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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. 4344

To amend the Securities Exchange Act of 1934 to allow the Securities and Exchange Commission to seek and Federal courts to grant disgorgement of unjust enrichment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MCADAMS introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend the Securities Exchange Act of 1934 to allow the Securities and Exchange Commission to seek and Federal courts to grant disgorgement of unjust enrichment, 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. ADDITIONAL RELIEF.**

4 Section 21(d) of the Securities Exchange Act of 1934
5 (15 U.S.C. 78u(d)) is amended by adding at the end the
6 following:

7 “(7) ADDITIONAL RELIEF.—

1 “(A) IN GENERAL.—In any action or pro-
2 ceeding brought or instituted by the Commis-
3 sion under any provision of the securities laws,
4 the Commission may seek, and any Federal
5 court may grant the following additional relief:

6 “(i) Disgorgement in the amount of
7 any unjust enrichment obtained as a result
8 of act or practice with respect to which the
9 Commission is bringing such an action or
10 proceeding.

11 “(ii) Injunctions, including officer and
12 director bars.

13 “(B) RULE OF CONSTRUCTION.—Addi-
14 tional relief sought under this paragraph may
15 not be construed to be a civil fine, penalty, or
16 forfeiture subject to chapter 163 of part VI of
17 title 28, United States Code.”.