

### § 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.)

#### 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.

### § 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 than 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.)

#### Editorial Notes

##### 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.),<sup>1</sup> 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.)

#### Editorial Notes

##### 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" in chapter VII of Pub. L. 98-63, title I, 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" in chapter VII of Pub. L. 98-63, title I, 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, popularly known as the John-

<sup>1</sup> See References in Text note below.

son-O'Malley Act, which was classified generally to section 452 et seq. of this title prior to editorial reclassification as sections 5342 et seq. of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 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 chapters 1 to 11 of title 40 and division C (except sections 3302, 3306(f), 3307(e), 3501(b), 3509, 3906, 4104, 4710, and 4711) of subtitle I of title 41 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.)

**Editorial Notes**

CODIFICATION

In text, "chapters 1 to 11 of title 40 and division C (except sections 3302, 3306(f), 3307(e), 3501(b), 3509, 3906, 4104, 4710, and 4711) of subtitle I of title 41" substituted for "the Federal Property and Administrative Services Act of 1949, as amended" on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

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".

**§ 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.)

**Editorial Notes**

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.