

117TH CONGRESS
1ST SESSION

H. R. 5052

To create a national commission to combat workplace sexual harassment,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 17, 2021

Ms. NORTON introduced the following bill; which was referred to the
Committee on Education and Labor

A BILL

To create a national commission to combat workplace sexual
harassment, and for other purposes.

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 “National Commission
5 to Combat Workplace Sexual Harassment Act”.

6 **SEC. 2. ESTABLISHMENT.**

7 There is established a commission to be known as the
8 “National Commission to Combat Workplace Sexual Har-
9 assment” (in this Act referred to as the “Commission”).

1 **SEC. 3. DUTIES OF COMMISSION.**

2 The Commission shall—

3 (1) carry out a comprehensive investigation and
4 study of workplace sexual harassment in the United
5 States—

6 (A) through hearings and testimony taken
7 from—

8 (i) workers, employers, and contrac-
9 tors in the United States, including in such
10 industries and places of work as hospi-
11 tality, factories, offices, agriculture, food
12 service, retail, news media, technology,
13 banking, entertainment, and law enforce-
14 ment regarding their experiences with sex-
15 ual harassment, sexual assault, and other
16 sexual misconduct in the workplace;

17 (ii) experts in employment discrimina-
18 tion and sex discrimination, including sex-
19 ual harassment;

20 (iii) members of the public; and

21 (iv) advocates against employment
22 discrimination and sex discrimination, in-
23 cluding sexual harassment; and

24 (B) which shall—

25 (i) summarize findings from the testi-
26 mony of workers, employers, experts, pub-

1 lic witnesses, and advocates, mentioned in
2 paragraph (A) about sexual harassment,
3 sexual assault, and other sexual mis-
4 conduct in the workplace, including retalia-
5 tion for reporting such conduct;

6 (ii) include an assessment of the
7 causes and effects of workplace sexual har-
8 assment, sexual assault, and other sexual
9 misconduct in the workplace;

10 (iii) evaluate whether and how per-
11 sonal characteristics (such as race, gender,
12 gender identity, sexual orientation, age, in-
13 come and wealth, geographic location) or
14 employment circumstances (such as self
15 employment, contract, seasonal, perma-
16 nent, night shift, “gig” economy) render
17 individuals more vulnerable to sexual har-
18 assment, sexual assault, and other sexual
19 misconduct in the workplace;

20 (iv) evaluate whether and how new
21 forms of communication, such as social
22 media, have had an effect on sexual har-
23 assment, sexual assault, and other sexual
24 misconduct in the workplace;

1 (v) analyze whether and how sexual
2 harassment, sexual assault, and other sexual
3 misconduct in the workplace have in-
4 creased in the United States despite Fed-
5 eral, State, and local legislation aimed at
6 curbing such conduct;

7 (vi) evaluate whether and how report-
8 ing occurs about sexual harassment, sexual
9 assault, and other sexual misconduct in the
10 workplace, and whether and how that re-
11 porting is impacted by individuals' per-
12 sonal characteristics or employment cir-
13 cumstances;

14 (vii) evaluate the efficacy of current
15 reporting and accountability mechanisms
16 in the private and public sector;

17 (viii) analyze the causes and effects of
18 unreported and underreported sexual har-
19 assment, sexual assault, and other sexual
20 misconduct in the workplace, and any dis-
21 parities between complaints reported and
22 claims resolved on the merits through
23 mechanisms in the public and private sec-
24 tor; and

1 (ix) include a review of private sector,
2 State, and local policies and practices that
3 have had an effect in addressing and pre-
4 venting sexual harassment, sexual assault,
5 and other sexual misconduct in the work-
6 place, and enforcing prohibitions against
7 such conduct; and

8 (2) not later than 18 months after the date of
9 the enactment of this Act—

10 (A) submit to the President and the Con-
11 gress a comprehensive report of the Commis-
12 sion's findings and conclusions, together with
13 any recommendations of the Commission to
14 combat sexual harassment, sexual assault, and
15 other sexual misconduct in the workplace; and

16 (B) conduct a hearing on the Commission's
17 report and recommendations.

18 **SEC. 4. MEMBERSHIP.**

19 (a) NUMBER AND APPOINTMENT.—The Commission
20 shall be composed of 11 members, at least 6 of whom shall
21 be women, appointed not later than 45 days after the date
22 of the enactment of this Act, as follows:

23 (1) The majority leader and minority leader of
24 the Senate shall each appoint two members.

1 (2) The Speaker and the minority leader of the
2 House of Representatives shall each appoint two
3 members.

4 (3) The President shall appoint three members.

5 (b) QUALIFICATIONS.—Each person nominated to the
6 Commission shall be knowledgeable on sexual harassment,
7 sexual assault, or other sexual misconduct or related dis-
8 crimination in the workplace.

9 (c) TERMS.—

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

12 (2) VACANCIES.—Any vacancy shall not affect
13 the power and duties of the Commission, but shall
14 be filled in the same manner as the original appoint-
15 ment and made within 90 days of a vacancy on the
16 Commission.

17 (d) CHAIRPERSON; VICE CHAIRPERSON.—

18 (1) ELECTION.—At the initial meeting, the
19 Commission shall select a Chairperson and Vice
20 Chairperson from among its members.

21 (2) VICE CHAIRPERSON.—The Vice Chairperson
22 shall perform the duties of the Chairperson in the
23 event the Chairperson is absent, steps down, or dies.

24 (e) QUORUM.—Six members of the Commission shall
25 constitute a quorum.

1 (f) COMPENSATION.—Each Member of the Commis-
2 sion—

3 (1) shall not be considered to be a Federal em-
4 ployee for any purpose by reason of service on the
5 Commission; and

6 (2) shall serve without pay.

7 (g) TRAVEL EXPENSES.—Each Member of the Com-
8 mission shall receive travel expenses, including per diem
9 in lieu of subsistence, in accordance with sections 5702
10 and 5703 of title 5, United States Code, while away from
11 their home or regular place of business in performance of
12 services for the Commission.

13 **SEC. 5. POWERS.**

14 (a) MEETINGS.—

15 (1) IN GENERAL.—The Commission shall meet
16 at the call of the Chairperson or a majority of its
17 members.

18 (2) INITIAL MEETING.—Not later than 60 days
19 after the date of the enactment of this Act, the
20 Commission shall hold an initial meeting to develop
21 and implement a schedule for completion of the
22 study, review, and report required under section 3.

23 (b) HEARINGS.—The Commission may hold such
24 hearings and undertake such other activities as the Com-
25 mission determines necessary to carry out its duties.

1 (c) OTHER RESOURCES.—

2 (1) DOCUMENTS, STATISTICAL DATA, AND
3 OTHER SUCH INFORMATION.—The Commission may
4 secure directly from any department or agency of
5 the United States information necessary to enable it
6 to carry out this Act. Upon request of the Chair-
7 person of the Commission, the head of that depart-
8 ment or agency shall furnish that information to the
9 Commission.

10 (2) OFFICE SPACE AND ADMINISTRATIVE SUP-
11 PORT.—The Administrator of General Services shall
12 make office space available for day-to-day activities
13 of the Commission and for scheduled meetings of the
14 Commission. Upon request, the Administrator shall
15 provide, on a reimbursable basis, such administrative
16 support as the Commission requests to fulfill its du-
17 ties.

18 (d) AUTHORITY TO USE UNITED STATES MAILS.—
19 The Commission may use the United States mails in the
20 same manner and under the same conditions as other de-
21 partments and agencies of the United States.

22 (e) AUTHORITY TO CONTRACT.—

23 (1) IN GENERAL.—To the extent provided in
24 advance in appropriations Acts, the Commission may
25 contract with and compensate government and pri-

1 vate agencies or persons for the conduct of activities
2 necessary to the discharge of its duties under section
3 3, without regard to section 6101 of title 41, United
4 States Code.

5 (2) TERMINATION.—A contract, lease, or other
6 legal agreement entered into by the Commission may
7 not extend beyond the date of termination of the
8 Commission.

9 **SEC. 6. STAFF.**

10 (a) DIRECTOR.—The Commission shall have a Direc-
11 tor who shall be appointed and may be removed by a ma-
12 jority vote of the Commission. The Director shall be paid
13 at a rate not to exceed the rate of basic pay for level IV
14 of the Executive Schedule.

15 (b) STAFF.—

16 (1) IN GENERAL.—The Director may appoint
17 such personnel as the Director determines to be ap-
18 propriate. Such personnel shall be paid at a rate not
19 to exceed the rate of basic pay for level IV of the
20 Executive Schedule and may be removed by the Di-
21 rector, subject to a majority vote of the members of
22 the Commission.

23 (2) ADDITIONAL STAFF.—The Commission may
24 appoint and fix the compensation of such other per-
25 sonnel as may be necessary to enable the Commis-

1 sion to carry out its duties, without regard to the
2 provisions of title 5, United States Code, governing
3 appointments in the competitive service, and without
4 regard to the provisions of chapter 51 and sub-
5 chapter III of chapter 53 of such title relating to
6 classification and General Schedule pay rates, except
7 that no rate of pay fixed under this subsection may
8 exceed the equivalent of that payable to a person oc-
9 cupying a position at level V of the Executive Sched-
10 ule.

11 (c) EXPERTS AND CONSULTANTS.—With the ap-
12 proval of the Commission, the Director may procure tem-
13 porary and intermittent services under section 3109(b) of
14 title 5, United States Code.

15 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon
16 the request of the Commission, the head of any Federal
17 agency may detail, without reimbursement, any of the per-
18 sonnel of such agency to the Commission to assist in car-
19 rying out the duties of the Commission. Any such detail
20 shall not interrupt or otherwise affect the civil service sta-
21 tus or privileges of the personnel.

22 (e) VOLUNTEER SERVICES.—Notwithstanding sec-
23 tion 1342 of title 31, United States Code, the Commission
24 may accept and use voluntary and uncompensated services
25 as the Commission determines necessary.

1 **SEC. 7. SUNSET.**

2 The Commission shall terminate on the date that is
3 60 days after the date on which the Commission submits
4 its report to Congress pursuant to section 3(2).

