

116TH CONGRESS
1ST SESSION

S. 1854

To enhance civil penalties under the Federal securities laws, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2019

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

A BILL

To enhance civil penalties under the Federal securities laws,
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 “Stronger Enforcement
5 of Civil Penalties Act of 2019”.

6 **SEC. 2. UPDATED CIVIL MONEY PENALTIES FOR SECURI-**
7 **TIES LAWS VIOLATIONS.**

8 (a) SECURITIES ACT OF 1933.—

(1) MONEY PENALTIES IN ADMINISTRATIVE ACTIONS.—Section 8A(g)(2) of the Securities Act of 1933 (15 U.S.C. 77h–1(g)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking “\$7,500” and inserting “\$10,000”; and

(ii) by striking “\$75,000” and inserting “\$100,000”;

(B) in subparagraph (B)—

(i) by striking “\$75,000” and inserting “\$100,000”; and

(ii) by striking “\$375,000” and inserting “\$500,000”; and

(C) by striking subparagraph (C) and inserting the following:

“(C) THIRD TIER.—

“(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B), for a third tier act or omission, the amount of penalty for each such act or omission shall not exceed the greater of—

“(I) \$1,000,000 for a natural person or \$10,000,000 for any other person;

1 “(II) 3 times the gross amount of
 2 pecuniary gain to the person who
 3 committed the act or omission; or

4 “(III) the amount of losses in-
 5 curred by victims as a result of the
 6 act or omission.

7 “(ii) THIRD TIER ACT OR OMISSION.—
 8 For the purposes of this subparagraph, the
 9 term ‘third tier act or omission’ means an
 10 act or omission described in paragraph (1)
 11 that—

12 “(I) involved fraud, deceit, ma-
 13 nipulation, or deliberate or reckless
 14 disregard of a regulatory requirement;
 15 and

16 “(II) directly or indirectly—

17 “(aa) resulted in substantial
 18 losses to other persons;

19 “(bb) created a significant
 20 risk of substantial losses to other
 21 persons; or

22 “(cc) resulted in substantial
 23 pecuniary gain to the person who
 24 committed the act or omission.”.

1 (2) MONEY PENALTIES IN CIVIL ACTIONS.—

2 Section 20(d)(2) of the Securities Act of 1933 (15
3 U.S.C. 77t(d)(2)) is amended—

4 (A) in subparagraph (A)—

5 (i) by striking “\$5,000” and inserting
6 “\$10,000”; and

7 (ii) by striking “\$50,000” and insert-
8 ing “\$100,000”;

9 (B) in subparagraph (B)—

10 (i) by striking “\$50,000” and insert-
11 ing “\$100,000”; and

12 (ii) by striking “\$250,000” and in-
13 serting “\$500,000”; and

14 (C) by striking subparagraph (C) and in-
15 serting the following:

16 “(C) THIRD TIER.—

17 “(i) IN GENERAL.—Notwithstanding
18 subparagraphs (A) and (B), for a third
19 tier violation, the amount of penalty for
20 each violation shall not exceed the greater
21 of—

22 “(I) \$1,000,000 for a natural
23 person or \$10,000,000 for any other
24 person;

1 “(II) 3 times the gross amount of
 2 pecuniary gain to the person who
 3 committed the violation; or

4 “(III) the amount of losses in-
 5 curred by victims as a result of the
 6 violation.

7 “(ii) THIRD TIER VIOLATION.—For
 8 the purposes of this subparagraph, the
 9 term ‘third tier violation’ means a violation
 10 described in paragraph (1) that—

11 “(I) involved fraud, deceit, ma-
 12 nipulation, or deliberate or reckless
 13 disregard of a regulatory requirement;
 14 and

15 “(II) directly or indirectly—

16 “(aa) resulted in substantial
 17 losses to other persons;

18 “(bb) created a significant
 19 risk of substantial losses to other
 20 persons; or

21 “(cc) resulted in substantial
 22 pecuniary gain to the person who
 23 committed the violation.”.

24 (b) SECURITIES EXCHANGE ACT OF 1934.—

1 (1) MONEY PENALTIES IN CIVIL ACTIONS.—

2 Section 21(d)(3)(B) of the Securities Exchange Act
3 of 1934 (15 U.S.C. 78u(d)(3)(B)) is amended—

4 (A) in clause (i)—

5 (i) by striking “\$5,000” and inserting
6 “\$10,000”; and

7 (ii) by striking “\$50,000” and insert-
8 ing “\$100,000”;

9 (B) in clause (ii)—

10 (i) by striking “\$50,000” and insert-
11 ing “\$100,000”; and

12 (ii) by striking “\$250,000” and in-
13 serting “\$500,000”; and

14 (C) by striking clause (iii) and inserting
15 the following:

16 “(iii) THIRD TIER.—

17 “(I) IN GENERAL.—Notwith-
18 standing clauses (i) and (ii), for a
19 third tier violation, the amount of
20 penalty for each such violation shall
21 not exceed the greater of—

22 “(aa) \$1,000,000 for a nat-
23 ural person or \$10,000,000 for
24 any other person;

1 “(bb) 3 times the gross
 2 amount of pecuniary gain to the
 3 person who committed the viola-
 4 tion; or

5 “(cc) the amount of losses
 6 incurred by victims as a result of
 7 the violation.

8 “(II) THIRD TIER VIOLATION.—
 9 For the purposes of this clause, the
 10 term ‘third tier violation’ means a vio-
 11 lation described in subparagraph (A)
 12 that—

13 “(aa) involved fraud, deceit,
 14 manipulation, or deliberate or
 15 reckless disregard of a regulatory
 16 requirement; and

17 “(bb) directly or indirectly—

18 “(AA) resulted in sub-
 19 stantial losses to other per-
 20 sons;

21 “(BB) created a signifi-
 22 cant risk of substantial
 23 losses to other persons; or

24 “(CC) resulted in sub-
 25 stantial pecuniary gain to

1 the person who committed
 2 the violation.”.

3 (2) MONEY PENALTIES IN ADMINISTRATIVE AC-
 4 TIONS.—Section 21B(b) of the Securities Exchange
 5 Act of 1934 (15 U.S.C. 78u–2(b)) is amended—

6 (A) in paragraph (1)—

7 (i) by striking “\$5,000” and inserting
 8 “\$10,000”; and

9 (ii) by striking “\$50,000” and insert-
 10 ing “\$100,000”;

11 (B) in paragraph (2)—

12 (i) by striking “\$50,000” and insert-
 13 ing “\$100,000”; and

14 (ii) by striking “\$250,000” and in-
 15 serting “\$500,000”; and

16 (C) by striking paragraph (3) and insert-
 17 ing the following:

18 “(3) THIRD TIER.—

19 “(A) IN GENERAL.—Notwithstanding
 20 paragraphs (1) and (2), for a third tier act or
 21 omission, the amount of penalty for each such
 22 act or omission shall not exceed the greater
 23 of—

24 “(i) \$1,000,000 for a natural person
 25 or \$10,000,000 for any other person;

1 “(ii) 3 times the gross amount of pe-
 2 cuniary gain to the person who committed
 3 the act or omission; or

4 “(iii) the amount of losses incurred by
 5 victims as a result of the act or omission.

6 “(B) THIRD TIER ACT OR OMISSION.—For
 7 the purposes of this paragraph, the term ‘third
 8 tier act or omission’ means an act or omission
 9 described in paragraph (1) that—

10 “(i) involved fraud, deceit, manipula-
 11 tion, or deliberate or reckless disregard of
 12 a regulatory requirement; and

13 “(ii) directly or indirectly—

14 “(I) resulted in substantial losses
 15 to other persons;

16 “(II) created a significant risk of
 17 substantial losses to other persons; or

18 “(III) resulted in substantial pe-
 19 cuniary gain to the person who com-
 20 mitted the act or omission.”.

21 (c) INVESTMENT COMPANY ACT OF 1940.—

22 (1) MONEY PENALTIES IN ADMINISTRATIVE AC-
 23 TIONS.—Section 9(d)(2) of the Investment Company
 24 Act of 1940 (15 U.S.C. 80a–9(d)(2)) is amended—

25 (A) in subparagraph (A)—

1 (i) by striking “\$5,000” and inserting
2 “\$10,000”; and

3 (ii) by striking “\$50,000” and insert-
4 ing “\$100,000”;

5 (B) in subparagraph (B)—

6 (i) by striking “\$50,000” and insert-
7 ing “\$100,000”; and

8 (ii) by striking “\$250,000” and in-
9 serting “\$500,000”; and

10 (C) by striking subparagraph (C) and in-
11 serting the following:

12 “(C) THIRD TIER.—

13 “(i) IN GENERAL.—Notwithstanding
14 subparagraphs (A) and (B), for a third
15 tier act or omission, the amount of penalty
16 for each such act or omission shall not ex-
17 ceed the greater of—

18 “(I) \$1,000,000 for a natural
19 person or \$10,000,000 for any other
20 person;

21 “(II) 3 times the gross amount of
22 pecuniary gain to the person who
23 committed the act or omission; or

1 “(III) the amount of losses in-
 2 curred by victims as a result of the
 3 act or omission.

4 “(ii) THIRD TIER ACT OR OMISSION.—
 5 For the purposes of this subparagraph, the
 6 term ‘third tier act or omission’ means an
 7 act or omission described in paragraph (1)
 8 that—

9 “(I) involved fraud, deceit, ma-
 10 nipulation, or deliberate or reckless
 11 disregard of a regulatory requirement;
 12 and

13 “(II) directly or indirectly—

14 “(aa) resulted in substantial
 15 losses to other persons;

16 “(bb) created a significant
 17 risk of substantial losses to other
 18 persons; or

19 “(cc) resulted in substantial
 20 pecuniary gain to the person who
 21 committed the act or omission.”.

22 (2) MONEY PENALTIES IN CIVIL ACTIONS.—
 23 Section 42(e)(2) of the Investment Company Act of
 24 1940 (15 U.S.C. 80a–41(e)(2)) is amended—

25 (A) in subparagraph (A)—

1 (i) by striking “\$5,000” and inserting
2 “\$10,000”; and

3 (ii) by striking “\$50,000” and insert-
4 ing “\$100,000”;

5 (B) in subparagraph (B)—

6 (i) by striking “\$50,000” and insert-
7 ing “\$100,000”; and

8 (ii) by striking “\$250,000” and in-
9 serting “\$500,000”; and

10 (C) by striking subparagraph (C) and in-
11 serting the following:

12 “(C) THIRD TIER.—

13 “(i) IN GENERAL.—Notwithstanding
14 subparagraphs (A) and (B), for a third
15 tier violation, the amount of penalty for
16 each such violation shall not exceed the
17 greater of—

18 “(I) \$1,000,000 for a natural
19 person or \$10,000,000 for any other
20 person;

21 “(II) 3 times the gross amount of
22 pecuniary gain to the person who
23 committed the violation; or

1 “(III) the amount of losses in-
 2 curred by victims as a result of the
 3 violation.

4 “(ii) THIRD TIER VIOLATION.—For
 5 the purposes of this subparagraph, the
 6 term ‘third tier violation’ means a violation
 7 described in paragraph (1) that—

8 “(I) involved fraud, deceit, ma-
 9 nipulation, or deliberate or reckless
 10 disregard of a regulatory requirement;
 11 and

12 “(II) directly or indirectly—

13 “(aa) resulted in substantial
 14 losses to other persons;

15 “(bb) created a significant
 16 risk of substantial losses to other
 17 persons; or

18 “(cc) resulted in substantial
 19 pecuniary gain to the person who
 20 committed the violation.”.

21 (d) INVESTMENT ADVISERS ACT OF 1940.—

22 (1) MONEY PENALTIES IN ADMINISTRATIVE AC-
 23 TIONS.—Section 203(i)(2) of the Investment Advis-
 24 ers Act of 1940 (15 U.S.C. 80b-3(i)(2)) is amend-
 25 ed—

1 (A) in subparagraph (A)—

2 (i) by striking “\$5,000” and inserting
3 “\$10,000”; and

4 (ii) by striking “\$50,000” and insert-
5 ing “\$100,000”;

6 (B) in subparagraph (B)—

7 (i) by striking “\$50,000” and insert-
8 ing “\$100,000”; and

9 (ii) by striking “\$250,000” and in-
10 sserting “\$500,000”; and

11 (C) by striking subparagraph (C) and in-
12 sserting the following:

13 “(C) THIRD TIER.—

14 “(i) IN GENERAL.—Notwithstanding
15 subparagraphs (A) and (B), for a third
16 tier act or omission, the amount of penalty
17 for each such act or omission shall not ex-
18 ceed the greater of—

19 “(I) \$1,000,000 for a natural
20 person or \$10,000,000 for any other
21 person;

22 “(II) 3 times the gross amount of
23 pecuniary gain to the person who
24 committed the act or omission; or

1 “(III) the amount of losses in-
 2 curred by victims as a result of the
 3 act or omission.

4 “(ii) THIRD TIER ACT OR OMISSION.—
 5 For the purposes of this subparagraph, the
 6 term ‘third tier act or omission’ means an
 7 act or omission described in paragraph (1)
 8 that—

9 “(I) involved fraud, deceit, ma-
 10 nipulation, or deliberate or reckless
 11 disregard of a regulatory requirement;
 12 and

13 “(II) directly or indirectly—

14 “(aa) resulted in substantial
 15 losses to other persons;

16 “(bb) created a significant
 17 risk of substantial losses to other
 18 persons; or

19 “(cc) resulted in substantial
 20 pecuniary gain to the person who
 21 committed the act or omission.”.

22 (2) MONEY PENALTIES IN CIVIL ACTIONS.—
 23 Section 209(e)(2) of the Investment Advisers Act of
 24 1940 (15 U.S.C. 80b–9(e)(2)) is amended—

25 (A) in subparagraph (A)—

1 (i) by striking “\$5,000” and inserting
2 “\$10,000”; and

3 (ii) by striking “\$50,000” and insert-
4 ing “\$100,000”;

5 (B) in subparagraph (B)—

6 (i) by striking “\$50,000” and insert-
7 ing “\$100,000”; and

8 (ii) by striking “\$250,000” and in-
9 serting “\$500,000”; and

10 (C) by striking subparagraph (C) and in-
11 serting the following:

12 “(C) THIRD TIER.—

13 “(i) IN GENERAL.—Notwithstanding
14 subparagraphs (A) and (B), for a third
15 tier violation, the amount of penalty for
16 each such violation shall not exceed the
17 greater of—

18 “(I) \$1,000,000 for a natural
19 person or \$10,000,000 for any other
20 person;

21 “(II) 3 times the gross amount of
22 pecuniary gain to the person who
23 committed the violation; or

1 “(III) the amount of losses in-
 2 curred by victims as a result of the
 3 violation.

4 “(ii) THIRD TIER VIOLATION.—For
 5 the purposes of this subparagraph, the
 6 term ‘third tier violation’ means a violation
 7 described in paragraph (1) that—

8 “(I) involved fraud, deceit, ma-
 9 nipulation, or deliberate or reckless
 10 disregard of a regulatory requirement;
 11 and

12 “(II) directly or indirectly—

13 “(aa) resulted in substantial
 14 losses to other persons;

15 “(bb) created a significant
 16 risk of substantial losses to other
 17 persons; or

18 “(cc) resulted in substantial
 19 pecuniary gain to the person who
 20 committed the violation.”.

21 **SEC. 3. PENALTIES FOR RECIDIVISTS.**

22 (a) SECURITIES ACT OF 1933.—

23 (1) CEASE-AND-DESIST PROCEEDINGS.—Section
 24 8A(g)(2) of the Securities Act of 1933 (15 U.S.C.

1 77h–1(g)(2)) is amended by adding at the end the
2 following:

3 “(D) FOURTH TIER.—Notwithstanding
4 subparagraphs (A), (B), and (C), the maximum
5 amount of penalty for each such act or omission
6 shall be 3 times the otherwise applicable
7 amount in such subparagraphs if, within the 5-
8 year period preceding such act or omission, the
9 person who committed the act or omission was
10 criminally convicted for securities fraud or be-
11 came subject to a judgment or order imposing
12 monetary, equitable, or administrative relief in
13 any Commission action alleging fraud by that
14 person.”.

15 (2) INJUNCTIONS AND PROSECUTION OF OF-
16 FENSES.—Section 20(d)(2) of the Securities Act of
17 1933 (15 U.S.C. 77t(d)(2)) is amended by adding at
18 the end the following:

19 “(D) FOURTH TIER.—Notwithstanding
20 subparagraphs (A), (B), and (C), the maximum
21 amount of penalty for each such violation shall
22 be 3 times the otherwise applicable amount in
23 such subparagraphs if, within the 5-year period
24 preceding such violation, the defendant was
25 criminally convicted for securities fraud or be-

1 came subject to a judgment or order imposing
 2 monetary, equitable, or administrative relief in
 3 any Commission action alleging fraud by that
 4 defendant.”.

5 (b) SECURITIES EXCHANGE ACT OF 1934.—

6 (1) CIVIL ACTIONS.—Section 21(d)(3)(B) of the
 7 Securities Exchange Act of 1934 (15 U.S.C.
 8 78u(d)(3)(B)) is amended by adding at the end the
 9 following:

10 “(iv) FOURTH TIER.—Notwithstanding
 11 clauses (i), (ii), and (iii), the maximum amount
 12 of penalty for each such violation shall be 3
 13 times the otherwise applicable amount in such
 14 clauses if, within the 5-year period preceding
 15 such violation, the defendant was criminally
 16 convicted for securities fraud or became subject
 17 to a judgment or order imposing monetary, eq-
 18 uitable, or administrative relief in any Commis-
 19 sion action alleging fraud by that defendant.”.

20 (2) ADMINISTRATIVE PROCEEDINGS.—Section
 21 21B(b) of the Securities Exchange Act of 1934 (15
 22 U.S.C. 78u–2(b)) is amended by adding at the end
 23 the following:

24 “(4) FOURTH TIER.—Notwithstanding para-
 25 graphs (1), (2), and (3), the maximum amount of

1 penalty for each such act or omission shall be 3
2 times the otherwise applicable amount in such para-
3 graphs if, within the 5-year period preceding such
4 act or omission, the person who committed the act
5 or omission was criminally convicted for securities
6 fraud or became subject to a judgment or order im-
7 posing monetary, equitable, or administrative relief
8 in any Commission action alleging fraud by that per-
9 son.”.

10 (c) INVESTMENT COMPANY ACT OF 1940.—

11 (1) INELIGIBILITY OF CERTAIN UNDERWRITERS
12 AND AFFILIATES.—Section 9(d)(2) of the Invest-
13 ment Company Act of 1940 (15 U.S.C. 80a–9(d)(2))
14 is amended by adding at the end the following:

15 “(D) FOURTH TIER.—Notwithstanding
16 subparagraphs (A), (B), and (C), the maximum
17 amount of penalty for each such act or omission
18 shall be 3 times the otherwise applicable
19 amount in such subparagraphs if, within the 5-
20 year period preceding such act or omission, the
21 person who committed the act or omission was
22 criminally convicted for securities fraud or be-
23 came subject to a judgment or order imposing
24 monetary, equitable, or administrative relief in

1 any Commission action alleging fraud by that
2 person.”.

3 (2) ENFORCEMENT.—Section 42(e)(2) of the
4 Investment Company Act of 1940 (15 U.S.C. 80a–
5 41(e)(2)) is amended by adding at the end the fol-
6 lowing:

7 “(D) FOURTH TIER.—Notwithstanding
8 subparagraphs (A), (B), and (C), the maximum
9 amount of penalty for each such violation shall
10 be 3 times the otherwise applicable amount in
11 such subparagraphs if, within the 5-year period
12 preceding such violation, the defendant was
13 criminally convicted for securities fraud or be-
14 came subject to a judgment or order imposing
15 monetary, equitable, or administrative relief in
16 any Commission action alleging fraud by that
17 defendant.”.

18 (d) INVESTMENT ADVISERS ACT OF 1940.—The In-
19 vestment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.)
20 is amended—

21 (1) in section 203(i)(2) (15 U.S.C. 80b–
22 3(i)(2)), by adding at the end the following:

23 “(D) FOURTH TIER.—Notwithstanding
24 subparagraphs (A), (B), and (C), the maximum
25 amount of penalty for each such act or omission

1 shall be 3 times the otherwise applicable
2 amount in such subparagraphs if, within the 5-
3 year period preceding such act or omission, the
4 person who committed the act or omission was
5 criminally convicted for securities fraud or be-
6 came subject to a judgment or order imposing
7 monetary, equitable, or administrative relief in
8 any Commission action alleging fraud by that
9 person.”; and

10 (2) in section 209(e)(2) (15 U.S.C. 80b-
11 9(e)(2)) by adding at the end the following:

12 “(D) FOURTH TIER.—Notwithstanding
13 subparagraphs (A), (B), and (C), the maximum
14 amount of penalty for each such violation shall
15 be 3 times the otherwise applicable amount in
16 such subparagraphs if, within the 5-year period
17 preceding such violation, the defendant was
18 criminally convicted for securities fraud or be-
19 came subject to a judgment or order imposing
20 monetary, equitable, or administrative relief in
21 any Commission action alleging fraud by that
22 defendant.”.

23 **SEC. 4. VIOLATIONS OF INJUNCTIONS AND BARS.**

24 (a) SECURITIES ACT OF 1933.—Section 20(d) of the
25 Securities Act of 1933 (15 U.S.C. 77t(d)) is amended—

1 (1) in paragraph (1), by inserting after “the
2 rules or regulations thereunder,” the following: “a
3 Federal court injunction or a bar obtained or en-
4 tered by the Commission under this title,”; and

5 (2) by striking paragraph (4) and inserting the
6 following:

7 “(4) SPECIAL PROVISIONS RELATING TO A VIO-
8 LATION OF AN INJUNCTION OR CERTAIN ORDERS.—

9 “(A) IN GENERAL.—Each separate viola-
10 tion of an injunction or order described in sub-
11 paragraph (B) shall be a separate offense, ex-
12 cept that in the case of a violation through a
13 continuing failure to comply with such injunc-
14 tion or order, each day of the failure to comply
15 with the injunction or order shall be deemed a
16 separate offense.

17 “(B) INJUNCTIONS AND ORDERS.—Sub-
18 paragraph (A) shall apply with respect to any
19 action to enforce—

20 “(i) a Federal court injunction ob-
21 tained pursuant to this title;

22 “(ii) an order entered or obtained by
23 the Commission pursuant to this title that
24 bars, suspends, places limitations on the

1 activities or functions of, or prohibits the
 2 activities of a person; or
 3 “(iii) a cease-and-desist order entered
 4 by the Commission pursuant to section
 5 8A.”.

6 (b) SECURITIES EXCHANGE ACT OF 1934.—Section
 7 21(d)(3) of the Securities Exchange Act of 1934 (15
 8 U.S.C. 78u(d)(3)) is amended—

9 (1) in subparagraph (A), by inserting after “the
 10 rules or regulations thereunder,” the following: “a
 11 Federal court injunction or a bar obtained or en-
 12 tered by the Commission under this title,”; and

13 (2) by striking subparagraph (D) and inserting
 14 the following:

15 “(D) SPECIAL PROVISIONS RELATING TO A VIO-
 16 LATION OF AN INJUNCTION OR CERTAIN ORDERS.—

17 “(i) IN GENERAL.—Each separate violation
 18 of an injunction or order described in clause (ii)
 19 shall be a separate offense, except that in the
 20 case of a violation through a continuing failure
 21 to comply with such injunction or order, each
 22 day of the failure to comply with the injunction
 23 or order shall be deemed a separate offense.

1 “(ii) INJUNCTIONS AND ORDERS.—Clause
 2 (i) shall apply with respect to an action to en-
 3 force—

4 “(I) a Federal court injunction ob-
 5 tained pursuant to this title;

6 “(II) an order entered or obtained by
 7 the Commission pursuant to this title that
 8 bars, suspends, places limitations on the
 9 activities or functions of, or prohibits the
 10 activities of a person; or

11 “(III) a cease-and-desist order entered
 12 by the Commission pursuant to section
 13 21C.”.

14 (c) INVESTMENT COMPANY ACT OF 1940.—Section
 15 42(e) of the Investment Company Act of 1940 (15 U.S.C.
 16 80a–41(e)) is amended—

17 (1) in paragraph (1), by inserting after “the
 18 rules or regulations thereunder,” the following: “a
 19 Federal court injunction or a bar obtained or en-
 20 tered by the Commission under this title,”; and

21 (2) by striking paragraph (4) and inserting the
 22 following:

23 “(4) SPECIAL PROVISIONS RELATING TO A VIO-
 24 LATION OF AN INJUNCTION OR CERTAIN ORDERS.—

“(A) IN GENERAL.—Each separate violation of an injunction or order described in subparagraph (B) shall be a separate offense, except that in the case of a violation through a continuing failure to comply with such injunction or order, each day of the failure to comply with the injunction or order shall be deemed a separate offense.

“(B) INJUNCTIONS AND ORDERS.—Subparagraph (A) shall apply with respect to any action to enforce—

“(i) a Federal court injunction obtained pursuant to this title;

“(ii) an order entered or obtained by the Commission pursuant to this title that bars, suspends, places limitations on the activities or functions of, or prohibits the activities of a person; or

“(iii) a cease-and-desist order entered by the Commission pursuant to section 9(f).”.

(d) INVESTMENT ADVISERS ACT OF 1940.—Section 209(e) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–9(e)) is amended—

1 (1) in paragraph (1), by inserting after “the
2 rules or regulations thereunder,” the following: “a
3 Federal court injunction or a bar obtained or en-
4 tered by the Commission under this title,”; and

5 (2) by striking paragraph (4) and inserting the
6 following:

7 “(4) SPECIAL PROVISIONS RELATING TO A VIO-
8 LATION OF AN INJUNCTION OR CERTAIN ORDERS.—

9 “(A) IN GENERAL.—Each separate viola-
10 tion of an injunction or order described in sub-
11 paragraph (B) shall be a separate offense, ex-
12 cept that in the case of a violation through a
13 continuing failure to comply with such injunc-
14 tion or order, each day of the failure to comply
15 with the injunction or order shall be deemed a
16 separate offense.

17 “(B) INJUNCTIONS AND ORDERS.—Sub-
18 paragraph (A) shall apply with respect to any
19 action to enforce—

20 “(i) a Federal court injunction ob-
21 tained pursuant to this title;

22 “(ii) an order entered or obtained by
23 the Commission pursuant to this title that
24 bars, suspends, places limitations on the

1 activities or functions of, or prohibits the
2 activities of a person; or
3 “(iii) a cease-and-desist order entered
4 by the Commission pursuant to section
5 203(k).”.

○