

CODE
OF FEDERAL
REGULATIONS



TITLE 25
Revised as of January 1, 1958

CONTAINING A CODIFICATION OF DOCUMENTS OF GENERAL APPLICABILITY AND
FUTURE EFFECT AS OF JANUARY 1, 1958
With Ancillaries and Index

Published by the Federal Register Division, National Archives and Records Service
General Services Administration, as a Special Edition of the Federal Register
Pursuant to Section 11 of the Federal Register Act as Amended

Preface

This book contains the rules and regulations constituting Title 25, revised as of January 1, 1958. It replaces the volume published in 1949 entitled Title 25—*Indians*, and becomes an integral part of the Code of Federal Regulations. In consolidating the material contained in the 1949 volume with subsequent changes and additions, there have been included all rules and regulations, general and permanent in nature, duly promulgated on or before December 31, 1957, and effective as to facts arising on or after January 1, 1958. Current regulatory material appearing in the daily issues of the Federal Register follows the numbering system used herein and serves as a daily supplement hereto.

This book is provided with a pocket for the insertion of annual cumulative supplements. It also contains a subject index and a list of sections affected which furnishes Federal Register citations to all changes in the material since January 1, 1949, including changes which are no longer in effect.

This book is published pursuant to Part 2 of the regulations of the Administrative Committee of the Federal Register, approved by the President October 11, 1948 (13 F. R. 5935; 1 CFR Part 2), under the authority contained in section 11 (f) of the Federal Register Act as amended (67 Stat. 388; 44 U. S. C. 311 (f)). The contents of the Federal Register and of the Code of Federal Regulations are by law prima facie evidence of the text of the original documents and are required to be judicially noticed (49 Stat. 502, 67 Stat. 388; 44 U. S. C. 307, 311 (e)). The approved citation of the Code is "CFR." Thus the citation "25 CFR 3.1" refers to Section 3.1 of this Title.

A General Preface of the Code of Federal Regulations appears in the volume containing Titles 1-3 and also in the General Index volume.

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January 3, 1958.

dead fish must be buried by the person taking same.

§ 89.19 *Limitation on season's catch.* A total of not to exceed 650,000 pounds of fish may be taken in any one season, exclusive of rough fish and fish taken for propagation purposes.

§ 89.20 *Limitation on fishing equipment.* (a) Any variety of fish may be taken by Indians from any of the waters on the Red Lake Reservation by hook and line; and from Upper and Lower Red Lakes by gill nets, pound nets, or trap nets.

(b) Each member of the association shall be limited to five gill nets of 300 feet in length and 6 feet in depths.

(c) Gill nets for taking pike shall have a mesh of not less than 3¾ inches extension measure.

(d) Gill nets for taking whitefish shall have a mesh of not less than 5½ inches extension measure.

(e) Pound nets may be used for taking fish for propagation purposes.

(f) Tap nets in accordance with the specifications and directions of the manager may be used for taking fish of any variety.

Part 90—Reindeer in Alaska

DECLARATIONS OF OWNERSHIP

- Sec.
90.1 Agent.
90.2 Filing of form.
90.3 Receipt of form.

AUTHORITY: §§ 90.1 to 90.3 issued under sec. 12, 50 Stat. 902; 48 U. S. C. 250k. Interpret or apply sec. 3, 50 Stat. 900; 48 U. S. C. 250b.

SOURCE: §§ 90.1 to 90.3 appear at 22 F. R. 10543, Dec. 24, 1957.

§ 90.1 *Agent.* The General Reindeer Supervisor at Nome, Alaska, is hereby designated as the duly authorized agent

of the Secretary of the Interior, with whom all declarations of reindeer ownership required by the act of September 1, 1937 (50 Stat. 900; 48 U. S. C. 250-250p), must be filed within the time limits specified in the act.

§ 90.2 *Filing of form.* Pursuant to the provisions of section 3 of the act, declarations of ownership of reindeer in Alaska should be made by claimants upon the prescribed form. This form should be executed in quadruplicate. All four copies should be submitted in person or by mail to the General Reindeer Supervisor, Nome, Alaska, who has been designated as the duly authorized agent of the Secretary of the Interior pursuant to section 3 of the aforementioned act. Envelopes containing declarations of ownership of reindeer which are mailed to said agent must bear postmarks not later than midnight of September 1, 1938, in order to meet the requirements of the law. All declarations submitted in person by the owner, or his representative, must be filed with said agent at his office at Nome, Alaska, on or before 5 o'clock p. m., September 1, 1938.

NOTE: Copies of the form mentioned may be obtained from the General Reindeer Supervisor, Nome, Alaska.

§ 90.3 *Receipt of form.* Upon receipt of each person's declaration of ownership of reindeer in Alaska, the General Reindeer Supervisor shall sign the receipt thereof in the proper place in the form, and shall submit two copies of the declaration to the Commissioner of Indian Affairs, retain one copy in his record, and return one copy to the claimant. All declarations of ownership of reindeer in Alaska which are included in the records of the office of the General Reindeer Supervisor shall be kept open to public inspection in Alaska in accordance with section 3 of said act.

SUBCHAPTER I—CREDIT ACTIVITIES

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Part 91—General Credit to Indians

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91.15 Charters.
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91.18 Loans to Navajo and Hopi Indians.
91.19 Loans to encourage industry.

AUTHORITY: §§ 91.1 to 91.19 issued under sec. 10, 48 Stat. 986; 25 U. S. C. 470. Statutory provisions interpreted or applied are cited to text in parentheses.

SOURCE: §§ 91.1 to 91.19 appear at 22 F. R. 10543, Dec. 24, 1957.

§ 91.1 *Purpose.* The purpose of this part is to prescribe the terms and conditions of loans to Indian chartered corporations, unincorporated tribes and bands, credit and cooperative associations, and individual Indians from the United States, in order to promote the economic development of the borrower.

§ 91.2 *Eligible borrowers.* Loans may be made from revolving credit funds to Indian chartered corporations; recognized tribes and bands; credit associations organized pursuant to the Oklahoma Indian Welfare Act or whose form of organization has been approved by the Commissioner of Indian Affairs; other cooperative associations whose members are not eligible to borrow from incorporated or unincorporated tribes or bands; and members of Indian tribes or their descendants of at least one-quarter degree of Indian blood. Unless otherwise authorized by the Commissioner of Indian Affairs, individual Indians shall not be eligible for loans if they are members of a corporation, tribe, or band which is conducting credit operations, or if they are eligible for loans from a credit association.

(Sec. 13, 48 Stat. 986; 25 U. S. C. 473)

§ 91.3 *Application.* An applicant for a loan will submit an application on a form approved by the Secretary or his authorized representative. Such application will indicate the purposes for which the loan is to be used, the period of the loan, the interest to be paid, the security to be offered, and the procedures to be followed in handling and repaying the loan.

§ 91.4 *Purpose of loans.* Borrowers from the United States, except individual Indians, may use funds borrowed to make loans to individual members, cooperative associations, and subordinate bands, for any purpose which will promote the economic development of the group or individual, and to finance corporate or tribal enterprises. Eligible individual Indians may receive loans from the United States to promote their economic development.

§ 91.5 *Approval of loans.* Loan agreements must be executed on a form approved by the Secretary or his authorized representative. The borrower will furnish security, if available, up to an amount adequate to protect the loan. The Secretary or his authorized representative will approve the loan by issuing a commitment order covering the terms and conditions for making the loan. Any modification of the terms of the contract must be agreed to in writing by the borrower and the Secretary or his authorized representative.

§ 91.6 *Interest.* (a) On loans by the United States, borrowers shall pay interest at the rate specified in the loan agreement, which shall be as follows: (1) Two percent per annum on loans made to Indian chartered corporations and unincorporated tribes and bands, where the loan is for the purpose of enabling the borrower to make loans to individual members, cooperative associations, and subordinate bands; (2) two percent per annum on loans made to credit associations; (3) not less than four percent per annum nor more than five percent per annum on loans made to finance corporate or tribal enterprises, except that two percent per annum shall be charged on loans to enterprises financed from the loan fund authorized by the act of April 19, 1950 (64 Stat. 45); and (4) not less than four percent per annum nor more than six percent per annum on loans made to individuals for other than educational purposes, and on loans made to cooperative associations, other than credit associations.

(b) On loans by Indian organizations, borrowers shall pay interest at the rates specified in their loan agreements with such organizations, but the rates shall be not less than those charged the organizations by the United States.

(c) On all of the foregoing loans, interest shall be calculated on the basis of 360 days per annum.

§ 91.7

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(d) Nothing contained in this section shall be deemed to affect the rate of interest on loan agreements in effect April 13, 1953, or on the unpaid balance of such loan agreements which is made payable under another loan agreement entered into or modified after April 13, 1953. The date of maturity of any indebtedness under any loan agreement entered into prior to April 13, 1953, shall not be extended.

§ 91.7 *Records and reports.* Borrowers shall keep separate records and accounts of their credit activities and make signed reports as directed by the Commissioner.

§ 91.8 *Maturity.* The period of maturity of the loan should be determined according to the circumstances, except that 30 years shall be the maximum.

§ 91.9 *Security.* Loans shall be secured by such securities as the Secretary or his authorized representative may require. Unless otherwise provided in the loan agreement, title to all property purchased by a borrower with a loan from the United States shall be taken in the name of the borrower. All securing documents shall be filed or recorded in accordance with State or Territorial law.

§ 91.10 *Penalties on default.* Unless otherwise provided in the loan agreement, failure on the part of a borrower to conform to the terms of the loan agreement will be deemed grounds for any one or all of the following steps to be taken by the Commissioner:

(a) Discontinue any further advances of funds contemplated by the loan agreement.

(b) Take possession of any or all collateral given as security, and in the case of individuals and cooperative associations, the property purchased with borrowed funds.

(c) Prosecute legal action against the borrower, or against officers of corporations, unincorporated tribes or bands, and credit and other cooperative associations.

(d) Declare the entire amount advanced immediately due and payable.

(e) Prevent further disbursement of credit funds under the control of the borrower.

* These sections refer to borrowers other than individual borrowers from the United States.

(f) Withdraw any unobligated funds from the borrower.

(g) In the case of corporations, unincorporated tribes and bands, and credit associations, require that all repayments on loans be applied to liquidate the indebtedness to the United States.

(h) In the case of credit associations, take possession of the assets of the borrower and exercise or arrange for the exercise of its powers until the Commissioner has received acceptable assurance of its repayment and of compliance with the loan agreement.

(i) In the case of corporate and tribal enterprises and cooperative associations, to liquidate or operate, or arrange for the operation of the enterprise or association, until its indebtedness is paid or until the Commissioner has received acceptable assurance of its repayment and of compliance with the loan agreement.

§ 91.11 *Assignment.* A borrower may not assign his loan agreement or any interest therein to a third party without the consent of the Secretary or his authorized representative.

§ 91.12 *Tribal funds.* (a) Tribal funds may be advanced to corporations and unincorporated tribes and bands, when authorized by Congress, upon request of the governing body and approval by the Commissioner, for the establishment of enterprises and for relending in accordance with paragraphs (b) and (c) of this section and § 91.13. No interest shall be paid to the United States on such funds.

(b) Support loans may be made to old, indigent, or disabled members, and loans may be made for burial expenses of members, when there is reasonable assurance that the loans will be repaid. Interest may be waived on such loans.

(c) Individuals need not be of at least one-quarter degree of Indian blood in order to receive loans of tribal funds, but must be members of the corporation, tribe, or band to which the funds belong.

(d) Failure of a corporation or unincorporated tribe or band to use tribal funds advanced under authority of paragraph (a) of this section in accordance with the regulations and the purposes for which requested, shall be grounds for any one or all of the following steps to be taken by the Commissioner:

(1) Discontinue further advance of funds requested.

(2) Require that the entire amount advanced be returned to the Treasury.

(3) Prevent further disbursement of tribal funds under the control of the corporation, tribe, or band.

(4) Withdraw any unobligated funds from the corporation, tribe, or band and deposit the same in the Treasury.

(5) Require that all repayments on loans made by the corporation, tribe, or band, be used to replace funds advanced to the corporation, tribe, or band from the Treasury.

(6) In the case of enterprises operated with tribal funds, to liquidate or operate or arrange for the operation of the enterprise, until all tribal funds advanced to the corporation, tribe, or band have been replaced in the Treasury, or until the Commissioner has received acceptable assurance that the funds will be replaced, or that the enterprise will be operated in a manner satisfactory to him.

§ 91.13 *Relending by borrower.* (a) Funds loaned by the United States to a corporation, tribe, band, or credit association, may be reloaned by it, with the approval of the Commissioner or his authorized representative, but the Commissioner may authorize such lenders to approve applications for particular types of loans up to a specified amount.

(b) Such loans shall be secured by such securities as the lender and the approving officer may require. Individually owned trust or restricted land may be mortgaged for such loans in accordance with § 121.52 of this chapter. All securing documents shall be filed or recorded in accordance with State or Territorial law.

(c) Unless otherwise authorized by the Commissioner in the case of particular loans, title to property purchased with such loans received from such relending organizations shall be taken in the name of the borrower.

§ 91.14 *Repayments.* Repayments on loans by the United States shall be made to the Bureau of Indian Affairs designated collection officer who shall issue an official receipt therefor.

(Secs. 1, 6, 49 Stat. 1250, 1968, 62 Stat. 211, sec. 4, 64 Stat. 45; 25 U. S. C. 473a, 506, 482, 634)

§ 91.15 *Charters.* The Commissioner of Indian Affairs may issue charters to credit and other cooperative associations

of ten or more members in Oklahoma whose articles of association and bylaws have been approved by him.

(Sec. 4, 49 Stat. 1967; 25 U. S. C. 504)

§ 91.16 *Educational loans.* Loans for educational purposes may be made under the regulations in this part. The interest rate on loans by the United States shall be three percent per annum. The rate on loans by Indian organizations shall be not less than two percent per annum, and may not exceed the rate charged borrowers on loans for other purposes.

§ 91.17 *Amendments to articles of association and bylaws.* The Commissioner of Indian Affairs may approve amendments to articles of association and bylaws of credit and cooperative associations originally approved by the Secretary.

§ 91.18 *Loans to Navajo and Hopi Indians.* Loans to the Navajo and Hopi Tribes, or any member or association of members thereof, from the loan fund authorized by the act of April 19, 1950 (64 Stat. 45) shall be subject to the regulations of this part, except that the interest rate on any loans made to refinance loans received from the revolving fund authorized by the acts of June 18, 1934 (48 Stat. 986) and June 26, 1936 (49 Stat. 1967), as amended and supplemented, shall be at the rate of interest specified in the original loan agreement. (Sec. 4, 64 Stat. 45; 25 U. S. C. 634)

§ 91.19 *Loans to encourage industry.* Loans may be made to any organization of Indians for use in attracting industries to operate in localities where such use will promote the economic development of Indians. Such loans may be made only to groups of Indians having a form of organization acceptable to the Secretary and at interest rates and under terms and conditions found by the Secretary in the particular case to be in the public interest and conducive to the accomplishment of the purpose intended. No such loans shall be effective until approved by the Secretary.

(Secs. 1, 6, 49 Stat. 1250, 1968, 62 Stat. 211, sec. 4, 64 Stat. 45; 25 U. S. C. 473a, 506, 482, 634)

Part 92—Revolving Cattle Pool

Sec. 92.1 Definitions.
92.2 Purpose of part.