

107TH CONGRESS
1ST SESSION

H. R. 1807

To establish the High Level Commission on Immigrant Labor Policy.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2001

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 10 members, to be appointed as follows:

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

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

7 (3) 1 to be appointed by the minority leader of
8 the House of Representatives.

9 (4) 2 to be appointed by the President pro tem-
10 pore of the Senate.

11 (5) 1 to be appointed by the minority leader of
12 the Senate.

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

15 (1) the Attorney General in appointing 1 mem-
16 ber;

17 (2) the Chairman of the Federal Reserve Board
18 in appointing 1 member;

19 (3) the Secretary of Commerce in appointing 1
20 member; and

21 (4) the Secretary of Agriculture in appointing 1
22 member.

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

1 (d) VACANCIES.—A vacancy in the Commission shall
2 be filled in the manner in which the original appointment
3 was made.

4 (e) CHAIRPERSON.—The Chairman of the Federal
5 Reserve Board (or the Chairman of the Federal Reserve
6 Board’s designee) shall serve as the chairperson of the
7 Commission until such time as the members of the Com-
8 mission can elect a chairperson.

9 (f) BASIC PAY.—Each member shall serve without
10 pay. Each member shall receive travel expenses, including
11 per diem in lieu of subsistence, in accordance with sections
12 5702 and 5703 of title 5, United States Code.

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

15 (h) MEETINGS.—The Commission shall meet at the
16 call of the chairperson.

17 **SEC. 6. DIRECTOR AND STAFF; EXPERTS AND CONSULT-**
18 **ANTS.**

19 (a) DIRECTOR.—The Commission shall have a direc-
20 tor who shall be appointed by the chairperson subject to
21 rules prescribed by the Commission.

22 (b) STAFF.—Subject to rules prescribed by the Com-
23 mission, the chairperson may appoint and fix the pay of
24 such additional personnel as the chairperson considers ap-
25 propriate.

1 (c) APPLICABILITY OF CERTAIN CIVIL SERVICE
2 LAWS.—The director and staff of the Commission may be
3 appointed without regard to title 5, United States Code,
4 governing appointments in the competitive service, and
5 may be paid without regard to the requirements of chapter
6 51 and subchapter III of chapter 53 of such title relating
7 to classification and General Schedule pay rates, except
8 that an individual so appointed may not receive pay in
9 excess of the maximum annual rate of basic pay payable
10 for GS–15 of the General Schedule.

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

17 (e) STAFF OF FEDERAL AGENCIES.—Upon request
18 of the chairperson, the head of any Federal agency may
19 detail, on a reimbursable basis, any of the personnel of
20 the agency to the Commission to assist the Commission
21 in carrying out its duties.

22 **SEC. 7. POWERS.**

23 (a) OBTAINING OFFICIAL DATA.—The chairperson
24 may secure directly from any Federal agency information
25 necessary to enable the Commission to carry out its duties.

1 Upon request of the chairperson, the head of the agency
2 shall furnish such information to the Commission to the
3 extent such information is not prohibited from disclosure
4 by law.

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

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

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

18 **SEC. 8. REPORTS.**

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

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

1 (A) protecting jobs held by citizens and na-
2 tionals of the United States, aliens who are law-
3 fully admitted to the United States for perma-
4 nent residence, aliens who are admitted as refu-
5 gees or are granted asylum, and other immi-
6 grants otherwise authorized to be employed in
7 the United States;

8 (B) preventing exploitation of alien immi-
9 grant and nonimmigrant workers;

10 (C) reducing the number of illegal border
11 crossings into the United States; and

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

14 (2) The impact of statutory numerical limita-
15 tions on the entry of immigrants and nonimmigrants
16 into the United States on the achievement of the
17 goals described in subparagraphs (A) through (D) of
18 paragraph (1).

19 (3) The impact of recent measures undertaken
20 in border areas to deter illegal border crossings on
21 the achievement of such goals.

22 (4) The impact of Federal alien labor laws and
23 policies on the overall economic performance within
24 the United States and economic performance within
25 the following sectors:

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

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

11 (1) Information that updates the findings re-
12 ported in the interim report on each of the issues de-
13 scribed in paragraphs (1) through (4) of subsection
14 (a).

15 (2) Recommendations for actions that the Com-
16 mission considers necessary—

17 (A) to curb illegal border crossings into the
18 United States;

19 (B) to curb unlawful employment of aliens
20 in the United States;

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

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

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

7 (A) Tourism and service.

8 (B) Construction.

9 (C) Nursing and health care.

10 (D) Apparel.

11 (E) Information technology.

12 (4) Recommendations for any additional actions
13 that the Commission determines would improve Fed-
14 eral immigration or labor laws or policies.

15 (5) Any other related information that the
16 Commission considers to be appropriate.

17 **SEC. 9. TERMINATION.**

18 The Commission shall terminate 6 months after the
19 date on which the Commission submits its final report
20 under section 8(b).

21 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated such sums
23 as may be necessary to carry out this Act, which sums
24 shall remain available until expended.

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