

For the reasons stated in the preamble, the Department proposes to amend 25

CFR chapter __ as follows:

1. Add Part 116 of Title 25 of the Code of Federal Regulations to read as follows:

PART 116–INDIVIDUAL INDIANS WHOSE WHEREABOUTS ARE UNKNOWN

Subpart A–Whereabouts Unknown–Unclaimed Moneys

Sec.

- 116.001 What are the efforts the Department may take to determine the current address of the holder of an Individual Indian Money (IIM) account whose whereabouts are unknown?
- 116.002 What duty does the holder of an IIM account have to inform the Department of the holder's current address?
- 116.003 How can a holder of an IIM account know if OST has the holder's current address?
- 116.004 What happens if OST cannot determine the address of an IIM account holder?
- 116.005 Can the holder of an IIM account make a claim against funds held in the Unclaimed Moneys/Whereabouts Unknown account?
- 116.006 May funds be deducted from an IIM account held by an individual whose whereabouts are unknown to recover the costs of the United States in attempting to locate the individual?
- 116.007 May funds be deducted from the Unclaimed Moneys/Whereabouts Unknown account to recover the costs of the United States in managing this account?
- 116.008 How will the Department account for and report on the Unclaimed Moneys/Whereabouts Unknown account?

Authority: 5 U.S.C. 301; 25 U.S.C. 2, 9, 162a, 406, 407, 413, and 4029; and 31 U.S.C.

9701.

Subpart A–Whereabouts Unknown–Unclaimed Moneys

§116.001 What are the efforts the Department may take to determine the current address of the holder of an Individual Indian Money (IIM) account whose whereabouts are unknown?

(a) The Department will make the following efforts to determine the current address of the holder of an Individual Indian Money (IIM) account whose whereabouts are unknown:

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(1) contact the tribe of the IIM account holder to request that the tribe post the name of the individual in the tribal offices with an instruction to the account holder to contact the Trust Beneficiary Call Center at (888) 678-6836 ext. 0 for further information about how to provide a current address;

(2) contact the tribe of the IIM account holder to request that the tribe search for relevant records in tribal enrollment and other tribal offices;

(3) cause to be published annually in a tribal newspaper, if one exists, and in a newspaper of general circulation in the area, a notice listing the names of account holders whose whereabouts are unknown and instructing these individuals to contact the Trust Beneficiary Call Center at (888) 678-6836 ext. 0 for further information about how to provide their current address; and

(4) maintain a website listing account holders whose whereabouts are unknown and directing those on the list to contact the Trust Beneficiary Call Center at (888) 678-6836 ext. 0 for further information about how to provide their current address.

(b) In addition, the Department may make the following efforts in appropriate circumstances:

(1) request the help of other agencies such as the Indian Health Service, BIA Payroll, Department of Veterans Affairs, Social Security Administration, and law enforcement agencies to learn an account holder's current address, and with regard to the Internal Revenue Service (IRS), to forward our letters using IRS data; or

(2) use the resources of commercial services whose databases are likely to hold, or be useful in locating, the current address of the account holder.

§116.002 What duty does the holder of an IIM account have to inform the Department of the holder's current address?

If you hold an IIM account, you must inform the Department at all times of your current address. In the event that your address is to change, you must inform the Department of your new address and its effective date in advance of the change.

- (a) You may inform the Department of your current or new address by contacting the Trust Beneficiary Call Center at (888) 678-6836 ext. 0 for further information about how to provide this address.
- (b) You may inform the Department of your current or new address by writing OST, attn: Address Change, 4400 Masthead Street NE, Albuquerque, NM, 87109.

§116.003 How can a holder of an IIM account know if OST has the holder's current address?

If you hold an IIM account, you may contact the Trust Beneficiary Call Center at (888) 678-6836 ext. 0 to learn whether OST has your current address, or regards you as a person whose whereabouts are unknown. You can also check the websites maintained by OST at www.doi.gov/ost and click on "Locating IIM Account Holders" or you can contact your fiduciary trust officer.

§116.004 What happens if OST cannot determine the address of an IIM account holder?

(a) If you hold an IIM account and OST cannot determine your current address after taking the measures described in section 116.001(a) for five consecutive years, the balance of your IIM account will be transferred to an account entitled Unclaimed Moneys/Whereabouts Unknown maintained by OST. Following transfer, additional amounts you earn will also be placed directly in this account. Any moneys attributable to a judgment award or per capita payment will not be

transferred.

- (b) Transfer will occur on September 30 following the conclusion of the five-year period in
- (a).
- (c) Upon transfer, OST's active efforts to find you will cease.

§116.005 Can the holder of an IIM account make a claim against funds held in the Unclaimed Money/Whereabouts Unknown account?

If your account balance has been transferred to the Unclaimed Moneys/Whereabouts Unknown account in §116.004, you may make a claim at any time against this account to recover the funds belonging to you. Your claim must be in writing and filed with OST. Moneys belonging to you will be returned to you if you establish with documentation to OST's satisfaction that you are the IIM account holder. Interest will be paid to you upon return of the moneys pursuant to applicable law.

§116.006 May funds be deducted from an IIM account held by an individual whose whereabouts are unknown to recover the costs of the United States in attempting to locate the individual?

Yes. The Department may deduct up to 10% of the balance of the funds in an IIM account whose owner has been in whereabouts unknown status for five consecutive years for costs incurred by the United States to locate the individual. Any deduction will occur upon transfer of the IIM account balance to the Unclaimed Moneys/Whereabouts Unknown account.

§116.007 May funds be deducted from the Unclaimed Moneys/Whereabouts Unknown account to recover the costs of the United States in managing this account?

Yes. The Department may deduct up to 10% of the unclaimed balance of the Unclaimed Moneys/Whereabouts Unknown account for costs incurred by the United States in managing the Unclaimed Moneys/Whereabouts Unknown account. Such costs will be deducted in proportion to the balance the individuals have in the Unclaimed Moneys/Whereabouts Unknown account.

§116.008 How will the Department account for and report on the Unclaimed Moneys/Whereabouts Unknown account?

The Department will account for all funds deposited in the Unclaimed Moneys/Whereabouts Unknown account pursuant to 25 U.S.C. 162a and report on the activity in the account by publishing an annual notice in the Federal Register. OST* will also maintain detailed subsidiary account information that can be reported to an individual who files a claim and successfully establishes his or her identity, so that amounts belonging to the individual can be returned.