

The Architectural Barriers Act (ABA) of 1968

The ABA requires access to facilities designed, built, altered, or leased with Federal funds. Passed by Congress in 1968, it marks one of the first efforts to ensure access to the built environment. The Access Board develops and maintains accessibility guidelines under this law. These guidelines serve as the basis for the standards used to enforce the law, the Uniform Federal Accessibility Standards (UFAS). Four Federal agencies are responsible for the standards: the Department of Defense, the Department of Housing and Urban Development, the General Services Administration (for DOT and FRA), and the U.S. Postal Service.

Federal agencies are responsible for ensuring compliance with UFAS when funding the design, construction, alteration, or leasing of facilities. Some departments have, as a matter of policy, also required compliance with the ADA Accessibility Guidelines (which otherwise do not apply to the Federal sector) in addition to UFAS. The Board was created to enforce the ABA, which it does through the investigation of complaints. (The Board was established under section 502 of the Rehabilitation Act). Anyone concerned about the accessibility of a facility that may have received Federal funds can easily file a complaint with the Board. The Enforcement section of the Access Board's website at www.access-board.gov provides for further information on the filing of ABA complaints.

Architectural Barriers Act of 1968, as amended
42 U.S.C. §§ 4151 et seq.

§ 4151. "Building" defined

As used in this chapter, 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) the intended use for which either will require that such building or facility be accessible to the public, or may result in the employment or residence therein of persons with disabilities, 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;¹
- (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.

§ 4152. Standards for design, construction, and alteration of buildings; Administrator of General Services

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

§ 4153. Standards for design, construction, and alteration of buildings; Secretary of Housing and Urban Development

The Secretary of Housing and Urban Development, in consultation with the Secretary of Health and Human Services, shall prescribe standards for the design, construction, and alteration of buildings which are residential structures subject to this chapter to insure whenever possible that physically handicapped persons will have ready access to, and use of, such buildings.

§ 4154. Standards for design, construction, and alteration of buildings; Secretary of Defense

The Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall prescribe standards for the design, construction, and alteration of buildings, structures, and facilities of the Department of Defense subject to this chapter to insure whenever possible that physically handicapped persons will have ready access to, and use of, such buildings.

§ 4154a. Standards for design, construction, and alteration of buildings; United States Postal Service

The United States Postal Service, in consultation with the Secretary of Health and Human Services, shall prescribe such standards for the design, construction, and alteration of its buildings to insure whenever possible that physically handicapped persons will have ready access to, and use of, such buildings.

§ 4155. Effective date of standards

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

§ 4156. Waiver and modification of standards

The Administrator of General Services, with respect to standards issued under section 4152 of this title, and the Secretary of Housing and Urban Development, with respect to standards issued under section 4153 of this title, and the Secretary of Defense with respect to standards

issued under section 4154 of this title, and the United States Postal Service with respect to standards issued under section 4154a of this title --

(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 investigations to insure compliance with such standards.

§ 4157. Reports to Congress and Congressional committees

(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 chapter during the preceding fiscal year including, but not limited to, standards issued, revised, amended, or repealed under this chapter 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 792 of Title 29 shall report to Public Works and Transportation Committee of the House of Representatives and the Environment and 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 chapter.

¹A 1976 amendment deleted the following words from the end of paragraph (2): "after construction or alteration in accordance with plans and specifications of the United States." That amendment applied 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." (Pub. L. 94-541)