

110TH CONGRESS  
2ND SESSION

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To establish the Key National Indicators System.

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IN THE SENATE OF THE UNITED STATES

Mr. KENNEDY (for himself and Mr. ENZI) introduced the following bill; which was read twice and referred to the Committee on

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## A BILL

To establish the Key National Indicators System.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the 'Key National Indicators Act of 2008'.

5 **SEC. 2. FINDINGS.**

6 The Congress finds the following:

- 7 (1) Measures of the nation's current condition are requisite for citizens and  
8 their leaders to establish appropriate national direction and commit resources to  
9 that direction.
- 10 (2) A key national indicators system consolidates the most important  
11 statistical measures of the current national condition and makes them readily  
12 available to the public.

1           (3) The Congress and the American people have a substantial interest in  
2 readily available, comprehensive and unbiased information on key indicators to  
3 assess the position and progress of the nation, both on an absolute basis and  
4 compared to other countries.

5           (4) Vast repositories of data exist in many public agencies, levels of  
6 government and among private for profit and non-profit organizations, but there is  
7 no single, interactive, trusted source of quality information on all of the issues  
8 required to fully assess the state of the United States on a regular basis.

9           (5) Rapidly evolving information technologies have created new  
10 opportunities at relatively low cost for the American public to have access to high  
11 quality, comprehensive information on the state of the nation from a single  
12 source.

13           (6) The American taxpayer funds and cooperates in producing statistical  
14 data for the benefit of the nation, but accessing and using the information drawn  
15 from these data is too difficult for it to be widely useful to the general public.

16           (7) Key national and local indicator systems are beginning to flourish in  
17 neighborhoods, communities, cities, counties, regions, and states across the  
18 nation. However, the benefits of such local and regional systems will be greatly  
19 enhanced if the Federal government provides a complementary national key  
20 indicator system.

21           (8) Complex and interrelated policy issues and the constituencies required  
22 to frame and resolve them need a shared factual foundation on changing  
23 conditions to advance policy debates and effective solutions.

24           (9) Neither government alone nor the private sector alone can assemble a  
25 comprehensive, credible, relevant, reliable, and responsible set of indicators on  
26 the state of the United States. To make this a reality requires a public-private  
27 partnership.

1           (10) With more readily usable, accessible, valuable information available  
2 from a single source, the American public can educate themselves to a greater  
3 level of understanding about their country and thus be better able to participate in  
4 and make significant decisions on public and private issues.

5           (11) The nation's schools, media, researchers and others will use such a  
6 resource to educate and inform a more numerate as well as literate citizenry. A  
7 higher level of citizen engagement and participation can promote a healthier  
8 democracy through improving transparency and enhancing accountability.

9           (12) In a rapidly evolving and competitive global economy, other  
10 countries are establishing such systems, and the capacity for a nation to assess its  
11 true progress will soon become a strategic competitive advantage in an  
12 innovative, knowledge-based economy.

13           (13) Widely shared information in a society improves market functioning  
14 and reduces social welfare losses.

15           (14) A key national indicator system has been extensively researched and  
16 recommended to Congress by the GAO. The GAO has also emphasized the  
17 importance of a public-private partnership. Furthermore, The National Academy  
18 of Sciences has been involved in planning, research, development, and advisory  
19 activities on issues and opportunities relating to the establishment of a key  
20 national indicator system.

21           (15) The Federal government's ongoing involvement in creating,  
22 supporting, advising and overseeing a key national indicator system is vital to  
23 growing and evolving it as a national resource to educate and inform the  
24 American people.

25 **SEC. 3. DEFINITIONS.**

26           In this Act:

1 (1) COMMISSION – The term `Commission' means the Commission on  
2 Key National Indicators established under section 4.

3 (2) INSTITUTE – The term `Institute' means a potential Key National  
4 Indicators Institute as defined in subsection (c) of section 6.

5 (3) ACADEMY – The term `Academy' means the National Academy of  
6 Sciences.

#### 7 **SEC. 4. ESTABLISHMENT OF COMMISSION.**

8 There is established a commission to be known as the `Commission on  
9 Key National Indicators'.

#### 10 **SEC. 5. PURPOSE.**

11 The Commission will collect information, analyze past research and  
12 practice, and review reports from the Academy, the Government Accountability  
13 Office, and, if established, a designated Institute and other relevant entities to  
14 assess the role of a newly-established key national indicators system to inform  
15 and educate the American public and to provide useful information to Congress  
16 and other policymakers. It will also make recommendations on how to improve  
17 the key national indicators system and coordinate with federal government users  
18 and information providers to assure access to relevant and quality data.

#### 19 **SEC. 6. DUTIES OF THE COMMISSION.**

20 (a) IN GENERAL.– The Commission shall conduct comprehensive oversight  
21 of a newly established key national indicators system consistent with the purpose  
22 specified in section 5, shall contract with the Academy, and shall submit all  
23 reports required under subsection (b).

24 (b) REPORTS.–

25 (1) ANNUAL REPORT TO CONGRESS.– Not later than 1 year after the  
26 selection of the 2 Co-Chairpersons and the Executive Director of the Commission,  
27 and each subsequent year, the Commission shall prepare and submit a report that

1 contains a detailed statement of the recommendations, findings, and conclusions  
2 of the Commission on the activities of the Academy and a designated Institute  
3 related to the establishment of a Key National Indicator System. The report shall  
4 be submitted to the appropriate Committees of Congress and the President, and  
5 the appropriate Committees of Congress shall hold hearings on the report.

6 (2) ANNUAL REPORT TO THE ACADEMY.—Not later than 6 months  
7 after the selection of the 2 Co-Chairpersons and the Executive Director of the  
8 Commission, and each subsequent year, the Commission shall prepare and submit  
9 a report to the Academy and a designated Institute making recommendations  
10 about potential issue areas and key indicators to be included in the Key National  
11 Indicators.

12 (A) CONSTRUCTION.— The Commission shall not have the  
13 authority to direct the Academy—or, if established, the Institute—to adopt,  
14 modify, or delete any key indicators. Recommendations made by the  
15 Commission are not binding.

16 (3) PUBLIC AVAILABILITY.— The reports submitted under this  
17 subsection shall be made available to the public.

18 (c) CONTRACT WITH THE NATIONAL ACADEMY OF SCIENCES.—

19 (1) IN GENERAL.—As soon as practicable after the selection of the 2 Co-  
20 Chairpersons and the Executive Director of the Commission, the Co-Chairpersons  
21 shall enter into an arrangement with the National Academy of Sciences under  
22 which the Academy shall, in whatever order it deems necessary:

23 (A) review research on the selection of a set of key national  
24 indicators, including an analysis of all research on systems of key national  
25 indicators by the Government Accountability Office, the Academy, other  
26 public agencies or private organizations, and foreign countries;

1 (B) determine how best to establish a key national indicator system  
2 for the United States, by either creating its own institutional capability or  
3 designating an independent private nonprofit organization as an Institute  
4 to implement a key national indicator system;

5 (C) if the Academy creates its own institutional capability, it may  
6 include a new unit dedicated to web-based dissemination of statistical and  
7 scientific data.

8 (D) if the Academy designates an independent Institute, it shall  
9 provide scientific and technical advice to the Institute and create an  
10 appropriate governance mechanism that balances Academy involvement  
11 while reinforcing the independence of the Institute;

12 (E) provide an annual report to the Commission addressing  
13 scientific and technical issues related to the key national indicator system  
14 and, if established, the Institute, and governance of the Institute's budget  
15 and operations.

16 (2) PARTICIPATION.—In executing the arrangement under paragraph (1),  
17 the National Academy of Sciences shall convene a multi-sector, multi-disciplinary  
18 process to define major scientific and technical issues associated with developing,  
19 maintaining, and evolving a Key National Indicator System and, if an Institute is  
20 established, to provide it scientific and technical advice. The Academy shall also  
21 convene as required any additional studies, panels, or workshops to deliver a  
22 variety of views on the quality of processes, technologies, indicators, and data  
23 used to establish a key national indicators system.

24 (3) ESTABLISHMENT OF OF A KEY NATIONAL INDICATOR  
25 SYSTEM.

26 (A) IN GENERAL.—In executing the arrangement under paragraph  
27 (1), the National Academy of Sciences shall enable the establishment of a

1 key national indicator system by either creating its own institutional  
2 capability or partnering with an independent private nonprofit organization  
3 as an Institute to implement a key national indicator system.

4 (B) INSTITUTE.—If the Academy designates an Institute, it shall  
5 be a non-profit entity (as defined under section 501(c)(3) of the Internal  
6 Revenue Code) with an educational mission, a governance structure that  
7 emphasizes independence, and characteristics that make it appropriate for  
8 establishing a key national indicator system.

9 (C) RESPONSIBILITIES.—Either the Academy or the Institute  
10 shall be responsible for the following:

11 (i) identifying and selecting issue areas to be represented by  
12 the key national indicators;

13 (ii) identifying and selecting the measures used for key  
14 national indicators within the issue areas under (i);

15 (iii) identifying and selecting data to populate the key  
16 national indicators described under (ii);

17 (iv) designing, publishing, and maintaining a public  
18 website that contains a freely accessible database allowing access  
19 to the key national indicators by all members of the public;

20 (v) developing an overall quality assurance framework to  
21 ensure rigorous and independent processes and the selection of  
22 quality data for the key national indicators;

23 (vi) developing a budget for the construction and  
24 management of a sustainable, adaptable, and evolving key national  
25 indicator system that reflects all Commission funding of Academy  
26 and, if an Institute is established, Institute activities;

1 (vii) reporting annually (and on an ongoing basis as it  
2 deems necessary) to the Commission regarding its selection of  
3 issue areas, key indicators, data, and progress toward establishing a  
4 web-accessible database; and

5 (viii) responding directly to the Commission in response to  
6 any Commission recommendations and to the Academy regarding  
7 any inquiries by the Academy.

8 (D) GOVERNANCE.— Upon establishment of a key national  
9 indicator system, the Academy shall create an appropriate governance  
10 mechanism that incorporates advisory and control functions. If an  
11 Institute is established, under subparagraph (A), the governance  
12 mechanism shall balance appropriate Academy involvement while  
13 reinforcing the independence of the Institute;

14 (E) MODIFICATIONS AND CHANGES.—The Academy will  
15 retain the sole discretion, at any time, to alter its approach to the  
16 establishment of a key national indicator system or, if an Institute is  
17 established, to alter any aspect of its relationship with the Institute or to  
18 designate a different non-profit entity to serve as the Institute.

19 (F) CONSTRUCTION.—Nothing in this section may be construed  
20 to limit the ability of the Academy or the Institute to receive private  
21 funding for activities related to the establishment of a key national  
22 indicator system.

23 (4) ANNUAL REPORT.—In executing the arrangement under paragraph  
24 (1), the National Academy of Sciences shall submit a report to the Co-  
25 Chairpersons of the Commission, the Senate Committee on Homeland Security  
26 and Government Affairs, and the House of Representatives Committee on



1 Oversight and Government Reform, with its findings and recommendations no  
2 later than 270 days after the date of enactment of this Act, and annually thereafter.

3 **SEC. 7. MEMBERSHIP.**

4 (a) NUMBER AND APPOINTMENT.—The Commission shall be composed  
5 of 8 members, to be appointed as follows:

6 (1) The majority leader of the Senate shall appoint 2 members.

7 (2) The minority leader of the Senate shall appoint 2 members.

8 (3) The Speaker of the House of Representatives shall appoint 2 members.

9 (4) The minority leader of the House of Representatives shall appoint 2  
10 members.

11 (b) PROHIBITED APPOINTMENTS.—Members of the Commission shall not  
12 include Members of Congress or other elected Federal, State, or local government  
13 officials.

14 (c) QUALIFICATIONS.—The majority and minority leaders of the Senate and  
15 House shall strive to choose appointees who have shown a dedication to  
16 improving civic dialogue and decision-making through the wide use of scientific  
17 evidence and factual information and who have distinguished careers and  
18 expertise in one or more of the following fields:

19 (1) science and scientific perspective on decision-making, information,  
20 and data;

21 (2) evidence-based decision-making in business, professional, and policy-  
22 making settings;

23 (3) the large-scale collection, management, and provision of statistical  
24 data;

25 (4) the use of leading edge information technology for dissemination and  
26 analysis;

1 (5) research, surveys, and other interactive mechanisms of civic  
2 engagement; and

3 (6) advanced mass media communication.

4 (d) PERIOD OF APPOINTMENT.—Each member shall be appointed for a  
5 two-year term, except that one initial appointment made under each paragraph of  
6 subsection (a) shall be for three years. Any vacancies shall not affect the power  
7 and duties of the Commission but shall be filled in the same manner as the  
8 original appointment and shall last only for the remainder of that term.

9 (e) DATE.—Members of the Commission shall be appointed by not later than  
10 30 days after the date of enactment of this Act.

11 (f) INITIAL ORGANIZING PERIOD.—Not later than 60 days after the date of  
12 enactment of this Act, the Commission shall develop and implement a schedule  
13 for completion of the review and reports required under section 6.

14 (g) CO-CHAIRPERSONS.—The Commission shall select 2 Co-Chairpersons  
15 from among its members.

16 (h) TERMINATION.—The Commission shall terminate on the date that is 10  
17 years after the date of enactment of this Act.

## 18 **SEC. 8. ADMINISTRATION.**

19 (a) QUORUM.—Five members of the Commission shall constitute a quorum  
20 for purposes of voting, but a quorum is not required for members to meet and hold  
21 hearings.

22 (b) MEETINGS.—

23 (1) IN GENERAL.—The Commission shall meet at the call of the Co-  
24 Chairpersons or a majority of its members.

25 (2) OPEN MEETINGS.—Each meeting of the Commission, other than  
26 meetings in which classified information is to be discussed, shall be open to the  
27 public.

1 (c) HEARINGS.—The Commission may hold such hearings and undertake  
2 such other activities as the Commission determines to be necessary to carry out its  
3 duties.

4 (d) TRAVEL EXPENSES.—Members shall receive travel expenses, including  
5 per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title  
6 5, United States Code, while away from their homes or regular places of business  
7 in performance of services for the Commission.

8 (e) STAFF.—

9 (1) EXECUTIVE DIRECTOR.—The Commission shall have a staff headed  
10 by an Executive Director. The Executive Director shall be paid at a rate  
11 equivalent to a rate established for the Senior Executive Service under section  
12 5382 of title 5, United States Code.

13 (2) STAFF APPOINTMENT.—With the approval of the Commission, the  
14 Executive Director may appoint such personnel as the Executive Director  
15 determines to be appropriate.

16 (3) EXPERTS AND CONSULTANTS.—With the approval of the  
17 Commission, the Executive Director may procure temporary and intermittent  
18 services under section 3109(b) of title 5, United States Code.

19 (4) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of  
20 the Commission, the head of any Federal agency may detail, without  
21 reimbursement, any of the personnel of such agency to the Commission to assist  
22 in carrying out the duties of the Commission. Any such detail shall not interrupt  
23 or otherwise affect the civil service status or privileges of the Federal employee.

24 (5) OTHER RESOURCES.—The Commission shall have reasonable access  
25 to materials, resources, statistical data, and other information such Commission  
26 determines to be necessary to carry out its duties from the Library of Congress,  
27 the Congressional Research Service, the Congressional Budget Office, the

1 Government Accountability Office, and other agencies and elected representatives  
2 of the executive and legislative branches of the Federal Government. The Co-  
3 Chairpersons of the Commission shall make requests for such access in writing  
4 when necessary.

5 **SEC. 9. GOVERNMENT ACCOUNTABILITY OFFICE STUDY AND**  
6 **REPORT.**

7 (a) GAO STUDY.—The Comptroller General shall conduct an initial study of  
8 previous work conducted by the Government Accountability Office, the  
9 Academy, other public agencies or private organizations, and foreign countries  
10 with respect to best practices for a key national indicator system, and shall  
11 develop criteria to adequately assess activities carried out by the Academy or the  
12 Institute in accordance with this Act.

13 (b) GAO AUDIT.—If an Institute is established, The Comptroller General shall  
14 conduct an annual financial audit and biannual programmatic assessment of the  
15 Key National Indicator Institute.

16 (c) INTERIM REPORT.—The Comptroller General shall submit an interim  
17 report regarding the findings of the study required by subsection (a) to the  
18 Commission and to the appropriate authorizing committees of Congress. The  
19 interim report shall be submitted not later than 1 year after enactment of this Act.

20 (d) ANNUAL REPORT.—The Comptroller General shall submit an annual  
21 report regarding the findings of the audit and programmatic review required by  
22 subsection (b) to the Commission and to the appropriate authorizing committees  
23 of Congress. The annual report shall be submitted not later than the last day of  
24 September each subsequent year.

25 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

26 (a) IN GENERAL.—There are authorized to be appropriated to carry out the  
27 purposes of this Act the following amounts:

1 (1) \$10,000,000 for fiscal year 2009.

2 (2) \$7,500,000. for fiscal year 2010.

3 (3) \$7,500,000 for fiscal year 2011.

4 (4) \$7,500,000 for fiscal year 2012.

5 (5) \$7,500,000 for fiscal year 2013.

6 (6) \$7,500,000 for fiscal year 2014.

7 (7) \$7,500,000 for fiscal year 2015.

8 (8) \$7,500,000 for fiscal year 2016.

9 (9) \$7,500,000 for fiscal year 2017.

10 (10) \$7,500,000 for fiscal year 2018.

11 (b) AVAILABILITY.—Any sums appropriated under the subsection (a) shall  
12 remain available, without fiscal year limitation, until expended.