

[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R. _____

To amend the Federal securities laws to specify the periods for which financial statements are required to be provided by an emerging growth company, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MCHENRY introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Federal securities laws to specify the periods for which financial statements are required to be provided by an emerging growth company, 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,*

1 **SECTION 1. FINANCIAL STATEMENT REPORTING REQUIRE-**
2 **MENTS FOR EMERGING GROWTH COMPA-**
3 **NIES.**

4 (a) SECURITIES ACT OF 1933.—Section 7(a)(2) of
5 the Securities Act of 1933 (15 U.S.C. 77g(a)(2)) is
6 amended—

7 (1) in subparagraph (A), by striking “and” at
8 the end;

9 (2) by redesignating subparagraph (B) as sub-
10 paragraph (C); and

11 (3) by inserting after subparagraph (A) the fol-
12 lowing:

13 “(B) need not present acquired company
14 financial statements or information otherwise
15 required under section 210.3 05 or section
16 210.11 01 of title 17, Code of Federal Regula-
17 tions, or any successor thereto, for any period
18 prior to the earliest audited period of the
19 emerging growth company presented in connec-
20 tion with its initial public offering and, there-
21 after, in no event shall an issuer that was an
22 emerging growth company but is no longer an
23 emerging growth company be required to
24 present financial statements of the issuer (or
25 acquired company financial statements or infor-
26 mation otherwise required under section 210.3

1 05 or section 210.11 01 of title 17, Code of
2 Federal Regulations, or any successor thereto)
3 for any period prior to the earliest audited pe-
4 riod of the emerging growth company presented
5 in connection with its initial public offering;
6 and”.

7 (b) SECURITIES EXCHANGE ACT OF 1934.—Section
8 12(b)(1)(K) of the Securities Exchange Act of 1934 (15
9 U.S.C. 78l(b)(1)(K)) is amended by striking “firm;” and
10 inserting “firm, provided that the application of an emerg-
11 ing growth company need not present acquired company
12 financial statements or information otherwise required
13 under section 210.3 05 or section 210.11 01 of title 17,
14 Code of Federal Regulations, or any successor thereto, for
15 any period prior to the earliest audited period of the
16 emerging growth company presented in connection with its
17 application and, thereafter, in no event shall an issuer that
18 was an emerging growth company but is no longer an
19 emerging growth company be required to present financial
20 statements of the issuer (or acquired company financial
21 statements or information otherwise required under sec-
22 tion 210.3 05 or section 210.11 01 of title 17, Code of
23 Federal Regulations, or any successor thereto) for any pe-
24 riod prior to the earliest audited period of the emerging

1 growth company presented in connection with any applica-
2 tion under subsection (b) of this section;”.