

HISTORICAL AND REVISION NOTES—CONTINUED

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---|--|
| 3142(c) | 40:276a(a) (words after 1st semicolon). | |
| 3142(d) | 40:276a(b) (1st par. proviso). | Mar. 3, 1931, ch. 411, §1(b) (1st par. proviso, last par.), as added Pub. L. 88-349, §1, July 2, 1964, 78 Stat. 239. |
| 3142(e) | 40:276a(b) (last par.). | |

In subsection (a), the words “a State” are substituted for “the geographical limits of the States of the Union” for consistency in the revised title and with other titles of the United States Code and to eliminate unnecessary words.

In subsection (b), the words “city, town, village, or other” are omitted as unnecessary.

In subsection (d), the words “of a type” are omitted as unnecessary. The words “basic hourly rate of pay” are substituted for “rate of pay described in paragraph (1)” for clarity.

Editorial Notes

AMENDMENTS

2006—Subsec. (d). Pub. L. 109-284, §6(12), inserted “of this title” after “amount referred to in section 3141(2)(B)”.

Subsec. (e). Pub. L. 109-284, §6(13), inserted “of this title” after “determined under section 3141(2)(B)”.

§ 3143. Termination of work on failure to pay agreed wages

Every contract within the scope of this subchapter shall contain a provision that if the contracting officer finds 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, the Federal Government by written notice to the contractor may terminate the contractor’s right to proceed with the work or the part of the work as to which there has been a failure to pay the required wages. The Government may have the work completed, by contract or otherwise, and the contractor and the contractor’s sureties shall be liable to the Government for any excess costs the Government incurs.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1151.)

HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|--|
| 3143 | 40:276a-1. | Mar. 3, 1931, ch. 411, §2, 46 Stat. 1494; Aug. 30, 1935, ch. 825, 49 Stat. 1012. |

The words “The Government may have the work completed” are substituted for “and to prosecute the work to completion . . . thereby” for clarity.

§ 3144. Authority to pay wages and list contractors violating contracts

(a) PAYMENT OF WAGES.—

(1) IN GENERAL.—The Secretary of Labor shall pay directly to laborers and mechanics from any accrued payments withheld under the terms of a contract any wages found to be due laborers and mechanics under this subchapter.

(2) RIGHT OF ACTION.—If the accrued payments withheld under the terms of the contract are insufficient to reimburse all the laborers and mechanics who have not been paid the wages required under this subchapter, the laborers and mechanics have the same right to bring a civil action and intervene against the contractor and the contractor’s sureties as is conferred by law on persons furnishing labor or materials. In those proceedings it is not a defense that the laborers and mechanics accepted or agreed to accept less than the required rate of wages or voluntarily made refunds.

(b) LIST OF CONTRACTORS VIOLATING CONTRACTS.—

(1) IN GENERAL.—The Comptroller General shall distribute to all departments of the Federal Government a list of the names of persons whom the Comptroller General has found to have disregarded their obligations to employees and subcontractors.

(2) RESTRICTION ON AWARDED CONTRACTS.—No contract shall be awarded to persons appearing on the list or to any firm, corporation, partnership, or association in which the persons have an interest until three years have elapsed from the date of publication of the list.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1152; Pub. L. 113-50, §2(a), Nov. 21, 2013, 127 Stat. 578.)

HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---|--|
| 3144(a)(1) | 40:276a-2(a) (1st sentence words before semicolon). | Mar. 3, 1931, ch. 411, §3, 46 Stat. 1494; Aug. 30, 1935, ch. 825, 49 Stat. 1012. |
| 3144(a)(2) | 40:276a-2(b). | |
| 3144(b) | 40:276a-2(a) (1st sentence words after semicolon, last sentence). | |

In subsection (b), the words “or firms” are omitted as being included in “persons”.

Editorial Notes

AMENDMENTS

2013—Pub. L. 113-50, §2(a)(1), struck out “of Comptroller General” after “Authority” in section catchline.

Subsec. (a)(1). Pub. L. 113-50, §2(a)(2), substituted “Secretary of Labor” for “Comptroller General”.

§ 3145. Regulations governing contractors and subcontractors

(a) IN GENERAL.—The Secretary of Labor shall prescribe reasonable regulations for contractors and subcontractors engaged in constructing, carrying out, completing, or repairing public buildings, public works, or buildings or works that at least partly are financed by a loan or grant from the Federal Government. The regulations shall include a provision that each contractor and subcontractor each week must furnish a statement on the wages paid each employee during the prior week.

(b) APPLICATION.—Section 1001 of title 18 applies to the statements.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1152.)