

74 Stat. 418; Pub. L. 88-349, §1, July 2, 1964, 78 Stat. 238.)

AMENDMENTS

1964—Pub. L. 88-349 designated existing provisions as subsec. (a) and added subsec. (b).

1960—Pub. L. 86-624 struck out references to Territories of Alaska and Hawaii.

1940—Act June 15, 1940, extended benefits of this section to Territories of Alaska and Hawaii.

1935—Act Aug. 30, 1935, amended section generally.

EFFECTIVE DATE OF 1964 AMENDMENT

Section 4 of Pub. L. 88-349 provided that: "The amendments made by this Act [amending this section, section 1715c of Title 12, Banks and Banking, and section 1114 of former Title 49, Transportation] shall take effect on the ninetieth day after the date of enactment of this Act [July 2, 1964], but shall not affect any contract in existence on such effective date or made thereafter pursuant to invitations for bids outstanding on such effective date and the rate of payments specified by section 1(b)(2) of the Act of March 3, 1931, as amended by this Act [subsec. (b)(2) of this section], shall, during a period of two hundred and seventy days after such effective date, become effective only in those cases and reasonable classes of cases as the Secretary of Labor, acting as rapidly as practicable to make such rates of payments fully effective, shall by rule of regulation provide."

EFFECTIVE DATE OF 1940 AMENDMENT

Section 2 of act June 15, 1940, provided: "The amendments made by this Act [amending this section] shall take effect on the thirtieth day after the date of enactment of this Act [June 15, 1940], but shall not affect any contract in existence on such effective date or made thereafter pursuant to invitations for bids outstanding on the date of enactment of this Act."

SHORT TITLE

Act Mar. 3, 1931, as amended, which enacted sections 276a to 276a-5 of this title, is popularly known as the "Davis-Bacon Act".

CONTRACTING AUTHORITY OF GOVERNMENT AGENCIES IN CONNECTION WITH NATIONAL DEFENSE FUNCTIONS

Provisions of sections 276a to 276a-5 of this title as applicable to Government agencies exercising certain contracting authority in connection with national defense functions, see section 13 of Ex. Ord. No. 10789, set out as a note under section 1431 of Title 50, War and National Defense.

ENFORCEMENT OF LABOR STANDARDS

Labor standards under provisions of this section to be prescribed and enforced by Secretary of Labor, see Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, set out in the Appendix to Title 5, Government Organization and Employees.

FEDERAL RULES OF CIVIL PROCEDURE

Intervention, see rule 24, Title 28, Appendix, Judiciary and Judicial Procedure.

Effect of rule 24 on this section, see note by Advisory Committee under that rule.

ACT REFERRED TO IN OTHER SECTIONS

The Davis-Bacon Act [40 U.S.C. 276a to 276a-5] is referred to in sections 276a-7, 276d-1, 276d-2, 808 of this title; title 10 section 2304; title 12 sections 1701q, 1715c; title 15 section 3152; title 16 section 284c; title 20 sections 954, 956, 1232b, 4305, 4332, 8509; title 23 section 113; title 25 sections 450e, 458, 458aaa-8, 1633, 4114, 4225; title 29 sections 251 to 256, 258, 259, 262; title 31 section 6703; title 33 section 1372; title 38 sections 8135, 8162; title 39 section 410; title 40 App. section 402; title 41 section 42; title 42 sections 291e, 300j-9, 300s-1, 300t-12, 1437j, 1440,

1486, 1592i, 2297g-3, 2992a, 3027, 3107, 3212, 3936, 4728, 5046, 5196, 5310, 5919, 6042, 6063, 6371j, 6708, 6728, 6881, 6979, 7614, 8013, 9604, 9839, 12836; title 49 sections 5333, 24312, 47112; title 50 App. sections 2095, 2096.

§ 276a-1. Termination of work on failure to pay agreed wages; completion of work by Government

Every contract within the scope of sections 276a to 276a-5 of this title shall contain the further provision that in the event it is found by the contracting officer that any laborer or mechanic employed by the contractor or any subcontractor directly on the site of the work covered by the contract has been or is being paid a rate of wages less than the rate of wages required by the contract to be paid as aforesaid, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been a failure to pay said required wages and to prosecute the work to completion by contract or otherwise, and the contractor and his sureties shall be liable to the Government for any excess costs occasioned the Government thereby.

(Mar. 3, 1931, ch. 411, §2, as added Aug. 30, 1935, ch. 825, 49 Stat. 1012.)

ENFORCEMENT OF LABOR STANDARDS

Labor standards under provisions of this section to be prescribed and enforced by Secretary of Labor, see Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, set out in the Appendix to Title 5, Government Organization and Employees.

§ 276a-2. Payment of wages by Comptroller General from withheld payments; listing contractors violating contracts

(a) The Comptroller General of the United States is authorized and directed to pay directly to laborers and mechanics from any accrued payments withheld under the terms of the contract any wages found to be due laborers and mechanics pursuant to sections 276a to 276a-5 of this title; and the Comptroller General of the United States is further authorized and is directed to distribute a list to all departments of the Government giving the names of persons or firms whom he has found to have disregarded their obligations to employees and subcontractors. No contract shall be awarded to the persons or firms appearing on this list or to any firm, corporation, partnership, or association in which such persons or firms have an interest until three years have elapsed from the date of publication of the list containing the names of such persons or firms.

(b) If the accrued payments withheld under the terms of the contract, as aforesaid, are insufficient to reimburse all the laborers and mechanics with respect to whom there has been a failure to pay the wages required pursuant to sections 276a to 276a-5 of this title, such laborers and mechanics shall have the right of action and/or of intervention against the contractor and his sureties conferred by law upon persons furnishing labor or materials, and in such proceedings it shall be no defense that such laborers and mechanics accepted or agreed to accept less than the required rate of wages or voluntarily made refunds.

(Mar. 3, 1931, ch. 411, §3, as added Aug. 30, 1935, ch. 825, 49 Stat. 1012.)

ENFORCEMENT OF LABOR STANDARDS

Labor standards under provisions of this section to be prescribed and enforced by Secretary of Labor, see Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, set out in the Appendix to Title 5, Government Organization and Employees.

§ 276a-3. Effect on other Federal laws

Sections 276a to 276a-5 of this title shall not be construed to supersede or impair any authority otherwise granted by Federal law to provide for the establishment of specific wage rates.

(Mar. 3, 1931, ch. 411, §4, as added Aug. 30, 1935, ch. 825, 49 Stat. 1012.)

§ 276a-4. Effective date of sections 276a to 276a-5

Sections 276a to 276a-5 of this title shall take effect thirty days after August 30, 1935, but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding on August 30, 1935.

(Mar. 3, 1931, ch. 411, §5, as added Aug. 30, 1935, ch. 825, 49 Stat. 1013.)

§ 276a-5. Suspension of sections 276a to 276a-5 during emergency

In the event of a national emergency the President is authorized to suspend the provisions of sections 276a to 276a-5 of this title.

(Mar. 3, 1931, ch. 411, §6, as added Aug. 30, 1935, ch. 825, 49 Stat. 1013.)

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, §3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on September 8, 1939, and May 27, 1941.

§ 276a-6. Omitted

CODIFICATION

Section, act Mar. 3, 1931, ch. 411, §7, as added Aug. 30, 1935, ch. 825, 49 Stat. 1011, provided that the funds made available by the Emergency Relief Appropriation Act of 1935 (act Apr. 8, 1935, ch. 48, 49 Stat. 115) should be available for the fiscal year ending June 30, 1936, for administrative expenses under sections 276a to 276a-5 of this title.

§ 276a-7. Application of sections 276a to 276a-5 to contracts entered into without regard to section 5 of title 41

The fact that any contract authorized by any Act is entered into without regard to section 5 of title 41, or upon a cost-plus-a-fixed-fee basis or otherwise without advertising for proposals, shall not be construed to render inapplicable the provisions of sections 276a to 276a-5 of this title, if such sections would otherwise be applicable to such contract.

(Mar. 23, 1941, ch. 26, 55 Stat. 53; Aug. 21, 1941, ch. 395, 55 Stat. 664.)

§ 276b. Repealed. June 25, 1948, ch. 645, §21, 62 Stat. 862

Section, act June 13, 1934, ch. 482, §1, 48 Stat. 948, related to extortion from persons employed in construc-

tion of building or works financed by United States. See section 874 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, pursuant to section 20 of act June 25, 1948.

§ 276c. Regulations governing contractors and subcontractors

The Secretary of Labor shall make reasonable regulations for contractors and subcontractors engaged in the construction, prosecution, completion or repair of public buildings, public works or buildings or works financed in whole or in part by loans or grants from the United States, including a provision that each contractor and subcontractor shall furnish weekly a statement with respect to the wages paid each employee during the preceding week. Section 1001 of title 18 shall apply to such statements.

(June 13, 1934, ch. 482, §2, 48 Stat. 948; May 24, 1949, ch. 139, §134, 63 Stat. 108; Pub. L. 85-800, §12, Aug. 28, 1958, 72 Stat. 967.)

AMENDMENTS

1958—Pub. L. 85-800 substituted “statement” for “sworn affidavit” and inserted sentence making section 1001 of title 18 applicable to statements.

1949—Act May 24, 1949, amended section generally and substituted provision that regulations be made by the Secretary of Labor for provision that regulations be made by the Secretary of the Interior and Secretary of the Treasury jointly.

ENFORCEMENT OF LABOR STANDARDS

Labor standards under provisions of this section to be prescribed and enforced by Secretary of Labor, see Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 330, 808 of this title; title 20 sections 954, 956, 1232b, 4305, 4332, 8509; title 25 sections 450e, 450j, 458aaa-8; title 31 section 6703; title 33 section 1372; title 39 section 410; title 40 App. section 402; title 42 sections 291e, 300j-9, 300s-1, 300t-12, 1440, 1486, 1592i, 2297g-3, 2992a, 3027, 3107, 3212, 5046, 5196, 5310, 5919, 6042, 6063, 6371j, 6708, 6728, 6881, 6979, 7614, 9604; title 49 section 5333; title 50 App. sections 2095, 2096.

§ 276d. Purpose

It is the purpose of sections 276d to 276d-3 of this title to promote and provide opportunities for people who wish to volunteer their services to State or local governments, public agencies, or nonprofit charitable organizations in the construction, repair or alteration (including painting and decorating) of public buildings and public works that are funded, in whole or in part, with Federal financial assistance authorized under certain Federal programs and that might not otherwise be possible without the use of volunteers.

(Pub. L. 103-355, title VII, §7302, Oct. 13, 1994, 108 Stat. 3382.)

REFERENCES IN TEXT

Sections 276d to 276d-3 of this title, referred to in text, was in the original “this subtitle”, meaning subtitle C (§§7301-7306) of title VII of Pub. L. 103-355, Oct. 13, 1994, 108 Stat. 3382, which enacted this section, sec-