

**23 U.S.C.**

United States Code, 2013 Edition

Title 23 - HIGHWAYS

CHAPTER 1 - FEDERAL-AID HIGHWAYS

Sec. 113 - Prevailing rate of wage

From the U.S. Government Publishing Office, [www.gpo.gov](http://www.gpo.gov)**§113. Prevailing rate of wage**

(a) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on the construction work performed on highway projects on the Federal-aid highways authorized under the highway laws providing for the expenditure of Federal funds upon Federal-aid highways, shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate locality as determined by the Secretary of Labor in accordance with sections 3141–3144, 3146, and 3147 of title 40.

(b) In carrying out the duties of subsection (a) of this section, the Secretary of Labor shall consult with the highway department of the State in which a project on any Federal-aid highway is to be performed. After giving due regard to the information thus obtained, he shall make a predetermination of the minimum wages to be paid laborers and mechanics in accordance with the provisions of subsection (a) of this section which shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project.

(c) The provisions of the section shall not be applicable to employment pursuant to apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting equal employment opportunity in connection with Federal-aid highway construction programs.

(Pub. L. 85–767, Aug. 27, 1958, 72 Stat. 895; Pub. L. 90–495, §12(a), Aug. 23, 1968, 82 Stat. 821; Pub. L. 97–424, title I, §149, Jan. 6, 1983, 96 Stat. 2131; Pub. L. 100–17, title I, §133(b)(5), Apr. 2, 1987, 101 Stat. 171; Pub. L. 102–240, title I, §1006(g)(2), Dec. 18, 1991, 105 Stat. 1927; Pub. L. 107–217, §3(e)(2), Aug. 21, 2002, 116 Stat. 1299; Pub. L. 112–141, div. A, title I, §1104(c)(2), July 6, 2012, 126 Stat. 427.)

**AMENDMENTS**

**2012**—Subsec. (a). Pub. L. 112–141, §1104(c)(2)(A), substituted "Federal-aid highways" for "the Federal-aid systems".

Subsec. (b). Pub. L. 112–141, §1104(c)(2)(B), substituted "Federal-aid highway" for "of the Federal-aid systems".

**2002**—Subsec. (a). Pub. L. 107–217 substituted "sections 3141–3144, 3146, and 3147 of title 40" for "the Act of March 3, 1931, known as the Davis-Bacon Act (40 U.S.C. 276a)".

**1991**—Subsec. (a). Pub. L. 102–240, which directed substitution of "highways" for "systems, the primary and secondary, as well as their extension in urban areas, and the Interstate system," was executed by making the substitution for the quoted words which in the original contained the word "extensions" rather than "extension", to reflect the probable intent of Congress.

**1987**—Subsec. (a). Pub. L. 100–17 substituted "March 3, 1931" for "August 30, 1935" and "276a" for "267a".

**1983**—Subsec. (a). Pub. L. 97–424 struck out "initial" after "subcontractors on the".

**1968**—Subsec. (a). Pub. L. 90–495 extended wage rate provisions to the construction of all Federal-aid highway projects by amending provisions limiting them only to the Interstate System.

Subsec. (b). Pub. L. 90–495 substituted "any of the Federal-aid systems" for "the Interstate System".

Subsec. (c). Pub. L. 90–495 added subsec. (c).

**EFFECTIVE DATE OF 2012 AMENDMENT**

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

**EFFECTIVE DATE OF 1991 AMENDMENT**

Amendment by Pub. L. 102–240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102–240, set out as a note under section 104 of this title.

**EFFECTIVE DATE OF 1968 AMENDMENT**

Amendment by Pub. L. 90–495 effective Aug. 23, 1968, see section 37 of Pub. L. 90–495, set out as a note under section 101 of this title.