

Department of Justice for litigation purposes. Do you make a determination as to whether the people looking at those files in the Justice Department are properly and directly concerned?

Mr. SMITH. We make them state what their need for them is and, of course, in a great many cases it is our own litigation in the sense that the Justice Department are the trial attorneys for most all of the litigation in which the Treasury Department is a party. We do not do our own trial work except in the Tax Court. All the rest of our trial work is done by the Department of Justice.

Mr. KASS. Are there any clear guidelines spelled out by the Department of Treasury as to who will be a person properly and directly concerned for any information given out?

Mr. SMITH. Well, I believe that some of our bureaus' regulations do spell it out. For instance, I happen to know, because it was one I saw not too long ago, I do not believe I have it with me, in the regulations of the Office of Domestic Gold and Silver Operations, which issues licenses to processors, and refiners of gold, they have specified in there who are entitled to obtain information contained in the records of the licensing division on gold licenses and they also state that anybody can come in and find out if a given company has a gold license, and the size of it. In other words, how many ounces they are entitled to hold at any one time in their possession.

Mrs. Lloyd informs me that the Bureau of Customs specifies in its regulations who are directly and legitimately concerned.

Mr. KASS. Have you supplied that information to the committee in your questionnaire or, if not, could you supply it?

Mr. SMITH. We will check our questionnaire and if it is not in here we will be happy to supply it.

DEFINITION OF PERSONS PROPERLY AND DIRECTLY CONCERNED UNDER SECTION 3(c) OF THE ADMINISTRATIVE PROCEDURE ACT AS SET FORTH IN REGULATIONS OF THE OFFICES AND BUREAUS IN THE TREASURY DEPARTMENT

This memorandum provides information for the record of the hearings on H.R. 5012 and related bills before the Subcommittee on Foreign Operations and Government Information of the House Committee on Government Operations on the definitions used within the Treasury Department of "persons properly and directly concerned" to whom matters of official record would be made available under section 3(c) of the Administration Procedure Act. This submission covers definitions provided in the regulations of the offices and bureaus of the Treasury Department in addition to the information on this matter previously provided to the subcommittee in the reports of the offices and bureaus of the Department in answer to the subcommittee's questionnaire on the operation of section 3 of the Administrative Procedure Act.

There follows a discussion of the pertinent provisions of the regulations of the offices and bureaus approximately in the order in which their reports were presented in the submission of the Treasury Department on March 16, 1965, including the regulations of the Office of the Comptroller of the Currency reported later to the subcommittee. Where the reports detail the information requested, it is referred to, but not reproduced here. Since the regulations vary depending upon the character of the official records concerned, the character of the records is indicated to the extent relevant. This submission includes reference to the furnishing of official information by a bureau to persons considered directly concerned therewith without specific request from such persons. This submission does not include reference to the regulations on making available to the public final opinions and orders pursuant to section 3(b) of the Administrative Procedure Act.

1. OFFICE OF THE SECRETARY

Title 31, Code of Federal Regulations, part 1, subpart A, provides for the disclosure of official information pertaining to the various divisions within the Office