

§ 250.413

(m) The Board concluded that Insurance Company would be “primarily engaged” in issuing or distributing shares of Fund within the meaning of section 32 by not later than the time of realization of the aforementioned estimated annual rate of sale, and possibly before. As indicated in *Board of Governors v. Agnew*, 329 U.S. 441 at 446, the prohibition of the statute applies if the section 32 business involved is a “substantial” activity of the company.

(n) This, the Board observed, was not to suggest that officers, directors, or employees of Insurance Company who are also directors of member banks would be likely, as individuals, to use their positions with the banks to further sales of Fund’s shares. However, as the Supreme Court pointed out in the *Agnew* case, section 32 is a “preventive or prophylactic measure.” The fact that the individuals involved “have been scrupulous in their relationships” to the banks in question “is immaterial.”

(12 U.S.C. 248(i))

[33 FR 13001, Sept. 14, 1968. Redesignated at 61 FR 57289, Nov. 6, 1996]

§ 250.413 “Bank-eligible” securities activities.

Section 32 of the Glass-Steagall Act (12 U.S.C. 78) prohibits any officer, director, or employee of any corporation or unincorporated association, any partner or employee of any partnership, and any individual, primarily engaged in the issue, flotation, underwriting, public sale, or distribution, at wholesale or retail, or through syndicate participation, of stocks, bonds, or other similar securities, from serving at the same time as an officer, director, or employee of any member bank of the Federal Reserve System. The Board is of the opinion that to the extent that a company, other entity or person is engaged in securities activities that are expressly authorized for a state member bank under section 16 of the Glass-Steagall Act (12 U.S.C. 24(7), 335), the company, other entity or individual is not engaged in the types of activities described in section 32. In addition, a securities broker who is engaged solely in executing orders for the purchase and sale of securities on behalf of others in the open market is not

12 CFR Ch. II (1–1–08 Edition)

engaged in the business referred to in section 32.

[Reg. R., 61 FR 57289, Nov. 6, 1996]

PART 261—RULES REGARDING AVAILABILITY OF INFORMATION

Subpart A—General Provisions

Sec.

261.1 Authority, purpose, and scope.

261.2 Definitions.

261.3 Custodian of records; certification; service; alternative authority.

Subpart B—Published Information and Records Available to Public; Procedures for Requests

261.10 Published information.

261.11 Records available for public inspection and copying.

261.12 Records available to public upon request.

261.13 Processing requests.

261.14 Exemptions from disclosure.

261.15 Request for confidential treatment.

261.16 Request for access to confidential commercial or financial information.

261.17 Fee schedules; waiver of fees.

Subpart C—Confidential Information Made Available to Supervised Institutions, Financial Institution Supervisory Agencies, Law Enforcement Agencies, and Others in Certain Circumstances

261.20 Confidential supervisory information made available to supervised financial institutions and financial institution supervisory agencies.

261.21 Confidential information made available to law enforcement agencies and other nonfinancial institution supervisory agencies.

261.22 Other disclosure of confidential supervisory information.

261.23 Subpoenas, orders compelling production and other process.

AUTHORITY: 5 U.S.C. 552; 12 U.S.C. 248(i) and (k), 321 *et seq.*, 611 *et seq.*, 1442, 1817(a)(2)(A), 1817(a)(8), 1818(u) and (v), 1821(o), 1821(t), 1830, 1844, 1951 *et seq.*, 2601, 2801 *et seq.*, 2901 *et seq.*, 3101 *et seq.*, 3401 *et seq.*; 15 U.S.C. 77uuu(b), 78q(c)(3); 29 U.S.C. 1204; 31 U.S.C. 5301 *et seq.*; 42 U.S.C. 3601; 44 U.S.C. 3510.

SOURCE: 53 FR 20815, June 7, 1988, unless otherwise noted.

Subpart A—General Provisions

SOURCE: 62 FR 54359, Oct. 20, 1997, unless otherwise noted.