached pdf.

Thank you,

Jenny Small
Investigations Researcher
Judicial Watch, Inc.
202-646-5181
jsmall@judicialwatch.org

STATEMENT OF CONFIDENTIALITY:

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, please notify Judicial Watch, Inc. immediately at either 202-646-5172 or at info@judicialwatch.org, and destroy all copies of the message and any attachments.



FED_JW_foiaclarification_319_4_2009.pdf



Judicial Watch

Because no one is above the law!

3 April 2009

VIA FAX

Board of Governors of the Federal Reserve

Attn: Jeanne McLaughlin (in response to Margaret McCloskey Shanks' letter)

FAX: 202-872-7565

RE: Freedom of Information Act Request 2009100316

Dear Sir/ Madam:

Judicial Watch is in receipt of your March 27, 2009 letter. In your letter, you seek clarification and confirmation on points 2c and 4. Regarding the other requested items, you state that you are not able to determine what information we are seeking that is not already published on the Board's website. You advise that we "may file a new request for the information [we] seek." Judicial Watch, however, seeks to have the current request continue to be processed. Pursuant to Freedom of Information Act 5 U.S.C. § 552(a)(6)(B)(ii), we accept your letter as "an opportunity to limit the scope of the request so that it may be processed within that time limit." The following contains Judicial Watch's original requested items in gray and a clarification to the scope (with regards to the letter) in black ink.

1. ~~Complete and current balance sheet (note: we are seeking more than the "Consolidated Statement of Condition of All Federal Reserve Banks").~~
 - * The Board of Governor's complete and current balance sheet. Current defines the time limit as the most current balance sheet at the time of processing Judicial Watch's FOIA request.
2. Records related to the Federal Reserve's balance sheet in terms of:
 - a. ~~New deposits created as part of financial intervention in financial institutions~~
 - * Number 8 of H.4.1 "Consolidated Statement of Condition of All Federal Reserve Banks" lists deposits and changes in deposits. We are seeking records including the input and the calculations that account for the changes in all components of the deposits (depository institutions, US Treasury General Account, US Treasury Supplementary Financing Account, Foreign Official, Other). We are specifically seeking the records

for the changes in deposits that result from financial intervention in financial institutions (i.e. Bear Stearns, AIG, automakers, etc).

b. Money borrowed from the public

*** Requested item is withdrawn.**

c. Method for creating the balance sheet

*** Method for creating the Federal Reserve Board's balance sheet including the any relevant financial accounting manuals.**

d. Maiden U.C.I, II, and III breakdown of payments (including amount used for operating expenses, principle, and interest)

*** We believe this point to be sufficiently clear and as noted in your letter, the Board is preparing the information for its Annual Report, so it is presumably identifiable and obtainable.**

e. Details on "Term Auction Credit" including calculations

*** Any and all records concerning "Term Auction Credit" including calculations, collateralization, notes from telephone bids, documentation on bids, documentation on extending the credit.**

f. Details of "Other Loans" from assets

*** "Consolidated Statement of Condition of All Federal Reserve Banks Millions of Dollars" Point 8 of H.4.1 includes "other loans." We are seeking records concerning the composition of this component. Records may include input, calculations, records on collateral, and detailed balance sheets from Federal Reserve Banks. Records may also include memos, correspondence, authorization documents for extending such loans, and/ or documents that identify the recipients of such loans.**

g. Details of "Central Bank liquidity Swaps"

*** We are seeking all records concerning these transactions to foreign central banks. Records may include documentation of authorization of temporary reciprocal currency arrangements, transaction paperwork, communication on liquidity swaps, binding agreements for foreign central banks to buy back currency, amount of money extended to each central bank, records identifying central banks that participate, calculations, etc.**

h. Details of "U.S. Treasury supplementary financing account"

*** Requested item is withdrawn.**

i. Details of Money Market Investor Funding Facility and a list of financial institutions chosen to participate.

*** In your letter's footnotes, you indicate that "no institutions have utilized the MMIF to date," however, H.4.1 states "the Federal Reserve Board authorized the Federal Reserve Bank of New York to**

extend credit under the authority of section 13(3) of the Federal Reserve Act to a series of limited liability companies funded through the Money Market Investor Funding Facility (MMIFF). The MMIFF became operational on November 24, 2008. These limited liability companies were established to purchase short-term U.S. dollar-denominated certificates of deposit, bank notes, and outstanding asset-backed commercial paper from eligible issuers. Such purchases are designed to foster liquidity in short-term money markets.” Therefore, we are seeking records that relate to the referenced limited liability companies. Records may include, but are not limited to, authorization documents, correspondence, memoranda, calculations, legal documents, etc.

3. Any and all records including memorandum concerning disclosure policies regarding the balance sheet.

* Any and all records (including memorandum, notes, correspondence, agendas, etc) concerning disclosure policies regarding the Federal Reserve’s lending practices (records should include, but are not limited, to the reviews conducted by Donald Kohn’s committee)

(http://money.cnn.com/2009/02/18/news/economy/bernanke_press_club/index.htm)

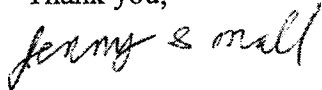
4. Determination and correspondence related to the creation of the “Credit and Liquidity Programs and Balance Sheet” website.

* We are seeking records reflecting the decision to establish the webpage and discussions regarding specific information that should be included.

Time Frame: January 1, 2008- Present

We believe that we have clearly identified and described the records we seek. If there are any further questions, please do not hesitate to contact us so we can address the questions and clarify them immediately. We hope that this clarification process does not further delay production of records.

Thank you,



Jenny Small
Judicial Watch, Inc.
Researcher



Judicial Watch is limiting the scope of three of its FOIA requests

Jeanne M McLaughlin to: Alison M Thro
Cc: Margaret M Shanks

03/08/2010 12:11 PM

----- Forwarded by Jeanne M McLaughlin/BOARD/FRS on 03/08/2010 12:10 PM -----



"Jenny Small"
<jsmall@judicialwatch.org>

03/08/2010 12:09 PM

Please respond to
"Jenny Small"
<jsmall@judicialwatch.org>

To <Jeanne.M.McLaughlin@frb.gov>

cc

Subject RE: Judicial Watch's FOIA Requests Status Updates

Ms. McLaughlin,

I appreciate your thorough update. After reviewing your suggestions to limit the scope of three of our requests, we consent to the suggested modifications.

For our request on the balance sheet (090316):
Narrowing the scope of this request (e.g., eliminating items 1, 2, and 4-7) likely would facilitate faster processing.

Not Responsive

Thank you,

Jenny Small
Investigations Researcher
Judicial Watch, Inc.
202-646-5181
jsmall@judicialwatch.org

STATEMENT OF CONFIDENTIALITY:

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, please notify Judicial Watch, Inc. immediately at either 202-646-5172 or at info@judicialwatch.org, and destroy all copies of the message and any attachments.

-----Original Message-----

From: Jeanne.M.McLaughlin@frb.gov [mailto:Jeanne.M.McLaughlin@frb.gov]
Sent: Friday, March 05, 2010 5:46 PM
To: jsmall@judicialwatch.org
Subject: Judicial Watch's FOIA Requests Status Updates

March 5, 2010

Via E-mail
Jenny Small
Investigations Researcher
Judicial Watch, Inc.

RE: FOIA Requests Status Updates

Dear Ms. Small,

This responds to your e-mail message requesting a status update of Judicial Watch's pending FOIA requests. Thank you for your patience.

Jeanne McLaughlin
FOIA Service Center Manager
Federal Reserve Board

Not Responsive



09-0316 Balance Sheet (10 items)

- 1) complete and current balance sheet of the Board;
- 2) records reflecting inputs and calculations accounting for changes in all components of deposits reflected in Item 8 of the H.4.1;
- 3) records, including relevant financial accounting manuals, showing the method for creating the Board's balance sheet;
- 4) breakdown of payments by ML I, II, and III (including amount used for operating expenses, principle, and interest);
- (5) any and all records regarding "Term Auction Credit," including calculations, collateralization, notes from telephone bids, documentation on bids, and documentation on extending the credit;
- 6) records reflecting composition of "other loans" on Item 8 of the H.4.1, including input,

calculations, records on collateral, and detailed balance sheets from Federal Reserve Banks. Records

also may include memos, correspondence, authorization documents for extending such loans, and/or

documents that identify the recipients of such loans;

7) all records concerning Central Bank Liquidity Swaps transactions with foreign Central Banks,

including documentation of authorization of temporary reciprocal currency arrangements, transaction paperwork, communication on liquidity swaps, binding agreements for foreign central banks to buy back

currency, amount of money extended to each central bank, records identifying central banks that

participate, calculations, etc.;

8) with respect to the MMIFF, records regarding the limited liability companies which were established

to purchase short-term U.S. dollar-denominated CDs, bank notes, and outstanding ABCP from eligible

issuers, including authorization documents, correspondence, memoranda, calculations, legal documents, etc.;

9) any and all records (including memoranda, notes, correspondence, agendas, etc.) concerning disclosure

policies regarding the Federal Reserve's lending practices, including, but not limited to the reviews

conducted by the Kohn Committee;

and (10) records reflecting the decision to establish the Board's "Credit and Liquidity Programs and the Balance Sheet" webpage and discussions regarding specific information to be included.

1. This is an exceptionally large request covering a diverse array of topics. Data responsive to item 1 is publicly available and can be found on the Board's website at

http://www.federalreserve.gov/monetarypolicy/bst_fedsbalancesheet.htm.

Much of the information has been collected and is awaiting responsiveness and exemption reviews.

Much of the information sought (e.g., documents responsive to items 2-5 and 8) consists of records of the FRBNY to the extent not already possessed by the Board. (Requester would need to go directly to FRBNY for this information.) Documents responsive to item 7 (regarding central bank liquidity swaps) are records of the FOMC and should be sought by the requester directly from that agency.

2. 32 requests remain ahead of this request.

3. The current estimated date for completion is May 30, 2010. Narrowing the scope of this request (e.g., eliminating items 1, 2, and 4-7) likely would facilitate faster processing.

Not Responsive



BOARD OF GOVERNORS
OF THE
FEDERAL RESERVE SYSTEM
WASHINGTON, D. C. 20551

ADDRESS OFFICIAL CORRESPONDENCE
TO THE BOARD

December 9, 2010

Ms. Tegan Millspaw
Researcher
Judicial Watch, Inc.
501 School Street SW
Suite 725
Washington, DC 20024

Dear Ms. Millspaw:

This is in reference to a letter from your former colleague, Ms. Jenny Small, dated and received by the Board's Freedom of Information office on February 27, 2009. Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, Ms. Small requested records on wide-ranging topics related to the financial condition of the Federal Reserve System, liquidity facilities authorized under section 13(3) of the Federal Reserve Act, and transparency policies. Ms. Small amended the original request by letter dated April 3, 2009, and email message dated March 8, 2010. Currently, the records being sought consist of the following for the period January 1, 2008 to April 3, 2009:

- [1.] Documents showing the "[m]ethod for creating the Federal Reserve Board's balance sheet including . . . any relevant financial accounting manuals";
- [2.] With respect to the Money Market Investor Funding Facility ("MMIFF"), records regarding the establishment of limited liability companies to purchase short-term U.S. dollar-denominated certificates of deposit, bank notes, and outstanding asset-backed commercial paper from eligible issues, including "authorization documents, correspondence, memoranda, calculations, legal documents, etc.";
- [3.] "Any and all records (including memorand[a], notes, correspondence, agendas, etc) concerning disclosure policies regarding the Federal Reserve's lending practices (records should include, but are not limited to, the reviews conducted by Donald Kohn's committee [and] records reflecting the decision to establish the [transparency] webpage and discussions regarding specific information that should be included)."

To date, Board staff has been unable to respond to this request because of the large volume of FOIA requests the Board has received relating to a variety of matters arising out of the financial crisis. Before staff continues working on the request, we seek to confirm that you are interested in pursuing it.

In determining whether to proceed, you may wish to consider the following. The Board prepares its balance sheet according to US GAAP and Generally Accepted Government Auditing Standards (the "GAO Yellowbook"). Thus, resources responsive to item 1 of the request are publicly available. With respect to item 2 of the request, we note that the MMIFF was never utilized. Although the Board has draft organizational information and inchoate contracts related to the limited liability companies, those materials likely would be withheld in full under exemptions 4 and 5. Documents responsive to item 3 of the request predominantly consist of emails scheduling meetings to discuss disclosure objectives. What little written substantive predeliberative information exists likely would be withheld under exemption 5.

Please advise us in writing on or before December 22, 2010, whether you wish for the Board to continue processing this request. If we do not hear back from you on or before that date, the request will be administratively closed by the Board's Freedom of Information office without prejudice to your ability to submit a new request for the same information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeanne McLaughlin", written in a cursive style.

Jeanne McLaughlin
Manager, Freedom of Information Office

AMT:amt

L:\2009\316\2009-316, Still Interested Letter.doc

bcc: Ms. Harris
Ms. Thro
Ms. Logan
Board Records

FOIA # 09-0316



**Judicial
Watch®**
*Because no one
is above the law!*

BOARD OF GOVERNORS
OF THE
FEDERAL RESERVE SYSTEM

2010 DEC 20 PM 2:26

RECEIVED
OFFICE OF THE SECRETARY
FREEDOM OF INFORMATION ACT

December 20, 2010

Ms. Jeanne McLaughlin
Freedom of Information Office
Board of Governors of the Federal Reserve System
20th & Constitution Avenue, NW
Washington, DC 20551-0001
Fax: (202) 872-7565

RE: Freedom of Information Requests

Dear Ms. McLaughlin:

This is in response to your four letters, all dated December 9, 2010, concerning the status of Ms. Jenny Small's Freedom of Information Act (FOIA) requests. In your letter, you reference the following FOIA requests:

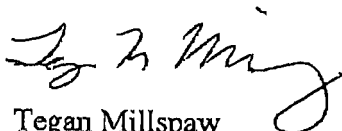
2009100316: February 27, 2009 FOIA request

Not Responsive



In answer to your query, Judicial Watch is interested in keeping all items of the requests open. If you require further clarification or have any questions, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,



Tegan Millspaw
Judicial Watch



BOARD OF GOVERNORS
OF THE
FEDERAL RESERVE SYSTEM
WASHINGTON, D. C. 20551

ADDRESS OFFICIAL CORRESPONDENCE
TO THE BOARD

December 9, 2010

Ms. Tegan Millspaw
Researcher
Judicial Watch, Inc.
501 School Street SW
Suite 725
Washington, DC 20024

Dear Ms. Millspaw:

This is in reference to a letter from your former colleague, Ms. Jenny Small, dated and received by the Board's Freedom of Information office on February 27, 2009. Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, Ms. Small requested records on wide-ranging topics related to the financial condition of the Federal Reserve System, liquidity facilities authorized under section 13(3) of the Federal Reserve Act, and transparency policies. Ms. Small amended the original request by letter dated April 3, 2009, and email message dated March 8, 2010. Currently, the records being sought consist of the following for the period January 1, 2008 to April 3, 2009:

- [1.] Documents showing the "[m]ethod for creating the Federal Reserve Board's balance sheet including . . . any relevant financial accounting manuals";
- [2.] With respect to the Money Market Investor Funding Facility ("MMIFF"), records regarding the establishment of limited liability companies to purchase short-term U.S. dollar-denominated certificates of deposit, bank notes, and outstanding asset-backed commercial paper from eligible issues, including "authorization documents, correspondence, memoranda, calculations, legal documents, etc.";
- [3.] "Any and all records (including memorand[a], notes, correspondence, agendas, etc) concerning disclosure policies regarding the Federal Reserve's lending practices (records should include, but are not limited to, the reviews conducted by Donald Kohn's committee [and] records reflecting the decision to establish the [transparency] webpage and discussions regarding specific information that should be included)."

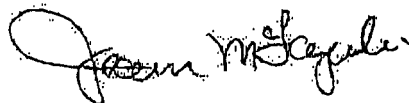
-2-

To date, Board staff has been unable to respond to this request because of the large volume of FOIA requests the Board has received relating to a variety of matters arising out of the financial crisis. Before staff continues working on the request, we seek to confirm that you are interested in pursuing it.

In determining whether to proceed, you may wish to consider the following. The Board prepares its balance sheet according to US GAAP and Generally Accepted Government Auditing Standards (the "GAO Yellowbook"). Thus, resources responsive to item 1 of the request are publicly available. With respect to item 2 of the request, we note that the MMIFF was never utilized. Although the Board has draft organizational information and inchoate contracts related to the limited liability companies, those materials likely would be withheld in full under exemptions 4 and 5. Documents responsive to item 3 of the request predominantly consist of emails scheduling meetings to discuss disclosure objectives. What little written substantive predeliberative information exists likely would be withheld under exemption 5.

Please advise us in writing on or before December 22, 2010, whether you wish for the Board to continue processing this request. If we do not hear back from you on or before that date, the request will be administratively closed by the Board's Freedom of Information office without prejudice to your ability to submit a new request for the same information.

Very truly yours,



Jeanne McLaughlin
Manager, Freedom of Information Office



BOARD OF GOVERNORS
OF THE
FEDERAL RESERVE SYSTEM
WASHINGTON, D. C. 20551

ADDRESS OFFICIAL CORRESPONDENCE
TO THE BOARD

January 21, 2011

Ms. Tegan Millspaw
Researcher
Judicial Watch, Inc.
501 School Street SW
Suite 725
Washington, DC 20024

Dear Ms. Millspaw:

This is in reference to a letter from your former colleague, Ms. Jenny Small, dated and received by the Board's Freedom of Information office on February 27, 2009.¹ Pursuant to the Freedom of Information Act (the "Act"), 5 U.S.C. § 552, Ms. Small requested records on wide-ranging topics related to the financial condition of the Federal Reserve System, liquidity facilities authorized under section 13(3) of the Federal Reserve Act, and transparency policies. Ms. Small amended the original request by letter dated April 3, 2009, and email message dated March 8, 2010. Currently, the records being sought consist of the following for the period January 1, 2008 to April 3, 2009:

- [1.] Documents showing the "[m]ethod for creating the Federal Reserve Board's balance sheet including . . . any relevant financial accounting manuals";
- [2.] With respect to the Money Market Investor Funding Facility ("MMIFF"), records regarding the establishment of limited liability companies to purchase short-term U.S. dollar-denominated certificates of deposit, bank notes, and outstanding asset-backed commercial paper from eligible issuers, including "authorization documents, correspondence, memoranda, calculations, legal documents, etc.";
- [3.] "Any and all records (including memorand[a], notes, correspondence, agendas, etc) concerning disclosure policies regarding the Federal Reserve's lending practices (records should include, but are not limited to, the reviews conducted by Donald

¹ Before she departed from Judicial Watch, Ms. Small informed us that Judicial Watch intended to continue with this request and asked that you be substituted as the point-of-contact. By letter dated December 10, 2010, you confirmed that you are interested in proceeding with this request.

Kohn's committee [and] records reflecting the decision to establish the [transparency] webpage and discussions regarding specific information that should be included)".

With respect to item 1 of the request, we note that the Board prepares its balance sheet according to US GAAP and Generally Accepted Government Auditing Standards (the "GAO Yellowbook"). These resources are publicly available; accordingly we are not providing them in response to your request.

With respect to items 2 and 3 of the request, staff searched for and located responsive documents. The vast majority of information responsive to item 2 (transaction documents related to the MMIFF and a transaction flow chart) will be provided to you in full. The only material being redacted from this information consists of the personal signatures of individuals, under exemption 6 of the FOIA, 5 U.S.C. § 552(b)(6).

Documents responsive to item 3 consist of email communications among staff regarding the Kohn Committee and the development of the Board's transparency web pages. The documents contain staff's predeliberative recommendations and analysis and include a large number of drafts. This information will be withheld from you under exemption 5 of FOIA, 5 U.S.C. § 552(b)(5). In addition, an email address and personal telephone numbers of individuals will be withheld from you under exemption 6 of FOIA, 5 U.S.C. § 552(b)(6).

All reasonably segregable nonexempt information responsive to items 2 and 3 will be provided to you. The amount of information being withheld will be apparent to you from the face of the documents being provided.

Your request for information is granted in part and denied in part for the reasons set forth above. The Board's Freedom of Information office will provide you with copies of documents being made available pursuant to this authorization under separate cover. If you believe that you have a legal right to any information that is being withheld, you may appeal this determination in accordance with section 261.13(i) of the Board's "Rules Regarding Availability of Information" (12 CFR 261.13(i)), a copy of which is enclosed for your reference.

Very truly yours,

A handwritten signature in black ink, reading "Jennifer J. Johnson". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Jennifer J. Johnson
Secretary of the Board

Enclosure

AMT
AMT:amt

L:\2009\316\2009-316, Final Letter.doc

bcc: Ms. Johnson
Ms. Harris
Ms. Thro
Ms. Logan
Board Records

FOIA # 09- 316

Note: (b) (5)

(b) (5)

