

114TH CONGRESS  
1ST SESSION

# H. R. 3674

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

OCTOBER 1, 2015

Mr. CONYERS (for himself, Mr. FITZPATRICK, Ms. WILSON of Florida, Ms. KAPTUR, Mr. BURGESS, Mr. WESTMORELAND, Mr. MEEKS, Mrs. LAWRENCE, and Mr. VEASEY) 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 how to take into account the inten-  
16 sity with which individuals are searching for a  
17 job; and

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

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

24 (A) the official unemployment rate doesn’t  
25 always accurately reflect labor market strength;  
26 and

1 (B) unemployment rates may vary over a  
2 business cycle due to changes in labor force  
3 participation rather than from factors affecting  
4 labor market strength, including—

5 (i) the employment-to-population  
6 (EPOP) ratio for prime-age individuals  
7 and the existence of “missing workers” or  
8 potential workers who, because of weak job  
9 opportunities, are neither employed nor ac-  
10 tively seeking a job;

11 (ii) the voluntary quits rate; and

12 (iii) the rates of wage growth and res-  
13 ervation wage of potential workers; and

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

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

19 (B) who are earning less than other work-  
20 ers in similar occupations or with similar skill  
21 sets and education.

22 **SEC. 4. MEMBERSHIP OF COMMISSION.**

23 (a) APPOINTMENT.—The Commission shall be com-  
24 posed of four members appointed from among individuals  
25 with experience in the private sector, academia, or the

1 Federal civil service, each having expertise in economic  
2 analysis, understanding labor markets, or statistical anal-  
3 ysis. Members shall be appointed as follows:

4 (1) Four members appointed by the President.

5 (2) Two members appointed by the President  
6 pro tempore of the Senate.

7 (3) Two members appointed by the Speaker of  
8 the House of Representatives.

9 (b) DEADLINE FOR APPOINTMENT.—Each member  
10 shall be appointed to the Commission not later than 90  
11 days after the date of enactment of this Act.

12 (c) TERMS AND VACANCIES.—Each member shall be  
13 appointed for the life of the Commission. A vacancy in  
14 the Commission shall be filled in the manner in which the  
15 original appointment was made.

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

21 (e) QUORUM.—Six members of the Commission shall  
22 constitute a quorum but a lesser number may hold hear-  
23 ings.

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

1 (g) MEETINGS.—The Commission shall meet at the  
2 call of the Chairperson.

3 **SEC. 5. STAFF OF COMMISSION.**

4 (a) STAFF.—The Chairperson may appoint and fix  
5 the pay of the personnel of the Commission as the Chair-  
6 person considers appropriate.

7 (b) APPLICABILITY OF CERTAIN CIVIL SERVICE  
8 LAWS.—The staff of the Commission shall be appointed  
9 subject to the provisions of title 5, United States Code,  
10 governing appointments in the competitive service, and  
11 shall be paid in accordance with the provisions of chapter  
12 51 and subchapter III of chapter 53 of that title relating  
13 to classification and General Schedule pay rates.

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

19 **SEC. 6. REPORT OF COMMISSION.**

20 Not later than 180 days after the date on which all  
21 original members have been appointed to the Commission,  
22 the Commission shall transmit to the President and Con-  
23 gress a report that contains a detailed statement of the  
24 findings and recommendations of the Commission devel-  
25 oped pursuant to section 3.

1 **SEC. 7. TERMINATION OF COMMISSION.**

2 (a) **TERMINATION.**—The Commission shall terminate  
3 90 days after the date of submission of the report pursu-  
4 ant to section 7.

5 (b) **ADMINISTRATIVE ACTIVITIES BEFORE TERMI-**  
6 **NATION.**—The Commission may use the 90-day period re-  
7 ferred to in subsection (a) for the purpose of concluding  
8 its activities, including providing testimony to committees  
9 of Congress concerning its reports and disseminating the  
10 second report.

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