

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3502 .....	40:462(a), (b), (d).	Aug. 2, 1954, ch. 649, title VII, §702(a), (b), (d), 68 Stat. 641; Aug. 11, 1955, ch. 783, title I, §112, 69 Stat. 641; Pub. L. 87-70, title V, §502(1), (2), June 30, 1961, 75 Stat. 175; Pub. L. 88-560, title VI, §602(a)-(c), (e), (f), Sept. 2, 1964, 78 Stat. 799; Pub. L. 90-19, §10(a) (related to 40:462), May 25, 1967, 81 Stat. 22; Pub. L. 90-448, title VI, §607, Aug. 1, 1968, 82 Stat. 534; Pub. L. 100-242, title V, §524(1), Feb. 5, 1988, 101 Stat. 1939.

In subsection (a), the words “section 3324(a) and (b) of title 31” are substituted for “section 3648 of the Revised Statutes, as amended” in section 702(a) of the Housing Act of 1954 (ch. 649, 68 Stat. 641) because of section 4(b) of the Act of September 13, 1982 (Public Law 97-258, 96 Stat. 1067), the first section of which enacted Title 31, United States Code. The words “municipalities and other” are omitted as being included in “public agencies”.

In subsection (c), the words “in any way” are omitted as unnecessary.

In subsection (e), the word “rules” is omitted as being included in “regulations”.

**§ 3503. Revolving fund**

(a) ESTABLISHMENT.—There is a revolving fund established by the Secretary of Housing and Urban Development to provide amounts for advances under this chapter. The fund comprises amounts appropriated under this chapter and all repayments and other receipts received in connection with advances made under this chapter.

(b) AUTHORIZATIONS.—Not more than \$70,000,000 may be appropriated to the revolving fund as necessary to carry out the purposes of this chapter.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1168.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3503 .....	40:462(e).	Aug. 2, 1954, ch. 649, title VII, §702(e), 68 Stat. 641; Aug. 11, 1955, ch. 783, title I, §112, 69 Stat. 641; Pub. L. 87-70, title V, §502(3), (4), June 30, 1961, 75 Stat. 175; Pub. L. 88-560, title VI, §602(a), Sept. 2, 1964, 78 Stat. 799; Pub. L. 89-117, title XI, §1104, Aug. 10, 1965, 79 Stat. 503; Pub. L. 90-19, §10(a) (related to 40:462), May 25, 1967, 81 Stat. 22.

In subsection (a), the words “heretofore or hereafter” are omitted as unnecessary. The text of 40:462(e)(2) is omitted as obsolete. Title V of the War Mobilization and Reconversion Act of 1944 (50 App.:1671) terminated on June 30, 1947. The Act of October 13, 1949 (40:451 et seq.) authorized the Housing and Home Finance Administrator to make certain loans and advances for the 2-year period immediately following October 13, 1951.

In subsection (b), the words “in addition to amounts authorized to be appropriated for the purposes of this section before September 2, 1964” are omitted as executed.

**§ 3504. Surveys of public works planning**

The Secretary of Housing and Urban Development may use during a fiscal year not more

than \$100,000 of the amount in the revolving fund established under section 3503 of this title to conduct surveys of the status and current volume of state and local public works planning and surveys of estimated requirements for state and local public works. In conducting a survey, the Secretary, may use or act through any department or agency of the Federal Government, with the consent of the department or agency.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1168.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3504 .....	40:462(f).	Aug. 2, 1954, ch. 649, title VII, §702(f), as added Pub. L. 86-372, title VIII, §801, Sept. 23, 1959, 73 Stat. 686; Pub. L. 88-560, title VI, §602(d), Sept. 2, 1964, 78 Stat. 799; Pub. L. 90-19, §10(a) (related to 40:462), May 25, 1967, 81 Stat. 22.

**§ 3505. Forgiveness of outstanding advances**

In accordance with accounting and other procedures the Secretary of Housing and Urban Development prescribes, each advance made by the Secretary under this chapter that had any principal amount outstanding on February 5, 1988, was forgiven. The terms and conditions of any contract, or any amendment to a contract, for that advance with respect to any promise to repay the advance were canceled.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1168.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3505 .....	40:462(g).	Aug. 2, 1954, ch. 649, title VII, §702(g), as added Pub. L. 87-658, §6, Sept. 14, 1962, 76 Stat. 544; Pub. L. 100-242, title V, §524(2), Feb. 5, 1988, 101 Stat. 1939.

**CHAPTER 37—CONTRACT WORK HOURS AND SAFETY STANDARDS**

- Sec. 3701. Definition and application.
- 3702. Work hours.
- 3703. Report of violations and withholding of amounts for unpaid wages and liquidated damages.
- 3704. Health and safety standards in building trades and construction industry.
- 3705. Safety programs.
- 3706. Limitations, variations, tolerances, and exemptions.
- 3707. Contractor certification or contract clause in acquisition of commercial items not required.
- 3708. Criminal penalties.

**§ 3701. Definition and application**

(a) DEFINITION.—In this chapter, the term “Federal Government” has the same meaning that the term “United States” had in the Contract Work Hours and Safety Standards Act (Public Law 87-581, 76 Stat. 357).

(b) APPLICATION.—

(1) CONTRACTS.—This chapter applies to—

(A) any contract that may require or involve the employment of laborers or me-

chanics on a public work of the Federal Government, a territory of the United States, or the District of Columbia; and

(B) any other contract that may require or involve the employment of laborers or mechanics if the contract is one—

(i) to which the Government, an agency or instrumentality of the Government, a territory, or the District of Columbia is a party;

(ii) which is made for or on behalf of the Government, an agency or instrumentality, a territory, or the District of Columbia; or

(iii) which is a contract for work financed at least in part by loans or grants from, or loans insured or guaranteed by, the Government or an agency or instrumentality under any federal law providing wage standards for the work.

(2) LABORERS AND MECHANICS.—This chapter applies to all laborers and mechanics employed by a contractor or subcontractor in the performance of any part of the work under the contract—

(A) including watchmen, guards, and workers performing services in connection with dredging or rock excavation in any river or harbor of the United States, a territory, or the District of Columbia; but

(B) not including an employee employed as a seaman.

(3) EXCEPTIONS.—

(A) THIS CHAPTER.—This chapter does not apply to—

(i) a contract for—

(I) transportation by land, air, or water;

(II) the transmission of intelligence; or

(III) the purchase of supplies or materials or articles ordinarily available in the open market;

(ii) any work required to be done in accordance with the provisions of chapter 65 of title 41; and

(iii) a contract in an amount that is not greater than \$100,000.

(B) SECTION 3702.—Section 3702 of this title does not apply to work where the assistance described in paragraph (1)(B)(iii) from the Government or an agency or instrumentality is only a loan guarantee or insurance.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1169; Pub. L. 109–284, §6(14), Sept. 27, 2006, 120 Stat. 1213; Pub. L. 111–350, §5(l)(19), Jan. 4, 2011, 124 Stat. 3852.)

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3701(b)(3)(B)	40:329(a) (1st sentence proviso).	

Subsection (a) is added for clarity.

In subsection (b)(1), before clause (A), the words “except as otherwise provided” are omitted as unnecessary.

In subsection (b)(2), before clause (A), the words “Except as otherwise expressly provided” are omitted as unnecessary.

In subsection (b)(3)(A)(ii), the words “Walsh-Healey Act” are substituted for “[“]Walsh-Healey Public Contracts Act” to use the correct short title of the Act.

REFERENCES IN TEXT

The Contract Work Hours and Safety Standards Act, referred to in subsec. (a), is title I of Pub. L. 87–581, Aug. 13, 1962, 76 Stat. 357, as amended, which was classified generally to subchapter II (§327 et seq.) of chapter 5 of former Title 40, Public Buildings, Property, and Works, prior to repeal and reenactment as this chapter by Pub. L. 107–217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304. Section 101 of title I of Pub. L. 87–581 was classified to section 327 of former Title 40 and was repealed and not reenacted by Pub. L. 107–217. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2011—Subsec. (b)(3)(A)(ii). Pub. L. 111–350 substituted “chapter 65 of title 41” for “the Walsh-Healey Act (41 U.S.C. 35 et seq.)”.

2006—Subsec. (b)(3)(B). Pub. L. 109–284 substituted “3702” for “3902” in heading and text and “paragraph (1)(B)(iii)” for “subsection (a)(2)(C)” in text.

§ 3702. Work hours

(a) STANDARD WORKWEEK.—The wages of every laborer and mechanic employed by any contractor or subcontractor in the performance of work on a contract described in section 3701 of this title shall be computed on the basis of a standard workweek of 40 hours. Work in excess of the standard workweek is permitted subject to this section. For each workweek in which the laborer or mechanic is so employed, wages include compensation, at a rate not less than one and one-half times the basic rate of pay, for all hours worked in excess of 40 hours in the workweek.

(b) CONTRACT REQUIREMENTS.—A contract described in section 3701 of this title, and any obligation of the Federal Government, a territory of the United States, or the District of Columbia in connection with that contract, must provide that—

(1) a contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall not require or permit any laborer or mechanic, in any workweek in which the laborer or mechanic is employed on that work, to work more than 40 hours in that workweek, except as provided in this chapter; and

(2) when a violation of clause (1) occurs, the contractor and any subcontractor responsible for the violation are liable—

(A) to the affected employee for the employee’s unpaid wages; and

(B) to the Government, the District of Columbia, or a territory for liquidated damages as provided in the contract.

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3701(a) .....	(no source).	
3701(b)(1) ....	40:329(a) (1st sentence less proviso).	Pub. L. 87–581, title I, §103(a), (b), Aug. 13, 1962, 76 Stat. 358.
3701(b)(2) ....	40:329(a) (last sentence).	
3701(b)(3) (A)(i), (ii).	40:329(b).	
3701(b)(3) (A)(iii).	40:329(c).	Pub. L. 87–581, title I, §103(c), as added Pub. L. 103–355, title IV, §4104(c)(1), Oct. 13, 1994, 108 Stat. 3342.