

110TH CONGRESS
1ST SESSION

S. 2411

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

IN THE SENATE OF THE UNITED STATES

DECEMBER 5, 2007

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

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 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

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

4 (2) such lack of transparency is largely due to
5 confusing terms and overwhelming information for
6 consumers;

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

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

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

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

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

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

21 “(a) DEFINITIONS.—In this section—

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

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

5 “(3) the term ‘Safety Star System’ means the
6 credit card safety star rating system established
7 under this section;

8 “(4) the term ‘multiple-cycle billing’ means the
9 practice of calculating average daily balances over
10 more than 1 billing cycle; and

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

17 “(b) RULEMAKING.—

18 “(1) IN GENERAL.—Not later than 12 months
19 after the date of enactment of this section, the
20 Board shall issue final rules to implement the Safety
21 Star System established under this section, to allow
22 consumers to quickly and easily compare the levels
23 of safety associated with various open end credit
24 plan agreements.

1 “(2) CONSULTATION.—The Board shall consult
2 with the Comptroller of the Currency in issuing
3 rules to implement the Safety Star System.

4 “(c) ELEMENTS OF SAFETY STAR SYSTEM.—The
5 Safety Star System shall consist of a 5-star system for
6 rating the terms and conditions of each open end credit
7 plan agreement between a card issuer and a cardholder,
8 in accordance with this section.

9 “(d) SAFETY STAR RATINGS.—

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

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

16 “(e) POINT STRUCTURE FOR SAFETY STAR SYS-
17 TEM.—

18 “(1) VALUES.—Each variation of a term in an
19 agreement shall be worth 1 point or –1 point, as ap-
20 plicable.

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

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

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

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

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

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

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

11 “(1) no binding or nonbinding arbitration
12 clause applies;

13 “(2) at least 90 days notice is provided to the
14 cardholder if the card issuer wants to change the
15 terms of the agreement, with the option for the con-
16 sumer to opt out of the changes, while paying off
17 their previous balance according to the original
18 terms;

19 “(3) changes are disclosed in a manner that
20 highlights the differences between the current terms
21 and the proposed terms;

22 “(4) the original card agreement and all origi-
23 nal supplementary materials are in 1 document at 1
24 time, and, when the card issuer discloses changes to
25 the card agreement—

1 “(A) those materials are not in junk mail
2 form; and

3 “(B) the changes are disclosed conspicu-
4 ously, together with the next billing cycle state-
5 ment, before the changes becomes effective;

6 “(5) no over-the-limit fees are imposed for the
7 transactions approved at the time of transaction by
8 the card issuer;

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

11 “(7) the card issuer has in place a system to
12 minimize fees to the consumer that is at least as fi-
13 nancially beneficial to the consumer as a system
14 under which payments are applied to principal in a
15 manner that divides the payment among the dif-
16 ferent interest rate balances proportionally;

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

20 “(9) the card issuer does not use multiple-cycle
21 billing;

22 “(10) with respect to a subprime, unsecured
23 credit plan, fees are below 10 percent of the min-
24 imum allowed credit balance;

1 “(11) the terms of the agreement are disclosed
2 in a form that requires at or below an 8th grade
3 reading level;

4 “(12) any secondary disclosure materials meant
5 to supplement the terms of the agreement are dis-
6 closed in a form that requires at or below an 8th
7 grade reading level;

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

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

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

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

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

22 “(2) fewer than 30 days notice before the bill-
23 ing statement for which changes in terms take effect
24 are provided to the cardholder when the card issuer
25 wants to change the terms of the card agreement

1 (which shall be assumed if notice of such changes is
2 undisclosed in the agreement materials);

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

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

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

9 “(6) payment allocations are less financially
10 beneficial to the consumer than a system under
11 which payments are applied to older balances before
12 newer ones;

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

16 “(8) the agreement allows for multiple-cycle
17 billing;

18 “(9) with respect to a subprime, unsecured
19 credit plan, the fees to obtain or maintain the card
20 amount to more than 50 percent of the minimum al-
21 lowed credit balance;

22 “(10) the terms of the agreement are disclosed
23 in a form that requires a reading level that is above
24 a 12th grade reading level;

1 “(11) any secondary disclosure materials meant
2 to supplement the terms of the agreement are writ-
3 ten in a form that requires a reading level above the
4 12th grade reading level;

5 “(12) a late fee may be imposed within 2 days
6 of the payment due date;

7 “(13) the issuer may unilaterally change the
8 terms in the agreement without written consent
9 from the consumer, or the issuer may unilaterally
10 make adverse changes to the terms in the agreement
11 without written consent from the consumer and writ-
12 ten notice to the consumer of the precise behavior
13 that provoked the adverse change;

14 “(14) interest rate increases apply to already
15 incurred debt;

16 “(15) the issuer charges interest on transaction
17 fees, including late fees; or

18 “(16) there would be a negative financial im-
19 pact on the interests of the consumer, as determined
20 by the Board in accordance with subsection (h).

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

23 “(1) the level of difficulty in understanding
24 terms of the subject agreement by an average con-
25 sumer;

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

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

8 “(4) whether such terms create what would ap-
9 pear to a reasonable consumer to be an arbitrary
10 deadline or limit that may frustrate consumers and
11 result in excess fees or worse financial outcomes for
12 the consumer;

13 “(5) whether such terms, or the severity of such
14 terms, is not based on the credit risks created by a
15 particular consumer behavior, but rather is designed
16 to solely increase revenue through lack of trans-
17 parency;

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

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

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

1 “(9) such additional terms or concepts that are
2 not specified in paragraphs (1) through (8) that the
3 Board deems difficult for an average consumer to
4 manage, such as terms that are confusing to the
5 typical consumer or that create a greater risk of
6 negative financial outcomes for the typical consumer,
7 and terms that promote transparency or competi-
8 tion.

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

14 “(j) AUTOMATIC RATING.—Notwithstanding any
15 other provision of this section, or any other provision of
16 State or Federal law, any open end credit plan that allows
17 the card issuer or a designee thereof to modify the terms
18 of the agreement at any time or periodically for unspec-
19 ified or unstated reasons, or under which other accounts,
20 or changes in the credit rating of the consumer by a third
21 party, are used as a basis for adverse changes in the
22 agreement (including universal default) shall automati-
23 cally give rise to a 1-star rating for such open end credit
24 plan.

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

5 “(l) PROCEDURES FOR RATINGS.—

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

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

23 “(3) BOARD VERIFICATION.—

24 “(A) IN GENERAL.—The Board shall verify
25 that the terms in the submitted agreement and

1 supporting materials (such as examples of fu-
2 ture disclosures or examples of websites with
3 cardholder agreements) comply with the certifi-
4 cation submitted to the Board by the issuer
5 under this subsection, not later than 30 days
6 after the date of submission.

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

18 “(4) MISREPRESENTATIONS AS VIOLATIONS.—
19 Any certification to the Board under this section
20 that the issuer knew, or should have known, was
21 false or misrepresented to the Board or to a con-
22 sumer the terms or conditions of a card agreement
23 or of a Safety Star System rating under this section
24 shall be treated as a violation of this title, and shall

1 be subject to enforcement in accordance with section
2 108.

3 “(5) MODIFICATIONS BY CARD ISSUERS.—

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

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

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

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

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

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

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

25 “(n) CONSUMER ACCESS TO RATINGS.—

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

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

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

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

19 “(o) ANNUAL REVIEW BY THE BOARD.—

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

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

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

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

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

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

24 (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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