



September 20, 2023

The Honorable Bernie Sanders
Chairman
U.S. Senate Committee on Health,
Education, Labor and Pensions
428 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Bill Cassidy
Ranking Member
U.S. Senate Committee on Health,
Education, Labor and Pensions
428 Dirksen Senate Office Building

Most notably, the new rule implements more than 50 significant changes to DBA regulations, including:

- Weakening the definition of “prevailing wage” to a wage paid to at least 30% of workers in a locality, down from 50%.
- Revoking a Reagan-era rule separating metropolitan and rural wage data, ensuring any future wage calculation will overcount inflated urban wages as prevailing in smaller rural areas.
- Undermining the procedural due process rights of contractors and increase administrative costs by expanding DOL’s debarment powers.
- Imposing DBRA obligations through “operation of law,” regardless of contract language, deterring many small and minority-owned construction firms without administrative resources from bidding on contracts.
- Expanding the term “site of work” to include material suppliers and off-site construction in certain circumstances. This contradicts the plain language of DBRA and legally binding D.C. Circuit precedent.