H. R. _____

To establish a statute of limitations for certain actions of the Securities and Exchange Commission, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GONZALEZ of Texas introduced the following bill; which was referred to the Committee on _______________________

A BILL

To establish a statute of limitations for certain actions of the Securities and Exchange Commission, and for other purposes.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

SECTION 1. STATUTE OF LIMITATIONS FOR COMMISSION ACTIONS.

(a) IN GENERAL.—Section 21 of the Securities Ex-
change Act of 1934 (15 U.S.C. 78u) is amended by adding at the end the following:

“(j) STATUTE OF LIMITATIONS.—
“(1) CIVIL MONETARY PENALTIES.—

“(A) IN GENERAL.—An action or proceeding brought or instituted by the Commission under any provision of the securities laws for a civil monetary penalty may be brought not later than 10 years after the alleged violation.

“(B) EXCLUSION.—The period of limitations in subparagraph (A) does not run during any time when an alleged violator is absent from the United States or has no reasonably ascertainable place of abode or work within the United States.

“(2) DEFINITION.—For purposes of this subsection, the term ‘civil monetary penalty’ means relief sought by the Commission under—

“(A) subsection (d)(3), section 21A(a), subsections (a) through (d) of section 21B, or subsection (b), (c)(1)(B), or (c)(2)(B) of section 32 (15 U.S.C. 78u–1(a), 78u–2(a)–(d), 78ff(b), 78ff(c)(1)(B), or 78ff(e)(2)(B));

“(B) section 20(d) of the Securities Act of 1933 (15 U.S.C. 77t(d));

“(C) section 9(d) or 42(e) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(d), 80a–41(e)); or
“(D) section 203(i) or 209(e) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(i), 80b–9(e)).”.

(b) CONFORMING AMENDMENT.—Section 21A(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–1(d)) is amended by striking paragraph (5).