

113TH CONGRESS
2D SESSION

H. R. 4171

To establish a commission to examine the processes used by the Bureau of Labor Statistics to provide unemployment rates and to make recommendations to Congress for any changes in methodology or improvements to such processes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2014

Mr. FITZPATRICK (for himself, Mr. WESTMORELAND, Mr. BURGESS, Mr. YOUNG of Indiana, Mr. MCINTYRE, and Mr. MATHESON) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To establish a commission to examine the processes used by the Bureau of Labor Statistics to provide unemployment rates and to make recommendations to Congress for any changes in methodology or improvements to such processes.

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 “Labor Statistics Im-
5 provement Act”.

1 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

2 There is established an independent commission to be
3 known as the “Commission to Improve Labor Statistics”.

4 **SEC. 3. DUTIES OF COMMISSION.**

5 The Commission shall—

6 (1) examine and make an assessment of the
7 process by which the Bureau of Labor Statistics col-
8 lects, processes, analyzes, and disseminates statis-
9 tical data relating to unemployment rates, includ-
10 ing—

11 (A) the methods used for determining that
12 an individual is or is not considered to be look-
13 ing for work, including what constitutes actively
14 looking versus passively looking or “discour-
15 aged”; and

16 (B) the utility of the six measures used by
17 the Bureau for reporting labor underutilization;

18 (2) formulate recommendations for any im-
19 provement to such process and methods, including
20 proposals for any alternative measures of labor force
21 participation, taking into account—

22 (A) evidence that the official unemploy-
23 ment rate doesn’t always accurately reflect
24 labor market strength; and

25 (B) that unemployment rates may vary
26 over a business cycle due to changes in labor

1 force participation rather than from factors af-
2 fecting labor market strength; and

3 (3) develop a new method or methods for deter-
4 mining and reporting underemployment that takes
5 into consideration workers—

6 (A) who are not in jobs that match their
7 skill set or education; and

8 (B) who are earning less than other work-
9 ers in similar occupations or with similar skill
10 sets and education.

11 **SEC. 4. MEMBERSHIP OF COMMISSION.**

12 (a) APPOINTMENT.—The Commission shall be com-
13 posed of four members appointed from among individuals
14 with experience in the private sector, academia, or the
15 Federal civil service, each having expertise in economic
16 analysis, understanding labor markets, or statistical anal-
17 ysis. Members shall be appointed as follows:

18 (1) Two members appointed by the President.

19 (2) One member appointed by the President pro
20 tempore of the Senate.

21 (3) One member appointed by the Speaker of
22 the House of Representatives.

23 (b) DEADLINE FOR APPOINTMENT.—Each member
24 shall be appointed to the Commission not later than 180
25 days after the date of enactment of this Act.

1 (c) TERMS AND VACANCIES.—Each member shall be
2 appointed for the life of the Commission. A vacancy in
3 the Commission shall be filled in the manner in which the
4 original appointment was made.

5 (d) BASIC PAY AND TRAVEL EXPENSES.—Members
6 shall serve without pay. Each member shall receive travel
7 expenses, including per diem in lieu of subsistence, in ac-
8 cordance with sections 5702 and 5703 of title 5, United
9 States Code.

10 (e) QUORUM.—Three members of the Commission
11 shall constitute a quorum but a lesser number may hold
12 hearings.

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

15 (g) MEETINGS.—The Commission shall meet at the
16 call of the Chairperson.

17 **SEC. 5. STAFF OF COMMISSION.**

18 (a) STAFF.—The Chairperson may appoint and fix
19 the pay of the personnel of the Commission as the Chair-
20 person considers appropriate.

21 (b) APPLICABILITY OF CERTAIN CIVIL SERVICE
22 LAWS.—The staff of the Commission shall be appointed
23 subject to the provisions of title 5, United States Code,
24 governing appointments in the competitive service, and
25 shall be paid in accordance with the provisions of chapter

1 51 and subchapter III of chapter 53 of that title relating
2 to classification and General Schedule pay rates.

3 (c) STAFF OF FEDERAL AGENCIES.—Upon request
4 of the Chairperson, 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. 6. REPORT OF COMMISSION.**

9 Not later than 180 days after the date on which all
10 original members have been appointed to the Commission,
11 the Commission shall transmit to the President and Con-
12 gress a report that contains a detailed statement of the
13 findings and recommendations of the Commission devel-
14 oped pursuant to section 3.

15 **SEC. 7. TERMINATION OF COMMISSION.**

16 (a) TERMINATION.—The Commission shall terminate
17 60 days after the date of submission of the report pursu-
18 ant to section 7.

19 (b) ADMINISTRATIVE ACTIVITIES BEFORE TERMI-
20 NATION.—The Commission may use the 60-day period re-
21 ferred to in subsection (a) for the purpose of concluding
22 its activities, including providing testimony to committees
23 of Congress concerning its reports and disseminating the
24 second report.

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