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COMPTROLLER GENERAL OF THE UNITED STATES WASHINGTON, D.C. 20548

B--179871

December 3, 1973

The Nonorable The Secretary of Labor

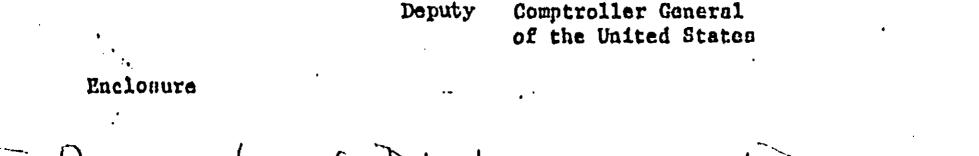
Dear Mr. Secretary:

We are enclosing a copy of our latter of today to the Secretary of the Air Force, in which we advise that disbursements in accordance with Wage Datermination 73-594 (Rev. 3) under a contract entered into by the Air Force and Pan American World Airways, Incorporated, for the operation and maintenance of the Bastern Test Range, Brevard County, Florida, would be proper.

We agree with your Department that it was the intent of Congress in enacting the Service Contract Act Amendments of 1972 that wage determinations issued as a result of a hearing held pursuant to section 4(c) of the Service Contract Act would be applicable to contracts awarded prior to issuance of the wage determination, Nowayer, we are concerned that implementing regulations have not been promulgated which specifically provide for contract clauses authorizing the application of a wage determination to previously awarded contracts, Furthermore, your Department's own regulations, issued prior to the 1972 amendments, state that a wage determination issued after contract award would not be applicable to that contract, 29 CFR 4.164(c). The Acting Administrator of your Employment Standards Administration, by letter of November 12, 1973, advised us of his intention to revise the regulations further "to conform to the mandate of the Act." Wo recommend that revised regulations providing for clauses, for all types of service contracts, which explicitly deal with application of post-award wage determinations resulting from a section 4(c) proceeding be issued as soon as practicable.

Sincerely yours,

## R.F.KELLER



[ Propriety of Disbursements]. 7.16276