



# Enforcing the ADA

## *A Status Report from the Department of Justice*

*(July-September 1997)*

*This Status Report covers the ADA activities of the Department of Justice during the third quarter (July-September) of 1997. This report, previous status reports, and a wide range of other ADA information are available through the Department's ADA Home Page on the World Wide Web (see page 11). The symbol (\*\*) indicates that the document is available on the ADA Home Page.*

### ***INSIDE...***

ADA Litigation .....	2
Formal Settlement Agreements .....	5
Other Settlements .....	7
Mediation .....	8
Certification .....	10
Technical Assistance .....	11
Other Sources of ADA Information .....	13
How to File Complaints .....	14

The Americans with Disabilities Act (ADA) is a comprehensive civil rights law for people with disabilities. The Department of Justice enforces the ADA's requirements in three areas -

Title I: Employment practices by units of State and local government

Title II: Programs, services, and activities of State and local government

Title III: Public accommodations and commercial facilities

## I. Enforcement

*Through lawsuits and both formal and informal settlement agreements, the Department has achieved greater access for individuals with disabilities in hundreds of cases. Under general rules governing lawsuits brought by the Federal Government, the Department of Justice may not file a lawsuit unless it has first unsuccessfully attempted to settle the dispute through negotiations.*

### A. Litigation

*The Department may file lawsuits in Federal court to enforce the ADA and may obtain court orders including compensatory damages and back pay to remedy discrimination. Under title III the Department may also obtain civil penalties of up to \$50,000 for the first violation and \$100,000 for any subsequent violation.*

#### 1. Decisions

***Arena Architects Liable for Failure to Provide Line of Sight over Standing Spectators*** -- A Federal district court judge in Minnesota ruled in favor of the Department of Justice in a suit to establish the liability of architects for violations of the ADA's new construction standards. In United States v. Ellerbe Becket, the Department asserts that

Ellerbe Becket, one of the nation's largest architectural firms, has violated title III by failing to design and construct new sports arenas in compliance with the ADA Standards for Accessible Design. In denying the defendant's motion to dismiss, the court found that architects may be held liable for new construction violations and that the ADA requires newly constructed arenas to provide wheelchair seating locations with a line of sight over standing spectators.

### ***Courts Find ADA Suits Against States***

***Constitutional*** -- In Clark v. California, the U.S. Court of Appeals for the Ninth Circuit ruled that Congress has constitutional authority to subject States to lawsuits under title II of the ADA. The Department of Justice intervened in this case to defend the constitutionality of the ADA. The court held that Congress had the power to abrogate the State's sovereign immunity under its authority to enforce the equal protection rights of the Fourteenth Amendment. The suit was brought by a group of prisoners with developmental disabilities who allege that California prison officials discriminated against them on the basis of disability. Similarly, in Autio v. AFSCME, in which the Department also intervened, the U.S. District Court for the District of Minnesota ruled that Congress has Fourteenth Amendment authority to make States answer to employment discrimination lawsuits under title I of the ADA.

***Appeals Courts Disagree on Whether Prisons are Covered by Title II*** -- The Courts of Appeals have issued contrary rulings in two cases in which the Department filed amicus briefs arguing that title II covers all of the activities of State and local government, including prisons. The Ninth Circuit in *Armstrong v. Wilson* upheld prison coverage in a suit against the State of California. The court explained that its decision was based on the plain meaning of the statute and the fact that “nothing in the legislative history of the ... ADA reflects an intent by Congress to exclude prisons or prisoners....” The Fourth Circuit in *Amos v. Maryland Department of Public Services*, however, ruled that prisons are not covered by title II because they are a core State function and Congress failed to indicate specifically its intent to cover them.

***D.C. 9-1-1 Ordered to Provide Direct Access to TDD Users*** -- In a title II lawsuit joined by the Department of Justice, a Federal judge in the District of Columbia issued a temporary order requiring the D.C. Metropolitan Police Department to take immediate steps to provide direct, effective access for TDD users to its 9-1-1 system. The order required the police department to install a back-up TDD system and make policy changes to ensure proper training and disciplining of employees involved in responding to TDD calls. An earlier court-ordered audit by the Department of Justice showed that the D.C. 9-1-1 system was incapable of reliably responding to TDD calls. The litigation is continuing with the issues of liability and permanent relief, including damages, still to be resolved.

***Justice Continues Nationwide Effort to Defend the Constitutionality of ADA***

***Lawsuits against States*** -- The Department has intervened in a growing number of suits under both titles I and II of the ADA where States are arguing that the ADA’s waiver of State sovereign immunity is unconstitutional. In general, the States are arguing that, because the ADA’s protections go beyond equal protection rights guaranteed by the U.S. Constitution, Congress lacks authority under the Fourteenth Amendment to subject States to lawsuits under the ADA. The Department has intervened in each of the following cases to argue that the ADA is constitutionally appropriate legislation to remedy the history of pervasive discrimination against people with disabilities and that therefore the ADA’s abrogation of State immunity is constitutional --

Courts of Appeals

- *Nelson v. Miller* (6<sup>th</sup> Circuit) -- title II challenge to alleged lack of privacy in Michigan voting procedures for blind voters
- *Pierce v. King* (4<sup>th</sup> Circuit) -- title II suit against North Carolina prison officials
- *Wright v. Lima Correctional Institution* (6<sup>th</sup> Circuit) -- title I reasonable accommodation suit against an Ohio prison
- *Dickson v. Florida Department of Corrections* (11<sup>th</sup> Circuit) -- title I reasonable accommodation suit

District Court

- *Anderson v. Pennsylvania Department of Public Welfare* (Eastern District of Pennsylvania) -- title II suit alleging failure to ensure accessibility of health care providers participating in Medicaid program

## 2. New lawsuits

*The Department initiated or intervened in the following lawsuits.*

*U.S. v. Town of Tatum, New Mexico* -- The Department filed its first lawsuit alleging a violation of the ADA's retaliation provisions. The suit claims that Tatum, New Mexico, discharged Marvin R. Lyon from his job as emergency medical technician in retaliation for his obtaining a settlement in an earlier ADA lawsuit he filed against Tatum. In that earlier suit, Mr. Lyon alleged that Tatum violated the ADA when it fired him from his previous position as a police officer. After he received a monetary award as part of settling that lawsuit, officials acting on behalf of Tatum allegedly began to retaliate against Mr. Lyon because of their displeasure with the settlement and terminated him from his emergency medical technician position.

## 3. Consent Decrees

*Some litigation is resolved at the time the suit is filed or afterwards by means of a negotiated consent decree. Consent decrees are monitored and enforced by the Federal court in which they are entered.*

*United States v. City of Pontiac* -- The Department of Justice entered into a consent decree resolving its lawsuit against Pontiac, Michigan, which alleged that the city had violated title I by refusing to hire Dennis Henderson as a fire fighter because of his monocular vision. Despite his condition, Mr. Henderson had performed successfully as a fire fighter for 14 years with a neighboring jurisdiction before applying to Pontiac for a position. Pontiac relied on hiring standards established by the National Fire Protection Association that disqualify individuals with monocular vision. Under the consent decree, Pontiac agreed to hire Henderson

into a full-time fire fighter position with retroactive benefits and seniority to August 11, 1992. Pontiac also agreed to provide a financial package to Henderson of approximately \$105,000.00, including full back pay and compensatory damages in the amount of \$65,000.00 and full retroactive pension benefits totaling approximately \$40,000.00. Pontiac agreed that in the future it would not apply standards that require automatic exclusions of applicants or employees because of physical or medical conditions. Instead, it will conduct an individual assessment of whether an applicant is qualified or poses a direct threat. Pontiac also agreed that, before rejecting an applicant on the basis that he or she poses a direct threat, it will advise the applicant of that fact and invite the applicant to demonstrate how he or she could safely perform the essential functions of the position with or without reasonable accommodation. Finally, Pontiac agreed to conduct training of its personnel staff and post notices of employee rights under the ADA.

## 4. Amicus Briefs

*The Department files briefs in selected ADA cases in which it is not a party in order to guide courts in interpreting the ADA.*

*L.C. v. Olmstead* -- The Department filed an amicus brief in this case before the U.S. Court of Appeals for the Eleventh Circuit arguing that title II prohibits the unnecessary segregation of individuals with mental retardation in a Georgia State psychiatric hospital. One of the plaintiffs remains institutionalized despite the recommendation of Georgia's own experts that she be provided services through a community-based program. The other plaintiff was placed in a community program but then denied appropriate State services. The lack of these services threatens to result in her rehospitalization. Given that Georgia currently operates a community-

based program, that community placements in Georgia are less expensive than institutional ones, and that Georgia's experts believe that the most integrated setting appropriate for these plaintiffs is in the community, the Department argued that, in this case, title II requires community placements and appropriate support services.

### **B. Formal Settlement Agreements**

*The Department sometimes resolves cases without filing a lawsuit by means of formal written settlement agreements.*

#### **Title II**

**\*\* Stowe Township, Pennsylvania --** A formal agreement between the Department and the Board of Commissioners of Stowe Township, Pennsylvania, resolved a complaint alleging that the Board of Commissioners' public meetings were not accessible to people with disabilities because they were held on the inaccessible second floor of the municipal building. The commissioners agreed to establish a policy by which members of the public can request modifications to policies, practices, and procedures of the Commission. In addition, the settlement agreement requires the Commission to move its public meetings to an accessible location upon reasonable notice (no more than one week), and to utilize an existing audiovisual system on the accessible first floor on all occasions when the public meetings are not moved.

**Boone County, Indiana --** The Department of Justice entered into an agreement with Boone County, Indiana, to ensure access at the Boone County Courthouse to persons who are hard of hearing. The county agreed to purchase a portable assistive listening system for the courthouse; to have a number of receivers available equal to at least four percent of the total seating capacity of the courtrooms; to train court personnel in the

set-up, use, and maintenance of the assistive listening system; and to post a notice in conspicuous areas of the courthouse notifying patrons of the availability of the system.

**Colusa County, California --** The Department entered into a settlement agreement with the Sheriff's Department of Colusa County, California, to resolve a complaint alleging that the facility was inaccessible to a wheelchair user who had come to visit an inmate in the county jail. Under the agreement the county will make the necessary modifications to provide accessible parking, an accessible path of travel to the front entrance of the building, an accessible front entrance, and accessible restrooms and water fountains.

**\*\* Oregon State Lottery Commission --** The Oregon State Lottery will be made accessible to persons with mobility impairments under a negotiated settlement agreement with the Department. The State will require more than 3,000 retail outlets participating in the lottery program to ensure equal access to their lottery-related services by installing accessibility features, removing barriers through structural modifications, and, in some cases, using alternative methods of providing access to the services. Effective July 1, 1997, all new retailer locations and all locations sold to new owners must be wheelchair accessible; existing retail outlets as of that date have an additional year to make their lottery-related facilities accessible. The agreement also creates a procedure for dealing with complaints about inaccessible lottery retailers.

**Grand Rapids, Michigan --** The Department reached a settlement agreement with the 63<sup>rd</sup> District Court Probation Department regarding auxiliary aids. The agreement provides that, in those proceedings of the court probation department where an interpreter is required to ensure effective communication with an individual who is deaf or hard of hearing, the court will,

upon reasonable notice, secure the services of a qualified interpreter. The court also agreed to provide auxiliary aids and services, including interpreters, at the court's expense; to give primary consideration to the request of the individual with a disability when determining what type of auxiliary aid or service is appropriate; and to notify individuals who are deaf or hard of hearing about the availability of auxiliary aids and services through pamphlets, posters, or other appropriate means.

*City of Alton, Illinois* -- The Department entered into a settlement agreement with the City of Alton, Illinois, ensuring that people with disabilities will have access to the public square at the site of the 1858 Lincoln-Douglas debates. The city purchased a ramp and staging equipment that allows persons with mobility impairments access to all public activities. The city also agreed to consult with local organizations representing persons with disabilities when planning for the new construction or alteration of any public facilities.

**Title III**

*Howard Johnson River's Edge Hotel, Clarksville, Indiana* -- The Department reached an agreement with the Howard Johnson River's Edge Hotel resolving a complaint alleging that the hotel assessed a surcharge for allowing a service animal to stay with its owner. The hotel agreed to adopt a written policy incorporating the ADA's definition of service animal. Service animals will be allowed to stay in the rooms of guests with disabilities without any security deposit or other special fee being required. The hotel agreed to distribute the policy to all hotel employees and to post it in a conspicuous place at the hotel front desk.

*\*\* Eye Institute of Orange County, Irvine, California* -- The Eye Institute of Orange County signed an agreement to treat patients with disabilities on a nondiscriminatory basis. The agreement resolves a complaint against the Institute, a private ophthalmological practice in southern California, alleging that a 15-year old girl was denied an appointment because she has Down Syndrome. Under the agreement, the Eye Institute will adopt a written nondiscrimination policy, post the policy in the lobbies of its offices and distribute it to all employees, require all employees to attend mandatory training on the policy within 15 days, and pay \$5,000 in compensatory damages to the girl.

*Your Man Tours, Inc., Los Angeles, California* -- The Department reached a settlement agreement with Your Man Tours, Inc. (YMT), a company that organizes vacation tours, to resolve two complaints alleging that the company charged extra to make vacation plans for people with disabilities. The complainants, one of whom uses a wheelchair and the other a walker, requested YMT to accommodate their mobility impairments in making reservations for a vacation trip to Hawaii. Both

*Formal  
Settlement  
Agreements*

canceled their plans rather than pay the extra charges which they contend were demanded by YMT. The settlement prohibits YMT from charging extra to make reservations for accessible accommodations. Under the agreement, YMT provided a free trip to Hawaii to one complainant, paid the other complainant \$1648.90 (the value of the trip), and made a \$2,000 donation to Mobility International, USA, a nonprofit organization that distributes information about travel and educational opportunities for persons with disabilities.

*Detroit Lions, Detroit, Michigan* -- The Detroit Lions agreed to compensate a group of young athletes with disabilities who experienced discrimination when attempting to attend a Lions football game. A sports team of disabled youth won a ticket lottery for school-age teams sponsored by the Lions in which the winners were awarded tickets to Lions professional football games at a cost of one dollar per ticket. When the youngsters tried to redeem their tickets for wheelchair seating, they were told they would have to pay full price for the tickets for the wheelchair locations while other team members who did not use wheelchairs would be able to use the one-dollar tickets for seats. In addition, when the team members using wheelchairs actually purchased full-price tickets, they were not allowed to sit with their teammates in adjoining seats. The Lions agreed to modify their ticketing policy to provide companion seating for accessible wheelchair locations and no longer to require proof of disability in order to purchase tickets for wheelchair seating. The Lions also agreed to give complainants 2,000 tickets to a preseason game (valued at \$70,000); official autographed NFL clothing, souvenirs, and collectibles; and visits to Lions' locker rooms and camps.

*Denny's Restaurant, Lumberton, North Carolina* -- The Department entered into a settlement agreement with B&G Management, Inc., operator of a Denny's Restaurant in Lumberton, North Carolina, resolving a complaint alleging that the restaurant refused to serve a customer and his wife because he was accompanied by a service animal. B&G agreed to adopt a policy that all persons with disabilities, including those accompanied by service animals, will be welcome in the restaurant, and that no proof of an animal's certification as a service animal will be required. B&G also agreed to post this policy in the restaurant and train its employees to ensure that it is carried out. In addition, B&G paid \$1,000 to the complainant in compensatory damages.

### C. Other Settlements

*The Department resolves numerous cases without litigation or a formal settlement agreement. In some instances, the public accommodation, commercial facility, or State or local government promptly agrees to take the necessary actions to achieve compliance. In others, extensive negotiations are required. Following are some examples of what has been accomplished through informal settlements.*

A western State governor's mansion installed curb cuts to make a garden accessible, constructed ramps from the mansion's driveway to a terrace and a door, installed an accessible door threshold, and lowered the basin and mirrors and installed grab bars in a public restroom.

A New York State agency established six accessible parking spaces in close proximity to its facility.

A Midwestern State general assembly revised its accessibility policy to allow registered lobbyists with mobility impairments onto the floor of the legislative chambers because the gallery is not accessible.

A Florida county court house modified its security procedures to reopen an accessible entrance to the public.

A Tennessee county circuit court adopted a policy to provide appropriate auxiliary aids and services to ensure effective communication with individuals with disabilities.

A California medical group agreed to provide interpreters at the office's expense when necessary to ensure effective communication with patients who are deaf or hard of hearing and to notify the public by posting copies of the policy in its clinics.

## II. Mediation

*Through a technical assistance grant from the Department, the Key Bridge Foundation is accepting referrals of complaints under titles II and III for mediation by professional mediators who have been trained in the legal requirements of the ADA. More than 350 professional mediators are available to mediate ADA cases in 45 States.\*\* Over 80 percent of the cases in which mediation has been completed have been successfully resolved. Following are recent examples of results reached through mediation.*

- A wheelchair user complained that a large public outdoor swap meet in Texas did not have accessible restrooms. The person also complained that, in order to obtain a permit to use a wheelchair at the event, a person with a disability had to present a letter from his or her physician. The manager of the event agreed to issue permits to wheelchair users when requested without asking for any proof. The manager also agreed to rent an appropriate number of accessible portable restrooms for people with disabilities.
- In New York a person who represents people who are deaf or hard of hearing complained that a doctor refused to hire qualified sign language interpreters for patients with hearing impairments. The doctor agreed to provide a qualified sign language interpreter for a patient's office visit when a request is made at least one week in advance. The doctor agreed that the request may be made by the patient's representative, or via a telephone relay communication, or by any other means chosen by the patient. The doctor also agreed to educate his office staff regarding this policy and the ADA.
- A person with a disability complained that a Texas parking garage had no accessible parking spaces for people with disabilities. The parking garage manager agreed to provide valet parking in the garage for people with disabilities for the same price as regular parking in the outdoor parking lots.
- In Missouri a wheelchair user complained that a hospital did not have an accessible entrance. The hospital management agreed to have several doors replaced with automatic doors.
- A person with a visual impairment complained that a Massachusetts educational institute did not provide information about course offerings in alternative formats and did not make reasonable modifications in their procedures and practices to enable people with disabilities to take the courses. In addition, the person complained that the institute had a safety policy that excluded people with disabilities based on broad generalizations instead of actual risks. The institute agreed to make information about registration times and course offerings available on audio tape on a telephone information service used by people with disabilities. The information will also be available for distribution on audio tape and in large print if requested. The institute agreed to modify its admission policy and make determinations on a case-by-case basis as to whether a particular individual with a disability is able to function adequately and safely in a class. The institute agreed to make every effort to assist a person with a disability to attend the class of his/her choice. Technical assistance will be requested from various disability organizations so that all available information may be considered in order to assist a person with a disability to participate in a class in the most effective way.

- A person with a hearing disability complained that an Ohio theater did not have an effective assistive listening system. The theater owner agreed to repair the battery charger for the system so that it functions well and to maintain the system in operating order at all times. The owner also agreed to require that the distribution of personal receivers be handled by a manager or an assistant manager.
- In Michigan a person who is legally blind complained that a restaurant denied her access and service because she was accompanied by a service animal. The restaurant owner agreed to modify this policy and to display a sign in the establishment stating “No dogs allowed except those assisting people with disabilities.” He agreed to discuss ADA issues with his managers and crew once a month at regular staff meetings.
- A person with a hearing disability complained that a Michigan court failed to provide a qualified sign language interpreter during crucial proceedings. In mediation, the court agreed to provide a qualified sign language interpreter for the complainant if she or her attorney requests one at least three working days in advance of the date of the proceeding. The court agreed to engage in a process of self-evaluation to determine its level of compliance with all the other provisions of the ADA.
- A wheelchair user complained that a California bowling alley was not accessible. The bowling alley owners agreed to remove one of the fixed chairs to provide access to the bowling lanes. The owners agreed to educate their employees regarding customer service for people with disabilities by training their employees to welcome people with disabilities and to assist people with disabilities in gaining access to the lanes. They also agreed to write a letter to a disability rights organization regarding the actions being taken to ensure compliance with the ADA.
- In Michigan a wheelchair user complained that a theater did not have an accessible restroom. The theater owner agreed to modify the restrooms to comply with the ADA. The owner also agreed to purchase training videos and tapes from a disability rights organization in order to educate his employees and to discuss sensitivity issues during their regularly scheduled meetings.
- In Missouri a wheelchair user complained that a store did not have accessible parking and an accessible route to the facility. The store owner agreed to install curb ramps and a van-accessible parking space.
- A deaf individual complained that a Maryland doctor refused to pay for a qualified sign language interpreter for the complainant’s office visits. The doctor agreed to pay the outstanding bill for interpreter services. The doctor agreed to change the office policy and establish a protocol for addressing the needs of people with disabilities. Specifically, a list of qualified sign language interpreters will be maintained by the office staff, potential patients who are deaf will be notified that qualified sign language interpreters will be provided free-of-charge for office visits, if requested in advance, and a sign stating this policy will be displayed in the office. The doctor agreed to have the staff educated regarding the ADA. The doctor also agreed to write an article for publication in a newsletter addressing the obligations of doctors under the ADA. Finally, the doctor agreed to arrange for an advocate of the ADA to speak at a gathering of physicians.
- A person with a mobility impairment complained that a Maryland bank did not have an accessible entrance or accessible parking. The bank manager agreed to have the door handles on the entrance doors

*Mediation*

changed and to have the brick surface of the sidewalk repaired. The manager agreed to have the parking area restriped and to create an accessible parking space with an upright sign. The manager also agreed to ensure that seating is made available for people with disabilities. Finally, the manager agreed to train the staff to be sensitive to issues concerning people with disabilities.

- In Pennsylvania a wheelchair user complained that a restaurant seated him only after he agreed to move from his wheelchair to a seat in a booth. The restaurant owner apologized

and agreed to instruct her staff on managing the space in the restaurant so that it is accessible for patrons with disabilities.

- A wheelchair user complained that an Ohio restaurant did not have an accessible smoking section. The restaurant manager agreed to create another smoking section that is accessible to people with disabilities and to instruct the staff about this new section. The manager agreed to consult with the complainant about making the bar accessible. The manager also agreed to make the modifications necessary for a van accessible parking space.

### III. Certification of State and Local Building Codes

*The ADA requires that newly constructed or altered facilities comply with the ADA Standards for Accessible Design (Standards). The Justice Department is authorized to certify building codes that meet or exceed the ADA's standards. In litigation, an entity that complies with a certified code can offer that compliance as rebuttable evidence of compliance with the ADA.*

*In implementing its authority to certify codes, the Department works closely with State and local officials, providing extensive technical assistance to enable them to make their codes equivalent to the ADA. In addition, the Department responds to requests for review of model codes and provides informal guidance to assist private entities that develop model accessibility standards to make those standards equivalent to the ADA.*

The Department has certified the accessibility codes of the States of Washington and Texas and has pending requests from -- New Mexico, Florida, Maine, Minnesota, New Jersey, Maryland, California, the Village of Oak Park, Illinois, and the

County of Hawaii. The Department is also reviewing model codes submitted by the Building Officials and Code Administrators, International (BOCA) and the Southern Building Code Congress, International. Recent certification activity includes --

**Maine** -- The Department made a preliminary certification that the Maine Human Rights Act, as implemented by the Maine Accessibility Regulations, meets or exceeds the new construction and alterations requirements of title III. The Department is seeking public comment on this preliminary determination. A public hearing was held in Augusta, Maine, and a second hearing is scheduled for December 2, 1997, in Washington, D.C. Written comments will be accepted until December 1, 1997.

**Florida** -- The Department also granted preliminary certification of the Florida Americans with Disabilities Act, as implemented by the Florida Accessibility Code for Building Construction. Public comments are requested. Public hearings will be held in Orlando, Florida, on December 19, 1997, and in Washington, D.C., on December 22, 1997.

## IV. Technical Assistance

*The ADA requires the Department of Justice to provide technical assistance to entities and individuals with rights and responsibilities under the law. The Department encourages voluntary compliance by providing education and technical assistance to businesses, governments, and members of the general public through a variety of means. Our activities include providing direct technical assistance and guidance to the public through our ADA Information Line, developing and disseminating technical assistance materials to the public, undertaking outreach initiatives, operating an ADA technical assistance grant program, and coordinating ADA technical assistance government-wide.*

### ADA Home Page

An ADA home page is operated by the Department on the Internet's World Wide Web (<http://www.usdoj.gov/crt/ada/adahom1.htm>). The home page provides information about:

- the toll-free ADA Information Line,
- the Department's ADA enforcement activities,
- the ADA technical assistance program,
- certification of State and local building codes,
- proposed changes in ADA regulations and requirements, and
- the ADA mediation program.

***President Clinton Featured on New ADA Radio Spot*** -- Attorney General Janet Reno announced that a 60-second radio announcement featuring President Clinton, entitled "America the Beautiful -- Bringing Down Barriers," will be sent to 4,000 radio stations around the country in November. Following is the script for that announcement --

BACKGROUND MUSIC: "America the Beautiful" begins and fades.

PRESIDENT CLINTON: America the beautiful ...from national parks to ballparks, from museums to movie theaters, from downtown centers to town halls -- So many opportunities to explore and enjoy. But for millions of our fellow Americans with disabilities, a curb, a step, even a narrow door can stand in the way.

That's why, in 1990, Congress passed the landmark Americans with Disabilities Act. Since then, communities, schools, and businesses around the country have been bringing down those barriers. There is more that we must do to make the ADA work for all our disabled Americans. When I injured my knee and used a wheelchair for a short time I understood even more deeply that the ADA isn't just a good law, it's the right thing to do. Let's bring down the barriers so everyone can enjoy all of America.

MUSIC: ...from sea to shining sea...

ANNOUNCER: Bring down a barrier. Learn more. Call 1-800-514-0301. A message from the U.S. Department of Justice.

The home page also provides direct access to:

- ADA regulations and technical assistance materials (which may be viewed online or downloaded for later use), and
- links to the Department's press releases, ADA Bulletin Board, and Internet home pages of other Federal agencies that contain ADA information.

***Searching the ADA Home Page is Now Easier*** -- A "search engine" has been added to the Department's ADA home page to make it easier to find information contained in the growing number of ADA documents and files available at the Department's website. To conduct a search, select the "[Search the ADA Home Page](#)" link which is located at the bottom of the ADA home page. Once selected, the search engine allows you to use any key word or phrase to search through all documents and files linked to the home page.

### **ADA Information Line**

The Department of Justice operates a toll-free ADA Information Line to provide information and publications to the public about the requirements of the ADA. Automated service, which allows callers to listen to recorded information and to order publications, is available 24 hours a day, seven days a week. ADA specialists are available on Monday, Tuesday, Wednesday and Friday from 10:00 a.m. until 6:00 p.m. and on Thursday from 1:00 p.m. until 6:00 p.m. (Eastern Time). Spanish language service is also available.

To obtain general ADA information, get answers to technical questions, order free ADA materials, or ask about filing a complaint, call:

**800-514-0301 (voice)**

**800-514-0383 (TDD)**

### **ADA Fax On Demand**

The ADA Information Line's Fax Delivery Service allows the public to obtain free ADA information by fax 24 hours a day, seven days a week. By entering the appropriate document code number, callers can select from among 28 different ADA technical assistance publications and receive the information, usually within minutes, directly on their fax machines or computer fax/modems. A list of available documents and their code numbers may be ordered through the ADA Information Line.

### **Publications and Documents**

Copies of the Department's ADA regulations and publications, including the Technical Assistance Manuals for titles II and III, and information about the Department's technical assistance grant program, can be obtained by calling the ADA Information Line or writing to the address listed below. All materials are available in standard print as well as large print, Braille, audiotape, or computer disk for persons with disabilities.

Disability Rights Section  
Civil Rights Division  
U.S. Department of Justice  
P. O. Box 66738  
Washington, D.C. 20035-6738

Copies of the legal documents and settlement agreements mentioned in this publication can be obtained by writing to:

Freedom of Information/Privacy Act Branch  
Administrative Management Section  
Civil Rights Division  
U.S. Department of Justice  
P.O. Box 65310  
Washington, D.C. 20035-5310  
Fax: 202-514-6195

ADA regulations and technical assistance materials can also be downloaded from the Department's ADA Bulletin Board System (ADA-BBS). The ADA-BBS, which includes selected ADA documents from other agencies, can be reached by computer modem by dialing 202-514-6193 or accessed on the Internet through telnet fedworld.gov Gateway D. The ADA Home Page also provides a link to the fedworld gateway.

Currently, the FOI/PA Branch maintains approximately five thousand pages of ADA material. The records are available at a cost of \$0.10 per page (first 100 pages free). Please make your requests as specific as possible in order to minimize your costs.

## V. Other Sources of ADA Information

The *Equal Employment Opportunity Commission* offers technical assistance to the public concerning title I of the ADA.

ADA documents  
800-669-3362 (voice)  
800-800-3302 (TDD)

ADA questions  
800-669-4000 (voice)  
800-669-6820 (TDD)

The *U.S. Architectural and Transportation Barriers Compliance Board, or Access Board*, offers technical assistance to the public on the ADA Accessibility Guidelines.

ADA documents and questions  
800-872-2253 (voice)  
800-993-2822 (TDD)

The *Federal Communications Commission* offers technical assistance to the public concerning title IV of the ADA.

ADA documents  
202-857-3800 (voice)  
202-293-8810 (TDD)

ADA questions  
202-418-1898 (voice)  
202-418-2224 (TDD)

The *National Institute on Disability and Rehabilitation Research (NIDRR)* of the U.S. Department of Education has funded centers in ten regions of the country to provide technical assistance to the public on the ADA.

ADA technical assistance nationwide  
800-949-4232 (voice & TDD)

The *U.S. Department of Transportation* offers technical assistance to the public concerning the public transportation provisions of title II and title III of the ADA.

Project ACTION  
800-659-6428 (voice/relay)  
202-347-3066 (voice)  
202-347-7385 (TDD)

ADA documents and general questions  
202-366-1656 (voice/relay)

ADA questions  
202-366-4011 (voice/relay)

Complaints and enforcement  
888-446-4511 (voice/relay)  
202-366-2285 (voice)  
202-366-0153 (TDD)

The *Job Accommodation Network (JAN)* is a free telephone consulting service funded by the President's Committee on Employment of People with Disabilities. It provides information and advice to employers and people with disabilities on reasonable accommodation in the workplace.

Information on workplace accommodation  
800-526-7234 (voice & TDD)

## VI. How to File Complaints

### Title I

Complaints about violations of title I (employment) by units of State and local government or by private employers should be filed with the Equal Employment Opportunity Commission. Call 800-669-4000 (voice) or 800-669-6820 (TDD) to reach the field office in your area.

### Titles II and III

Complaints about violations of title II by units of State and local government or violations of title III by public accommodations and commercial facilities should be filed with -

Disability Rights Section  
Civil Rights Division  
U.S. Department of Justice  
Post Office Box 66738  
Washington, D.C. 20035-6738