PART II

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TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

REPUBLICATION OF REGULATIONS

Chapter I of Title 25 is republished to read as set forth below. Since its original codification, there have been numerous amendments and additions to the chapter. To facilitate the use of this material, the various amendments and additions are brought together in their entirety and the chapter has been arranged on a functional rather than alphabetical basis.

The numbers of the parts in this chapter have been adjusted to conform with its revised arrangement. The effective date of these numbers shall be the date of this republication. Existing delegations of authority, forms and other legal or administrative documents which refer to former part numbers of Chapter I are continued in effect and shall be construed to refer to the new part numbers until modified or revoked. A listing of the respective new and former part numbers is set forth below.

It is the intent of the Department in preparing this republication to make no substantive changes in the regulations and this republication is approved accordingly.

FRED A. SEATON,
Secretary of the Interior.

DECEMBER 6, 1957.

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SUBCHAPTER A—PROCEDURES; PRACTICE

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Subchapter A—Procedures; Practice

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(R. S. 161; 5 U. S. C. 22)

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AUTHORITY: §§ 11.1 to 11.306 issued under R. S. 463; 25 U. S. C. 2. Interpret or apply sec. 1, 38 Stat. 586; 25 U. S. C. 200.

NOTE: The regulations in this part are applicable on Indian reservations subject to the provisions of § 11.1, and the following exceptions:

§§ 11.6, 11.7, 11.20, 11.22, 11.24, 11.26, 11.28, 11.29, 11.31, 11.32, 11.34, 11.36, 11.50, 11.63, and 11.64, not applicable to Crow Indians.

§§ 11.6C, 11.7C, 11.20C, 11.22C, 11.24C, 11.26C, 11.29C, 11.31C, 11.32C, 11.34C, 11.36C, 11.50C, 11.60C, 11.63C, 11.64C, and 11.75C, applicable only to Crow Indians.

§§ 11.76NH to 11.87NH, inclusive, applicable only to Navajo and Hopi Indians.

§§ 11.1, 11.2, 11.3, 11.5, 11.6, 11.6C, 11.7, 11.7C, 11.8, 11.9, 11.20C, 11.22, 11.22C, 11.24, 11.24C, 11.25, 11.26C, 11.28, 11.29, 11.29C, 11.30, 11.31, 11.31C, 11.32, 11.32C, 11.33, 11.34C, 11.36C, 11.37, 11.49, 11.50C, 11.52, 11.53, 11.57, 11.58, 11.60C 11.63, 11.63C, 11.64C, 11.74, 11.75C, and 11.76NH–11.87NH, inclusive, are not applicable to Coeur d'Alene Indians.

All sections which follow bearing the symbol "CA" at the end of the number are applicable only to the Coeur d'Alene Indians.

All sections in Part 11 not heretofore mentioned in this note are applicable to the Coeur d'Alene Indians.

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§ 141.30 *Purchase of products of Indian industry in the administration of Indian affairs.* The purchase of products of Indian industry required in the administration of Indian affairs may be made in open market provided such products reasonably meet specifications and the price thereof does not exceed local prevailing prices for similar products by more than 10 percent.

(Sec. 23, 36 Stat. 861; 25 U. S. C. 47)

PART 142—SALE OF LUMBER AND OTHER FOREST PRODUCTS PRODUCED BY INDIAN ENTERPRISES FROM THE FORESTS ON INDIAN RESERVATIONS

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142.9 Cash sales.
142.10 Payments, discounts, and credit sales.
142.11 Commission sales agents.
142.12 Deposits.
142.13 Statements.
142.14 Menominee and Red Lake Indian Reservations excepted.
142.15 Subdelegation.

AUTHORITY: §§ 142.1 to 142.15 issued under R. S. 161, 54 Stat. 504, as amended; 5 U. S. C. 22, 41 U. S. C. 6b.

§ 142.1 *Definitions.* As used in this part:

(a) "Secretary" means Secretary of the Interior.

(b) "Commissioner" means Commissioner of Indian Affairs.

(c) "Superintendent" means superintendent or other officer in charge of an Indian agency or unit under which the administration of an Indian reservation forest may be placed.

(d) "District Director" means the official in charge of an office of the Bureau of Indian Affairs, or such other employee of the Bureau as he may properly designate in writing as acting director.

§ 142.2 *Purpose of regulations.* The regulations in this part prescribe the terms and conditions under which lumber and other forest products produced by Indian enterprises from the forests of Indian reservations may be sold without compliance with section 3709 of the Revised Statutes.

§ 142.3 *Applicability of the regulations.* The regulations in this part are intended to be generally applicable except that they shall not apply to the Menominee Indian Reservation in Wisconsin, or the Red Lake Indian Reservation in Minnesota.

§ 142.4 *Sale in open market.* The lumber, lath, shingles, crating, ties, poles, bolts, logs, bark, pulpwood, and other marketable materials obtained from the forests on Indian reservations by Indian enterprises may be sold in the open market at such prices as may be realized through the methods provided in this part.

§ 142.5 *Advertisement in trade journals and newspapers.* The Commissioner is hereby authorized to advertise for sale the forest products, obtained from Indian reservation forests by Indian enterprises, in lumber trade journals of general circulation among persons, companies, or corporations interested in the buying and selling of lumber and other forest products, and in newspapers in cities that may afford a favorable market for such products.

§ 142.6 *Advertising, general.* Advertisement of products may also be made by circular letters and through personal interviews with the trade; *Provided,* That the travel expense incident thereto shall not be incurred without specific authority from the Commissioner.

§ 142.7 *Proposals for purchase.* Proposals for the purchase of products may be made to the Commissioner, and he is authorized to quote prices and consummate sales at such times and on such terms as are consistent with the regulations of this part.

§ 142.8 *Proposals to Government departments.* Proposals to sell may be made to municipalities, countries, states, of the United States and prices may be quoted to such agencies. Terms and payment in connection with such sales may be formulated in accordance with the general practice of such agencies.

§ 142.9 *Cash sales.* All products of Indian forest enterprises shall be sold for cash f. o. b. mill or other point of delivery, except as provided in §§ 142.8 and 142.10. Adjustments and allowances on shipments of forest products after delivery to the buyer are authorized in accordance with generally accepted trade practices when, in the judgment of the Commissioner or his duly authorized representative, such adjustments are essential by reason of off-grade shipments or errors in volume.

§ 142.10 *Payments, discounts, and credit sales.* Shipments of forest products on open account shall be made only to persons or companies of substantial net worth and first-class credit rating. Credit on shipments of forest products sold on open account must not be extended beyond 60 days from date of receipt by the buyer. A cash discount of 2 percent of mill value may be allowed when the shipment is paid for within 10 days of receipt by the consignee as evidenced by the original paid freight bill or other evidence acceptable to the Commissioner or his duly authorized representative.

§ 142.11 *Commission sales agents.* Sales may be made through commission sales agents, for which they may be paid a commission on f. o. b. mill value of the shipment at rates approved by the Commissioner. Sales may be made to wholesalers on which a discount at rates approved by the Commissioner may be allowed.

§ 142.12 *Deposits.* On all agreements to purchase for future delivery a deposit may be required in the discretion of the Commissioner, to be forfeited if the purchaser does not comply with the terms of sale; and no agreement for sale and future delivery shall be made for a longer period than 60 days, except with the approval of the Commissioner.

§ 142.13 *Statements.* On or before the fifteenth of each month a report must be mailed to the Commissioner or his duly authorized representative giving a summary statement of all products sold during the preceding month and the average price received for each species or class of products.

§ 142.14 *Menominee and Red Lake Indian Reservations excepted.* The regulations prescribed in this part shall not apply to the Menominee Indian Reservation, Wis., or to the Red Lake Indian Reservation, Minn.

§ 142.15 *Subdelegation.* Any or all of the authority conferred upon the Commissioner by this part may be delegated by him to the assistant commissioners of Indian Affairs or his designated representatives, to district directors, or to superintendents. Any delegation of authority pursuant to this section shall provide for appeals to the Commissioner, and thereafter to the Secretary, from actions taken by district directors and superintendents.

PART 143—SALE OF TIMBER PRODUCTS AND USE OF FOREST LANDS FOR NONFOREST PURPOSES, MENOMINEE INDIAN RESERVATION

Subpart A—Sale of Timber Products

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Subpart B—Clearing and Use of Forest Land for Nonforest Purposes

143.50 Menominee Indian Forest.
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AUTHORITY: §§ 143.1 to 143.52 issued under sec. 3, 35 Stat. 51, as amended.

CROSS REFERENCE: For general forest regulations, see Part 141 of this subchapter.

SUBPART A—SALE OF TIMBER PRODUCTS

§ 143.1 *Sale in open market.* The lumber, lath, shingles, crating, ties, piles, poles, posts, bolts, logs, bark, pulpwood, and other marketable materials obtained from the forests on the Menominee Indian Reservation may be sold in the open market at such prices as may be realized through the methods provided in this part.

§ 143.2 *Advertisement in trade journals.* The manager and special disbursing agent of the Menominee Indian Mills, Neopit, Wisconsin, is authorized to keep constantly advertised for sale, the products of the timber operations on the

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