



## **SEC Delegates New Authority to the Division of Enforcement**

The SEC has amended its rules to delegate authority to the Director of the Division of Enforcement to issue formal orders of investigation. Formal orders of investigation are used to designate enforcement personnel authorized to issue subpoenas, take testimony, and compel the production of documents and information in connection with SEC investigations. Previously, the Division of Enforcement was required to seek Commission approval prior to issuing these orders. According to the SEC, the delegation of authority is being made to the Division of Enforcement to "expedite the investigative process."

The SEC determined that, under the APA, this amendment "relates solely to agency organization, procedure, or practice," such that APA provisions relating to notice of proposed rulemaking and the opportunity for public participation were not applicable. The amendment is codified at 17 CFR Part 200, Section 200.30-4. It is effective August 11, 2009 for a period of one year, at which time the SEC will evaluate whether to extend this delegation of authority.

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