

108TH CONGRESS  
2D SESSION

# H. R. 3878

To establish the Commission on American Jobs.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2004

Ms. WATERS introduced the following bill; which was referred to the  
Committee on Education and the Workforce

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## A BILL

To establish the Commission on American Jobs.

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 Amer-  
5       ican Jobs Act”.

6       **SEC. 2. ESTABLISHMENT.**

7       The Secretary of Commerce shall establish a commis-  
8       sion to be known as the “Commission on American Jobs”.

9       **SEC. 3. DUTIES OF THE COMMISSION.**

10       On an annual basis, the Commission shall—

11               (1) collect data on outsourcing by companies of  
12       interest from reports transmitted to the Commission

1       pursuant to section 6(d) and any other information  
2       that the Commission may consider under this Act;

3           (2) identify the number of jobs outsourced by  
4       companies of interest, the dates that the jobs were  
5       outsourced, and the locations to which the jobs were  
6       outsourced;

7           (3) conduct studies on why the jobs identified  
8       under paragraph (2) were outsourced; and

9           (4) propose possible measures to prevent  
10      outsourcing by companies of interest.

11   **SEC. 4. MEMBERSHIP.**

12       (a) NUMBER AND APPOINTMENT.—The Commission  
13   shall be composed of six members appointed by the Presi-  
14   dent.

15       (b) POLITICAL AFFILIATION.—Not more than three  
16   members of the Commission appointed under subsection  
17   (a) may be affiliated with the same political party.

18       (c) LABOR AFFILIATION.—At least two members of  
19   the Commission appointed under subsection (a) shall be  
20   representatives of labor organizations certified by the Na-  
21   tional Labor Relations Board.

22       (d) TERMS.—

23           (1) IN GENERAL.—Each member shall be ap-  
24      pointed for a term of six years, except as provided

1 in paragraphs (2) and (3). A member may be ap-  
2 pointed for more than one term.

3 (2) TERMS OF INITIAL APPOINTEES.—As des-  
4 ignated by the President at the time of appointment,  
5 of the members first appointed—

6 (A) two, not affiliated with the same polit-  
7 ical party, shall be appointed for a term of six  
8 years;

9 (B) two, not affiliated with the same polit-  
10 ical party, shall be appointed for a term of four  
11 years; and

12 (C) two, not affiliated with the same polit-  
13 ical party, shall be appointed for a term of two  
14 years.

15 (3) VACANCIES.—Any member appointed to fill  
16 a vacancy occurring before the expiration of the  
17 term for which the member's predecessor was ap-  
18 pointed shall be appointed only for the remainder of  
19 that term. A member may serve after the expiration  
20 of that member's term until a successor has taken  
21 office.

22 (e) BASIC PAY.—

23 (1) RATES OF PAY.—Except as provided in  
24 paragraph (2), members shall each be paid at the

1 maximum rate of basic pay for GS–15 of the Gen-  
2 eral Schedule.

3 (2) PROHIBITION OF COMPENSATION OF FED-  
4 ERAL EMPLOYEES.—Except as provided in sub-  
5 section (f), members of the Commission who are full-  
6 time officers or employees of the United States or  
7 Members of Congress may not receive additional  
8 pay, allowances, or benefits by reason of their serv-  
9 ice on the Commission.

10 (f) TRAVEL EXPENSES.—Each member shall receive  
11 travel expenses, including per diem in lieu of subsistence,  
12 in accordance with applicable provisions under subchapter  
13 I of chapter 57 of title 5, United States Code.

14 (g) QUORUM.—Three members of the Commission  
15 shall constitute a quorum but a lesser number may hold  
16 hearings.

17 (h) CHAIRPERSON.—The Chairperson of the Com-  
18 mission shall be designated by the President. The term  
19 of office of the Chairperson shall be one year. The position  
20 of Chairperson shall rotate among the members of the  
21 Commission, and a member may serve as Chairperson only  
22 once during each six-year term.

23 (i) MEETINGS.—The Commission shall meet at the  
24 call of either the Chairperson or a majority of the Commis-

1 sion's members. The Commission shall meet at least once  
2 annually.

3 **SEC. 5. POWERS OF COMMISSION.**

4 (a) HEARINGS AND SESSIONS.—The Commission  
5 may, for the purpose of carrying out this Act, hold hear-  
6 ings, sit and act at times and places, take testimony, and  
7 receive evidence as the Commission considers appropriate.  
8 The Commission may administer oaths or affirmations to  
9 witnesses appearing before it.

10 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-  
11 ber or agent of the Commission may, if authorized by the  
12 Commission, take any action which the Commission is au-  
13 thorized to take by this section.

14 (c) OBTAINING OFFICIAL DATA.—The Commission  
15 may secure directly from any agency of the United States  
16 information necessary to enable it to carry out this Act.  
17 Upon request of the Chairperson or any three members  
18 of the Commission, the head of that agency shall furnish  
19 that information to the Commission.

20 (d) MAILS.—The Commission may use the United  
21 States mails in the same manner and under the same con-  
22 ditions as other agencies of the United States.

23 (e) ADMINISTRATIVE SUPPORT SERVICES.—Upon  
24 the request of the Commission, the Administrator of Gen-  
25 eral Services shall provide to the Commission, on a reim-

1 bursable basis, the administrative support services nec-  
2 essary for the Commission to carry out its responsibilities  
3 under this Act.

4 (f) SUBPOENA POWER.—

5 (1) IN GENERAL.—The Commission may issue  
6 subpoenas requiring the attendance and testimony of  
7 witnesses and the production of any evidence relat-  
8 ing to any matter under investigation by the Com-  
9 mission. The attendance of witnesses and the pro-  
10 duction of evidence may be required from any place  
11 within the United States at any designated place of  
12 hearing within the United States.

13 (2) FAILURE TO OBEY A SUBPOENA.—If a per-  
14 son refuses to obey a subpoena issued by the Com-  
15 mission under paragraph (1), the Commission may  
16 apply to a United States district court for an order  
17 requiring that person to appear before the Commis-  
18 sion to give testimony, produce evidence, or both, re-  
19 lating to the matter under investigation. The appli-  
20 cation may be made within the judicial district in  
21 which that person is found, resides, or transacts  
22 business. Any failure to obey the order of the court  
23 may be punished by the court as civil contempt.

24 (3) SERVICE OF SUBPOENAS.—The subpoenas  
25 of the Commission shall be served in the manner

1 provided for subpoenas issued by a United States  
2 district court under the Federal Rules of Civil Pro-  
3 cedure for the United States district courts.

4 (4) SERVICE OF PROCESS.—All process of any  
5 court to which application is made under paragraph  
6 (2) may be served in the judicial district in which  
7 the person required to be served resides or may be  
8 found.

9 (g) IMMUNITY.—The Commission is an agency of the  
10 United States for purpose of part V of title 18, United  
11 States Code (relating to immunity of witnesses).

12 **SEC. 6. REPORTS.**

13 (a) COMMISSION REPORTS.—The Commission shall  
14 transmit to—

15 (1) the Committee on Appropriations, the Com-  
16 mittee on Education and the Workforce, the Com-  
17 mittee on Energy and Commerce, and the Com-  
18 mittee on Ways and Means of the House of Rep-  
19 resentatives;

20 (2) the Committee on Appropriations, the Com-  
21 mittee on Commerce, Science, and Transportation,  
22 the Committee on Finance, and the Committee on  
23 Health, Education, Labor, and Pensions of the Sen-  
24 ate; and

1           (3) the Joint Economic Committee of the Con-  
2       gress,  
3       annual reports including the content described in sub-  
4       section (c).

5       (b) TIMING.—The Commission shall transmit its first  
6       annual report under subsection (a)—

7           (1) not later than six months after the date of  
8       enactment of this Act, if such date of enactment is  
9       on or before September 30, 2004; and

10          (2) not later than May 1, 2005, if such date of  
11       enactment is after September 30, 2004.

12       The Commission shall transmit subsequent annual reports  
13       not later than May 1 of each year.

14       (c) CONTENT.—The annual reports required under  
15       subsection (a) shall include—

16           (1) detailed summaries of the data collected  
17       under section 3(1);

18           (2) detailed summaries of the information iden-  
19       tified under section 3(2);

20           (3) the results of the studies conducted pursu-  
21       ant to section 3(3); and

22           (4) the possible measures to prevent  
23       outsourcing proposed under section 3(4).

24       (d) COMPANY OF INTEREST REPORTS.—A company  
25       of interest shall transmit to the Commission annual re-



1 ports stating the number of jobs, if any, that the company  
2 of interest has outsourced during the previous year, the  
3 dates that the jobs were outsourced, and the locations to  
4 which the jobs were outsourced. A company of interest  
5 shall transmit its first annual report under this sub-  
6 section—

7 (1) not later than three months after the date  
8 of enactment of this Act, if such date of enactment  
9 is on or before September 30, 2004; and

10 (2) not later than March 1, 2005, if such date  
11 of enactment is after September 30, 2004.

12 A company of interest shall transmit subsequent annual  
13 reports not later than March 1 of each year.

14 **SEC. 7. TERMINATION.**

15 Section 14 of the Federal Advisory Committee Act  
16 (5 U.S.C. App.; relating to the termination of advisory  
17 committees) shall not apply to the Commission.

18 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated to the Sec-  
20 retary of Commerce \$25,000,000 for fiscal year 2005, to  
21 remain available until expended, to carry out this Act.

22 **SEC. 9. DEFINITIONS.**

23 For purposes of this Act:

1           (1) COMMISSION.—The term “Commission”  
2 means the Commission on American Jobs estab-  
3 lished under this Act.

4           (2) COMPANIES OF INTEREST.—The term  
5 “companies of interest” means—

6                 (A) corporations and other legal entities  
7 organized under the laws of the United States;

8                 (B) subsidiaries of corporations and legal  
9 entities described in subparagraph (A);

10                (C) corporations and other legal entities  
11 that employed at least 50 employees to perform  
12 services in the United States at any one time  
13 on or after January 1, 1980; and

14                (D) corporations and other legal entities  
15 with \$1,000,000 or more annual gross income  
16 that is effectively connected with the conduct of  
17 a trade or business within the United States.

18           (3) OUTSOURCING.—The term “outsourcing”  
19 means hiring employees to perform services outside  
20 the United States when the services previously had  
21 been performed in the United States.

22           (4) UNITED STATES.—The term “United  
23 States” means the several States, the District of Co-  
24 lumbia, the Commonwealth of Puerto Rico, the Com-  
25 monwealth of the Northern Mariana Islands, Amer-

- 1        ican Samoa, Guam, the Virgin Islands, and any
- 2        other territory or possession of the United States.

