

105TH CONGRESS  
1ST SESSION

# H. R. 2997

To establish a commission on fairness in the workplace.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 1997

Mr. KENNEDY of Massachusetts (for himself, Mr. DELLUMS, Mr. KLECZKA, Mr. LaFALCE, Mr. FILNER, Mr. McDERMOTT, Mr. BONIOR, Mr. TOWNS, Ms. SLAUGHTER, Mr. LEWIS of Georgia, Mr. JACKSON of Illinois, Ms. VELÁZQUEZ, Mr. MCGOVERN, Mr. BERMAN, Ms. PELOSI, Mr. OLVER, Mr. MARKEY, Mr. WAXMAN, Ms. NORTON, Ms. KILPATRICK, Mr. MEEHAN, Ms. ROYBAL-ALLARD, Mr. MILLER of California, Mrs. MALONEY of New York, Mr. GUTIERREZ, Mr. DELAHUNT, Ms. CARSON, Mr. MARTINEZ, Mrs. MEEK of Florida, Mr. HINCHEY, Mr. OWENS, Mr. TIERNEY, Mr. FATTAH, Mr. PAYNE, Mr. NEAL of Massachusetts, Mr. ACKERMAN, Ms. WATERS, Ms. BROWN of Florida, Mr. POMEROY, and Ms. HOOLEY of Oregon) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To establish a commission on fairness in the workplace.

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 “Fairness in the Work-  
5 place Commission Act”.

6        **SEC. 2. FINDINGS.**

7        The Congress finds the following:

1           (1) Workers are not achieving wage and benefit  
2 increases commensurate with corporate profits and  
3 sustained economic expansion. While the median  
4 wage for workers fell 8 percent in real terms during  
5 the business cycle peaks from 1979 through 1996,  
6 after-tax corporate profit rates grew 66 percent.

7           (2) The wage gap between men and women has  
8 increased in the last 4 years, reversing a 20 year  
9 trend in which that gap had narrowed.

10          (3) Despite a significant degree of closing the  
11 education gap between minority and white Ameri-  
12 cans, wage gaps between these groups persist and  
13 for some minority groups have been expanded.

14          (4) Over the period of 1979 through 1996,  
15 workers have experienced a heightened sense of job  
16 insecurity due to corporate downsizing, deregulation  
17 of key industries, new technology, and foreign com-  
18 petition.

19          (5) The last decade has seen a growth in the  
20 use of part-time and temporary workers.

21          (6) Insufficient research has been done to de-  
22 termine the extent and the impact of the use of  
23 part-time workers and the failure of wages, espe-  
24 cially for female workers, to keep pace with economic  
25 growth and corporate profits.

1 **SEC. 3. ESTABLISHMENT.**

2 (a) IN GENERAL.—There is established the National  
3 Commission on Fairness in the Workplace (hereafter in  
4 this Act referred to as the “Commission”).

5 (b) MEMBER AUTHORITY.—Any member or agent of  
6 the Commission may, if authorized by the Commission,  
7 take any action which the Commission is authorized to  
8 take by this Act.

9 (c) CHAIRPERSON, VICE CHAIRPERSON.—The Chair-  
10 person of the Commission shall be designated by the Presi-  
11 dent at the time of appointment. The Vice Chairperson  
12 shall be elected by the members of the Commission. The  
13 term of office of the Chairperson and the vice Chairperson  
14 shall be the life of the Commission.

15 (d) TERMINATION.—The Commission shall cease to  
16 exist upon the expiration of 18 months after the date of  
17 the enactment of this Act.

18 **SEC. 4. COMMISSION DUTY.**

19 (a) IN GENERAL.—The Commission shall examine—  
20 (1) the growing corporate practice of providing  
21 wages and benefit levels for part-time and temporary  
22 employees which are lower than the wage and bene-  
23 fit levels provided to full-time employees who per-  
24 form essentially identical work;

1           (2) how the use of part-time and temporary em-  
2           ployees has affected wage and benefit levels, em-  
3           ployee job insecurity, and employee productivity;

4           (3) the reasons that workers' wages have not  
5           kept pace with corporate profits and economic  
6           growth;

7           (4) the reasons for the widening median wage  
8           gap between working men and working women; and

9           (5) the reasons for the consistent discrepancy in  
10          the average wage of minority populations in com-  
11          parison to the average wage of white Americans.

12 At the conclusion of the examination, the Commission  
13 shall develop policy options for the Congress to address  
14 the problems identified in the examination.

15          (b) SCOPE.—The Commission shall conduct its exam-  
16 ination with respect to the States and Guam, the Com-  
17 monwealth of Puerto Rico, the Virgin Islands, American  
18 Samoa, and the Commonwealth of the Northern Marianas  
19 Islands.

20          (c) DEFINITION.—As used in section 2 and this sec-  
21 tion, the term “minority populations” means Blacks (not  
22 of Hispanic origin), Hispanics, Asians, Pacific Islanders,  
23 American Indians, and Alaskan natives.

1 **SEC. 5. MEMBERSHIP.**

2 (a) APPOINTMENT.—Within 60 days of the date of  
3 the enactment of this Act, the Commission shall be com-  
4 posed of 14 members appointed as follows:

5 (1) 6 members appointed by the President of  
6 which 2 shall be from the executive branch and 4  
7 representatives from either labor, business manage-  
8 ment, or academia.

9 (2) 2 members appointed by the Majority Lead-  
10 er of the Senate of which one shall be a member of  
11 the Senate and one shall be from private life.

12 (3) 2 members appointed by the Minority Lead-  
13 er of the Senate of which one shall be a member of  
14 the Senate and one shall be from private life.

15 (4) 2 members appointed by the Speaker of the  
16 House of Representatives of which one shall be a  
17 member of the House of Representatives and one  
18 shall be from private life.

19 (5) 2 members appointed by the Minority Lead-  
20 er of the House of Representatives of which one  
21 shall be a member of the House of Representatives  
22 and one shall be from private life.

23 The Secretary of Labor shall be an ex-officio member of  
24 the Commission.

25 (b) WAIVER OF LIMITATION ON EXECUTIVE SCHED-  
26 ULE POSITIONS.—Appointments may be made under sub-

1 section (a) without regard to section 5311(b) of title 5,  
2 United States Code.

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

5 (d) RATES OF PAY.—

6 (1) IN GENERAL.—Except as provided in para-  
7 graph (2), members shall each be paid at a rate not  
8 to exceed the rate of basic pay for GS–15 of the  
9 General Schedule for each day (including travel  
10 time) during which they are engaged in the actual  
11 performance of duties vested in the Commission.

12 (2) PROHIBITION OF COMPENSATION OF MEM-  
13 BERS AND FEDERAL EMPLOYEES.—Members of the  
14 Commission who are Members of the Senate or the  
15 House of Representatives or full-time officers or em-  
16 ployees of the United States may not receive addi-  
17 tional pay, allowances, or benefits by reason of their  
18 service on the Commission.

19 (3) TRAVEL EXPENSES.—Each member shall  
20 receive travel expenses, including per diem in lieu of  
21 subsistence, in accordance with sections 5702 and  
22 5703 of title 5, United States Code.

23 **SEC. 6. GENERAL AUTHORITY OF THE COMMISSION.**

24 (a) HEARINGS AND SESSIONS.—The Commission  
25 may, for the purpose of carrying out this Act, hold hear-

1 ings, sit and act at times and places, take testimony, and  
2 receive evidence as the Commission considers appropriate.  
3 The Commission may administer oaths or affirmations to  
4 witnesses appearing before it.

5 (b) MEETINGS.—The Commission shall meet monthly  
6 or at the call of the chairperson or a majority of its mem-  
7 bers.

8 (c) STAFF.—The Commission shall appoint a staff.

9 (d) EXPERTS AND CONSULTANTS.—Subject to rules  
10 prescribed by the Commission, the Commission may pro-  
11 cure temporary and intermittent services under section  
12 3109(b) of title 5, United States Code, but at rates for  
13 individuals not to exceed the daily equivalent of the mini-  
14 mum annual rate of basic pay payable for GS–15 of the  
15 General Schedule.

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

21 (f) OBTAINING OFFICIAL DATA.—The Commission  
22 may secure directly from any department or agency of the  
23 United States information necessary to enable it to carry  
24 out this Act. Upon request of the Commission, the head

1 of that department or agency shall furnish that informa-  
2 tion to the Commission.

3 (g) CONTRACT AUTHORITY.—The Commission may  
4 contract with and compensate government and private  
5 agencies or persons for research and other services without  
6 regard to section 3709 of the Revised Statutes (41 U.S.C.  
7 5).

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

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

18 (j) SUBPOENA POWER.—

19 (1) IN GENERAL.—The Commission may issue  
20 subpoenas requiring the attendance and testimony of  
21 witnesses and the production of any evidence relat-  
22 ing to any matter under investigation by the Com-  
23 mission. The attendance of witnesses and the pro-  
24 duction of evidence may be required from any place

1 within the United States at any designated place of  
2 hearing within the United States.

3 (2) FAILURE TO OBEY A SUBPOENA.—If a per-  
4 son refuses to obey a subpoena issued under para-  
5 graph (1), the Commission may apply to a United  
6 States district court for an order requiring that per-  
7 son to appear before the Commission to give testi-  
8 mony, produce evidence, or both, relating to the  
9 matter under investigation. The application may be  
10 made within the judicial district where the hearing  
11 is conducted or where that person is found, resides,  
12 or transacts business. Any failure to obey the order  
13 of the court may be punished by the court as civil  
14 contempt.

15 (3) SERVICE OF SUBPOENAS.—The subpoenas  
16 of the Commission shall be served in the manner  
17 provided for subpoenas issued by a United States  
18 district court under the Federal Rules of Civil Pro-  
19 cedure for the United States district courts.

20 (4) SERVICE OF PROCESS.—All process of any  
21 court to which application is to be made under para-  
22 graph (2) may be served in the judicial district in  
23 which the person required to be served resides or  
24 may be found.

1 **SEC. 7. REPORT.**

2       The Commission shall report its findings and policy  
3 options developed under section 4 to the Congress not  
4 later than 30 days after the termination date of the Com-  
5 mission, together with its recommendations for legislation  
6 and administrative actions the Commission considers ap-  
7 propriate.

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