

supervisory activity or any portion thereof prepared by the FDIC. The bank also shall not make any representation concerning such report or the findings therein.

**§ 350.10 Prohibited conduct and penalties.**

(a) *Misrepresentations.* No officer, director, employee, agent, or other person participating in the affairs of a bank, shall, directly or indirectly:

(1) Disclose or cause to be disclosed false or misleading information in the annual disclosure statement, or omit or cause the omission of pertinent or required information in the annual disclosure statement; or

(2) Represent that the FDIC, or any employee thereof, has reviewed, or confirmed the accuracy or relevance of the disclosure statement.

(b) *Participating persons.* For purposes of this part, a person *participating in the affairs of a bank* shall include (but not be limited to) any person who provides information contained in, or directly or indirectly assists in the preparation of, the annual disclosure statement.

(c) *Enforcement actions.* Conduct that violates paragraph (a) of this section may constitute an unsafe or unsound banking practice or otherwise serve as a basis for an enforcement action by the FDIC.

**§ 350.11 Safe harbor provision.**

The provisions of § 350.10 shall not apply unless it is shown that the information disclosed was included without a reasonable basis or other than in good faith.

**§ 350.12 Disclosure required by applicable banking or securities law or regulations.**

The requirements of this part are not intended to replace or waive any disclosure required to be made under applicable banking or securities law or regulations.

[62 FR 10201, Mar. 6, 1997]

**PART 351 [RESERVED]**

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

Sec.

- 352.1 Purpose.
- 352.2 Application.
- 352.3 Definitions.
- 352.4 Nondiscrimination in any program or activity conducted by the FDIC.
- 352.5 Accessibility to electronic and information technology.
- 352.6 Employment.
- 352.7 Accessibility of programs, and activities: Existing facilities.
- 352.8 Program accessibility: New construction and alterations.
- 352.9 Communications.
- 352.10 Compliance procedures.
- 352.11 Notice.

AUTHORITY: 12 U.S.C. 1819(a); 29 U.S.C. 794d.

SOURCE: 69 FR 26492, May 13, 2004, unless otherwise noted.

**§ 352.1 Purpose.**

(a) One purpose of this part is to implement the spirit of section 504 of the Rehabilitation Act of 1973 (the Rehabilitation Act) as amended by section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 and the Workforce Investment Act of 1998. Section 504 prohibits discrimination on the basis of disability in programs and activities conducted by a federal executive agency. Although the FDIC does not believe that Congress contemplated coverage of non-appropriated, independent regulatory agencies such as the FDIC, the FDIC has chosen to promulgate this final regulation to ensure that, to the extent practicable, persons with disabilities are provided with equal access to FDIC programs and activities.

(b) This part is also intended to implement section 508 of the Rehabilitation Act as amended. Section 508 requires each federal agency or department to ensure that the electronic and information technology they procure allows individuals with disabilities access to that technology comparable to the access of those who are not disabled, unless the agency would incur an undue burden.