

118TH CONGRESS
2D SESSION

H. R. 10036

To reform the civil investigative demand process of the Bureau of Consumer
Financial Protection.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 25, 2024

Mr. BARR (for himself and Mr. VICENTE GONZALEZ of Texas) introduced the
following bill; which was referred to the Committee on Financial Services

A BILL

To reform the civil investigative demand process of the
Bureau of Consumer Financial Protection.

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 “Civil Investigative De-
5 mand Reform Act of 2024”.

6 **SEC. 2. CIVIL INVESTIGATIVE DEMANDS.**

7 (a) DEMAND PERIOD.—Section 1052(c)(1) of the
8 Consumer Financial Protection Act of 2010 (12 U.S.C.
9 5562(c)(1)) is amended by inserting after “before the in-
10 stitution of any proceedings under the Federal consumer

1 financial law” the following: “, but not later than 6 years
2 after the date of such violation”.

3 (b) DEMAND REQUIREMENTS.—Section 1052(c)(2)
4 of the Consumer Financial Protection Act of 2010 (12
5 U.S.C. 5562(c)(2)) is amended by inserting after “con-
6 duct” the following: “, with specific reference to particular
7 facts,”.

8 (c) ATTORNEY REPRESENTATION.—Section
9 1052(c)(13)(D) of the Consumer Financial Protection Act
10 of 2010 (12 U.S.C. 5562(c)(13)(D)) is amended by adding
11 at the end the following:

12 “(v) QUESTION AND RESPONSE.—

13 “(I) ADVISING ATTORNEY.—An
14 attorney advising a person described
15 in clause (i) may submit to the Bu-
16 reau questions related to the scope or
17 breadth of the demand.

18 “(II) BUREAU RESPONSE.—The
19 Bureau shall submit to the attorney
20 advising a person described in clause
21 (i) a response to any question sub-
22 mitted under subclause (I) during the
23 shorter of—

1 “(aa) a period that is 20
 2 days after the date that the ques-
 3 tions are submitted; or

4 “(bb) a period equal to the
 5 period beginning on the date of
 6 service of the civil investigative
 7 demand and ending on the return
 8 date specified in the demand.

9 “(III) EXTENSION OF RETURN
 10 DATE AND PETITION DEADLINE.—In
 11 a case in which questions are sub-
 12 mitted under subclause (I), the Bu-
 13 reau may include with the response
 14 required under subclause (II) an ex-
 15 tension of the return date and the
 16 deadline to file a petition with the Bu-
 17 reau for an order modifying or setting
 18 aside the demand.”.

19 (d) CONFIDENTIAL TREATMENT OF PETITIONS.—
 20 Section 1052(d)) of the Consumer Financial Protection
 21 Act of 2010 (12 U.S.C. 5562(d)) is amended—

22 (1) in the subsection heading, by inserting “and
 23 petitions” after “demand material”; and

24 (2) in paragraph (1), strike “and tangible
 25 things” and insert “, tangible things, and the con-

1 tents of any petition submitted to the Bureau in ac-
 2 cordance with subsection (f)’’.

3 (e) SPECIFIC GROUNDS TO SET ASIDE.—Section
 4 1052(f)(3) of the Consumer Financial Protection Act of
 5 2010 (12 U.S.C. 5562(f)(3)) is amended by striking
 6 ‘‘upon any failure’’ and all that follows through the period
 7 at the end and inserting the following: ‘‘upon any—

8 ‘‘(A) failure of the demand to comply with
 9 the provisions of this section;

10 ‘‘(B) constitutional or other legal right or
 11 privilege of such person; or

12 ‘‘(C) demonstration that the demand is—

13 ‘‘(i) unduly burdensome, dispropor-
 14 tionately expensive, and outside the scope
 15 of the inquiry; or

16 ‘‘(ii) unreasonably cumulative or du-
 17 plicative, or can be obtained from some
 18 other source that is more convenient, less
 19 burdensome, or less expensive.’’.

20 (f) JUDICIAL REVIEW.—Section 1052(f) of the Con-
 21 sumer Financial Protection Act of 2010 (12 U.S.C.
 22 5562(f)) is amended by adding at the end the following:

23 ‘‘(4) JUDICIAL REVIEW OF PETITION TO MODIFY OR
 24 SET ASIDE A DEMAND.—In the case that the Bureau de-

1 nies a petition to modify or set aside a demand, such de-
2 nial shall be subject to judicial review.”.

