

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1266  
OFFERED BY MR. NEUGEBAUER OF TEXAS**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Financial Product  
3 Safety Commission Act of 2015”.

**4 SEC. 2. MAKING THE BUREAU AN INDEPENDENT FINAN-  
5 CIAL PRODUCT SAFETY COMMISSION.**

6 (a) IN GENERAL.—The Consumer Financial Protec-  
7 tion Act of 2010 (12 U.S.C. 5481 et seq.) is amended—

8 (1) in section 1011—

9 (A) in subsection (a)—

10 (i) by striking “in the Federal Reserve  
11 System,”;

12 (ii) by striking “independent bureau”  
13 and inserting “independent commission”;

14 (iii) by striking “Bureau of Consumer  
15 Financial Protection” and inserting “Fi-  
16 nancial Product Safety Commission (here-  
17 inafter in this section referred to as the  
18 ‘Commission’)”; and

1 (iv) by striking “Bureau” each place  
2 such term appears and inserting “Commis-  
3 sion”;

4 (B) by striking subsections (b), (c), and  
5 (d);

6 (C) by redesignating subsection (e) as sub-  
7 section (j);

8 (D) in subsection (j), as so redesignated—

9 (i) by striking “, including in cities in  
10 which the Federal reserve banks, or  
11 branches of such banks, are located,”; and

12 (ii) by striking “Bureau” each place  
13 such term appears and inserting “Commis-  
14 sion”; and

15 (E) by inserting after subsection (a) the  
16 following new subsections:

17 “(b) **AUTHORITY TO PRESCRIBE REGULATIONS.—**

18 The Commission may prescribe such regulations and issue  
19 such orders in accordance with this title as the Commis-  
20 sion may determine to be necessary for carrying out this  
21 title and all other laws within the Commission’s jurisdic-  
22 tion and shall exercise any authorities granted under this  
23 title and all other laws within the Commission’s jurisdic-  
24 tion.

25 “(c) **COMPOSITION OF THE COMMISSION.—**

1           “(1) IN GENERAL.—The Commission shall be  
2           composed of 5 members who shall be appointed by  
3           the President, by and with the advice and consent  
4           of the Senate, from among individuals who—

5                   “(A) are citizens of the United States; and

6                   “(B) have strong competencies and experi-  
7           ences related to consumer financial products  
8           and services.

9           “(2) STAGGERING.—The members of the Com-  
10          mission shall serve staggered terms, which initially  
11          shall be established by the President for terms of 1,  
12          2, 3, 4, and 5 years, respectively.

13          “(3) TERMS.—

14                   “(A) IN GENERAL.—Each member of the  
15          Commission, including the Chair, shall serve for  
16          a term of 5 years.

17                   “(B) REMOVAL.—The President may re-  
18          move any member of the Commission for ineffi-  
19          ciency, neglect of duty, or malfeasance in office.

20                   “(C) VACANCIES.—Any member of the  
21          Commission appointed to fill a vacancy occur-  
22          ring before the expiration of the term to which  
23          that member’s predecessor was appointed (in-  
24          cluding the Chair) shall be appointed only for  
25          the remainder of the term.

1           “(D) CONTINUATION OF SERVICE.—Each  
2           member of the Commission may continue to  
3           serve after the expiration of the term of office  
4           to which that member was appointed until a  
5           successor has been appointed by the President  
6           and confirmed by the Senate, except that a  
7           member may not continue to serve more than 1  
8           year after the date on which that member’s  
9           term would otherwise expire.

10           “(E) OTHER EMPLOYMENT PROHIBITED.—  
11           No member of the Commission shall engage in  
12           any other business, vocation, or employment.

13           “(d) AFFILIATION.—Not more than 3 members of  
14           the Commission shall be members of any one political  
15           party.

16           “(e) CHAIR OF THE COMMISSION.—

17           “(1) APPOINTMENT.—The Chair of the Com-  
18           mission shall be appointed by the President from  
19           among the members of the Commission.

20           “(2) AUTHORITY.—The Chair shall be the prin-  
21           cipal executive officer of the Commission, and shall  
22           exercise all of the executive and administrative func-  
23           tions of the Commission, including with respect to—

24           “(A) the appointment and supervision of  
25           personnel employed under the Commission

1 (other than personnel employed regularly and  
2 full time in the immediate offices of members of  
3 the Commission other than the Chair);

4 “(B) the distribution of business among  
5 personnel appointed and supervised by the  
6 Chair and among administrative units of the  
7 Commission; and

8 “(C) the use and expenditure of funds.

9 “(3) LIMITATION.—In carrying out any of the  
10 Chair’s functions under the provisions of this sub-  
11 section the Chair shall be governed by general poli-  
12 cies of the Commission and by such regulatory deci-  
13 sions, findings, and determinations as the Commis-  
14 sion may by law be authorized to make.

15 “(4) REQUESTS OR ESTIMATES RELATED TO  
16 APPROPRIATIONS.—Requests or estimates for reg-  
17 ular, supplemental, or deficiency appropriations on  
18 behalf of the Commission may not be submitted by  
19 the Chair without the prior approval of the Commis-  
20 sion.

21 “(f) NO IMPAIRMENT BY REASON OF VACANCIES.—  
22 No vacancy in the members of the Commission shall im-  
23 pair the right of the remaining members of the Commis-  
24 sion to exercise all the powers of the Commission. Three  
25 members of the Commission shall constitute a quorum for

1 the transaction of business, except that if there are only  
2 3 members serving on the Commission because of vacan-  
3 cies in the Commission, 2 members of the Commission  
4 shall constitute a quorum for the transaction of business.  
5 If there are only 2 members serving on the Commission  
6 because of vacancies in the Commission, 2 members shall  
7 constitute a quorum for the 6-month period beginning on  
8 the date of the vacancy which caused the number of Com-  
9 mission members to decline to 2.

10 “(g) SEAL.—The Commission shall have an official  
11 seal.

12 “(h) COMPENSATION.—

13 “(1) CHAIR.—The Chair shall receive com-  
14 pensation at the rate prescribed for level I of the  
15 Executive Schedule under section 5313 of title 5,  
16 United States Code.

17 “(2) OTHER MEMBERS OF THE COMMISSION.—  
18 The 4 other members of the Commission shall each  
19 receive compensation at the rate prescribed for level  
20 II of the Executive Schedule under section 5314 of  
21 title 5, United States Code.”;

22 (2) in section 1012(c), by striking paragraphs  
23 (2), (3), (4), and (5); and

24 (3) in section 1014(b), by striking “Not fewer  
25 than 6 members shall be appointed upon the rec-

1           ommendation of the regional Federal Reserve Bank  
2           Presidents, on a rotating basis.”.

3           (b) COMMISSION FUNDING.—Section 7 of the Federal  
4 Reserve Act (12 U.S.C. 289) is amended by adding at the  
5 end the following:

6           “(d) TRANSFER FOR FISCAL YEAR 2016.—

7                   “(1) IN GENERAL.—The Federal reserve banks  
8 shall transfer from the surplus funds of such banks  
9 to the Board of Governors of the Federal Reserve  
10 System for transfer to the Secretary of the Treasury  
11 for deposit in the general fund of the Treasury, a  
12 total amount of \$75,000,000 in fiscal year 2016.

13                   “(2) ALLOCATED BY FED.—Of the total  
14 amount required to be paid by the Federal reserve  
15 banks under paragraph (1) for fiscal year 2016, the  
16 Board of Governors of the Federal Reserve System  
17 shall determine the amount each such bank shall pay  
18 in such fiscal year.

19                   “(3) REPLENISHMENT OF SURPLUS FUND PRO-  
20 HIBITED.—During fiscal years 2016 through 2026,  
21 no Federal reserve bank may replenish such bank’s  
22 surplus fund by the amount of any transfer by such  
23 bank under paragraph (1).”.

1 **SEC. 3. DEEMING OF NAME.**

2 Any reference in a law, regulation, document, paper,  
3 or other record of the United States to the Bureau of Con-  
4 sumer Financial Protection shall be deemed a reference  
5 to the Financial Product Safety Commission.

6 **SEC. 4. CONFORMING AMENDMENTS.**

7 (a) CONSUMER FINANCIAL PROTECTION ACT OF  
8 2010.—

9 (1) IN GENERAL.—Except as provided under  
10 paragraph (2), the Consumer Financial Protection  
11 Act of 2010 (12 U.S.C. 5481 et seq.) is amended—

12 (A) by striking “Director of the Bureau”  
13 each place such term appears, other than where  
14 such term is used to refer to a Director other  
15 than the Director of the Bureau of Consumer  
16 Financial Protection, and inserting “Financial  
17 Product Safety Commission”;

18 (B) by striking “Director” each place such  
19 term appears and inserting “Financial Product  
20 Safety Commission”, other than where such  
21 term is used to refer to a Director other than  
22 the Director of the Bureau of Consumer Finan-  
23 cial Protection; and

24 (C) in section 1002, by striking paragraph  
25 (10).



1           (2) EXCEPTIONS.—The Consumer Financial  
2 Protection Act of 2010 (12 U.S.C. 5481 et seq.) is  
3 amended—

4           (A) in section 1013(c)(3)—

5                 (i) by striking “Assistant Director of  
6 the Bureau for” and inserting “Head of  
7 the Office of”; and

8                 (ii) in subparagraph (B), by striking  
9 “Assistant Director” and inserting “Head  
10 of the Office”;

11           (B) in section 1013(g)(2)—

12                 (i) by striking “ASSISTANT DIREC-  
13 TOR” and inserting “HEAD OF THE OF-  
14 FICE”; and

15                 (ii) by striking “an assistant director”  
16 and inserting “a Head of the Office of Fi-  
17 nancial Protection for Older Americans”;

18           (C) in section 1016(a), by striking “Direc-  
19 tor of the Bureau” and inserting “Chair of the  
20 Financial Product Safety Commission”; and

21           (D) in section 1066(a), by striking “Direc-  
22 tor of the Bureau is” and inserting “first mem-  
23 ber of the Commission is”.

24           (b) DODD-FRANK WALL STREET REFORM AND CON-  
25 SUMER PROTECTION ACT.—The Dodd-Frank Wall Street

1 Reform and Consumer Protection Act (12 U.S.C. 5301  
2 et seq.) is amended—

3 (1) in section 111(b)(1)(D), by striking “Direc-  
4 tor” and inserting “Chair of the Financial Product  
5 Safety Commission”; and

6 (2) in section 1447, by striking “Director of the  
7 Bureau” each place such term appears and inserting  
8 “Financial Product Safety Commission”.

9 (c) ELECTRONIC FUND TRANSFER ACT.—Section  
10 920(a)(4)(C) of the Electronic Fund Transfer Act (15  
11 U.S.C. 1693o–2(a)(4)(C)), as added by section 1075(a)(2)  
12 of the Consumer Financial Protection Act of 2010, is  
13 amended by striking “Director of the Bureau of Consumer  
14 Financial Protection” and inserting “Financial Product  
15 Safety Commission”.

16 (d) EXPEDITED FUNDS AVAILABILITY ACT.—The  
17 Expedited Funds Availability Act (12 U.S.C. 4001 et  
18 seq.), as amended by section 1086 of the Consumer Finan-  
19 cial Protection Act of 2010, is amended by striking “Di-  
20 rector of the Bureau” each place such term appears and  
21 inserting “Financial Product Safety Commission”.

22 (e) FEDERAL DEPOSIT INSURANCE ACT.—Section 2  
23 of the Federal Deposit Insurance Act (12 U.S.C. 1812),  
24 as amended by section 336(a) of the Dodd-Frank Wall  
25 Street Reform and Consumer Protection Act, is amended

1 by striking “Director of the Consumer Financial Protec-  
2 tion Bureau” each place such term appears and inserting  
3 “Chair of the Financial Product Safety Commission”.

4 (f) FEDERAL FINANCIAL INSTITUTIONS EXAMINA-  
5 TION COUNCIL ACT OF 1978.—Section 1004(a)(4) of the  
6 Federal Financial Institutions Examination Council Act of  
7 1978 (12 U.S.C. 3303(a)(4)), as amended by section 1091  
8 of the Consumer Financial Protection Act of 2010, is  
9 amended by striking “Director of the Consumer Financial  
10 Protection Bureau” and inserting “Chair of the Financial  
11 Product Safety Commission”.

12 (g) FINANCIAL LITERACY AND EDUCATION IM-  
13 PROVEDMENT ACT.—Section 513 of the Financial Literacy  
14 and Education Improvement Act (20 U.S.C. 9702), as  
15 amended by section 1013(d)(5) of the Consumer Financial  
16 Protection Act of 2010, is amended by striking “Director”  
17 each place such term appears and inserting “Chair of the  
18 Financial Product Safety Commission”.

19 (h) HOME MORTGAGE DISCLOSURE ACT OF 1975.—  
20 Section 307 of the Home Mortgage Disclosure Act of  
21 1975, as amended by section 1094(6) of the Consumer  
22 Financial Protection Act of 2010, is amended by striking  
23 “Director of the Bureau of Consumer Financial Protec-  
24 tion” each place such term appears and inserting “Finan-  
25 cial Product Safety Commission”.

1 (i) INTERSTATE LAND SALES FULL DISCLOSURE  
2 ACT.—The Interstate Land Sales Full Disclosure Act, as  
3 amended by section 1098A of the Consumer Financial  
4 Protection Act of 2010, is amended—

5 (1) by amending section 1402(1) to read as fol-  
6 lows:

7 “(1) ‘Chair’ means the Chair of the Financial  
8 Product Safety Commission;”; and

9 (2) in section 1416(a), by striking “Director of  
10 the Bureau of Consumer Financial Protection” and  
11 inserting “Chair”.

12 (j) REAL ESTATE SETTLEMENT PROCEDURES ACT  
13 OF 1974.—Section 5 of the Real Estate Settlement Proce-  
14 dures Act of 1974 (12 U.S.C. 2604), as amended by sec-  
15 tion 1450 of the Dodd-Frank Wall Street Reform and  
16 Consumer Protection Act, is amended—

17 (1) by striking “The Director of the Bureau of  
18 Consumer Financial Protection (hereafter in this  
19 section referred to as the ‘Director’)” and inserting  
20 “The Financial Product Safety Commission”; and

21 (2) by striking “Director” each place such term  
22 appears and inserting “Financial Product Safety  
23 Commission”.

24 (k) S.A.F.E. MORTGAGE LICENSING ACT OF 2008.—  
25 The S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C.

1 5101 et seq.), as amended by section 1100 of the Con-  
2 sumer Financial Protection Act of 2010, is amended—

3 (1) by striking “Director” each place such term  
4 appears in headings and text, other than where such  
5 term is used in the context of the Director of the Of-  
6 fice of Thrift Supervision, and inserting “Financial  
7 Product Safety Commission”; and

8 (2) in section 1503, by striking paragraph (10).

9 (l) TITLE 44, UNITED STATES CODE.—Section  
10 3513(c) of title 44, United States Code, as amended by  
11 section 1100D(b) of the Consumer Financial Protection  
12 Act of 2010, is amended by striking “Director of the Bu-  
13 reau” and inserting “Financial Product Safety Commis-  
14 sion”.

15 **SEC. 5. EFFECTIVE DATE.**

16 This Act and the amendments made by this Act shall  
17 take effect on the date on which not less than 3 persons  
18 have been confirmed by the Senate to serve as members  
19 of the Financial Product Safety Commission.

