



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON 25

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B-102040

The Administrator

Housing and Home Finance Agency

My dear Mr. Administrator:

Reference is made to your letter dated March 13, 1951, requesting to be advised whether a research agreement entered into by you with another Government agency under the provisions of sections 301(a) and 502(e) of the Housing Act of 1948, as amended, obligates the appropriations of the Housing and Home Finance Agency in the same manner as contracts with non-Federal parties, and the funds so committed remain available for expenditure by the performing agency for the full period of availability provided in said section 301(a).

Since the particular agreement involved was not cited or made available to this Office and as your question is stated in general terms, the decision rendered herein necessarily will likewise be stated in general terms.

The basic general authority for contracts between Federal agencies is found in section 601 of the act of June 30, 1932, 31 U.S.C. 686, providing for the placing of orders for services or supplies between the departments and agencies and bureaus thereof, with the requirement that such orders be considered as obligations upon appropriations in

the same manner as contracts with private parties. The funds obligated by such orders placed after June 30, 1950, are not available for any period beyond that provided by the act appropriating such funds. See last proviso to section 1210 of the act of September 6, 1950, 64 Stat. 765; B-100920, dated March 7, 1951. However, where such contracting authority has been granted by specific statute, as in the instances cited in your letter, the departments and agencies are, of course, authorized to enter into contracts with each other under the terms, conditions and limitations, including the period of availability of appropriations, as set forth in the particular statute.

Section 301(a) of the Housing Act of 1948, as amended, 12 U.S.C. 1701e(a) requires the Housing and Home Finance Administrator to undertake and conduct a broad program of technical research and studies designed generally to reduce the cost of housing construction and maintenance, and to stimulate increased production of housing. The section also authorizes said Administrator to enter into contracts for a period not to exceed four years for such research and studies and provides that appropriations for such purpose may remain available for expenditure for not more than five fiscal years before lapsing as now provided by section 2 of the "Surplus Fund - Certified Claims Act of 1949," 31 U.S.C. 712b.

In carrying out his functions, the Administrator is authorized by section 502(e)(2) of the 1948 act, 12 U.S.C. 1701c(b)(2) to "utilize, contract with, and act through \* \* \* any Federal, State, or local

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public agency or instrumentality." This section also makes appropriations to such Administrator available for advance payments or reimbursements to the contracting Federal agency for the work performed.

In view of the specific authority thus vested in the Housing and Home Finance Administrator and in the general light of the legislative proceedings cited in your letter with respect to the housing research program, it is considered that agreements entered into with Federal agencies or instrumentalities for the performance of housing research and studies under authority of said sections 301(a) and 502(c)(2) of the 1948 act, as amended, properly may be regarded as contracts within the purview of section 301(a) so as to extend the availability for expenditure of funds obligated thereby for the five fiscal year period specified therein.

Sincerely yours,

Comptroller General  
of the United States

APPROPRIATIONS

Fiscal year

Availability beyond

Housing research contracts

010501-4

Availability beyond

Housing research contracts

DEPARTMENTS AND ESTABLISHMENTS

Services between

General authority as affected by  
special authority or limitations

Housing research contracts

Availability beyond

APPROPRIATIONS  
Housing and Home Finance Agency  
Housing research agreements with  
Govt agencies as obligation

Availability beyond

Availability beyond

APPROPRIATIONS  
Obligation  
Housing research contracts with  
Govt agencies

Availability beyond

HOUSING AND HOME FINANCE AGENCY

Scope of Authority

Interest

DEPARTMENTS AND ESTABLISHMENTS

Services between

Payments

Housing research contracts