

106TH CONGRESS
2D SESSION

H. R. 4738

To establish the High Level Commission on Immigrant Labor Policy.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2000

Mr. KOLBE introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the High Level Commission on Immigrant Labor Policy.

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 “Immigrant Labor Pol-
5 icy Review Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The unemployment rate in the United
9 States is at a record low.

1 (2) Many industries in the United States, in-
2 cluding agriculture, tourism, construction, nursing,
3 information technology, and other portions of the
4 service sector, are experiencing labor shortages.

5 (3) The inability to secure sufficient workers is
6 having a detrimental impact on the economy of the
7 United States and the standard of living for all peo-
8 ple in the United States.

9 **SEC. 3. ESTABLISHMENT.**

10 There is established a commission to be known as the
11 High Level Commission on Immigrant Labor Policy (here-
12 inafter in this Act referred to as the “Commission”).

13 **SEC. 4. DUTIES.**

14 (a) IN GENERAL.—The Commission shall study the
15 interactions between Federal immigration policy and the
16 labor markets for aliens in the United States, including
17 the following subjects:

18 (1) The adequacy of the supply of labor in the
19 United States and whether this supply needs to be
20 further supplemented with alien workers.

21 (2) The extent to which employers in the
22 United States rely upon the employment of a tem-
23 porary workforce.

1 (3) The economic impact and desirability of
2 maintaining statutory caps on nonimmigrant work-
3 ers.

4 (4) The extent to which employers in the
5 United States rely upon the employment of a work-
6 force that includes or consists of aliens who unlaw-
7 fully enter or remain in the United States.

8 (5) The extent of unemployment and under-
9 employment of workers who are United States citi-
10 zens or aliens lawfully admitted to the United States
11 for permanent residence.

12 (6) The effectiveness of United States labor
13 policies in stopping the flow into the United States
14 of illegal immigrants.

15 (7) Any other subject necessary to permit the
16 Commission to prepare the reports required under
17 section 8.

18 (b) CONSULTATION.—In conducting the study, the
19 Commission shall consult with migrant labor groups, non-
20 profit organizations, labor unions, pertinent business and
21 agriculture associations and organizations, State Gov-
22 ernors, law enforcement associations and organizations,
23 and relevant executive branch agencies and congressional
24 committees.

1 **SEC. 5. MEMBERSHIP.**

2 (a) NUMBER AND APPOINTMENT.—The Commission
3 shall consist of 12 members, to be appointed as follows:

4 (1) 6 to be appointed by the President.

5 (2) 3 to be appointed by the Speaker of the
6 House of Representatives.

7 (3) 3 to be appointed by the President pro tem-
8 pore of the Senate.

9 (b) CONSULTATIONS.—In making appointments
10 under subsection (a)(1), the President shall consult with—

11 (1) the Attorney General in appointing 1 mem-
12 ber;

13 (2) the Chairman of the Federal Reserve Board
14 in appointing 1 member;

15 (3) the Secretary of Commerce in appointing 2
16 members; and

17 (4) the Secretary of Agriculture in appointing 2
18 members.

19 (c) TERMS.—Each member of the Commission shall
20 be appointed for the life of the Commission.

21 (d) VACANCIES.—A vacancy in the Commission shall
22 be filled in the manner in which the original appointment
23 was made.

24 (e) CHAIRPERSON.—The Chairman of the Federal
25 Reserve Board (or the Chairman of the Federal Reserve
26 Board's designee) shall serve as the chairperson of the

1 Commission until such time as the members of the Com-
2 mission can elect a chairperson.

3 (f) BASIC PAY.—Each member shall serve without
4 pay. Each member shall receive travel expenses, including
5 per diem in lieu of subsistence, in accordance with sections
6 5702 and 5703 of title 5, United States Code.

7 (g) QUORUM.—A majority of the members shall con-
8 stitute a quorum for the transaction of business.

9 (h) MEETINGS.—The Commission shall meet at the
10 call of the chairperson.

11 **SEC. 6. DIRECTOR AND STAFF; EXPERTS AND CONSULT-**
12 **ANTS.**

13 (a) DIRECTOR.—The Commission shall have a direc-
14 tor who shall be appointed by the chairperson subject to
15 rules prescribed by the Commission.

16 (b) STAFF.—Subject to rules prescribed by the Com-
17 mission, the chairperson may appoint and fix the pay of
18 such additional personnel as the chairperson considers ap-
19 propriate.

20 (c) APPLICABILITY OF CERTAIN CIVIL SERVICE
21 LAWS.—The director and staff of the Commission may be
22 appointed without regard to title 5, United States Code,
23 governing appointments in the competitive service, and
24 may be paid without regard to the requirements of chapter
25 51 and subchapter III of chapter 53 of such title relating

1 to classification and General Schedule pay rates, except
2 that an individual so appointed may not receive pay in
3 excess of the maximum annual rate of basic pay payable
4 for GS–15 of the General Schedule.

5 (d) EXPERTS AND CONSULTANTS.—The chairperson
6 may procure temporary and intermittent services under
7 section 3109(b) of title 5, United States Code, at rates
8 for individuals not to exceed the daily equivalent of the
9 maximum annual rate of basic pay payable for GS–15 of
10 the General Schedule.

11 (e) STAFF OF FEDERAL AGENCIES.—Upon request
12 of the chairperson, the head of any Federal agency may
13 detail, on a reimbursable basis, any of the personnel of
14 the agency to the Commission to assist the Commission
15 in carrying out its duties.

16 **SEC. 7. POWERS.**

17 (a) OBTAINING OFFICIAL DATA.—The chairperson
18 may secure directly from any Federal agency information
19 necessary to enable the Commission to carry out its duties.
20 Upon request of the chairperson, the head of the agency
21 shall furnish such information to the Commission to the
22 extent such information is not prohibited from disclosure
23 by law.

1 (b) **MAILS.**—The Commission may use the United
2 States mails in the same manner and under the same con-
3 ditions as other Federal agencies.

4 (c) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the
5 request of the chairperson, the Administrator of General
6 Services shall provide to the Commission, on a reimburs-
7 able basis, the administrative support services necessary
8 for the Commission to carry out its duties.

9 (d) **CONTRACT AUTHORITY.**—The chairperson may
10 contract with and compensate government and private
11 agencies or persons for the purpose of conducting re-
12 search, surveys, and other services necessary to enable the
13 Commission to carry out its duties.

14 **SEC. 8. REPORTS.**

15 (a) **INTERIM REPORT.**—Not later than 6 months
16 after the date of the enactment of this Act, the Commis-
17 sion shall prepare and submit to the President and the
18 Congress an interim report on the following:

19 (1) The overall effectiveness of Federal immi-
20 gration and labor laws and policies in—

21 (A) protecting jobs held by citizens and na-
22 tionals of the United States, aliens who are law-
23 fully admitted to the United States for perma-
24 nent residence, aliens who are admitted as refu-
25 gees or are granted asylum, and other immi-

1 grants otherwise authorized to be employed in
2 the United States;

3 (B) preventing exploitation of alien immi-
4 grant and nonimmigrant workers;

5 (C) reducing the number of illegal border
6 crossings into the United States; and

7 (D) reducing the numbers of aliens unlaw-
8 fully employed in the United States.

9 (2) The impact of statutory numerical limita-
10 tions on the entry of immigrants and nonimmigrants
11 into the United States on the achievement of the
12 goals described in subparagraphs (A) through (D) of
13 paragraph (1).

14 (3) The impact of recent measures undertaken
15 in border areas to deter illegal border crossings on
16 the achievement of such goals.

17 (4) The impact of Federal alien labor laws and
18 policies on the overall economic performance within
19 the United States and economic performance within
20 the following sectors:

21 (A) Agriculture.

22 (B) Tourism and service.

23 (C) Construction.

24 (D) Nursing and health care.

25 (E) Apparel.

1 (F) Information technology.

2 (b) FINAL REPORT.—Not later than 1 year after the
3 date of the enactment of this Act, the Commission shall
4 prepare and submit to the President and the Congress a
5 final report that contains at least the following:

6 (1) Information that updates the findings re-
7 ported in the interim report on each of the issues de-
8 scribed in paragraphs (1) through (4) of subsection
9 (a).

10 (2) Recommendations for actions that the Com-
11 mission considers necessary—

12 (A) to curb illegal border crossings into the
13 United States;

14 (B) to curb unlawful employment of aliens
15 in the United States;

16 (C) to ensure adequate protection of the
17 workers described in subsection (a)(1)(A); and

18 (D) to ensure a stable and steady work-
19 force for industry in the United States.

20 (3) The viability of expanding the agricultural
21 guest worker program established under section
22 101(a)(15)(H)(ii)(a) of the Immigration and Nation-
23 ality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) and sec-
24 tion 218 of such Act (8 U.S.C. 1188) to any or all
25 of the following United States industries:

- 1 (A) Tourism and service.
- 2 (B) Construction.
- 3 (C) Nursing and health care.
- 4 (D) Apparel.
- 5 (E) Information technology.

6 (4) Recommendations for any additional actions
7 that the Commission determines would improve Fed-
8 eral immigration or labor laws or policies.

9 (5) Any other related information that the
10 Commission considers to be appropriate.

11 **SEC. 9. TERMINATION.**

12 The Commission shall terminate 6 months after the
13 date on which the Commission submits its final report
14 under section 8(b).

15 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated such sums
17 as may be necessary to carry out this Act, which sums
18 shall remain available until expended.

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