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TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 907—MILK IN MILWAUKEE, WIS., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area, hereinafter referred to as the "order" it is hereby found and determined that:

For the period ending July 31, 1956, the following provisions of § 907.51 (a) of the order do not tend to effectuate the declared policy of the act: "the following amounts as indicated: August through November, inclusive * * * March through June, inclusive $0.66; and $0.86 in other months: *Provided*, That such Class I price differential shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to paragraph (e) of this section is greater than 72 percent, but shall not be increased or decreased more than 24 cents due to the adjusted supply-demand ratio."

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impracticable, unnecessary, and contrary to the public interest, in that (1) the information upon which this action is based did not become available in sufficient time for such compliance; (2) it is necessary to issue this suspension order effective as provided below to reflect current marketing conditions and to facilitate, promote, and maintain the orderly marketing of milk produced for the said marketing area; (3) this suspension order does not require of persons affected substantial or extensive preparation prior to its effective date; and (4) this suspension is necessary in connection with a similar suspension order affecting the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, so as to preserve existing price relationships in the two markets.

Therefore, good cause exists for making this order effective for the period ending July 31, 1956.

It is therefore ordered, That the following provisions of § 907.51 (a) of the order are hereby suspended from the effective date as provided below, through July 31, 1956: "the following amounts as indicated: August through November, inclusive * * * March through June, inclusive $0.66; and $0.86 in other months: *Provided*, That such Class I price differential shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to paragraph (e) of this section is greater than 72 percent, but shall not be increased or decreased more than 24 cents due to the adjusted supply-demand ratio."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 13th day of April 1956 to become effective on April 16.

[SEAL] EARL L. BUTZ, *Assistant Secretary.*

[F. R. Doc. 56-3040; Filed, Apr. 18, 1956; 8:48 a. m.]

PART 941—MILK IN CHICAGO, ILL., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 941), regulating the handling of milk in the Chicago, Illinois, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The following provisions of § 941.52 (a) (1) will not tend to effectuate the declared policy of the act for the period ending July 31, 1956: "the following amount for the delivery periods indicated: August, September, October, and November * * * December, Janu-

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to cease and desist identical with the aforesaid order against the 17 other respondents, and dismissing the complaint as to respondent Paulsen-Webber Cordage Corp. and the late J. C. Shuford, deceased. By the Commission's order of March 30, 1956, the initial decision became, on March 31, 1956, the "Decision of the Commission".

The order to cease and desist is as follows:

It is ordered, That Respondent Elwood Long, individually and as president of Fayette Livestock Auction, Inc., a corporation, doing business as Midwest Cordage Company (erroneously named in the complaint as "Edward Long, individually and doing business under the trade name of Mid-West Cordage Company"), his agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase, offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of agricultural baler and binder twine, commercial wrapping twine, also called "ply" twine, and rope manufactured in Mexico, all of which are hereinafter referred to as "Mexican twine", do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common and concerted course of action, understanding or agreement with any one or more of the Respondents named in any other order or orders to cease and desist issued by the Commission against any of the other Respondents named in the complaint herein, or between him and others not parties to any such other order or orders to cease and desist issued by the Commission in this case, to do or perform any of the acts as set out in the cease and desist order above.

It is further ordered, That the complaint herein, insofar as it relates to Respondent Paulsen-Webber Cordage Corporation, a corporation, be, and the same hereby is, dismissed.

It is further ordered, That the complaint herein, insofar as it relates to Respondent the late J. C. Shuford, individually and doing business under the trade name of J. C. Shuford Company, be, and the same hereby is, dismissed.

By said "Decision of the Commission", report of compliance was required as follows:

It is further ordered, That respondent Elwood Long, individually and as president of Fayette Livestock Auction, Inc., a corporation, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: March 30, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-3044; Filed, Apr. 18, 1956; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter D—Multifamily and Group Housing Insurance

PART 243—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR INDIVIDUAL MORTGAGES COVERING PROPERTIES RELEASED FROM LIEN OF PROJECT MORTGAGE

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Doc. 56-2891, appearing at page 2377 of the issue for Thursday, April 12, 1956, the following change should be made:

In the first sentence of § 243.9 (b), the words "acquisition of such larger amount" should read "acquisition or such larger amount."

TITLE 25—INDIANS

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

Subchapter Q—Leasing and Permitting of Restricted Indian Lands and Other Lands Administered by the Bureau of Indian Affairs for Farming, Farm Pasture, Business, and Other Purposes

PART 171—LEASING AND PERMITTING

Part 171 of Title 25 is amended to read as follows:

Sec.
171.1 Definitions.
171.2 Purpose of regulations.
171.3 Applicability of regulations.
171.4 Authority for leases or permits.
171.5 Ownership of improvements.
171.6 Duration of leases and permits of restricted land.
171.7 Power of superintendent to grant leases or permits for restricted lands of individual Indians.
171.8 Negotiation of individual leases and permits.
171.9 Negotiation of tribal leases and permits.
171.10 Grants of permits for the use of other lands.
171.11 Irrigable lands, drainage districts, payment of charges.
171.12 Farm and farm pasture units.
171.13 Grazing units excepted.
171.14 Minor's land, use by parents.
171.15 Bonds.
171.16 Subleases; assignments.
171.17 Special mandatory provision.
171.18 Advance execution of leases.
171.19 Payment of rentals.
171.20 Description of leased property.
171.21 Conservation and land use requirements.
171.22 Violation of lease or permit.
171.23 Business leases or permits.
171.24 Crow Reservation.
171.25 Fort Belknap Reservation.
171.26 Colorado River Reservation.
171.27 Appeals.
171.28 Fees.

AUTHORITY: §§ 171.1 to 171.28 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 3, 26 Stat. 795, sec. 1, 28 Stat. 305, secs. 1, 2, 31 Stat. 229, 246, secs. 7, 12, 34 Stat. 545, 34 Stat. 1015, 1034, 35 Stat. 70, 95, 97, sec. 4, 36 Stat. 856, sec. 1, 39 Stat. 128, 41 Stat. 415, as amended, sec. 1, 41 Stat. 751, sec. 1, 41 Stat. 1232, sec. 17, 43 Stat. 636, 641, 44 Stat. 658, as amended, 44 Stat. 894, 1365, as amended, 47 Stat. 1417, sec. 17, 48 Stat. 984, 988, sec. 5, 49 Stat. 115, 118, sec. 55, 49 Stat. 750, 781, 1135, sec. 3, 49 Stat. 1967, 54 Stat. 745, 1057, 60 Stat. 308, 962; sec. 5, 64 Stat. 46, 69 Stat. 539, 725; 25 U. S. C. 380, 393, 393a, 394, 395, 397, 402, 402a, 403, 403a, 403b, 403c, 413, 415, 415a, 415b, 415c, 415d, 477, 635.

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

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

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

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

(d) "Superintendent" means the superintendent or other officer in charge of an Indian agency or unit under which the administration of restricted lands as described in this part has been placed.

(e) "Tribe" means a tribe, band, pueblo, rancheria, or other group of Indians.

(f) "Tribal Council" means the council, business committee, governor, or other body or individual authorized to represent the tribe.

(g) "Restricted lands" means lands or interests in lands held by Indian tribes in fee or by Indian title or held in trust by the United States for the benefit of Indian tribes; and lands or interests in lands held by the United States in trust for individual Indians or held by individual Indians subject to restrictions against alienation without the consent of the Secretary of the Interior or his duly authorized representative.

(h) "Permit" means a permit revocable in the discretion of the issuing or approving officer.

(i) "Farm-pasture" lease means a lease authorizing the grazing of livestock on areas of land used in connection with farming operations or which for any reason are not included in range units, pursuant to Part 71 of this chapter.

(j) "Specialized crops" means those crops requiring a deferred period of years for investment return.

§ 171.2 *Purpose of regulations.* The regulations in this part prescribe the terms and conditions under which restricted lands that are not in use by the Indian owners or the United States may be leased or permitted for farm, farm-pasture, business and other purposes authorized by statute. No leases shall be approved under the regulations of this part that contain any provision that will prevent or delay a termination of Federal trust responsibilities with respect to the land during the term of the lease.

§ 171.3 *Applicability of regulations.* This part is generally applicable but is subject to the special exceptions provided in §§ 171.24 to 171.26, inclusive.

§ 171.4 *Authority for leases or permits.* Either leases or permits may be granted for tribally or individually-owned restricted lands, except that, where no specific statutory authority to

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lease has been provided, permits only may be issued.

§ 171.5 *Ownership of improvements.* Leases granted under the regulations in this part shall be made for such terms and shall be limited in duration to a period that will permit amortization of the investment by the lessee in permanent improvements. All improvements made under the terms of the lease shall remain on the land as the property of the lessor unless specifically excepted therefrom under the terms of the lease. At the termination of the lease, the lessor shall have the option to purchase the improvements specifically excepted, which option shall be exercised in writing by the lessor by notice to the lessee at least sixty days prior to the expiration of the lease. The lessee shall have sixty days from the date of the expiration of his lease in which to remove the improvements.

§ 171.6 *Duration of leases and permits of restricted lands.* (a) Indian lands, whether tribally or individually owned, may be leased for public, religious, educational, recreational, residential, or business purposes for a period of not to exceed twenty-five years. With the consent of both parties, such leases may include provisions authorizing their renewal for one additional term of not to exceed twenty-five years.

(b) Farming, and agricultural development leases which require the making of a substantial investment for the production of specialized crops, and such farm leases which require the development or utilization of the soil and water resources in connection with their operation as determined by the Secretary or his authorized representative may be executed for a term of not to exceed twenty-five years.

(c) Farming leases not requiring such development may be executed for a term of not to exceed ten years.

(d) Grazing leases may be executed for a term of not to exceed ten years when such leases require substantial development or improvement.

(e) The rental on leases granted for more than five years shall be subject to adjustment at not more than five year intervals. With the exception set forth in paragraph (a) of this section there shall be no provision for renewal in the leases.

(f) Leases granted by the superintendent on lands of deceased Indians whose heirs have not been determined shall be limited to terms not exceeding one year, except as otherwise provided in § 171.7.

§ 171.7 *Power of superintendent to grant leases or permits for restricted lands of individual Indians.* (a) The superintendent may grant leases or permits for individual restricted lands on behalf of: (1) Indians non compos mentis and orphaned minors for whom no legal guardians have been appointed; (2) nonresidents whose whereabouts are unknown to him.

(b) The superintendent may grant leases or permits embracing inherited or devised restricted individual lands: (1) When the heirs or devisees of the decedents have not been determined, (2) when the heirs or devisees of the decedents have been determined and the lands are not in use by any of the heirs or devisees and the heirs or devisees have not been able during the three months period immediately following the date on which a lease may be renewed to agree upon a lease by reason of the number of heirs, their absence from the reservation or for any other cause.

(c) Where the majority interest in land being leased is owned by living Indians authorized to negotiate their leases as provided for in § 171.8 and such Indians have agreed to and executed a lease on terms satisfactory to the superintendent, the superintendent is authorized to execute the lease in behalf of undetermined presumptive heirs owning the minority interest in such lands and in behalf of such Indians whose lands he is authorized to lease under paragraphs (a) and (b) of this section, without advertising and without the limitation as to term as provided for in § 171.6 (d), and without advertising such minority interest.

(d) Except as provided in paragraph (c) of this section, the superintendent, prior to the granting by him of a lease or permit in accordance with the provisions set forth in the regulations of this part or in accordance with a power to issue a lease or permit granted by the owners, shall advertise the lands for lease, unless prior authority to waive advertising has been granted by the Commissioner or his duly authorized representative, and assure that the present fair market value is obtained for the owners. After exposure to the open competitive market, through advertisement for sealed bids, if the highest bid received is less than the appraised value, such bid may be accepted by the superintendent when the bid price is not substantially less than the appraised value with the consent of the owner. Leases granted by the superintendent may, in his discretion, provide for the payment of the rentals due thereunder to the person having custody of the owner of the lands.

§ 171.8 *Negotiation of individual leases and permits.* Adult Indians (other than those non compos mentis) may negotiate for themselves and for their minor children on forms approved by the Secretary or his duly authorized representative, leases or permits for the use of individual restricted lands, subject to the regulations of this part and the written approval of the superintendent. Unless such leases or permits provide otherwise, rentals shall be paid directly by the lessees or permittees to the adult Indian lessors or permitters for their lands. Rentals on minors' lands shall be paid to the superintendent except where under applicable statutes it is mandatory that such rentals be paid to the parents. Negotiated leases shall not be approved at less than the appraised fair rental value.

§ 171.9 *Negotiation of tribal leases and permits.* (a) Tribes, acting through their tribal councils or their authorized representatives, may negotiate on forms approved by the Secretary or his duly authorized representative, leases or permits with respect to tribal lands, at not less than the appraised value. A lease or permit may provide for the payment of rentals direct to the lessor when a tribe is organized and has facilities for handling its own funds, including an acceptable bonded officer to receipt for funds. Otherwise, the lease or permit shall provide for the payment of rentals to the superintendent for deposit to the credit of the tribe in the United States Treasury.

(b) The constitutions, bylaws, charters, ordinances, and resolutions, adopted by tribes organized pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984, 25 U. S. C. 461–479), as amended June 15, 1935 (49 Stat. 378), and May 1, 1936 (49 Stat. 1250), and the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967, 25 U. S. C. 501–509), shall govern where inconsistent with the regulations in this part.

§ 171.10 *Grants of permits for the use of other lands.* In order to conserve and protect them from deterioration, lands acquired by the United States for Indian school or other Indian administrative purposes or transferred to or placed under the administration of the Bureau of Indian Affairs and which are not immediately needed for the purpose for which they were acquired or transferred, may be made available by the superintendent, subject to the approval of the Commissioner or his authorized representative, for farm, farm-pasture, business, or other purposes under permits for minimum periods conducive to proper use.

§ 171.11 *Irrigable lands, drainage districts, payment of charges.* Any lease or permit for restricted lands within an irrigation project shall require the lessee or permittee to pay on the due date annually in advance during the term of the instrument, and in the amounts determined by orders of the Secretary or his duly authorized representative, charges assessed against such lands. Such charges shall be in addition to the rental payments prescribed in the lease or permit. All payments of such charges and penalties shall be made to the superintendent or other officer designated by the Commissioner.

§ 171.12 *Farm and farm-pasture units.* (a) When areas of restricted land, consisting of parts or all of a number of allotments of individual lands or separate tracts of tribal lands, can be developed and effectively utilized under proper soil conservation and land use practices as single operational units, a suitable division shall be made by the superintendent of such lands into units: *Provided, however,* That the establishment of units containing in excess of 640 acres of irrigable land or in excess of 2,560 acres of dry farming or farm-pasture land shall be subject to the approval of the Commissioner or his authorized representative.

(b) A lease or permit may be issued by the superintendent on restricted land in a unit if such authority has been granted to the superintendent by the owners of the areas in the unit or if the

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superintendent is authorized in accordance with the provisions of this part to issue leases or permits covering such lands without the consent of the owners.

§ 171.13 *Grazing units excepted.* Restricted grazing lands within range units established pursuant to Part 71 of this chapter, general grazing regulations, shall not be leased and permits respecting such lands shall not be issued under this part.

§ 171.14 *Minor's land, use by parents.* Any Indian who supports his dependent minor children may use their restricted lands during the period of their minority without charge for the use of their lands if such use will enable him to engage in a farming or business enterprise which will also be beneficial to his minor children; and any such Indian may also pledge the income from such lands for the period of his children's minority as security for a loan from the United States, an Indian chartered corporation, an unincorporated tribe, or an Indian credit association.

§ 171.15 *Bonds.* Unless otherwise provided by the Commissioner or his authorized representative, full performance of the conditions of each lease or permit issued under this part shall be guaranteed by a satisfactory corporate surety bond or individual surety bond in a penal sum of not less than one year's rental and other provided charges, plus the estimated value of any improvements to be constructed by the lessee or permittee for the benefit of the lessor or permitter. In lieu of furnishing a surety bond, a lessee or permittee may deposit with the superintendent cash or negotiable United States Treasury Bonds or other negotiable Treasury obligations in the appropriate amount, together with a power of attorney appointing and empowering the Commissioner or his authorized representative in the event of any breach of the lease or permit to pay over any such cash, or to dispose of any such bonds and pay over the proceeds derived therefrom, as liquidated damages to or for the benefit of the lessor or permitter.

§ 171.16 *Subleases; assignments.* A sublease or assignment of any lease or permit issued under this part may be made only with the written consent of all parties thereto, including the surety or sureties, and the Government officer or employee who had authority to approve the original lease or permit.

§ 171.17 *Special mandatory provision.* All leases or permits issued under this part shall contain liquor and morality provisions as follows:

The lessee (permittee) further agrees that he will not use or permit to be used any part of said premises for any unlawful conduct or purpose whatsoever; that he will not use or permit to be used any part of said premises for the manufacture, sale, gift, transportation, drinking or storage of intoxicating liquors or beverages in violation of existing laws relating thereto, and that any violation of this clause by the lessee (permittee) or with his knowledge, shall render this lease voidable at the option of the Superintendent.

§ 171.18 *Advance execution of leases.* Except with the approval of the Commissioner or his authorized representative, no lease or permit shall be negotiated more than 12 months prior to the date when it is to become effective.

§ 171.19 *Payment of rentals.* No rent or other consideration for the use of land leased pursuant to the regulations of this part shall be paid or collected more than one year in advance, unless so provided in the lease. Any lease containing a provision for payment or collection of rental for more than one year in advance shall not be approved by the superintendent. Authority to approve such leases may be granted by the Area Director in his discretion.

§ 171.20 *Description of leased property.* When a lease covers only part of an allotment, a definite description by subdivision or by metes and bounds must be incorporated therein, accompanied by a plat of the part intended to be leased when the metes and bounds do not conform to the public survey.

§ 171.21 *Conservation and land use requirements.* All farming and grazing operations conducted under leases executed pursuant to the regulations of this part shall be in accordance with the lease terms and land use stipulations or a plan of conservation operations prepared by the superintendent in accordance with approved methods. Such stipulation or plan shall be annexed to and made a part of the lease.

§ 171.22 *Violation of lease or permit.* The superintendent is responsible for and shall enforce compliance with the requirements of leases or permits issued under this part and the applicable regulations. If he has reason to believe that a lessee or permittee has violated the lease or permit or the regulations, he shall serve written notice upon the lessee or permittee setting forth in detail the nature of the alleged violation and give the violator 10 days from the date of notice in which to show cause why the lease or permit should not be canceled. The surety or sureties on the lease or permit shall be notified of the alleged violation by promptly mailing to each surety a copy of each notice sent to the lessee or permittee. Where the breach of contract is satisfied by the payment of damages, the superintendent may approve the damage settlement. The failure of a lessee or permittee within the prescribed time to furnish satisfactory reasons why the lease or permit should not be canceled shall result in the cancellation of the instrument. The superintendent shall immediately notify the lessee or permittee in writing of the cancellation of the instrument, demand payment of all obligations due, and direct the premises be vacated promptly. This notice shall also inform the lessee or permittee that his failure to abide by the notice will necessitate the presentation of the case to the United States Attorney for appropriate action.

§ 171.23 *Business leases or permits.* Business leases or permits executed in accordance with § 171.6 may be approved by the superintendent where the annual rental does not exceed $5,000. All other business leases or permits shall be subject to the approval of the Commissioner or his authorized representative.

§ 171.24 *Crow Reservation.* (a) Notwithstanding paragraph (b) of § 171.6, no lease or permit of any irrigable allotment on the Crow Reservation shall be made for a period longer than five years, except that irrigable lands in Indian ownership within the Big Horn unit of the Crow Indian irrigation project may be leased or permits may be issued for farming purposes for periods not to exceed 10 years.

(b) A lease or permit respecting restricted land on this reservation may be negotiated for farming purposes not to exceed 18 months before it is to become effective.

(c) The approval of the superintendent of the Crow Agency shall not be required under § 171.8 with respect to leases or permits which are issued by Indian allottees whose names appear as competent on the rolls completed in accordance with the provisions of section 3 of the act of June 4, 1920 (41 Stat. 751), and which cover their own allotments or the allotments of their minor children for farming or grazing purposes, except that leases or permits of lands allotted pursuant to the act of May 19, 1926 (44 Stat. 566), as supplemented by the act of May 2, 1928 (45 Stat. 482), and heirship lands of Crow Indians require the approval of the superintendent. Copies of all leases or permits issued without the approval of the superintendent shall be filed promptly with the superintendent of the Crow Agency. Leases or permits requiring the approval of the superintendent shall provide that all rentals are to be paid by the lessee or permittee to the superintendent for the benefit of the Indian owners.

§ 171.25 *Fort Belknap Reservation.* Not to exceed 20,000 acres of allotted and tribal lands (nonirrigable as well as irrigable) on the Fort Belknap Reservation in Montana may be leased or permits respecting such lands may be granted for the culture of sugar beets and other crops in rotation for terms not exceeding 10 years.

§ 171.26 *Colorado River Reservation.* (a) For a period of two years from August 14, 1955, the Secretary of the Interior or his authorized representative may lease the unassigned lands on the Colorado River Reservation. Such lands may be leased for the purposes and terms provided for in § 171.6.

(b) Income from leases on land in the southern reserve, as defined in ordinance numbered 5 of the Colorado River Indian Tribes, dated February 3, 1945, shall be segregated from income from leases on land in the northern reserve, as defined by such ordinance, and from leases on land on the California side of the Colorado River. All income received prior to August 14, 1957, and prior to determination of the beneficial ownership of the lands, from leases on land in the northern reserve and land on the California side of the Colorado River may be expended by the Secretary or his authorized representative for the benefit of the Colorado River Indian Tribes and their members. All income received prior to

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August 14, 1957, and prior to determination of the beneficial ownership of the lands, from leases on land in the southern reserve may be expended by the Secretary or his authorized representative for the development or improvement of any land in the southern reserve. All income received after August 14, 1957, shall be held in a special account until the beneficial ownership of the land on the reservation has been determined. All income received after beneficial ownership has been determined shall be held in trust for the beneficial owners of the land from which the income was derived and shall be expended as otherwise authorized by law.

§ 171.27 *Appeals.* (a) Any heir or devisee who feels aggrieved by the action taken by the superintendent on leasing the restricted lands of deceased Indians may, within 10 days after the date of execution of the lease, file with the superintendent a notice of appeal to the Secretary. The notice of appeal shall be in writing and shall set forth the reasons for the appeal. Copies of the notice shall be furnished by the appellant to the superintendent, the lessee, and to all parties who share in the estate.

(b) The appeal, the lease or a true copy thereof, and all papers relating to the lease shall be submitted to the Secretary through the Commissioner.

(c) The appellant and any other interested party may, within 30 days from the date on which a notice of appeal is filed, submit written arguments to the Secretary.

(d) Copies of the decision of the Secretary on the appeal will be mailed to (1) the appellant, (2) all other heirs or devisees of the estate affected by the appeal, (3) the superintendent, (4) the Commissioner, (5) and the lessee.

§ 171.28 *Fees.* When lands are leased or permits are issued in accordance with the provisions of this part, or when they are subleased or assigned (including renewals or extensions), fees shall be fixed as follows:

(a) *To be paid by lessee, permittees, sublessee, or assignee.*

Rental:	Fee
Not to exceed $100	$1.00
$100.01–$250	2.50
$250.01–$500	5.00
For each additional $500 or fraction thereof	1.00

When, under the terms of the instrument, the occupant is to pay taxes accruing during the period of its operation, an amount equal to the estimated total amount of the taxes shall be included in the amount to be used in determining the fee to be charged. In the case of a sublease or assignment, the fee shall be based on the total rental which will accrue under the instrument from the effective date of the transaction. When the lease or permit period is extended with the mutual consent of the parties concerned, the fee shall be computed from the effective date on the same basis as the original instrument. The fee to be collected in case of crop-share or other noncash rental leases or permits shall be based on (1) an estimate of the cash rental value of the acreage, including all improvements to be placed on the land by the lessee or permittee for the benefit of the lessor or permitter, or (2) the estimated value of the lessor's share of the crops.

(b) *Fees, tribal employees.* When the clerical and ministerial work in connection with the grants of leases or permits is performed by tribal employees, fees may be fixed, subject to approval by the Commissioner or his authorized representative, by the respective tribes concerned in lieu of the fees prescribed in paragraph (a) of this section.

(c) *Disposition of fees.* Fees collected pursuant to paragraph (a) of this section shall be covered into the Treasury as miscellaneous receipts, except that when the clerical and ministerial work in the issuance of permits or leases of lands under this part is performed by Bureau employees paid from appropriated tribal funds, the fees shall be credited to such funds.

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 9, 1956.

[F. R. Doc. 56-2880; Filed, Apr. 17, 1956; 3:23 p. m.]

PART 256—RIGHTS OF WAY OVER INDIAN LANDS

SERVICE LINES

Correction

In F. R. Doc. 56-2212, appearing at page 1798 of the issue for Friday, March 23, 1956, the following change should be made:

The last sentence of § 256.21 (b) should read as follows: "No agreement under this paragraph shall be valid unless its execution shall have been duly authorized in advance of construction by the governing body of the Indian tribe whose land is affected."

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 12—DISPOSAL AND UTILIZATION OF SURPLUS REAL PROPERTY FOR EDUCATIONAL PURPOSES AND PUBLIC HEALTH PURPOSES

Part 12 of Title 45 CFR is hereby amended to read as follows:

Sec.
12.1 Definitions.
12.2 Scope.
12.3 General policies.
12.4 Limitations.
12.5 Awards.
12.6 Notice of available property.
12.7 Applications for surplus real property.
12.8 Assignment of surplus real property.
12.9 General disposal terms and conditions.
12.10 Special terms and conditions.
12.11 Utilization.
12.12 Form of Conveyance.
12.13 Compliance inspections and reports.

AUTHORITY: §§ 12.1 to 12.13 issued under sec. 203, 63 Stat. 385, as amended; 40 U. S. C. 484; Reorg. Plan No. 1 of 1953, as amended, 67 Stat. 18, 18 F. R. 2053, 3 CFR, 1953 Supp.

§ 12.1 *Definitions.* (a) "Act" means the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377), as amended (40 U. S. C. 471 et seq.). Terms defined in the act and not defined in this section, shall have in this part the meaning given to them in the act.

(b) "Accredited" means approval by a recognized accreditation board or association on a regional, State, or national level, such as a State Board of Education or Health, State University, Middle States Association of Colleges and Secondary Schools, National Architectural Board, American College of Surgeons, etc. A college may be said to be accredited if its credits are accepted for transfer purposes by other colleges or universities not connected or associated with it.

(c) "Administrator" means the Administrator of General Services.

(d) "Approved" means recognition or approval by the State Department of Education, State Department of Health, or other appropriate authority in charge of educational or health activities in a State.

(e) "Assigned property" means real and related personal property which, in the discretion of the Administrator or his designee, has been made available to the Department for transfer for educational or for public health purposes, including research.

(f) "Department" means the Department of Health, Education, and Welfare.

(g) "Disposal agency" means the executive agency of the Government which has authority to assign or to consider assignment of property to the Department for transfer for health and educational utilization.

(h) "Excess" when used with respect to real property means any real property under the control of any Department or agency in the Executive Branch of the Government which is not required for its needs and the discharge of its responsibilities as determined by the head thereof.

(i) "Holding agency" means the executive agency of the Government which has control and accountability for the real property involved.

(j) "Non-profit institution" as used herein means any institution, organization, or association, whether incorporated or unincorporated, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by the Internal Revenue Service to be tax-exempt under either the provisions of section 101 (6) of the 1939 Internal Revenue Code, or section 501 (c) (3) of the 1954 Internal Revenue Code.

(k) "Off-site property" means surplus buildings, underground utilities and all other removable improvements, including related personal property, to be transferred where located, by the Department for educational or for public health purposes, including research, for removal and use away from the site.

(l) "On-site property" means surplus real property including related person-

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