Clarification of Held-in-Trust Agreement

The Texas Historical Commission (THC) has authored an “Agreement for State of Texas Held-in-Trust Objects/Collections,” as part of the certification process for repositories and museums with Held-in-Trust (HIT) materials. With this agreement form, 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 for Held-in-Trust material is generated at the Texas Archeological Research Laboratory (TARL) during the accessioning process. The document includes a list of Held-in-Trust records and objects identified by project name and trinomial number. However, a Held-in-Trust collection may consist only of records.

In order to determine accurately the HIT status of a collection, it is imperative that there is known ownership of the property on which the project or site location exists. Submitting archeologists should be aware of this need. TARL’s curation procedures specify the submission of one of the following forms when submitting a collection for curation:

- Governmental Agency Curation Agreement form
  - for material generated from projects on publicly owned property
- Letter of Transfer / Ownership
  - for non-permitted projects on business property
- Deed of Gift
  - for material collected from private landowners whose property was affected by CRM projects

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 collections come from private or Federal land and are NOT State Held-in-Trust.

**DEFINITION OF A HELD IN TRUST 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 material is placed in a curatorial facility (TARL) for care and management