

113TH CONGRESS
2D SESSION

H. R. 4392

To align exemptions for general solicitation of investment in commodity pools similar to the exemption provided for general solicitation of securities under the Jumpstart Our Business Startups Act.

IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 2014

Mr. FINCHER introduced the following bill; which was referred to the
Committee on Agriculture

A BILL

To align exemptions for general solicitation of investment in commodity pools similar to the exemption provided for general solicitation of securities under the Jumpstart Our Business Startups Act.

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 “Energize Emerging
5 Opportunities Act”.

1 **SEC. 2. EXEMPTION FOR GENERAL SOLICITATION OF IN-**
 2 **VESTMENT IN COMMODITY POOLS.**

3 Within 90 days after the date of the enactment of
 4 this Act, the Commodity Futures Trading Commission
 5 shall—

6 (1) revise section 4.7(b) of title 17, Code of
 7 Federal Regulations, in the matter preceding para-
 8 graph (1), to read as follows:

9 “(b) *Relief available to commodity pool operators.*
 10 Upon filing the notice required by paragraph (d) of this
 11 section, and subject to compliance with the conditions
 12 specified in paragraph (d) of this section, any registered
 13 commodity pool operator who sells participations in a pool
 14 solely to qualified eligible persons in an offering which
 15 qualifies for exemption from the registration requirements
 16 of the Securities Act pursuant to section 4(2) of that Act
 17 or pursuant to Regulation S, 17 CFR 230.901 *et seq.*, and
 18 any bank registered as a commodity pool operator in con-
 19 nection with a pool that is a collective trust fund whose
 20 securities are exempt from registration under the Securi-
 21 ties Act pursuant to section 3(a)(2) of that Act and are
 22 sold solely to qualified eligible persons, may claim any or
 23 all of the following relief with respect to such pool:”; and

24 (2) revise section 4.13(a)(3)(i) of such title to
 25 read as follows:

1 “(i) Interests in the pool are exempt from registration
2 under the Securities Act of 1933, and such interests are
3 offered and sold pursuant to section 4 of the Securities
4 Act of 1933 and the regulations thereunder;”.

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