

BENIGNAVAL REPORT

Accessibility Report for the 117th Congress



on Americans
with Disabilities
Act Public
Services and
Accommodations
Inspections



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STATEMENT FROM THE GENERAL COUNSEL

As provided in Section 210(f)(1) of the Congressional Accountability Act (CAA), 2 U.S.C. § 1331(f)(1), during each Congress, the Office of the General Counsel (OGC) of the Office of Congressional Workplace Rights (OCWR) is required to inspect legislative branch facilities for compliance with the public services and accommodations provisions of the Americans with Disabilities Act of 1990 (ADA). On the basis of these periodic inspections, the OGC must prepare and submit a report containing the results. 2 U.S.C. § 1331(f)(2).

The reports that we issue and make public at least once each Congress summarize the detailed reports we provide to legislative branch offices throughout the inspection period. During our ADA inspections, we work with offices to identify barriers to access by comparing existing conditions with the 2010 ADA Standards for Accessible Design (the most recent standards). When we find a condition that is not in compliance with the 2010 Standards, we make a finding identifying the condition as a barrier to access and report it as such. Not all barriers to access are necessarily violations of the ADA. In some cases, the condition may be in compliance with the 1991 ADA Standards, but not the 2010 Standards, making the condition “safe harbored” until the area is renovated or altered. In other cases, there may be technical feasibility or historicity issues that render compliance with the standard extremely difficult or not possible. In those cases, we work with the Architect of the Capitol (AOC) and other employing offices to find other ways to address the accessibility issues. While not all barriers to access are necessarily violations of the ADA, we believe it is important to identify all barriers to access so that these issues can be addressed when planning future projects.

Our work during the 117th Congress was extensive, including our first comprehensive inspection in the Thomas P. O’Neill Jr. House Office Building; the United States Botanic Garden, a popular destination for visitors; exterior routes, the accessibility of which significantly impacts visitors to the Capitol Hill campus as well as those passing through; House and Senate Member offices; and more. I am especially excited by our work with the Office of the Chief Administrative Officer (CAO) regarding the accessibility of House Member office furniture, detailed in the Spotlight section of this report.

As noted throughout this report, we continue to make substantial progress in improving accessibility on the Capitol Hill campus. The most recent ADA progress report from the AOC is attached to this report. It indicates how many barriers have been closed and how many have planned engineering solutions being developed. We once again thank the AOC and the other employing offices for working with us to develop and implement solutions to the barriers that have been identified.

John D. Uelmen
General Counsel

INTRODUCTION

OCWR OGC Accessibility Program

Through the ADA inspection program, we aim to empower employing offices with the information they need to make their spaces accessible to individuals with disabilities.

Under Section 210 of the CAA, the OGC enforces the public services and accommodations provisions found in Titles II and III of the ADA. These provisions mandate that public services and accommodations, including the facilities where these services are provided, be accessible to individuals with disabilities. The OGC's ADA work supports the mission of the OCWR to advance workplace rights, safety and health, and accessibility in the legislative branch of the federal government. Specifically, the OGC's ADA program advances goals set forth in the OCWR's Strategic Plan for 2021-2026.

Many aspects of the OGC's ADA work support Goal 1 of the Strategic Plan, *Advance understanding of workplace rights and best practices through education and outreach to the congressional community*. By monitoring developments regarding the ADA in the executive branch, we are able to ensure that the most current and relevant information is provided to the legislative branch. Through efforts such as the OGC Brown Bag Lunch program, we provide periodic advanced training programs covering best practices, contemporary issues, and recent developments regarding the ADA. For example, during the 117th Congress, OGC delivered two Brown Bag sessions that included case law under the ADA, as well as one Brown Bag focused on OCWR's ADA rulemaking and pending regulations (see page 24 for more information on the rulemaking).

The OCWR Strategic Plan's Goal 2, *Promote a fair, safe, and accessible congressional workplace through efficient and effective enforcement of statutory rights*, encompasses the OGC's ADA inspection program, which is detailed in this report. Through the ADA inspection program, we aim to empower employing offices with the information they need to make their spaces accessible to individuals with disabilities. We conduct our biennial inspections of legislative branch facilities and grounds on the Hill with that aim in mind. Our inspections help offices identify areas where improvement is needed and consider suggestions to improve accessibility. We also use the inspection results to develop educational resources for use by the offices to improve access. Since the inception of our inspection program, we have seen tremendous progress in improved accessibility of Capitol complex facilities.

Other OGC ADA work advancing this goal includes processing and investigation of requests for ADA inspection. During the 117th Congress, the OGC received two ADA requests for inspection. Both requests concerned lack of captioning of live broadcasts on a committee's YouTube channel. The responsible employing offices in these matters fully cooperated with our office, removed barriers, and, where applicable, implemented solutions to prevent future violations.

The OGC also advances OCWR's Goal 2 by providing technical assistance to employing offices to facilitate barrier removal. The OGC has found that educating the legislative branch community about the accessibility requirements of the ADA, and how to remove specific barriers, is one of the most effective ways to improve access. From live training to video content to the office's Fast Facts publications series, we provide a range of resources to help employing offices learn about their obligations under the ADA. We additionally provide technical assistance regarding barrier removal upon request.

This report highlights some of the most significant areas of improvement on Capitol Hill and summarizes the results of our 117th Congress ADA inspections.

ADA Barrier-Removal Survey Process

To maximize resources, each biennial inspection focuses on specific facilities or grounds.

Since the 111th Congress, the OGC has utilized a barrier-removal survey approach to document accessibility barriers during inspections. This involves 1) identifying barriers to access, as measured against the 2010 ADA Standards for Accessible Design; 2) assessing the severity of each barrier to quantify the need for removal; and 3) evaluating potential solutions to the barriers based upon cost and need.

To maximize resources, each biennial inspection focuses on specific facilities or grounds. Within each facility, we focus on the areas that are open to visiting members of the public, such as entrances/exits, bathrooms, elevators, and interior routes.

During the 117th Congress, the OGC continued its contractual relationship with Evan Terry Associates, P.C. to utilize its ADA survey software to implement the barrier-removal survey approach on the Capitol Hill campus. Individual barriers are assigned a severity code of either A, B, C, or D. These codes signify how much the barrier deviates from the 2010 Standards and the relative impact of this deviation on individuals with disabilities.

ADA Barrier Severity Codes

- A. Safety Consideration
- B. Blocks Access
- C. Major Inconvenience
- D. Minor Inconvenience

Consistent with how ADA surveys are usually conducted for private corporations and government entities, the OGC does not record D-coded severities in its surveys because the deviation at issue in these barriers has little practical impact upon accessibility. Consequently, the cost to correct the deviation usually far exceeds any benefit that would result from correcting the deviation.

In addition to the standard severity codes A-D, barriers may be assigned a severity code of G, which means that the element in question did not meet the requirements of the 2010 Standards but did meet the requirements of the 1991 Standards, which, in some cases, are less strict. Under the ADA, such barriers do not need to be corrected unless the element in question has been altered or replaced since the 2010 Standards became enforceable. If the element has not been altered or replaced, it qualifies for the safe harbor exception, and the responsible party does not need to take further action until it alters or replaces the element. The OGC still notifies employing offices of G-coded barriers identified in their facilities so that these offices can better plan for alterations and replacements.

117TH CONGRESS INSPECTION RESULTS

During the 117th Congress, the OGC's inspections on Capitol Hill focused on the Capitol Grounds, Union Square, the United States Botanic Garden, the Library of Congress John Adams Building, and Member offices and Committee hearing rooms in the House and Senate Office Buildings.

In total, we identified 566 barriers to access at these facilities. The Capitol Grounds had the highest number of barriers (194), followed by the Thomas P. O'Neill Jr. House Office Building (186), and the United States Botanic Garden (70).

Capitol Grounds	194
Thomas P. O'Neill Jr. House Office Building	186
United States Botanic Garden	70
Union Square	39
Cannon House Office Building	32
Rayburn House Office Building	23
Longworth House Office Building	18
Library of Congress John Adams Building	2
Russell Senate Office Building	1*
Dirksen Senate Office Building	1*

Grand Total 566

*Includes one or more whole facility barriers

Barrier Categories

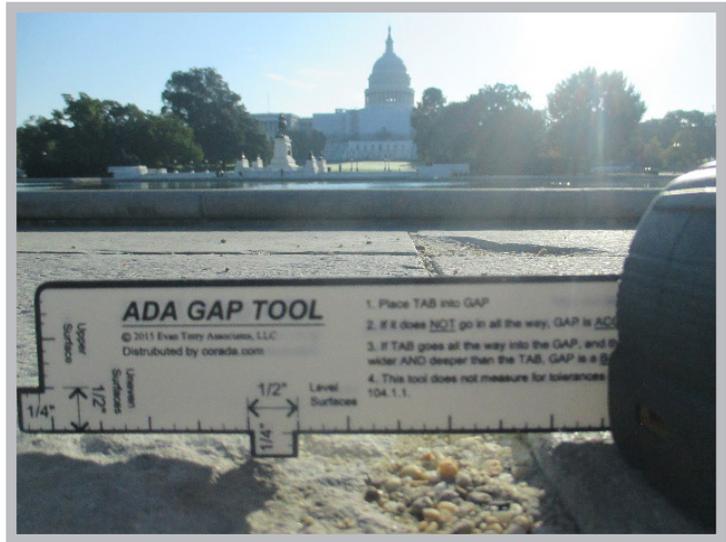
For identification purposes, we categorize the barriers into barrier types, which generally reflect the particular type of object found to be inaccessible or the area in the facility where we identified the barrier, such as in a bathroom or an elevator lobby. In the 117th Congress, the most commonly identified barrier category was Multi-User Bathroom. Nearly one-third of the total barriers (178 out of 566, or approximately 31.45%) were identified in this category.

Most of the barriers we identified in the Multi-User Bathroom category impact the use of bathrooms by people with mobility disabilities (such as an accessible stall lacking a door pull handle on both sides). This category also includes barriers to people who are blind or have low vision (missing tactile signs identifying bathrooms) and those who have limited dexterity (soap dispensers that require two hands to operate).



This image shows a bathroom stall door with a door pull provided on only one side of the door.

After Multi-User Bathroom, the category with the next highest number of barriers identified during the 117th Congress was Exterior Route, with 135 barriers (approximately 23.85% of the total). Exterior Route barriers include excessively cross-sloped sidewalks, sidewalks with large gaps or changes in level, and other barriers that can pose a challenge to mobility device users or people with other disabilities.



An ADA Gap Tool is used to measure a sidewalk in Union Square.

Multi-User Bathroom	178
Exterior Route	135
Curb Ramps	117
Interior Route	80
Doors	36*
Signage	12
Stairs	4
Drinking Fountains	2
Business and Mercantile	1
Elevator Lobby	1
Grand Total	566
*Includes one or more whole facility barriers	

Whole Facility Barriers

The Doors category includes two whole facility barriers. The whole facility designation is used when an issue is repeatedly identified across a substantial number of offices or locations in a single facility. Whole facility barriers are generally architectural in nature, such as doors that do not meet ADA standards. They are generally not within the control of individual offices or facilities and will need to be addressed as a whole by the AOC or the CAO. In contrast, a barrier that is within the control of the facility or the Member office itself—like a candy dish out of reach range—would be reported individually, even if present across a large number of offices.

See the Senate Member Offices and Committee Hearing Rooms section, page 21, for more information about the whole facility barriers identified during the 117th Congress.

LOCATIONS

Thomas P. O'Neill Jr. House Office Building

Some offices of the House of Representatives are found in the Thomas P. O'Neill Jr. House Office Building. During the 117th Congress, we performed our first comprehensive survey of the interior of the O'Neill Building. Surveys at O'Neill during previous Congresses were limited to exterior routes (114th and 115th Congresses) and the Office of Attending Physician's health unit (116th Congress).

We identified 186 barriers in the O'Neill Building. About 75% of these, 140 barriers, were found in multi-user bathrooms. Of these, the most common barriers were coat hooks mounted too high (39 barriers); accessible stall doors lacking door pull handles (36); doors closing too fast or requiring too much force to open (25); and toilet paper dispensers mounted in incorrect locations (19). These types of barriers can make it challenging for people with mobility disabilities to use a bathroom.

Some barriers identified in the O'Neill Building affect people who are blind or have low vision, such as a lack of required tactile signage.

The chart that follows lists the total number of barriers in each category we identified in the O'Neill Building during the 117th Congress and describes the specific types of barriers within each category.



This image shows the O'Neill House Office Building.



A toilet paper dispenser's centerline is located behind the front of the toilet.



A coat hook is mounted at 72 inches high on a bathroom wall.

O'Neill House Office Building Barriers

Multi-User Bathroom	140
Coat hook is mounted too high	39
Stall door does not have door pull on both sides	36
Nonfire-rated interior door closes too quickly and/or requires too much force to open	25
Toilet paper dispenser is not mounted in correct location in stall	19
Incorrect height of baby changing table surface	8
Toilet flush mechanism obstructs rear grab bar	3
Threshold is too high and/or is not beveled appropriately	2
Door maneuvering clearance area obstructed by a trash can	2
Raised letter and braille sign for bathroom is missing	2
Accessible stall door is not self-closing	2
Fire door closes too quickly	1
Slope of floor at door maneuvering clearance area is too steep	1
Doors	28
Fire door closes too quickly	15
Nonfire-rated interior door closes too quickly and/or requires too much force to open	11
Viewing panel in door is too high	1
Exterior door closes too quickly	1
Signage	11
Required tactile exit sign is missing	11
Stairs	4
Stair level is not identified with raised letters and braille	4
Interior Route	2
Protruding object projects too far out into walkway	1
An accessible route is not provided to all publicly available spaces	1
Elevator Lobby	1
Audible and visual signals are not provided at each elevator	1
<hr/> Grand Total	<hr/> 186

United States Botanic Garden

The United States Botanic Garden was established by Congress in 1820 and is the oldest continuously operating public garden in the United States.¹ During the 117th Congress, we surveyed parts of the Botanic Garden and identified 70 barriers. We previously surveyed parts of the Botanic Garden, focusing on exterior routes during the 114th Congress.

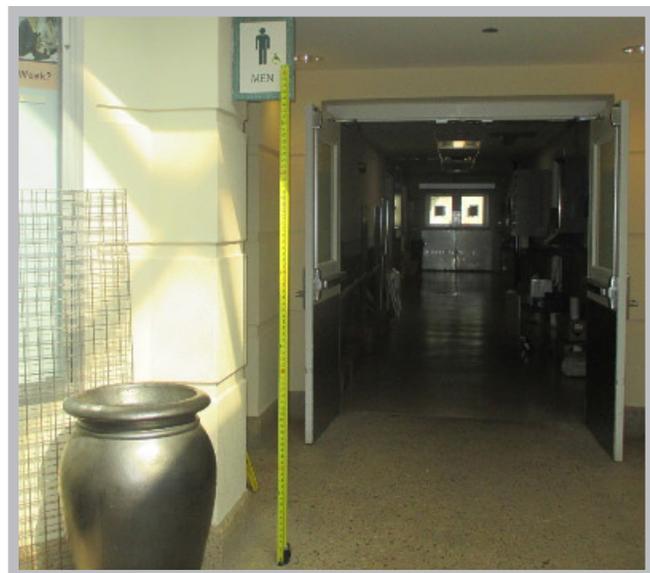
Over half (38) of the barriers we identified in the Botanic Garden during the 117th Congress were found in multi-user bathrooms.

These include barriers that could make using the bathroom a challenging experience for people with a variety of disabilities. For instance, pipes below a sink that are not covered or insulated can pose a hazard to mobility device users when positioning themselves at a sink. A sign for the bathroom that protrudes from the wall and is positioned too low can pose a hazard for someone who is blind or has low vision. A coat hook mounted too high on a stall door can pose a barrier for mobility device users, people of short stature, and people whose disabilities limit arm movement.

Over half (38) of the barriers we identified in the Botanic Garden during the 117th Congress were found in multi-user bathrooms.



Pipes below a bathroom sink are not insulated or covered.



A bathroom sign protrudes from a wall 77 inches above the floor.



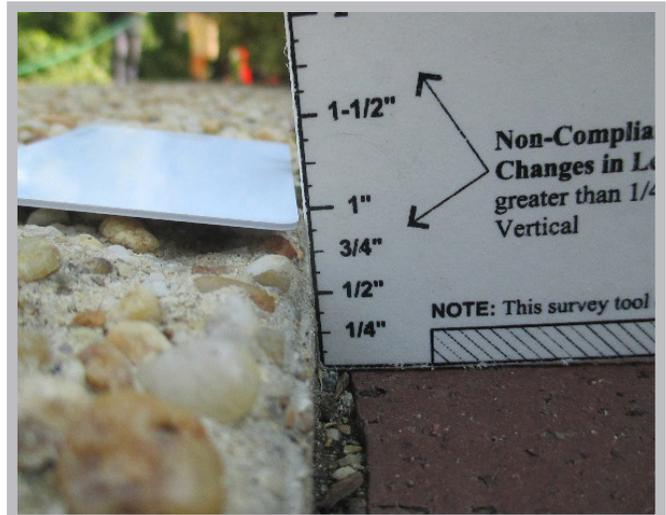
A coat hook is mounted at 63.75 inches high on a bathroom stall door.

¹ About Us, United States Botanic Garden, accessed March 7, 2024, <https://www.usbg.gov/about-us>.

We found the next highest number of barriers, 19, in the Exterior Route category, most of which impact the use of the facility by people with mobility disabilities, such as vertical transitions that were too high.

The Botanic Garden typically serves over one million visitors per year, but at the time of our inspection its conservatory had been closed to the public for some time due to COVID-19. This led to some overgrown plants and trees partially obstructing accessible routes. Fortunately, these barriers are easily removable by trimming the plants.

The chart that follows lists the total number of barriers in each category we identified at the Botanic Garden during the 117th Congress and describes the specific types of barriers within each category.



A vertical transition measures 0.875 inches high.



Handrails at a spiral staircase are obstructed by overgrown plants.



This image shows an accessible route through the Bartholdi Fountain and Gardens.

United States Botanic Garden Barriers

Multi-User Bathroom	38
Toilet paper dispenser is not mounted in correct location in stall	5
Stall door does not have door pull on both sides	4
Accessible stall door is not self-closing	4
Insufficient knee and/or toe clearance at sink	3
Pipes are not insulated or covered	2
No smooth surface or panel on bottom of push side of door	2
Insufficient clearance width in front of sink	2
Coat hook is mounted too high	2
Soap dispenser control cannot be operated with one hand	2
Stall door swings into minimum required stall area	2
Sink countertop or rim is too high	2
Nonfire-rated interior door closes too quickly and/or requires too much force to open	2
Toilet seat is not at required height	1
Maneuvering clearance on pull side of out-swinging stall door is insufficient	1
Wall-hung urinal rim is too high	1
Insufficient clear floor space at paper towel dispenser/hand dryer	1
Ambulatory accessible stall does not have parallel side grab bars on both sides of the stall	1
Clear passageway to accessible stall is too narrow	1
Exterior Route	19
Existing vertical transition is higher than permitted, or is within the required height range but not beveled, or slope at existing beveling is too steep	6
Insufficient knee and/or toe clearance at tables	5
Cross slope of accessible exterior route (perpendicular to the direction of travel) is too steep	2
Floor or ground surface has horizontal openings that are too large	2
Table clear floor space is not located on an accessible route	1
Headroom clearance at exterior accessible route or circulation path is less than required	1
Ground surface of accessible route is not firm, stable, and/or slip resistant	1
Clear width of existing exterior route is too narrow	1
Interior Route	10
Protruding object projects too far out into walkway	4
Handrail gripping surface is obstructed along tops or sides	2
Clear floor space at item is not located on an accessible route	1
Clear floor space slope is too steep	1
Headroom clearance at circulation path is less than required	1
Cross slope of accessible route is too steep	1
Drinking Fountain	2
The only available drinking fountain accommodates people who use wheelchairs, but not those who have problems bending/stooping	1
Insufficient clear floor space at drinking fountain	1
Doors	1
Door closes too quickly and/or requires too much force to open	1

Grand Total **70**

Capitol Grounds

The United States Capitol is surrounded by the Capitol Grounds, a nearly 60-acre park-like area.

During the 117th Congress, we surveyed parts of the Capitol Grounds and identified 194 barriers. There were 101 barriers related to curb ramps, including curb ramps with excessive slopes; curb ramp surfaces with cracks, expansion joints, and/or vertical transitions; and excessive counter slope of gutters or road surfaces adjacent to curb ramps.

There were 93 barriers related to other aspects of exterior routes. Over half (49) of these were portions of exterior routes with excessive cross slopes (perpendicular to the direction of travel). Approximately one-third (32) concerned areas of exterior routes with openings in the direction of travel of excessive width and/or depth.

While most of the barriers we found at the Capitol Grounds impact people with mobility disabilities, two are most impactful to blind or low-vision people. An electrical box projecting into an accessible route constituted a “protruding object” that someone might collide with, and an overgrown tree branch reduced the headroom on another route.

We have inspected other parts of the Capitol Grounds during previous Congresses and did not reinspect those spaces during the 117th Congress.

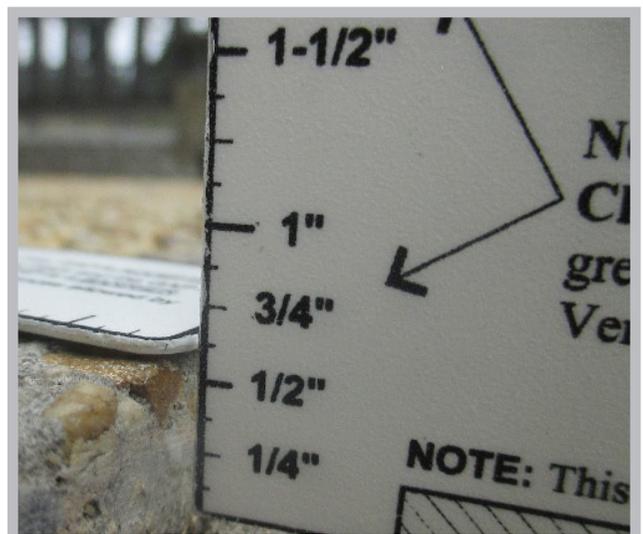
The chart that follows lists the total number of barriers in each category we identified within the Capitol Grounds during the 117th Congress and describes the specific types of barriers within each category.



A curb ramp is measured with a slope meter.



A vertical transition is measured on a sidewalk.



A vertical transition on a sidewalk measures 0.625 inches high.

Capitol Grounds Barriers

Curb Ramps	101
Curb ramp surface contains cracks, expansion joints, and/or vertical transition	50
Cross slope of existing curb ramp (perpendicular to the direction of travel) is too steep	22
Counter slope of adjoining gutters or road surfaces immediately adjacent to curb ramp or accessible route is too steep	15
Slope of existing curb ramp in the direction of travel is too steep	9
Slope of upper landing at curb ramp is too steep	2
Slope of accessible route continuing in direction of curb ramp is too steep	2
Top landing is too small	1
Exterior Route	93
Cross slope of accessible exterior route (perpendicular to the direction of travel) is too steep	49
Sidewalk and/or expansion joint has openings that are too large in the direction of travel	32
Existing vertical transition is higher than permitted, or is within the required height range but not beveled, or slope at existing beveling is too steep	6
Slope of existing exterior route is too steep	2
Headroom clearance at exterior accessible route or circulation path is less than required	1
Mounted or other object protrudes too far out into walkway	1
Clear floor space slope at crosswalk button is too steep	1
Exterior route connecting accessible buildings, facilities, and/or elements is not accessible	1
Grand Total	194



The United States Capitol is surrounded by the Capitol Grounds, a nearly 60-acre park-like area.

Union Square

Located at the foot of Capitol Hill, just west of the U.S. Capitol, Union Square is an 11-acre area encompassing the Ulysses S. Grant Memorial and the Capitol Reflecting Pool.

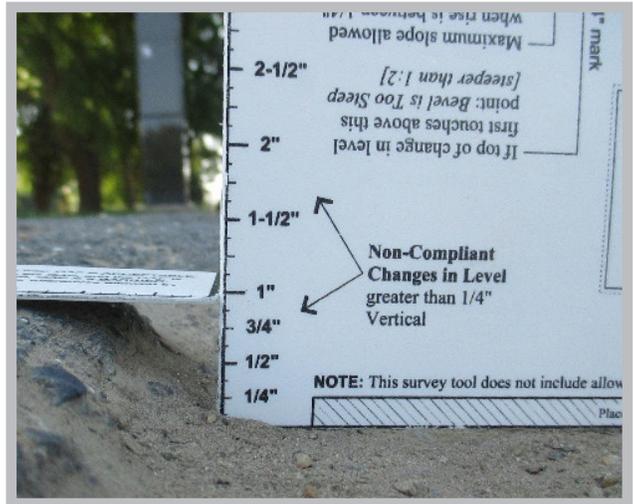
During the 117th Congress, we surveyed parts of Union Square and identified 39 barriers.

The barriers we identified at Union Square concerned curb ramps (16 barriers) and other parts of exterior routes (23 barriers). These barriers most impact people with mobility disabilities, including sidewalks and curb ramps that are too steep and have cracks or gaps.

The chart that follows lists the total number of barriers in each category we identified at Union Square during the 117th Congress and describes the specific types of barriers within each category.



A vertical transition is measured on a sidewalk.



A vertical transition on a sidewalk measures 1 inch high.

Union Square Barriers

Exterior Route	23
Sidewalk and/or expansion joint has openings that are too large in the direction of travel	9
Cross slope of accessible exterior route (perpendicular to the direction of travel) is too steep	7
Existing vertical transition is higher than permitted, or is within the correct height range but not beveled, or slope at existing beveling is too steep	4
Slope of existing exterior route is too steep	2
Exterior accessible route's clear width is less than required	1
Curb Ramps	16
Counter slope of adjoining gutters or road surfaces immediately adjacent to curb ramp or accessible route is too steep	7
Curb ramp surface contains cracks, expansion joints, and/or vertical transition	5
Slope of existing curb ramp in the direction of travel is too steep	3
Slope of upper landing at curb ramp is too steep	1
Grand Total	39

Library of Congress John Adams Building

In keeping with our focus on exterior routes as part of the 117th Congress biennial inspections, we surveyed parts of the west entrance of the John Adams Building and identified two barriers.

The ground is excessively sloped at the automatic door control, which could make it challenging for mobility device users (especially those who use manual wheelchairs) to press the button to open the door. Additionally, the accessible entrance to the Adams Building is not labeled with the International Symbol of Accessibility, which is required at locations where not all entrances are accessible.

We have inspected other spaces and grounds of the Adams Building during previous Congresses and did not reinspect those spaces during the 117th Congress.

The ground is excessively sloped at the automatic door control, which could make it challenging for mobility device users to press the button to open the door.

The chart that follows lists the total number of barriers in each category we identified in the Adams Building during the 117th Congress and describes the specific types of barriers within each category.



An image of a doorway into the John Adams Building.



The International Symbol of Accessibility.

John Adams Building Barriers

Doors	1
Clear floor space slope at automatic door control is too steep	1
Signage	1
No International Symbol of Accessibility at accessible entrance	1
Grand Total	2

House Member Offices and Committee Hearing Rooms

As we do each Congress, we surveyed Member offices and Committee hearing rooms in the House Office Buildings. Our surveys here during the 117th Congress identified 73 barriers: 32 in Cannon, 23 in Rayburn, and 18 in Longworth. This number is promising, given the large number of Member offices, and reflects the commitment to accessibility by the Office of House Employment Counsel, the CAO, and individual Member offices.

Nearly all the barriers pertained to interior routes within offices (68), and the majority of those were tables without enough knee and/or toe clearance for wheelchair users (49). See Spotlight on Furniture on page 22 for more information on the CAO's work to increase accessibility of Member office furniture.

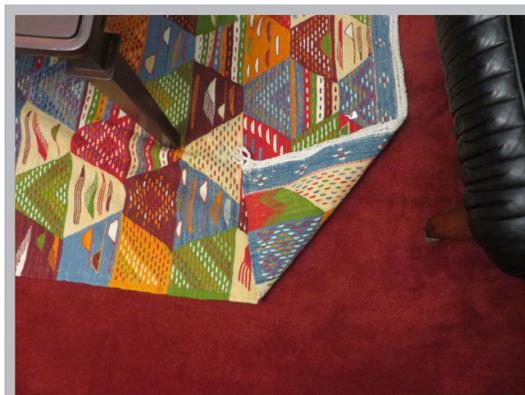
The next highest barrier count were rugs or floor mats that constituted tripping hazards or could get caught in a mobility device (10).

Typically, the barriers found in Member offices stem from furniture, furniture layout, and self-service items and are not structural in nature. This means that many Member office barriers can be resolved easily, quickly, and often at no cost. The OCWR has easy-to-understand ADA resources, including a short ADA inspection tutorial video and a tip sheet on improving office accessibility, to help Member offices configure their office spaces in accordance with the ADA Standards and address common issues. Offices may access these resources on our website at ocwr.gov.

Typically, the barriers found in Member offices stem from furniture, furniture layout, and self-service items and are not structural in nature.



A table's knee clearance measures 25 inches high.



The edge of a rug folds easily and can cause tripping.



A coffee maker measures 54 inches high.

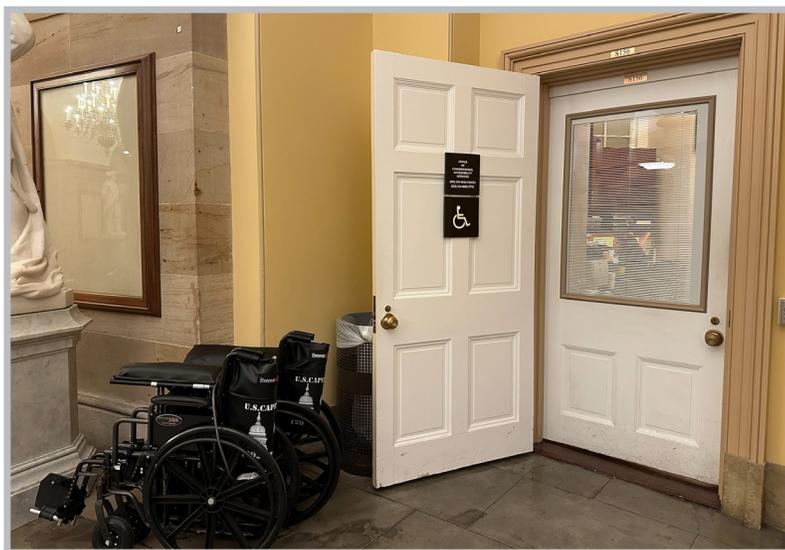
House Member Office and Committee Hearing Room Barriers (Per Office Building)

Cannon House Office Building	32
Rayburn House Office Building	23
Longworth House Office Building	18
Grand Total	73

The chart that follows lists the total number of barriers in each category we identified in the House Office Buildings during the 117th Congress and describes the specific types of barriers within each category.

House Member Office and Committee Hearing Room Barriers

Interior Route	68
Insufficient knee and/or toe clearance at dining or work surface	49
Floor mat or rug could cause tripping	10
Clear width of accessible route is less than required	5
Clear floor space at item is obstructed	3
Item is outside reach range	1
Doors	4
Nonfire-rated interior door closes too quickly and/or requires too much force to open	3
Door maneuvering clearance area obstructed by a chair	1
Business and Mercantile	1
Counter is too high	1
Grand Total	73



The Office of Congressional Accessibility Services also works to provide accessibility on the Capitol campus.

Senate Member Offices and Committee Hearing Rooms

Each Congress, we survey Member offices and Committee hearing rooms in the Senate Office Buildings. Our surveys here during the 117th Congress identified two whole facility barriers regarding door width that were present across a number of hearing rooms in the Russell and Dirksen Senate Office Buildings.

These barriers pertained to doors with inadequate clear width for a wheelchair user, or other mobility device user, to pass through. At a double-leaf door, at least one active leaf must provide 32 inches of clear width. While we note these particular barriers in our database, they are considered resolved as the occupants of the rooms clarified the doors either remain open during business hours, a door attendant is present during events, or the room is not for public access.

During the 117th Congress, no barriers were found in Senate Member offices. This is excellent news.

During the 117th Congress, no barriers were found in Senate Member offices. This is excellent news and reflects the commitment to accessibility of the Office of Senate Chief Counsel for Employment and individual Member offices.

The chart that follows lists the total number of barriers in each category we identified in the Senate Office Buildings during the 117th Congress and describes the specific types of barriers within each category.



A door's clear width measures 29 inches.



This image shows an open door into a Committee hearing room.

Senate Member Office and Committee Room Barriers

Doors	2*
Insufficient clear width at door	2*
Grand Total	2*

*Includes one or more whole facility barriers

SPOTLIGHT ON FURNITURE

The 117th Congress saw significant efforts by the CAO to improve furniture accessibility. The CAO is a nonpartisan office that provides support services to House Members, Offices, and staff.² Member offices select furniture from a catalog provided by the CAO, which procures and supplies the selected items. Still, many of the barriers found in Member offices stem from furniture.

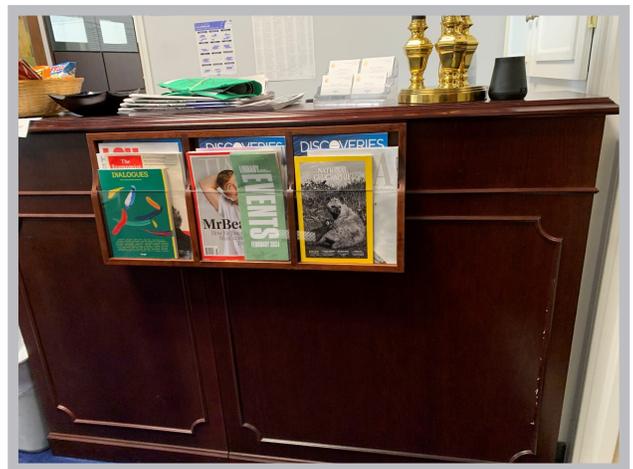
The CAO and other stakeholders met with the OCWR OGC during the 117th Congress to discuss furniture accessibility. The CAO discussed efforts to provide more information regarding accessibility, such as incorporating ADA requirements in training for new CAO staff and including more designations of ADA compliance in the CAO furniture catalog.

Additionally, the CAO is making more accessible furniture items available to Member offices.

Literature Racks

During the 116th Congress, we designated furniture-related whole facility barriers for literature racks in House Member offices, portions of which were outside of accessible reach ranges. The literature racks, like other furniture, are supplied to the offices by the CAO. Since the issue is not within the control of the offices and must be addressed by the CAO, we used the whole facility barrier designation.

During the 117th Congress, CAO staff reported that new literature racks have been rolled out and installed in new Member offices. Installation instructions on the back of the new racks instruct offices on how to mount them at a compliant height. CAO staff reported the need to develop a plan to replace the old racks that some offices still have.



A compliant literature rack is shown mounted on a desk.

Meeting Tables

Meeting tables without enough knee and/or toe clearance for wheelchair users make up a significant portion of the barriers identified in Member offices each Congress. The CAO recognizes this and continues to explore alternative possible ADA-compliant table options.



A table's knee clearance measures 23.5 inches high.

² Chief Administrative Officer, U.S. House of Representatives, accessed March 7, 2024, <https://cao.house.gov/about>.

CURRENT PROGRESS

Updates From the AOC

At the beginning of each year, the AOC updates the OCWR OGC on its progress with removing identified barriers and improving accessibility in Capitol complex facilities and grounds. The AOC uses a third-party consultant to verify that accessibility barriers have been remediated.

Based on the status of this verification process as of the AOC's February 2024 update (which includes updates through December 31, 2023), the AOC reports that barriers identified in the 111th, 112th, 113th, 114th, 115th, 116th, 117th, and 118th Congresses have been verified as closed as follows:

- ◆ **111th Congress: 91% closed**
- ◆ **112th Congress: 96% closed**
- ◆ **113th Congress: 64% closed**
- ◆ **114th Congress: 68% closed**
- ◆ **115th Congress: 69% closed**
- ◆ **116th Congress: 59% closed**
- ◆ **117th Congress: 9% closed**
- ◆ **118th Congress: 3% closed**

The AOC also highlights some of its recent key accessibility improvements, including:

- ◆ **Continued improvement to the physical accessibility of the Capitol campus, such as installation and/or renovation of ramps, sidewalks and curb cuts**
- ◆ **Installed accessible lift to provide access to the Rayburn House Office Building hearing room dais**
- ◆ **Constructed additional accessible lactation room in Hart Senate Office Building, beyond ADA requirements**
- ◆ **Installed automatic door operators throughout the Library of Congress Buildings and Grounds**

This update from the AOC is included as the Appendix of this report.

Barrier Removal Costs

While the OGC has not received cost estimates from the AOC for this report, the software used for conducting the inspections and developing solutions generates rough estimates of the costs associated with the solutions, adjusting for construction costs in the Washington, D.C. area and the higher costs associated with government construction work.

Based on these software estimates, the total cost for correcting all the barriers found during the 117th Congress totals approximately \$7.7 million. The actual construction costs for removing these barriers have not been confirmed or validated by the AOC.

Pending Regulations

The CAA requires the Board of Directors of the OCWR to issue regulations implementing the public access provisions of the ADA in the legislative branch. The CAA further requires that such regulations be the same as the Department of Justice's and Department of Transportation's ADA regulations (except where the Board determines that there is good cause to modify them). During the 117th Congress, the OCWR Board proposed ADA regulations, opened them to public comment, and adopted them after consideration of the comments received. The Board then submitted them to Congress for approval via a notice of adoption in the *Congressional Record* on March 28, 2023. To date, no congressional action has been taken on any of the Board's adopted ADA regulations (the Board also submitted adopted ADA regulations to Congress for approval in 1997 and 2016) and therefore these regulations have not been issued.

OCWR ADA regulations are necessary to advance accessibility in the legislative branch. These proposed regulations will clarify that covered entities must comply with the ADA public access provisions applied to public entities and public accommodations to implement Titles II and III of the ADA. Congressional approval and Board issuance of ADA public access regulations under the CAA will also eliminate any question as to the ADA public access protections that are applicable in the legislative branch.

Transition Plans

Although Congress has not approved the ADA regulations that have been adopted by the OCWR Board of Directors and submitted for congressional approval, the proposed regulations follow those promulgated by the Department of Justice by requiring consultation with members of the disability community and the development of transition plans that will determine how and when barriers will be removed and facilities will otherwise be made readily accessible for people with disabilities. See 28 C.F.R. § 35.150(d).

Our approach to ADA inspections also encourages consultation with the disability community and the development of thorough and effective transition plans. The information we provide to employing offices regarding barrier severity and estimated solution costs aids the transition planning process, as employing offices can utilize this information to prioritize barrier-removal projects.



An image of an accessible entrance to the Capitol Visitor Center at the front of the Capitol.

ACKNOWLEDGMENTS

The OGC ADA inspection team during the 117th Congress was composed of Shonda Perkins, Occupational Safety and Health Program Manager; Jerod Duet, Senior Occupational Safety and Health Specialist; Darlene Isip, Occupational Safety and Health Specialist; Scott Gable, Occupational Safety and Health Specialist; James Peterson, Occupational Safety and Health Specialist/OSH Data Analyst; Dynah Haubert, Associate General Counsel; and Kaylan Dunlap, Accessibility Specialist with Evan Terry Associates (ETA).

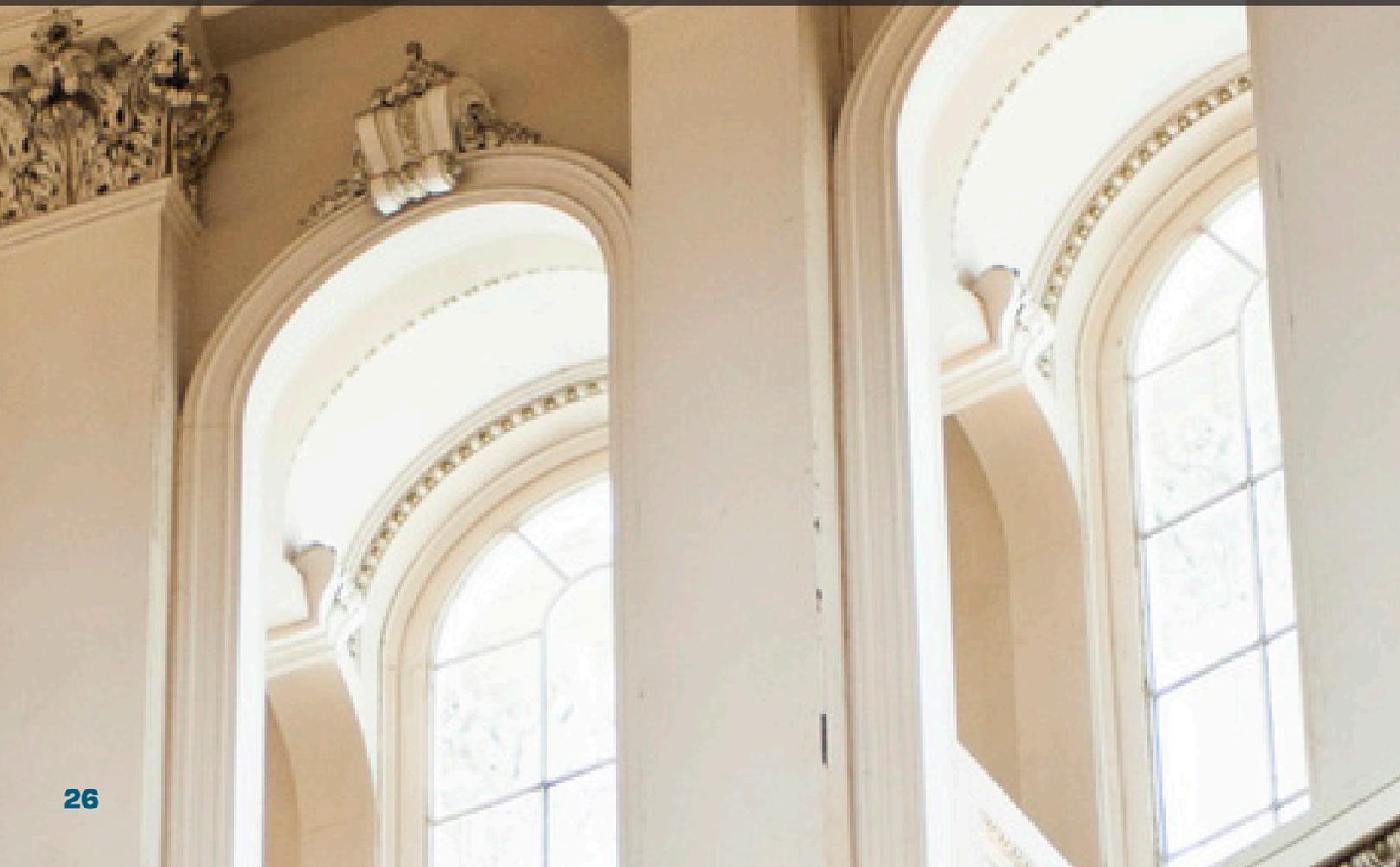
The OGC appreciates the cooperation of all legislative branch offices during the inspection process. We particularly appreciate the assistance and time given by the employees of the AOC, the CAO, the Library of Congress, the United States Botanic Garden, the Office of House Employment Counsel, and the Office of Senate Chief Counsel for Employment.

Dynah Haubert, Associate General Counsel, is the primary author of this report. The OGC also acknowledges the invaluable assistance provided by ETA. The OGC would not have been able to implement the barrier-removal survey approach to ADA inspections without ETA's assistance and software.

John D. Uelmen
General Counsel



APPENDIX





Architect of the Capitol
U.S. Capitol, Room SB-16
Washington, DC 20515
202.228.1793
www.aoc.gov

February 8, 2024

Mx. Dynah Haubert
Associate General Counsel
Office of Congressional Workplace Rights
110 Second Street, SE
Room LA-200, John Adams Building
Washington, DC 20540-1999

Dear Mx. Haubert:

The Architect of the Capitol (AOC) is pleased to provide this annual Americans with Disabilities Act (ADA) progress report for 2023 on removing the accessibility barriers identified in the Office of Congressional Workplace Rights (OCWR) biennial reports for the 111th, 112th, 113th, 114th, 115th, 116th, 117th and 118th Congress. This report includes data for the calendar year ending December 31, 2023.

The list below provides the AOC's progress in correcting the barriers noted:

- 91 percent (199 of 219) of the 111th Congress findings are closed.
- 96 percent (322 of 334) of the 112th Congress findings are closed.
- 64 percent (153 of 239) of the 113th Congress findings are closed.
- 68 percent (1,656 of 2,454) of the 114th Congress findings are closed.
- 69 percent (759 of 1,106) of the 115th Congress findings are closed.
- 59 percent (92 of 156) of the 116th Congress findings are closed.
- 9 percent (44 of 489) of the 117th Congress findings are closed.
- 3 percent (4 of 114) of the 118th Congress findings are closed.

The open findings for each biennial congressional report are identified by the following categories:

- 111th Congress
 - Planned, engineered solutions are being developed: 9 percent (20 of 219 findings)
- 112th Congress
 - Planned, engineered solutions are being developed: 4 percent (12 of 334 findings)
- 113th Congress
 - Planned, engineered solutions are being developed: 36 percent (86 of 239 findings)
- 114th Congress
 - Planned, engineered solutions are being developed: 24 percent (594 of 2,454 findings)
 - Planned but not yet completed: 8 percent (204 of 2,454 findings)

- 115th Congress
 - Planned, engineered solutions are being developed: 17 percent (192 of 1,106 findings)
 - Planned but not yet completed: 14 percent (155 of 1,106 findings)
- 116th Congress
 - Planned, engineered solutions are being developed: 31 percent (49 of 156 findings)
 - Planned but not yet completed: 10 percent (15 of 156 findings)
- 117th Congress
 - Planned, engineered solutions are being developed: 88 percent (430 of 489 findings)
 - Planned but not yet completed: 3 percent (15 of 489 findings)
- 118th Congress
 - Planned, engineered solutions are being developed: 9 percent (10 of 114 findings)
 - Planned but not yet completed: 88 percent (100 of 114 findings)

Enclosure 1 is a detailed spreadsheet listing each finding and our progress in remediating 111th, 112th, 113th, 114th, 115th, 116th, 117th and 118th Congress findings.

Enclosure 2 contains a complete list of ADA accomplishments completed by the AOC. Some highlights include:

Physical Access

- Continued improvement to the physical accessibility of the Capitol campus such as installation and/or renovation of ramps, sidewalks and curb cuts
- Installed accessible lift to provide access to the Rayburn House Office Building hearing room dais
- Constructed additional accessible lactation room in Hart Senate Office Building, beyond ADA requirements
- Installed automatic door operators throughout the Library of Congress Buildings and Grounds

Program Access

- The Office of Congressional Accessibility Services, in close partnership with the U.S. Capitol Visitor Center, continues to provide ‘Morning Under the Dome’ program for the first time since the pandemic for visitors with sensory disabilities
- The U.S. Botanic Garden continues to update content on accessibility information on its website for access by all individuals, including those with disabilities

Program Management

- Held virtual biannual Universal Accessibility Team meetings with attendance from all jurisdictions, major divisions and the Office of Congressional Accessibility Services
- Continued to improve internal processes to ensure accessibility compliance standards are met on design and construction projects
- Provided training to jurisdiction task leaders, program managers and contracting officers’ representatives on the accessibility regulations for the 118th Congress ADA inspections
- Reviewed the final 118th Congress Accessibility Report with jurisdiction task leaders (i.e., discussed contested findings and discrepancies contained with the OCWR report)

Collaboration with the Office of Congressional Workplace Rights, Office of General Counsel

- Continued to work cooperatively with you and OCWR staff on OCWR ADA inspections, as well as ADA cases as they arise

Please contact Karen Kim at 771.217.2417 or me at 202.997.2595 if you have questions or require further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Iliff". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Charles Iliff, PE
Acting Director of Safety and Code Compliance

Enclosures

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**ACCESSIBLE
ROUTE**

