

CHAP. 8.—An Act To limit the immigration of aliens into the United States

May 19, 1921  
[H. R. 4075 ]  
[Public, No. 5 ]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That as used in this Act—

The term “United States” means the United States, and any waters, territory, or other place subject to the jurisdiction thereof except the Canal Zone and the Philippine Islands; but if any alien leaves the Canal Zone or any insular possession of the United States and attempts to enter any other place under the jurisdiction of the United States nothing contained in this Act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens.

Immigration of  
aliens.  
“United States”  
construed  
Canal Zone and in-  
sular restriction

The word “alien” includes any person not a native-born or naturalized citizen of the United States, but this definition shall not be held to include Indians of the United States not taxed nor citizens of the islands under the jurisdiction of the United States.

“Alien” defined.

The term “Immigration Act” means the Act of February 5, 1917, entitled “An Act to regulate the immigration of aliens to, and the residence of aliens in, the United States”; and the term “immigration laws” includes such Act and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, or expulsion of aliens.

“Immigration Act”  
Vol 39, pp 874-898.  
“Immigration laws”  
Comprehensive  
meaning

SEC. 2. (a) That the number of aliens of any nationality who may be admitted under the immigration laws to the United States in any fiscal year shall be limited to 3 per centum of the number of foreign-born persons of such nationality resident in the United States as determined by the United States census of 1910. This provision shall not apply to the following, and they shall not be counted in reckoning any of the percentage limits provided in this Act: (1) Government officials, their families, attendants, servants, and employees; (2) aliens in continuous transit through the United States; (3) aliens lawfully admitted to the United States who later go in transit from one part of the United States to another through foreign contiguous territory; (4) aliens visiting the United States as tourists or temporarily for business or pleasure; (5) aliens from countries immigration from which is regulated in accordance with treaties or agreements relating solely to immigration; (6) aliens from the so-called Asiatic barred zone, as described in section 3 of the Immigration Act; (7) aliens who have resided continuously for at least one year immediately preceding the time of their admission to the United States in the Dominion of Canada, Newfoundland, the Republic of Cuba, the Republic of Mexico, countries of Central or South America, or adjacent islands; or (8) aliens under the age of eighteen who are children of citizens of the United States.

Yearly admissions  
limited to 3 per cent of  
residents of same na-  
tionality

Persons excepted  
from percentage lim-  
its.

Vol 39, p 876.  
Residents of con-  
tiguous countries, etc  
Post, p 54<sup>a</sup>.

Minor children of  
residents

(b) For the purposes of this Act nationality shall be determined by country of birth, treating as separate countries the colonies or dependencies for which separate enumeration was made in the United States census of 1910.

Country of birth to  
determine nationality.

(c) The Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly, shall, as soon as feasible after the enactment of this Act, prepare a statement showing the number of persons of the various nationalities resident in the United States as determined by the United States census of 1910, which statement shall be the population basis for the purposes of this Act. In case of changes in political boundaries in foreign countries occurring subsequent to 1910 and resulting (1) in the creation of new countries, the Governments of which are recognized by the United States, or (2) in the transfer of territory from one country to another, such transfer being recognized by the United States, such officials, jointly, shall estimate the number of persons resident in the United States in 1910 who were

Statement of various  
nationalities of resi-  
dents in 1910, to be pre-  
pared

Estimate for newly  
created countries, or  
transferred territo-  
ries

Place of birth to be considered therefrom	born within the area included in such new countries or in such territory so transferred, and revise the population basis as to each country involved in such change of political boundary. For the purpose of such revision and for the purposes of this Act generally aliens born in the area included in any such new country shall be considered as having been born in such country, and aliens born in any territory so transferred shall be considered as having been born in the country to which such territory was transferred.
Exclusion of others after maximum of nationality admitted	(d) When the maximum number of aliens of any nationality who may be admitted in any fiscal year under this Act shall have been admitted all other aliens of such nationality, except as otherwise provided in this Act, who may apply for admission during the same fiscal year shall be excluded: <i>Provided</i> , That the number of aliens of any nationality who may be admitted in any month shall not exceed 20 per centum of the total number of aliens of such nationality who are admissible in that fiscal year: <i>Provided further</i> , That aliens returning from a temporary visit abroad, aliens who are professional actors, artists, lecturers, singers, nurses, ministers of any religious denomination, professors for colleges or seminaries, aliens belonging to any recognized learned profession, or aliens employed as domestic servants, may, if otherwise admissible, be admitted notwithstanding the maximum number of aliens of the same nationality admissible in the same month or fiscal year, as the case may be, shall have entered the United States; but aliens of the classes included in this proviso who enter the United States before such maximum number shall have entered shall (unless excluded by subdivision (a) from being counted) be counted in reckoning the percentage limits provided in this Act: <i>Provided further</i> , That in the enforcement of this Act preference shall be given so far as possible to the wives, parents, brothers, sisters, children under eighteen years of age, and fiancées, (1) of citizens of the United States, (2) of aliens now in the United States who have applied for citizenship in the manner provided by law, or (3) of persons eligible to United States citizenship who served in the military or naval forces of the United States at any time between April 6, 1917, and November 11, 1918, both dates inclusive, and have been separated from such forces under honorable conditions.
Provisos Monthly limitation of admission	
Classes excepted notwithstanding maximum of nationality have been admitted	
To be counted in percentage limits	
Preference to families, etc., of citizens	
Of applicants for citizenship	
Persons eligible by war service to be naturalized Vol 41, p 222	
Rules, etc., to be prescribed	SEC. 3. That the Commissioner General of Immigration, with the approval of the Secretary of Labor, shall, as soon as feasible after the enactment of this Act, and from time to time thereafter, prescribe rules and regulations necessary to carry the provisions of this Act into effect. He shall, as soon as feasible after the enactment of this Act, publish a statement showing the number of aliens of the various nationalities who may be admitted to the United States between the date this Act becomes effective and the end of the current fiscal year, and on June 30 thereafter he shall publish a statement showing the number of aliens of the various nationalities who may be admitted during the ensuing fiscal year. He shall also publish monthly statements during the time this Act remains in force showing the number of aliens of each nationality already admitted during the then current fiscal year and the number who may be admitted under the provisions of this Act during the remainder of such year, but when 75 per centum of the maximum number of any nationality admissible during the fiscal year shall have been admitted such statements shall be issued weekly thereafter. All statements shall be made available for general publication and shall be mailed to all transportation companies bringing aliens to the United States who shall request the same and shall file with the Department of Labor the address to which such statements shall be sent. The Secretary of Labor shall also submit such statements to the Secretary of State, who shall transmit the informa-
Statement of number of admissibles to be published	
For ensuing year	
Monthly statements of admission, etc	
Weekly statements when 75 per cent of maximum have been admitted.	
Dissemination of statements	
Transmittal to American representatives abroad.	

tion contained therein to the proper diplomatic and consular officials of the United States, which officials shall make the same available to persons intending to emigrate to the United States and to others who may apply.

Sec. 4. That the provisions of this Act are in addition to and not in substitution for the provisions of the immigration laws.

Sec. 5. That this Act shall take effect and be enforced 15 days after its enactment (except sections 1 and 3 and subdivisions (b) and (c) of section 2, which shall take effect immediately upon the enactment of this Act), and shall continue in force until June 30, 1922, and the number of aliens of any nationality who may be admitted during the remaining period of the current fiscal year, from the date when this Act becomes effective to June 30, shall be limited in proportion to the number admissible during the fiscal year 1922.

Approved, May 19, 1921.

Provisions additional to immigration law.  
Effective dates in force until June 30, 1922  
Admission allowed to June 31, 1921  
Post, pp. 549, 1065.

**CHAP. 9.**—An Act For the relief of certain ex-service men whose rights to make entries on the North Platte irrigation project, Nebraska-Wyoming, were defeated by intervening claims.

May 20, 1921.  
[S 594 ]  
[Public, No 6 ]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the ex-service men qualified to make entry under the homestead laws, who were successful at the drawing held March 5, 1920, for farm units on the North Platte irrigation project, Fort Laramie unit, Nebraska-Wyoming, and to whom approved water-rental applications were duly issued, but who were prevented from making homestead entries for the lands covered by such applications because of the reinstatement of certain conflicting homestead entries, shall each have a preferred right of entry under the homestead laws at the next opening of lands under said project, for not less than thirty days before the date set for the opening of such lands to other entry: *Provided,* That this Act shall not be considered as entitling any person to make another homestead entry who shall have received the benefits of the homestead laws since being prevented, as aforesaid, from exercising the right acquired at the said drawing on March 5, 1920.

North Platte Irrigation Project, Nebr., Wyo.  
Ex-service men, prevented by intervening claims, to have preference homestead entry rights at next opening under.

Proviso Condition

Approved, May 20, 1921.

**CHAP. 10.**—An Act Granting the consent of Congress to the Washington and Old Dominion Railway, a corporation, to construct a bridge across the Potomac River.

May 25, 1921.  
[S 1479 ]  
[Public, No 7 ]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby granted to the Washington and Old Dominion Railway, a corporation organized under the laws of the State of Virginia, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Potomac River at a point suitable to the interests of navigation, at or near Point of Rocks, in the county of Frederick, in the State of Maryland, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Potomac River. Washington and Old Dominion Railway may bridge, Point of Rocks, Md.

Construction. Vol. 34, p 84.

Sec. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment

Approved, May 25, 1921.