THE SECRETARY OF DEFENSE
WASHINGTON, DC 20301

20 OCT 1993

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
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DIRECTOR, OPERATIONAL TEST AND EVALUATION
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF DOD FIELD ACTIVITIES

SUBJECT: Access for People with Disabilities

This memorandum updates our standards for making buildings and facilities accessible to people with disabilities. Detailed guidance is attached with a resolution by the Architectural and Transportation Barriers Compliance Board giving the rationale for the new policy.

Any questions may be directed to Ms. Judith C. Gilliom at (703) 697-8661 or DSN 227-8661.

Les Aspin

Attachments:
As stated

Access for People with Disabilities

This memorandum prescribes the manner in which the requirements of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the Uniform Federal Accessibility Standards (UFAS) are to be met in providing access for people with disabilities in buildings and facilities designed, constructed, altered, leased, or funded by the Department of Defense.

The Department of Defense is one of four Federal agencies that issue standards under the Architectural Barriers Act of 1968, as amended, 42 U.S.C. 4151-4157. The Department also establishes accessibility requirements under Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794. The UFAS are currently in effect under both laws.

Because the ADAAG were written more recently than the UFAS, in most respects they assure better accommodations for a wider range of disabilities. The latest editions of the ADAAG and the UFAS are available from the Architectural and Transportation Barriers Compliance Board at (202) 272-5434.

The UFAS are being updated to incorporate the improved features of the ADAAG, but that process may take several years. Meanwhile, our facilities should be at least as accessible as state and local government facilities and public accommodations in the private sector.

Accordingly, you are hereby directed not only to meet the requirements of the UFAS as required by 42 U.S.C. 4151-4157 and consistent with 29 U.S.C. 794, but also to meet the requirements of the ADAAG in facilities subject to UFAS whenever the ADAAG provide equal or greater accessibility than the requirements of the UFAS. In addition, you are directed to require recipients of financial assistance from your organization to do the same. Recipients include only those private sector programs and activities covered by 29 U.S.C. 794. Most DoD contractors are not covered.

This policy applies to the Office of the Secretary of Defense, the Military Departments (including their National Guard and Reserve Components), the Joint Chiefs of Staff, the Unified and Specified Commands, the Defense Agencies, and the Department of Defense Field Activities. The rationale for this policy is explained in the attached resolution adopted by the United States Architectural and Transportation Barriers Compliance Board, of which the Department of Defense is a member.

U.S. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Resolution

Whereas, the Federal government should hold itself to the same standard of accessibility as private entities, and State and local government entities in the design, construction and alteration of buildings and facilities;

Whereas, places of public accommodation and commercial facilities owned, operated or leased by private entities are currently required to comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) in the design, construction and alteration of buildings and facilities under the Department of Justice regulations implementing title III of the Americans with Disabilities Act (ADA);

Whereas, the Access Board has issued a notice of proposed rulemaking to revise ADAAG to include additional sections for certain State and local government facilities;

Whereas, the Department of Justice is proposing to amend its regulations implementing title II of the ADA for State and local government entities to incorporate the ADAAG revisions proposed by the Access Board and to eliminate the Uniform Federal Accessibility Standards (UFAS) as an option for such entities; and, pursuant to its authority under Executive Order 12250, has advised Federal agencies which have regulations implementing section 504 for their federally assisted programs that, effective as of the date the Department of Justice's amended title II regulations become final, they should deem facilities designed, constructed, or altered by a State or local government entity in compliance with the revised ADAAG to also be in compliance with any section 504 implementing regulations;

Whereas, ADAAG generally provides a greater degree of accessibility than UFAS, especially for individuals with speech, hearing, and vision impairments;

Whereas, the Access Board intends to initiate rulemaking expeditiously after the ADAAG revisions for State and local government facilities are final to include additional sections for certain Federal facilities not addressed by the guidelines and, pursuant to its authority under section 502 of the Rehabilitation Act, to adopt the revised ADAAG as the minimum guidelines and requirements for standards issued by the four Federal standard setting agencies under the Architectural Barriers Act; and

Whereas, although UFAS is currently the standard for Federal facilities under the Architectural Barriers Act, the General Services Administration has adopted a policy that facilities which it designs, constructs or alters will comply with ADAAG where that standard provides a greater degree of accessibility;

Whereas, as a result of these varied actions private entities, and State and local government entities will be required to comply with ADAAG in the design, construction and alteration of buildings and facilities while some newly constructed and altered Federal facilities will provide a lesser degree of accessibility.

Now, therefore, be it resolved that the Access Board recommends that the Administration immediately adopt a policy to use ADAAG and any final revisions to ADAAG in the design, construction, and alteration of Federal facilities until such time as the Access Board, the four Federal standard setting agencies under the Architectural Barriers Act, and Federal agencies which have regulations implementing section 504 of the Rehabilitation Act for federally conducted programs complete rulemaking to adopt ADAAG and its revisions as the applicable standard for Federal facilities.

And be it further resolved that the Access Board provide all possible assistance to the Administration in this effort.

January 15, 1993