

U. S. DEPARTMENT OF LABOR

JAMES J. DAVIS, Secretary

CHILDREN'S BUREAU

GRACE ABBOTT, Chief

TEXT OF ACT OF NOVEMBER 23, 1921, FOR
THE PROMOTION OF THE WELFARE AND
HYGIENE OF MATERNITY AND INFANCY
AND
MAXIMUM AMOUNTS AVAILABLE TO THE STATES

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[PUBLIC—No. 97—67TH CONGRESS.]

[S. 1039.]

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.

[PUBLIC—No. 35—68TH CONGRESS.]

[H. R. 4121.]

An Act To extend the provisions of certain laws to the Territory of Hawaii.

* * * * *

SEC. 3. The Territory of Hawaii shall be entitled to share in the benefits of the Act entitled "An Act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, and any Act amendatory thereof or supplementary thereto, upon the same terms and conditions as any of the several States. For the fiscal year ending June 30, 1925, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$13,000, to be available for apportionment under such Act to the Territory, and annually thereafter such sum as would be apportioned to the Territory if such Act had originally included the Territory.

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Approved, March 10, 1924.

**MAXIMUM AMOUNTS AVAILABLE TO THE STATES FOR
FISCAL YEAR ENDING JUNE 30, 1927.**

State.	Population, 1920.	Per cent of total pop- ulation.	Maximum amounts available to States.				
			Granted outright.	Granted if matched.			Total.
				\$5,000 to each.	Appor- tioned on basis of population.	Total (if matched).	
Total.....	105,273,049	100.0000000	\$240,000.00	\$240,000.00	\$710,000.00	\$950,000.00	\$1,190,000.00
Alabama.....	2,348,172	2.2305557	5,000.00	5,000.00	15,836.95	20,836.95	25,836.95
Arizona.....	334,162	.3174241	5,000.00	5,000.00	2,253.71	7,253.71	12,253.71
Arkansas.....	1,752,204	1.6644374	5,000.00	5,000.00	11,817.51	16,817.51	21,817.51
California.....	3,426,861	3.2552121	5,000.00	5,000.00	23,112.01	28,112.01	33,112.01
Colorado.....	939,629	.8925637	5,000.00	5,000.00	6,337.20	11,337.20	16,337.20
Connecticut.....	1,380,631	1.3114762	5,000.00	5,000.00	9,311.48	14,311.48	19,311.48
Delaware.....	223,003	.2118329	5,000.00	5,000.00	1,504.01	6,504.01	11,504.01
Florida.....	968,470	.9199601	5,000.00	5,000.00	6,531.72	11,531.72	16,531.72
Georgia.....	2,895,832	2.7507819	5,000.00	5,000.00	19,530.55	24,530.55	29,530.55
Idaho.....	431,866	.4102342	5,000.00	5,000.00	2,912.66	7,912.66	12,912.66
Illinois.....	6,485,280	6.1604371	5,000.00	5,000.00	43,739.10	48,739.10	53,739.10
Indiana.....	2,930,390	2.7836089	5,000.00	5,000.00	19,763.62	24,763.62	29,763.62
Iowa.....	2,404,021	2.2836054	5,000.00	5,000.00	16,213.60	21,213.60	26,213.60
Kansas.....	1,769,257	1.6806362	5,000.00	5,000.00	11,932.52	16,932.52	21,932.52
Kentucky.....	2,416,630	2.2955828	5,000.00	5,000.00	16,298.64	21,298.64	26,298.64
Louisiana.....	1,798,509	1.7084230	5,000.00	5,000.00	12,129.80	17,129.80	22,129.80
Maine.....	768,014	.7295447	5,000.00	5,000.00	5,179.77	10,179.77	15,179.77
Maryland.....	1,449,661	1.3770486	5,000.00	5,000.00	9,777.05	14,777.05	19,777.05
Massachusetts.....	3,852,356	3.6593943	5,000.00	5,000.00	25,981.70	30,981.70	35,981.70
Michigan.....	3,668,412	3.4846640	5,000.00	5,000.00	24,741.11	29,741.11	34,741.11
Minnesota.....	2,387,125	2.2675557	5,000.00	5,000.00	16,099.65	21,099.65	26,099.65
Mississippi.....	1,790,618	1.7009273	5,000.00	5,000.00	12,076.58	17,076.58	22,076.58
Missouri.....	3,404,055	3.2335484	5,000.00	5,000.00	22,958.19	27,958.19	32,958.19
Montana.....	548,889	.5213956	5,000.00	5,000.00	3,701.91	8,701.91	13,701.91
Nebraska.....	1,296,372	1.2314377	5,000.00	5,000.00	8,743.21	13,743.21	18,743.21
Nevada.....	77,407	.0735297	5,000.00	5,000.00	522.06	5,522.06	10,522.06
New Hampshire.....	443,083	.4208893	5,000.00	5,000.00	2,988.31	7,988.31	12,988.31
New Jersey.....	3,155,900	2.9978233	5,000.00	5,000.00	21,284.55	26,284.55	31,284.55
New Mexico.....	360,350	.3423003	5,000.00	5,000.00	2,430.33	7,430.33	12,430.33
New York.....	10,385,227	9.8650337	5,000.00	5,000.00	70,041.78	75,041.78	80,041.78
North Carolina.....	2,559,123	2.4309384	5,000.00	5,000.00	17,259.66	22,259.66	27,259.66
North Dakota.....	646,872	.6144707	5,000.00	5,000.00	4,362.74	9,362.74	14,362.74
Ohio.....	5,759,394	5.4709102	5,000.00	5,000.00	38,843.46	43,843.46	48,843.46
Oklahoma.....	2,028,283	1.9266878	5,000.00	5,000.00	13,679.48	18,679.48	23,679.48
Oregon.....	783,389	.7441496	5,000.00	5,000.00	5,283.46	10,283.46	15,283.46
Pennsylvania.....	8,720,017	8.2832378	5,000.00	5,000.00	58,810.99	63,810.99	68,810.99
Rhode Island.....	604,397	.5741232	5,000.00	5,000.00	4,076.28	9,076.28	14,076.28
South Carolina.....	1,683,724	1.5993875	5,000.00	5,000.00	11,355.65	16,355.65	21,355.65
South Dakota.....	636,547	.6046628	5,000.00	5,000.00	4,293.11	9,293.11	14,293.11
Tennessee.....	2,337,885	2.2207821	5,000.00	5,000.00	15,767.55	20,767.55	25,767.55
Texas.....	4,663,228	4.4296504	5,000.00	5,000.00	31,450.52	36,450.52	41,450.52
Utah.....	449,396	.4268861	5,000.00	5,000.00	3,030.89	8,030.89	13,030.89
Vermont.....	352,428	.3347751	5,000.00	5,000.00	2,376.90	7,376.90	12,376.90
Virginia.....	2,309,187	2.1935215	5,000.00	5,000.00	15,574.00	20,574.00	25,574.00
Washington.....	1,356,621	1.2886689	5,000.00	5,000.00	9,149.55	14,149.55	19,149.55
West Virginia.....	1,463,701	1.3903853	5,000.00	5,000.00	9,871.74	14,871.74	19,871.74
Wisconsin.....	2,632,067	2.5002287	5,000.00	5,000.00	17,751.62	22,751.62	27,751.62
Wyoming.....	194,402	.1846645	5,000.00	5,000.00	1,311.12	6,311.12	11,311.12

¹ This total does not include the \$11,725.96 for Hawaii to which the provisions of the act were extended in 1924, nor the \$50,354 made available to the Children's Bureau for administrative purposes.

U. S. Department of Labor
CHILDREN'S BUREAU
Washington

[Public—No. 556—69th Congress]

[H. R. 7555]

An act to authorize for the fiscal years ending June 30, 1928, and June 30, 1929, appropriations for carrying out the provisions of the Act entitled "An Act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
That section 2 of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, is amended by striking out the words "for the period of five years" wherever such words appear in such section and inserting in lieu thereof the words "for the period of seven years."

Sec. 2. That said act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes" approved November 23, 1921, shall, after June 30, 1929, be of no force and effect.

Approved January 23, 1927.