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.

IN THE HOUSE OF REPRESENTATIVES

Ms. VAN DUYN introduced the following bill; which was referred to the Committee on _____________________________

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”.

SEC. 2. UPDATES TO WAGE RATE CALCULATIONS.

(a) In General.—Section 3142(b) of title 40, United States Code, is amended by inserting “or from geographic groupings other than civil subdivisions of the State (which may include metropolitan statistical areas or other groupings determined appropriate by the Secretary) in which the work is to be performed” after “in which the work is to be performed”.

(b) Changes to Survey Methodology.—Section 3142 of title 40, United States Code, is amended by adding at the end the following:

“(f) Survey Information Collection.—By not later than 1 year after the date of enactment of the Housing Supply Expansion Act, the Secretary shall—

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

“(2) revise how such survey information is collected, following a public notice and opportunity for public comment, by—

“(A) including surveys that allow for reliable and objective sources of data and a defendable methodology, which may include information collected through Bureau of Labor Statistics surveys; and
“(B) improving the percentage of businesses choosing to participate in prevailing wage determination surveys and ensuring proportional representation of businesses represented by labor organizations and businesses not represented by labor organizations in the prevailing wage determination surveys that are completed.”.

SEC. 3. MULTIPLE WAGE RATE DETERMINATIONS.

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

“(g) FEDERAL HOUSING ACTS.—A determination of prevailing wages by the Secretary of Labor applicable under section 212(a) of the National Housing Act (12 U.S.C. 1715e(a)), section 104(b)(1) of the Native American Housing Assistance and Self Determination Act of 1996 (25 U.S.C. 4114(b)(1)), section 12(a) of the United States Housing Act of 1937 (42 U.S.C. 1437j(a)), or section 811(j)(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(j)(5)) shall be limited to 1 wage rate determination under subsection (b) of this section that corresponds to the overall residential character of the project.”.
SEC. 4. DAVIS-BACON MODERNIZATION WORKING GROUP.

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

(b) ESTABLISHMENT.—

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

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

(c) DUTIES.—The Davis-Bacon Modernization Working Group shall—

(1) recommend whether, and if so by how much, the residential classification can be applied to affordable housing units with 5 stories or more for purposes of prevailing wage determinations under
subchapter IV of chapter 31 of title 40, United States Code;

(2) develop administrative and legislative recommendations of ways, and for what specific circumstances in which, the prevailing wage rate requirements under subchapter IV of chapter 31 of title 40, United States Code, could be waived or streamlined for certain affordable rental Federal Housing Administration new construction projects; and

(3) review the potential positive and negative outcomes of directing the Bureau of Labor Statistics to determine prevailing wages (rather than the Secretary of Labor under section 3142(b) of title 40, United States Code), in a way that would not rely on the collection of voluntary surveys from businesses but rather on data that is already collected by the Bureau of Labor Statistics.

(d) MEMBERS.—

(1) IN GENERAL.—The Davis-Bacon Modernization Working Group shall be composed of the following representatives of Federal agencies and relevant non-Federal industry stakeholder organizations:
(A) A representative from the Department of Labor, appointed by the Secretary of Labor.

(B) A representative from the Department of Housing and Urban Development, appointed by the Secretary of Housing and Urban Development.

(C) A representative of a housing construction industry association, appointed by the Secretary of Labor in consultation with the Secretary of Housing and Urban Development.

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

(E) A representative of an affordable housing industry association, appointed by the Secretary of Labor in consultation with the Secretary of Housing and Urban Development.

(F) A representative of a State public housing agency, as defined in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a), appointed by the Secretary of Labor in consultation with the Secretary of Housing and Urban Development.
(G) A representative of a tribally designated housing entity, as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103), appointed by the Secretary of Labor in consultation with the Secretary of Housing and Urban Development.

(H) A representative of a labor organization representing the housing construction workforce, appointed by the Secretary of Labor in consultation with the Secretary of Housing and Urban Development.

(2) CHAIR.—The representative from the Department of Labor appointed under paragraph (1)(A) shall serve as the chair of the Davis-Bacon Modernization Working Group, and that representative shall be responsible for organizing the business of the Davis-Bacon Modernization Working Group.

(e) OTHER MATTERS.—

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

(2) SUPPORT.—The Secretary of Labor may detail an employee of the Department of Labor to assist and support the work of the Davis-Bacon
Modernization Working Group, though such a detaillee shall not be considered to be a member of the Davis-Bacon Modernization Working Group.

(f) REPORT.—

(1) REPORTS.—Not later than 1 year after the date on which the Davis-Bacon Modernization Working Group is established, the Davis-Bacon Modernization Working Group shall submit a report containing its findings and recommendations under subsection (c), including recommendations resulting from the review under subsection (c)(3), to the Secretary of Labor, the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.

(2) MAJORITY SUPPORT.—Each recommendation made under paragraph (1) shall be agreed to by a majority of the members of the Davis-Bacon Modernization Working Group.

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

(h) SUNSET.—The Davis-Bacon Modernization Working Group shall terminate on the date the report is completed under subsection (f)(1).
SEC. 5. NATIONAL HOUSING ACT.

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

SEC. 6. HOUSING ACT OF 1959.

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

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

Section 104(b)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(b)(1)) is amended by striking “as predetermined by the Secretary of Labor pursuant to the Act of March
3, 1931 (commonly known as the Davis-Bacon Act; chapter 411; 46 Stat. 1494; 40 U.S.C. 276a et seq.),” and inserting “for corresponding classes of laborers and mechanics employed on construction of a residential character, as predetermined by the Secretary of Labor pursuant to subchapter IV of chapter 31 of title 40, United States Code, that is applicable at the time the application is filed”.

SEC. 8. CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.

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

SEC. 9. UNITED STATES HOUSING ACT OF 1937.

Section 12(a) of the United States Housing Act of 1937 (42 U.S.C. 1437j(a)) is amended by striking “, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (49 Stat. 1011)” and inserting “for corresponding classes of laborers and mechanics employed on
construction of a residential character, as predetermined
by the Secretary of Labor pursuant to subchapter IV of
chapter 31 of title 40, United States Code, that is applica-
ble at the time the application is filed”.