

IMPROVEMENT OF RENTED PREMISES.

The laying of conduits and wires in premises occupied by the United States under a lease from the owner is an improvement of the premises, and unless provision has been made in the lease for the making of such an improvement by the United States as a consideration in whole or in part for the use thereof, payment of the cost of such an improvement is not authorized.

(Acting Comptroller Mitchell to the Secretary of War, June 11, 1900.)

In your communication of the 8th instant you request my decision of the following question:

"I have the honor to state that requisition has been made upon the War Department by Gen. J. P. Sanger, on duty as director of the Cuban census, for the laying of a conduit and wires in the premises No. 1744 G street NW., this city, rented and occupied by the War Department for office purposes, for the running of electric fans.

"I beg to request your opinion upon the question whether the expense involved in laying the necessary conduit and wires in this building can be met from the appropriation for contingent expenses, War Department."

If the conduit and wires the laying of which is contemplated were for general use in connection with the occupancy by the War Department of the building referred to, and such an expenditure were authorized, I think payment of the cost thereof could be properly made from the appropriation named. But I infer from your statement that they are designed for the use of the director of the Cuban census, in the performance of his duties as director. If such is the fact, I doubt if the appropriation referred to is applicable to an expenditure for that purpose.

But there is a further objection to the expenditure in contemplation. It appears that the premises in which it is proposed to lay the conduit and wires are not the property of the United States, but are occupied under a lease from the owner. The laying of the conduit and wires in such premises would be in the nature of an improvement thereof, and unless provision has been made in the lease of the premises for the making of such improvement by the United States as a consideration in whole or in part for the use thereof, the payment of the cost of such improvement is not authorized. Such an expenditure would inure to the benefit of the owners of the premises, and to that extent would be a gratuity. (6 Comp. Dec., 146.)

I have the honor, therefore, to reply to your question in the negative.