

One Hundred Fifteenth Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, two thousand and eighteen*

An Act

To amend the Investment Advisers Act of 1940 to exempt investment advisers who solely advise certain rural business investment companies, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “RBIC Advisers Relief Act of 2018”.

SEC. 2. ADVISERS OF RBICS.

Section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(b)) is amended—

(1) in subsection (b)—

(A) in paragraph (6)(B)—

(i) by adjusting the margins accordingly; and

(ii) by striking the period at the end and inserting a semicolon;

(B) in paragraph (7)(C), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(8) any investment adviser, other than an entity that has elected to be regulated or is regulated as a business development company pursuant to section 54 of the Investment Company Act of 1940 (15 U.S.C. 80a–53), who solely advises—

“(A) rural business investment companies (as defined in section 384A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc)); or

“(B) companies that have submitted to the Secretary of Agriculture an application in accordance with section 384D(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–3(b)) that—

“(i) have received from the Secretary of Agriculture a letter of conditions, which has not been revoked; or

“(ii) are affiliated with 1 or more rural business investment companies described in subparagraph (A).”;

(2) in subsection (l), by adding at the end the following:

“(3) ADVISERS OF RBICS.—For purposes of this subsection, a venture capital fund includes an entity described in subparagraph (A) or (B) of subsection (b)(8) (other than an entity that has elected to be regulated as a business development company pursuant to section 54 of the Investment Company Act of 1940 (15 U.S.C. 80a–53)).”; and

(3) in subsection (m), by adding at the end the following:
“(4) ADVISERS OF RBICS.—For purposes of this subsection, the assets under management of a private fund that is an entity described in subparagraph (A) or (B) of subsection (b)(8) (other than an entity that has elected to be regulated or is regulated as a business development company pursuant to section 54 of the Investment Company Act of 1940 (15 U.S.C. 80a–53)) shall be excluded from the limit set forth in paragraph (1).”.

SEC. 3. RELATIONSHIP TO STATE LAW.

Section 203A(b)(1) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3a(b)(1)) is amended—

(1) in subparagraph (C), by striking the period at the end and inserting “; or”; and

(2) by adding at the end the following:

“(D) that is not registered under section 203 because that person is exempt from registration as provided in subsection (b)(8) of such section, or is a supervised person of such person.”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*