

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.)

#### § 284. Omitted

##### Editorial Notes

###### 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.)

##### 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.

#### § 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.)

##### Statutory Notes and Related Subsidiaries

###### INDIAN AGENTS

The services of Indian agents have been dispensed with. See note set out under section 64 of this title.

##### 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.

#### § 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.)

#### §§ 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.)