

trustee by any Federal, State, Territorial, or district authority having jurisdiction to examine or supervise such trustee, no report made by any such trustee or prospective trustee to any such authority, and no correspondence between any such authority and any such trustee or prospective trustee, shall be divulged or made known or available by the Commission or any member, officer, agent, or employee thereof, to any person other than a member, officer, agent, or employee of the Commission: *Provided*, That the Commission may make available to the Attorney General of the United States, in confidence, any information obtained from such records, reports of examination, other reports, or correspondence, and deemed necessary by the Commission, or requested by him, for the purpose of enabling him to perform his duties under this subchapter.

In this connection, attention is called to section 1906, title 18, of the United States Code, which makes it a penal offense for an examiner to disclose the names of borrowers or the collateral for loans of an insured bank except under the circumstances described in the statute.

In the case of *Bank of America National Trust & Savings Association v. Douglas*, 105 F. 2d 100, 103-105 (1939), the U.S. Court of Appeals for the District of Columbia considered the authority of the Secretary of the Treasury to furnish the Securities and Exchange Commission copies of the examiners' reports to the Comptroller of the Currency and the question was whether, if there was authority, the information must be held in confidence. The court in its opinion clearly recognized the confidentiality of bank reports in unequivocal language.

In order to protect records and information relating to insured banks, the Corporation has prescribed regulations relating to confidential and privileged records and information of the Corporation pursuant to sections 7(a) (1) and (2) and 9 Tenth of the Federal Deposit Insurance Act. These regulations are discussed in the answers to questions 3, 4, 7, and 10 below.

Question 1. Generally, to what functions of your agency does 5 U.S.C. 1002 apply? Are there any divisions, bureaus, branches, or other constituent units of your agency to which the section does not apply?

Section 3 of the Administrative Procedure Act (5 U.S.C. 1002) applies to all functions of the Corporation. Consequently, there are no divisions, bureaus, branches, or other constituent units of the Corporation to which this section of the Administrative Procedure Act does not apply.

Question 2(a). In what official or unofficial publication and at what intervals does your agency publish description of its central and field organization?

The central and field organization of the Corporation is published annually in the Annual U.S. Government Organization Manual, Office of the Federal Register. Any changes in these organizations, and also the established places whereby the public may secure information or make submittals or requests, are published in the Federal Register. All delegations of final authority by the Board of Directors of the Corporation within the meaning of the Administrative Procedure Act have been published in the annual report of the Corporation as well as in the Federal Register as required by the act. Consequently, any other final delegations of authority or functions which may be made in the future will also be accomplished by publication in the Federal Register as required by the act.

Question 2(b). In what official or unofficial publication, and at what intervals, does your agency publish statements of general course and method by which its functions are channeled and determined?

In accordance with section 3(a) (2) of the Administrative Procedure Act, statements of the general course and method by which the Corporation's functions with respect to deposit insurance are channeled and determined, including the nature and requirements of formal and informal procedures available as well as forms and instructions as to the scope and contents of papers and reports, are published in the Code of Federal Regulations (12 CFR Chapter III) and the Federal Register.

Question 2(c). In what official or unofficial publication, and at what intervals, does your agency publish substantive rules adopted as authorized by law?

All substantive rules adopted by the Corporation are separately stated and published in the Code of Federal Regulations (12 CFR Chapter III) and are currently published in the Federal Register pursuant to section 2(a) (3) of the Administrative Procedure Act. Any substantive rules or amendments to existing rules adopted during a calendar year are published in the annual report of the Corporation for that year.