

[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R. _____

To require the Securities and Exchange Commission to revise the definition of a qualifying investment, for purposes of the exemption from registration for venture capital fund advisers under the Investment Advisers Act of 1940, to include an equity security issued by a qualifying portfolio company and to include an investment in another venture capital fund, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To require the Securities and Exchange Commission to revise the definition of a qualifying investment, for purposes of the exemption from registration for venture capital fund advisers under the Investment Advisers Act of 1940, to include an equity security issued by a qualifying portfolio company and to include an investment in another venture capital fund, 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. SHORT TITLE.**

2 This Act may be cited as the “Developing and Em-
3 powering our Aspiring Leaders Act of 2023”.

4 **SEC. 2. DEFINITIONS.**

5 Not later than the end of the 180-day period begin-
6 ning on the date of the enactment of this Act, the Securi-
7 ties and Exchange Commission shall—

8 (1) revise the definition of a qualifying invest-
9 ment under paragraph (c) of section 275.203(l)–1 of
10 title 17, Code of Federal Regulations—

11 (A) to include an equity security issued by
12 a qualifying portfolio company, whether ac-
13 quired directly from the company or in a sec-
14 ondary acquisition; and

15 (B) to specify that an investment in an-
16 other venture capital fund is a qualifying in-
17 vestment under such definition; and

18 (2) revise paragraph (a) of such section to re-
19 quire, as a condition of a private fund qualifying as
20 a venture capital fund under such paragraph, that
21 the qualifying investments of the private fund are ei-
22 ther—

23 (A) predominantly qualifying investments
24 that were acquired directly from a qualifying
25 portfolio company; or

1 (B) predominantly qualifying investments
2 in another venture capital fund or other venture
3 capital funds.