

Union Calendar No. 148

114TH CONGRESS
1ST SESSION

H. R. 432

[Report No. 114-199]

To amend the Investment Advisers Act of 1940 to prevent duplicative regulation of advisers of small business investment companies.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2015

Mr. LUETKEMEYER (for himself, Mrs. CAROLYN B. MALONEY of New York, Mr. ROTHFUS, Mr. MULVANEY, Mr. MURPHY of Florida, Mr. FOSTER, and Mr. GUINTA) introduced the following bill; which was referred to the Committee on Financial Services

JULY 14, 2015

Additional sponsors: Ms. MOORE, Ms. SINEMA, and Mr. DOLD

JULY 14, 2015

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To amend the Investment Advisers Act of 1940 to prevent duplicative regulation of advisers of small business investment companies.

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 “SBIC Advisers Relief
5 Act of 2015”.

6 **SEC. 2. ADVISERS OF SBICS AND VENTURE CAPITAL FUNDS.**

7 Section 203(l) of the Investment Advisers Act of
8 1940 (15 U.S.C. 80b–3(l)) is amended—

9 (1) by striking “No investment adviser” and in-
10 serting the following:

11 “(1) IN GENERAL.—No investment adviser”;
12 and

13 (2) by adding at the end the following:

14 “(2) ADVISERS OF SBICS.—For purposes of this
15 subsection, a venture capital fund includes an entity
16 described in subparagraph (A), (B), or (C) of sub-
17 section (b)(7) (other than an entity that has elected
18 to be regulated or is regulated as a business develop-
19 ment company pursuant to section 54 of the Invest-
20 ment Company Act of 1940).”.

21 **SEC. 3. ADVISERS OF SBICS AND PRIVATE FUNDS.**

22 Section 203(m) of the Investment Advisers Act of
23 1940 (15 U.S.C. 80b–3(m)) is amended by adding at the
24 end the following:

1 “(3) ADVISERS OF SBICS.—For purposes of this
2 subsection, the assets under management of a pri-
3 vate fund that is an entity described in subpara-
4 graph (A), (B), or (C) of subsection (b)(7) (other
5 than an entity that has elected to be regulated or is
6 regulated as a business development company pursu-
7 ant to section 54 of the Investment Company Act of
8 1940) shall be excluded from the limit set forth in
9 paragraph (1).”.

10 **SEC. 4. RELATIONSHIP TO STATE LAW.**

11 Section 203A(b)(1) of the Investment Advisers Act
12 of 1940 (15 U.S.C. 80b–3a(b)(1)) is amended—

13 (1) in subparagraph (A), by striking “or” at
14 the end;

15 (2) in subparagraph (B), by striking the period
16 at the end and inserting “; or”; and

17 (3) by adding at the end the following:

18 “(C) that is not registered under section
19 203 because that person is exempt from reg-
20 istration as provided in subsection (b)(7) of
21 such section, or is a supervised person of such
22 person.”.

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