

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3007

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 1998

Received

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## AN ACT

To establish the Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Commission on the  
3 Advancement of Women and Minorities in Science, Engi-  
4 neering, and Technology Development Act”.

5 **SEC. 2. FINDINGS.**

6 The Congress finds the following:

7 (1) According to the National Science Founda-  
8 tion’s 1996 report, Women, Minorities, and Persons  
9 with Disabilities in Science and Engineering—

10 (A) women have historically been under-  
11 represented in scientific and engineering occu-  
12 pations, and although progress has been made  
13 over the last several decades, there is still room  
14 for improvement;

15 (B) female and minority students take  
16 fewer high-level mathematics and science  
17 courses in high school;

18 (C) female students earn fewer bachelors,  
19 masters, and doctoral degrees in science and  
20 engineering;

21 (D) among recent bachelors of science and  
22 bachelors of engineering graduates, women are  
23 less likely to be in the labor force, to be em-  
24 ployed full-time, and to be employed in their  
25 field than are men;

1           (E) among doctoral scientists and engi-  
2           neers, women are far more likely to be em-  
3           ployed at 2-year institutions, are far less likely  
4           to be employed in research universities, and are  
5           much more likely to teach part-time;

6           (F) among university full-time faculty,  
7           women are less likely to chair departments or  
8           hold high-ranked positions;

9           (G) a substantial salary gap exists between  
10          men and women with doctorates in science and  
11          engineering;

12          (H) Blacks, Hispanics, and Native Ameri-  
13          cans continue to be seriously underrepresented  
14          in graduate science and engineering programs;  
15          and

16          (I) Blacks, Hispanics, and Native Ameri-  
17          cans as a group are 23 percent of the popu-  
18          lation of the United States, but only 6 percent  
19          are scientists or engineers.

20          (2) According to the National Research Coun-  
21          cil's 1995 report, *Women Scientists and Engineers*  
22          *Employed in Industry: Why So Few?*—

23                 (A) limited access is the first hurdle faced  
24                 by women seeking industrial jobs in science and  
25                 engineering, and while progress has been made

1 in recent years, common recruitment and hiring  
2 practices that make extensive use of traditional  
3 networks often overlook the available pool of  
4 women;

5 (B) once on the job, many women find pa-  
6 ternalism, sexual harassment, allegations of re-  
7 verse discrimination, different standards for  
8 judging the work of men and women, lower sal-  
9 ary relative to their male peers, inequitable job  
10 assignments, and other aspects of a male-ori-  
11 ented culture that are hostile to women; and

12 (C) women to a greater extent than men  
13 find limited opportunities for advancement, par-  
14 ticularly for moving into management positions,  
15 and the number of women who have achieved  
16 the top levels in corporations is much lower  
17 than would be expected, based on the pipeline  
18 model.

19 (3) The establishment of a commission to exam-  
20 ine issues raised by the findings of these 2 reports  
21 would help—

22 (A) to focus attention on the importance of  
23 eliminating artificial barriers to the recruit-  
24 ment, retention, and advancement of women  
25 and minorities in the fields of science, engineer-

1 ing, and technology, and in all employment sec-  
2 tors of the United States;

3 (B) to promote work force diversity;

4 (C) to sensitize employers to the need to  
5 recruit and retain women and minority sci-  
6 entists, engineers, and computer specialists; and

7 (D) to encourage the replication of suc-  
8 cessful recruitment and retention programs by  
9 universities, corporations, and Federal agencies  
10 having difficulties in employing women or mi-  
11 norities in the fields of science, engineering, and  
12 technology.

13 **SEC. 3. ESTABLISHMENT.**

14 There is established a commission to be known as the  
15 “Commission on the Advancement of Women and Minori-  
16 ties in Science, Engineering, and Technology Develop-  
17 ment” (in this Act referred to as the “Commission”).

18 **SEC. 4. DUTY OF THE COMMISSION.**

19 The Commission shall review available research, and,  
20 if determined necessary by the Commission, conduct addi-  
21 tional research to—

22 (1) identify the number of women, minorities,  
23 and individuals with disabilities in the United States  
24 in specific types of occupations in science, engineer-  
25 ing, and technology development;

1           (2) examine the preparedness of women, mi-  
2           norities, and individuals with disabilities to—

3                   (A) pursue careers in science, engineering,  
4                   and technology development; and

5                   (B) advance to positions of greater respon-  
6                   sibility within academia, industry, and govern-  
7                   ment;

8           (3) describe the practices and policies of em-  
9           ployers and labor unions relating to the recruitment,  
10          retention, and advancement of women, minorities,  
11          and individuals with disabilities in the fields of  
12          science, engineering, and technology development;

13          (4) identify the opportunities for, and artificial  
14          barriers to, the recruitment, retention, and advance-  
15          ment of women, minorities, and individuals with dis-  
16          abilities in the fields of science, engineering, and  
17          technology development in academia, industry, and  
18          government;

19          (5) compile a synthesis of available research on  
20          lawful practices, policies, and programs that have  
21          successfully led to the recruitment, retention, and  
22          advancement of women, minorities, and individuals  
23          with disabilities in science, engineering, and tech-  
24          nology development;

1           (6) issue recommendations with respect to law-  
2           ful policies that government (including Congress and  
3           appropriate Federal agencies), academia, and private  
4           industry can follow regarding the recruitment, reten-  
5           tion, and advancement of women, minorities, and in-  
6           dividuals with disabilities in science, engineering,  
7           and technology development;

8           (7) identify the disincentives for women, minori-  
9           ties, and individuals with disabilities to continue  
10          graduate education in the fields of engineering,  
11          physics, and computer science;

12          (8) identify university undergraduate programs  
13          that are successful in retaining women, minorities,  
14          and individuals with disabilities in the fields of  
15          science, engineering, and technology development;

16          (9) identify the disincentives that lead to a dis-  
17          proportionate number of women, minorities, and in-  
18          dividuals with disabilities leaving the fields of  
19          science, engineering, and technology development be-  
20          fore completing their undergraduate education;

21          (10) assess the extent to which the rec-  
22          ommendations of the Task Force on Women, Mi-  
23          norities, and the Handicapped in Science and Tech-  
24          nology established under section 8 of the National  
25          Science Foundation Authorization Act for Fiscal

1 Year 1987 (Public Law 99–383; 42 U.S.C. 1885a  
2 note) have been implemented;

3 (11) compile a list of all Federally funded re-  
4 ports on the subjects of encouraging women, minori-  
5 ties, and individuals with disabilities to enter the  
6 fields of science and engineering and retaining  
7 women, minorities, and individuals with disabilities  
8 in the science and engineering workforce that have  
9 been issued since the date that the Task Force de-  
10 scribed in paragraph (10) submitted its report to  
11 Congress;

12 (12) assess the extent to which the rec-  
13 ommendations contained in the reports described in  
14 paragraph (11) have been implemented; and

15 (13) evaluate the benefits of family-friendly  
16 policies in order to assist recruiting, retaining, and  
17 advancing women in the fields of science, engineer-  
18 ing, and technology such as the benefits or disadvan-  
19 tages of the Family and Medical Leave Act of 1993  
20 (29 U.S.C. 2601 et seq.).

21 **SEC. 5. MEMBERSHIP.**

22 (a) NUMBER AND APPOINTMENT.—The Commission  
23 shall be composed of 11 members as follows:

24 (1) One member appointed by the President  
25 from among for-profit entities that hire individuals

1 in the fields of engineering, science, or technology  
2 development.

3 (2) Two members appointed by the Speaker of  
4 the House of Representatives from among such enti-  
5 ties.

6 (3) One member appointed by the minority  
7 leader of the House of Representatives from among  
8 such entities.

9 (4) Two members appointed by the majority  
10 leader of the Senate from among such entities.

11 (5) One member appointed by the minority  
12 leader of the Senate from among such entities.

13 (6) Two members appointed by the Chairman  
14 of the National Governors Association from among  
15 individuals in education or academia in the fields of  
16 life science, physical science, or engineering.

17 (7) Two members appointed by the Vice Chair-  
18 man of the National Governors Association from  
19 among such individuals.

20 (b) INITIAL APPOINTMENTS.—Initial appointments  
21 shall be made under subsection (a) not later than 90 days  
22 after the date of the enactment of this Act.

23 (c) TERMS.—

24 (1) IN GENERAL.—Each member shall be ap-  
25 pointed for the life of the Commission.

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

4           (d) PAY OF MEMBERS.—Members shall not be paid  
5           by reason of their service on the Commission.

6           (e) TRAVEL EXPENSES.—Each member shall receive  
7           travel expenses, including per diem in lieu of subsistence,  
8           in accordance with sections 5702 and 5703 of title 5,  
9           United States Code.

10          (f) QUORUM.—A majority of the members of the  
11          Commission shall constitute a quorum for the transaction  
12          of business.

13          (g) CHAIRPERSON.—The Chairperson of the Commis-  
14          sion shall be elected by the members.

15          (h) MEETINGS.—The Commission shall meet not  
16          fewer than 5 times in connection with and pending the  
17          completion of the report described in section 8. The Com-  
18          mission shall hold additional meetings for such purpose  
19          if the Chairperson or a majority of the members of the  
20          Commission requests the additional meetings in writing.

21          (i) EMPLOYMENT STATUS.—Members of the Com-  
22          mission shall not be deemed to be employees of the Fed-  
23          eral Government by reason of their work on the Commis-  
24          sion except for the purposes of—

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

3           (2) subchapter I of chapter 81 of title 5, United  
4 States Code, relating to compensation for work inju-  
5 ries.

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

8           (a) **DIRECTOR.**—The Commission shall appoint a Di-  
9 rector who shall be paid at a rate not to exceed the maxi-  
10 mum annual rate of basic pay payable under section 5376  
11 of title 5, United States Code.

12          (b) **STAFF.**—The Commission may appoint and fix  
13 the pay of additional personnel as the Commission consid-  
14 ers appropriate.

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

1 (d) EXPERTS AND CONSULTANTS.—The Commission  
2 may procure temporary and intermittent services under  
3 section 3109(b) of title 5, United States Code, at rates  
4 for individuals not to exceed the maximum annual rate  
5 of basic pay payable under section 5376 of title 5, United  
6 States Code.

7 (e) STAFF OF FEDERAL AGENCIES.—Upon request  
8 of the Commission, the Director of the National Science  
9 Foundation or the head of any other Federal department  
10 or agency may detail, on a reimbursable basis, any of the  
11 personnel of that department or agency to the Commission  
12 to assist it in carrying out its duties under this Act.

13 **SEC. 7. POWERS OF COMMISSION.**

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

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

24 (c) OBTAINING OFFICIAL DATA.—The Commission  
25 may secure directly from any department or agency of the

1 United States information necessary to enable it to carry  
2 out this Act. Upon request of the Chairperson of the Com-  
3 mission, the head of that department or agency shall fur-  
4 nish that information to the Commission.

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

9 (e) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon  
10 the request of the Commission, the Administrator of Gen-  
11 eral Services shall provide to the Commission, on a reim-  
12 bursable basis, the administrative support services nec-  
13 essary for the Commission to carry out its responsibilities  
14 under this Act.

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

21 **SEC. 8. REPORT.**

22 Not later than 1 year after the date on which the  
23 initial appointments under section 5(a) are completed, the  
24 Commission shall submit to the President, the Congress,  
25 and the highest executive official of each State, a written

1 report containing the findings, conclusions, and rec-  
2 ommendations of the Commission resulting from the study  
3 conducted under section 4.

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

5 (a) IN GENERAL.—Nothing in this Act shall be con-  
6 strued to require any non-Federal entity (such as a busi-  
7 ness, college or university, foundation, or research organi-  
8 zation) to provide information to the Commission concern-  
9 ing such entity’s personnel policies, including salaries and  
10 benefits, promotion criteria, and affirmative 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; ACCESS TO INFORMATION.**

15 (a) TERMINATION.—The Commission shall terminate  
16 30 days after submitting the report required by section  
17 8.

18 (b) ACCESS TO INFORMATION.—On or before the  
19 date of the termination of the Commission under sub-  
20 section (a), the Commission shall provide to the National  
21 Science Foundation the information gathered by the Com-  
22 mission in the process of carrying out its duties under this  
23 Act. The National Science Foundation shall act as a cen-  
24 tral repository for such information and shall make such

1 information available to the public, including making such  
2 information available through the Internet.

3 **SEC. 11. REVIEW OF INFORMATION PROVIDED BY THE NA-**  
4 **TIONAL SCIENCE FOUNDATION AND OTHER**  
5 **AGENCIES.**

6 (a) PROVISION OF INFORMATION.—At the request of  
7 the Commission, the National Science Foundation and any  
8 other Federal department or agency shall provide to the  
9 Commission any information determined necessary by the  
10 Commission to carry out its duties under this Act, includ-  
11 ing—

12 (1) data on academic degrees awarded to  
13 women, minorities, and individuals with disabilities  
14 in science, engineering, and technology development,  
15 and workforce representation and the retention of  
16 women, minorities, individuals with disabilities in the  
17 fields of science, engineering, and technology devel-  
18 opment; and

19 (2) information gathered by the National  
20 Science Foundation in the process of compiling its  
21 biennial report on Women, Minorities, and Persons  
22 with Disabilities in Science and Engineering.

23 (b) REVIEW OF INFORMATION.—The Commission  
24 shall review any information provided under subsection (a)  
25 and shall include in the report required under section 8—

1           (1) recommendations on how to correct any de-  
2           ficiencies in the collection of the types of information  
3           described in that subsection, and in the analysis of  
4           such data, which might impede the characterization  
5           of the factors which affect the attraction and reten-  
6           tion of women, minorities, and individuals with dis-  
7           abilities in the fields of science, engineering, and  
8           technology development; and

9           (2) an assessment of the biennial report of the  
10          National Science Foundation on Women, Minorities,  
11          and Persons with Disabilities in Science and Engi-  
12          neering, and recommendations on how that report  
13          could be improved.

14 **SEC. 12. DEFINITION OF STATE.**

15          In this Act, the term “State” includes the several  
16          States, the District of Columbia, the Commonwealth of  
17          Puerto Rico, the Commonwealth of the Northern Mariana  
18          Islands, American Samoa, Guam, the Virgin Islands, and  
19          any other territory or possession of the United States.

20 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

21          There are authorized to be appropriated to carry out  
22          this Act—

23                 (1) \$400,000 for fiscal year 1999; and

1           (2) \$400,000 for fiscal year 2000.

          Passed the House of Representatives September 14,  
1998.

Attest:

ROBIN H. CARLE,

*Clerk.*