

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.

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## 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

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## 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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