Public Law 92-473

AN ACT

October 9, 1972
[H. R. 15376]

To amend the Service Contract Act of 1965 to revise the method of computing wage rates under such Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 (a)(1) of the Service Contract Act of 1965 is amended by striking out all after "locality," and inserting in lieu thereof the following: "or, where a collective-bargaining agreement covers any such service employees, in accordance with the rates for such employees provided for in such agreement, including prospective wage increases provided for in such agreement as a result of arm's-length negotiations. In no case shall such wages be lower than the minimum specified in subsection (b)".

Service Contract Act of 1965, amendments.
79 Stat. 1034.
41 USC 351.

(b) Section 2(a)(2) of such Act is amended by striking out the period after "locality" and inserting in lieu thereof the following: ", or, where a collective-bargaining agreement covers any such service employees, to be provided for in such agreement, including prospective fringe benefit increases provided for in such agreement as a result of arm's-length negotiations."

Fringe benefits.

SEC. 2. Section 2(a) of such Act is amended by adding at the end thereof the following new paragraph:

Federal agency rates, statement.

"(5) A statement of the rates that would be paid by the Federal agency to the various classes of service employees if section 5341 of title 5, United States Code, were applicable to them. The Secretary shall give due consideration to such rates in making the wage and fringe benefit determinations specified in this section."

Ante, p. 564.

SEC. 3. (a) Section 4(b) of such Act is amended by striking out all after "Act" and inserting in lieu thereof the following: "(other than section 10), but only in special circumstances where he determines that such limitation, variation, tolerance, or exemption is necessary and proper in the public interest or to avoid the serious impairment of government business, and is in accord with the remedial purpose of this Act to protect prevailing labor standards."

Enforcement authority, limitation.
41 USC 353.

(b) Section 4 of such Act is amended by adding at the end thereof the following new subsections:

"(c) No contractor or subcontractor under a contract, which succeeds a contract subject to this Act and under which substantially the same services are furnished, shall pay any service employee under such contract less than the wages and fringe benefits, including accrued wages and fringe benefits, and any prospective increases in wages and fringe benefits provided for in a collective-bargaining agreement as a result of arm's-length negotiations, to which such service employees would have been entitled if they were employed under the predecessor contract: *Provided*, That in any of the foregoing circumstances such obligations shall not apply if the Secretary finds after a hearing in accordance with regulations adopted by the Secretary that such wages and fringe benefits are substantially at variance with those which prevail for services of a character similar in the locality.

Predecessor contract, applicability.

"(d) Subject to limitations in annual appropriation Acts but notwithstanding any other provision of law, contracts to which this Act applies may, if authorized by the Secretary, be for any term of years not exceeding five, if each such contract provides for the periodic adjustment of wages and fringe benefits pursuant to future determinations, issued in the manner prescribed in section 2 of this Act no less often than once every two years during the term of the contract, covering the various classes of service employees."

Service contract term.

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Violators.
79 Stat. 1035.
41 USC 354.

SEC. 4. Section 5(a) of such Act is amended by inserting before the first comma of the second sentence the words "because of unusual circumstances" and by adding at the end of such section 5(a) the following: "Where the Secretary does not otherwise recommend because of unusual circumstances, he shall, not later than ninety days after a hearing examiner has made a finding of a violation of this Act, forward to the Comptroller General the name of the individual or firm found to have violated the provisions of this Act."

Wages and fringe benefits, determination.

SEC. 5. Such Act is amended by adding at the end thereof the following new section:

"SEC. 10. It is the intent of the Congress that determinations of minimum monetary wages and fringe benefits for the various classes of service employees under the provisions of paragraphs (1) and (2) of section 2 should be made with respect to all contracts subject to this Act, as soon as it is administratively feasible to do so. In any event, the Secretary shall make such determinations with respect to at least the following contracts subject to this Act which are entered into during the applicable fiscal year:

"(1) For the fiscal year ending June 30, 1973, all contracts under which more than twenty-five service employees are to be employed.

"(2) For the fiscal year ending June 30, 1974, all contracts under which more than twenty service employees are to be employed.

"(3) For the fiscal year ending June 30, 1975, all contracts under which more than fifteen service employees are to be employed.

"(4) For the fiscal year ending June 30, 1976, all contracts under which more than ten service employees are to be employed.

"(5) For the fiscal year ending June 30, 1977, and for each fiscal year thereafter, all contracts under which more than five service employees are to be employed."

Approved October 9, 1972.

Public Law 92-474

October 9, 1972
[H. R. 10857]

AN ACT

To authorize the Secretary of Agriculture to exchange certain national forest lands within the Carson and Santa Fe National Forests in the State of New Mexico for certain private lands within the Piedra Lumbre Grant, in the State of New Mexico, and for other purposes.

Carson and Santa Fe National Forests, N. Mex. Land exchange.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to convey by quitclaim deed certain national forest lands within the Carson and Sante Fe National Forests, in the State of New Mexico, of approximately one thousand and sixty acres, described and designated on a map on file in the Office of the Chief, Forest Service, Washington, District of Columbia, in exchange for approximately three hundred and ten acres of private land and the improvements thereon, of substantially equal value, within the Piedra Lumbre Grant, in the State of New Mexico, described and designated on a map on file in the Office of the Chief, Forest Service, Washington, District of Columbia.