

Department of the Interior Departmental Manual

Effective Date: 4/30/03

Series: Departmental Management

Part 303: Indian Trust Responsibilities

Chapter 5: Collection of Missing Indian Trust-Related Records

Originating Office: Office of the Deputy Secretary

303 DM 5

5.1 Purpose. This chapter provides Departmental policy and procedures for collecting available, relevant Indian Trust-Related Records from Third Parties. Collections of such information will supplement existing Federal records, and assist in those instances where Federal records are incomplete or missing.

5.2 Scope. The policy in this chapter applies to the Office of Historical Trust Accounting (OHTA).

5.3 Authority. American Indian Trust Fund Management Reform Act of 1994, Public Law No. 103-412, 108 Stat. 4239.

5.4 Policy. OHTA will identify, locate, and secure available data, including missing trust-related records, as necessary, to conduct a historical accounting of Individual Indian Monies (IIM) or Tribal Trust accounts.

5.5 Objective. The objective of this policy is to establish a protocol to collect available, relevant Indian Trust-Related Records from Third Parties to supplement existing Federal records for the purposes of conducting a historical accounting.

5.6 Definitions. For purposes of this Chapter, the following definitions apply.

A. Individual Indian Money accounts, accounts for trust funds held by the Secretary that belong to a person who has an interest in trust assets. These accounts are under the control and management of the Secretary. There are three types of IIM accounts: unrestricted, restricted, and estate accounts.

B. Individual Indian trust data, Data upon which the Government must rely to fulfill its trust duties to Native Americans pursuant to the American Indian Trust Fund Management Reform Act of 1994 (P.L. No. 103-412), other applicable statutes and Court orders reflecting, for example, the existence of Individual Indian trust assets (e.g., as derived from ownership data, trust patents, plot descriptions, surveys, jacket files, statements of accounts), the collection of

income from Individual Indian trust assets (e.g., derived from leases, sales, rights-of-way, investment reports, production reports, sales contracts), or the disbursement of Individual Indian trust assets (e.g., as derived from transaction ledgers, check registers, transaction registers, or lists of canceled or undelivered checks).

C. Indian Trust Assets, particular lands, natural resources, monies or other assets held in trust at a particular time by the Federal Government for a Tribe, Alaskan natives, or that are or were at a particular time restricted against alienation, for individual Indians.

D. Indian Trust-Related Records, records that contain individual Indian trust data or tribal trust data.

E. Missing Indian Trust-Related Records, records that are lost, misplaced or destroyed, which contained information that may be needed to administer Indian trust assets or fulfill obligations related to Indian trust assets.

F. Third Party, any person or entity (other than a bureau or office within the Department of the Interior) that holds or may hold or have custody or control over Indian Trust-Related Records, including but not limited to the following:

- (1) Tribes
- (2) Federal agencies (other than Bureaus within DOI)
- (3) State agencies
- (4) County agencies
- (5) Municipal agencies
- (6) Financial institutions
- (7) Companies
- (8) Law offices
- (9) Colleges and universities
- (10) Professional organizations and societies
- (11) Individuals

5.7 **Responsibilities.** OHTA is responsible for implementing the procedures in Paragraph 5.8 and for coordinating with other bureaus and offices as appropriate.

5.8 **Procedure.** OHTA will locate and secure Missing Indian Trust-Related Records from

Third Parties as follows.

- A. Alert potential Third Parties of DOI' s efforts to locate and secure possible Missing Indian Trust-Related Records through *Federal Register* notices, letters, newspaper ads, presentations at meetings and conferences, information bulletins in mailings, and other means.
- B. Request that potential Third Parties preserve and retain relevant Indian Trust-Related Records.
- C. Identify information and records needed.
 - (1) Identify records necessary to accomplish a historical accounting.
 - (2) Assess information gaps and Missing Indian Trust-Related Records.
 - (3) Identify specific information gaps that might be filled by Third Parties.
- D. Identify and locate Indian Trust-Related Records held by potential Third Parties.
 - (1) Identify potential Third Parties by resource and document type.
 - (2) Contact potential Third Parties.
 - (3) Ask potential Third Parties to identify, inventory, and preserve Indian Trust-Related Records, providing a copy of the inventory to DOI.
- E. Obtain Third Party Indian Trust-Related Records.
 - (1) Once a data gap has been identified, review available Third Party inventories and identify Indian Trust-Related Records that pertain.
 - (2) Attempt to secure relevant Indian Trust-Related Records through an electronic image, paper copy, or in some instances, assuming custody of original records.
 - (3) Store available records in an appropriate records storage facility.

4/30/03 #3590

New