

117TH CONGRESS
2D SESSION

S. 3961

To permit a registered investment company to omit certain fees from the calculation of acquired fund fees and expenses, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 30, 2022

Mr. DAINES (for himself and Mr. MENENDEZ) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To permit a registered investment company to omit certain fees from the calculation of acquired fund fees and expenses, 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. SHORT TITLE.**

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

6 **SEC. 2. AMENDMENTS TO ACQUIRED FUND FEES AND EX-** 7 **PENSES REPORTING ON INVESTMENT COM-** 8 **PANY REGISTRATION STATEMENTS.**

9 (a) DEFINITIONS.—In this section:

1 (1) ACQUIRED FUND.—The term “acquired
2 fund” has the meaning given the term in Form N-
3 1A, Form N-2, and Form N-3.

4 (2) ACQUIRED FUND FEES AND EXPENSES.—
5 The term “acquired fund fees and expenses” means
6 the acquired fund fees and expenses subcaption in
7 the fee table disclosure.

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

12 (4) FEE TABLE DISCLOSURE.—The term “fee
13 table disclosure” means the fee table described in
14 item 3 of Form N-1A, item 3 of Form N-2, or item
15 4 of Form N-3 (as applicable, and with respect to
16 each, in any successor fee table disclosure that the
17 Securities and Exchange Commission adopts).

18 (5) FORM N-1A.—The term “Form N-1A”
19 means the form described in section 274.11A of title
20 17, Code of Federal Regulations, or any successor
21 regulation.

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

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

5 (8) REGISTERED INVESTMENT COMPANY.—The
6 term “registered investment company” means an in-
7 vestment company, as defined in section 3 of the In-
8 vestment Company Act of 1940 (15 U.S.C. 80a-3),
9 registered with the Securities and Exchange Com-
10 mission under that Act.

11 (b) EXCLUDING BUSINESS DEVELOPMENT COMPA-
12 NIES FROM ACQUIRED FUND FEES AND EXPENSES.—A
13 registered investment company may, on any investment
14 company registration statement filed pursuant to section
15 8(b) of the Investment Company Act of 1940 (15 U.S.C.
16 80a-8(b))—

17 (1) omit from the calculation of acquired fund
18 fees and expenses those fees and expenses that the
19 investment company incurred indirectly as a result
20 of investment in shares of 1 or more acquired funds
21 that is a business development company; and

22 (2) instead disclose in a footnote to the fee
23 table disclosure those fees and expenses described in

- 1 paragraph (1), calculated according to the acquired
- 2 fund fees and expenses formula.

