



COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON

A-18335

MAY 16 1927

The Honorable

The Secretary of the Treasury.

Sir,

I have your letter of April 20, 1927, as follows:

"Your decision is respectfully requested as to the legality of the expenditure of funds out of the appropriation 'Field Investigations of Public Health, 1927' for construction of a cabinet to be used in the experimental study of light in relation to the diseases of man and conditions influencing their propagation and spread. Specifically, these include certain nutritional diseases and diseases and defects of the eye adversely affected by insufficient light.

"It is desired to construct a cabinet 30 feet square to study these conditions. It will consist of four glass sides with movable and adjustable opaque side and over panels by which the amount and direction of the light entering the cabinet can be controlled. The cabinet will be covered for the protection of the instruments and to exclude the entrance of light from above. The base of the cabinet will be supported on piles or small concrete pillars to keep it level. The construction is of temporary nature, as the experiment is for the period of one year, covering the four seasons, and the cabinet is practically valueless for other purposes."

The act of March 2, 1926, 44 Stat. 136, making appropriations for the Treasury Department for the fiscal year ending June 30, 1927, and for other purposes, under the title "Public Health Service" provides:

"Field Investigations: For investigations of diseases of man and conditions influencing the propagation and spread thereof,

including sanitation and sewage, and the pollution of navigable streams and lakes of the United States, including personal service, \$280,000."

It is a well settled rule of statutory construction that where an appropriation is made for a particular object, by implication it confers authority to incur expenses which are necessary, proper, or incident to the proper execution of the object, unless there is another appropriation which makes more specific provision for such expenditures, or unless they are prohibited by law, or unless it is manifestly evident from various precedent appropriation acts that Congress has specifically legislated for certain expenses of the Government creating the implication that such expenditures should not be incurred except by its express authority. Decision of August 12, 1911, and cases therein cited. See also 26 Comp. Dec. 829.

It is understood that the cabinet proposed to be erected is designed solely as a covered enclosure of sufficient size to permit the desired tests and to make possible at all times the control of the extent and direction of the light rays entering the cabinet. It is further understood that the cabinet is to be placed on Government-owned ground under the jurisdiction of another department, in view of the peculiar adaptability of the particular site, under conditions that will necessitate

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its removal at the termination of the tests and experiments covering the four seasons of one full year.

From the facts disclosed and the representations made it would appear that the proposed structure is not a public building or public improvement within the inhibition of section 3733, Revised Statutes, but is rather a scientific apparatus or device. You are advised, therefore, that if you shall find and certify that the structure is necessary in connection with the work for which the appropriation for "Field Investigations of Public Health, 1927" is made said appropriation is available for its construction.

Respectfully,

(Signed) J. R. McDaniel

Comptroller General
of the United States.