

119TH CONGRESS
1ST SESSION

S. 3092

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 SENATE OF THE UNITED STATES

NOVEMBER 3, 2025

Mr. MORAN introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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 “Affordable Housing
5 Expansion Act”.

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

7 (a) IN GENERAL.—Section 3142(b) of title 40,
8 United States Code, is amended—

1 (1) by striking “work in the civil” and inserting
 2 the following: “work—

3 “(1)(A) in the civil”; and

4 (2) by striking “, or in the District” and insert-
 5 ing the following: “; or

6 “(B) from geographic groupings other than civil
 7 subdivisions of the State (which may include metro-
 8 politan statistical areas or other groupings deter-
 9 mined appropriate by the Secretary), as long as
 10 projects in metropolitan labor markets are not used
 11 as a source of data for a wage determination in a
 12 nonmetropolitan labor market; or

13 “(2) in the District”.

14 (b) CHANGES TO SURVEY METHODOLOGY.—Section
 15 3142 of title 40, United States Code, is amended by add-
 16 ing at the end the following:

17 “(f) SURVEY INFORMATION COLLECTION.—By not
 18 later than 1 year after the date of enactment of the Af-
 19 fordable Housing Expansion Act, the Secretary shall—

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

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

1 “(A) including surveys that allow for reli-
 2 able and objective sources of data and a defend-
 3 able methodology, which may include informa-
 4 tion collected through Bureau of Labor Statis-
 5 tics surveys; and

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

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

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

18 “(g) FEDERAL HOUSING ACTS.—A determination of
 19 prevailing wages by the Secretary of Labor applicable
 20 under section 212(a) of the National Housing Act (12
 21 U.S.C. 1715c(a)), section 104(b)(1) of the Native Amer-
 22 ican Housing Assistance and Self-Determination Act of
 23 1996 (25 U.S.C. 4114(b)(1)), section 12(a) of the United
 24 States Housing Act of 1937 (42 U.S.C. 1437j(a)), or sec-
 25 tion 811(j)(5) of the Cranston-Gonzalez National Afford-

1 able Housing Act (42 U.S.C. 8013(j)(5)) shall be limited
 2 to 1 wage rate determination under subsection (b) of this
 3 section that corresponds to the overall residential char-
 4 acter of the project.”.

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

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

9 (b) ESTABLISHMENT.—

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

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

1 (c) DUTIES.—The Davis-Bacon Modernization Work-
2 ing Group shall—

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

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

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

25 (d) MEMBERS.—

1 (1) IN GENERAL.—The Davis-Bacon Mod-
2 ernization Working Group shall be composed of the
3 following representatives of Federal agencies and
4 relevant non-Federal industry stakeholder organiza-
5 tions:

6 (A) A representative from the Department
7 of Labor, appointed by the Secretary of Labor.

8 (B) A representative from the Department
9 of Housing and Urban Development, appointed
10 by the Secretary of Housing and Urban Devel-
11 opment.

12 (C) A representative of a housing construc-
13 tion industry association, appointed by the Sec-
14 retary of Labor in consultation with the Sec-
15 retary of Housing and Urban Development.

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

20 (E) A representative of an affordable hous-
21 ing industry association, appointed by the Sec-
22 retary of Labor in consultation with the Sec-
23 retary of Housing and Urban Development.

24 (F) A representative of a State public
25 housing agency, as defined in section 3 of the

1 United States Housing Act of 1937 (42 U.S.C.
2 1437a), appointed by the Secretary of Labor in
3 consultation with the Secretary of Housing and
4 Urban Development.

5 (G) A representative of a tribally des-
6 ignated housing entity, as defined in section 4
7 of the Native American Housing Assistance and
8 Self-Determination Act of 1996 (25 U.S.C.
9 4103), appointed by the Secretary of Labor in
10 consultation with the Secretary of Housing and
11 Urban Development.

12 (H) A representative of a labor organiza-
13 tion representing the housing construction
14 workforce, appointed by the Secretary of Labor
15 in consultation with the Secretary of Housing
16 and Urban Development.

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

23 (e) OTHER MATTERS.—

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

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

10 (f) REPORT.—

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

22 (2) MAJORITY SUPPORT.—Each recommenda-
23 tion made under paragraph (1) shall be agreed to by
24 a majority of the members of the Davis-Bacon Mod-
25 ernization Working Group.

1 (g) NONAPPLICABILITY OF FACA.—Chapter 10 of
 2 title 5, United States Code, shall not apply to the Davis-
 3 Bacon Modernization Working Group.

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

7 **SEC. 5. NATIONAL HOUSING ACT.**

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

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

18 Section 202(j)(5)(A) of the Housing Act of 1959 (12
 19 U.S.C. 1701q(j)(5)(A)) is amended by striking “similar
 20 character, as determined by the Secretary of Labor in ac-
 21 cordance with the Act of March 3, 1931 (commonly known
 22 as the Davis-Bacon Act)” and inserting “residential char-
 23 acter, as determined by the Secretary of Labor in accord-
 24 ance with subchapter IV of chapter 31 of title 40, United

1 States Code, that is applicable at the time the application
2 is filed”.

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

5 Section 104(b)(1) of the Native American Housing
6 Assistance and Self-Determination Act of 1996 (25 U.S.C.
7 4114(b)(1)) is amended by striking “, as predetermined
8 by the Secretary of Labor pursuant to the Act of March
9 3, 1931 (commonly known as the Davis-Bacon Act; chap-
10 ter 411; 46 Stat. 1494; 40 U.S.C. 276a et seq.),” and
11 inserting “for corresponding classes of laborers and me-
12 chanics employed on construction of a residential char-
13 acter, as predetermined by the Secretary of Labor pursu-
14 ant to subchapter IV of chapter 31 of title 40, United
15 States Code, that is applicable at the time the application
16 is filed,”.

17 **SEC. 8. CRANSTON-GONZALEZ NATIONAL AFFORDABLE**
18 **HOUSING ACT.**

19 Section 811(j)(5)(A) of the Cranston-Gonzalez Na-
20 tional Affordable Housing Act (42 U.S.C. 8013(j)(5)(A))
21 is amended by striking “similar character, as determined
22 by the Secretary of Labor in accordance with the Act of
23 March 3, 1931 (commonly known as the Davis-Bacon
24 Act)” and inserting “residential character, as determined
25 by the Secretary of Labor in accordance with subchapter

1 IV of chapter 31 of title 40, United States Code, that is
2 applicable at the time the application is filed”.

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

4 Section 12(a) of the United States Housing Act of
5 1937 (42 U.S.C. 1437j(a)) is amended by striking “, as
6 predetermined by the Secretary of Labor pursuant to the
7 Davis-Bacon Act (49 Stat. 1011)” and inserting “for cor-
8 responding classes of laborers and mechanics employed on
9 construction of a residential character, as predetermined
10 by the Secretary of Labor pursuant to subchapter IV of
11 chapter 31 of title 40, United States Code, that is applica-
12 ble at the time the application is filed”.

○