

68th P. L. 220
June 7, 1924

Calendar No. 606

68TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 568

TO PAY TUITION OF INDIAN CHILDREN IN PUBLIC SCHOOLS

MAY 19, 1924.—Ordered to be printed

Mr. HARRELD, from the Committee on Indian Affairs, submitted the following

REPORT

[To accompany H. R. 4835]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 4835) to pay tuition of Indian children in public schools, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

Strike out all after the word "Indian," at the end of line 5, and substitute therefor the following:

pupils in State public schools during the fiscal years 1921, 1922, and 1923, and to expend for such purpose whatever balances may remain from the appropriations for support of Indian day and industrial schools for such fiscal years, respectively, without regard to the limitations heretofore placed by law upon the use of such appropriations for tuition of Indian pupils in public schools: *Provided*, That so much as may be necessary of the unexpended balance of the appropriation for the fiscal year 1921 as may be required for the foregoing purpose is hereby appropriated.

The facts are set forth in House Report No. 270, Sixty-eighth Congress, first session, which is appended hereto and made a part of this report.

There is also attached a letter from the Secretary of the Interior, under date of May 10, 1924.

[House Report No. 270, Sixty-eighth Congress, first session]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 4835) to pay tuition of Indian children in public schools, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

Line 15, after the word "hereby," insert the words "authorized to be."

A number of Indian children are now attending public schools, creating a congested condition in the schools for which funds were not available to the school to take care of extra expenses. The present appropriation bill, recently

passed, would seem to take care of this situation for the future through an increase in the amount of money available for tuition of Indian children, but the situation for the past three years has left several of the school districts in a crippled financial condition. Consequently your committee believes that they should be reimbursed as fully as possible to put them in a position to go forward with the work of educating the Indian children with the white children, greatly to the advantage of the Indians.

Letters from the Secretary of the Interior fully setting forth the reasons for the enactment of this legislation are attached hereto and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, January 23, 1924.

HON. HOMER P. SNYDER,
*Chairman Committee on Indian Affairs,
House of Representatives.*

MY DEAR MR. SNYDER: I have your letter of January 11, 1924, requesting a report upon H. R. 4835, for the benefit of the Committee on Indian Affairs. I recommend favorable action thereon.

During the fiscal years 1921-1923, \$200,000 was appropriated for payment of tuition under contract for Indian children attending public schools. In accordance with provisions of existing law, funds appropriated for the fiscal year 1921 have been returned to the Treasury and are not now available without reappropriation. There are, however, certain claims on behalf of public-school districts calling for the further expenditure of money for tuition for 1921. Although there are no contracts representing these claims, yet the service was rendered and the claims are just. It is desirable to reappropriate the unexpended balance of this fund in order that settlement may be made of all valid claims in cases where the public schools have assumed the responsibility of educating Indian children whose education must otherwise have been neglected or acquired at Government expense. What few claims exist of this character are small in amount.

Claims covering tuition for the fiscal year 1922 have also been presented since the close of that year; and although there are no outstanding contracts unpaid for this year, yet due to the service rendered, also existing correspondence relative thereto, it is thought that unquestionable responsibility to pay exists on the part of the United States Government.

With reference to the need for additional funds for the fiscal year 1923, the obligation is obvious and distinctly calls for relief, inasmuch as the entire appropriation has been obligated, leaving a large number of public-school contracts unapproved. These contracts were returned to the field because of insufficient funds.

It should be understood that for the fiscal years 1922 and 1923 contracts would undoubtedly have been granted or recognized by the Indian Office covering the cases in mind had it not appeared that there was danger of incurring a deficit. Nevertheless, nonpayment of these obligations has been a source of embarrassment to the service by reason of the dissatisfaction felt by the school districts over failure by the Government to make payments which they believed they had a right to expect.

Enactment of this bill will not authorize an excess over the amounts appropriated for support of Indian day and industrial schools, but will render the money available without regard to the limitation as to the amount which could be expended for public-school tuition.

Very truly yours,

HUBERT WORK.

JANUARY 31, 1924.

HON. SCOTT LEAVITT,
House of Representatives.

MY DEAR MR. LEAVITT: I have your letter of January 24, requesting specific information in regard to the bill H. R. 4835, recently introduced by you, for the payment of tuition for Indian pupils in public schools for the past three fiscal years.

The amounts of unexpended balances for the three fiscal years are to date as follows:

For the fiscal year 1921.....	\$28, 915. 14
For the fiscal year 1922.....	55, 512. 17
For the fiscal year 1923.....	64, 722. 37

It is thought that approximately \$11,164.80 will cover all claims for 1921 and \$4,198.50 will be sufficient for those of 1922. For the fiscal year 1923 the exact amount which will be required can not now be arrived at, since all unapproved contracts for this year were returned to the field and no data therefrom retained in this office. A rough estimate of the amount needed for 1923 may be stated as \$20,000.

Very truly yours,

HUBERT WORK.

DEPARTMENT OF THE INTERIOR,
Washington, May 10, 1924.

HON. J. W. HARRELD,
*Chairman Committee on Indian Affairs,
United States Senate.*

MY DEAR SENATOR HARRELD: I have your letter of April 12, 1924, in which you ask for a report in regard to H. R. 4835, also in which you wish to be informed whether the bill in question is in the form approved by the department in its report to the House committee.

It is suggested that H. R. 4835 be modified by striking out the words beginning with the sixth line, and substituting therefor the following words: "pupils in State public schools during the fiscal years 1921, 1922, and 1923, and to expend for such purpose whatever balances may remain from the appropriations for support of Indian day and industrial schools for such fiscal years, respectively, without regard to the limitations heretofore placed by law upon the use of such appropriations for tuition of Indian pupils in public schools: *Provided*, That so much as may be necessary of the unexpended balance of the appropriation for the fiscal year 1921 as may be required for the foregoing purpose is hereby appropriated."

This change is desired in order that settlement may be made, including the claims for public-school tuition for the fiscal year 1921, as well as the fiscal years 1922 and 1923, also because a limit of \$30,000 is not fixed as in H. R. 4835. While \$30,000 would possibly be sufficient to cover all outstanding claims of this sort, yet it is thought best not to place the limit at this amount because of the possible need of \$35,000.

It is thought that approximately \$11,164.80 will cover all claims for 1921, and \$4,198.50 will be sufficient for those of 1922. For the fiscal year 1923 the exact amount which will be required can not now be arrived at since all unapproved contracts for this year were returned to the field and no data therefrom retained in this department. A rough estimate of the amount needed for 1923 may be stated as \$20,000.

The department has been advised by the Director of the Bureau of the Budget that this report is not in conflict with the financial program of the President.

Very truly yours,

E. C. FINNEY, *Acting Secretary.*