

Proclamation 6491 of October 14, 1992

**To Suspend the Davis-Bacon Act of March 3, 1931,
Within a Limited Geographic Area in Response to the
National Emergency Caused by Hurricanes Andrew
and Iniki**

By the President of the United States of America

A Proclamation

1. Section 1 of the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494, as amended, 40 U.S.C. 276a(a)), provides:

. . . every contract in excess of \$2,000 to which the United States or the District of Columbia is a party, for construction, alteration, and/or repair, including painting and decorating, of public buildings or public works of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia, and which requires or involves the employment of mechanics and/or laborers shall contain a provision stating the minimum wages to be paid various classes of laborers and mechanics which shall be based upon the wages that will be determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the city, town, village, or other civil subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there. . . .

2. Under various other related acts, the payment of wages is made dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act.

3. Section 6 of the Davis-Bacon Act, 40 U.S.C. 276a-5, provides that "In the event of a national emergency the President is authorized to suspend the provisions of sections 276a to 276a-5 of this title."

4. Within less than the period of a month, three vital areas of the Nation have been devastated by hurricanes. In late August, South Florida and sections of Louisiana experienced the full force of Hurricane Andrew, one of the severest hurricanes ever to strike the United States. The devastation that ensued resulted in the largest amount of property damage from a natural disaster in the history of the Nation. Tens of thousands of homes were destroyed, thousands of business establishments were badly damaged, and the public infrastructure of much of Dade County was severely damaged. On September 12, an equally ferocious hurricane struck the Hawaiian Islands. As a result of Hurricane Iniki, hundreds of homes were destroyed, the tourist industry on the island of Kauai was devastated, and much of the island's infrastructure was severely damaged. The combined impact of these hurricanes has resulted in an unprecedented level of devastation.

The economic effects of the hurricanes have been equally devastating. Many businesses have been either destroyed or significantly damaged. Thousands of individuals have lost their jobs and livelihood. In addition, a record amount of Federal assistance will be needed to restore

the communities that have been ravaged by these hurricanes. Accordingly, I find the conditions caused by Hurricanes Andrew and Iniki to constitute a "national emergency" within the meaning of section 6 of the Davis-Bacon Act.

(a) The devastation caused by both hurricanes has resulted in more than \$20 billion in property damage.

(b) The Federal Government has provided over \$10 billion in budgetary resources for disaster and related assistance to the people and the communities that were victimized by these hurricanes.

(c) The wage rates imposed by the Davis-Bacon Act increase the cost to the Federal Government of providing Federal assistance to these areas.

(d) Suspension of the Davis-Bacon Act, and the operation of related acts to the extent they depend upon the Secretary of Labor's determinations under the Davis-Bacon Act, will result in greater assistance to these devastated communities and will permit the employment of thousands of additional individuals.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do by this proclamation suspend, as to all contracts entered into on or after the date of this proclamation and until otherwise provided, the provisions of the Davis-Bacon Act of March 3, 1931, as amended, and the provisions of all other acts providing for the payment of wages, which provisions are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act, as they apply to contracts to be performed in the following jurisdictions: the counties of Broward, Collier, Dade, and Monroe in the State of Florida; the parishes of Terrebonne, Lafourche, St. Martin, Assumption, Iberia, St. John the Baptist, Iberville, St. Mary, Ascension, East Baton Rouge, Lafayette, St. Charles, St. Tammany, West Baton Rouge, West Feliciana, East Feliciana, Point Coupee, Jefferson, Acadia, Avoyelles, Cameron, Jefferson Davis, Orleans, Plaquemines, St. James, St. Bernard, Vermilion, Allen, Calcasieu, Evangeline, Livingston, Rapides, St. Helena, St. Landry, Tangipahoa, and Washington in the State of Louisiana; and the islands of Oahu, Maui, Hawaii, Kauai, Lanai, and Kahoolawe in the State of Hawaii;

And, as to such contracts to be performed in such jurisdictions, I do hereby suspend, until otherwise provided, the provisions of any Executive order, proclamation, rule, regulation, or other directive providing for the payment of wages, which provisions are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act;

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of October, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH