

**DECISION**

*Phillips  
Proc I*

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

*7607*

FILE: B-192712 .

DATE: September 11, 1978

MATTER OF: Clyde Spearman,

**DIGEST:**

Authority of Comptroller General to disburse payments to laborers and mechanics under Davis-Bacon Act for certain contracts has been conferred upon HUD by United States Housing Act of 1937, as amended, for contracts entered into pursuant to latter act.

Counsel for Mr. Clyde Spearman, in a letter dated July 21, 1978, has made a demand pursuant to the Davis-Bacon Act, 40 U.S.C. § 276a-2 (1970), for payment of wages allegedly due Mr. Spearman under the terms of a contract for work performed on a federally funded local housing project.

The contract in question, entitled "U.S. Department of Housing and Urban Development Low-Rent Public Housing Consolidated Annual Contributions Contract," was entered into by the Department of Housing and Urban Development (HUD) and the Housing Authority of San Mateo County, California, pursuant to the provisions of the United States Housing Act of 1937, as amended, 42 U.S.C. § 1401, et seq. (1970). Section 16 of of the act, 42 U.S.C. § 1416(1), provides:

"The provisions of sections 276a to 276a-5 and 270 to 270d of Title 40 shall apply to contracts in connection with the development or administration of Federal projects and the furnishing of materials and labor for such projects: Provided, That suits may be brought in the name of the Authority and that the Authority shall itself perform the duties prescribed by sections 276a-2(a) of Title 40." (Emphasis added)

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Therefore, the authority of the Comptroller General to disburse payments to laborers and mechanics under 40 U.S.C. § 276a-2(a) for certain contracts has been conferred upon HUD by 42 U.S.C. § 1416(1) for contracts entered into pursuant to the latter act.

Accordingly, the claim for the alleged underpayment is for consideration by HUD and not our Office.

  
Deputy Comptroller General  
of the United States