Regulations by President, see section 9 of this title.

§ 264. Trading without license; white persons as clerks

Any person other than an Indian of the full blood who shall attempt to reside in the Indian country, or on any Indian reservation, as a trader, or to introduce goods, or to trade therein, without such license, shall forfeit all merchandise offered for sale to the Indians or found in his possession, and shall moreover be liable to a penalty of $500: *Provided*, That this section shall not apply to any person residing among or trading with the Choctaws, Cherokees, Chickasaws, Creeks, or Seminoles, commonly called the Five Civilized Tribes, residing in said Indian country, and belonging to the Union Agency therein: *And provided further*, That no white person shall be employed as a clerk by any Indian trader, except such as trade with said Five Civilized Tribes, unless first licensed so to do by the Commissioner of Indian Affairs, under and in conformity to regulations to be established by the Secretary of the Interior.

(R.S. § 2133; July 31, 1882, ch. 360, 22 Stat. 179.)

CODIFICATION

R.S. § 2133 derived from act June 30, 1834, ch. 161, § 4, 4 Stat. 729.

Act July 31, 1882, inserted ''of the full blood'' and ''or on any Indian reservation'' and added the two provisos.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Persons permitted to trade with Indians, see section 262 of this title.

§§ 265, 266. Repealed. Aug. 15, 1953, ch. 506, § 1, 67 Stat. 590

Section 265, R.S. § 2135, prohibited certain purchases and sales within Indian country by persons other than Indians.

Section 266, R.S. §§ 467, 2136, prohibited sale of arms in district occupied by uncivilized or hostile Indians.

CHAPTER 7—EDUCATION OF INDIANS

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304a. Study and investigation of Indian education in United States and Alaska; contracts; report to Congress; appropriations.
304b. Deposits of funds of students and student activity associations in Indian schools.

§ 271. Employment of instructors for Indians

The President may, in every case where he shall judge improvement in the habits and condition of such Indians practicable, and that the means of instruction can be introduced with their own consent, employ capable persons of good moral character to instruct them in the mode of agriculture suited to their situation; and for teaching their children in reading, writing, and arithmetic, and performing such other duties as may be enjoined according to such instructions and rules as the President may give and prescribe for the regulation of their conduct, in the discharge of their duties. A report of the proceedings adopted in the execution of this provision shall be annually laid before Congress.

(R.S. § 2071.)

CODIFICATION

R.S. § 2071 derived from act Mar. 3, 1819, ch. 85, 3 Stat. 516.

CROSS REFERENCES

Education of Indians, provisions for, see sections 452 to 457 and 471 of this title.

§ 272. Superintendent of Indian schools

There shall be appointed by the President, by and with the advice and consent of the Senate, a person of knowledge and experience in the management, training, and practical education of children, to be Superintendent of Indian Schools, whose duty it shall be to visit and inspect the schools in which Indians are taught in whole or in part from appropriations from the United States Treasury, and report to the Commissioner of Indian Affairs, what, in his judgment, are the defects, if any, in any of them, in system, in administration, or in means for the most effective advancement of the pupils therein toward civilization and self-support, and what changes are needed to remedy such defects as may exist, and to perform such other duties in connection with Indian schools as may be prescribed by the Secretary of the Interior.

(Mar. 2, 1889, ch. 412, § 10, 25 Stat. 1003.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 272a. Other duties

The Superintendent of Indian schools shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior.

(Mar. 3, 1905, ch. 1479, § 1, 33 Stat. 1049.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 273. Detail of Army officer

The Secretary of the Army shall be authorized to detail an officer of the Army, not above the rank of captain, for special duty with reference to Indian education.

(June 23, 1879, ch. 35, § 7, 21 Stat. 35; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

CROSS REFERENCES

Vacant military posts or barracks to be used as schools; Army officer to be detailed for duty at each school so established, see section 276 of this title.

§ 274. Employment of Indian girls and boys as assistants

The Commissioner of Indian Affairs shall employ Indian girls as assistant matrons and Indian boys as farmers and industrial teachers in all Indian schools when it is practicable to do so.

(June 7, 1897, ch. 3, § 1, 30 Stat. 83.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Preference to Indians qualified for duties, see section 45 of this title.

Standards for Indian employees, see section 472 of this title.

§ 275. Leaves of absence to employees

On and after August 24, 1912 teachers in schools operated by the Bureau of Indian Affairs may be allowed, in addition to annual leave, educational leave not to exceed thirty workdays per calendar year, or sixty workdays in every alternate year, for attendance at educational gatherings, conventions, institutions, or training schools, if the interest of the Government requires, under such regulations as the Secretary of the Interior may prescribe; and no additional salary or expense on account of such leave of absence shall be incurred.

(Aug. 24, 1912, ch. 388, § 1, 37 Stat. 519; Aug. 24, 1922, ch. 286, 42 Stat. 829; May 8, 1928, ch. 510, 45 Stat. 493; Pub. L. 85–89, July 10, 1957, 71 Stat. 282.)

AMENDMENTS

1957—Pub. L. 85–89 substituted "Teachers in schools operated by the Bureau of Indian Affairs" for "Teachers of the Indian schools and physicians of the Indian Service".

1928—Act May 8, 1928, made section applicable to physicians of the Indian Service.

1922—Act Aug. 24, 1922, increased educational leave allowance from 15 to 30 days.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Reduction in leaves of absence of Government employees, see section 6301 et seq. of Title 5, Government Organization and Employees.

§ 276. Vacant military posts or barracks for schools; detail of Army officers

The Secretary of the Army is authorized to set aside, for use in the establishment of normal and industrial training schools for Indian youth from the nomadic tribes having educational

treaty claims upon the United States, any vacant posts or barracks, so long as they may not be required for military occupation, and to detail one or more officers of the Army for duty in connection with Indian education, under the direction of the Secretary of the Interior, at each such school so established: *Provided*, That moneys appropriated or to be appropriated for general purposes of education among the Indians may be expended, under the direction of the Secretary of the Interior, for the education of Indian youth at such posts, institutions, and schools as he may consider advantageous, or as Congress from time to time may authorize and provide.

(July 31, 1882, ch. 363, 22 Stat. 181; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

TRANSFER OF FUNCTIONS

For transfer of certain functions relating to real property under jurisdiction of Department of the Air Force from Secretary of the Army to Secretary of the Air Force, see Secretary of Defense Transfer Order Nos. 14 [§ 2(29)], eff. July 1, 1948, and 40 [App. A(53)], July 22, 1949.

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Detail of Army officer, see section 273 of this title.

§ 277. Former Apache military post established as Theodore Roosevelt Indian School

The Secretary of the Interior is authorized to establish and maintain the former Fort Apache military post as an Indian boarding school for the purpose of carrying out treaty obligations, to be known as the Theodore Roosevelt Indian School: *Provided*, That the Fort Apache military post, and land appurtenant thereto, shall remain in the possession and custody of the Secretary of the Interior so long as they shall be required for Indian school purposes.

(Jan. 24, 1923, ch. 42, 42 Stat. 1187.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

LANDS HELD IN TRUST FOR WHITE MOUNTAIN APACHE TRIBE

Pub. L. 86–392, Mar. 18, 1960, 74 Stat. 8, provided: "That all right, title, and interest of the United States in and to the lands, together with the improvements thereon, included in the former Fort Apache Military Reservation, created by Executive order of February 1, 1877, and subsequently set aside by the Act of January 24, 1923 (42 Stat. 1187) [this section], as a site for the Theodore Roosevelt School, located within the boundaries of the Fort Apache Indian Reservation, Arizona, are hereby declared to be held by the United States in trust for the White Mountain Apache Tribe, subject to the right of the Secretary of the Interior to use any part of the land and improvements for administrative or school purposes for as long as they are needed for that purpose."

§ 278. Repealed. Pub. L. 90–280, § 1, Mar. 30, 1968, 82 Stat. 71

Section, acts June 7, 1897, ch. 3, § 1, 30 Stat. 79; Mar. 2, 1917, ch. 146, § 21, 39 Stat. 988, declared the settled policy of the Government to be opposed to the making of any appropriations whatever out of the Treasury of the United States for the education of Indian children in any sectarian school. See section 278a of this title.

§ 278a. Use of appropriated funds for education in sectarian schools prohibited; exceptions

Funds appropriated on and after March 30, 1968, to the Secretary of the Interior for the education of Indian children shall not be used for the education of such children in elementary and secondary education programs in sectarian schools. This prohibition shall not apply to the education of Indians in accredited institutions of higher education and in other accredited schools offering vocational and technical training, but no scholarship aid provided for an Indian student shall require him to attend an institution or school that is not of his own free choice, and such aid shall be, to the extent consistent with sound administration, extended to the student individually rather than to the institution or school.

(Pub. L. 90–280, § 2, Mar. 30, 1968, 82 Stat. 71.)

§ 279. Rations to mission schools

Mission schools on an Indian reservation may, under rules and regulations prescribed by the Commissioner of Indian Affairs, receive for such Indian children duly enrolled therein, the rations of food and clothing to which said children would be entitled under treaty stipulations if such children were living with their parents.

(June 21, 1906, ch. 3504, 34 Stat. 326.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 280. Patents of lands to missionary boards of religious organizations

The Secretary of the Interior is authorized and directed to issue a patent to the duly authorized missionary board, or other proper authority, of any religious organization engaged in mission or school work on any Indian reservation for such lands thereon as were prior to September 21, 1922, set apart to and were on that date being actually and beneficially used and occupied by

such organization solely for mission or school purposes, the area so patented to not exceed one hundred and sixty acres to any one organization at any station: *Provided*, That such patent shall provide that when no longer used for mission or school purposes said lands shall revert to the Indian owners.

(Sept. 21, 1922, ch. 367, § 3, 42 Stat. 995.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 280a. Land in Alaska for schools or missions; general land laws

The Indians or persons conducting schools or missions in the Territory of Alaska shall not be disturbed in the possession of any lands actually in their use or occupation on June 6, 1900, and the land, at any station not exceeding six hundred and forty acres, occupied on said date as missionary stations among the Indian tribes in the section, with the improvements thereon erected by or for such societies, shall be continued in the occupancy of the several religious societies to which the missionary stations respectively belong, and the Secretary of the Interior is directed to have such lands surveyed in compact form as nearly as practicable and patents issued for the same to the several societies to which they belong; but nothing contained in this Act shall be construed to put in force in the Territory the general land laws of the United States.

(June 6, 1900, ch. 786, § 27, 31 Stat. 330.)

REFERENCES IN TEXT

This Act, referred to in text, means act June 6, 1900, ch. 786, 31 Stat. 321, as amended. For complete classification of Title I of this act to the Code, see Tables. Title II of this act provided for the Alaska Civil Code.

CODIFICATION

Section was formerly classified to section 356 of Title 48, Territories and Insular Possessions.

PRIOR PROVISIONS

Similar provisions were contained in act May 17, 1884, ch. 53, § 8, 23 Stat. 26, which provided in part that the Indians or other persons in the district should not be disturbed in the possession of any lands actually in their use or occupation or claimed by them, but reserved for future legislation the terms under which such persons might acquire title. That section contained a further provision, similar to the provision contained in this section, continuing lands occupied as missionary stations in the occupancy of the several religious societies.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73, Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85–508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

§ 281. Children taking lands in severalty not excluded

In the expenditure of money appropriated for any of the purposes of education of Indian children, those children of Indians who have taken or may take lands in severalty under any existing law shall not, by reason thereof, be excluded from the benefits of such appropriation.

(Aug. 15, 1894, ch. 290, § 1, 28 Stat. 311.)

§ 282. Regulations by Secretary of the Interior to secure attendance at school

The Secretary of the Interior is authorized to make and enforce such rules and regulations as may be necessary to secure the enrollment and regular attendance of eligible Indian children who are wards of the Government in schools maintained for their benefit by the United States or in public schools.

(Feb. 14, 1920, ch. 75, § 1, 41 Stat. 410.)

§ 283. Regulations for withholding rations for nonattendance at schools

The Secretary of the Interior may in his discretion, establish such regulations as will prevent the issuing of rations or the furnishing of subsistence either in money or in kind to the head of any Indian family for or on account of any Indian child or children between the ages of eight and twenty-one years who shall not have attended school during the preceding year in accordance with such regulations. This provision shall not apply to reservations or part of reservations where sufficient school facilities have not been furnished nor until full notice of such regulations shall have been given to the Indians to be affected thereby.

The amount and value of subsistence so withheld shall be credited to the tribe or tribes from whom the same is withheld, to be issued and paid when in the judgment of the Secretary of the Interior they shall have fully complied with such regulations. The Secretary of the Interior may in his discretion withhold rations, clothing and other annuities from Indian parents or guardians who refuse or neglect to send and keep their children of proper school age in some school a reasonable portion of the year.

(Mar. 3, 1893, ch. 209, § 1, 27 Stat. 628, 635.)

CROSS REFERENCES

Withholding annuities from Osage Indians for nonattendance at schools, see section 285 of this title.

§ 284. Omitted

CODIFICATION

Section, act July 13, 1892, ch. 164, § 1, 27 Stat. 143, which related to issuance and enforcement of regulations by the Commissioner of Indian Affairs to secure attendance of Indian children at school, was omitted as obsolete in view of the enactment of section 282 of this title, which provides that the Secretary of the Interior now issue and enforce such regulations. See section 282 of this title.

§ 285. Withholding annuities from Osage Indians for nonattendance at schools

The Commissioner of Indian Affairs is authorized in his discretion to withhold any annuities or other payments due to Osage Indian minors, above six years of age, whose parents fail, neglect, or refuse to place such minors in some established school for a reasonable portion of each year and to keep such children in regular attendance thereof. The Commissioner of Indian Affairs is authorized to make such rules and regulations as may be necessary to put this provision into force and effect.

(June 30, 1913, ch. 4, § 18, 38 Stat. 96.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Withholding rations for nonattendance at schools, see section 283 of this title.

§ 286. Sending child to school out of State without consent

No Indian child shall be sent from any Indian reservation to a school beyond the State or Territory in which said reservation is situated without the voluntary consent of the father or mother of such child if either of them is living, and if neither of them is living without the voluntary consent of the next of kin of such child. Such consent shall be made before the agent of the reservation, and he shall send to the Commissioner of Indian Affairs his certificate that such consent has been voluntarily given before such child shall be removed from such reservation. And it shall be unlawful for any Indian agent or other employee of the Government to induce, or seek to induce, by withholding rations or by other improper means, the parents or next of kin of any Indian to consent to the removal of any Indian child beyond the limits of any reservation.

(Aug. 15, 1894, ch. 290, § 11, 28 Stat. 313; Mar. 2, 1895, ch. 188, § 1, 28 Stat. 906.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Indian agents abolished, see note set out under section 64 of this title.

§ 287. Taking child to school in another State without written consent

No Indian child shall be taken from any school in any State or Territory to a school in any other State against its will or without the written consent of its parents.

(June 10, 1896, ch. 398, § 1, 29 Stat. 348.)

CROSS REFERENCES

Provisions preventing Government from assuming expense of transporting pupils beyond limits of State or territory, see section 290 of this title.

§§ 288, 289. Repealed. Pub. L. 99–228, § 3(1), (2), Dec. 28, 1985, 99 Stat. 1748

Section 288, act Mar. 1, 1907, ch. 2285, 34 Stat. 1018, provided for admission of white children to Indian day schools.

Section 289, act Mar. 3, 1909, ch. 263, 35 Stat. 783, provided for admission of white children to Indian boarding schools. See section 2007 of this title.

§ 290. Transportation of pupils under 14 at Government expense

No Indian pupil under the age of fourteen years shall be transported at Government expense to any Indian school beyond the limits of the State or Territory in which the parents of such child reside or of the adjoining State or Territory.

(Mar. 3, 1909, ch. 263, 35 Stat. 783.)

§ 290a. Bureau appropriations as not limiting transportation of school children

On and after October 12, 1984, no part of any appropriation to the Bureau of Indian Affairs under this or any other act shall be used to subject the transportation of school children to any limitation on travel or transportation expenditures for Federal employees.

(Pub. L. 98–473, title I, § 101(c) [title I, § 100], Oct. 12, 1984, 98 Stat. 1837, 1850.)

§ 291. Removal of Government property at schools

Where there is Government property on hand at any of the Indian reservations or schools not required for the use or benefit of the Indians of reservations or said schools, the Secretary of the Interior is authorized to move such property to other Indian reservations or schools where it may be required.

(Mar. 1, 1907, ch. 2285, 34 Stat. 1016.)

§ 292. Suspension or discontinuance of schools

The Commissioner of Indian Affairs may, when in his judgment the good of the service will be promoted thereby, suspend or discontinue any reservation Indian school, and, with the approval of the Secretary of the Interior, may sell any reservation school building or plant that is no longer desirable as an Indian school upon any reservation and invest the proceeds in other school buildings and plants, as the needs of the service may demand, under such rules and regulations as he may, with the approval of the Secretary of the Interior, prescribe.

(Apr. 21, 1904, ch. 1402, § 1, 33 Stat. 211.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2,

eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 292a. Discontinuance of boarding and day schools having small attendance

All reservation and nonreservation boarding schools with an average attendance in any year of less than forty-five and eighty pupils, respectively, shall be discontinued on or before the beginning of the ensuing fiscal year. The pupils in schools so discontinued shall be transferred first, if possible, to Indian day schools or State public schools; second, to adjacent reservation or nonreservation boarding schools, to the limit of the capacity of said schools: *Provided*, That all day schools with an average attendance in any year of less then eight shall be discontinued on or before the beginning of the ensuing fiscal year: *Provided further*, That all moneys appropriated for any school discontinued pursuant to this section or for other cause shall be returned immediately to the Treasury of the United States.

(Mar. 4, 1929, ch. 705, 45 Stat. 1576.)

CODIFICATION

Section is from the Interior Department Appropriation Act, 1930. Similar provisions were contained in the following prior appropriation acts:
Mar. 7, 1928, ch. 137, 45 Stat. 215.
Jan. 12, 1927, ch. 27, 44 Stat. 947.
May 10, 1926, ch. 277, 44 Stat. 468.
Mar. 3, 1925, ch. 462, 43 Stat. 1155.
June 5, 1924, ch. 264, 43 Stat. 404.
Jan. 24, 1923, ch. 42, 42 Stat. 1182.
May 24, 1922, ch. 199, 42 Stat. 562.
Mar. 3, 1921, ch. 119, 41 Stat. 1227.
Feb. 14, 1920, ch. 75, 41 Stat. 410.

§ 292b. Establishment of single system of education in Alaska; transfer of Indian schools to State of Alaska

The Bureau of Indian Affairs shall not expend any other funds for the operation of any secondary education program or facility in the State of Alaska after June 30, 1983: *Provided*, That while consultation concerning day school transfers to the State of Alaska will continue with affected villages, local concurrence is not required in this continuing effort to establish a single system of education envisioned by the State's constitution: *Provided further*, That after June 30, 1984, the Bureau of Indian Affairs shall fund no more than ten day schools in Alaska: *Provided further*, That the Bureau of Indian Affairs shall not fund any schools in Alaska after June 30, 1985: *Provided further*, That $9,350,000 of such amount shall be available until expended for transfer to the State of Alaska to assist in the rehabilitation or reconstruction of Bureau-owned schools which are transferred to the State: *Provided further*, That the $9,350,000 appropriated in Public Law 97–394 available to the State of Alaska to assist in the rehabilitation of Bureau-owned schools which are transferred to the State may also be used for reconstruction: *Provided further*, That when any Alaska day school operated by contract is transferred, the State shall assume any existing contract pertaining to the operation or maintenance of such school for a minimum of two years or until the expiration of the negotiated contract, whichever comes first: *Provided further*, That nothing in the foregoing shall preclude assistance otherwise available under the Act of April 16, 1934 (48 Stat. 596) as amended (25 U.S.C. 452 et seq.), or any other Act to such schools on the same basis as other public schools.

(Pub. L. 98–63, title I, July 30, 1983, 97 Stat. 326.)

REFERENCES IN TEXT

Other funds, referred to in text, means funds other than the appropriation of $22,000,000 made available to the Bureau of Indian Affairs for transfer to the State of Alaska for the benefit of Alaska Native secondary students under the headings ''Bureau of Indian Affairs'' and ''Operation of Indian Programs'' of Pub. L. 98–63, title VII, July 30, 1983, 97 Stat. 326.

$9,350,000 of such amount, referred to in text, means $9,350,000 of the $53,150,000 appropriated as an additional amount for the operation of Indian programs by the Bureau of Indian Affairs under the headings ''Bureau of Indian Affairs'' and ''Operation of Indian Programs'' of Pub. L. 98–63, title VII, July 30, 1983, 97 Stat. 326.

Public Law 97–394, referred to in text, is Pub. L. 97–394, Dec. 30, 1982, 96 Stat. 1966. Provisions of that act relating to an appropriation of $9,350,000 available to the State of Alaska (96 Stat. 1974) are not classified to the Code.

Act of April 16, 1934, referred to in text, is act Apr. 16, 1934, ch. 147, 48 Stat. 596, as amended, popularly known as the Johnson-O'Malley Act, which is classified generally to section 452 et seq. of this title. For complete classification of this Act to the Code, see Short Title note set out under section 452 of this title and Tables.

§ 292c. Unavailability of appropriated funds for boarding schools

On and after October 12, 1984, no part of any appropriations to the Bureau of Indian Affairs under this or any other Act shall be available to continue academic and residential programs of the Chilocco, Seneca, Concho, and Fort Sill boarding schools, Oklahoma; Mount Edgecumbe boarding school, Alaska; Intermountain boarding school, Utah; and Stewart boarding school, Nevada.

(Pub. L. 98–473, title I, § 101(c) [title I], Oct. 12, 1984, 98 Stat. 1837, 1850.)

§ 293. Sale of lands purchased for day school or other Indian administrative uses

Subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], the Secretary of the Interior is authorized to cause to be sold, to the highest bidder, under such rules and regulations as he may prescribe any tract or part of a tract of land purchased by the United States for day school or other Indian administrative uses, not exceeding one hundred and sixty acres in any one tract, when said land or a part thereof is no longer needed for the original purpose; the proceeds therefrom in all cases to be paid into the Treasury of the United States; title to be evidenced by a patent in fee simple for such lands as can be described in terms of the legal survey, or by deed duly executed by the Secretary of the Interior containing such metes-and-bounds description as will identify the land so conveyed as the land which had been purchased: *Provided*, That where the purchase price was paid from tribal funds, the

net proceeds shall be placed in the Treasury of the United States to the credit of the respective tribes of Indians.

(Mar. 2, 1917, ch. 146, § 1, 39 Stat. 973; Oct. 31, 1951, ch. 654, § 2(17), 65 Stat. 707.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of the Act relating to disposal of Government property are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40, and Tables.

AMENDMENTS

1951—Act Oct. 31, 1951, inserted reference to applicable regulations of the Federal Property and Administrative Services Act of 1949, as amended, at beginning of section; struck out ''net'' before ''proceeds'' in clause immediately following first semicolon; and, in proviso, substituted ''the net proceeds'' for ''such proceeds''.

CROSS REFERENCES

Proceeds from transfer, sale, etc., of property, see section 485 of Title 40, Public Buildings, Property, and Works.

§ 293a. Conveyance of school properties to local school districts or public agencies

The Secretary of the Interior, or his authorized representative, is authorized to convey to State or local governmental agencies or to local school authorities all the right, title, and interest of the United States in any land and improvements thereon and personal property used in connection therewith heretofore or hereafter used for Federal Indian school purposes and no longer needed for such purposes: *Provided*, That the consent of the beneficial owner shall be obtained before the conveyance of title to land held by the United States in trust for an individual Indian or Indian tribe: *Provided further*, That no more than fifty acres of land shall be transferred under the terms of this section in connection with any single school property conveyed to State or local governmental agencies or to local school authorities. Any conveyance under this section shall reserve all mineral deposits in the land and the right to prospect for and remove such deposits under rules and regulations prescribed by the Secretary of the Interior, shall require the property to be used for school or other public purposes, and shall require the property to be available to Indians and non-Indians on the same terms unless otherwise approved by the Secretary of the Interior. If at any time the Secretary of the Interior determines that the grantee of any such lands, improvements, and personal property has failed to observe the provisions of the transfer agreement and that the failure has continued for at least one year, he may declare a forfeiture of the conveyance and the title conveyed shall thereupon revert to the United States. Such determination by the Secretary of the Interior shall be final. If the grantee of such land fails for a period of one year to observe the provisions of the transfer agreement and the Secretary of the Interior fails to declare a forfeiture of the conveyance, the former beneficial owner, if an individual Indian or an Indian tribe, may petition the United States District Court for the district where the land is located to declare a forfeiture of the conveyance and to vest the title in the United States, in the same trust status as previously existed.

(June 4, 1953, ch. 98, 67 Stat. 41; Pub. L. 85–31, May 16, 1957, 71 Stat. 29; Pub. L. 87–417, Mar. 16, 1962, 76 Stat. 33.)

AMENDMENTS

1962—Pub. L. 87–417 increased land conveyance limitation from twenty to fifty acres.

1957—Pub. L. 85–31 inserted last sentence allowing the former beneficial owner, if an Indian or Indian tribe, to petition for declaration of forfeiture of conveyance where grantee has failed for period of one year to observe provisions of transfer agreement and Secretary has not declared forfeiture.

§ 293b. Conveyance of abandoned school properties in Alaska to local town or city officials or school authorities; reservation of rights and claims by United States and use conditions; violations and forfeiture of grant; determinations; reversion to United States

The Secretary of the Interior be, and he is hereby, directed to convey to local town or city officials or to school authorities in the Territory of Alaska, all the right, title, and interest of the United States in and to any parcel or tract of land and the improvements thereon for school or other public purposes whenever he shall determine that such land and improvements are no longer required by the Alaska Native Service for school purposes: *Provided*, That any conveyance made pursuant to this section shall be subject to all valid existing rights and claims, shall reserve to the United States all mineral deposits in the lands and the right to prospect for and remove the deposits under such rules and regulations as the Secretary of the Interior may prescribe, and shall provide that the lands and improvements conveyed shall be used for school or other public purposes only and that the school facilities maintained thereon or therein shall be available to all of the native children of the town, city, or other school district concerned on the same terms as to other children of such town, city, or district. The Secretary of the Interior, if at any time he determines that the grantee of any such lands and improvements has violated or failed to observe the foregoing provisions and that such violation or failure has continued for a period of at least one year, may declare a forfeiture of the grant. Such determination by the Secretary shall be final, and thereupon the lands and improvements covered thereby shall revert to the United States and become a part of the public domain subject to administration and disposal under the public land laws.

(Aug. 23, 1950, ch. 778, 64 Stat. 470.)

REFERENCES IN TEXT

The public land laws, referred to in text, are classified generally to Title 43, Public Lands.

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan.

3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85–508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

§ 294. Sale of certain abandoned buildings on lands belonging to Indian tribes

The Secretary of the Interior is authorized to sell and convey at public sale, to the highest bidder, under such regulations and under such terms and conditions as he may prescribe, at not less than the appraised value thereof, any abandoned day or boarding school plant, or any abandoned agency buildings, situated on lands belonging to any Indian tribe and not longer needed for Indian or administrative purposes, and to sell therewith not to exceed one hundred and sixty acres of land on which such plant or buildings may stand. Title to all lands disposed of under the provisions of this section shall pass to the purchaser by deed or by patent in fee, with such reservations or conditions as the said Secretary may deem just and proper, no purchaser to acquire more than one hundred and sixty acres in any one tract: *Provided*, That the proceeds of all such sales shall be deposited in the Treasury of the United States to the credit of the Indians to whom said lands belong, to be disposed of in accordance with existing law.

(Feb. 14, 1920, ch. 75, § 1, 41 Stat. 415.)

§ 295. Supervision of expenditure of appropriations for school purposes

All expenditure of money herein or after April 30, 1908, appropriated for school purposes among the Indians, shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior.

(Apr. 30, 1908, ch. 153, 35 Stat. 72.)

CODIFICATION

Act Apr. 30, 1908, embodied restrictions as to the amount which might be expended for the annual support and education of any one pupil and specified the method for determining the number of pupils in any school entitled to the per capita allowance provided for by the act.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SCHOOL AND EMPLOYMENT TRANSPORTATION

Separate appropriations for collection and transportation of pupils to and from Indian schools, etc., with a proviso that a specified part of the amount so appropriated may be used in placing Indian youths in employment in industrial pursuits were made by the following appropriation acts:

Mar. 3, 1925, ch. 462, 43 Stat. 1155.

May 24, 1922, ch. 199, 42 Stat. 562.

§ 296. Repealed. Mar. 2, 1929, ch. 576, 45 Stat. 1534

Section, acts Apr. 30, 1908, ch. 153, 35 Stat. 72; June 30, 1919, ch. 4, § 1, 41 Stat. 6; Feb. 21, 1925, ch. 280, 43 Stat. 958, placed a limitation on per capita expenditure for school purposes.

§ 297. Repealed. Pub. L. 99–228, § 3(3), Dec. 28, 1985, 99 Stat. 1748

Section, act May 25, 1918, ch. 86, § 1, 40 Stat. 564, provided for expenditures for education of children with less than one-fourth Indian blood. See section 2007 of this title.

§ 298. Omitted

CODIFICATION

Section, act July 4, 1884, ch. 180, § 9, 23 Stat. 98, which required Indian agents to submit a census of the Indians at the agency in their annual report, was omitted as obsolete since there have been no Indian agents since 1908. See note set out under section 64 of this title.

§§ 299 to 301. Repealed. May 29, 1928, ch. 901, § 1, 45 Stat. 990, 991

Section 299, act Mar. 2, 1887, ch. 320, § 1, 24 Stat. 465, related to report of expenditures of Indian education fund.

Section 300, act Mar. 3, 1911, ch. 210, § 1, 36 Stat. 1060, related to report of expenditures of Indian school and agency.

Section 301, act Mar. 3, 1911, ch. 210, § 1, 36 Stat. 1061, related to appropriations for experiments on Indian schools or agency farms.

§ 302. Indian Reform School; rules and regulations; consent of parents to placing youth in reform school

The Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, is authorized and directed to select and designate some one of the schools or other institution herein specifically provided for as an ''Indian Reform School'', and to make all needful rules and regulations for its conduct, and the placing of Indian youth therein: *Provided*, That the appropriation for collection and transportation, and so forth, of pupils, and the specific appropriation for such school so selected shall be available for its support and maintenance: *Provided further*, That the consent of parents, guardians, or next of kin shall not be required to place Indian youth in said school.

(June 21, 1906, ch. 3504, 34 Stat. 328.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 303. Omitted

CODIFICATION

Section, act Oct. 12, 1949, ch. 680, title I, 63 Stat. 776, which related to education loans to worthy youths, was from Department of the Interior Appropriation Act, 1950, and was not repeated in Department of the Interior Appropriation Act, 1951, act Sept. 6, 1950, ch. 896, ch. VII, title I, 64 Stat. 679.

§ 304. South Dakota Indians; State course of study

On and after July 1, 1950, the course of study taught in any school operated and maintained by the Bureau of Indian Affairs on any Indian reservation in the State of South Dakota shall, upon a majority decision of the parents of children enrolled therein voting at a meeting called for that purpose by the superintendent of the reservation, meet the minimum education requirements prescribed by the department of public instruction for the public schools of that State.

(Sept. 7, 1949, ch. 566, 63 Stat. 694.)

§ 304a. Study and investigation of Indian education in United States and Alaska; contracts; report to Congress; appropriations

The Secretary of the Interior (hereinafter referred to as the ''Secretary''), acting through the Bureau of Indian Affairs, is authorized and directed to conduct a study and investigation of Indian education in the continental United States and Alaska, including a study and investigation of (1) the education problems of Indian children from non-English speaking homes, and (2) the possibility of establishing a more orderly, equitable, and acceptable program for transferring Indian children to public schools.

The Secretary, in carrying out the provisions of this section, is authorized to enter into contracts in accordance with the provisions of the Johnson-O'Malley Act of June 4, 1936 (49 Stat. 1458; 25 U.S.C. 452).

Not later than two years after funds are made available to carry out the purposes of this section, the Secretary shall submit to the Congress a complete report of the results of such study and investigation, together with such recommendations as he deems desirable.

There are authorized to be appropriated such sums as may be necessary for carrying out the purposes of this section.

(July 14, 1956, ch. 588, 70 Stat. 531.)

REFERENCES IN TEXT

The Johnson-O'Malley Act of June 4, 1936, referred to in text, probably means act Apr. 16, 1934, ch. 147, 48 Stat. 596, as amended generally by act June 4, 1936, ch. 490, 49 Stat. 1458, which is classified to sections 452 to 457 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 452 of this title and Tables.

CODIFICATION

Section is composed of sections 1 to 4 of joint resolution July 14, 1956.

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85–508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

§ 304b. Deposits of funds of students and student activity associations in Indian schools

The Secretary of the Interior may authorize officials or employees of the Bureau of Indian Affairs to accept and to disburse deposits of funds of students and student activity associations in schools operated by the Bureau of Indian Affairs in accordance with the purposes of such deposits. Such deposits and disbursements shall be accounted for under rules and regulations prescribed by the Secretary of the Interior.

(Pub. L. 86–16, Apr. 27, 1959, 73 Stat. 20.)

CHAPTER 7A—PROMOTION OF SOCIAL AND ECONOMIC WELFARE

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CROSS REFERENCES

Navajo and Hopi Indian Tribes, rehabilitation program, see section 631 et seq. of this title.

Promotion of welfare of Indians in Oklahoma, see section 501 et seq. of this title.

§ 305. Indian Arts and Crafts Board; creation and composition; per diem payments

A board is created in the Department of the Interior to be known as ''Indian Arts and Crafts Board'', and hereinafter referred to as the Board. The Board shall be composed of five commissioners, who shall be appointed by the Secretary of the Interior as soon as possible after August 27, 1935 and shall continue in office, two for a term of two years, one for a term of three years, and two for a term of four years from the date of their appointment, the term of each to be designated by the Secretary of the Interior, but their successors shall be appointed for a term of four years except that any person chosen to fill a vacancy shall be appointed for the unexpired term of the commissioner whom he succeeds. Both public officers and private citizens shall be eligible for membership on the Board. The Board shall elect one of the commis-