
USE OF IMMIGRANT FUND FOR EXPENSE OF
PROCUREMENT OF TEMPORARY BUILDINGS
ON ELLIS ISLAND.

The immigrant fund is not applicable to the payment of the expenses of erecting temporary portable buildings on Ellis Island for use in the detention and treatment of alien applicants for admission into the United States, but is applicable to the payment of rent for the use of buildings erected for such purpose by private persons, under a revocable license, in which provision is made for their removal when no longer needed for the service in question.

(Comptroller Tracewell to the Secretary of Commerce and Labor, November 20, 1906.)

In your communication of November 17, 1906, you request my decision of a question which you therein present as follows:

“The Department submits herewith certain correspondence, together with blueprints, with reference to the desirability and necessity of erecting at the Ellis Island Immigrant Station certain temporary structures in the nature of portable buildings for use in detaining alien applicants for admission and as hospitals for the care and treatment of those afflicted with diseases which under the law can be treated pending the determination of the right of the aliens to land.

“The existing detention and hospital quarters at Ellis Island are inadequate for the proper handling of the immigrant traffic even during the dull season, and the necessity

for more commodious quarters is constantly increasing. In order to relieve this congested and unsatisfactory condition of affairs the Department is desirous of erecting such temporary structures, in the nature of portable buildings as may be necessary to satisfy existing and future needs until such time as it may be possible to secure from Congress an appropriation for permanent buildings.

“In view of the foregoing, I have the honor to request your decision as to whether the ‘immigrant fund’ provided for by section 1 of the act of March 3, 1903, is available for the payment of the cost of erecting the buildings in question. In case the above question is answered in the negative, your decision is requested as to whether the buildings may be erected by private parties under a revocable license and the rent therefor paid from the ‘immigrant fund.’”

The act of June 22, 1906 (34 Stat., 445), makes an appropriation of \$32,550 for salaries of officers and employees of the Bureau of Immigration, which, “it is therein provided, together with all other expenses of regulating immigration, shall be paid from the permanent appropriation for expenses of regulating immigration.” The permanent appropriation for expenses of regulating immigration is made by the act of March 3, 1903 (32 Stat., 1213), which supersedes the act of August 3, 1882 (22 Stat., 214). This act provides for the collection of a duty for alien passengers coming by vessels from foreign ports into the United States, which is to be paid into the Treasury and to constitute a permanent appropriation to be called the “immigrant fund,” and to be used to defray the expense of regulating the immigration of aliens into the United States.

From your statement of facts I am of opinion that the portable buildings sought to be erected are not of such temporary nature as will justify the use of the above permanent appropriation in their erection, but if the crowded condition of the island is such as to make it necessary to have additional temporary quarters the said permanent appropriation may be used to temporarily pay rent for portable buildings erected thereon by private persons under a revocable license in which proper provision is made for removal of said buildings when their temporary use is no longer needed by the service in question.