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

A BILL

To establish the Key National Indicators System.

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

SEC. 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Measures of the nation’s current condition are requisite for citizens and their leaders to establish appropriate national direction and commit resources to that direction.

(2) A key national indicators system consolidates the most important statistical measures of the current national condition and makes them readily available to the public.
(3) The Congress and the American people have a substantial interest in readily available, comprehensive and unbiased information on key indicators to assess the position and progress of the nation, both on an absolute basis and compared to other countries.

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

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

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

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

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

(9) Neither government alone nor the private sector alone can assemble a comprehensive, credible, relevant, reliable, and responsible set of indicators on the state of the United States. To make this a reality requires a public-private partnership.
(10) With more readily usable, accessible, valuable information available from a single source, the American public can educate themselves to a greater level of understanding about their country and thus be better able to participate in and make significant decisions on public and private issues.

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

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

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

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

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

SEC. 3. DEFINITIONS.

In this Act:
(1) COMMISSION – The term 'Commission' means the Commission on Key National Indicators established under section 4.

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

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

SEC. 4. ESTABLISHMENT OF COMMISSION.

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

SEC. 5. PURPOSE.

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

SEC. 6. DUTIES OF THE COMMISSION.

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

(b) REPORTS.—

(1) ANNUAL REPORT TO CONGRESS.— Not later than 1 year after the selection of the 2 Co-Chairpersons and the Executive Director of the Commission, and each subsequent year, the Commission shall prepare and submit a report that
contains a detailed statement of the recommendations, findings, and conclusions of the Commission on the activities of the Academy and a designated Institute related to the establishment of a Key National Indicator System. The report shall be submitted to the appropriate Committees of Congress and the President, and the appropriate Committees of Congress shall hold hearings on the report.

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

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

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

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

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

(A) review research on the selection of a set of key national indicators, including an analysis of all research on systems of key national indicators by the Government Accountability Office, the Academy, other public agencies or private organizations, and foreign countries;
(B) determine how best to establish a key national indicator system for the United States, by either creating its own institutional capability or designating an independent private nonprofit organization as an Institute to implement a key national indicator system;

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

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

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

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

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

(A) IN GENERAL.–In executing the arrangement under paragraph (1), the National Academy of Sciences shall enable the establishment of a
key national indicator system by either creating its own institutional
capability or partnering with an independent private nonprofit organization
as an Institute to implement a key national indicator system.

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

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

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

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

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

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

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

(vi) developing a budget for the construction and
management of a sustainable, adaptable, and evolving key national
indicator system that reflects all Commission funding of Academy
and, if an Institute is established, Institute activities;
(vii) reporting annually (and on an ongoing basis as it
deeems necessary) to the Commission regarding its selection of
issue areas, key indicators, data, and progress toward establishing a
web-accessible database; and
(viii) responding directly to the Commission in response to
any Commission recommendations and to the Academy regarding
any inquiries by the Academy.

(D) GOVERNANCE.– Upon establishment of a key national
indicator system, the Academy shall create an appropriate governance
mechanism that incorporates advisory and control functions. If an
Institute is established, under subparagraph (A), the governance
mechanism shall balance appropriate Academy involvement while
reinforcing the independence of the Institute;
(E) MODIFICATIONS AND CHANGES.–The Academy will
retain the sole discretion, at any time, to alter its approach to the
establishment of a key national indicator system or, if an Institute is
established, to alter any aspect of its relationship with the Institute or to
designate a different non-profit entity to serve as the Institute.
(F) CONSTRUCTION.–Nothing in this section may be construed
to limit the ability of the Academy or the Institute to receive private
funding for activities related to the establishment of a key national
indicator system.
(4) ANNUAL REPORT.–In executing the arrangement under paragraph
(1), the National Academy of Sciences shall submit a report to the Co-
Chairpersons of the Commission, the Senate Committee on Homeland Security
and Government Affairs, and the House of Representatives Committee on
SEC. 7. MEMBERSHIP.

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

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

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

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

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

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

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

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

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

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

(4) the use of leading edge information technology for dissemination and analysis;
(5) research, surveys, and other interactive mechanisms of civic engagement; and

(6) advanced mass media communication.

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

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

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

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

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

SEC. 8. ADMINISTRATION.

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

(b) MEETINGS.--

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

(2) OPEN MEETINGS.--Each meeting of the Commission, other than meetings in which classified information is to be discussed, shall be open to the public.
(c) HEARINGS.—The Commission may hold such hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties.

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

(e) STAFF.—

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

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

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

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

(5) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information such Commission determines to be necessary to carry out its duties from the Library of Congress, the Congressional Research Service, the Congressional Budget Office, the
Government Accountability Office, and other agencies and elected representatives of the executive and legislative branches of the Federal Government. The Co-Chairpersons of the Commission shall make requests for such access in writing when necessary.

SEC. 9. GOVERNMENT ACCOUNTABILITY OFFICE STUDY AND REPORT.

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

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

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

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

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the purposes of this Act the following amounts:
(1) $10,000,000 for fiscal year 2009.

(2) $7,5000,000 for fiscal year 2010.

(3) $7,5000,000 for fiscal year 2011.

(4) $7,5000,000 for fiscal year 2012.

(5) $7,5000,000 for fiscal year 2013.

(6) $7,5000,000 for fiscal year 2014.

(7) $7,5000,000 for fiscal year 2015.

(8) $7,5000,000 for fiscal year 2016.

(9) $7,5000,000 for fiscal year 2017.

(10) $7,5000,000 for fiscal year 2018.

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