

ACCESS

Under the Congressional Accountability Act of 1995, legislative branch offices are required to comply with the public access provisions of Titles II and III of the Americans with Disabilities Act of 1990 (ADA). This means that legislative branch public services and accommodations, including the facilities where such services are provided, must be accessible to persons with disabilities. The CAA also applies the ADA Title I employment provisions prohibiting discrimination in personnel actions to the legislative branch.



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ADA ACCESS IN THE LEGISLATIVE BRANCH

FOR PERSONS WITH DISABILITIES



WHO IS COVERED AND WHO MUST COMPLY WITH THE ADA ACCESS PROVISIONS?

Under the CAA, the ADA provides protections to anyone who receives public services or accommodations from the following legislative branch offices:

Each office of the House of Representatives and the Senate (including all offices of Members of Congress, district and state offices, committees, and joint committees); Capitol Police;
Congressional Budget Office;
Office of the Architect of the Capitol (including Botanic Garden);
Office of the Attending Physician;
Office of Congressional Workplace Rights;
Office of Technology Assessment;
Library of Congress,
John C. Stennis Center for Public Service Training and Development;
China Review Commission;
Congressional-Executive China Commission; and Helsinki Commission

The Government Accountability Office (GAO), and the Government Printing Office (GPO) are also required to comply with the ADA; however, complaints concerning these offices must be filed with these offices directly. GAO complaints may be submitted to the GAO Reasonable Accommodation Coordinator at (202) 512- 3139 and GPO complaints may be submitted to the GPO Equal Employment Opportunity Office at (202) 512-2014.

WHAT DOES GUARANTEED ACCESS MEAN?

While the access provisions of the ADA can sometimes be confusing, understanding a few basic concepts can help. Here are some key ADA principles of access:

- **Access means non-discriminatory eligibility.** A person with a disability cannot be deemed ineligible for a program or service because of their disability. For example, if an office usually provides a service to constituents, that service cannot be denied to a constituent with a disability because of that disability.
- **Access means effective communication.** Communication with a person with a communication impairment (such as limited hearing, seeing, or speaking abilities) must be equally effective as communication with a person without a disability. This may require that covered offices provide an auxiliary aid or service when needed to communicate effectively with an individual with a communication disability. For example, furnishing in-person constituent services to a deaf person whose principal language is American Sign Language (ASL) may require that an ASL interpreter be provided to facilitate face-to-face communication.

BIENNIAL INSPECTIONS OF CONGRESSIONAL PROPERTIES

Pursuant to section 210(f) of the CAA, at least once each Congress, the OCWR Office of the General Counsel (OGC) conducts ADA inspections of legislative branch facilities and reports its findings to Congress. The OCWR focuses its biennial ADA inspections on areas of most concern to the public, i.e., areas where programs and services are frequently provided to the public, areas identified in requests for inspections, and areas undergoing alterations or new construction.

The OGC utilizes a “barrier removal” approach when conducting these inspections. Under this approach, barriers to access are identified and categorized based upon how severely they limit access. Inspectors also identify possible solutions and estimated costs for installing or implementing these solutions.

REQUESTS FOR INSPECTIONS

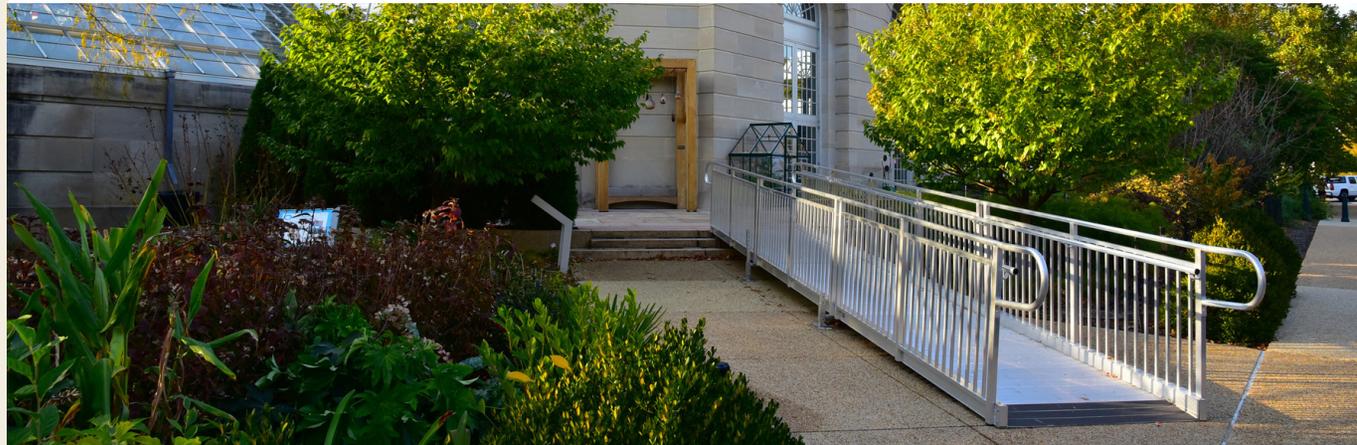
In addition to our biennial ADA inspections, the OGC may also inspect covered facilities upon receipt of a request for inspection. Any person (including any member of the public or legislative branch employee) can file a request for an ADA Inspection with the OGC if he or she believes that a person with a disability is encountering barriers to access to public services provided by a legislative branch office or the facilities where those services are provided. Requestors can remain anonymous, which means that their identities will not be revealed to anyone outside of the OCWR.

- **Access means physical access.**

Physical access to an accommodation, service or program, may require removal of architectural barriers in the facilities where that service or program is provided.

Architectural barriers are physical elements of a facility that impede access for individuals with disabilities and can include for example, manually-operated doors that are difficult to open, narrow doorways, stairs without ramps or lifts, and sidewalks without curb cuts.

- **Access does not mean that the nature of a service must be changed for a person with a disability.** For instance, if an office only provides services to constituents residing within a particular voting district, the office need not provide those services to a person with a disability who does not live in the district merely because the individual has a disability.



DISPUTE RESOLUTION FOR ADA PUBLIC ACCESS VIOLATIONS

An individual with a disability who alleges a violation of the ADA public access provisions applied by the CAA may file a charge of discrimination with the OGC. The OGC will investigate such charges, and if, upon investigation, the OGC believes that a violation has occurred, the OGC may file an administrative complaint with the OCWR against the entity responsible for correcting the alleged violation. The OGC may also request mediation between the charging party and the entity responsible for correcting the alleged violation.

To file a request for inspection, or to learn more, please contact the OGC at adaaccess@ocwr.gov or (202) 724-9251.

For assistance with employment-related ADA matters concerning a legislative branch entity, please contact the OCWR at (202) 724- 9250. The OCWR provides employees and applicants with information about their rights under the CAA and the OCWR administrative dispute resolution process at no cost to them.

EDUCATION ABOUT COMPLIANCE WITH ADA PUBLIC ACCESS REQUIREMENTS

The OCWR provides training, educational materials, and periodic seminars throughout the year about ADA compliance and best practices. Most educational materials and scheduled events can be found on the OCWR website at ocwr.gov.

Legislative branch offices can also request technical assistance and training from the OCWR about specific ADA topics.

OTHER CAPITOL HILL ACCESSIBILITY RESOURCES

The Office of Congressional Accessibility Services (OCAS) provides a variety of services for individuals with disabilities who are visiting Capitol Hill, such as adaptive tours of the Capitol building, wheelchair loans, assistive listening devices, sensory aids, and sign language interpreting. OCAS can also assist with questions regarding accessibility issues in the Capitol, the House of Representatives, and the Senate. Crypt of the Capitol, U.S. Capitol, Washington, DC 20510

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8:00 a.m. to 4:30 p.m., Monday through Friday

