

1939 SUPPLEMENT
TO THE
CODE OF FEDERAL REGULATIONS
OF THE
UNITED STATES OF AMERICA

**Containing documents of general applicability
and legal effect issued by Federal Agencies and
filed with the Division of the Federal Register
during the calendar year 1939, including
Presidential proclamations and
Executive orders in full text**

WITH ANCILLARIES AND INDEX



TITLE 1—TITLE 25

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sioner of Indian Affairs is necessary before any increase can be made in excess of 10 percent of any item of the approved consolidated budget. (Sec. 3, 49 Stat. 1459; 25 U.S.C., Sup., 454) [As amended Apr. 10, 1939; 4 F.R. 1631]

§ 46.11 *Basis for payment.* Payments of sums due the State under this contract shall be based on the total average attendance of students entitled hereunder shown by teacher's attendance report of Indian pupils in public schools, but payments shall not be made for any pupil having less than one-quarter Indian blood. Payments shall not be made to the individual schools, but to the designated State official for distribution in accordance with the required budget. Teachers' attendance reports will not be attached to vouchers, but will be retained in the office of the State Department of Education, and shall be available for inspection when required. (Sec. 3, 49 Stat. 1459; 25 U.S.C., Sup., 454) [As amended Apr. 10, 1939; 4 F.R. 1631]

§ 46.15 *To whom and when payments made.* Payment shall be made at the daily rate specified in the contract to the State official designated therein to receive payment for the State. Payment may be made in three or nine equal installments as provided for by the contract, except as provided for by §§ 46.16 and 46.16a. No payments shall be made for the fiscal year in excess of the amount of the contract. Where three payments are to be made they shall be for periods ending approximately November 30, February 28 and May 31. When nine payments are to be made they shall be for periods ending approxi-

mately the last day of the month of September, and the last day of each succeeding month, including May of each year. (Sec. 3, 49 Stat. 1459; 25 U.S.C., Sup., 454) [As amended Apr. 10, 1939; 4 F.R. 1631]

§ 46.16a *Capital outlays.* Payment on account of capital outlays when provided for in the approved budget may exceed the amount earned for any one period under the provisions of § 46.15; *Provided, however,* That the total payment under the contract for the entire year shall not exceed the amount earned on a basis of average daily attendance. (Sec. 3, 49 Stat. 1459; 25 U.S.C., Sup., 454) [As added Apr. 10, 1939; 4 F.R. 1631]

§ 46.26 *Approval of contract.* [Revoked]

NOTE: This section was revoked Apr. 10, 1939; 4 F.R. 1631.

§ 46.27 *School districts may be exempted.* When a State Board of Education is not authorized by State law to contract for education of Indian children within a school district, funds for payment of tuition to such a district which does not authorize the State on its behalf to contract for such purposes may be subtracted from the total amount otherwise payable to the State under the terms of its contract. In such cases payment to the school district may be made on the same terms as in other States where no State contract for education of Indian children in public schools has been executed. (Sec. 3, 49 Stat. 1459; 25 U.S.C., Sup., 454) [As added Apr. 10, 1939; 4 F.R. 1631]

Subchapter H—Forestry

PART 61—GENERAL FOREST REGULATIONS

§ 61.30 *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 percentum. (Sec. 23, 36 Stat. 861; 25 U.S.C. 47) [As added June 12, 1939; 4 F.R. 2464]