

Historical Trust Accounting, 1801 Pennsylvania Avenue NW., Suite 400, Washington DC 20006, telephone 202-327-5300, or by facsimile at 202-327-5375.

SUPPLEMENTARY INFORMATION: The remainder of this notice is divided into two parts. Part one contains the policy and procedures the Department will follow in collecting Indian trust-related records from third parties needed to complete the historical accounting. Part two is an explanation of the Department's policy and how it evolved.

Part One: Policy and Procedures for Collecting Indian Trust-Related Records From Third Parties

I. Policy

The Department's Office of Historical Trust Accounting (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 accounts.

II. Objective

The objective of this policy is to supplement existing Federal records by collecting relevant, available Indian trust-related records from third parties for purposes of conducting a historical accounting of IIM or tribal accounts.

III. Responsibility

OHTA is responsible for carrying out the procedures identified in this policy and for coordinating with other DOI bureaus and offices, as appropriate.

IV. Procedures To Be Followed in Collecting Trust Information

OHTA must use the following actions to locate and secure missing Indian trust-related information from third parties.

1. Alert Potential Third Parties to DOI's Efforts to Locate and Secure Possible Missing Indian Trust-Related Records, and Request Retention

(a) Alert potential third parties to DOI's efforts and the need to retain relevant records through **Federal Register** notices, letters, newspaper ads, presentations at meetings and conferences, information bulletins in mailings, and other means.

(b) Potential third parties include:

- (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 firms;
- (9) Colleges and universities;
- (10) Professional organizations and societies; and
- (11) Individuals.

2. Identify Information and Records Needed

(a) Identify records necessary, *e.g.*, to complete the historical accounting use document types described in the *Accounting Standards Manual* issued by OHTA.

(b) Assess known information gaps and missing Indian trust-related records. For example, in preparing the historical accounting:

- (1) Use results from a current Office of Trust Records project to index existing records;
 - (2) Survey Interior Bureaus to determine the availability of relevant records; and
 - (3) Complete an evaluation of relevant automated systems.
- (c) Identify specific information gaps that might be filled by third parties.

3. Identify and Locate Indian Trust-Related Records Held by Potential Third Parties

- (a) Identify potential third parties by resource and document type.
- (b) Contact potential third parties.
- (c) Ask potential third parties to identify, inventory, and secure available, relevant Indian trust-related records, providing a copy of the inventory to DOI.

4. Obtain Third-Party Records

- (a) Once a data gap has been identified, review available third-party inventories and identify records that pertain.
- (b) Secure relevant Indian trust-related records through an electronic image, paper copy, or in some instances, assuming custody of original records.
- (c) Store available records in an appropriate records storage facility.

Part Two: Explanation of the Department's Policy

I. Oil and Gas Industry Pilot Project

In an effort to gauge the potential availability of third-party Individual Indian Monies-related or Tribal-related information, DOI initiated a pilot project focused on the oil and gas industry. A **Federal Register** notice was published on February 6, 2002 (67 FR 5607), requesting that, "anyone in possession of records related to IIM trust funds to notify the Department, and preserve and maintain such records indefinitely." The notice also noted that DOI would be willing to take custody of these records, if the current owner preferred.

In March 2002, this notice was followed with a letter sent to approximately 4,200 addresses derived from the *Oil and Gas Journal* subscription list. This letter asked if the company addressee possessed records relating to production on individual-allotted Indian lands and requested an inventory of those records from 1887 to the present. The letter requested that the company preserve and maintain these documents. It also asked for a copy of the company's records retention policy.

In July 2002, staff from OHTA conducted an on-site survey of some documents held in storage by a responding company located in Denver, Colorado. The purpose of this review was to determine what data may be available from third-party sources and to estimate their relevance to the historical accounting effort. The review revealed that trust records represent a very small percentage of the stored materials and are interspersed with non-trust data. The review also led to the conclusion that locating trust data within the volume of stored records would be a labor-intensive exercise, particularly where there is no data inventory.

A final component of this pilot project involved a presentation at the fall conference of the Council of Petroleum Accountants Society in October 2002. In this case, information was presented to the conference describing OHTA, its role in collecting missing information and in completing the historical accounting for IIM account holders. The discussion following the presentation revealed the following.

- Many of the companies represented at the conference are retaining data they believe are relevant to Indian trust resources.
- Industry consolidation could make data collection more difficult because acquiring companies may not be fully aware of the content or completeness of records "inherited" from an acquired company.
- Companies are concerned that old, and potentially unknown, liabilities inherited from acquired companies could be discovered if they surrender records to the Federal Government.
- Few, if any, companies have segregated Indian data from non-Indian data, and it could be costly to do so, particularly for inactive, archived records.
- Companies are concerned about Federal access to records unrelated to Indian trust.