|  |  |
| --- | --- |
| **Type**:  | Policy Statement |
| **Section Number**: | FCA-PS-67 |
| **Section Title**:  | Nondiscrimination on the Basis of Disability in Agency Programs and Activities |
| **Effective Date**: | 1/27/2005 |
| **Date Created**:  | 9/5/2012 |
| **Old/Additional ID**: | [BM-13-APR-95-05; NV-05-01] (70 FR 71142, 11/25/2005) |

**Effective Date:** 27-JAN-05.

**Effect on Previous Action:** Supplements 12 CFR Part 606. See [60 FR 26033, May 16, 1995](http://ww3.fca.gov/readingrm/fedreg/Federal%20Register%20Documents/60%20FR%2026033.docx).

**Source of Authority:** Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); Architectural Barriers Act of 1968 (42 USC 4151 et seq.); 36 CFR part 1191.

Section 504 of the Rehabilitation Act of 1973, as amended (Section 504) prohibits Executive agencies from discriminating on the basis of disability in the operation of agency programs and activities. Each agency is responsible for enforcing Section 504 as it applies to the agency’s own programs, services, and employment practices. Under the provisions of Executive Order 12250, “Leadership and Coordination of Nondiscrimination Laws,” the Assistant Attorney General for the U.S. Department of Justice Civil Rights Division is responsible for coordinating the federal government's implementation and enforcement of Section 504. The FCA has issued regulations at 12 CFR Part 606 to carry out the nondiscrimination mandate of Section 504.

The Architectural Barriers Act of 1968 (ABA) requires certain buildings housing federal agencies to be accessible to people with disabilities. The U.S. Architectural and Transportation Barriers Compliance Board (Access Board) establishes, and ensures compliance with, minimum accessibility standards in connection with the construction and alteration of facilities. The federal government and private entities follow different accessibility standards. The accessibility standards applying to the federal government (known as the "Uniform Federal Accessibility Standards" or UFAS) were revised to conform more closely to the accessibility standards applying to private entities (known as the "Americans with Disabilities Act Accessibility Guidelines" or ADAAG). The Access Board issued the revised standards on July 23, 2004, providing an effective date of September 21, 2004.

**THE FARM CREDIT ADMINISTRATION (FCA) BOARD HEREBY ADOPTS THE FOLLOWING POLICY STATEMENT:**

The FCA prohibits discrimination on the basis of disability in the operation of Agency programs and activities. Each FCA program or activity, when viewed in its entirety, shall be readily accessible to and usable by individuals with disabilities. Accessibility may be achieved through a variety of methods, including the redesign of equipment, the assignment of aides to beneficiaries, the reassignment of services to alternate accessible sites, the alteration of existing facilities, and the construction of new facilities. The FCA is not required to alter an existing facility when there is another feasible way of providing access to programs and activities.

If a building is constructed or altered by, on behalf of, or for the use of the FCA, the design, construction, or alteration is subject to applicable provisions of the UFAS. A different set of accessibility standards, the ADAAG, applies to the design, construction, and alteration of places of public accommodation and commercial facilities owned, operated, or leased by private entities. The Access Board has issued a consolidated set of guidelines, “ADA and ABA Accessibility Guidelines for Buildings and Facilities,” which merges the provisions of UFAS and ADAAG.

Until FCA regulations are amended to incorporate the new accessibility standards, the FCA Board has decided that the construction or alteration of a facility by, on behalf of, or for the use of the FCA shall comply with the Access Board accessibility guidelines.

DATED THIS 27TH DAY OF JANUARY, 2005

BY ORDER OF THE BOARD

Jeanette C. Brinkley,

Secretary to the Board.