

(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.)

Editorial Notes

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.

Executive Documents

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.

§ 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.)

Statutory Notes and Related Subsidiaries

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 Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641.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.

Executive Documents

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.

§ 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.)

Statutory Notes and Related Subsidiaries

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.”

Executive Documents

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§ 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 train-

ing, 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.)

Executive Documents

TRANSFER OF FUNCTIONS

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§ 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.)

Executive Documents

TRANSFER OF FUNCTIONS

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§ 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.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, means act June 6, 1900, ch. 786, 31 Stat. 321. For complete classification of Title I of this act to the Code, see Tables. Title III 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.

Executive Documents

TRANSFER OF FUNCTIONS

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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