

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D. C. 20548

FILE: B-186033

DATE: July 8, 1976

MATTER OF: Hanson Realty Co.

61096
98329**DIGEST:**

Protest against HUD's award of property management broker contract authorized by 12 U.S.C. § 1713 (1970) will not be considered, since there is no jurisdiction to decide protest because Secretary of HUD has broad authority pursuant to 12 U.S.C. § 1702 (1970) to make expenditures "without regard to any other provisions of law governing the expenditures of public funds."

By letter dated February 11, 1976, Hanson Realty Co. protested the rejection of its bid for a management broker contract by the Department of Housing and Urban Development (HUD).

Pursuant to 12 U.S.C. § 1713(1) (1970), the Secretary of HUD may dispose of property notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States. Furthermore, 12 U.S.C. § 1702 (1970) authorizes the Secretary in pertinent part (1) to make such expenditures as are necessary to carry out the disposal of property and other functions without regard to any other provisions of law governing the expenditures of public funds and (2) to sue and be sued in any court of competent jurisdiction. While this authority formerly resided in the Commissioner of the Federal Housing Administration (FHA), it was transferred in 1965 to the Secretary of HUD by the Department of Housing and Urban Development Act, Public Law 89-174, § 5(a), 79 Stat. 669, 42 U.S.C. § 3534 (1970).

In light of the extraordinary authority granted the Secretary of HUD by 12 U.S.C. § 1702, our Office has no legal basis to question the Secretary's expenditure of funds and has no basis to approve or to take an exception to her accounts. Therefore, our Office is without authority to decide the protest and it will not be considered.

Paul G. Dembling
Paul G. Dembling
General Counsel