

DOL Publishes Proposed Rule to Update Davis-Bacon Act

Last Friday, the Department of Labor (DOL) published a [proposed rule](#) to update regulations implementing the Davis-Bacon Act, which applies to federal and federally-assisted construction projects. There are 71 Davis-Bacon laws applicable to federal and federally assisted construction projects that require the payment of locally prevailing wage rates for 1.2 million U.S. construction workers. The requirements currently cover approximately \$217 billion in federal spending on construction each year.

According to DOL, the proposed regulatory changes will improve the department's ability to administer and enforce Davis-Bacon labor standards more effectively and efficiently. Comments on the proposed rule are due by May 17, 2022. Proposed changes include:

- Creating several efficiencies in the prevailing wage update system and ensuring prevailing wage rates keep up with actual wages, which over time would mean higher wages for workers.
- Returning to the definition of "prevailing wage" used from 1935 to 1983 to ensure prevailing wages reflect actual wages paid to workers in the local community.
- Periodically updating prevailing wage rates to address out-of-date wage determinations.
- Providing broader authority to adopt state or local wage determinations when certain criteria is met.
- Issuing supplemental rates for key job classifications when no survey data exists.
- Updating the regulatory language to better reflect modern construction practices.
- Strengthening worker protections and enforcement, including debarment and anti-retaliation.

NDA will be reviewing the proposed rule and will keep members updated on the latest developments from DOL.

Biden Administration Lifts Tariffs on British Steel and Aluminum

Earlier this week, the Biden administration reached an agreement with the United Kingdom to lift Section 232 tariffs on British steel and aluminum imports. These tariffs were first imposed by the United States in 2018.

The new agreement with the United Kingdom establishes a tariff-rate quota that will allow a certain "historically-based" volume of British steel and aluminum to enter the United States without duties. Any shipments above that level would still be subject to duties originally imposed by the Trump administration.