prior to the beginning of the survey or the request for a wage determination, as appropriate) is unavailable to make a wage determination.

(b) If there has not been sufficient similar construction within the area in the past year to make a wage determination, wages paid on similar construction in surrounding counties may be considered, Provided That projects in metropolitan counties may not be used as a source of data for a wage determination in a rural county, and projects in rural counties may not be used as a source of data for a wage determination for a metropolitan county.

(c) If there has not been sufficient similar construction in surrounding counties or in the State in the past year, wages paid on projects completed more than one year prior to the beginning of the survey or the request for a wage determination, as appropriate, may be considered.

(d) The use of helpers, apprentices and trainees is permitted in accordance with part 5 of this subtitle.

§ 1.8 Reconsideration by the Administrator.

Any interested person may seek reconsideration of a wage determination issued under this part or of a decision of the Administrator regarding application of a wage determination. Such a request for reconsideration shall be in writing accompanied by a full statement of the interested person’s views and any supporting wage data or other pertinent information. The Administrator will respond within 30 days of receipt thereof, or will notify the requestor within the 30-day period that additional time is necessary.

§ 1.9 Review by Administrative Review Board.

Any interested person may appeal to the Administrative Review Board for a review of a wage determination or its application made under this part, after reconsideration by the Administrator has been sought pursuant to §1.8 and denied. Any such appeal may, in the discretion of the Administrative Review Board, be received, accepted, and decided in accordance with the provisions of 29 CFR part 7 and such other procedures as the Board may establish.

APPENDIX A TO PART 1

Statutes Related to the Davis-Bacon Act Requiring Payment of Wages at Rates Predetermined by the Secretary of Labor

11. Indians Self-Determination and Education Assistance Act (sec. 7, 86 Stat. 221; 25 U.S.C. 111, as amended by the Indian Health Care Improvement Act (sec. 303(b), 90 Stat. 1407; 25 U.S.C. 1633(b)).
12. Indian Health Care Improvement Act (sec. 303(b), 90 Stat. 1407; 25 U.S.C. 1633(b)).
17. Veterans Nursing Home Care Act of 1964 (78 Stat. 562, as amended; 38 U.S.C. 5035(a)(5)).
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22. Hospital Survey and Construction Act, as amended by the Hospital and Medical Facilities Amendments of 1964 (sec. 605(a)(5), 78 Stat. 453; 42 U.S.C. 293a(c)(7)).

23. Health Professions Education Assistance Act (sec. 303(b), 90 Stat. 2254; 42 U.S.C. 299d(b)(4)).


27. National Health Planning and Resources Act (sec. 4, see sec. 160(h)(1)(H), 88 Stat. 2291, 42 U.S.C. 300o–3(b)(1)(H)).


32. Housing of 1961 (sec. 707, added by sec. 907, 79 Stat. 618, 42 U.S.C. 1499(f)).


34. Special Health Revenue Sharing Act of 1975 (sec. 303, see sec. 222(a)(5) thereof, 89 Stat. 324; 42 U.S.C. 290(j)(5)).


44. Housing and Community Development Act of 1974 (secs. 110, 602(g), 83 Stat. 649, 724; 42 U.S.C. 5310; 1440(g)).

45. Developmentally Disabled Assistance and Bill of Rights Act (sec. 126(f), 89 Stat. 488; 42 U.S.C. 6032(b)(1)).


48. Energy Conservation and Production Act (sec. 45(h), 90 Stat. 1168; 42 U.S.C. 6831(b)).


50. Rail Passenger Service Act of 1970 (sec. 4054, 84 Stat. 1337; 45 U.S.C. 666(d)).


52. Highway speed ground transportation study (sec. 6(b), 79 Stat. 893; 49 U.S.C. 1606(b)).

53. Airport and Airway Development Act of 1970 (sec. 22(b), 84 Stat. 231; 49 U.S.C. 1722(b)).

54. Federal Civil Defense Act of 1965 (sec. 503(b), 84 Stat. 2281(b)).

55. National Capital Transportation Act of 1965 (sec. 3(b)(4), 79 Stat. 662(b)(4)).


