

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2356

To establish the Commission on the Advancement of Women in the Science and Engineering Work Forces.

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IN THE SENATE OF THE UNITED STATES

AUGUST 3 (legislative day JULY 20), 1994

Mr. HATCH introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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## A BILL

To establish the Commission on the Advancement of Women in the Science and Engineering Work Forces.

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 Advancement of Women in the Science and Engineering  
6 Work Forces Act”.

7 **SEC. 2. FINDINGS.**

8 The Congress finds that—

9 (1) despite a consistently high presence of  
10 women in the professional and total work forces of

1 the United States, women continue to be  
2 underrepresented in the science and engineering  
3 work forces;

4 (2) women scientists and engineers have higher  
5 rates of unemployment and underemployment than  
6 their male counterparts, although the number of  
7 women receiving degrees in scientific and engineer-  
8 ing disciplines has increased since 1981;

9 (3) artificial barriers exist in the recruitment,  
10 retention, and advancement of women in the science  
11 and engineering work forces;

12 (4) academia, industry, and government are in-  
13 creasingly aware of the necessity of and the advan-  
14 tages derived from diverse science and engineering  
15 work forces;

16 (5) initiatives of the White House Task Force  
17 on Women, Minorities, and the Handicapped in  
18 Science and Technology and of the Federal Coordi-  
19 nating Council on Science, Engineering, and Tech-  
20 nology have been instrumental in raising public  
21 awareness of—

22 (A) the underrepresentation of women in  
23 the science and engineering work forces; and

1 (B) the desirability of eliminating artificial  
2 barriers to the recruitment, retention, and ad-  
3 vancement of women in such work forces; and

4 (6) the establishment of a commission to exam-  
5 ine issues raised by these initiatives would help to—

6 (A) focus greater attention on the impor-  
7 tance of eliminating artificial barriers to the re-  
8 cruitment, retention, and advancement of  
9 women in the science and engineering work  
10 forces and in all employment sectors of the  
11 United States;

12 (B) promote work force diversity;

13 (C) sensitize employers to the need to re-  
14 cruit and retain women scientists and engineers  
15 in order to overcome projected shortfalls within  
16 the science and engineering work forces of the  
17 United States during the next 20 years; and

18 (D) encourage the replication of successful  
19 recruitment and retention programs by univer-  
20 sities, corporations, and Federal agencies hav-  
21 ing difficulties in employing women scientists  
22 and engineers.

23 **SEC. 3. ESTABLISHMENT.**

24 There is established a commission to be known as the  
25 “Commission on the Advancement of Women in the

1 Science and Engineering Work Forces” (hereinafter in  
2 this Act referred to as the “Commission”).

3 **SEC. 4. DUTY OF COMMISSION.**

4 The Commission shall conduct a study to—

5 (1) identify the number of women in the United  
6 States in the science and engineering work forces,  
7 and the specific types of occupations in such  
8 workforces in which women scientists and engineers  
9 are underrepresented;

10 (2) examine the preparedness of women to—

11 (A) pursue careers in the science and engi-  
12 neering work forces; and

13 (B) advance to positions of greater respon-  
14 sibility within academia, industry, and govern-  
15 ment;

16 (3) describe the practices and policies of em-  
17 ployers and labor unions relating to the recruitment,  
18 retention, and advancement of women scientists and  
19 engineers;

20 (4) identify the opportunities for, and artificial  
21 barriers to, the recruitment, retention, and advance-  
22 ment of women scientists and engineers in academia,  
23 industry, and government;

24 (5) describe the employment situations in which  
25 the recruitment, retention, and advancement of

1 women scientists and engineers are comparable to  
2 their male counterparts, and identify those situa-  
3 tions in which such comparability does not exist;

4 (6) compile a synthesis of available research on  
5 practices, policies, and programs that have success-  
6 fully led to the recruitment, retention, and advance-  
7 ment of women in the science and engineering work  
8 forces, including training programs, rotational as-  
9 signments, developmental programs, reward pro-  
10 grams, employee benefit structures, and family leave  
11 policies;

12 (7) examine such other issues and information  
13 relating to the advancement of women in the science  
14 and engineering work forces as determined by the  
15 Commission to be appropriate; and

16 (8) issue recommendations that government (in-  
17 cluding Congress and appropriate Federal agencies),  
18 academia, and private industry can follow to assist  
19 in the recruitment, retention, and advancement of  
20 women in science and engineering.

21 **SEC. 5. MEMBERSHIP.**

22 (a) NUMBER AND APPOINTMENT.—The Commission  
23 shall be composed of 18 members as follows:

24 (1) 5 members appointed by the President.

1           (2) 3 members appointed jointly by the Speaker  
2 of the House of Representatives and the majority  
3 leader of the Senate.

4           (3) 1 member appointed by the majority leader  
5 of the House of Representatives.

6           (4) 1 member appointed by the minority leader  
7 of the House of Representatives.

8           (5) 1 member appointed by the majority leader  
9 of the Senate.

10          (6) 1 member appointed by the minority leader  
11 of the Senate.

12          (7) 2 Members of the House of Representatives,  
13 appointed jointly by the majority leader and the mi-  
14 nority leader of the House of Representatives.

15          (8) 2 Senators appointed jointly by the majority  
16 leader and the minority leader of the Senate.

17          (9) The Director of the Office of Science and  
18 Technology Policy.

19          (b) ADDITIONAL QUALIFICATIONS.—Initial appoint-  
20 ments shall be made under subsection (a) not later than  
21 180 days after the date of the enactment of this Act. In  
22 making each appointment under subsection (a), the ap-  
23 pointing authority shall consider (among other factors)  
24 whether the individual—

1           (1) is a member of an organization representing  
2 women and minorities;

3           (2) holds executive management or senior deci-  
4 sion-making positions in any business entity; and

5           (3) possesses academic expertise or other recog-  
6 nized abilities relating to employment and employ-  
7 ment discrimination issues.

8           (c) POLITICAL AFFILIATION.—Not more than  $\frac{1}{2}$  of  
9 the members may be of the same political party.

10          (d) CONTINUATION OF MEMBERSHIP.—If a member  
11 was appointed to the Commission because the member was  
12 an officer or employee of any government and later ceases  
13 to be such an officer or employee, that member may con-  
14 tinue as a member of the Commission for not longer than  
15 the 60-day period beginning on the date the member  
16 ceases to be such an officer or employee.

17          (e) TERMS.—

18           (1) IN GENERAL.—Each Member shall be ap-  
19 pointed for the life of the Commission.

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

23          (f) BASIC PAY.—

24           (1) RATES OF PAY.—Except as provided in  
25 paragraph (2), each member of the Commission

1 shall receive compensation at the daily equivalent of  
2 the maximum rate of pay payable under section  
3 5376 of title 5, United States Code, for each day the  
4 member is engaged in the performance of duties for  
5 the Commission, including attendance at meetings  
6 and conferences of the Commission, and travel to  
7 conduct the duties of the Commission.

8 (2) PROHIBITION OF COMPENSATION OF FED-  
9 ERAL EMPLOYEES.—Members of the Commission  
10 who are full-time officers or employees of the United  
11 States or Members of Congress may not receive ad-  
12 ditional pay, allowances, or benefits by reason of  
13 their service on the Commission.

14 (g) TRAVEL EXPENSES.—Each member shall receive  
15 travel expenses, including per diem in lieu of subsistence,  
16 in accordance with sections 5702 and 5703 of title 5,  
17 United States Code.

18 (h) QUORUM.—A majority of the members of the  
19 Commission shall constitute a quorum for the transaction  
20 of business.

21 (i) CHAIRPERSON.—The Director of the Office of  
22 Science and Technology Policy shall serve as the Chair-  
23 person of the Commission.

24 (j) MEETINGS.—

1           (1) MEETINGS PRIOR TO COMPLETION OF RE-  
2           PORT.—The Commission shall meet not fewer than  
3           5 times in connection with and pending the comple-  
4           tion of the reports described in subsections (a) and  
5           (b) of section 8. The Commission shall hold addi-  
6           tional meetings for such purpose if the Chairperson  
7           or a majority of the members of the Commission re-  
8           quests the additional meetings in writing.

9           (2) MEETINGS AFTER COMPLETION OF RE-  
10          PORT.—The Commission shall meet at least once,  
11          but not more than twice after the completion of the  
12          report described in section 8(b), in connection with  
13          and pending completion of the report required by  
14          section 8(c).

15          (k) EMPLOYMENT STATUS.—A member of the Com-  
16          mission, who is not otherwise an officer or employee of  
17          the Federal Government, shall not be deemed to be an  
18          employee of the Federal Government except for the pur-  
19          poses of—

20                 (1) the tort claims provisions of chapter 171 of  
21                 title 28, United States Code; and

22                 (2) subchapter I of chapter 81 of title 5, United  
23                 States Code, relating to compensation for work  
24                 injuries.

1 **SEC. 6. DIRECTOR AND STAFF OF COMMISSION; EXPERTS**  
2 **AND CONSULTANTS.**

3 (a) DIRECTOR.—The Commission shall have a Direc-  
4 tor who shall be appointed by the Chairperson. The Direc-  
5 tor shall be paid at a rate not to exceed the maximum  
6 annual rate of basic pay payable under section 5376 of  
7 title 5, United States Code.

8 (b) STAFF.—Subject to rules prescribed by the Com-  
9 mission, the Chairperson may appoint and fix the pay of  
10 additional personnel as the Chairperson considers appro-  
11 priate.

12 (c) APPLICABILITY OF CERTAIN CIVIL SERVICE  
13 LAWS.—The Director and staff of the Commission may  
14 be appointed without regard to the provisions of title 5,  
15 United States Code, governing appointments in the com-  
16 petitive service, and may be paid without regard to the  
17 provisions of chapter 51 and subchapter III of chapter 53  
18 of that title relating to classification and General Schedule  
19 pay rates, except that an individual so appointed may not  
20 receive pay in excess of the maximum annual rate of basic  
21 pay payable under section 5376 of title 5, United States  
22 Code.

23 (d) EXPERTS AND CONSULTANTS.—The Commission  
24 may procure temporary and intermittent services under  
25 section 3109(b) of title 5, United States Code, at rates  
26 for individuals not to exceed the maximum annual rate

1 of basic pay payable under section 5376 of title 5, United  
2 States Code.

3 (e) STAFF OF FEDERAL AGENCIES.—Upon request  
4 of the Commission, the head of any Federal department  
5 or agency may detail, on a reimbursable basis, any of the  
6 personnel of that department or agency to the Commission  
7 to assist it in carrying out its duties under this Act.

8 **SEC. 7. POWERS OF COMMISSION.**

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

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

19 (c) OBTAINING OFFICIAL DATA.—The Commission  
20 may secure directly from any department or agency of the  
21 United States information necessary to enable it to carry  
22 out this Act. Upon request of the Chairperson of the Com-  
23 mission, the head of that department or agency shall fur-  
24 nish that information to the Commission.

1 (d) GIFTS, BEQUESTS, AND DEVISES.—The Commis-  
2 sion may accept, use, and dispose of gifts, bequests, or  
3 devises of services or property, both real and personal, for  
4 the purpose of aiding or facilitating the work of the Com-  
5 mission. Gifts, bequests, or devises of money and proceeds  
6 from sales of other property received as gifts, bequests,  
7 or devises shall be deposited in the Treasury and shall be  
8 available for disbursement upon order of the Commission.

9 (e) MAILS.—The Commission may use the United  
10 States mails in the same manner and under the same con-  
11 ditions as other departments and agencies of the United  
12 States.

13 (f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the  
14 request of the Commission, the Administrator of General  
15 Services shall provide to the Commission, on a reimburs-  
16 able basis, the administrative support services necessary  
17 for the Commission to carry out its responsibilities under  
18 this Act.

19 (g) CONTRACT AUTHORITY.—To the extent provided  
20 in advance in appropriations Acts, the Commission may  
21 contract with and compensate government and private  
22 agencies or persons for the purpose of conducting research  
23 or surveys necessary to enable the Commission to carry  
24 out its duties under this Act.

1 **SEC. 8. REPORTS.**

2 (a) STATUS REPORT.—Not later than 1 year after  
3 the date on which the initial appointments under section  
4 5(a) are completed, the Commission shall submit to the  
5 President and the Congress a written report describing the  
6 current activities and findings of the Commission and the  
7 direction of the Commission.

8 (b) RECOMMENDATION REPORT.—Not later than 18  
9 months after the date on which the initial appointments  
10 under section 5(a) are completed, the Commission shall  
11 submit to the President and the Congress a written report  
12 containing—

13 (1) the findings and conclusions of the Commis-  
14 sion resulting from the study conducted under sec-  
15 tion 4; and

16 (2) recommendations, including specific pro-  
17 posed legislation and administrative action, based on  
18 the findings and conclusions referred to in para-  
19 graph (1).

20 (c) FOLLOW-UP REPORT.—After submission of the  
21 report required by subsection (b) and before the termi-  
22 nation of the Commission, the Commission shall submit  
23 to the President and to the Congress a written report—

24 (1) identifying which of the recommendations  
25 included in such report have been implemented; and

1           (2) containing any additional information the  
2 Commission considers to be appropriate.

3 **SEC. 9. CONSTRUCTION; USE OF INFORMATION OBTAINED.**

4           (a) IN GENERAL.—Nothing in this Act shall be con-  
5 strued to require any non-Federal entity (such as a busi-  
6 ness, college, or university, foundation, or research organi-  
7 zation) to provide information to the Commission concern-  
8 ing such entity's personnel policies, including, but not lim-  
9 ited to, salaries and benefits, promotion criteria, and af-  
10 firmative action plans.

11           (b) USE OF INFORMATION OBTAINED.—No informa-  
12 tion obtained from any entity by the Commission may be  
13 used in connection with any employment related litigation.

14 **SEC. 10. TERMINATION.**

15           The Commission shall terminate 1 year after submit-  
16 ting the report required by section 8(b).

17 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

18           There are authorized to be appropriated for fiscal  
19 years 1995, 1996, and 1997 such sums as may be nec-  
20 essary to carry out this Act.

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S 2356 IS—2