

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2225
OFFERED BY MR. SHERMAN OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Access to Small Busi-
3 ness Investor Capital Act”.

**4 SEC. 2. AMENDMENTS TO ACQUIRED FUND FEES AND EX-
5 PENSES REPORTING ON INVESTMENT COM-
6 PANY REGISTRATION STATEMENTS.**

7 (a) DEFINITIONS.—For purposes of this section:

8 (1) ACQUIRED FUND.—The term “Acquired
9 Fund” has the meaning given the term in Forms N-
10 1A, N-2, and N-3.

11 (2) ACQUIRED FUND FEES AND EXPENSES.—
12 The term “Acquired Fund Fees and Expenses”
13 means the Acquired Fund Fees and Expenses sub-
14 caption in the Fee Table Disclosure.

15 (3) BUSINESS DEVELOPMENT COMPANY.—The
16 term “business development company” has the
17 meaning given the term in section 2(a) of the Invest-
18 ment Company Act of 1940 (15 U.S.C. 80a-2(a)).

1 (4) FEE TABLE DISCLOSURE.—The term “Fee
2 Table Disclosure” means the fee table described in
3 Item 3 of Form N-1A, Item 3 of Form N-2, or
4 Item 4 of Form N-3 (as applicable, and with respect
5 to each, in any successor fee table disclosure that
6 the Securities and Exchange Commission adopts).

7 (5) FORM N-1A.—The term “Form N-1A”
8 means the form described in section 274.11A of title
9 17, Code of Federal Regulations, or any successor
10 regulation.

11 (6) FORM N-2.—The term “Form N-2” means
12 the form described in section 274.11a-1 of title 17,
13 Code of Federal Regulations, or any successor regu-
14 lation.

15 (7) FORM N-3.—The term “Form N-3” means
16 the form described in section 274.11b of title 17,
17 Code of Federal Regulations, or any successor regu-
18 lation.

19 (8) REGISTERED INVESTMENT COMPANY.—The
20 term “registered investment company” means an in-
21 vestment company, as defined under section 3(a) of
22 the Investment Company Act of 1940, registered
23 with the Securities and Exchange Commission under
24 such Act.

1 (b) EXCLUDING BUSINESS DEVELOPMENT COMPA-
2 NIES FROM ACQUIRED FUND FEES AND EXPENSES.—A
3 registered investment company may, on any investment
4 company registration statement filed pursuant to section
5 8(b) of the Investment Company Act of 1940 (15 U.S.C.
6 80a–8(b)), omit from the calculation of Acquired Fund
7 Fees and Expenses those fees and expenses that the in-
8 vestment company incurred indirectly as a result of invest-
9 ment in shares of one or more Acquired Funds that is
10 a business development company.

