

THE ARCHITECTURAL BARRIERS ACT
(Public Law 90-480) of August 12, 1968
Amended Through 1978
42 USC ▲4151 et seq.

AN ACT To insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically disabled.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that, as used in this Act, the term "building" means any building or facility (other than (A) a privately owned residential structure not leased by the government for subsidized housing programs; and (B) any building or facility on a military installation designed and constructed primarily for use by able bodied military personnel) with the intended use for which either will require that such building or facility be accessible to the public, or may result in employment or residence therein of physically disabled persons, which building or facility is--

(1) to be constructed or altered by or on behalf of the United States,

(2) to be leased in whole or in part by the United States after August 12, 1968;*

(3) to be financed in whole or in part by a grant or a loan made by the United States after August 12, 1968, if such building or facility is subject to standards for design, construction, or alteration issued under authority of the law authorizing such grant or loan; or

(4) to be constructed under authority of the National Capital Transportation Act of 1960, the National Capital Transportation Act of 1965, or title III of the Washington Metropolitan Area Transit Regulation Compact.

SEC. 2. The Administrator of General Services, in consultation with the Secretary of Health, Education, and Welfare, shall prescribe standards for the design, construction, and alteration of buildings (other than residential structure subject to this Act and buildings, structures, and facilities of the Department of Defense and of the United States Postal Service subject to this Act) to insure whenever possible that physically disabled persons will have ready access to, and use of, such buildings.**

SEC. 3. The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall prescribe standards for the design, construction, and alteration of buildings which are residential structures subject to this Act to insure whenever possible that physically disabled persons will have ready access to, and use of such buildings.*

***A 1976 amendment, Public Law 94-541, deleted the following words from the end of section 2: "after construction or alteration in accordance with plans and specifications of the United States." Section 202 of Public Law 94-541 states that the amendment applies to "every lease entered into on or after January 1, 1977, including any renewal of a lease entered into before such a date which renewal is on or after such date." Regulations at 43 Fed. Reg. 16478 (April 19, 1978) amending 41 CFR ▲101-19.6**

****Regulations at 41 CFR ▲101-19.6, effective September 12, 1969.**

SEC. 4. The Secretary of Defense, in consultation with the Secretary of Health, Education, and Welfare, shall prescribe standards for the design, construction, and alteration of buildings, structures, and whenever possible that physically disabled persons will have ready access to, and use of such buildings.**

SEC. 4. (a) The United States Postal Service, in consultation with the Secretary of Health, Education, and Welfare, shall prescribe standards for the design, construction, and alteration of its buildings to insure whenever possible that physically disabled persons will have ready access to, and use of such buildings.***

SEC. 5. Every building designed, constructed, or altered after the effective date of a standard issued under this Act which is applicable to such building, shall be designed, constructed, or altered in accordance with such standard.

SEC. 6. The Administrator of General Services, with respect to standards issued under section 2 of this Act, and the Secretary of Housing and Urban Development, with respect to standards issued under section 4 of this Act, and the United States Postal Service with respect to standards issued under section 4a of this Act--

(1) is authorized to modify or waive any such standard, on a case-by-case basis, upon application made by the head of the department, agency, or instrumentality of the United States concerned, and upon a determination by the Administrator or Secretary, as the case may be, that such modification or waiver is clearly necessary, and

(2) shall establish a system of continuing surveys and investigation to insure compliance with such standards.

SEC. 7. (a) The Administrator of General Services shall report to Congress during the first week of January of each year on his activities and those of other departments, agencies, and instrumentalities of the Federal Government under this Act during the preceding fiscal year including, but not limited to, standards issued, revised, amended, or repealed under this Act and all case-by-case modifications, and waivers of such standards during such year.

(b) The Architectural and Transportation Barriers Compliance Board established by section 502 of the Rehabilitation Act of 1973 (Public Law 93-112) shall report to the Public Works and Transportation Committee of the House of Representatives and the Public Works Committee of the Senate during the first week of January of each year on its activities and actions to insure compliance with the standards prescribed under this Act.

* Regulations at 24 CFR Part 40.

** Standards at DoD 4270.1-M, "Construction Criteria," June 1, 1978, para. 5-6.

*** Standards at Postal Contracting Manual, Publication 41, ▲ 18-518.4, 39 CFR ▲601.100.

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(Continued)

- * **Regulations at 24 CFR Part 40.**
- ** **Standards at DoD 4270.1-M, Construction Criteria, June 1, 1978, para.5-6.**
- *** **Standards at Postal Contracting Manual, Publication 41, ▲ 18-518.4, 39 CFR ▲601.100**