



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers  
WASHINGTON, D.C. 20314-1000

REPLY TO  
ATTENTION OF:

CEMP-EA

4 March 1992

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: The Americans with Disabilities Act (ADA)

1. Since the enactment of the ADA (Public Law 101-336), HQUSACE has received many inquiries as to whether the Act applies to the federal government. Because of the inordinate number of inquiries and concerns about the Act, this memorandum has been prepared to inform you about the Act's applicability.
2. The Act is largely to extend the existing laws that apply to the federal government to the private sector. The Act is a civil rights issue in public accommodations and the workplace for persons with disabilities. Title I of the ADA addresses employment practices and employers' responsibilities to provide accessibility. Title II addresses buildings operated by state and local governments. Title III addresses accessibility of public accommodations with a reference to "Accessibility Guidelines for Buildings and Facilities" published in the Federal Register on 26 July 1991. However, these guidelines do not apply to federal facilities.
3. Under the Architectural Barriers Act of 1968 and the Rehabilitation Act of 1973 as amended, the Uniform Federal Accessibility Standards (UFAS) were developed. The UFAS were adopted by the Department of Defense in May 1985. Currently, the UFAS are published as FED-STD-795, dated 1 April 1988, and the federal government is required to comply with these standards.
4. The Assistant Secretary of the Army (IL&E) has determined, in coordination with the Army General Counsel, that the ADA does not apply to federal agencies nor was that the intention of the Congress or the President when they passed and signed that legislation.

FOR THE DIRECTOR OF MILITARY PROGRAMS:

  
RICHARD C. ARMSTRONG, P.E.  
Chief, Engineering Division  
Directorate of Military Programs

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