

Clarification of Held-in-Trust Status and Paperwork

As a part of its process to certify repositories and museums with Held-in-Trust (HIT) materials, the Texas Historical Commission (THC) has authored an “Agreement for State of Texas Held-in-Trust Objects/Collections.” With this document, the stewardship of a collection, but not the ownership, is officially transferred to a curatorial facility, to be Held in Trust for the State and People of Texas.

The Agreement form can be found on the Texas Archeological Research Laboratory (TARL) website at <http://www.utexas.edu/research/tarl/curation/THCTrustForm.pdf>.

The Agreement form must accompany each project being curated at TARL that has Held in Trust materials. This form includes a list of Held-in-Trust permit objects or collections, which for TARL will be set up by trinomial. While the form is to be signed by representatives of the THC and the repository/museum, TARL needs the list of sites that are Held-in-Trust to be completed by those entities curating materials here. TARL asks that submitting archeologists fill in only the fields in the agreement for “Permit No.” (the number assigned by the THC) and “Permit Objects/Collections Held in Trust...” (the trinomials of the HIT sites, and not necessarily all sites on the project). Please attach a copy of each HIT site’s lot-number-ordered inventory and turn the form and inventory in to TARL with the other collections documentation when a project is brought in for curation.

In order to determine accurately the HIT status of a site collection, it is imperative that ownership of the property on which the site is located be known. Submitting archeologists should already be aware of this need. TARL’s curation stipulations specify a Deed of Gift be submitted for collections from privately-owned property and a Governmental Agency Curation Agreement from publicly-owned property, as well as the Letter of Transfer/Ownership to be signed by the sponsor and submitting archeologist.

The following list should clarify the definition of a Held-in-Trust collection, so that submitting archeologists may decide which sites in their project fit this category. As a baseline statement, HIT materials come from permitted projects on non-Federally-owned public land; many permitted collections come from private or Federal land and are NOT State Held-in-Trust, permit notwithstanding.

Clarification/definition of a State-associated Held-in-Trust (HIT) collection

For TARL’s purposes, a collection is State-associated Held-in-Trust if **all** of the following are true:

- It is generated under a Texas Historical Commission permit.
- It is from land belonging to the State, a county, a city, or a political subdivision of the State **at the time of collection**.
- The collection **contains objects**. A collection is not HIT if it is records only.
- It is placed in a curatorial facility (TARL) for care and management.