

*Section 352.4 Nondiscrimination in any program or activity conducted by FDIC*

This section is currently designated 352.5. Current section 352.4 would be deleted by the proposed rule. This section pertained to a self-imposed requirement that the FDIC must evaluate its program to implement section 504 of the Rehabilitation Act within one year of the regulation's effective date. This self-evaluation has been conducted by the FDIC. The current section 352.4 is therefore unnecessary.

The new section 352.4 would state that no qualified individual with a disability shall be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination on the basis of that disability in FDIC programs or activities.

*Section 352.5 Accessibility to electronic and information technology*

With respect to technology access, this new section states that the FDIC will ensure that employees and the public with disabilities will have access to EIT comparable to those without disabilities, unless an undue burden would be imposed on the FDIC.

*Section 352.6 Employment*

This section would be amended to provide that no qualified individual with a disability shall, on the basis of that disability, be subjected to discrimination in employment in any program or activity conducted by the FDIC. The section would further provide that the definitions, requirements, and procedures of the Rehabilitation Act that pertain to employment discrimination, as reflected in the Rehabilitation Act's implementing regulations, will apply to FDIC employment.

*Section 352.7 Accessibility of Programs and Activities: Existing Facilities*

This section would be amended to make plain that the FDIC shall operate its programs and activities to be readily accessible to and usable by persons with disabilities.

*Section 352.8 Program Accessibility: New construction and alterations*

This section would be amended to provide that each building or part of a building where FDIC programs or activities will occur which is either new or substantially altered for the FDIC shall be fashioned for ready access and use by individuals with disabilities.

*Section 352.9 Communications*

This section would be amended to provide that the FDIC shall take appropriate steps to effectively communicate with participants in FDIC programs and activities. The section would also be amended to refer to individuals with disabilities rather than handicapped persons and to the Office of Diversity and Economic Opportunity (ODEO) rather than the superseded Office of Equal Employment. The section would also be amended to provide the current address and telephone numbers of ODEO for those who wish to contact that FDIC component. Finally, the section would be amended to state that information as to where FDIC programs or activities are conducted shall be provided at the primary entrance to each FDIC facility.

*Section 352.10 Compliance procedures*

This section would be amended to provide that the section applies to claims of discrimination on the basis of disability in FDIC programs and activities or the denial of access to EIT. The section would also be amended to update and correct references to the Office of Diversity and Economic Opportunity (ODEO), the procedures for filing and processing complaints alleging disability discrimination in FDIC programs or activities and denial of access to EIT. Moreover, the section would be amended to shorten the time period during which the FDIC must reach a finding with respect to a complaint alleging discrimination on the basis of disability in FDIC programs and activities and denial of access to EIT from 180 to 120 days.

*Section 352.11 Notice*

This section would be amended to include a reference to EIT and section 508.

### III. Request for Comments

The Board of Directors of the FDIC (the Board) is seeking comment on whether the measures outlined in this notice of proposed rulemaking will fulfill the objectives set for the agency by section 508 of the Rehabilitation Act. The Board welcomes any suggestions that commenters might have for ways to improve upon the suggested measures or additional steps that the FDIC might take to promote access by individuals with disabilities to EIT and to prevent discrimination on the basis of disability.

### IV. Paperwork Reduction Act

The proposed rule would not involve any collections of information under the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*). Consequently, no

information has been submitted to the Office of Management and Budget for review.

### V. Regulatory Flexibility Act

Pursuant to 5 U.S.C. 605(b) the FDIC certifies that the proposed rule would not have a significant economic impact on a substantial number of small businesses within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*). The proposed rule describes how the FDIC will implement section 508 of the Rehabilitation Act to ensure that the EIT the agency develops and procures will allow individuals with disabilities access to EIT comparable to the access of those who are not disabled, unless the agency would incur an undue burden. It requires no specific or general action from any state nonmember bank nor does it impose any new reporting, recordkeeping or other compliance requirements. Accordingly, the requirements relating to an initial and final regulatory flexibility analysis are not applicable.

### VI. Impact on Families

The proposed rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 (Pub. L. 105-277, 112 Stat. 2681).

### List of Subjects in 12 CFR Part 352

Access, Civil rights, Electronic and information technology, Equal employment opportunity, Federal building and facilities, Individuals with disabilities.

For the reasons set forth in the preamble, the Board of Directors of the Federal Deposit Insurance Corporation hereby proposes to revise Part 352 of Title 12 of the Code of Federal Regulations to read as follows:

### PART 352—NONDISCRIMINATION ON THE BASIS OF DISABILITY

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