

costs, depending on their circumstances. Overall, the Commission expects benefits to accrue to both filers and the public at large in cases where filers choose to file in electronic format, primarily because of the promptness and breadth of dissemination associated with electronic filing.

V. Statutory Basis

The updated Filer Manual and the amendments to Regulation S-T are being adopted under Sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933,³⁵ Sections 3, 12, 13, 14, 15, 23, and 35A of the Securities Exchange Act of 1934,³⁶ Section 20 of the Public Utility Holding Company Act of 1935,³⁷ Section 319 of the Trust Indenture Act of 1939,³⁸ and Sections 8, 30, 31, and 38 of the Investment Company Act of 1940.³⁹

List of Subjects in 17 CFR Part 232

Incorporation by reference; Investment companies; Registration requirements; Reporting and recordkeeping requirements; Securities.

Text of the Amendments

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 232—REGULATION S-T— GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

1. The authority citation for Part 232 continues to read as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77sss(a), 78c(b), 78l, 78m, 78n, 78o(d), 78w(a), 78ll(d), 79t(a), 80a-8, 80a-29, 80a-30 and 80a-37.

2. Section 232.101 is amended by revising paragraphs (a)(1)(iv) and (b)(2); redesignating paragraphs (b)(4) and (b)(5) as paragraphs (b)(7) and (b)(8) and adding paragraphs (b)(4), (b)(5) and (b)(6); removing paragraph (c)(7) and redesignating paragraphs (c)(8) through (c)(21) as paragraphs (c)(7) through (c)(20); and revising newly redesignated paragraphs (c)(8) and (c)(13) to read as follows:

§ 232.101 Mandated electronic submissions and exceptions.

(a) * * *

(1) * * *

(iv) Documents filed with the Commission pursuant to Sections 8, 17, 20, and 30 of the Investment Company

Act (15 U.S.C. 80a-8, 80a-17, 80a-20, and 80a-29); *provided, however* that in no event shall any submissions under Section 6(c), 8(f), or 17(g) of the Act (15 U.S.C. 80a-6(c), 80a-8(f), or 80a-17(g)) or documents related to applications for exemptive relief under any section of the Act, be made in electronic format; and

* * * * *

(b) *Permitted electronic submissions.*
* * *

(1) * * *

(2) Notices of exempt solicitation furnished for the information of the Commission pursuant to Rule 14a-6(g) (§ 240.14a-6(g) of this chapter) and notices of exempt preliminary roll-up communications furnished for the information of the Commission pursuant to Rule 14a-6(n) (§ 240.14a-6(n) of this chapter);

(3) * * *

(4) Forms 3, 4 and 5 (§§ 249.103, 249.104 and 249.105 of this chapter);

(5) Form 144 (§ 239.144 of this chapter), where the issuer of the securities is subject to the reporting requirements of Section 13 or 15(d) of the Exchange Act (15 U.S.C. 78m or 78o(d), respectively);

(6) Periodic reports and reports with respect to issuances of primary obligations filed by the International Bank for Reconstruction and Development pursuant to Section 15(a) of the Bretton Woods Agreements Act [22 U.S.C. 286k-1(a)] and Part 285 of Title 17 of the Code of Federal Regulations;

* * * * *

(c) *Documents to be submitted in paper only.* * * *
* * * * *

(8) Filings related to offerings exempt from registration under the Securities Act of 1933, including filings made pursuant to Regulation A (§§ 230.251-230.264 of this chapter), Regulation B (§§ 230.300-230.346 of this chapter), Regulation D (§§ 230.501-508 of this chapter) Regulation E (§§ 230.601-230.610a of this chapter) and Regulation F (§§ 230.651-230.656 of this chapter), as well as filings on Form 144 (§ 239.144 of this chapter) where the issuer of the securities is not subject to the reporting requirements of Section 13 or 15(d) of the Exchange Act (15 U.S.C. 78m or 78o(d), respectively);

* * * * *

(13) Submissions under Sections 6(c), 8(f), 17(g), and 33 of the Investment Company Act (15 U.S.C. 80a-6(c), 80a-8(f), 80a-17(g), and 80a-32) and documents related to applications for

exemptive relief under any section of the Act;

* * * * *

3. Section 232.301 is revised to read as follows:

§ 232.301 EDGAR Filer Manual.

Electronic filings shall be prepared in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets out the technical formatting requirements for electronic submissions. The December 1995 edition of the *EDGAR Filer Manual: Guide for Electronic Filing with the U.S. Securities and Exchange Commission (Release 4.40)* is incorporated into the Code of Federal Regulations by reference, which action was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Compliance with the requirements found therein is essential to the timely receipt and acceptance of documents filed with or otherwise submitted to the Commission in electronic format. Paper copies of the EDGAR Filer Manual may be obtained at the following address: Public Reference Room, U.S. Securities and Exchange Commission, Mail Stop 1-2, 450 5th Street, NW., Washington, DC 20549. They also may be obtained from Disclosure Incorporated by calling (800) 638-8241. Electronic format copies are available through the EDGAR electronic bulletin board. Information on becoming an EDGAR E-mail/electronic bulletin board subscriber is available by contacting CompuServe Inc. at (800) 848-8199.

Dated: November 13, 1995.

By the Commission.

Margaret H. McFarland,
Deputy Secretary.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 0-17

Title 38 CFR Parts 0 to 17; Republication

CFR Correction

Title 38 CFR parts 0 to 17, revised as of July 1, 1995, is being republished in its entirety. The earlier issuance inadvertently omitted text from §§ 1.554a through 1.602 inclusive. The omitted text should immediately precede § 1.603 on page 44.

BILLING CODE 1505-01-D

³⁵ 15 U.S.C. 77f, 77g, 77h, 77j and 77s(a).

³⁶ 15 U.S.C. 78c, 78l, 78m, 78n, 78o, 78w and 78ll.

³⁷ 15 U.S.C. 79t.

³⁸ 15 U.S.C. 77sss.

³⁹ 15 U.S.C. 80a-8, 80a-29, 80a-30 and 80a-37.