

117TH CONGRESS
2D SESSION

H. R. 8784

To establish the American Workforce Commission, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2022

Mr. JOYCE of Ohio (for himself and Ms. BROWN of Ohio) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To establish the American Workforce Commission, 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 “Commission on the
5 American Workforce Act”.

6 **SEC. 2. AMERICAN WORKFORCE COMMISSION.**

7 (a) ESTABLISHMENT.—There is established a com-
8 mission to be known as the “American Workforce Com-
9 mission” (in this section referred to as the “Commis-
10 sion”).

1 (b) DUTIES.—The duties of the Commission shall be
2 to conduct an examination of the following:

3 (1) The possible causes of workforce changes
4 during the 10-year period beginning on the date that
5 is 10 years prior to the date of the enactment of this
6 section, including—

7 (A) the COVID–19 pandemic, including—

8 (i) related public health and economic
9 policy responses to such pandemic; and

10 (ii) psychological implications of such
11 pandemic that may have altered the career
12 trajectories or aspirations of individuals;

13 (B) issues predating such pandemic, in-
14 cluding issues stemming from the financial cri-
15 sis of 2008–2009;

16 (C) changes in—

17 (i) the highest level of education that
18 individuals attain; and

19 (ii) the use of workforce development
20 programs offered by employers to develop
21 the skills of employees;

22 (D) availability of work-from-home policies;

23 (E) the rise of the gig economy;

1 (F) the manufacturing industries of the
2 United States and the People's Republic of
3 China;

4 (G) changes in the social value of profes-
5 sions that do not require an associate or bacca-
6 laureate degree;

7 (H) the impact of globalization and job
8 out-sourcing;

9 (I) changes in family structures, including
10 changes relating to the number of two parent
11 households, the number of households in which
12 both parents are employed, and the number of
13 children per household; and

14 (J) any additional changes the Commission
15 deems appropriate to examine.

16 (2) The impact of workforce changes identified
17 pursuant to paragraph (1), including—

18 (A) areas within the United States that
19 were most impacted by such changes;

20 (B) whether any population or group be-
21 came more vulnerable due to such changes;

22 (C) a comparison of the impact of such
23 changes on—

24 (i) businesses based on size; and

1 (ii) working mothers and mothers who
2 are homemakers;

3 (D) changes in the rates of mental illness
4 and drug use, including opioid use during the
5 10-year period beginning on the date that is 10
6 years prior to the date of the enactment of this
7 section; and

8 (E) the impact on—

9 (i) supply chains;

10 (ii) quality of products and services;

11 (iii) Federal, State, and local tax rev-
12 enue;

13 (iv) formation or closure of busi-
14 nesses;

15 (v) family and individual income and
16 wealth;

17 (vi) Federal, State, and local work-
18 force size;

19 (vii) readiness of the armed services;

20 (viii) economic productivity;

21 (ix) manufacturing output; and

22 (x) changes to workplace and occupa-
23 tional safety standards.

24 (c) POWERS OF COMMISSION.—

25 (1) HEARINGS AND SESSIONS.—

1 (A) IN GENERAL.—The Commission may,
2 for the purpose of carrying out this section,
3 hold hearings, sit and act at times and places,
4 take testimony, and receive evidence as the
5 Commission considers appropriate.

6 (B) SCHEDULING OF SESSIONS.—

7 (i) IN GENERAL.—Hearings and ses-
8 sions of the Commission shall be scheduled
9 by the Chairperson or by a vote of the ma-
10 jority of members.

11 (ii) INITIAL HEARING OR SESSION.—
12 The Chairperson shall schedule the initial
13 hearing or session to occur not later than
14 90 days after the date on which the Chair-
15 person is appointed pursuant to subsection
16 (d)(5)(A).

17 (C) CIRCUMSTANCES OF HEARINGS AND
18 SESSIONS.—

19 (i) IN PERSON HEARINGS AND SES-
20 SIONS.—Unless prohibited by Federal
21 guidelines, hearings and sessions shall be
22 conducted by the Commission in person.

23 (ii) WITNESS TESTIMONY.—The Com-
24 mission may request witness testimony in

1 any format the Commission determines ap-
2 propriate.

3 (2) POWERS OF MEMBERS AND AGENTS.—Any
4 member or agent of the Commission may, if author-
5 ized by the Commission, take any action which the
6 Commission is authorized to take by this section.

7 (3) OBTAINING OFFICIAL DATA.—The Commis-
8 sion may secure directly from any department or
9 agency of the United States information, including
10 privacy-protected information, necessary to enable it
11 to carry out this Act. Upon request of the Chair-
12 person or Vice Chairperson of the Commission, the
13 head of such department or agency shall furnish
14 such information to the Commission.

15 (4) GIFTS, BEQUESTS, AND DEVISES.—The
16 Commission may accept, use, and dispose of gifts,
17 bequests, or devises of services or property, both real
18 and personal, for the purpose of aiding or facili-
19 tating the work of the Commission. Gifts, bequests,
20 or devises of money and proceeds from sales of other
21 property received as gifts, bequests, or devises shall
22 be deposited in the Treasury and shall be available
23 for disbursement upon order of the Chairperson.

24 (5) MAILS.—The Commission may use the
25 United States mails in the same manner and under

1 the same conditions as other departments and agen-
2 cies of the United States.

3 (6) ADMINISTRATIVE SUPPORT SERVICES.—

4 (A) GENERAL SERVICES.—Upon the re-
5 quest of the Commission, the Administrator of
6 General Services shall provide to the Commis-
7 sion, on a reimbursable basis, the administra-
8 tive support services necessary for the Commis-
9 sion to carry out its responsibilities under this
10 Act.

11 (B) ADDITIONAL SUPPORT.—The Commis-
12 sion may accept additional assistance from any
13 department or agency of the United States.

14 (7) SUBPOENA POWER.—

15 (A) IN GENERAL.—The Commission may
16 issue subpoenas requiring the attendance and
17 testimony of witnesses and the production of
18 any evidence relating to any matter which the
19 Commission is empowered to investigate by sub-
20 section (b).

21 (B) ISSUANCE OF SUBPOENA.—A sub-
22 poena of a witness or evidence shall be issued
23 only upon if agreement is reached that such
24 subpoena should be issued by—

1 (i) the Chairperson and Vice Chair-
2 person; or

3 (ii) an affirmative vote of the majority
4 of members present and voting.

5 (C) FAILURE TO OBEY A SUBPOENA.—If a
6 person refuses to obey a subpoena issued under
7 subparagraph (A), the Commission may apply
8 to a United States district court for an order
9 requiring that person to appear before the Com-
10 mission to give testimony, produce evidence, or
11 both, relating to the matter under investigation.
12 The application may be made within the judicial
13 district where the hearing is conducted or where
14 that person is found, resides, or transacts busi-
15 ness. Any failure to obey the order of the court
16 may be punished by the court as civil contempt.

17 (D) SERVICE OF SUBPOENAS.—The sub-
18 poenas of the Commission shall be served in the
19 manner provided for subpoenas issued by a
20 United States district court under the Federal
21 Rules of Civil Procedure for the United States
22 district courts.

23 (E) SERVICE OF PROCESS.—All process of
24 any court to which application is made under
25 paragraph (2) may be served in the judicial dis-

1 trict in which the person required to be served
2 resides or may be found.

3 (8) IMMUNITY.—The Commission is an agency
4 of the United States for the purpose of part V of
5 title 18, United States Code (relating to immunity
6 of witnesses).

7 (9) CONTRACT AUTHORITY.—The Commission
8 may contract with and compensate government and
9 private agencies or persons for goods and other serv-
10 ices.

11 (d) MEMBERSHIP.—

12 (1) NUMBER AND APPOINTMENT.—The Com-
13 mission shall be composed of 12 members, of
14 whom—

15 (A) three members shall be appointed by
16 the majority leader of the House of Representa-
17 tives;

18 (B) three members shall be appointed by
19 the minority leader of the House of Representa-
20 tives;

21 (C) three members shall be appointed by
22 the majority leader of the Senate; and

23 (D) three members shall be appointed by
24 the minority leader of the Senate.

25 (2) QUALIFICATIONS.—

1 (A) LIMITATION ON CONGRESSIONAL
2 SERVICE.—An individual appointed to the Com-
3 mission may not be a former or current Mem-
4 ber of Congress.

5 (B) OTHER QUALIFICATIONS.—It is the
6 sense of Congress that individuals appointed to
7 the Commission should have national recogni-
8 tion and significant depth of experience in at
9 least one of the following areas:

- 10 (i) Economics.
- 11 (ii) Human resources.
- 12 (iii) Industry.
- 13 (iv) Labor organization.
- 14 (v) Political science.
- 15 (vi) Public policy.
- 16 (vii) Any other area related to the na-
17 tional workforce.

18 (3) TERMS.—

19 (A) IN GENERAL.—Each member shall be
20 appointed not later than 60 days after the date
21 of the enactment of this section and for the life
22 of the Commission.

23 (B) VACANCIES.—A vacancy on the Com-
24 mission shall be filled in the same manner in
25 which the original appointment was made.

1 (4) BASIC PAY.—

2 (A) RATES OF PAY.—Members shall each
3 be paid at a rate equal to the rate of basic pay
4 for level IV of the Executive Schedule for each
5 day (including travel time) during which they
6 are engaged in the actual performance of duties
7 vested in the Commission.

8 (B) PROHIBITION ON COMPENSATION OF
9 FEDERAL EMPLOYEES.—Members of the Com-
10 mission who are full-time officers or employees
11 of the United States may not receive additional
12 pay, allowances, or benefits by reason of their
13 service on the Commission.

14 (C) TRAVEL EXPENSES.—Each member
15 shall receive travel expenses, including per diem
16 in lieu of subsistence, in accordance with appli-
17 cable provisions under subchapter I of chapter
18 57 of title 5, United States Code.

19 (5) CHAIRPERSON; VICE CHAIRPERSON.—Not
20 later than 30 days after the date on which the final
21 member of the Commission is appointed the—

22 (A) Chairperson shall be designated by the
23 majority leader of the House of Representa-
24 tives; and

1 (B) Vice Chairperson shall be designated
2 by the leader of the party within the Senate
3 that is different from the majority leader of the
4 House of Representatives.

5 (e) QUORUM.—Seven members of the Commission
6 shall constitute a quorum.

7 (f) STAFF OF COMMISSION.—

8 (1) DIRECTOR.—The Commission shall have a
9 Director who shall be appointed by the Chairperson
10 and Vice Chairperson.

11 (2) STAFF.—The Chairperson and the Vice
12 Chairperson may appoint additional staff as the
13 Chairperson and Vice Chairperson consider appro-
14 priate.

15 (3) APPLICABILITY OF CERTAIN CIVIL SERVICE
16 LAWS.—The Director and staff of the Commission
17 may be appointed without regard to the provisions
18 of title 5, United States Code, governing appoint-
19 ments in the competitive service, and may be paid
20 without regard to the provisions of chapter 51 and
21 subchapter III of chapter 53 of that title relating to
22 classification and General Schedule pay rates, except
23 that an individual so appointed may not receive pay
24 in excess of the annual rate of basic pay for level V
25 of the Executive Schedule.

1 (4) EXPERTS AND CONSULTANTS.—The Com-
2 mission may procure temporary and intermittent
3 services under section 3109(b) of title 5, United
4 States Code, but at rates for individuals not to ex-
5 ceed the daily equivalent of the maximum annual
6 rate of basic pay for IV of the Executive Schedule.

7 (g) NONAPPLICABILITY OF FEDERAL ADVISORY
8 COMMISSION ACT.—The Federal Advisory Committee Act
9 (5 U.S.C. App.) shall not apply to the Commission.

10 (h) REPORTS; BRIEFING; TERMINATION.—

11 (1) REPORTS.—

12 (A) INTERIM REPORT.—Not later than 4
13 months after the date of the initial meeting of
14 the Commission, the Chairperson shall submit
15 to the President and the Congress an interim
16 report that includes a detailed summary of the
17 work of the Commission and any preliminary
18 findings.

19 (B) FINAL REPORT.—Not later than 1
20 year after the date of the initial meeting of the
21 Commission, the Chairperson shall submit to
22 the President and the Congress a final report
23 that includes—

24 (i) a detailed statement of the find-
25 ings and conclusions of the Commission;

1 (ii) dissenting opinions of any member
2 who does not support the findings and con-
3 clusions referred to in clause (i); and

4 (iii) any recommendations for legisla-
5 tive and administrative actions to address
6 workforce shortages.

7 (C) PUBLICATION.—

8 (i) IN GENERAL.—Not more than 7
9 days after the date on which a report
10 under this section is submitted to Con-
11 gress, the Chairperson shall publish such
12 report on the website of the Commission
13 and the Federal Register.

14 (ii) PRIVACY-PROTECTED DATA.—
15 When publishing the final report required
16 under clause (i), the Chairperson shall re-
17 move any personally identifiable informa-
18 tion included in such report.

19 (2) BRIEFING.—Not later than 120 days after
20 the date on which the Chairperson submits the final
21 report pursuant to subsection (b), the Chairperson
22 shall brief Congress on such report.

23 (3) TERMINATION.—The Commission, and all
24 the authorities of this section, shall terminate upon
25 the expiration of the 60-day period which begins on

- 1 the date on which the Commission submits the final
- 2 report under paragraph (1)(B).

