

**§ 1701c. Secretary of Housing and Urban Development**

In carrying out his functions, powers, and duties—

**(a) Employment of personnel; delegation of functions**

The Secretary of Housing and Urban Development may appoint such officers and employees as he may find necessary, which appointments shall be subject to the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5. The Secretary may make such expenditures as may be necessary to carry out his functions, powers, and duties, and there are authorized to be appropriated to the Secretary, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out such functions, powers, and duties and for administrative expenses in connection therewith. The Secretary, without in any way relieving himself from final responsibility, may delegate any of his functions and powers to such officers, agents, or employees as he may designate, may authorize such successive redelegations of such functions and powers, as he may deem desirable, and may make such rules and regulations as may be necessary to carry out his functions, powers, and duties.

**(b) Omitted**

**(c) Additional powers and duties of Secretary and Federal Home Loan Bank Board**

The Secretary of Housing and Urban Development, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, respectively, may, in addition to and not in derogation of any powers and authorities conferred elsewhere in this Act—

(1) with the consent of the agency or organization concerned, accept and utilize equipment, facilities, or the services of employees of any Federal, State, or local public agency or instrumentality, educational institution, or nonprofit agency or organization and, in connection with the utilization of such services, may make payments for transportation while away from their homes or regular places of business and per diem in lieu of subsistence en route and at place of such service, in accordance with the provisions of section 5703 of title 5;

(2) utilize, contract with and act through, without regard to section 6101 of title 41, any Federal, State, or local public agency or instrumentality, educational institution, or non-profit agency or organization with the consent of the agency or organization concerned, and any funds available to said officers for carrying out their respective functions, powers, and duties shall be available to reimburse or pay any such agency or organization; and, whenever in the judgment of any such officer necessary, he may make advance, progress, or other payments with respect to such contracts without regard to the provisions of subsections (a) and (b) of section 3324 of title 31; and

(3) make expenditures for all necessary expenses, including preparation, mounting, ship-

ping, and installation of exhibits; purchase and exchange of technical apparatus; and such other expenses as may, from time to time, be found necessary in carrying out their respective functions, powers, and duties: *Provided*, That funds made available for administrative expenses in carrying out the functions, powers, and duties imposed upon the Secretary of Housing and Urban Development and the Federal Home Loan Bank Agency,<sup>1</sup> respectively, by or pursuant to law may at their option be consolidated into a single administrative expense fund accounts of such officer or agency for expenditure by them, respectively, in accordance with the provisions hereof.

**(d) Use of funds for library memberships**

The Secretary of Housing and Urban Development may utilize funds made available to him for salaries and expenses for payment in advance for dues or fees for library memberships in organizations (or for membership of the individual librarians in organizations which will not accept library membership) whose publications are available to members only, or to members at a price lower than to the general public, and for payment in advance for publications available only upon that basis or available at a reduced price on prepublication order.

(Aug. 10, 1948, ch. 832, title V, § 502, 62 Stat. 1283; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972; Apr. 20, 1950, ch. 94, title V, § 503, 64 Stat. 80; Pub. L. 87-70, title IX, § 909, June 30, 1961, 75 Stat. 192; Pub. L. 90-19, § 5(d)(1)-(3), (8)-(13), May 25, 1967, 81 Stat. 21; Pub. L. 98-479, title II, §§ 202(b), 203(c), Oct. 17, 1984, 98 Stat. 2228, 2229; Pub. L. 100-242, title V, § 570(a)(1), (3), Feb. 5, 1988, 101 Stat. 1949, 1950; Pub. L. 101-73, title III, § 306, Aug. 9, 1989, 103 Stat. 352; Pub. L. 111-203, title III, § 370, July 21, 2010, 124 Stat. 1565.)

**Editorial Notes**

REFERENCES IN TEXT

This Act, referred to in subsec. (c), is act Aug. 10, 1948, ch. 832, 62 Stat. 1268, known as the Housing Act of 1948. For complete classification of this Act to the Code, see Short Title of 1948 Amendments note set out under section 1701 of this title and Tables.

CODIFICATION

In subsec. (c)(2), “section 6101 of title 41” substituted for “section 3709 of the Revised Statutes” on authority of Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

Subsec. (b) of section 502 of act Aug. 10, 1948, is set out as section 1404a of Title 42, The Public Health and Welfare.

Section was enacted as part of the Housing Act of 1948, and not as part of the National Housing Act which comprises this chapter.

AMENDMENTS

2010—Subsec. (c). Pub. L. 111-203, § 370(1), substituted “, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation” for “and the Director of the Office of Thrift Supervision” in introductory provisions.

Subsec. (c)(3). Pub. L. 111-203, § 370(2), substituted “Agency” for “Board”.

<sup>1</sup> So in original. Probably should refer to the Federal Housing Finance Agency.

1989—Subsec. (c). Pub. L. 101-73, §306(a), which directed the substitution of “Director of the Office of Thrift Supervision” for “Federal Home Loan Bank Board (which term as used in this section shall also include and refer to the Federal Savings and Loan Insurance Corporation, the Home Owners Loan Corporation, and the Chairman of the Federal Home Loan Bank Board)”, was executed as directed, except that “Home Owners’” rather than “Home Owners” appeared in the original in the language struck out.

Subsec. (c)(1). Pub. L. 101-73, §306(b), substituted “of any Federal, State, or local” for “of any State or local”.

1988—Subsec. (a). Pub. L. 100-242, §570(a)(1), struck out “The Secretary of Commerce or his designee shall hereafter be included in the membership of the National Housing Council.”

Subsec. (c)(2). Pub. L. 100-242, §570(a)(3), inserted “and” at end.

1984—Subsec. (a). Pub. L. 98-479, §202(b)(1), substituted “chapter 51 and subchapter III of chapter 53 of title 5” for “the Classification Act of 1949, as amended”.

Subsec. (c)(1). Pub. L. 98-479, §202(b)(2), substituted “section 5703 of title 5” for “5 U.S.C. 73b-2”.

Subsec. (c)(2). Pub. L. 98-479, §203(c), substituted “subsections (a) and (b) of section 3324 of title 31” for “section 3648 of the Revised Statutes [31 U.S.C. 529]”.

1967—Subsec. (a). Pub. L. 90-19, §5(d)(1)-(3), substituted “Secretary of Housing and Urban Development” for “Housing and Home Finance Administrator” and “Secretary” for “Administrator” wherever appearing, and struck out provision for preparation of official seal and judicial notice thereof.

Subsec. (c). Pub. L. 90-19, §5(d)(8), (9), substituted “Secretary of Housing and Urban Development and the Federal Home Loan Bank Board” for “Housing and Home Finance Administrator, the Home Loan Bank Board” where it first appears and “Federal Home Loan Bank Board” for “Home Loan Bank Board, the Federal Housing Commissioner, and the Public Housing Commissioner”.

Subsec. (c)(3). Pub. L. 90-19, §5(d)(10), (11), substituted “Secretary of Housing and Urban Development and the Federal Home Loan Bank Board” and “such officer or agency” for “Housing and Home Finance Administrator, the Home Loan Bank Board, the Federal Housing Commissioner, and the Public Housing Commissioner” and “said officers or agencies”.

Subsec. (d). Pub. L. 90-19, §5(d)(12), (13), substituted “Secretary of Housing and Urban Development may utilize funds made available to him” for “Housing and Home Finance Administrator, the Federal Housing Commissioner and the Public Housing Commissioner, respectively, may utilize funds made available to them” and struck out “of the respective agencies” after “librarians”.

1961—Subsec. (c)(3). Pub. L. 87-70, §909(1), struck out provisions which made section 5 of title 41 inapplicable to any purchase or contract by officers (or their agencies) for services or supplies if the amount thereof does not exceed \$300.

Subsec. (d). Pub. L. 87-70, §909(2), added subsec. (d).

1950—Act Apr. 20, 1950, amended third sentence of subsec. (a) to authorize the Administrator to permit re-delegation of functions and powers which he had delegated previously to officers, agents, and employees but this does not relieve him of any final responsibility, and inserted “or pay” after “reimburse” in subsec. (c)(2).

1949—Subsec. (a). Act Oct. 28, 1949, substituted “Classification Act of 1949” for “Classification Act of 1923”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-203 effective on the transfer date, see section 351 of Pub. L. 111-203, set out as a note under section 906 of Title 2, The Congress.

#### REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, §8, 80 Stat. 632, 655.

#### TRANSFER OF FUNCTIONS

Federal Home Loan Bank Board abolished and functions transferred, see sections 401 to 406 of Pub. L. 101-73, set out as a note under section 1437 of this title.

#### ANNUAL REPORT ON AREAS OF PROGRAM ADMINISTRATION AND MANAGEMENT WHICH REQUIRE IMPROVEMENT

Pub. L. 90-448, §5, Aug. 1, 1968, 82 Stat. 477, as amended by Pub. L. 91-609, title IX, §918, Dec. 31, 1970, 84 Stat. 1816, directed Secretary to report annually to Committees on Banking and Currency of House and Senate, identifying specific areas of program administration and management which require improvement, describing actions taken and proposed, and recommendations for legislation, prior to repeal by Pub. L. 93-608, §1(9), Jan. 2, 1975, 88 Stat. 1968.

#### Executive Documents

##### EXECUTIVE ORDER NO. 11196

Ex. Ord. No. 11196, Feb. 2, 1965, 30 F.R. 1171, which delegated functions to Housing and Home Finance Administrator, was revoked by Ex. Ord. No. 12553, Feb. 25, 1966, 51 F.R. 7237.

#### EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to Secretary of Housing and Urban Development, see Parts 1, 2, and 9 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

#### § 1701c-1. Omitted

#### Editorial Notes

##### CODIFICATION

Section, act June 24, 1954, ch. 359, title I, §101, 68 Stat. 283, provided for promotion of economy, efficiency and fidelity in operations of Housing and Home Finance Agency by its Administrator, on and after June 24, 1954, under Reorg. Plan No. 3 of 1947, eff. July 27, 1947, 12 F.R. 4981, 61 Stat. 954, set out in the Appendix to Title 5, Government Organization and Employees, through assignment and reassignment of functions, reorganizations, and reallocation and transfers of administrative expense funds and authority. Functions, powers, and duties of such agency, its head and other officers were transferred to and vested in the Secretary of Housing and Urban Development by Pub. L. 89-174, §5, Sept. 9, 1965, 79 Stat. 669, classified to section 3534 of Title 42, The Public Health and Welfare.

#### § 1701d. Repealed. Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 655

Section, acts Aug. 10, 1948, ch. 832, title V, §501(a), 62 Stat. 1283; Oct. 15, 1949, ch. 695, §3, 63 Stat. 880, provided for compensation of Housing and Home Finance Administrator.

#### §§ 1701d-1, 1701d-2. Repealed. Pub. L. 90-19, §6(i), 12(a), May 25, 1967, 81 Stat. 22, 23

Section 1701d-1, act July 15, 1949, ch. 338, title VI, §605, 63 Stat. 440, provided for appointment and duties of a Deputy Housing and Home Finance Administrator, including status of acting Administrator during absence, disability, or vacancy in office.

Section 1701d-2, act Aug. 11, 1955, ch. 783, title I, §113, 69 Stat. 642, prescribed compensation of Community Facilities Commissioner at same rate established for