

Section 210 – Access to Public Services and Accommodations for the Disabled

Section 210 of the Congressional Accountability Act (CAA) protects disabled members of the public from discrimination when accessing services, programs, and activities of covered government entities, or when accessing places of public accommodation in the Legislative Branch. The covered entities must comply with relevant sections of the Americans with Disabilities Act (ADA) and its regulations. The Office of Compliance applies the most relevant substantive Executive Branch ADA regulations.

This summary describes the ADA rights and protections made applicable by Section 210 of the CAA to members of the public. ADA protections for Legislative Branch employees are covered by Section 201 of the CAA.

1. Coverage

The term “public entity,” as used in the CAA, means an entity that provides public services, programs, or activities. These covered entities include offices of the Senate and the House of Representatives (including district offices); all committees of Congress; the Capitol Guide Service; the Capitol Police; the Congressional Budget Office; the Office of the Architect of the Capitol; the Office of the Attending Physician; and the Office of Compliance.

A “disability” is a physical or mental impairment that substantially limits one or more major life activities; or a record of such an impairment; or being regarded as having such an impairment.

The covered employees and employing offices subject generally to the CAA are described in the “Covered Employees” section of the *CAA Handbook* and the Office of Compliance web site (www.compliance.gov).

2. Violation of ADA Standards Prohibited

Selected portions of the ADA apply to and are enforceable against public entities covered by the CAA. This section of the CAA incorporates Sections 201 through 230, 302, 303, and 309 of the ADA. These sections include, among many other provisions:

- ◆ Definitions for “public entity” and “qualified individual with a disability”
- ◆ A prohibition of discrimination against an individual on the basis of his or her disability that results in unequal participation in programs, services, or benefits; or results in exclusion from full and equal enjoyment of goods, services, facilities, privileges, advantages, or accommodations in any place of public accommodation
- ◆ A prohibition against a public entity’s failure to remove architectural barriers and communication barriers that are structural in nature from existing facilities (where such removal is readily achievable)
- ◆ A prohibition against a public entity’s failure to design and construct facilities for first occupancy that are readily accessible to and usable by individuals with disabilities, except where a public entity can demonstrate that it is structurally impracticable to meet these requirements
- ◆ A prohibition against a public entity’s failure to make alterations to existing facilities, when such alterations could affect usability, in a manner that would to the maximum extent feasible make the facilities readily accessible to and usable by individuals with disabilities

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The following is a list of possible areas where ADA violations may occur, but note that it is by no means an exhaustive list:

- ◆ Accessible public restrooms
- ◆ Accessible public dining facilities
- ◆ Unequal access to public events
- ◆ Visual fire alarms for the hearing impaired
- ◆ Appropriate signage for the sight impaired (for example, Braille and raised lettering)
- ◆ Unequal access to offices open to the public

3. Filing a Charge

Members of the public who believe their rights under Section 210 of the CAA have been violated can file a charge of disability discrimination with the General Counsel of the Office of Compliance. The charge must be filed within 180 days of the alleged act of discrimination.

Upon request, the Office of Compliance will provide a charge form to any individual wishing to file a charge, as well as reasonable technical assistance in completing the form. The General Counsel will then conduct the investigation.

4. Investigation and Correction of ADA Violations

If the investigation substantiates that a violation has occurred, the General Counsel may request mediation to resolve the dispute, although the General Counsel cannot participate in the mediation.

If the mediation does not succeed in resolving the dispute, then the General Counsel may choose to file a complaint with the Office of Compliance against any entity responsible for correcting the violation. An independent Hearing Officer appointed by the Executive Director of the Office of Compliance will then hear the evidence presented by both parties and issue a decision.

The Hearing Officer's decision may be appealed by either party to the Board of Directors of the Office of Compliance. After the Board of Directors has issued its decision, a charging individual who has intervened as a party at the hearing, or any respondent to the complaint, may petition the U.S. Court of Appeals for the Federal Circuit to review the case.