


# ISSUING OFFICIAL SIGNATURE

(Part 2)

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<b>Replaces Chapter 2, Section 2.2.2, Issued 03-06-2009</b>		
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John E. White, Deputy Special Trustee – Program Management

**Indian Affairs Records Management  
Policy & Procedures Manual**

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**Effective Date:** October 20, 2015

**Chapter:** 2.0 Recordkeeping Requirements

**Section:** 2.2.2 Record Freezes

**Originating Office:** Office of Trust Records

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**2.2.2.1 Purpose.**

The purpose of this section is to establish policy and procedures to manage records under litigation freeze, legal hold mandate, or covered by a preservation order such as a Records Retention Order (RRO).

**2.2.2.2 Scope.**

The provisions of this section apply to Indian Affairs (IA) and the Office of the Special Trustee for American Indians (OST), hereafter referred to as “bureaus.” The provisions of this section also apply to all other Bureaus and Offices within the Department of the Interior (DOI) that create, use, and manage Indian Fiduciary Trust Records (IFTR), hereinafter referred to as “trust bureaus.”

**2.2.2.3 Authorities.**

**A. Regulations.**

1. 36 CFR, Part 1220, Federal Records, General

**B. Guidance.**

1. 380 DM 2, Adequacy of Documentation (July 11, 1994)
2. Letter, Assistant Director of the Office of Management & Budget (OMB) to Acting Administrator of General Services for the establishment of the Indian Trust Accounting Division (ITAD) (June 1972)

**2.2.2.4 Policy.**

Bureaus and trust bureaus shall adhere to instructions, restrictions, preservation orders, legal holds and record management policies when managing records under a litigation freeze. Bureaus and trust bureaus may be prohibited from destroying records under a freeze.

**REGULATORY REQUIREMENTS**

- A. Bureaus shall create and maintain authentic, reliable, usable records and ensure that they remain so for the length of their authorized retention period (36 CFR 1220.32).

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GUIDANCE

B. The records shall be designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the bureau's activity (380 DM 2).

**2.2.2.5 Objective.**

A. Provide guidance on handling records under litigation freeze, hold or preservation order.

**2.2.2.6 Responsibilities.**

- A. Office of Trust Records (OTR). OTR shall provide guidance, technical assistance, and training to bureaus and trust bureaus regarding records in litigation.
- B. Bureaus. Bureaus, including all offices and programs under its jurisdiction, shall manage bureau records under a litigation freeze, legal hold, or preservation order.
- C. Trust Bureaus. Trust bureaus shall manage IFTR under a litigation freeze, legal hold, or preservation order.

**2.2.2.7 Procedures.**

- A. Frozen Records. Bureau and trust bureau records subjected to a court mandated freeze order shall be managed in accordance with the instructions and restrictions of the freeze order, and other records management directives until the freeze is lifted.
  - 1. Administrative Record Freeze. Administrative records under a freeze shall not be destroyed, regardless of disposition guidelines.
  - 2. ITAD Frozen Records. Records, identified as frozen in the ITAD freeze, consist of records series from the Indian Affairs Records Schedule. These records have been identified as frozen by the Assistant Director of the OMB, General Accounting Office (GAO), in a letter dated June 8, 1972, to Acting Administrator of General Services. These records shall not be disposed of until such time as the freeze has been lifted by DOI, NARA, Department of Justice, or by the court. Below are the program and organizational record series numbers determined to be frozen records:
    - a. 

<u>Program</u>	<u>Record Series Title</u>
1000	Executive Management
2200	Automated Data Processing
2300	Contracts
2500	Finance
2800	Property and Procurement

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- 3300 Employment Assistance
- 3700 Tribal Government
- b. All 4000 record series except 4200 Credit and 4700 Roads.
- c. Record Series as listed in the 15 BIAM Supplement 3.

<u>Series</u>	<u>Title</u>
307-06	Requisition Files
701-01	Cash Collection Files
701-02	Accounting Officer Designee Files
702-01	Budget Administration Files
702-02	Budget Estimates
702-04a(1)–(2)	Operating Budget Files Report
702-05	Agency Allotment Status Report Files
702-06	Budget Status Report Files
702-08	Area Allotment Status Report Files
703-05	Notice of GAO Exception Files
703-06	Certificates of Settlement Files
703-07	General Ledger Detailed Listing
703-08	Fund Distribution Document Files
703-09	Monthly Journal of Transaction Files
703-10	Voucher and Schedule of Payment Plan Files
703-11	Cash Documents by Appropriation Files
703-12	Schedule of Cancelled Checks (SF-1098) Files
703-13	Construction Progress Status Report Files
703-14	Certificates of Deposit Files
703-15	Accounts Payable and Undelivered Orders Files
703-18	Paid Voucher Files
704-02a. c	Payroll Detail Cost Report Files
705-02	Statement of Transaction (SF-224) Files
705-03	Appropriation Warrant Files
705-04	Advice of Collections Files
705-05	Statement of Receipts Files
705-07	Non-expenditure Transfer Authorization (SF-1151) Files
705-08	Apportionment and Reapportionment Schedule Files
705-09	Fund Distribution Document Files
705-10	Unappropriated Receipts Trial Balance Files
706-01	Public Voucher Files
706-02	Individual Indian Money Deposit Ticket Files
706-03	Journal Voucher Files

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706-04	Monthly Check Reconciliation Listing Files
706-05	Special Disbursing Agent Files
706-06	Tribal Balance Files
706-07	Reconciliation Statement Files
706-08	Indian Services Special Disbursing Agent (ISSDA) Report Files
801-02a.b.c	Contract or Purchases Transaction Files
801-04	Bid Files
801-05	Unsolicited Proposal Files
801-06	Interagency Agreement Case Files
802-01	Grant/Contract Monitoring Case Files
1002-01	Internal Audit Case Files
1003-01	External Audit Report Files
1003-03	External Audit Report Files
1004-01a. b	GAO Audit Coordination Files
1102-01	Environmental Impact Statement
1103-05	Irrigation Assessment Order Modifications
1103-09	Irrigation and Power Construction Project Files
1103-10	Irrigation Project Land Designation Files
1103-11	Irrigation/Power Customer Account Ledger Sheets and Schedules
1103-13	Indian Electric Power Utilities
1103-14	Power Reports
1103-15	Irrigation and Power Meter Books
1103-16	Irrigation/Power Customer Account Ledger Sheets and Schedules
1104-02	Long-Term Cropping Plans
1104-03	Long-Term Cropping Plan Summary
1104-06	Soil and Moisture History Case Files
1105-08	Restriction Removal Files
1105-14	Land Lease Accounting Files
1105-18	Town Lot Use Permits
1107-08	Timber Cutting Permits
1107-09	Log Scale Sheets
1107-10	Forestry Check Scale Report
1107-13	Financial Statements on Indian Lumber Companies
1107-15	Agency Fire Control Plans
1107-17	Individual Fire Report
1107-20	Cumulative Forestry Comparative Statements
1107-21	Timber Trespass Fire Trespass
1108-07	Grazing Permit Bid Files

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1108-08	Grazing Permit Case Files
1201-06a	Indian Business Development (IBD) Grants/Contract Case Files
1201-11	Schedule of Credit Loan Collection Files
1201-15	Stock Purchases Files
1202-04	Employment Assistance Case Files
1306-09	Tribal Fund Ledgers
1307-01	Agricultural Extension Case Files
1307-04b	Area Office Annual Extension Reports

- B. Legal Hold Records. Bureau and trust bureau records subject to legal hold orders shall be managed in accordance with the instructions and restrictions outlined in the hold order and other records management directives until the hold is lifted.
- C. Preservation Orders or RRO. Bureaus and trust bureaus shall comply with RROs issued by the courts. The orders may require that all records, which are relevant to pending litigation, even those considered temporary, must be preserved in accordance with the RRO. This requirement may extend to the preservation (including backup files) of Electronically Stored Information (ESI).
1. Bureau and trust bureau staff is personally responsible to the court for preservation of these records and relevant information. Bureau staff may be held personally responsible for the accidental destruction of information within this category. Appropriate disciplinary/adverse action, up to and including termination, may be levied against the staff for destruction, including accidental destruction of records or relevant information including ESI.
  2. IA staff shall report all witnessed incidents pertaining to the destruction of records or other information relevant to a preservation order or RRO to the OTR Regional Records Liaison or Records Management Specialist.
  3. OST staff shall report all witnessed incidents pertaining to the destruction of records or other information relevant to a preservation order or RRO to the OST Chief of Staff.
  4. A preservation order or RRO may contain a litigation stipulation restricting the movement of specified records. Bureaus and trust bureaus shall adhere to the litigation orders restricting the movement of records and shall not transfer the records to the American Indian Records Repository (AIRR) or records center or move the records from their location at the time of the order.
- D. Maintenance of Litigation Records. Active records under a litigation freeze, legal hold, preservation order or RRO shall be maintained in accordance with Indian Affairs Records Management Manual Chapter 2.3.1 and a NARA approved records schedule unless superseded by litigation instructions and restrictions.
- E. Transfer of Litigation Records. Unless subject to an order restricting the movement of records, records under litigation freeze, legal hold, preservation order or RRO shall be

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transferred to the AIRR when the records have met retention disposal dates as outlined in the appropriate NARA approved records schedule.

