

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart A—Organization and Program Management

1. The authority citation for part 200, subpart A, continues to read in part as follows:

Authority: 15 U.S.C. 77s, 78d-1, 78d-2, 78w, 78ll(d), 79t, 79sss, 80a-37, 80b-11, unless otherwise noted.

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2. Section 200.1(j) is revised to read as follows:

§ 200.1 General statement and statutory authority.

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(j) Administrative sanctions, injunctive remedies, civil money penalties and criminal prosecution. There are also private rights of action for investors injured by violations of the Acts.

§ 200.16 [Amended]

3. In § 200.16, remove the words “Rule 2(e) of the Commission’s Rules of Practice (§ 201.2(e) of this chapter)”, and, in their place, add the words “Rule 102(e) of the Commission’s Rules of Practice (§ 201.102(e) of this chapter)”.

§ 200.30-4 [Amended]

4. In § 200.30-4(a)(5), remove the words “Rule 29 of the Commission’s Rules of Practice (17 CFR 201.1-201.29)”, and, in their place, add the words “Rule 193 of the Commission’s Rules of Practice, § 201.193 of this chapter”.

§ 200.30-7 [Amended]

5. In § 200.30-7(a)(1), remove the words “Rule 21(a) of the Commission’s rules of practice, § 201.21(a)”, and, in their place, add the words “Rule 451 of the Commission’s Rules of Practice, § 201.451”.

6. In § 200.30-7(a)(2), remove the words “Rule 21(b) of the Commission’s rules of practice, § 201.21(b)”, and, in their place, add the words “Rule 451(c) of the Commission’s Rules of Practice, § 201.451(c)”.

7. In § 200.30-7 (a)(3) and (a)(4), remove the words “Rule 13 of the Commission’s rules of practice, § 201.13”, and, in their place, add the words “Rule 161 of the Commission’s Rules of Practice, § 201.161”.

8. In § 200.30-7(a)(5), remove the words “Rule 22(d) of the Commission’s rules of practice, § 201.22(d)”, and, in their place, add the words “Rule 450(c) of the Commission’s Rules of Practice, § 201.450(c)”.

9. In § 200.30-7(a)(9), remove the words “rules 6 and 23 of the Commission’s rules of practice”, and, in their place, add the words “Rules 141 and 150 of the Commission’s Rules of Practice, §§ 201.141 and 201.150 of this chapter”.

10. In § 200.30-7 paragraph (a)(10) is added to read as follows: § 200.30-7 Delegation of Authority to Secretary of the Commission.

(a) * * *

(10) To set the date for sanctions to take effect if an initial decision is not appealed and becomes final pursuant to Rule 360(d) or if an initial decision is affirmed pursuant to Rule 411.

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11. Section 200.30-9 is revised to read as follows:

§ 200.30-9 Delegation of authority to hearing officers.

Pursuant to the provisions of Section 4A of the Securities Exchange Act of 1934 (15 U.S.C. 78d-1), the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, to each Administrative Law Judge (“Judge”) the authority:

(a) To make an initial decision in any proceeding at which the Judge presides in which a hearing is required to be conducted in conformity with the Administrative Procedure Act (5 U.S.C. 557) unless such initial decision is waived by all parties who appear at the hearing and the Commission does not subsequently order that an initial decision nevertheless be made by the Judge, and in any other proceeding in which the Commission directs the Judge to make such a decision; and

(b) To issue, upon entry pursuant to Rule 531 of the Commission’s Rules of Practice, § 201.531 of this chapter, of an initial decision on a permanent order, a separate order setting aside, limiting or suspending any temporary sanction, as that term is defined in Rule 101(a)(11) of the Commission’s Rules of Practice, § 201.101(a) of this chapter, then in effect in accordance with the terms of the initial decision.

§ 200.30-10 [Amended]

12. In § 200.30-10(a)(1), remove the words “Rule 6(b) of the Commission’s rules of practice, § 201.6(b) of this chapter, and Rule 11(a) of the Commission’s rules of practice (§ 201.11(a) of this chapter)”, and, in their place, add the words “Rule 200 of the Commission’s Rules of Practice, § 201.200 of this chapter”.

13. In § 200.30-10(a)(2), remove the words “Rule 11(b) of the Commission’s rules of practice (§ 201.11(b) of this chapter)”, and, in their place, add the

words “Rule 110 of the Commission’s Rules of Practice, § 201.110 of this chapter”.

14. In § 200.30-10(a)(3), remove the words “Rule 13 of the Commission’s rules of practice, § 201.13”, and, in their place, add the words “Rule 161 of the Commission’s Rules of Practice, § 201.161”.

15. In § 200.30-10(a)(4), remove the words “Rule 13 of the Commission’s rules of practice (§ 201.13 of this chapter)”, and, in their place, add the words “Rule 161 of the Commission’s Rules of Practice, § 201.161 of this chapter”.

16. In § 200.30-10(a)(5), remove the words “Rule 22(d) of the Commission’s rules of practice (§ 201.22(d) of this chapter)”, and, in their place, add the words “Rule 450(c) of the Commission’s Rules of Practice, § 201.450(c) of this chapter”.

17. In § 200.30-10 paragraph (a)(6) is removed and paragraphs (a)(7) and (a)(8) are redesignated as paragraphs (a)(6) and (a)(7).

18. In newly redesignated § 200.30-10(a)(6), remove the words “Rule 14(b) of the Commission’s rules of practice (201.14(b) of this chapter)”, and, in their place, add the words “Rule 232 of the Commission’s Rules of Practice, § 201.232 of this chapter”.

19. Section 200.30-14 is amended by revising the introductory text of paragraph (g)(1), adding paragraphs (g)(1)(x) through (g)(1)(xiv), and revising paragraphs (g)(2), and (g)(4) through (g)(7) to read as follows:

§ 200.30-14 Delegation of authority to the General Counsel.

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(g)(1) With respect to proceedings conducted pursuant to the Securities Act of 1933 (15 U.S.C. 77a, *et seq.*), the Securities Exchange Act of 1934 (15 U.S.C. 78a, *et seq.*), the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a, *et seq.*), the Trust Indenture Act of 1939 (15 U.S.C. 77aaa, *et seq.*), the Investment Company Act of 1940 (15 U.S.C. 80a-1, *et seq.*), the Investment Advisers Act of 1940 (15 U.S.C. 80b-1, *et seq.*), the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa, *et seq.*) and the provisions of Rule 102(e) of the Commission’s Rules of Practice (§ 201.102(e) of this chapter);

* * * * *

(x) To determine motions to consolidate proceedings pending before the Commission.

(xi) To determine whether to permit or require that a record of proceedings be supplemented with additional evidence.