
CHAPTER 2. OFFICE OF THE SECRETARY

- 2-1. THE SECRETARY. The Department is administered by the Secretary who is responsible for all programs, functions, and authorities of the Department. The Secretary advises the President on Federal policy, programs, and activities relating to housing and community development. In addition, the Secretary is responsible for:
- a. Formulating recommendations for basic policies regarding housing and community development for purposes such as the legislative program, the State of the Union Message, and the President's Budget. Working with the Executive Office of the President and with other Federal agencies in keeping economic and fiscal policies in housing and community development consistent with other economic and fiscal policies of the Government. Encouraging private enterprise to serve as large a part of the Nation's total housing and urban development needs as possible. Developing the fullest cooperation with private enterprise in achieving the objectives of the Department.
 - b. Developing programs for the preservation and improvement of the Nation's cities and metropolitan areas. Meeting with Governors and other state officials and regional and neighborhood leaders, and assisting the President in achieving maximum coordination among the suburban metropolitan, or rural housing and community development programs. Meeting with and interpreting Government housing programs to organizations and officials representing builders, lenders, and other facets of the housing industry, local government officials, labor and minority groups, public interest groups, and social service organizations.
 - c. Administering the Governmental National Mortgage Association (GNMA), a Government corporation within the Department of Housing and Urban Development. The charter of GNMA vests all powers and duties of the Association in the Secretary of

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Housing and Urban Development, and empowers the Secretary to determine its general policies, direct its administration, and appoint its officers.

- d. Regulating the Federal National Mortgage Association (FNMA).
- 2-2. THE UNDER SECRETARY. The Under Secretary assists the Secretary in the performance of all duties and responsibilities and serves as Acting Secretary in the absence or disability of the Secretary.
- 2-3. THE SECRETARY AND UNDER SECRETARY STAFF. The Secretary and Under Secretary are assisted in their responsibilities by Executive Assistants and others who carry out a variety of specialized activities which, by their nature, require the personal attention of the Secretary and/or Under Secretary. These individuals, usually employed under the title of Special Assistant, are authorized to represent the Secretary and Under Secretary.
- 2-4. DEPUTY UNDER SECRETARY FOR FIELD COORDINATION. The Deputy Under Secretary for Field Coordination (DUSFC) advises the Secretary, Under Secretary, and Principal Staff on all matters concerning the management of the Department's Regional and Field Offices. Serves as the point of communication between Regional and Field Offices and the Office of the Secretary/Under Secretary. Advises on the adequacy and effectiveness of Field operating policies and procedures and assists in providing oversight and coordination of the Regional Administrators-Regional Housing Commissioners' (Regional Administrators or RAs) overall program management, administration, and representation responsibilities. The DUSFC is responsible for the following functions as they relate to Regional and Field Offices:
- a. Manages the Department's Field Management Performance Evaluation System.
 - b. Participates in organizational structure and executive level staffing decisions.
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- c. Coordinates the recruitment of key managerial personnel.
 - d. Reviews adverse actions taken by Field managers and serves as the deciding official in all adverse actions proposed by Regional Administrators and acts as formal grievance officer for all grievable actions arising from Regional Administrator decisions.
 - e. Approves all Headquarters-directed, inter-Regional, and special purpose travel by Field personnel.
 - f. Conducts special projects/analyses of cross-program management and programmatic problems in the Field, and initiates corrective actions.
 - g. Meets with Regional Administrators and Field Office Managers to review Departmental objectives and priorities.
 - h. Manages the Field Direction and Operational Support Account for the Departmental Budget and Field Management Plan, in coordination with the Assistant Secretary for Policy Development and Research and the Assistant to the Secretary for Labor Relations.
 - i. Manages the Audits Management System and provides follow-up on closed audit findings.
 - j. Solicits and coordinates comments from Regional and Field Offices on proposed regulations and issuances.
- 2-5. DEPUTY UNDER SECRETARY FOR INTERGOVERNMENTAL RELATIONS. The Deputy Under Secretary for Intergovernmental Relations (DUSIR) advises the Secretary, Under Secretary, and Principal Staff with respect to intergovernmental relations activities. The DUSIR is responsible for the following functions as they relate to intergovernmental relations:
- a. Develops HUD policy with respect to intergovernmental relations activities.

- b. Serves as the Secretarial contact for state and local officials and public and private interest groups.
- c. Reviews legislative proposals and Department policies, regulations, and programs for state and local government and public and private interest group concerns; recommends appropriate revisions or new initiatives as required.
- d. Serves as liaison between the Secretary and the Assistant to the President for Intergovernmental Relations. Establishes and maintains liaison with National and Regional organizations, state and local government officials, and public and private interest groups regarding the Department's legislative and administrative initiatives. Provides the Secretary with a means of direct and continuous access to state and local officials on matters affecting HUD policies.
- e. Maintains liaison with program Assistant Secretaries and maintains liaison and provides functional supervision to Regional and Field Offices to increase the Department's awareness of state and local government needs and problems and its capacity to respond to them. Assists program areas and advocates state and local government interests and recommends appropriate program revisions to program Assistant Secretaries.
- f. Represents the Secretary on the Advisory Commission on Intergovernmental Relations (ACIR) and provides necessary staff support for the Secretary as Director of Urban Program Coordination.
- g. Coordinates with the Assistant Secretary for Policy Development and Research on Departmental plans, policies, and strategies for grant, research, and demonstration programs in the general area of intergovernmental activities and governmental capacity/institution building.

- h. Coordinates Departmental policy for programs with respect to housing, community and neighborhood development, and related facilities and services for disabled persons, Blacks, elderly, handicapped, Hispanics, and women.

2-6. OFFICE OF INTERNATIONAL AFFAIRS. The Assistant to the Secretary for International Affairs advises the Secretary, Under Secretary, and Principal Staff on international matters and foreign travel. Formulates and administers exchange agreements and serves as an information clearinghouse covering foreign experience in the area of housing and urban development. Organizes HUD's support for foreign policy initiatives of the Department of State, The White House, and other Federal agencies. The office is responsible for the following functions as they relate to international affairs:

a. Administration of Information Exchange Programs.

- (1) Negotiates bilateral agreements with foreign governments to reflect the Department's current program and policy interests.
- (2) Organizes technical workshops and seminars to further the exchange programs.
- (3) Arranges appointments for foreign government officials visiting the U.S. to meet with American officials and technical experts to inspect construction/project sites.
- (4) Identifies, acquires, translates and disseminates relevant foreign source documents for Department officials.
- (5) Organizes and transmits information about U.S. policies and programs - both public and private -- to foreign users.

b. Management of HUD Participation in International Meetings.

- (1) Maintains the Department's foreign travel budget and prepares reports on HUD's international activities.

- (2) Schedules and organizes HUD representation in seminars, conferences, and meetings sponsored by bilateral partners or by international organizations.
- (3) Coordinates all international activity with the State Department for HUD officials traveling out of the U.S. on official business.
- (4) Prepares briefing papers and briefing to ensure that HUD officials are completely and properly informed about their participation in international meetings as representatives of the U.S. Government.
- (5) Identifies appropriate technical experts to support HUD-led delegations abroad and develops ways to promote commercial opportunities for American housing and urban development related architectural/construction/engineering/environment and energy and other firms in foreign countries through HUD-sponsored exchanges and programs.

c. Support for Other Government and Private Agencies.

Assists other Federal Departments as well as private sector organizations in pursuit of their international interests.

2-7. OFFICE OF LABOR RELATIONS. The Assistant to the Secretary for Labor Relations advises the Secretary, Under Secretary, and Principal Staff on all matters pertaining to organized labor, labor regulations, and related matters. The office is responsible for the following functions as they relate to labor relations:

- a. Develops Departmental policies, standards, techniques, and procedures for disseminating prevailing wages pursuant to the labor standards requirements of programs administered by the Department. Coordinates the Department's

residential wage rate survey, program, including the establishment of policies, standards,

techniques, and processes for the timely conduct of such surveys. Ensures the inclusion of appropriate provisions in contracts for projects requiring payment of such wages.

- b. Ensures compliance with labor standards provisions. Develops policies, standards, and procedures for conducting labor standards investigations. Determines the appropriateness of referring labor standards investigations to the Office of Inspector General or the Department of Labor and imposes appropriate sanctions for violations.
- c. Develops and implements procedures for the uniform administration of Departmental responsibilities under regulations of the Secretary of Labor pertaining to the Davis-Bacon Act, the Copeland Act, the Contract Work Hours and Safety Standards Act, and related statutes, and otherwise carries out agency responsibilities pursuant to Reorganization Plan No. 14 of 1950.
- d. Seeks affirmative relationships with and support from organized labor for the housing and community development goals of the Department.
- e. Administers statutory requirements for the determination of prevailing wage rates for maintenance laborers and mechanics employed by Public Housing Agencies and addresses attendant labor relations issues.
- f. Services inquiries and complaints from labor unions, contractors, members of Congress, and other sources while keeping the Secretary and Departmental officials informed of the most serious cases, with recommendations for action to be taken.
- g. Represents the Department in meetings, discussions, or negotiations with representatives of organized labor, the building industry, contractors, and state and local government

concerning the general area of labor relations, and serves as principal liaison with the Department of Labor and with other Federal

departments.

- h. Provides policy guidance, technical assistance, and direction to Field Labor Relations staff. Develops training programs in labor relations and labor standards administration and enforcement for Field staff and monitors Field activities.
- i. Provides overall management and coordination for the Department's Davis-Bacon residential construction wage survey effort. Ensures efficient and effective administration of labor relations-labor standards responsibilities.
- j. Provides Departmental coordination and leadership in the development and promotion of employment and job training opportunities.

2-8. OFFICE OF INDIAN AND ALASKA NATIVE PROGRAMS. The Special Assistant to the Secretary for Indian and Alaska Native programs advises the Secretary, Under Secretary, and Principal Staff on current activities, problems, and needs of Indians and Alaska Natives to ensure that their housing and community development concerns are addressed in HUD policy and program decisions. The Special Assistant coordinates with the Assistant Secretary for CPD and the Assistant Secretary for Public and Indian Housing as necessary. The office is responsible for the following functions as they relate to the needs of Indians and Alaska Natives:

- a. Formulates policy to ensure that HUD's programs are sensitive and responsive to the needs of Indians and Alaska Natives.
- b. Facilitates and expedites HUD action on American Indian and Alaska Native problems and applications within Headquarters for Indian groups, organizations, and individuals.
- c. Coordinates goals, policies, and activities. Fosters effective program delivery to Indian

communities and groups. Maintains liaison with other agencies to promote comprehensive development of Indian and Alaska Native communities and participates in planning

Departmental research, data-gathering, and demonstration activities to ensure appropriate inclusion of Indians and Alaska Natives.

- d. Coordinates the preparation of the annual report to Congress on Indian and Alaska Native housing and community development matters, with recommendations for legislative and administrative actions.
- e. Represents the Secretary, at meetings on Indian matters with Federal, state, and municipal or private organizations, and with Congressional committees.

2-9. OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION. The Director of the Office of Small and Disadvantaged Business Utilization advises the Secretary, Under Secretary, and Principal Staff with respect to the Department's procurement opportunity programs and Minority Business Enterprise functions. The Director of the office also serves as the Assistant to the Secretary for Business Relations. The office is responsible for the following functions as they relate to small and disadvantaged businesses:

- a. Ensures participation in the direct procurement activities and subcontracting opportunities of the Department by small and disadvantaged businesses, women-owned businesses, Labor-Surplus-Area businesses, and Historically Black colleges and universities.
- b. Develops and promulgates policies, procedures, criteria, and goals. Provides technical support within the Department and monitors and evaluates Departmental participation in these programs. Issues Secretarial directives to foster program objectives.

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- c. Administers these programs at Headquarters and coordinates with Regional Administrators regarding administration of these programs in the Field.
 - d. Represents the Secretary before Congressional committees and elsewhere outside the Department.
 - e. Ensures that regulations proposed by the

Department will not have significant adverse economic impact on a substantial number of small businesses.

- f. Monitors the performance and progress of the Department's minority business enterprise program including the Minority Bank Deposit Program.
- g. Develops Departmental plans and policies for Minority Business Enterprise (MBE). Provides advice and guidance to the Secretary and other Assistant Secretaries on Minority Business Enterprise functions and responsibilities. Reviews and makes recommendations to the Secretary on the MBE plans and programs of other Assistant Secretaries. Monitors and evaluates the Department's MBE program results and reports to the Secretary, Principal Staff, and the Department of Commerce. Promotes within HUD a program to provide procurement contracts to socially and economically disadvantaged small business concerns.

2-10. HUD BOARD OF CONTRACT APPEALS. The HUD Board of Contract Appeals is the Department's independent forum for deciding appeals by contractors from final written decisions of HUD contracting officers. The hearings of the Board in these appeals are conducted pursuant to 24 CFR 20.10. The Board is empowered to hear and make determinations on behalf of the Secretary, in accordance with 2

4 C.F.R. Part 26, on administrative appeals relating to grants, the debarment and suspension of contractors, and Mortgagee Review Board decisions. The Board also reviews HUD actions related to the withholding of tax refunds of individuals indebted to the Department. The Board has the flexibility to provide either a full trial with discovery, subpoenas, and formal trial procedures, or

more informal, expedited hearings for appellants with small claims against the Department. All final decisions are written, and over half of the Board's hearings are held in the appellant's city to accommodate small business and pro se appellants.

2-11. OFFICE OF ADMINISTRATIVE LAW JUDGE. The Office of the Administrative Law Judge provides the administrative

adjudication system for HUD where required by statute, Executive Order, or Departmental rule. The Administrative Law Judge is an independent, impartial trier of fact in on-the-record hearings similar to that of a trial judge conducting civil trials without a jury. The Administrative Law Judge conducts formal and informal hearings in various locations throughout the United States and controls the proceedings from the time a case is assigned until an initial or recommended decision is issued. The decision generally becomes the final decision of the Department. The Administrative Law Judge determines issues under a variety of statutes and regulations, including the following:

- a. Interstate Land Sales Full Disclosure Act.
- b. Civil Rights Act of 1964, Title VI.
- c. Housing and Urban Development Act of 1968, Section 3 (Jobs in Housing).
- d. Housing and Community Development Act of 1974 (Community Development Block Grants).
- e. National Manufactured Housing Construction and Safety Standards Act of 1974.
- f. Debt Collection Act of 1982, Section 5.
- g. Mortgagee Review Board.
- h. Debarment, Suspension, and Ineligibility of Contractors and Grantees in Departmental programs and related proceedings.
- i. Previous Participation Review and Clearance.

- j. Civil Service Reform Act of 1978 (Administrative Grievances).
- k. Any other administrative procedures in which the expertise of an Administrative Law Judge would be appropriate.

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