

118TH CONGRESS  
1ST SESSION

# H. R. 5639

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

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2023

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

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## 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 and labor  
2 policies of the United States and the People's  
3 Republic of China;

4 (G) changes in the social value of profes-  
5 sions that do not require an associate or bacca-  
6 laurate 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 parents and parents 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).

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