

118TH CONGRESS  
1ST SESSION

# H. R. 1053

To amend subchapter IV of chapter 31 of title 40, United States Code, regarding prevalent wage determinations in order to expand access to affordable housing, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2023

Ms. VAN DUYNE introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend subchapter IV of chapter 31 of title 40, United States Code, regarding prevalent wage determinations in order to expand access to affordable housing, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Housing Supply Ex-  
5 pansion Act”.

1 **SEC. 2. UPDATES TO WAGE RATE CALCULATIONS.**

2 (a) IN GENERAL.—Section 3142(b) of title 40,  
3 United States Code, is amended by inserting “or from geo-  
4 graphic groupings other than civil subdivisions of the  
5 State (which may include metropolitan statistical areas or  
6 other groupings determined appropriate by the Secretary)  
7 in which the work is to be performed” after “in which  
8 the work is to be performed”.

9 (b) CHANGES TO SURVEY METHODOLOGY.—Section  
10 3142 of title 40, United States Code, is amended by add-  
11 ing at the end the following:

12 “(f) SURVEY INFORMATION COLLECTION.—By not  
13 later than 1 year after the date of enactment of the Hous-  
14 ing Supply Expansion Act, the Secretary shall—

15 “(1) review the Secretary’s method of collecting  
16 survey information for determining prevailing wages  
17 for purposes of subsection (a); and

18 “(2) revise how such survey information is col-  
19 lected, following a public notice and opportunity for  
20 public comment, by—

21 “(A) including surveys that allow for reli-  
22 able and objective sources of data and a defend-  
23 able methodology, which may include informa-  
24 tion collected through Bureau of Labor Statis-  
25 tics surveys; and

1           “(B) improving the percentage of busi-  
2           nesses choosing to participate in prevailing  
3           wage determination surveys and ensuring pro-  
4           portional representation of businesses rep-  
5           resented by labor organizations and businesses  
6           not represented by labor organizations in the  
7           prevailing wage determination surveys that are  
8           completed.”.

9   **SEC. 3. MULTIPLE WAGE RATE DETERMINATIONS.**

10       Section 3142 of title 40, United States Code, as  
11       amended by section 2, is further amended by adding at  
12       the end the following:

13       “(g) FEDERAL HOUSING ACTS.—A determination of  
14       prevailing wages by the Secretary of Labor applicable  
15       under section 212(a) of the National Housing Act (12  
16       U.S.C. 1715c(a)), section 104(b)(1) of the Native Amer-  
17       ican Housing Assistance and Self Determination Act of  
18       1996 (25 U.S.C. 4114(b)(1)), section 12(a) of the United  
19       States Housing Act of 1937 (42 U.S.C. 1437j(a)), or sec-  
20       tion 811(j)(5) of the Cranston-Gonzalez National Afford-  
21       able Housing Act (42 U.S.C. 8013(j)(5)) shall be limited  
22       to 1 wage rate determination under subsection (b) of this  
23       section that corresponds to the overall residential char-  
24       acter of the project.”.

1 **SEC. 4. DAVIS-BACON MODERNIZATION WORKING GROUP.**

2 (a) DEFINITION.—In this section, the term “Davis-  
3 Bacon Modernization Working Group” means the working  
4 group established under subsection (b)(1).

5 (b) ESTABLISHMENT.—

6 (1) IN GENERAL.—Not later than 60 days after  
7 the date of enactment of this Act, the Secretary of  
8 Labor, in consultation with the Secretary of Housing  
9 and Urban Development, shall establish within the  
10 Department of Labor, a Davis-Bacon Modernization  
11 Working Group to recommend the update and mod-  
12 ernization of certain requirements under subchapter  
13 IV of chapter 31 of title 40, United States Code, as  
14 described in subsection (c).

15 (2) DATE OF ESTABLISHMENT.—The Davis-  
16 Bacon Modernization Working Group shall be con-  
17 sidered established on the date on which a majority  
18 of the members of the Davis-Bacon Working Group  
19 have been appointed, consistent with subsection (d).

20 (c) DUTIES.—The Davis-Bacon Modernization Work-  
21 ing Group shall—

22 (1) recommend whether, and if so by how  
23 much, the residential classification can be applied to  
24 affordable housing units with 5 stories or more for  
25 purposes of prevailing wage determinations under

1 subchapter IV of chapter 31 of title 40, United  
2 States Code;

3 (2) develop administrative and legislative rec-  
4 ommendations of ways, and for what specific cir-  
5 cumstances in which, the prevailing wage rate re-  
6 quirements under subchapter IV of chapter 31 of  
7 title 40, United States Code, could be waived or  
8 streamlined for certain affordable rental Federal  
9 Housing Administration new construction projects;  
10 and

11 (3) review the potential positive and negative  
12 outcomes of directing the Bureau of Labor Statistics  
13 to determine prevailing wages (rather than the Sec-  
14 retary of Labor under section 3142(b) of title 40,  
15 United States Code), in a way that would not rely  
16 on the collection of voluntary surveys from busi-  
17 nesses but rather on data that is already collected  
18 by the Bureau of Labor Statistics.

19 (d) MEMBERS.—

20 (1) IN GENERAL.—The Davis-Bacon Mod-  
21 ernization Working Group shall be composed of the  
22 following representatives of Federal agencies and  
23 relevant non-Federal industry stakeholder organiza-  
24 tions:

1 (A) A representative from the Department  
2 of Labor, appointed by the Secretary of Labor.

3 (B) A representative from the Department  
4 of Housing and Urban Development, appointed  
5 by the Secretary of Housing and Urban Devel-  
6 opment.

7 (C) A representative of a housing construc-  
8 tion industry association, appointed by the Sec-  
9 retary of Labor in consultation with the Sec-  
10 retary of Housing and Urban Development.

11 (D) A representative of a financial services  
12 industry association, appointed by the Secretary  
13 of Labor in consultation with the Secretary of  
14 Housing and Urban Development.

15 (E) A representative of an affordable hous-  
16 ing industry association, appointed by the Sec-  
17 retary of Labor in consultation with the Sec-  
18 retary of Housing and Urban Development.

19 (F) A representative of a State public  
20 housing agency, as defined in section 3 of the  
21 United States Housing Act of 1937 (42 U.S.C.  
22 1437a), appointed by the Secretary of Labor in  
23 consultation with the Secretary of Housing and  
24 Urban Development.

1           (G) A representative of a tribally des-  
2           gnated housing entity, as defined in section 4  
3           of the Native American Housing Assistance and  
4           Self-Determination Act of 1996 (25 U.S.C.  
5           4103), appointed by the Secretary of Labor in  
6           consultation with the Secretary of Housing and  
7           Urban Development.

8           (H) A representative of a labor organiza-  
9           tion representing the housing construction  
10          workforce, appointed by the Secretary of Labor  
11          in consultation with the Secretary of Housing  
12          and Urban Development.

13          (2) CHAIR.—The representative from the De-  
14          partment of Labor appointed under paragraph  
15          (1)(A) shall serve as the chair of the Davis-Bacon  
16          Modernization Working Group, and that representa-  
17          tive shall be responsible for organizing the business  
18          of the Davis-Bacon Modernization Working Group.

19          (e) OTHER MATTERS.—

20                (1) NO COMPENSATION.—A member of the  
21          Davis-Bacon Modernization Working Group shall  
22          serve without compensation.

23                (2) SUPPORT.—The Secretary of Labor may  
24          detail an employee of the Department of Labor to  
25          assist and support the work of the Davis-Bacon

1 Modernization Working Group, though such a  
2 detailee shall not be considered to be a member of  
3 the Davis-Bacon Modernization Working Group.

4 (f) REPORT.—

5 (1) REPORTS.—Not later than 1 year after the  
6 date on which the Davis-Bacon Modernization Work-  
7 ing Group is established, the Davis-Bacon Mod-  
8 ernization Working Group shall submit a report con-  
9 taining its findings and recommendations under sub-  
10 section (c), including recommendations resulting  
11 from the review under subsection (c)(3), to the Sec-  
12 retary of Labor, the Committee on Health, Edu-  
13 cation, Labor, and Pensions of the Senate and the  
14 Committee on Education and the Workforce of the  
15 House of Representatives.

16 (2) MAJORITY SUPPORT.—Each recommenda-  
17 tion made under paragraph (1) shall be agreed to by  
18 a majority of the members of the Davis-Bacon Mod-  
19 ernization Working Group.

20 (g) NONAPPLICABILITY OF FACA.—The Federal Ad-  
21 visory Committee Act (5 U.S.C. App.) shall not apply to  
22 the Davis-Bacon Modernization Working Group.

23 (h) SUNSET.—The Davis-Bacon Modernization  
24 Working Group shall terminate on the date the report is  
25 completed under subsection (f)(1).



**1 SEC. 5. NATIONAL HOUSING ACT.**

2 Section 212(a) of the National Housing Act (12  
3 U.S.C. 1715c(a)) is amended by striking “similar char-  
4 acter, as determined by the Secretary of Labor in accord-  
5 ance with the Davis-Bacon Act, as amended (40 U.S.C.  
6 276a—276a-5)” and inserting “residential character, as  
7 determined by the Secretary of Labor in accordance with  
8 subchapter IV of chapter 31 of title 40, United States  
9 Code, that is applicable at the time the application is  
10 filed”.

**11 SEC. 6. HOUSING ACT OF 1959.**

12 Section 202(j)(5)(A) of the Housing Act of 1959 (12  
13 U.S.C. 1701q(j)(5)(A)) is amended by striking “similar  
14 character, as determined by the Secretary of Labor in ac-  
15 cordance with the Act of March 3, 1931 (commonly known  
16 as the Davis-Bacon Act)” and inserting “residential char-  
17 acter, as determined by the Secretary of Labor in accord-  
18 ance with subchapter IV of chapter 31 of title 40, United  
19 States Code, that is applicable at the time the application  
20 is filed”.

**21 SEC. 7. NATIVE AMERICAN HOUSING ASSISTANCE AND  
22 SELF-DETERMINATION ACT OF 1996.**

23 Section 104(b)(1) of the Native American Housing  
24 Assistance and Self-Determination Act of 1996 (25 U.S.C.  
25 4114(b)(1)) is amended by striking “, as predetermined  
26 by the Secretary of Labor pursuant to the Act of March

1 3, 1931 (commonly known as the Davis-Bacon Act; chap-  
2 ter 411; 46 Stat. 1494; 40 U.S.C. 276a et seq.),” and  
3 inserting “for corresponding classes of laborers and me-  
4 chanics employed on construction of a residential char-  
5 acter, as predetermined by the Secretary of Labor pursu-  
6 ant to subchapter IV of chapter 31 of title 40, United  
7 States Code, that is applicable at the time the application  
8 is filed”.

9 **SEC. 8. CRANSTON-GONZALEZ NATIONAL AFFORDABLE**  
10 **HOUSING ACT.**

11 Section 811(j)(5)(A) of the Cranston-Gonzalez Na-  
12 tional Affordable Housing Act (42 U.S.C. 8013(j)(5)(A))  
13 is amended by striking “similar character, as determined  
14 by the Secretary of Labor in accordance with the Act of  
15 March 3, 1931 (commonly known as the Davis-Bacon  
16 Act)” and inserting “residential character, as determined  
17 by the Secretary of Labor in accordance with subchapter  
18 IV of chapter 31 of title 40, United States Code, that is  
19 applicable at the time the application is filed”.

20 **SEC. 9. UNITED STATES HOUSING ACT OF 1937.**

21 Section 12(a) of the United States Housing Act of  
22 1937 (42 U.S.C. 1437j(a)) is amended by striking “, as  
23 predetermined by the Secretary of Labor pursuant to the  
24 Davis-Bacon Act (49 Stat. 1011)” and inserting “for cor-  
25 responding classes of laborers and mechanics employed on

1 construction of a residential character, as predetermined  
2 by the Secretary of Labor pursuant to subchapter IV of  
3 chapter 31 of title 40, United States Code, that is applica-  
4 ble at the time the application is filed”.

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