

U. S. DEPARTMENT OF LABOR

JAMES J. DAVIS, Secretary

CHILDREN'S BUREAU

GRACE ABBOTT, Chief

PROMOTION OF  
THE WELFARE AND HYGIENE OF  
MATERNITY AND INFANCY

TEXT OF ACT OF NOVEMBER 23, 1921  
AND  
MAXIMUM AMOUNTS AVAILABLE  
TO THE STATES

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[S. 1039—Sheppard-Towner Act.]

An Act For the promotion of the welfare and hygiene of maternity and infancy, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, the sums specified in section 2 of this Act, to be paid to the several States for the purpose of cooperating with them in promoting the welfare and hygiene of maternity and infancy as hereinafter provided.

SEC. 2. For the purpose of carrying out the provisions of this Act, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the current fiscal year \$480,000, to be equally apportioned among the several States, and for each subsequent year, for the period of five years, \$240,000, to be equally apportioned among the several States in the manner hereinafter provided: *Provided,* That there is hereby authorized to be appropriated for the use of the States, subject to the provisions of this Act, for the fiscal year ending June 30, 1922, an additional sum of \$1,000,000, and annually thereafter, for the period of five years, an additional sum not to exceed \$1,000,000: *Provided further,* That the additional appropriations herein authorized shall be apportioned \$5,000 to each State and the balance among the States in the proportion which their population bears to the total population of the States of the United States, according to the last preceding United States census: *And provided further,* That no payment out of the additional appropriation herein authorized shall be made in any year to any State until an equal sum has been appropriated for that year by the legislature of such State for the maintenance of the services and facilities provided for in this Act.

So much of the amount apportioned to any State for any fiscal year as remains unpaid to such State at the close thereof shall be available for expenditures in that State until the close of the succeeding fiscal year.

SEC. 3. There is hereby created a Board of Maternity and Infant Hygiene, which shall consist of the Chief of the Children's Bureau, the Surgeon General of the United States Public Health Service, and the United States Commissioner of Education, and which is hereafter designated in this Act as the Board. The Board shall elect its own chairman and perform the duties provided for in this Act.

The Children's Bureau of the Department of Labor shall be charged with the administration of this Act, except as herein otherwise provided, and the Chief of the Children's Bureau shall be the executive officer. It shall be the duty of the Children's Bureau to make or cause to be made such studies, investigations, and reports as will promote the efficient administration of this Act.

SEC. 4. In order to secure the benefits of the appropriations authorized in section 2 of this Act, any State shall, through the legislative authority thereof, accept the provisions of this Act and designate or authorize the creation of a State agency with which the Children's Bureau shall have all necessary powers to cooperate as herein provided in the administration of the provisions of this Act: *Provided*, That in any State having a child-welfare or child-hygiene division in its State agency of health, the said State agency of health shall administer the provisions of this Act through such divisions. If the legislature of any State has not made provision for accepting the provisions of this Act the governor of such State may in so far as he is authorized to do so by the laws of such State accept the provisions of this Act and designate or create a State agency to cooperate with the Children's Bureau until six months after the adjournment of the first regular session of the legislature in such State following the passage of this Act.

SEC. 5. So much, not to exceed 5 per centum, of the additional appropriations authorized for any fiscal year under section 2 of this Act, as the Children's Bureau may estimate to be necessary for administering the provisions of this Act, as herein provided, shall be deducted for that purpose, to be available until expended.

SEC. 6. Out of the amounts authorized under section 5 of this Act the Children's Bureau is authorized to employ such assistants, clerks, and other persons in the District of Columbia and elsewhere, to be taken from the eligible lists of the Civil Service Commission, and to purchase such supplies, material, equipment, office fixtures, and apparatus, and to incur such travel and other expense as it may deem necessary for carrying out the purposes of this Act.

SEC. 7. Within sixty days after any appropriation authorized by this Act has been made, the Children's Bureau shall make the apportionment herein provided for and shall certify to the Secretary of the Treasury the amount estimated by the bureau to be necessary for administering the provisions of this Act, and shall certify to the Secretary of the Treasury and to the treasurers of the various States the amount which has been apportioned to each State for the fiscal year for which such appropriation has been made.

SEC. 8. Any State desiring to receive the benefits of this Act shall, by its agency described in section 4, submit to the Children's Bureau detailed plans for carrying out the provisions of this Act within such State, which plans shall be subject to the approval of the board: *Provided*, That the plans of the States under this Act shall provide that no official, or agent, or representative in carrying out the provisions of this Act shall enter any home or take charge of any child over the objection of the parents, or either of them, or the person standing in loco parentis or having custody of such child. If these plans shall be in conformity with the provisions of this Act and reasonably appropriate and adequate to carry out its purposes they shall be approved by the board and due notice of such approval shall be sent to the State agency by the chief of the Children's Bureau.

SEC. 9. No official, agent, or representative of the Children's Bureau shall by virtue of this Act have any right to enter any home over the objection of the owner thereof, or to take charge of any child over the objection of the parents, or either of them, or of the

person standing in loco parentis or having custody of such child. Nothing in this Act shall be construed as limiting the power of a parent or guardian or person standing in loco parentis to determine what treatment or correction shall be provided for a child or the agency or agencies to be employed for such purpose.

SEC. 10. Within sixty days after any appropriation authorized by this Act has been made, and as often thereafter while such appropriation remains unexpended as changed conditions may warrant, the Children's Bureau shall ascertain the amounts that have been appropriated by the legislatures of the several States accepting the provisions of this Act and shall certify to the Secretary of the Treasury the amount to which each State is entitled under the provisions of this Act. Such certificate shall state (1) that the State has, through its legislative authority, accepted the provisions of this Act and designated or authorized the creation of an agency to cooperate with the Children's Bureau, or that the State has otherwise accepted this Act, as provided in section 4 hereof; (2) the fact that the proper agency of the State has submitted to the Children's Bureau detailed plans for carrying out the provisions of this Act, and that such plans have been approved by the board; (3) the amount, if any, that has been appropriated by the legislature of the State for the maintenance of the services and facilities of this Act, as provided in section 2 hereof; and (4) the amount to which the State is entitled under the provisions of this Act. Such certificate, when in conformity with the provisions hereof, shall, until revoked as provided in section 12 hereof, be sufficient authority to the Secretary of the Treasury to make payment to the State in accordance therewith.

SEC. 11. Each State agency cooperating with the Children's Bureau under this Act shall make such reports concerning its operations and expenditures as shall be prescribed or requested by the bureau. The Children's Bureau may, with the approval of the board, and shall, upon request of a majority of the board, withhold any further certificate provided for in section 10 hereof whenever it shall be determined as to any State that the agency thereof has not properly expended the money paid to it or the moneys herein required to be appropriated by such State for the purposes and in accordance with the provisions of this Act. Such certificate may be withheld until such time or upon such conditions as the Children's Bureau, with the approval of the board, may determine; when so withheld the State agency may appeal to the President of the United States who may either affirm or reverse the action of the Bureau with such directions as he shall consider proper: *Provided*, That before any such certificate shall be withheld from any State, the chairman of the board shall give notice in writing to the authority designated to represent the State, stating specifically wherein said State has failed to comply with the provisions of this Act.

SEC. 12. No portion of any moneys apportioned under this Act for the benefit of the States shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings or equipment, or for the purchase or rental of any buildings or lands, nor shall any such moneys or moneys required to be appropriated by any State for the purposes and in accordance with the provisions of this Act be used for the payment of any maternity or infancy pension, stipend, or gratuity.

SEC. 13. The Children's Bureau shall perform the duties assigned to it by this Act under the supervision of the Secretary of Labor, and he shall include in his annual report to Congress a full account of the administration of this Act and expenditures of the moneys herein authorized.

SEC. 14. This Act shall be construed as intending to secure to the various States control of the administration of this Act within their respective States, subject only to the provisions and purposes of this Act.

Approved, November 23, 1921.

## MAXIMUM AMOUNTS AVAILABLE TO THE STATES.

The act authorizes an expenditure by the Children's Bureau of not to exceed \$50,000 per annum for Federal administration. The following table shows the maximum amounts of money which the several States may receive from the Federal Government when complying with sections 4 and 8 of the act:

*Maximum annual amounts available for States under Sheppard-Towner Act.*

State.	Population, 1920.	Per cent of total population.	Maximum annual amounts available for States.				Total. <sup>1</sup>
			Granted outright. <sup>1</sup>	Granted if matched.			
				\$5,000 to each.	Appor- tioned on basis of population.	Total (if matched).	
Total.....	105, 273, 049	100. 0000000	\$480, 000. 00	\$240, 000. 00	\$710, 000. 00	\$950, 000. 00	\$1, 430, 000. 00
Alabama.....	2, 348, 174	2. 2305537	10, 000. 00	5, 000. 00	15, 836. 95	20, 836. 95	30, 836. 95
Arizona.....	334, 162	. 3174241	10, 000. 00	5, 000. 00	2, 253. 71	7, 253. 71	17, 253. 71
Arkansas.....	1, 752, 204	1. 6644374	10, 000. 00	5, 000. 00	11, 817. 51	16, 817. 51	26, 817. 51
California.....	3, 426, 861	3. 2552121	10, 000. 00	5, 000. 00	23, 112. 01	28, 112. 01	38, 112. 01
Colorado.....	939, 629	. 8925637	10, 000. 00	5, 000. 00	6, 337. 20	11, 337. 20	21, 337. 20
Connecticut.....	1, 380, 631	1. 3114762	10, 000. 00	5, 000. 00	9, 311. 48	14, 311. 48	24, 311. 48
Delaware.....	223, 003	. 2118329	10, 000. 00	5, 000. 00	1, 504. 01	6, 504. 01	16, 504. 01
Florida.....	968, 470	. 9199601	10, 000. 00	5, 000. 00	6, 531. 72	11, 531. 72	21, 531. 72
Georgia.....	2, 895, 832	2. 7507819	10, 000. 00	5, 000. 00	19, 530. 55	24, 530. 55	34, 530. 55
Idaho.....	431, 866	. 4102342	10, 000. 00	5, 000. 00	2, 912. 66	7, 912. 66	17, 912. 66
Illinois.....	6, 485, 280	6. 1604371	10, 000. 00	5, 000. 00	43, 739. 10	48, 739. 10	58, 739. 10
Indiana.....	2, 930, 390	2. 7836089	10, 000. 00	5, 000. 00	19, 763. 62	24, 763. 62	34, 763. 62
Iowa.....	2, 404, 021	2. 2836054	10, 000. 00	5, 000. 00	16, 213. 60	21, 213. 60	31, 213. 60
Kansas.....	1, 769, 257	1. 6806362	10, 000. 00	5, 000. 00	11, 932. 52	16, 932. 52	26, 932. 52
Kentucky.....	2, 416, 630	2. 2958288	10, 000. 00	5, 000. 00	16, 298. 64	21, 298. 64	31, 298. 64
Louisiana.....	1, 798, 509	1. 7084230	10, 000. 00	5, 000. 00	12, 129. 80	17, 129. 80	27, 129. 80
Maine.....	768, 014	. 7295447	10, 000. 00	5, 000. 00	5, 179. 77	10, 179. 77	20, 179. 77
Maryland.....	1, 449, 661	1. 3770486	10, 000. 00	5, 000. 00	9, 777. 05	14, 777. 05	24, 777. 05
Massachusetts.....	3, 852, 356	3. 6393943	10, 000. 00	5, 000. 00	25, 981. 70	30, 981. 70	40, 981. 70
Michigan.....	3, 668, 412	3. 4846640	10, 000. 00	5, 000. 00	24, 741. 11	29, 741. 11	39, 741. 11
Minnesota.....	2, 387, 155	2. 2675557	10, 000. 00	5, 000. 00	16, 099. 65	21, 099. 65	31, 099. 65
Mississippi.....	1, 790, 618	1. 7009273	10, 000. 00	5, 000. 00	12, 076. 58	17, 076. 58	27, 076. 58
Missouri.....	3, 404, 055	3. 2335484	10, 000. 00	5, 000. 00	22, 958. 19	27, 958. 19	37, 958. 19
Montana.....	548, 889	. 5213956	10, 000. 00	5, 000. 00	3, 701. 91	8, 701. 91	18, 701. 91
Nebraska.....	1, 296, 372	1. 2314377	10, 000. 00	5, 000. 00	8, 743. 21	13, 743. 21	23, 743. 21
Nevada.....	77, 407	. 0735297	10, 000. 00	5, 000. 00	522. 06	5, 522. 06	15, 522. 06
New Hampshire.....	443, 083	. 4208893	10, 000. 00	5, 000. 00	2, 988. 31	7, 988. 31	17, 988. 31
New Jersey.....	3, 155, 900	2. 9978233	10, 000. 00	5, 000. 00	21, 284. 55	26, 284. 55	36, 284. 55
New Mexico.....	360, 350	. 3423003	10, 000. 00	5, 000. 00	2, 430. 33	7, 430. 33	17, 430. 33
New York.....	10, 385, 227	9. 8650387	10, 000. 00	5, 000. 00	70, 041. 78	75, 041. 78	85, 041. 78
North Carolina.....	2, 559, 123	2. 4309384	10, 000. 00	5, 000. 00	17, 259. 66	22, 259. 66	32, 259. 66
North Dakota.....	646, 872	. 6144707	10, 000. 00	5, 000. 00	4, 362. 74	9, 362. 74	19, 362. 74
Ohio.....	5, 759, 394	5. 4709102	10, 000. 00	5, 000. 00	38, 843. 46	43, 843. 46	53, 843. 46
Oklahoma.....	2, 028, 283	1. 9266878	10, 000. 00	5, 000. 00	13, 679. 48	18, 679. 48	28, 679. 48
Oregon.....	783, 389	. 7441496	10, 000. 00	5, 000. 00	5, 283. 46	10, 283. 46	20, 283. 46
Pennsylvania.....	8, 720, 017	8. 2832378	10, 000. 00	5, 000. 00	58, 810. 99	63, 810. 99	73, 810. 99
Rhode Island.....	604, 397	. 5741232	10, 000. 00	5, 000. 00	4, 076. 28	9, 076. 28	19, 076. 28
South Carolina.....	1, 683, 724	1. 5993875	10, 000. 00	5, 000. 00	11, 355. 65	16, 355. 65	26, 355. 65
South Dakota.....	636, 547	. 6046628	10, 000. 00	5, 000. 00	4, 293. 11	9, 293. 11	19, 293. 11
Tennessee.....	2, 337, 885	2. 2207821	10, 000. 00	5, 000. 00	15, 767. 55	20, 767. 55	30, 767. 55
Texas.....	4, 663, 228	4. 4296504	10, 000. 00	5, 000. 00	31, 450. 52	36, 450. 52	46, 450. 52
Utah.....	449, 396	. 4268861	10, 000. 00	5, 000. 00	3, 030. 89	8, 030. 89	18, 030. 89
Vermont.....	352, 428	. 3347751	10, 000. 00	5, 000. 00	2, 376. 90	7, 376. 90	17, 376. 90
Virginia.....	2, 309, 187	2. 1935215	10, 000. 00	5, 000. 00	15, 574. 00	20, 574. 00	30, 574. 00
Washington.....	1, 356, 621	1. 2886689	10, 000. 00	5, 000. 00	9, 149. 55	14, 149. 55	24, 149. 55
West Virginia.....	1, 463, 701	1. 3903853	10, 000. 00	5, 000. 00	9, 871. 74	14, 871. 74	24, 871. 74
Wisconsin.....	2, 632, 067	2. 5002287	10, 000. 00	5, 000. 00	17, 751. 62	22, 751. 62	32, 751. 62
Wyoming.....	194, 402	. 1846645	10, 000. 00	5, 000. 00	1, 311. 12	6, 311. 12	16, 311. 12

<sup>1</sup> At the end of the present fiscal year, June 30, 1922, the yearly amount to be given outright to the States for each of the succeeding five years will be \$240,000—\$5,000 instead of \$10,000 for each State. The total annual amount available for the States will then be \$1,190,000; and the total available for each State the amount given in the last column minus \$5,000.