

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 900

To require the establishment of a credit card safety star rating system  
for the benefit of consumers, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 27, 2009

Mr. WYDEN introduced the following bill; which was read twice and referred  
to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To require the establishment of a credit card safety star  
rating system for the benefit of consumers, and for other  
purposes.

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 “Credit Card Safety  
5       Star Act of 2009”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) competition in the credit card market is se-  
9       verely hindered by a lack of transparency, which re-  
10       sults in inefficient consumer choices;

1           (2) such lack of transparency is largely due to  
2           confusing terms and overwhelming information for  
3           consumers;

4           (3) the marketplace has not increased competi-  
5           tion based on the merits of credit cards;

6           (4) a Government rating system that would use  
7           market forces by encouraging better transparency  
8           would increase such competition and assist con-  
9           sumers in making better credit card choices; and

10          (5) such a rating system would not preclude ad-  
11          ditional regulation or legislation that may eliminate  
12          certain practices considered unfair or abusive.

13 **SEC. 3. TRUTH IN LENDING ACT AMENDMENTS.**

14          The Truth in Lending Act (15 U.S.C. 1601 et seq.)  
15 is amended by inserting after section 127A the following  
16 new section:

17 **“SEC. 127B. CREDIT CARD SAFETY STAR RATING SYSTEM.**

18          “(a) DEFINITIONS.—In this section—

19                 “(1) the term ‘agreement’ means the terms and  
20                 conditions applicable to an open end credit plan of-  
21                 fered by an issuer of credit;

22                 “(2) references to a reading grade level shall be  
23                 as determined by the Board, using available meas-  
24                 urements for assessing such reading levels, including  
25                 those used by the Department of Education;

1           “(3) the term ‘Safety Star System’ means the  
2 credit card safety star rating system established  
3 under this section; and

4           “(4) the term ‘junk mail’ means a form of dis-  
5 closure that does not inform the consumer in a  
6 meaningful and significant way about changes in the  
7 contract, including small type, using separate pieces  
8 of paper for separate disclosures, and mixing disclo-  
9 sure materials with product advertisements.

10          “(b) RULEMAKING.—

11           “(1) IN GENERAL.—Not later than 12 months  
12 after the date of enactment of this section, the  
13 Board shall issue final rules to implement the Safety  
14 Star System established under this section, to allow  
15 consumers to quickly and easily compare the levels  
16 of safety associated with various open end credit  
17 plan agreements.

18           “(2) CONSULTATION.—The Board shall consult  
19 with the Comptroller of the Currency, the Office of  
20 Thrift Supervision, and the Federal Deposit Insur-  
21 ance Corporation in issuing rules to implement the  
22 Safety Star System.

23           “(c) ELEMENTS OF SAFETY STAR SYSTEM.—The  
24 Safety Star System shall consist of a 5-star system for  
25 rating the terms and conditions of each open end credit

1 plan agreement between a card issuer and a cardholder,  
2 in accordance with this section.

3 “(d) SAFETY STAR RATINGS.—

4 “(1) ONE-STAR RATING.—The lowest level of  
5 safety for an open end credit plan shall be indicated  
6 by a 1-star rating.

7 “(2) FIVE-STAR RATING.—The highest level of  
8 safety in an open end credit plan shall be indicated  
9 by a 5-star rating.

10 “(e) POINT STRUCTURE FOR SAFETY STAR SYS-  
11 TEM.—

12 “(1) VALUES.—Each variation of a term in an  
13 agreement shall be worth 1 point or  $-1$  point, as  
14 applicable.

15 “(2) STAR SYSTEM.—For purposes of the Safe-  
16 ty Star System—

17 “(A) 5-star credit cards are those with  
18 points totaling 7 points or greater;

19 “(B) 4-star credit cards are those with be-  
20 tween 3 points and 6 points;

21 “(C) 3-star credit cards are those with be-  
22 tween  $-1$  point and 2 points;

23 “(D) 2-star credit cards are those with be-  
24 tween  $-6$  points and  $-2$  points; and

1                   “(E) 1-star credit cards are those with – 7  
2                   points or fewer.

3                   “(f) POINT AWARDS.—One point shall be awarded  
4 for each of the terms in an agreement under which—

5                   “(1) no binding or nonbinding arbitration  
6                   clause applies;

7                   “(2) at least 90 days notice is provided to the  
8                   cardholder if the card issuer wants to change the  
9                   terms of the agreement, with the option for the con-  
10                  sumer to opt out of the changes, while paying off  
11                  their previous balance according to the original  
12                  terms;

13                  “(3) changes are disclosed in a manner that  
14                  highlights the differences between the current terms  
15                  and the proposed terms;

16                  “(4) the original card agreement and all origi-  
17                  nal supplementary materials are in 1 document at 1  
18                  time, and, when the card issuer discloses changes to  
19                  the card agreement—

20                  “(A) those materials are not in junk mail  
21                  form; and

22                  “(B) the changes are disclosed conspicu-  
23                  ously, together with the next billing cycle state-  
24                  ment, before the changes becomes effective;

1           “(5) no over-the-limit fees are imposed for the  
2 transactions approved at the time of transaction by  
3 the card issuer;

4           “(6) no fees are imposed to pay credit card bills  
5 using any method, including over the phone;

6           “(7) payments are applied to the highest inter-  
7 est rate principal first;

8           “(8) interest is not accrued on new purchases  
9 between the end of the billing cycle and the due date  
10 when a balance is outstanding;

11           “(9) security deposits and fees for credit avail-  
12 ability (such as account opening fees or membership  
13 fees)—

14           “(A) are limited to 10 percent of the initial  
15 credit limit during the first 12 months; and

16           “(B) at account opening, are limited to 5  
17 percent of the initial credit limit, and requires  
18 any additional amounts (up to 10 percent) to be  
19 spread evenly over at least the next 5 billing cy-  
20 cles;

21           “(10) the terms of the agreement are disclosed  
22 in a form that requires at or below an 8th grade  
23 reading level;

24           “(11) any secondary disclosure materials meant  
25 to supplement the terms of the agreement are dis-

1 closed in a form that requires at or below an 8th  
2 grade reading level;

3 “(12) no late fee may be imposed when a pay-  
4 ment is received, whether processed by the issuer or  
5 not, within 2 days of the payment due date;

6 “(13) a copy of the agreement and all supple-  
7 mentary materials are easily available to the card-  
8 holder online; or

9 “(14) a substantial positive financial benefit  
10 would be provided to the consumer, as determined  
11 by the Board in accordance with subsection (h).

12 “(g) NEGATIVE POINTS.—One point shall be sub-  
13 tracted for each of the terms in an agreement under  
14 which—

15 “(1) binding or nonbinding arbitration is re-  
16 quired to resolve disputes;

17 “(2) fewer than 30 days notice before the bill-  
18 ing statement for which changes in terms take effect  
19 are provided to the cardholder when the card issuer  
20 wants to change the terms of the card agreement  
21 (which shall be assumed if notice of such changes is  
22 undisclosed in the agreement materials);

23 “(3) junk mailer disclosures are used to inform  
24 cardholders of changes in their agreements;

1           “(4) over-the-limit fees are imposed more than  
2           once based on the same transaction;

3           “(5) fees are imposed to pay bills by check, over  
4           the Internet, or by an automated phone system;

5           “(6) interest is accrued on new purchases be-  
6           tween the end of the billing cycle and the due date  
7           when a balance is outstanding;

8           “(7) the terms of the agreement are disclosed  
9           in a form that requires a reading level that is above  
10          a 12th grade reading level;

11          “(8) any secondary disclosure materials meant  
12          to supplement the terms of the agreement are writ-  
13          ten in a form that requires a reading level above the  
14          12th grade reading level;

15          “(9) a late fee may be imposed within 2 days  
16          of the payment due date;

17          “(10) the issuer may unilaterally change the  
18          terms in the agreement without written consent  
19          from the consumer, or the issuer may unilaterally  
20          make adverse changes to the terms in the agreement  
21          without written consent from the consumer and writ-  
22          ten notice to the consumer of the precise behavior  
23          that provoked the adverse change;

24          “(11) the issuer charges interest on transaction  
25          fees, including late fees; or



1           “(12) there would be a negative financial im-  
2           pact on the interests of the consumer, as determined  
3           by the Board in accordance with subsection (h).

4           “(h) BOARD CONSIDERATIONS.—For purposes of  
5           subsections (f)(15) and (g)(16), the Board may consider—

6           “(1) the level of difficulty in understanding  
7           terms of the subject agreement by an average con-  
8           sumer;

9           “(2) how such terms will affect consumers who  
10          are close to the edge of their credit limits;

11          “(3) how such terms will affect consumers who  
12          do not have a good credit score, history, or rating,  
13          using commonly employed credit measurement meth-  
14          ods (if it creates greater access to credit by reducing  
15          safety, or by other means);

16          “(4) whether such terms create what would ap-  
17          pear to a reasonable consumer to be an arbitrary  
18          deadline or limit that may frustrate consumers and  
19          result in excess fees or worse financial outcomes for  
20          the consumer;

21          “(5) whether such terms, or the severity of such  
22          terms, is not based on the credit risks created by a  
23          particular consumer behavior, but rather is designed  
24          to solely increase revenue through lack of trans-  
25          parency;

1           “(6) whether any State has sought to limit such  
2 terms or terms that are similar thereto;

3           “(7) whether provisions of State law relating to  
4 unfair and deceptive practices would prohibit any  
5 such terms, but for the national bank exclusion from  
6 non-home State banking laws;

7           “(8) whether such terms have an anticompeti-  
8 tive or procompetitive effect on the marketplace; and

9           “(9) such additional terms or concepts that are  
10 not specified in paragraphs (1) through (8) that the  
11 Board deems difficult for an average consumer to  
12 manage, such as terms that are confusing to the  
13 typical consumer or that create a greater risk of  
14 negative financial outcomes for the typical consumer,  
15 and terms that promote transparency or competi-  
16 tion.

17          “(i) LIMITATIONS.—For purposes of subsection (h),  
18 the Board may not consider, with respect to the terms of  
19 an open end credit plan agreement, the profitability or im-  
20 pact on the success of any particular business model of  
21 such terms.

22          “(j) AUTOMATIC RATING.—Notwithstanding any  
23 other provision of this section, or any other provision of  
24 State or Federal law, any open end credit plan that allows  
25 the card issuer or a designee thereof to modify the terms

1 of the agreement at any time or periodically for unspec-  
2 ified or unstated reasons, shall automatically give rise to  
3 a 1-star rating for such open end credit plan.

4 “(k) NO POINTS IF TERMS ARE REQUIRED BY  
5 LAW.—If a particular term in an agreement becomes re-  
6 quired by law or regulation, no points may be awarded  
7 under the Safety Star System for that term.

8 “(l) PROCEDURES FOR RATINGS.—

9 “(1) CERTIFICATION TO THE BOARD.—Each  
10 issuer of credit under an open end credit plan shall  
11 certify in writing to the Board, the number of stars  
12 to be awarded, separately for each of the card  
13 issuer’s agreements. Each such certification shall  
14 specify which terms in each agreement are subject to  
15 the Safety Star System, and how the issuer arrived  
16 at the star rating for each agreement based on the  
17 Safety Star System in accordance with paragraph  
18 (2).

19 “(2) SUBMISSIONS TO THE BOARD.—Each  
20 agreement that is subject to a Safety Star System  
21 rating shall be submitted electronically to the Board,  
22 together with a written explanation of whether the  
23 agreement has or does not have each of the terms  
24 specified in subsections (f) and (g), before issuing or  
25 marketing a credit card under that agreement.

1           “(3) BOARD VERIFICATION.—

2                   “(A) IN GENERAL.—The Board shall verify  
3           that the terms in the submitted agreement and  
4           supporting materials (such as examples of fu-  
5           ture disclosures or examples of websites with  
6           cardholder agreements) comply with the certifi-  
7           cation submitted to the Board by the issuer  
8           under this subsection, not later than 30 days  
9           after the date of submission.

10                   “(B)           AVOIDING           DUPLICATIVE  
11           VERIFICATIONS.—A card issuer may certify to  
12           the Board, in writing, that all agreements that  
13           it markets include a particular term, or that the  
14           issuer will use certain practices (with sup-  
15           porting documents, including showing how fu-  
16           ture disclosures will be made) so that the Board  
17           is required to determine only once, with respect  
18           to that term or practice, how that term or prac-  
19           tice affects the star ratings of the credit card  
20           agreements of the issuer.

21                   “(4) MISREPRESENTATIONS AS VIOLATIONS.—  
22           Any certification to the Board under this section  
23           that the issuer knew, or should have known, was  
24           false or misrepresented to the Board or to a con-  
25           sumer the terms or conditions of a card agreement

1 or of a Safety Star System rating under this section  
2 shall be treated as a violation of this title, and shall  
3 be subject to enforcement in accordance with section  
4 108.

5 “(5) MODIFICATIONS BY CARD ISSUERS.—

6 “(A) IN GENERAL.—After the first annual  
7 review by the Board, mentioned in subsection  
8 (o), before implementing any new term or con-  
9 cept, or new way of approaching a term or con-  
10 cept, with respect to an open end credit plan,  
11 the card issuer shall submit the new term or  
12 concept and any supporting materials to the  
13 Board, other than with respect to an adjust-  
14 ment to the applicable rate of interest in an ex-  
15 isting agreement that clearly specifies that such  
16 rate would be adjustable and under what condi-  
17 tions such adjustments could occur.

18 “(B) DETERMINATION OF THE BOARD.—

19 Not later than 30 days after the date of a sub-  
20 mission under subparagraph (A), the Board  
21 shall complete a review of the effects on safety  
22 of the subject new concept or term, and shall  
23 issue a decision on whether it affects the Safety  
24 Star System rating for the open end credit plan  
25 that will include the term or concept.

1 “(m) DISPLAY OF AND ACCESS TO RATINGS.—

2 “(1) DISPLAY OF RATING REQUIRED.—The  
3 Safety Star System rating for each credit card shall  
4 be clearly displayed on all marketing material, appli-  
5 cations, billing statements, and agreements associ-  
6 ated with that credit card, as well as on the back of  
7 each such credit card, including a brief explanation  
8 of the system displayed below each rating (other  
9 than on the back of the credit card).

10 “(2) NEW CARDS REQUIRED FOR LOWER RAT-  
11 INGS.—In any case in which the Safety Star System  
12 rating for a credit card is lowered for any reason,  
13 the card issuer shall provide new cards to account  
14 holders displaying the new rating in accordance with  
15 paragraph (1).

16 “(3) GRAPHIC DISPLAY.—The Safety Star Sys-  
17 tem rating for a credit card shall be represented by  
18 a graphic that demonstrates not only the number of  
19 stars that the credit card has received, but also the  
20 number of stars that the card did not receive.

21 “(4) DEVELOPMENT OF GRAPHIC BY THE  
22 BOARD.—The Board shall determine the graphic and  
23 description of the Safety Star System for display on  
24 materials and the back of cards for purposes of this  
25 section.

1 “(n) CONSUMER ACCESS TO RATINGS.—

2 “(1) IN GENERAL.—The Board shall engage in  
3 an extensive campaign to educate consumers about  
4 the Safety Star System ratings for credit cards,  
5 using commonly used and accessible communications  
6 media.

7 “(2) WEBSITE.—Not later than 12 months  
8 after the date of enactment of this section, the  
9 Board shall establish and shall maintain a stand-  
10 alone website—

11 “(A) to provide easily understandable, in-  
12 depth information on the criteria used to assign  
13 the ratings, as provided in subsections (f) and  
14 (g); and

15 “(B) to include a listing of the Safety Star  
16 System ratings for each open end consumer  
17 credit plan, information on how the issuer ar-  
18 rived at that rating, and the number of con-  
19 sumers that have that plan with the issuer.

20 “(o) ANNUAL REVIEW BY THE BOARD.—

21 “(1) IN GENERAL.—The Board shall conduct a  
22 thorough annual review (of not longer than 6  
23 months in duration) of the Safety Star System, to  
24 determine whether the point system is effectively  
25 aiding consumers, and shall promptly implement any

1 regulatory changes as are necessary to ensure that  
2 the System protects consumers and encourages  
3 transparent competition and fairness to consumers,  
4 including implementing a system in which terms are  
5 weighted to distinguish between different levels of  
6 safety, in accordance with the purposes of this sec-  
7 tion.

8 “(2) AVAILABILITY OF RESULTS.—Results of  
9 the review conducted under this subsection shall be  
10 submitted to Congress, and shall be made available  
11 to the public.

12 “(p) PERIODIC REVIEW OF STANDARDS.—Once every  
13 2 years, the Board shall determine whether the require-  
14 ments to satisfy 2-star standards and above should be  
15 raised on the grounds that card issuers have abandoned  
16 the most unfair practices. In making such determination,  
17 the Board may not consider the profitability of business  
18 models, but may consider whether competition in the cred-  
19 it industry will improve consumer protection, and how the  
20 change in standards will affect such competition.”.

21 **SEC. 4. SAFETY STAR ADVISORY COMMISSION.**

22 (a) ESTABLISHMENT.—There is established the Cred-  
23 it Card Safety Star Advisory Commission (in this section  
24 referred to as the “Commission”).

25 (b) DUTIES.—



1           (1) REVIEW OF THE CREDIT CARD SAFETY  
2           STAR SYSTEM AND ANNUAL REPORTS.—The Com-  
3           mission shall—

4                   (A) review the effectiveness of the credit  
5           card Safety Star System under this section, in-  
6           cluding the topics described in paragraph (2);

7                   (B) make recommendations to Congress  
8           concerning such system;

9                   (C) study whether it would better protect  
10          consumers to ban some practices by creditors  
11          rather than use a rating system for those prac-  
12          tices, including universal default, unilateral  
13          changes without consumer consent, allowing in-  
14          terest charges on fees, or allowing interest rate  
15          increases to apply to past debt; and

16                  (D) by not later than March 1 of each cal-  
17          endar year following the date of enactment of  
18          this Act, submit a report to Congress con-  
19          taining the results of such reviews and its rec-  
20          ommendations concerning such system.

21           (2) SPECIFIC TOPICS TO BE REVIEWED.—The  
22          Commission shall review—

23                   (A) with respect to all credit card users—

24                           (i) the methodology for awarding stars  
25                   to credit cards under the Safety Star Sys-

1           tem, and whether there may be a better  
2           way to award stars that takes into account  
3           unfair or unsafe practices that remain  
4           uncaptured in the Safety Star System;

5           (ii) the consumer awareness of the  
6           Safety Star System and what may make  
7           the system more useful to consumers; and

8           (iii) other major issues in implementa-  
9           tion and further development of the Safety  
10          Star System;

11          (B) with respect to credit card users who  
12          are at or close to their credit limits, whether  
13          such consumers are being specifically targeted  
14          in credit card agreements, and whether the  
15          Safety Star System should incorporate more  
16          terms or be revised to encourage more fair  
17          terms for such consumers; and

18          (C) the effects of the Safety Star System  
19          on the availability and affordability of credit  
20          and the implications of changes in credit avail-  
21          ability and affordability in the United States  
22          and in the general market for credit services  
23          due to the Safety Star System.

24          (3) COMMENTS ON CERTAIN BOARD RE-  
25          PORTS.—

1           (A) TRANSMITTAL TO COMMISSION.—If  
2           the Board submits to Congress (or a committee  
3           of Congress) a report that is required by law  
4           and that relates to the Safety Star System, the  
5           Board shall transmit a copy of the report to the  
6           Commission.

7           (B) INDEPENDENT REVIEW.—The Com-  
8           mission shall review any report received under  
9           subparagraph (A) and, not later than 6 months  
10          after the date of submission of the report to  
11          Congress, shall submit to the appropriate com-  
12          mittees of Congress written comments on such  
13          report. Such comments may include such rec-  
14          ommendations as the Commission determines  
15          appropriate.

16          (4) AGENDA AND ADDITIONAL REVIEWS.—The  
17          Commission shall consult periodically with the chair-  
18          person and ranking minority members of the appro-  
19          priate committees of Congress regarding the agenda  
20          of the Commission and progress towards achieving  
21          the agenda. The Commission may conduct additional  
22          reviews, and submit additional reports to the appro-  
23          priate committees of Congress, from time to time on  
24          such topics relating to the Safety Star System as  
25          may be requested by such chairpersons and mem-

1       bers, and as the Commission determines appro-  
2       priate.

3           (5) AVAILABILITY OF REPORTS.—The Commis-  
4       sion shall transmit to the Board a copy of each re-  
5       port submitted under this subsection, and shall  
6       make such reports available to the public in an eas-  
7       ily accessible format, including operating a website  
8       containing the reports.

9           (6) APPROPRIATE COMMITTEES OF CON-  
10       GRESS.—For purposes of this subsection, the term  
11       “appropriate committees of Congress” means the  
12       Committee on Banking, Housing, and Urban Affairs  
13       of the Senate and the Committee on Financial Serv-  
14       ices of the House of Representatives.

15          (7) VOTING AND REPORTING REQUIREMENTS.—  
16       With respect to each recommendation contained in a  
17       report submitted under paragraph (1), each member  
18       of the Commission shall vote on the recommenda-  
19       tion, and the Commission shall include, by member,  
20       the results of that vote in the report containing the  
21       recommendation. The Commission may file a minor-  
22       ity report.

23          (8) EXAMINATION OF BUDGET CON-  
24       SEQUENCES.—Before making any recommendation  
25       that is likely to have a Federal budgetary impact,

1 the Commission shall examine the budget con-  
2 sequences of such recommendation, directly or  
3 through consultation with appropriate expert enti-  
4 ties.

5 (c) MEMBERSHIP.—

6 (1) NUMBER AND APPOINTMENT.—The Com-  
7 mission shall be composed of 15 members appointed  
8 by the Comptroller General of the United States, in  
9 accordance with this section.

10 (2) QUALIFICATIONS.—

11 (A) IN GENERAL.—The membership of the  
12 Commission shall include individuals—

13 (i) who have achieved national rec-  
14 ognition for their expertise in credit cards,  
15 debt management, economics, credit avail-  
16 ability, consumer protection, and other  
17 credit card-related issues and fields; or

18 (ii) who provide a mix of different  
19 professions, a broad geographic representa-  
20 tion, and a balance between urban and  
21 rural representatives.

22 (B) MAKEUP OF COMMISSION.—The Com-  
23 mission shall be made up of 15 members, of  
24 whom—

1 (i) 4 shall be representatives from  
2 consumer groups;

3 (ii) 4 shall be representatives from  
4 credit card issuers or banks;

5 (iii) 7 shall be representatives from  
6 nonprofit research entities or nonpartisan  
7 experts in banking and credit cards; and

8 (iv) no fewer than 1 of the members  
9 described in clauses (i) through (iii) shall  
10 represent each of—

11 (I) the elderly;

12 (II) economically disadvantaged  
13 consumers;

14 (III) racial or ethnic minorities;

15 and

16 (IV) students and minors.

17 (C) ETHICS DISCLOSURES.—The Comp-  
18 troller General shall establish a system for pub-  
19 lic disclosure by members of the Commission of  
20 financial and other potential conflicts of interest  
21 relating to such members. Members of the  
22 Commission shall be treated as employees of  
23 Congress whose pay is disbursed by the Sec-  
24 retary of the Senate for purposes of title I of

1 the Ethics in Government Act of 1978 (Public  
2 Law 95-521).

3 (3) TERMS.—

4 (A) IN GENERAL.—The terms of members  
5 of the Commission shall be for 5 years except  
6 that the Comptroller General shall designate  
7 staggered terms for the members first ap-  
8 pointed.

9 (B) VACANCIES.—Any member appointed  
10 to fill a vacancy occurring before the expiration  
11 of the term for which the member's predecessor  
12 was appointed shall be appointed only for the  
13 remainder of that term. A member may serve  
14 after the expiration of that member's term until  
15 a successor has taken office. A vacancy in the  
16 Commission shall be filled in the manner in  
17 which the original appointment was made.

18 (4) COMPENSATION.—

19 (A) MEMBERS.—While serving on the busi-  
20 ness of the Commission (including travel time),  
21 a member of the Commission shall be entitled  
22 to compensation at the per diem equivalent of  
23 the rate provided for level IV of the Executive  
24 Schedule under section 5315 of title 5, United  
25 States Code, and while so serving away from

1 home and the regular place of business of the  
2 member, the member may be allowed travel ex-  
3 penses, as authorized by the Chairperson.

4 (B) OTHER EMPLOYEES.—For purposes of  
5 pay (other than pay of members of the Commis-  
6 sion) and employment benefits, rights, and  
7 privileges, all employees of the Commission  
8 shall be treated as if they were employees of the  
9 United States Senate.

10 (5) CHAIRPERSON; VICE CHAIRPERSON.—The  
11 Comptroller General shall designate a member of the  
12 Commission, at the time of appointment of the mem-  
13 ber as Chairperson and a member as Vice Chair-  
14 person for that term of appointment, except that in  
15 the case of vacancy in the position of Chairperson or  
16 Vice Chairperson of the Commission, the Comp-  
17 troller General may designate another member for  
18 the remainder of that member's term.

19 (6) MEETINGS.—The Commission shall meet at  
20 the call of the Chairperson.

21 (d) DIRECTOR AND STAFF; EXPERTS AND CONSULT-  
22 ANTS.—Subject to such review as the Comptroller General  
23 determines necessary to assure the efficient administration  
24 of the Commission, the Commission may—



1           (1) employ and fix the compensation of an Ex-  
2           ecutive Director (subject to the approval of the  
3           Comptroller General) and such other personnel as  
4           may be necessary to carry out its duties (without re-  
5           gard to the provisions of title 5, United States Code,  
6           governing appointments in the competitive service);

7           (2) seek such assistance and support as may be  
8           required in the performance of its duties from ap-  
9           propriate Federal departments and agencies;

10          (3) enter into contracts or make other arrange-  
11          ments, as may be necessary for the conduct of the  
12          work of the Commission (without regard to section  
13          3709 of the Revised Statutes of the United States  
14          (41 U.S.C. 5));

15          (4) make advance, progress, and other pay-  
16          ments which relate to the work of the Commission;

17          (5) provide transportation and subsistence for  
18          persons serving without compensation; and

19          (6) prescribe such rules and regulations as it  
20          determines necessary with respect to the internal or-  
21          ganization and operation of the Commission.

22          (e) POWERS.—

23               (1) OBTAINING OFFICIAL DATA.—The Commis-  
24               sion may secure directly from any department or  
25               agency of the United States information necessary

1 to enable it to carry out this section. Upon request  
2 of the Chairperson, the head of that department or  
3 agency shall furnish that information to the Com-  
4 mission on an agreed upon schedule.

5 (2) DATA COLLECTION.—In order to carry out  
6 its functions, the Commission shall—

7 (A) utilize existing information, both pub-  
8 lished and unpublished, where possible, collected  
9 and assessed either by its own staff or under  
10 other arrangements made in accordance with  
11 this section;

12 (B) carry out, or award grants or con-  
13 tracts for, original research and experimen-  
14 tation, where existing information is inad-  
15 equate; and

16 (C) adopt procedures allowing any inter-  
17 ested party to submit information for the Com-  
18 mission's use in making reports and rec-  
19 ommendations.

20 (3) ACCESS OF GAO TO INFORMATION.—The  
21 Comptroller General shall have unrestricted access  
22 to all deliberations, records, and nonproprietary data  
23 of the Commission, immediately upon request.

1           (4) PERIODIC AUDIT.—The Commission shall  
2           be subject to periodic audit by the Comptroller Gen-  
3           eral.

4           (f) ADMINISTRATIVE AND SUPPORT SERVICES.—The  
5           Comptroller General shall provide such administrative and  
6           support services to the Commission as may be necessary  
7           to carry out this section.

8           (g) AUTHORIZATION OF APPROPRIATIONS.—There  
9           are authorized to be appropriated to the Commission, not  
10          more than \$10,000,000 for each fiscal year to carry out  
11          this section.

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