

FOIA MARKER

**This is not a textual record. This is used as an
administrative marker by the William J. Clinton
Presidential Library Staff.**

Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: Counsel Office

Series/Staff Member: Marvin Krislov

Subseries:

OA/ID Number: 18946

FolderID:

Folder Title:

Americans with Disabilities Act (ADA): ADA

Stack:

S

Row:

113

Section:

3

Shelf:

7

Position:

2

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. fax	Request for Appointments; RE: Personally Identifiable Information [partial] (1 page)	07/01/1994	b(6)
002. note	Handwritten notes; RE: Personally Identifiable Information [partial] (1 page)	07/01/1994	b(6)
003. note	Handwritten notes; RE: Personally Identifiable Information [partial] (2 pages)	00/00/0000	b(6)
004. note	Handwritten notes; RE: Personally Identifiable Information [partial] (1 page)	00/00/0000	b(6)
005. fax	Request for Appointments; RE: Personally Identifiable Information [partial] (1 page)	06/24/1994	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office
Marvin Krislov
OA/Box Number: 18946

FOLDER TITLE:

Americans with Disabilities Act (ADA): ADA

2007-0143-F
db4481

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

ADA ~~6/29/94~~
7/1/94

Joel
~~Marrison~~ won't be able to attend
has a 2 p.m. meeting.

Sen Rubenstein won't be able to
attend

—



U.S. Department of Justice
Civil Rights Division

3/12

Washington, D.C. 20530

Chrysanthe -

The next report
will be published
next month.

We'll put you
on the mailing list.

Don't hesitate
to call if you have
other questions.

Uj

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a publication.

Publications have not been scanned in their entirety for the purpose of digitization. To see the full publication please search online or visit the Clinton Presidential Library's Research Room.



April 4, 1994

Enforcing the ADA

A Status Report from the Department of Justice

INSIDE...

ADA Litigation.....	2-5
Formal Settlement Agreements	5-8
Other Settlements	8-12
Certification.....	13
Technical Assistance	13-14
Other Sources of Information	15
How to File a Complaint	16



Enforcing the ADA

A Status Report Update from the Department of Justice

(April-June 1994)

This Status Report Update covers the ADA activities of the Department of Justice during the second quarter (April-June) of 1994. Copies of the earlier April 4, 1994, Status Report, which summarizes all activities up to that date, are available through our ADA Telephone Information Line (see page 10).

INSIDE...

ADA Litigation	2-4
Formal Settlement Agreements	5-6
Other Settlements	6-8
Certification	9
Technical Assistance	10-11
Other Sources of Information	11-12
How to File Complaints	12

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 approximately 250 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. New lawsuits

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

Title II

Gorman v. Guitars and Cadillacs, L.P. - The Department intervened in this suit to defend the constitutionality of title II. The Department has

also filed an amicus brief arguing that title II covers police arrest procedures. (See "amicus briefs," below.)

Title III

United States v. Lira Limited Liability Co. - The Department filed its first lawsuit for violations of the alterations provisions of title III against the owners of the Barolo Grill, a restaurant in Denver, Colorado. The Barolo's owners altered the restaurant in November 1992 without complying with the ADA when they constructed a raised dining area with no ramp or lift for persons who use wheelchairs. The owners also failed to make any path of travel modifications, leaving the restaurant's entrance inaccessible, and failed to remove existing barriers to access where readily achievable.

United States v. Pleasant Travel Service, Inc. and Hawaiian Hotels and Resorts, Inc. - The Department filed its first title III action against a hotel, the Royal Lahaina Resort, in Lahaina, Hawaii (on the Island of Maui). The suit alleges that the owner and operator of the hotel failed to remove architectural barriers to access and made alterations to the hotel that did not comply with the ADA's architectural standards. The hotel has approximately 540 guest rooms, suites and cottag-

es, none of which is accessible to individuals with disabilities. In addition, none of the restrooms in the common area of the hotel is accessible; and there are barriers to access in the hotel's restaurants, tennis courts and swimming pools. In undertaking alterations to the hotel's luau grounds, gift shop, and swimming pool area, the owner and operator failed to provide accessible paths of travel to the altered areas.

2. Consent decrees

Some litigation is resolved at the time that 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.

Title III

United States v. Becker C.P.A. Review - In a consent decree resolving the first case filed by the Department of Justice under the ADA, Becker C.P.A. Review, which prepares over 10,000 students annually to take the national certified public accountant exam, agreed to amend its auxiliary aids policy. Becker will no longer limit its offered auxiliary aids to audiotape transcripts prepared for the instructors' use, and will provide appropriate auxiliary aids and services, including qualified sign language interpreters and assistive listening devices, to students who are deaf or hard of hearing. The company may require a student to attend a consultation meeting, at which time the student would explain his or her individual needs and means of communication. Becker would explain the nature of the class and the proposed auxiliary aid or service. However, Becker may request that the student try its proposed aid or service at a Becker class prior to the session that the student wishes to attend. If the student can articulate, based on experience or skills, why the proposed aid or service will not provide effective communication,

the student will not be required to try out the proposed auxiliary aid or service. Becker also agreed to appoint a national ADA coordinator and to train its staff regarding the policy revision; pay \$20,000 to the Department of Justice to be distributed to seven individuals who are deaf or hard of hearing, former Becker students; and establish a \$25,000 scholarship fund for accounting students who are deaf or hard of hearing at California State University.

United States v. Harcourt Brace Legal and Professional Publications, Inc. - A consent decree resolved this suit against the auxiliary aids policies of Harcourt Brace Legal and Professional Publications regarding Bar/Bri, the nation's largest preparatory course for individuals studying for bar examinations. The Department's complaint alleged that the Bar/Bri course failed to provide appropriate auxiliary aids to students with vision and hearing impairments. Under the consent decree, filed simultaneously with the complaint, Harcourt Brace agreed to establish a detailed set of procedures for identifying and providing appropriate auxiliary aids and services, including qualified sign language interpreters, assistive listening devices, and Brailled materials, to students with

disabilities. In addition, Harcourt Brace has agreed to pay \$28,000 in compensatory relief. This award is divided among two students; the California Department of Rehabilitation, which provided the interpreter for one of the students; and the

individual who converted the course materials into Braille for the other student. Harcourt Brace also agreed to pay \$25,000 in civil penalties, adopt and implement a formal written policy ensuring that auxiliary aids and services are promptly and properly provided, educate Bar/Bri staff regarding students with disabilities, and include information regarding the availability of auxiliary aids and services for students with disabilities in its advertising materials.

Consent Decrees

3. 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.

Title II

Crowder v. Kitigawa - The Department filed an amicus brief in the United States Court of Appeals for the Ninth Circuit supporting a challenge to Hawaii's 120-day animal quarantine program for all dogs, cats, and other carnivores, including guide dogs, entering the State. The brief argues that title II prohibits discrimination against individuals with disabilities in all actions of State and local governments, including the quarantine requirements, not just in the "services" or "benefits" they provide, and that there are nondiscriminatory alternatives to the quarantine system which could both protect against rabies and allow individuals with guide dogs to travel freely to Hawaii. Hawaii maintains that the quarantine is necessary to protect against the introduction of rabies into Hawaii. The private plaintiffs, however, allege that the quarantine discriminates against individuals with disabilities who use guide dogs by making it virtually impossible for them to travel to or from Hawaii. The Federal district court ruled against plaintiffs who appealed to the United States Court of Appeals for the Ninth Circuit.

Amicus Briefs

Gorman v. Guitars and Cadillacs, L.P. - The Department filed an amicus brief in this case arguing that police arrest procedures are covered by title II. The Department also intervened as a party to defend against allegations that title II is unconstitutionally vague. The plaintiff has paraplegia and uses a wheelchair. His lawsuit alleges that the owner and operators of Guitars & Cadillacs, a country western bar in Kansas City, Missouri, violated his rights under title III of the ADA by refusing to allow him access to the bar where the dance floor is located, and by subse-

quently having him arrested for trespass when he asserted his right to remain there. The plaintiff also alleged that members of the Kansas City Police Department, the department's chief of police, and members of the department's board of commissioners discriminated against him under title II of the ADA by a failure to make the reasonable modifications in its policies, practices, and procedures necessary to ensure safety during arrest and transportation to the police station. This failure resulted in personal injuries and damage to the plaintiff's wheelchair while he was in custody.

Livingston v. Guice - The U.S. District Court for the Western District of North Carolina dismissed this case in which the Department had filed an amicus brief arguing that States may be sued for damages under title II. This private suit alleges that the State of North Carolina and a State court judge violated title II of the ADA by preventing the plaintiff from entering a courtroom through the only accessible entrance known to her. In dismissing the case, the court held that because of the doctrine of judicial immunity, the judge, and therefore, the State could not be held liable.

Ellen S. v. Florida Board of Bar Examiners - The Department filed an amicus brief supporting a challenge to mental health inquiries made by the Florida State Board of Law Examiners in certifying candidates

for admission to the Florida Bar. Florida asks candidates whether they have ever sought treatment for or been diagnosed as having a nervous, mental, or emotional condition, or have ever taken any psychotropic medication. Bar applicants who answer affirmatively must sign a consent form authorizing the release of any and all mental health records. The amicus brief argues that the inquiries are unnecessary and that the Board's procedures unnecessarily impose burdens on people with disabilities in violation of title II.

B. Formal Settlement Agreements

The Department has resolved a number of cases without filing a lawsuit, by means of formal written settlement agreements.

Title II

Fulton, Missouri - The Department settled a complaint filed against the Municipal Court for the City of Fulton and the Office of the Clerk of the Municipal Court. The complaint alleged that the city did not ensure effective communication with persons who are deaf or hard of hearing. The city has agreed to provide appropriate auxiliary aids and services; provide training for personnel; publish a policy that provides reasonable modifications in policies, practices, and procedures for people with disabilities; incorporate instructions for obtaining reasonable modifications in policies, practices, and procedures into the existing language on its traffic citations; and work with the county government to ensure that the municipal courtroom in the county courthouse is accessible.

Waukesha, Wisconsin - Resolving a complaint by a Waukesha city alderman who uses a wheelchair alleging that the city hall was inaccessible, the city agreed to hold its closed deliberations in the accessible room in which it holds general meetings, renovate the first floor men's and women's bathrooms to comply with ADA standards, install two automatic door openers at the building's front entrance, and renovate a van accessible parking space.

Berkeley, California - Agreement was reached with the City of Berkeley, California, to ensure direct access to its 9-1-1 emergency services. Berkeley will modify its current practices to ensure that the services provided to individuals who use TDD's are as effective as those provided to others. The city will also install one TDD at

each of its answering stations, provide training of emergency service call takers in the proper operation of TDD's, and develop and implement a public education program to promote the use of 9-1-1 by individuals who use TDD's.

Wadsworth, Ohio - Resolving a complaint alleging that the city hall and city court were inaccessible to individuals with mobility impairments, the City of Wadsworth agreed to make alternative arrangements for program accessibility until a new city hall is completed in the spring of 1995, upgrade its parking facilities and entryway to ensure access to individuals with disabilities, inform and train all city managers and employees on its policies and procedures for providing accessibility to individuals with disabilities, and adopt and publish grievance procedures for prompt and equitable resolution of complaints alleging actions prohibited by title II.

Alexandria, Louisiana - In response to a complaint alleging that a person who is deaf was denied effective communication during a court proceeding because a sign language interpreter was not provided, the Alexandria City Court agreed to provide auxiliary aids when necessary for effective communication and adopted a policy for the provision of sign language interpreters. A TDD was also purchased.

Atlanta, Georgia - The Georgia World Congress Center Authority has agreed to make significant alterations to the Georgia World Congress Center, a large convention facility, and one of the proposed venues for the 1996 Olympic Games. The alterations include widening doors to the auditorium; providing accessible seating for people who use wheelchairs; providing alternatives to turnstile entrances to food service areas; altering specific features in designated food service areas; and altering telephones, restrooms, door hardware, and water fountains.

Formal Settlement Agreements

Genesee County, Michigan - The County Board of Commissioners agreed to make restroom facilities in the probate court house accessible to individuals with mobility impairments.

Title III

Anthony's Pier 4 Restaurant, Boston, Massachusetts - Settlement agreements were reached with the owners and operators of Anthony's Pier 4 restaurant in Boston, Massachusetts, and three other restaurants in the Boston area. Anthony's Pier 4 is one of the five largest restaurants in the United States. The agreements call for a variety of changes to the facilities, including provision of accessible parking spaces, accessible entrances, accessible dining areas, and accessible restrooms. In particular, the agreement with Anthony's Pier 4 calls for reconstructing the front of the restaurant to provide an accessible entrance and accessible restrooms, construction of a ramp to provide access to an outdoor patio, and installation of a mechanical wheelchair lift to provide access to the banquet and meeting rooms on the second floor of the facility. The other three restaurants covered by the agreements are in Swampscott and Yarmouthport, Massachusetts. At each of those, there will be accessible parking, an accessible main entrance, accessible seating areas, and accessible restrooms. Finally, all of the restaurants have adopted policies for serving customers with disabilities.

Arlington, Virginia - Exxon Gas Station in Arlington, Virginia agreed to provide gas dispensing services to persons with disabilities and implement a procedure that would ensure that persons with disabilities could bypass the electronic card reader devices when dispensing their own gasoline. Furthermore, Exxon agreed to install detailed signage describing this procedure.

Hickory, North Carolina - The Department settled a complaint against the owners of the Life Enhancement Center health club regarding allegations that the health club had excluded an individual who uses a wheelchair from the pool and jacuzzi. The health club owners later allowed him to use the pool, jacuzzi, and other equipment, but only if he wore a protective helmet at any time he was out of his wheelchair. Several aspects of the newly construct-

ed facility failed to meet the ADA new construction standards. Under the settlement agreement, the owners agreed to change their previous policies and to allow persons who use wheelchairs to use the pool and jacuzzi, eliminate the protective helmet require-

ments, and make all changes necessary to bring the facility into compliance with the new construction standards.

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.

Title II

Access to facilities

- The entrance to the building housing a New England State law library was renovated along with the restrooms servicing the library to make the facility accessible to persons with mobility impairments. The library also revised its policy to ensure that appropriate auxiliary aids and services will be provided when necessary.

Formal Settlement Agreements

- A western State department of corrections retrofitted a prison van with a wheelchair lift, developed procedures for providing physical therapy, constructed a ramp to provide access to a prison library, and leveled the entrance to a shower in a cellblock.
- A Colorado county with an inaccessible elevator and restroom in its court house agreed to make structural changes to the restroom, alter the elevator to carry a greater maximum weight, and install a call button in the elevator so persons with disabilities can call for assistance.

Other Settlements

- A Louisiana motel, part of a national franchise, agreed to provide accessible parking spaces, provide an accessible entrance to the front lobby, lower a portion of the front desk, and modify six guest rooms to make them accessible (including two rooms with roll-in showers). The complaint alleged that an individual who uses a wheelchair called the company's 800 reservations number and requested an accessible room in the Baton Rouge area. He was informed that none of the motels associated with the national franchise in that area had accessible rooms.

Effective communication

- A western State department of prisons agreed to reschedule a parole hearing so that it could provide a sign language interpreter for an inmate, and agreed to provide a TDD for the facility where the inmate was housed.

Title III

Access to facilities

- A national rental car company is now offering a wide variety of rental cars equipped with hand controls to customers with disabilities at all corporately-owned locations across the country. Additionally, the company is now installing steering knobs free of charge to customers who request them. Hand controls and steering knobs enable persons who have limited use of their lower extremities to drive.
- A Denver restaurant, accessible only by a steep flight of stairs or by narrow winding corridors, agreed, as a readily achievable alternative to barrier removal, to prepare and deliver meals to persons with disabilities who live within three miles of the restaurant and to advertise the availability of this service.
- A luxury hotel in a large Virginia city agreed to provide two accessible restrooms in the lobby area, accessible signage throughout the building, and six accessible guest rooms.
- A retail, fabric store in a small California city has modified one of the store's entrances so that it is accessible to persons with disabilities. Wider doors and an opening device were installed to enable persons with disabilities to enter the store unassisted. Appropriate directional signage was also installed.
- Small town gas stations in Utah and Wyoming agreed to provide dispensing services for persons with disabilities and not to charge prices above ordinary self-serve prices for such services.
- An exercise training facility operating on two floors in a large California city agreed, as a readily achievable alternative to barrier removal, to open a space on the first floor, which was ordinarily reserved for personalized training, to persons unable to gain access to the second floor. The facility also agreed not to charge additional fees, unless personalized training was requested.

- An Atlanta, Georgia, location of a national chain restaurant acquired a portable ramp and installed a doorbell for use by those persons who need access to the ramp. Because of the restaurant's location, installation of a permanent ramp was not readily achievable.
- The owners of a shopping center in Lexington, South Carolina, built a curb ramp and established accessible parking.
- A Denver restaurant installed a curb ramp to make the front entrance accessible.

Other Settlements

Effective communication

- A large, independent California bookstore agreed to provide sign language interpreters upon request for poetry readings that it sponsors and holds at the bookstore. The store will also specify that the service is available in its advertising for the poetry readings.
- Four New York performing arts theaters have installed assistive listening systems, purchased receivers equal in number to at least four percent of available seats, and posted signs indicating the availability of these devices.
- An intercity bus company purchased and installed TDD units at banks of public phones in a large east coast city bus terminal and agreed to ensure that the TDD's are properly maintained.

Policies and procedures

- The Department resolved a complaint against a Jacksonville, Florida, chain restaurant alleging that the manager of the restaurant refused to allow a person with a hearing impairment who was accompanied by a service animal into the restaurant. The restaurant agreed to educate its employees as to the need to make reasonable modifications in policies, practices, and procedures for all people with disabilities, including individuals with hearing impairments who use service animals.

D. Investigations

The Department is currently investigating over 1000 complaints against public accommodations and commercial facilities under title III. The Department also, on its own initiative, is reviewing plans for new construction and alterations of various types of facilities in locations around the country.

In addition, the Department is currently investigating nearly 900 complaints against units of State and local government under title II. Seven other Federal agencies are also investigating title II complaints and may refer cases to the Department of Justice for litigation.

The Department also has a number of investigations under way under title I against public employers. (Enforcement of title I against private employers is handled by the Equal Employment Opportunity Commission.)

II. Certification of State and Local Building Codes

The ADA authorizes the Department to certify State or local laws or building codes that meet or exceed the ADA's accessibility requirements. This is a voluntary program in which States and localities can choose to participate. In a jurisdiction whose law or code has been certified, when a new public accommodation or other commercial facility is built, or an existing facility is altered or expanded, compliance with the local regulations will give the building owner and other responsible parties rebuttable evidence of compliance with the ADA if the building's accessibility is later challenged under the ADA. The Department

is reviewing requests for certification from the State of Washington, the City of New York, the State of New Mexico, the State of Utah, and the State of Florida.

The Department is also reviewing requests for technical assistance from the Council of American Building Officials (CABO) on behalf of the American National Standards Institute (ANSI) A117.1 committee, the Building Officials and Code Administrators International (BOCA), and the National Parking Association.

Title II Proposed Rule

The Department of Justice has published in the Federal Register a proposed rule to amend the regulations implementing title II and titles III of the ADA. The Department is currently seeking public comment on the proposed amendments. Comments must be received in writing on or before August 19, 1994. The proposal would adopt the ADA Accessibility Guidelines as the ADA Standards for Accessible Design for new construction and alterations covered by title II of the ADA. Under the proposed amendment, title II entities would no longer have the option to apply the Uniform Federal Accessibility Standards.

The proposed rule would also amend the ADA Standards in several ways and add sections 11 through 14, dealing with judicial, legislative, and regulatory facilities, detention and correctional facilities, residential housing, and public rights-of-way. Finally, the proposal would publish the amended ADA Standards for Accessible Design as part 37 of 28 C.F.R., deleting them from Appendix A of part 36 of 28 C.F.R., and would amend title III to refer to part 37.

III. Technical Assistance

The ADA requires the Department of Justice to provide technical assistance to entities and individuals with rights and responsibilities under the ADA. The Department encourages voluntary compliance by providing education and technical assistance to business, industry, government, and members of the general public through a variety of means.

ADA Telephone Information Line

The Department of Justice now provides toll-free "800" service for both voice and TDD callers who have questions about title II and title III of the ADA, including the Standards for Accessible Design. Under its expanded hours of operations, operators may be reached from 10:00 a.m. to 6:00 p.m. (EDT), Monday through Friday (except Thursdays, 1:00 p.m. to 6:00 p.m.). The system has been upgraded to accommodate a larger number of callers simultaneously and to provide Spanish language service. Callers may hear recorded information and order materials at any time day or night. The information line numbers are:

Nationwide

1-800-514-0301 (voice)

1-800-514-0383 (TDD)

Washington, D.C., area

202-514-0301 (voice)

202-514-0383 (TDD)

Grants

Section 506 of the ADA requires the Department to provide technical assistance to entities and individuals affected by title II and title III of the ADA. This section also authorizes the Department to award grants for the purpose of supplementing the Department's technical assistance efforts.

The Department of Justice's solicitation for applications for its fiscal year 1994 Americans with Disabilities Act (ADA) Technical Assistance Grant Program was published in the Federal Register on June 3, 1994. The ADA Technical Assistance Grant Program is designed to develop and implement strategies to disseminate information to entities and individuals with rights and responsibilities under titles II and III of the ADA. The goal of the program is to increase understanding of, and facilitate voluntary compliance with, the ADA nationwide. Applications will be accepted until August 2, 1994.

Publications

Copies of the Department of Justice's regulations for titles II and III of the ADA, the ADA Questions and Answers booklet, the ADA Handbook (limited quantities available), and information about the Department's technical assistance grant program can be obtained by calling the Department's toll-free ADA Telephone Information Line at the number listed above or writing to the address listed below. These materials are available in standard print, large print, Braille, audiotape, and computer disk.

U.S. Department of Justice

Civil Rights Division

Public Access Section

Post Office Box 66738

Washington, D.C. 20035-6738

These materials are also available through the Department of Justice's ADA electronic bulletin board at 202-514-6193.

Copies of the Department of Justice's Technical Assistance Manuals for titles II and III and yearly updates can be obtained by subscription from the Government Printing Office. The subscription for the Title II Manual, which includes annual supplements through 1996, costs \$24. The subscription for the Title III Manual with supplements through 1996 costs \$25. Call the ADA Telephone Information Line to obtain an order form.

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

Freedom of Information/Privacy Act Branch
Room 7337
Civil Rights Division
U.S. Department of Justice
Washington, D.C. 20530

IV. Other Sources of ADA Information

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.

ADA documents and general questions
202-366-1656 (voice)
202-366-2979 (TDD)

ADA legal questions
202-366-9306 (voice)
202-755-7687 (TDD)

Nat'l Easter Seal Society
"Project Action" grant
202-347-3066 (voice)
202-347-7385 (TDD)

Air Carrier Access Act questions
202-376-6406 (voice)

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

For ordering documents
1-800-669-3362 (voice)
1-800-800-3302 (TDD)

For questions
1-800-669-4000 (voice)
TDD: use relay service

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

ADA documents and general questions
202-632-7260 (voice)
202-632-6999 (TDD)

ADA legal questions
202-634-1808 (voice)
202-632-0484 (TDD)

Complaints and Enforcement
202-632-7553 (voice)
202-632-0485 (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 & TDD)
202-272-5434 (voice)
202-272-5449 (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 concerning title I, title II, and title III of the ADA.

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

V. 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 1-800-669-4000 for the field office in your area.

Title II

Complaints about violations of title II by units of State and local government should be filed with -

U.S. Department of Justice
Civil Rights Division
Coordination and Review Section
Post Office Box 66118
Washington, D.C. 20035-6118
(202) 307-2222 (Voice)
(202) 307-2678 (TDD)

Title III

Complaints about violations of title III by public accommodations and commercial facilities should be filed with -

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



Enforcing the ADA

A Status Report Update from the Department of Justice

(July-September 1994)

This Status Report Update covers the ADA activities of the Department of Justice during the third quarter (July-September) of 1994. Copies of the April 4, 1994, Status Report (which summarizes all activities up to that date) and the April-June 1994 Update are available through our ADA Telephone Information Line (see page 9).

INSIDE...

ADA Litigation	2-4
Formal Settlement Agreements	4-5
Other Settlements	6-7
Certification	8
Technical Assistance	9-10
Attorney General Launches National Public Education Campaign	11
Other Sources of ADA Information	12
How to File Complaints	13

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 nearly 300 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

1. Consent decrees

Some litigation is resolved at the time that 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.

Title III

United States v. Jack H. Castle, D.D.S., Inc. d/b/a Castle Dental Center - In the first AIDS-related settlement with a dental service under the ADA, a Houston dental office will pay \$100,000 in damages and penalties for refusing to treat a patient who revealed that he was HIV-positive. Under the proposed consent order defendant

Castle Dental Center, a large chain of dental offices in the Houston area, will pay \$80,000 in compensatory damages to a person who was denied dental services because of HIV status, the largest amount of damages obtained to date by the Department on behalf of a complainant. The owner of the Center and its management company will each pay a \$10,000 civil penalty to the Federal Government. The defendants will also provide full and equal services to persons with HIV or AIDS, train their staff in nondiscriminatory treatment of persons with HIV or AIDS, and send periodic reports to the Department so that compliance with the order can be monitored.

2. 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.

Title II

Helen L. v. Didario - The Department filed an amicus brief in the U.S. Court of Appeals for the Third Circuit challenging the Pennsylvania Department of Public Welfare's (DPW) refusal to provide attendant care services to an individual with a mobility impairment who needs such

services in order to live at home with her two children. In order to obtain the assistance that she needs, she was required to enter a DPW-maintained nursing home even though she does not need nursing care. Pennsylvania agrees that the most appropriate setting for the plaintiff is in the attendant care program. The State also agrees that attendant care for the plaintiff in her home would cost Pennsylvania \$9,300 less per year than nursing home care. However, the State asserts that the attendant care program is underfunded and that the plaintiff must continue on the waiting list. The Department's brief argues that the title II regulation, which requires public entities to provide services in the most integrated setting appropriate to the needs of the individual with a disability, mandates, in this particular situation, that the plaintiff be permitted to enter the attendant care program.

Clark v. Virginia Board of Bar Examiners -- The Department filed an amicus brief supporting a challenge to inquiries into past treatment for mental illness made by the Virginia Board of Bar Examiners in certifying candidates for admission to the Virginia Bar. The court had earlier ruled that it lacked jurisdiction to consider a challenge to the State's bar admission procedures. It also held that the plaintiff had not presented enough evidence as to her mental health condition to establish that she was an individual with a disability who would be entitled to bring an ADA lawsuit on this issue. After the Department filed its amicus brief in support of plaintiff's motion for the court to reconsider its decision, the court reversed its earlier ruling. It agreed with the Department's position that it did indeed have jurisdiction over the plaintiff's claims and that she had "standing" to bring the lawsuit. The case will now proceed to trial.

Amicus Briefs

Ellen S. v. Florida Board of Bar Examiners -- In another bar examiner case challenging mental health inquiries, the U.S. District Court for the Southern District of Florida rejected the Florida Board of Bar Examiners motion to dismiss, as urged by the Department in its June 29, 1994, amicus brief.

Livingston v. Guice -- The Department filed an amicus brief with the U.S. Court of Appeals for the Fourth Circuit in support of plaintiff's appeal in a title II suit against the State of North Carolina and a State court judge. The suit, brought by a person who uses a wheelchair, charges that the State of North Carolina and a State court judge violated title II of the ADA by preventing the plaintiff from entering a courtroom through the only accessible entrance known to her. The U.S. District Court for the Western District of North Carolina had dismissed the case on the grounds of judicial immunity. The Department's brief in the Fourth Circuit argues that, under Supreme Court judicial immunity cases and the ADA, the State judge is not immune from the claim for injunctive relief made in this case and that the State is not immune from the claim for monetary damages.

LRCAB v. Laconia, New Hampshire -- This case involved a challenge to a city zoning board's decision to deny a special use permit that would have allowed the operation of a center providing services for homeless persons with mental illness. The Department filed an amicus brief arguing that zoning actions can be challenged under title II of the ADA and that the court should not abstain pending a state court review of the zoning decision. The court then issued an order declining to abstain but deferred ruling on the issue of whether zoning decisions are covered by title II.

Title III

Fiedler v. American Multi-Cinema, Inc. -- The Department filed an amicus brief with the U.S. District Court for the District of Columbia arguing that existing motion picture theaters with more than 300 seats must disperse wheelchair seating locations to the extent it is readily achievable to do so. The plaintiff, a person with a mobility impairment who uses a wheelchair, sued American Multi-Cinema, Inc., claiming that its practice of providing only two wheelchair seating locations in the last row of a 374-seat motion

Amicus Briefs

picture theater in Union Station in Washington, D.C., violated the ADA. The Department's brief also argues that the privately operated movie theater at issue is a covered place of public accommodation under title III even though it is housed in leased space in a facility owned by the Federal Government. In addition, the brief challenges the defendant's assertion that wheelchair users seated somewhere other than in the last row of an existing theater would always constitute a "direct threat" to the health and safety of other patrons in the event of an emergency.

Posner Dismissed without Ruling on Religious Exemption -- The Department intervened in *Posner v. Central Synagogue* to defend the constitutionality of title III's religious exemption in a case alleging violations of the ADA by a synagogue nursery school. The U.S. District Court for the Southern District of New York granted summary judgment for the defendant without deciding the constitutional issue.

IHOP Case Moot Because of Restaurant Fire -- The Department intervened in *Pinnock v. International House of Pancakes*, a suit alleging that a San Diego restaurant failed to engage in readily achievable barrier removal, in order to defend the constitutionality of title III of the ADA. In October 1993, the district court ruled in the Department's favor and granted summary judgment to the United States on the constitutional issues. Because the restaurant was destroyed by fire, the U.S. Court of Appeals for the Ninth Circuit dismissed the defendant's appeal as moot.

B. Formal Settlement Agreements

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

Title II

Los Angeles, California -- The City of Los Angeles has agreed to take major steps to improve the accessibility of its 9-1-1 emergency telephone services to persons who use telecommunication

devices for the deaf (TDD's). The formal agreement resolves a complaint alleging that the City failed to respond to a 9-1-1 call made by a mother who is deaf. After her two-year-old son suffered a head injury, the mother called 9-1-1 on a TDD. After three tries to reach the 9-1-1 center by TDD, she gave up and took her son to the hospital herself. In the settlement agreement, the City agreed to install TDD-compatible equipment at approximately 30 answering stations; properly maintain this equipment and provide emergency backup equipment; provide training for emergency

services call-takers in the proper operation of TDD's; and undertake a public education program to promote the use of 9-1-1 by individuals who use TDD's.

Assistant Attorney General Deval L. Patrick has sent a letter to 250 mayors informing them of the Los Angeles / 9-1-1 agreement and reminding them of their obligation to provide direct access for TDD users to their 9-1-1 systems.

Pinellas County, Florida -- The Pinellas County Sheriff's Office entered a formal agreement involving auxiliary aids issues. The agreement resolves a complaint alleging that the Sheriff's Office did not secure the services of a qualified interpreter for an inmate who was deaf and failed to provide him with a TDD so that he could make outgoing calls. The Sheriff's Office agreed to maintain the additional TDD's that it purchased, to permit inmates and visitors to have access to 800 numbers for the purpose of making calls through telephone relay services, and to establish procedures for securing the services of qualified interpreters whenever necessary to ensure effective communication with individuals who are deaf or hard-of-hearing.

Minnehaha County, South Dakota -- In the first settlement agreement involving public fairs, Minnehaha County has agreed to a wide range of measures to ensure accessibility at the Sioux Empire Fair. The County has agreed to renovate several bathrooms, install two TDD's at pay phones, create an accessible path of travel through the livestock barns and other areas at the fairgrounds, install and upgrade accessible parking, make the vending and ticketing counters and booths accessible, provide materials to Fair

volunteers and patrons regarding the accommodations available for disabled patrons, and adopt a policy that equalizes the number of companion tickets to Fair concerts that patrons with mobility impairments can buy as compared to other patrons.

Title III

Avis Inc., Garden City, New York -- Through a negotiated settlement agreement, the Department resolved its investigation of Avis, Inc., the country's second largest car rental establishment. Under the agreement, Avis has committed to providing rental vehicles equipped with hand controls to persons with disabilities at all corporately-owned locations. Hand controls will be available on eight hours' notice in all major airport locations and on 24 or 48 hours' notice at other facilities, depending on certain factors. Avis agreed to provide training at all corporate

locations. Avis will urge all existing licensees to adopt the same measures, and will require all new franchisees and those renewing their contracts to follow the agreement. The agreement also references two previously-resolved investigations, where Avis

has made substantial changes to its rental policies to accommodate persons with disabilities. When renting to persons who do not use credit cards, Avis will allow persons who are unemployed due to a disability to substitute verifiable disability-related income in lieu of a verifiable employment history. Also, persons who cannot drive due to a disability will now be able to rent cars in their own name and maintain financial responsibility for a car rental when they are accompanied by a licensed driver.

Formal Settlement Agreements

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.

Title II**Access to facilities**

- A Kentucky county court agreed to adopt and publicize a policy requiring court proceedings to be relocated to an accessible location upon reasonable notice from a person with a mobility impairment.
- A small New York town agreed to provide accessible paths from parking to viewing positions at its public baseball fields and install power-assisted doors and accessible water fountains and restrooms in its town hall.
- A Colorado county agreed to provide for accessibility at its courthouse by making changes to its elevator and restrooms.

Policies and procedures

- A west coast State committee of bar examiners agreed to provide an additional testing day for the July 1994 bar exam for an individual with a learning disability.

Other Settlements

Title III**Access to facilities**

- A Manchester, New Hampshire, pub installed a ramp at its front entrance.
- The owners of a Denver fast food establishment regraded an area of the parking lot to make it level with the restaurant's entrance and installed two accessible parking spaces.
- A Pensacola, Florida, restaurant located on the second floor of a two-story building agreed to make all menu selections from the second floor restaurant available at an accessible location on the first floor of the facility at no additional charge.
- A gift shop in a small town in Minnesota agreed to install a ramp to the front entrance.
- A California museum built a new accessible unisex restroom and modified another set of restrooms to have an accessible stall, lavatory, and other elements.
- A Colorado inn built a ramp at one of the inn's entrances.
- A small town Louisiana fast food chain restaurant relocated its accessible parking spaces so that they are directly in front of the entrance.
- The owners of a medical office building in a small town in Louisiana provided three accessible parking spaces and ramps to a walkway that had formerly impeded access.
- An auto supply store in a small Indiana town removed posts that were barriers to its check-out aisle.

- An upstate New York athletic club agreed to install a ramp to its indoor running track area and to make its weightlifting equipment accessible.
- A Colorado-based rental car company purchased universal hand controls for its rental car fleet and made cars equipped with these controls available on two days' or less notice under most circumstances. The company also modified its policies so that persons with disabilities no longer have to "test drive" hand control equipped rental cars.

Other Settlements

- An Idaho ski resort lodge acquired equipment necessary to make seven of its rooms accessible to persons with hearing impairments, acquired a TDD for its front desk so that customers who use TDDs will have access to in-room services available to other customers, and agreed to provide training to its staff in the proper use of the equipment.

- A Missouri hotel is now providing TDD's and other devices to hotel guests who have hearing impairments.

- A Wyoming outlet of a national chain of discount department stores restriped its parking lot to provide accessible spaces, installed automatic entrance doors, and agreed to modify its lunch counter to be accessible.
- The owners of two motels in Branson, Missouri, restriped the motels' parking lots to have accessible parking spaces on the shortest accessible route to rooms and amenities, and installed curb ramps.
- A restaurant in a small town in North Carolina, part of a national family restaurant chain, restriped the parking lot to have accessible spaces on the shortest accessible route to the building entrance.
- The Des Moines, Iowa, affiliate of a nationwide rental car company will provide hand controls for persons with disabilities.

Effective communication

- The operators of a multiplex motion picture theater in New York City acquired a permanently installed assistive listening system for each of its six auditoriums and purchased receivers for these systems equal in number to at least four percent of the available seats.

Policies and procedures

- Seven gas stations in western States agreed to pump gasoline at no extra charge for persons with disabilities (when there is more than one attendant on duty) and to post signs at the pumps notifying customers of this service.

D. Investigations

The Department is currently investigating nearly 1100 complaints against public accommodations and commercial facilities under title III. The Department also, on its own initiative, is reviewing plans for new construction and alterations of various types of facilities in locations around the country.

In addition, the Department is currently investigating nearly 1400 complaints against units of State and local government under title II. Seven other Federal agencies are also investigating title II complaints and may refer cases to the Department of Justice for litigation.

The Department also has a number of investigations under way under title I against public employers. (Enforcement of title I against private employers is handled by the Equal Employment Opportunity Commission.)

II. Certification of State and Local Building Codes

The ADA authorizes the Department of Justice to certify State or local laws or building codes that meet or exceed the ADA's accessibility requirements. This is a voluntary program in which States and localities can choose to participate. In a jurisdiction whose law or code has been certified, when a new public accommodation or other commercial facility is built or an existing facility is altered or expanded, compliance with the local regulations will give the building owner and other responsible parties rebuttable evidence of compliance with the ADA if the building's accessibility is later challenged under the ADA.

In July 1994, the Department notified the State of Washington that its review has revealed a few remaining areas in which the Washington code is not fully equivalent to the ADA and indicated that, upon correction of those problems, a preliminary certification of the code could be issued. The Washington request was the first

request for certification received by the Department. The Department's initial review revealed that the Washington accessibility code, although very progressive, was not fully equivalent to the ADA. Therefore, the Department provided substantial technical assistance to assist the State to make its code equivalent. The State of Washington is now proposing to amend its code to correct the problems identified by the Department. This process is expected to be completed by mid-November.

Requests for certification have also been received from New Mexico, Utah, Florida, and the City of New York. Technical assistance has been requested by the Council of American Building Officials (CABO) on behalf of the American National Standards Institute (ANSI) A117.1 committee, the Building Officials and Code Administrators International (BOCA), and the National Parking Association.

Title II Proposed Rule

The Department of Justice is now reviewing the comments on its proposed rule to amend title II's accessibility standards for new construction and alterations. The public comment period closed on August 19, 1994. The proposed rule would adopt the ADA Accessibility Guidelines as the ADA Standards for Accessible Design for new construction and alterations covered by title II. Under the proposed amendment, title II entities would no longer have the option to apply the Uniform Federal Accessibility Standards.

The proposed rule would also amend the ADA Standards in several ways and add sections 11 through 14 dealing with judicial, legislative, and regulatory facilities, detention and correctional facilities, residential housing, and public rights-of-way. Finally, the proposal would publish the amended ADA Standards for Accessible Design as part 38 of 28 C.F.R., deleting them from Appendix A of part 36 of 28 C.F.R., and would amend title III to refer to part 38.

III. Technical Assistance

The ADA requires the Department of Justice to provide technical assistance to entities and individuals with rights and responsibilities under the ADA. The Department encourages voluntary compliance by providing education and technical assistance to business, industry, government, and members of the general public through a variety of means.

ADA Telephone Information Line

The Department of Justice now provides toll-free "800" service for both voice and TDD callers who have questions about title II and title III of the ADA, including the Standards for Accessible Design. Under its expanded hours of operations, operators may be reached from 10:00 a.m. to 6:00 p.m. (EDT), Monday through Friday (except Thursdays, 1:00 p.m. to 6:00 p.m.). The system has been upgraded to accommodate a larger number of callers simultaneously and to provide Spanish language service. Callers may hear recorded information and order materials at any time day or night. The information line numbers are:

Nationwide

1-800-514-0301 (voice)

1-800-514-0383 (TDD)

Washington, D.C., area

202-514-0301 (voice)

202-514-0383 (TDD)

Grants

Section 506 of the ADA requires the Department to provide technical assistance to entities and individuals affected by title II and title III of the ADA. This section also authorizes the Department to award grants for the purpose of supplementing the Department's technical assistance efforts.

Under the 1994 Technical Assistance Grant Program, the Department awarded ten grants to the following organizations:

Access Video Fund -- to develop, produce, and distribute a 30-minute documentary, to be aired nationally, to educate the public on the ADA, dispel myths and stereotypes about people with disabilities, and illustrate the positive impact of the ADA on the lives of people with disabilities.

The Arc -- to produce educational materials for police departments and courts about the rights of persons with mental retardation in law enforcement and judicial proceedings; and to continue to reach out to small businesses across the country, to conduct ADA training sessions, and to operate a toll-free ADA technical assistance line that provides information to Spanish-speaking entities and individuals.

Home Builders Institute -- to distribute ADA educational materials produced by the Department of Justice to 190,000 local building contractors, construction tradespeople, and individuals in construction training programs throughout the country.

Key Bridge Foundation -- to train 90 professional mediators in Dallas-Fort Worth, Detroit, Los Angeles, New York, and Orlando-Tampa on the ADA, develop a consumer and mediator guide, and mediate up to 600 ADA complaints.

The National Trust for Historic Preservation -- to develop and distribute an ADA self-study course for the 1,863 local historic preservation commissions and boards throughout the country to assist in identifying accessibility issues and practical solutions for providing access without destroying a building's historic character.

Adaptive Environments -- to continue a project incorporating universal design concepts and specific ADA "how-to" materials into the curricula of architecture, interior design, industrial design, and landscape architecture schools and programs across the country.

Chief Officers of State Library Agencies (COSLA) -- to expand upon a project that placed ADA materials in 15,000 libraries throughout the country, with an emphasis on ADA videotapes, Spanish translations of ADA material, and additional documents developed by the Department's prior grantees.

Disability Rights Education and Defense Fund (DREDF) -- to continue to operate a toll-free ADA information line (1-800-466-4232 (voice & TDD)) to assist persons with disabilities and covered entities with inquiries about the requirements of the ADA, increasing the availability of technical assistance throughout the country, especially for citizens living in the Mountain and Pacific time zones.

Police Executive Research Forum (PERF) -- to expand educational materials for police officers about persons who are deaf, persons with epilepsy, and persons with mental illness.

Publications

Copies of the Department of Justice's regulations for titles II and III of the ADA, the ADA Questions and Answers booklet, the ADA Handbook (limited quantities available), and information about the Department's technical assistance grant program can be obtained by calling the Department's toll-free ADA Telephone Information Line at the number listed above or writing to the address listed below. These materials are available in standard print, large print, Braille, audiotape, and computer disk.

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

These materials are also available through the Department of Justice's ADA electronic bulletin board at 202-514-6193.

Copies of the Department of Justice's Technical Assistance Manuals for titles II and III and yearly updates can be obtained by subscription from the Government Printing Office. The subscription for the Title II Manual, which includes annual supplements through 1996, costs \$24. The subscription for the Title III Manual with supplements through 1996 costs \$25. Call the ADA Telephone Information Line to obtain an order form.

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

Freedom of Information/Privacy Act Branch
Civil Rights Division
Administrative Management Section
P.O. Box 65310
Washington, D.C. 20035-5310

Attorney General Launches National Public Education Campaign

As part of its continuing effort to educate Americans about the ADA, the Justice Department has launched a major national public education campaign. The campaign, which seeks to increase awareness of the landmark law and encourage voluntary compliance, includes distributing public service announcements to media markets and informational kits to libraries across the country.

The public service announcements, which include both radio and television spots, feature Attorney General Janet Reno stressing the importance of the law. The following 60-second radio spot, entitled "Getting In the Door," will be distributed to over 1,000 radio stations:

BACKGROUND:

- Martin Luther King saying, "I have a dream."

ATTORNEY GENERAL JANET RENO:

- "Talk about "civil rights" and people think about a lot of things ... Martin Luther King, the March on Washington, the women's fight for equality.
- But for *one out of seven* Americans, equality means just being able to get in the door, make a phone call, hear a movie, or get a job.
- Now, thanks to the Americans with Disabilities Act, the simplest things in life are no longer barriers to America's 49 million people with disabilities.
- I'm Janet Reno, U.S. Attorney General. If you're not sure what's required under the Americans with Disabilities Act, please call 1-800-514-0301 or visit your local library.
- Again, that's 1-800-514-0301.
- Because the ADA isn't just the way things *should* be -- now it's the *law*."

Two other television spots, which run for 30 and 15 seconds, will be distributed to over 1,800 television stations.

Additionally, the Justice Department is providing 15,000 public libraries with an "ADA Information File." The file was developed and distributed with the help of the Chief Officers of State Library Agencies.

In announcing this educational effort at Washington's Martin Luther King Library, Reno stated that "the library is the center of community life where people from all walks of life go to get the information they need." The file includes over 30 documents offering general information on the ADA's requirements as well as specific information on how various entities can comply with the law. The documents were developed by the Department of Justice and its grantees and other Federal agencies.

To ensure the success of the campaign, the Justice Department will ask citizens to encourage television and radio stations in their communities to air the public service announcements. If a station has not already received the announcements, please contact Lee Douglass, Department of Justice Office of Public Affairs at (202) 616-2765.

IV. Other Sources of ADA Information

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

For ordering documents
1-800-669-3362 (voice)
1-800-800-3302 (TDD)

For questions
1-800-669-4000 (voice)
TDD: use relay service

* * *

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.

ADA documents and general questions
202-366-1656 (voice)
202-366-4567 (TDD)

ADA legal questions
202-366-1936 (voice)
202-366-0748 (TDD)

Complaints and enforcement
202-366-2285 (voice)
202-366-0153 (TDD)

National Easter Seal Society
"Project Action" grant
202-347-3066 (voice)
202-347-7385 (TDD)

* * *

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

ADA documents and general questions
202-418-0500 (voice)
202-632-6999 (TDD)

ADA legal questions
202-634-1808 (voice)
202-632-0484 (TDD)

Complaints and enforcement
202-632-7553 (voice)
202-632-0485 (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
1-800-872-2253 (voice)
1-800-993-2822 (TDD)
202-272-5434 (voice)
202-272-5449 (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 concerning title I, title II, and title III of the ADA.

ADA technical assistance nationwide
1-800-949-4232 (voice & 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
1-800-526-7234 (voice & TDD)

V. 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 1-800-669-4000 for the field office in your area.

Title II

Complaints about violations of title II by units of State and local government should be filed with -

U.S. Department of Justice
Civil Rights Division
Coordination and Review Section
Post Office Box 66118
Washington, D.C. 20035-6118
202-307-2222 (Voice)
202-307-2678 (TDD)

Title III

Complaints about violations of title III by public accommodations and commercial facilities should be filed with -

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



Enforcing the ADA

A Status Report Update from the Department of Justice

(October - December 1994)

This Status Report Update covers the ADA activities of the Department of Justice during the fourth quarter (October-December) of 1994. Copies of the April 4, 1994, Status Report (which summarizes all activities up to that date), and the updates for the second and third quarters of 1994 are available through our ADA Telephone Information Line (see page 9.)

INSIDE...

ADA Litigation	2-4
Formal Settlement Agreements	5-6
Other Settlements	6-7
Certification	8-9
Technical Assistance	9-10
Other Sources of ADA Information	11
Learn About the ADA in Your	
Local Library	12-16
How to File Complaints	17



Enforcing the ADA

A Status Report Update from the Department of Justice

(January-March 1995)

This Status Report Update covers the ADA activities of the Department of Justice during the first quarter (January - March) of 1995. Copies of the April 4, 1994, Status Report (which summarizes all activities up to that date) and subsequent quarterly updates are available through our ADA Telephone Information Line (see page 9).

INSIDE...

ADA Litigation	2-5
Formal Settlement Agreements	5-6
Other Settlements	7-8
Certification	8-9
Technical Assistance	9-10
Other Sources of ADA Information	11-12
How to File Complaints	12

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 nearly 350 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

Justice Wins HIV Dental Case -- The Department prevailed in its challenge to the refusal of a New Orleans dentist to provide routine dental care to two individuals because of

their HIV-positive status. In granting summary judgment to the Department in *United States v. Morvant*, the U.S. District Court for the Eastern District of Louisiana held that (1) HIV-positive status and AIDS are protected disabilities under the ADA; (2) the "referral" of an individual with HIV or AIDS to another dentist on the basis of the patient's HIV-positive status alone is discriminatory; (3) providing routine dental care to persons with HIV or AIDS does not pose a "direct threat" to the health or safety of others; and (4) the ADA is constitutional as applied in this case. The court ordered Dr. Morvant to stop refusing to treat persons with HIV or AIDS and has scheduled a hearing on the amount of damages to be awarded to the two individuals.

Court Stops Virginia Bar Mental Health Inquiry

-- The U.S. District Court for the Eastern District of Virginia ordered the Virginia Board of Bar Examiners to stop asking applicants for the bar whether they had "within the past five years been treated or counseled for any mental, emotional, or nervous disorder." The Department filed several amicus briefs in *Clark v. Virginia Board of Law Examiners* challenging the Board's unnecessarily broad inquiry into past

mental health treatment. We argued that broad questions pertaining to a history of treatment or counseling for mental, emotional, or nervous conditions that do not focus on current impairments of an applicant's fitness to practice a given profession violate title II. Virginia has appealed the order to the Fourth Circuit.

Appeals Court Orders Attendant Care For Eligible Applicant -- The United States Court of Appeals for the Third Circuit ruled in *Helen L. v. Didario* that the failure to provide home care services can in some cases violate title II. The Pennsylvania Department of Public Welfare (DPW) had refused to provide home attendant care services, under an existing program, to an individual with a mobility impairment who needs such services in order to live at home with her two children. In order to obtain the assistance that she needs, she was forced to enter a DPW-maintained nursing home even though she does not need nursing care. The State asserted that the attendant care program is underfunded and that the plaintiff must continue on the waiting list. Pennsylvania agreed, however, that the most appropriate setting for the plaintiff is in the attendant care program. The State also agreed that attendant care for the plaintiff in her home

would cost Pennsylvania \$9,300 less per year than nursing home care. The Department argued in an amicus brief that the title II regulation, which requires public entities to provide services in the most integrated setting appropriate to the needs of the individual with a disability, mandates, in this particular situation, that the plaintiff be permitted to enter the existing attendant care program. The Third Circuit agreed that Pennsylvania had violated title II and ordered the State to admit the plaintiff to the home care program.

2. New lawsuits

The Department initiated or intervened in the following lawsuits.

Title III

Abbott v. Bragdon -- The plaintiff, who is HIV-positive, claims that a dentist has refused to provide her with routine office dental care because of her HIV status. The Department has moved to intervene to defend title III against claims by the dentist that the ADA is unconstitutional. The Department also seeks to participate as amicus on other issues in the case.

Justice Unveils Disability Rights Section --

On March 1, 1995, a new Disability Rights Section was created in the Department's Civil Rights Division to carry out ADA enforcement, technical assistance, regulatory, and certification activities. The Disability Rights Section consists of the former Public Access Section plus additional personnel from the Coordination and Review, and Employment Litigation Sections.

The reorganization will promote efficient implementation of the ADA, and changing the name from Public Access to Disability Rights has great symbolic

significance as well.

"The time is long overdue for the public to recognize that disability rights are civil rights," said Assistant Attorney General, Deval L. Patrick.

Title I and II activities formerly carried out by Employment Litigation and Coordination and Review, including title I litigation and title II investigations, are now handled by the Disability Rights Section. In addition, the Disability Rights Section is responsible for meeting the Department's obligations to coordinate Federal implementation of title II of the ADA and section 504 of the Rehabilitation Act of 1973.

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.

Title I

United States v. City of Slidell, Louisiana -- The Department resolved by consent decree a reasonable accommodation suit against Slidell, Louisiana, brought on behalf of Gregory Smith, an employee in the city's department of parks and recreation. The lawsuit alleged that the city failed to reasonably accommodate Mr. Smith's chronic knee condition, which had resulted from an on-the-job injury, and that the city discharged him because of his disability without discussing with him whether he could continue to do the job. Under the consent decree, Mr. Smith received \$2,000 in compensatory damages and over \$21,000 in back pay. He did not seek reinstatement to his job. The case originated as a charge filed with the Equal Employment Opportunity Commission that was referred to the Department of Justice for litigation when conciliation efforts failed.

Title III

United States v. VSP Partnership -- The Department filed, and resolved by consent decree, a lawsuit involving accessibility problems against Villas by the Sea, a hotel and resort in Lauderdale-by-the-Sea, Florida. Under the terms of the consent agreement, Villas by the Sea will correct inaccessible alterations made to the facility after January 26, 1992 (the effective date of title III's alterations requirements), make necessary path of travel modifications, provide three accessible guestrooms, and undertake other barrier removal throughout several facilities to ensure accessibility.

United States v. Gibson's Discount Centers, Inc. -- A lawsuit and consent decree were filed simultaneously to resolve this case against the operator of 31 discount department stores in eight Midwest and Rocky Mountain States. The Department investigated complaints against several Gibson's stores alleging that Gibson's had failed to remove architectural barriers to access and that it had made alterations without complying with the ADA's Standards for Accessible Design. Under the terms of the consent order, Gibson's will bring every one of its stores into full compliance with the Standards. Gibson's will provide at least one accessible fitting room and entrance at each store, as well as accessible parking, check-out aisles, and restrooms. In addition, Gibson's will pay a civil penalty of \$30,000 to the United States, and will pay compensatory damages of \$15,000 to the complainant.

United States v. 1400 Glenarm Place Co-Tenancy -- The Department filed a lawsuit and consent decree to resolve this case involving a commercial office building in downtown Denver that made inaccessible alterations to its facility after January 26, 1992. Under the consent agreement, the defendants agreed to correct the inaccessible alterations and also agreed to make substantial path of travel modifications, including changes to restrooms on three floors and provision of an accessible entrance to space leased to a public utility company.

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.

Title II

United States and Taylor Home of Charlotte, Inc. v. City of Charlotte, North Carolina -- The Department filed a brief arguing that a nonprofit corporation that provides housing for AIDS

patients has standing to challenge zoning practices under title II of the ADA and section 504 of the Rehabilitation Act of 1973. The brief also opposes defendant's argument that title II does not cover zoning. This suit was brought by the Department of Justice under the Fair Housing Act to challenge Charlotte's revocation of a building permit for a group home for AIDS patients. The group home intervened and raised related claims under the ADA and the Rehabilitation Act that the defendant has asked the court to dismiss.

Wyatt v. Hanan -- The Department filed an amicus brief in support of a challenge to the State of Alabama's program for providing residential care, treatment, and training for persons with mental disabilities. Alabama State professionals admit that many individuals with mental disabilities currently institutionalized in public facilities are improperly placed there and should instead be served in appropriate existing community-based programs throughout the State. The State also admits that community-based services are generally less costly than institutional services. The Department asserts that this unnecessary segregation is a form of discrimination prohibited by the ADA. In a ruling allowing the case to go to trial, the court noted that integration is required where it is reasonable for the public entity and appropriate for the individual with a disability. Whether the ADA requires any particular individual to be offered a community-based placement would depend on the facts of the particular case.

Title III

Kovacs v. Kawakami -- The Department filed an amicus brief in support of a deaf woman who was refused treatment by a pulmonary specialist because of the doctor's belief that he could not communicate with her. The doctor also said that he would not provide any services in the future unless she brought along a family member "who could talk." Trial is scheduled for July.

B. Formal Settlement Agreements

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

Title II

Marshall County, Mississippi -- A settlement agreement resolved two complaints involving the discharge of volunteer firefighters for HIV-related reasons. One complainant alleged that he had been removed from membership in a county-funded volunteer fire department after the fire department learned he was HIV-positive. The other complainant alleged that he had been removed from membership with county-funded fire departments as a result of his known association with the first complainant. The County agreed to reinstate the complainants immediately to regular membership as volunteer firefighters, with all appropriate equipment and training, and pay each \$1,000 in damages. In addition, the County agreed to ensure that the volunteer fire departments will not retaliate or harass these individuals for asserting rights protected by the ADA, to conduct training for all volunteer firefighters on universal precautions to prevent the transmission of HIV during firefighting activities, to issue a nondiscrimination policy, and to adopt grievance procedures for reviewing claims of discrimination.

Fort Lauderdale, Florida -- The Department of Justice and the Fort Lauderdale Police Department reached a settlement agreement to ensure direct access to 9-1-1 services for persons who are deaf and hard of hearing. A woman who is deaf had twice tried to summon police using a telecommunications device for the deaf (TDD) but failed to receive a response from the police either time. The city agreed to modify its current practices to ensure that the services provided to individuals who use TDD's are as effective as those provided to others. It agreed to install a TDD at each of four response center consoles

and to implement a public education program to promote the use of 9-1-1 by individuals who use TDD's.

St. Louis, Missouri -- The St. Louis Land Clearance Redevelopment Authority (LCRA) signed a settlement agreement to resolve a complaint alleging that the ticket pricing, companion seating, and parking policies and procedures of the St. Louis Arena discriminated against individuals with disabilities. Because the Arena recently closed, the agreement does not require changes at the Arena. However, it does require the LCRA to maintain nondiscriminatory policies. Moreover, it provides for the LCRA to pay over \$16,000 in compensatory damages to three complainants.

Alexandria, Louisiana -- The Alexandria Police Department agreed to adopt and publicize a policy for the provision of appropriate auxiliary aids, including sign language interpreters, to persons with hearing impairments when necessary to ensure effective communication in arrest and other situations.

Mercer County, West Virginia -- The County agreed to develop a compliance plan to make the services, programs, and activities conducted in the Mercer County Courthouse accessible to individuals with mobility impairments.

Title III

Dollar, Inc., Washington, D.C. -- Dollar, Inc., one of the largest car rental establishments in the country, agreed to modify its rental policies to permit people with disabilities to rent cars when accompanied by licensed drivers. Prior to the agreement, Dollar required the licensed driver to be the financially responsible party. This policy made it impossible for people with disabilities who cannot drive (for example, people with

visual impairments) to rent cars, even when they had a licensed driver accompanying them. Under the agreement, an individual with a disability who is the financially responsible party may rent a car using his or her own credit card, while a driver accompanying the individual presents his or her own driver's license. All Dollar licensees renewing existing contracts or entering into new contracts subsequent to the agreement will be required to adopt the new policy.

Lone Star Steakhouse and Saloons, Wichita, Kansas -- Lone Star Steakhouse and Saloons, a nationwide restaurant chain operating 105 restaurants in 29 States, agreed to bring 97 new or altered facilities into full compliance with the ADA within 45 days, and comply with the ADA in the alteration and new construction of its restaurants in the future. This settlement was the first resulting from a compliance review, a process by which the Department, in the absence of a complaint, reviews architectural plans for new construction and alterations to assess compliance. Initial review of architectural plans revealed violations of the ADA, and site visits confirmed Lone Star's failure to provide accessible routes from parking areas, and other accessible features including seating, restrooms, and parking. Under the terms of the settlement, Lone Star is contributing \$25,000 to four disability advocacy groups, in amounts of \$6,250 each.

Drs. David, Schulman, and Weinstein, East Hartford, Connecticut -- The Department settled a complaint against a dental practice in East Hartford, Connecticut, alleging that the dentists refused to treat an individual because he had AIDS. Under the agreement, the dentists paid \$20,000 in compensatory damages to the estate of the complainant, and \$9,000 in civil penalties. They also agreed to implement and publicize a policy of nondiscrimination on the basis of HIV and AIDS.

Formal Settlement Agreements

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.

Title II

Access to facilities

A Pennsylvania county is removing physical barriers in its county courthouse and other county buildings and has agreed to relocate a courtroom and a public restroom in order to provide interim access until construction is completed.

A midwestern State department of corrections agreed to transfer its reception and classification centers for inmates who use wheelchairs from three inaccessible correctional centers to two accessible prisons, and provide accessible vans to transport inmates who use wheelchairs.

A Pennsylvania township is rebuilding the entrance to the township municipal building and constructing an accessible restroom. In the interim, the township constructed a wooden ramp to provide access to the building.

Policies and procedures

A southern State board of bar examiners agreed to provide an additional day of testing for an applicant with impaired vision to complete the bar exam.

Other Settlements

Effective communication

A Florida county agreed to make improvements in its 9-1-1 operational policies and procedures, equipment, and training in order to ensure the effective handling of TDD calls.

Title III

Access to facilities

The outlet of a national chain discount department store in a small Pennsylvania town constructed a new bathroom, including an entrance door with a minimum 32" opening, accessible stalls, toilets, accompanying grab bars, and insulated water pipes under all sink fixtures. It also converted an existing fitting room to an accessible fitting room with grab bars, a bench, and a mirror.

A Baltimore shopping center installed accessible parking spaces and curb cuts to provide accessibility from the parking lot to the center's shops.

A New Mexico shopping mall created 38 accessible parking spaces, including 13 van accessible spaces; removed hazards for persons with visual impairments; remodeled the men's and women's restrooms to include accessible fixtures, including grab bars, flashing alarm lights, and permanent signage with Braille and raised characters; installed signs indicating accessible parking; and provided new public telephones, including one TDD.

A Rhode Island restaurant agreed to make its entrance and restrooms accessible as part of a major renovation.

A historic hotel in Colorado agreed to make its secondary entrance accessible by regrading the adjacent sidewalk (historical preservation authorities argued that making the hotel's main entrance accessible would destroy the hotel's

historic significance), arranging for bell assistance at the secondary entrance when necessary, and installing an accessible unisex restroom in the hotel lobby.

A Florida deli installed accessible parking spaces, corrected a curb ramp, and lowered internal service counters to an accessible height.

A Gulf Coast mall agreed to install accessible restrooms, reconfigure the accessible parking to be on the shortest accessible route to accessible entrances, and install a ramp at the mall's only covered entrance.

An Atlanta family restaurant agreed to install a ramp in the internal hallway to the dining area.

A Connecticut YMCA agreed to install a key-operated flashing strobe light and a communication system as a means of alerting staff to the presence of a person at a locked entrance; guarantee access to persons with mobility impairments at all times during the YMCA's operating hours; move a weight room that was located on the lower floor to an accessible floor; install a permanent shower

bench in the boy's locker room; provide a hydraulic pool lift to facilitate the use of the swimming pool by disabled persons; restripe the accessible parking spaces in the parking lot in accordance with the ADA Standards for Accessible Design; and provide an accessible, unisex restroom.

A Columbus, Ohio, hotel agreed to add a wheelchair lift to the second story; convert additional guest rooms to be accessible to persons with disabilities (including rooms with roll-in showers); designate accessible parking spaces, including spaces that are van-accessible; remove barriers to the front entrance; provide visual alarms; replace existing signs with signs with high contrast characters accompanied by Braille lettering; and renovate the existing women's and men's public toilet rooms on the main level to be more accessible.

Effective Communication

A Maryland doctor agreed to provide a sign language interpreter for a patient and her husband, both of whom are deaf, during office visits.

II. Certification of State and Local Building Codes

The ADA authorizes the Department of Justice to certify State or local laws or building codes that meet or exceed the ADA's accessibility requirements. This is a voluntary program in which States and localities can choose to participate. In a jurisdiction whose law or code has been certified, when a new public accommodation or other commercial facility is built or an existing facility is altered or expanded, compliance with the local regulations will give the building owner and other responsible parties rebuttable evidence of compliance with the ADA, if the building's

accessibility is later challenged under the ADA. Certification thus allows local building officials to play a role in ensuring that buildings are constructed to be accessible. It also allows accessibility to be assessed early in the construction process as part of the State or local building permit and inspection processes. Finally, by promoting the incorporation of ADA-equivalent accessibility requirements into local codes, certification makes those requirements more familiar and readily available to local architects and builders, and eliminates possible conflicts with Federal law.

Justice Certifies Washington Code — On March 29, 1995, the Department certified that the Washington State Regulations for Barrier Free Design meet or exceed the new construction and alterations requirements of the Americans with Disabilities Act. This is the Department's first certification of the equivalency of a State code.

The Washington State request for certification was the first received by the

Department. The Department provided extensive technical assistance to the Washington Building Code Council to assist in the development of a fully equivalent code.

The Department first issued a preliminary determination of equivalency and then requested input from the public through written comments and two public hearings. Those comments supported the Department's determination.

III. Technical Assistance

The ADA requires the Department of Justice to provide technical assistance to entities and individuals with rights and responsibilities under the ADA. The Department encourages voluntary compliance by providing education and technical assistance to business, industry, government, 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 and other activities, developing and reviewing technical assistance materials, disseminating technical assistance materials to the public and undertaking outreach initiatives, operating an ADA technical assistance grant program, and coordinating ADA technical assistance government-wide.

ADA Information Line

The Department of Justice now provides toll-free 800 service for both voice and TDD callers who have questions about complying with title II and title III of the ADA, including the Standards for Accessible Design. Under its expanded hours of operations, operators may be reached from 10:00 a.m. to 6:00 p.m. (EDT),

Monday through Friday (Thursdays, 1:00 p.m. to 6:00 p.m.). The system has been upgraded to accommodate a larger number of callers simultaneously and to provide Spanish language service. Callers may hear recorded information and order materials at any time day or night.

ADA Information Line numbers are:

Nationwide

1-800-514-0301 (voice)

1-800-514-0383 (TDD)

Publications

Copies of the Department of Justice's regulations for titles II and III of the ADA, the ADA Questions and Answers booklet, the ADA Handbook (limited quantities available), and information about the Department's technical assistance grant program can be obtained by calling the Department's toll-free ADA Information Line at the number listed above or writing to the address listed below. These materials are available in standard print, large print, Braille, audiotape, and computer disk.

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

ADA Documents are On-line -- The Department of Justice operates an electronic bulletin board system (BBS) that contains its ADA regulations and technical assistance materials as well as some materials from other Federal agencies. These can be downloaded by computer modem by dialing 202-514-6193. The BBS can also be accessed through the Internet. The access codes are telnet fedworld.gov Gateway D, choice 1 #9.

The Department also has placed a variety of its ADA materials directly on the Internet, including press releases on ADA cases and ADA regulations and technical assistance materials. These materials can be accessed with gopher client software (gopher.usdoj.gov), through other gopher servers (choose 9 for North America, 5 for USA, 1 for All, and look for DOJ, which currently is option 377), with World Wide Web software (<http://www.usdoj.gov>), or through the White House WWW server (<http://www.whitehouse.gov>). The Department's press releases are located under the Office of Public Affairs. Other ADA materials are located under Litigating Organizations, Civil Rights Division.

Copies of the Department of Justice's Technical Assistance Manuals for titles II and III and yearly updates can be obtained by subscription from the Government Printing Office. The subscription fee for the Title II Manual, which includes annual supplements through 1996, is \$24. The subscription fee for the Title III Manual with supplements through 1996 is \$25. Call the ADA Information Line to obtain an order form.

Copies of 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

Town Meetings to Examine ADA Technical Assistance -- As part of President Clinton's National Performance Review, the Department of Justice and the Equal Employment Opportunity Commission will conduct open "Grassroots Partnership Meetings" on the ADA in three communities in early May. These meetings will focus on how ADA technical assistance efforts can be improved to maximize voluntary compliance with the law. The meetings are sponsored by a coalition of local business, government, and disability organizations and will be held in Houston, Texas; Pittsburgh, Pennsylvania; and Sioux Falls, South Dakota.

IV. Other Sources of ADA Information

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

For ordering documents
1-800-669-3362 (voice)
1-800-800-3302 (TDD)

For questions
1-800-669-4000 (voice)
1-800-669-6820 (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.

ADA documents and general questions
202-366-1656 (voice)
202-366-4567 (TDD)

ADA legal questions
202-366-1936 (voice)
202-366-0748 (TDD)

Complaints and enforcement
202-366-2285 (voice)
202-366-0153 (TDD)

Project ACTION
202-347-3066 (voice)
202-347-7385 (TDD)

* * *

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

ADA documents and general questions
202-418-0190 (voice)
202-418-2555 (TDD)

ADA legal questions
202-634-1798 (voice)
202-418-0484 (TDD)

Complaints and enforcement
202-632-7553 (voice)
202-418-0485 (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
1-800-872-2253 (voice)
1-800-993-2822 (TDD)
202-272-5434 (voice)
202-272-5449 (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 concerning title I, title II, and title III of the ADA.

ADA technical assistance nationwide
1-800-949-4232 (voice & 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.

Accommodation in the workplace
1-800-526-7234 (voice & TDD)

V. 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 1-800-669-4000 (voice) or 1-800-669-6820 (TDD) for 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 -

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

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a publication.

Publications have not been scanned in their entirety for the purpose of digitization. To see the full publication please search online or visit the Clinton Presidential Library's Research Room.



Enforcing the ADA

A Status Report from the Department of Justice

(April-September 1995)

This Status Report covers the ADA activities of the Department of Justice during the second and third quarters (April-September) of 1995. Copies of this report and earlier reports, including the July 26, 1995, Special Fifth Anniversary Status Report, are available through our ADA Telephone Information Line (see page 11).

INSIDE...

ADA Litigation	2-5
Formal Settlement Agreements	6-8
Other Settlements	8-9
Certification	10
Technical Assistance	10-13
Other Sources of ADA Information	13-14
How to File Complaints	14



Enforcing the ADA

A Special Fifth Anniversary Status Report from the Department of Justice

July 26, 1995

This is a special edition commemorating the fifth anniversary of the enactment of the ADA. Regular quarterly status reports will resume in October 1995. Copies of previous reports are available through our ADA Information Line (see page 11).

INSIDE..

A Message from Deval L. Patrick	2
Enforcement Highlights	3-9
Certification Highlights	10
Technical Assistance Highlights	10-12
Other Sources of ADA Information	13
How to File Complaints	14

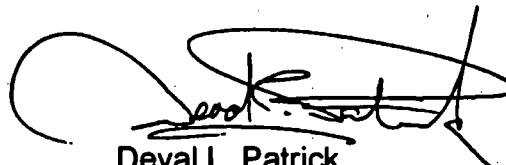
A Message from Deval L. Patrick, Assistant Attorney General for Civil Rights

Five years ago, the landmark Americans with Disabilities Act began a new era of opportunity, promise, and dignity for the 49 million Americans with disabilities. The ADA reflects the good common sense that is at the heart of all of our civil rights laws. For eliminating barriers that prevent people from fully participating in society is not only the right thing to do; it also enriches the lives of all Americans.

The ADA is a fair and reasonable law. It strikes a careful balance between the legitimate rights of individuals with disabilities and the resources and capabilities of private businesses and government. In enforcing the Act, we have focused on sensibly achieving its central goals. We have avoided the pursuit of fringe and frivolous disputes. Thanks to our educational outreach efforts, we have fostered a high degree of voluntary compliance with a minimum of costly litigation.

Our focus is on the fundamentals – access to vital government activities and to private sector goods and services that are necessary for daily living and employment. Through lawsuits and settlements, we have achieved greater access for people with disabilities in over 350 cases. This special fifth anniversary status report highlights some of these accomplishments.

We are committed to the long-term effort that will be required to fully implement the ADA. Through vigorous enforcement – and partnerships with business, state and local government, and the disability community – we will realize the ADA's promise of new opportunities for people with disabilities and all Americans.



Deval L. Patrick
Assistant Attorney General

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 Highlights

Gaining Access to Emergency Services

Under the ADA, the basic services that we all expect from government must be provided on a nondiscriminatory basis to people with disabilities.

9-1-1 system in Chicago -- The Department reached a formal agreement with Chicago ensuring access to 9-1-1 services for people who are deaf, hard of hearing, or have speech impairments. The agreement resolved three complaints filed with the Justice Department alleging that in three separate incidents deaf people were unable to get help by calling 9-1-1. In one case, a woman who had to wait for a cab to take her to the hospital was told by her physician that she could have died if she had arrived an hour later. In the other two cases, individuals who had been assaulted were able to reach the police only by calling intermediaries. Under the agreement, Chicago agreed to install telecommunication devices for the deaf (TDD's) in its 9-1-1 emergency center, train dispatchers to handle TDD calls, and promote its new accessible 9-1-1 system.

A Los Angeles mother who is deaf tried to get emergency help for her two-year-old son who had just received a head injury. Her repeated TDD calls to 9-1-1 went unanswered.

9-1-1 system in Los Angeles -- The City of Los Angeles agreed to make its 9-1-1 emergency services accessible to persons who use TDD's. The formal agreement resolves a complaint

alleging that the City failed to respond to a 9-1-1 call made by a mother who is deaf. After her two-year-old son sustained a head injury, the mother tried calling 9-1-1 on a TDD three times. Finally, she gave up and took her son to the hospital herself. Under the agreement, the City agreed to install TDD's, train its staff to handle TDD calls, and promote the use of 9-1-1 by individuals who use TDD's.

Emergency medical services in Philadelphia -- The Department resolved a complaint against the City of Philadelphia alleging that the City's emergency medical technicians (EMT's) had refused to assist an individual who they learned had HIV. Under the agreement, the City will no longer refuse to provide emergency services to individuals with disabilities. It will also discipline any employee who fails to follow the City's guidelines and will train the fire department's 2,300 EMT's and firefighters on ways to prevent the transmission of HIV/AIDS. In addition, the City will pay \$10,000 in compensatory damages and issue a written apology to the complainant.

Ensuring Equal Employment Opportunity

The ADA guarantees equal employment opportunities for people with disabilities. The Department has attacked failures to make reasonable accommodation and the discriminatory denial of pension and retirement benefits.

Employment opportunities in Slidell, Louisiana -- The Department sued Slidell alleging that the City failed to reasonably accommodate Gregory Smith, an employee in its department of parks and recreation. It claimed that the City

discharged Smith, who had a chronic knee condition stemming from an on-the-job injury, without considering whether a reasonable accommodation would enable him to continue to do the job. Under the consent decree, Smith received \$2,000 in compensatory damages and more than \$21,000 in back pay. He did not seek reinstatement to his job. The case originated at the Equal Employment Opportunity Commission and was referred to the Justice Department for litigation when conciliation efforts failed.

Pension funds in Illinois -- In response to a suit filed by the Department, Illinois enacted legislation to eliminate discriminatory provisions in its police and fire pension code. The Department had sued the board of trustees of the Aurora police pension fund, the City of Aurora, and the State for excluding police officers and firefighters from the City's pension funds on the basis of disability. Under the challenged system, police officers and firefighters were required to undergo separate physical examinations after they were hired to determine eligibility for retirement and disability benefits. Even though they were performing successfully on the job, police officers and firefighters could be denied disability and retirement benefits.

Kevin Holmes served successfully for ten years as a police officer in Aurora, Illinois. But, because he had diabetes, he was excluded from the State's pension fund. He would not receive the retirement pension available to other officers, and if he was injured in the line-of-duty, he would not receive any disability benefits.

Right to Citizen Participation

The ADA protects the right of people with disabilities to have equal access to the basic institutions of government. The Department has sought to eliminate physical, communication, and policy barriers in town halls, courtrooms, and legislative chambers.

City hall in Waukesha, Wisconsin -- Resolving a complaint by a Waukesha City alderman who uses a wheelchair, the City agreed to make its city hall accessible. It agreed to hold its closed deliberations in the accessible room in which it holds general meetings, renovate the first floor bathrooms, install automatic door openers at the building's entrance, and provide a van accessible parking space.

Jury service in Salt Lake City -- The Utah State Administrative Office of the Courts committed its courts to provide appropriate auxiliary aids and services, including qualified interpreters, when necessary to provide an individual with a disability an opportunity to serve as a juror. The agency agreed to establish a policy on providing interpreters for individuals serving on jury duty, notify the public about the policy, and instruct district court officials to adhere to the policy.

Civic functions in Manhattan, Montana -- A small Montana town agreed to make its town programs accessible by making a few renovations and taking alternative nonstructural measures. It agreed to install a ramp at an entrance, make the route to the entrance accessible, create one van-accessible parking space, and make the water fountain and bathroom on the first floor accessible. Also, town council meetings will be moved to the first floor when necessary.

Jury service in the D.C. Superior Court -- Donald Galloway filed suit in federal court charging that the District of Columbia Superior Court violated the law by categorically excluding blind persons from jury service. The federal court agreed, and awarded Galloway \$30,000 in damages. The Justice Department argued in support of Galloway's view that compensatory damages can be obtained under both the ADA and the Rehabilitation Act of 1973.

Donald Galloway was excited to be called for jury duty in the District of Columbia and eager to fulfill his civic responsibility. At the courthouse, though, he was told that because he is blind he could have saved himself the trip -- he would not be allowed to serve.

Town board meetings in New York State -- A small community agreed to purchase a public address system to resolve a complaint from a hard of hearing citizen who wanted to listen to town board meetings.

Opening Gateways to Opportunity

The ADA is lowering the barriers to educational and professional advancement faced by many people with disabilities. The Department has engaged in enforcement activities involving college entrance examinations and review courses for bar and accounting exams.

Scholastic Assessment Test -- The Educational Testing Service and the College Entrance Examination Board agreed to schedule more dates for more than 20,000 students with disabilities wishing to take the new version of the Scholastic Assessment Test. Under the original testing schedule, students with disabilities requiring accommodations were offered only one

date to take the updated version, as opposed to their peers who had several opportunities to take the test. The agreement also allowed approximately 2,600 students with disabilities who took the old version of the test the chance to cancel their scores and retake the new exam.

Bar review course -- Under a consent decree, the company that runs Bar/Bri, the nation's largest review course for students taking the bar exam, agreed to provide qualified sign language interpreters, assistive listening devices, and Brailled materials to students with disabilities. The Department had alleged that the course failed to provide appropriate auxiliary aids to students with vision and hearing impairments. The company, Harcourt Brace, also agreed to pay \$28,000 in compensatory damages, pay \$25,000 in civil penalties to the United States, adopt a policy ensuring that auxiliary aids and services are provided, educate its staff about the needs of students with disabilities, and promote the availability of auxiliary aids and services in its advertising.

Jennifer Olson is deaf and has used interpreters throughout her college and law school years. When she signed up to take a bar review course, the company refused to provide an interpreter.

C.P.A. review course -- In a settlement resolving the first lawsuit filed by the Justice Department under the ADA, Becker C.P.A. Review, which prepares over 10,000 students annually to take the national certified public accountant exam, agreed to amend its auxiliary aids policy. Where a need can be demonstrated, Becker will provide qualified sign language interpreters and assistive listening devices to students who are deaf or hard of hearing. Becker also agreed to appoint a national ADA coordinator, train its staff regarding the policy revision, pay \$20,000 in damages to be distributed to deaf and hearing

impaired students, and establish a \$25,000 scholarship fund for accounting students at California State University who have hearing impairments.

Becoming Part of the Economic Mainstream

A primary goal of the ADA is to bring people with disabilities into the mainstream of the American economy. The Department has achieved greater access in a wide variety of private-sector settings.

Venture Department Stores -- The Department entered into a consent decree resolving its suit against Venture Stores, Inc., a St. Louis firm that operates more than 90 discount department stores in eight states. Venture agreed to modify its policy of permitting only customers with drivers' licenses to pay with a personal check, and will now permit individuals who do not drive because of a disability to pay by check if they have a non-driver state ID card. It also agreed to compensate the complainants.

Joan Abbati has epilepsy and is unable to get a driver's license. When making purchases by check, she shows the cashier an ID card issued by the State of Illinois. A Venture discount department store in Chicago refused to honor the card, preventing her from paying by check.

Parking facilities in Colorado -- The Department entered into a consent decree resolving its suit against Allright Colorado, a company that owns or operates over 100 parking lot facilities in Denver. Under the agreement, Allright will add over 400 accessible parking spaces to its facilities, and instruct parking attendants to monitor the slots and ticket cars that are

improperly parked. Allright also paid \$20,000 in civil penalties because of alleged delay in complying.

Gibson's Discount Center -- By consent decree, the Department resolved a case against the operator of 30 discount department stores in eight Midwest and Rocky Mountain States. The Department investigated complaints against several Gibson's department stores alleging that Gibson's had failed to remove architectural barriers to access and that it had made alterations that did not comply with the ADA's Standards for Accessible Design. Under the agreement, Gibson's will bring all its stores into full compliance with the Standards; provide at least one accessible fitting room and entrance at each store; and offer accessible parking, check-out aisles, and restrooms. Also, Gibson's will pay \$30,000 in civil penalties and \$15,000 in compensatory damages.

In some Kansas communities, Gibson's Discount Center is the only place in town to shop for clothing, hardware, electronics, and sporting goods. But for Richard Knight, who uses a wheelchair, it was often impossible to shop at his hometown store because of insufficient accessible parking and inaccessible restrooms.

Municipal Credit Union of New York City -- A branch office of the Municipal Credit Union of New York City was inaccessible to people with mobility impairments. The Credit Union agreed to install a ramp at the entrance, notify its customers of the ramp, post appropriate signs, and instruct the staff to provide assistance when requested by individuals with disabilities.

Smith Barney -- Under a formal settlement, Smith Barney, a nationwide financial planning services company, will provide, upon request, financial statements and correspondence in large print to its customers with vision impairments. (Smith Barney already provides documents in Braille.) Smith Barney also agreed to pay \$1,500 to the complainant and notify its customers of the new service. Since the agreement, 645 customers already have requested large print documents.

Lone Star Steakhouse and Saloons -- Lone Star Steakhouse and Saloons, a nationwide restaurant chain operating 105 restaurants in 29 States, agreed to bring 97 new or altered facilities into full compliance with the ADA. This settlement was the first resulting from a compliance review, a process by which the Department reviews architectural plans to determine if new construction projects will comply with the ADA's standards. By reviewing the plans and visiting several sites, officials learned that Lonestar failed to provide accessible seating, restrooms, and parking, as well as accessible routes from parking areas. Under the settlement, Lone Star is contributing a total of \$25,000 to four disability advocacy groups.

Gas station in Arlington, Virginia -- Under an agreement, an Exxon gas station in Arlington agreed to pump gas for persons with disabilities and implement a procedure that would ensure that persons with disabilities could bypass the inaccessible electronic card reader devices when pumping their own gasoline. Exxon also will display signs describing this procedure.

Ensuring Fair Treatment

The ADA protects people with disabilities from unfair treatment. The Department has successfully fought for the rights of people with HIV infection not to be refused routine dental care because of irrational fears.

Dental service in New Orleans -- A Federal court in Louisiana ruled that a dentist violated the law by referring persons with HIV or AIDS to another dentist solely on the basis of the patient's HIV positive status. Under a consent order the dentist, Dr. Morvant, agreed to pay \$60,000 in damages to the family of one deceased patient, Ismael Pena, and \$60,000 to another patient, and to no longer discriminate against persons with HIV or AIDS. Morvant may refer such patients to another dentist only when the dental treatment being sought or provided is outside his area of expertise. The order also requires Morvant and his staff to undergo training on the treatment of persons with HIV or AIDS, infection control in the dental workplace, and the ethical duty to treat persons with HIV or AIDS.

For 11 years Ismael Pena went to the same dentist in New Orleans for basic dental care. But after learning that his longstanding and loyal patient had AIDS, Dr. Morvant told Pena to go elsewhere to get his teeth cleaned.

Access to Business and Leisure Travel

The ADA guarantees the right of people with disabilities to enjoy the amenities of leisure and business travel. The Department's activities have led to greater accessibility in the hotel, rental car, and resort industries.

Hyatt Regency in Dallas -- The Department resolved a suit alleging that the Hyatt Regency Dallas Hotel failed to remove architectural barriers where it was readily achievable to do so. Under the consent agreement, the Hyatt Corporation agreed to provide 28 accessible guest rooms, modify three sets of restrooms on several floors, and construct ramps providing access to the hotel's swimming pool and hot tub areas. It also agreed to pay a total of \$36,000 in compensatory damages to 24 individuals with disabilities.

For some families who have children with spina bifida, the yearly convention of the Spina Bifida Association is a summer vacation. The children can play with other children with spina bifida and not feel excluded or self-conscious. In 1992, excitement turned to disappointment when families showed up at the convention only to find that the guestrooms, restrooms, and pool at the Dallas Hyatt were inaccessible.

Avis, Inc. -- Under a formal settlement, Avis, Inc., the country's second largest car rental company, agreed to provide rental cars with hand controls for persons with disabilities -- with as little as eight hours notice in most major airport locations. Avis also agreed to urge all existing licensees to adopt the same

policy, require all new franchisees and those renewing their contracts to adopt the policy, train its staff at its corporate-owned rental locations, and allow persons who are unemployed due to a disability and who do not use credit cards, to substitute verifiable disability-related income in lieu of a verifiable employment history. Also, Avis will allow persons who cannot drive due to a disability to rent cars in their own name and maintain financial responsibility for renting the car when accompanied by a licensed driver.

Resort hotels in Hawaii -- The Department sued Pleasant Travel Service, Inc., and its subsidiary, Hawaiian Hotels & Resorts, Inc., who own and operate several resort hotels in Hawaii and California. It alleged that the hotels failed to remove barriers to access and renovated the hotels in ways that did not comply with the ADA's standards. Under a consent decree, the Royal Lahaina Resort, the Royal Kona Resort, and the Kauai Coconut Beach Resort will provide accessible parking; modify restrooms to make them accessible; provide access to restaurants, swimming pools and the luau areas; and offer between 12 and 14 accessible guest rooms at each hotel. Also, the defendants agreed to pay a total of \$25,000 in compensatory damages to two individuals who use wheelchairs and \$25,000 in civil penalties.

John Hartman, a wheelchair user who is active in community affairs in Kona, Hawaii, frequently attends meetings of his local government at the Royal Kona Resort. Because there was no accessible restroom, Hartman often would have to leave meetings abruptly, return to his van, and drive into town to find an accessible facility.

Increasing Access to Recreational Activities

The ADA bolsters the ability of people with disabilities to enjoy recreational activities with their family and friends. The Department has successfully increased access in diverse settings ranging from bowling centers to county fairs.

Empire State Building in New York -- The Justice Department alleged that the owners of the Empire State Building failed to remove architectural barriers where it was readily achievable to do so. An agreement resolving the complaint mandates changes to the lobby, entrance, observation decks, restrooms and telephones, but does not cover any privately leased office space in the building.

Bowling alley in Greenwood, South Carolina -- The owners of Emerald Lanes, a bowling center, agreed to construct a ramp and an accessible door at the front entrance, build a new accessible unisex restroom and vestibule leading to it, and add accessible parking.

A South Carolina man just wanted to be able to see his children bowl in league competition -- but inaccessible facilities made it impossible.

Public fair in Minnehaha County, South Dakota -- In the first settlement agreement involving a public fair, Minnehaha County agreed to a wide range of measures to ensure accessibility at the Sioux Empire Fair. The County agreed to renovate several bathrooms, install two TDD's at pay phones, create an accessible path of travel through areas of the Fairgrounds, upgrade accessible parking, make the vending and ticketing counters and booths accessible, provide materials to Fair volunteers and patrons regarding the accommodations available for people with disabilities, and adopt a policy that

allows patrons with mobility impairments to buy the same number of companion tickets to Fair concerts that other patrons are able to buy.

Theaters in New York City -- A number of motion picture and performing arts theaters in New York City agreed to install assistive listening systems and provide individual receivers for patrons who are hard of hearing.

Providing Freedom from Unnecessary Inquiries into Disability

The ADA gives people with disabilities the right to be free from undue requests for personal and private information about their physical or mental condition. Many State licensing authorities are reconsidering the questions they are asking applicants for professional licenses due to the Department's activities in this area.

Professional licensing nationwide -- By challenging overly broad mental health inquiries by State licensing officials of applicants for professional licenses (law and medicine), the Department has spurred reform efforts nationwide. In briefs filed in New Jersey, Florida, and Virginia, the Department has argued that broad questions about an individual's history of treatment or counseling for mental, emotional, or nervous conditions that do not focus on current impairment of an applicant's fitness to practice in a given profession violate the ADA. In one case challenging an unnecessarily broad inquiry into past mental health treatment, the Federal court ordered the Virginia Board of Bar Examiners to stop asking bar applicants whether they had received counseling within the past five years.

II. Certification Highlights

The law requires that newly constructed or altered facilities comply with the ADA Standards for Accessible Design. The ADA authorizes the Justice Department to certify building codes that meet the ADA's standards. In litigation, an entity that complies with a certified code can use it as rebuttable evidence of compliance with the law.

Washington State's Code -- In March, the Justice Department certified that the requirements of Washington's building code are equivalent to those set forth in the ADA. Washington was the first State to submit, and receive certification of, its code. It may serve as a model for other states and localities.

III. Technical Assistance Highlights

Congress made the ADA very flexible and required the Federal Government to provide technical assistance to help the public understand the law's requirements. The Justice Department has fulfilled this mandate by establishing a wide ranging technical assistance program.

In the past five years, the Department has --

- distributed more than 70 million ADA publications and informational pieces to the public;
- established a toll-free Information Line that receives approximately 6,500 calls each month from the public;
- distributed public service announcements about the ADA to hundreds of TV and radio stations across the country;
- developed and disseminated an ADA Information File containing over 30 technical assistance publications to 15,000 public libraries and 6,000 Chambers of Commerce nationwide;

· provided grants to trade associations and other organizations for the development of specially-tailored publications and videotapes on the ADA. The groups included--

- owners and managers of hotels and motels, restaurants, grocery stores, other retail establishments, small businesses, and businesses whose owners speak Spanish or other languages;
- builders and contractors, students and professors of design education programs, and members of historic preservation boards and commissions;
- medical professionals, child care providers, and service providers for older people;
- mayors of medium and large cities, small towns and townships, police officers and court personnel, and managers and operators of emergency response ("9-1-1") centers;

--people with disabilities; and,

--community and professional mediators.

Most businesses and governments comply once they understand what is required. That is why our **ADA Information Line** is a cornerstone of our public education effort. Through the information line, ADA specialists are available to answer questions and provide basic information, technical guidance, and publications.

A State university administrator did not know how to accommodate a student who uses a wheelchair -- so he called the ADA hotline. An ADA specialist suggested moving courses to accessible sites as well as setting up meetings with students and staff to identify possible obstacles that limit campus access. Two weeks later, the administrator called back to say that the first meeting was a success, not only for the students, but for the school because it dispelled the myth that providing program access would be too costly.

Our technical assistance initiatives underscore the importance of developing partnerships between businesses or local governments and persons with disabilities. Working together makes compliance easier and more effective.

ADA Information Line

ADA specialists are available Monday, Tuesday, Wednesday, and Friday from 10:00 a.m. to 6:00 p.m. (EDT), and Thursday from 1:00 p.m. to 6:00 p.m. Spanish language service is also provided. Callers may hear recorded information and order materials at any time day or night.

1-800-514-0301 (voice)

1-800-514-0383 (TDD)

Publications

Copies of the Department of Justice's regulations and technical assistance manuals for titles II and III of the ADA, the ADA Questions and Answers booklet, the ADA Handbook (limited quantities available), ADA Status Reports, and information about the Department's technical assistance grant program can be obtained free of charge by calling the ADA Information Line at the number listed above or by writing to the address listed below. These materials are also available as an accommodation to people with disabilities in large print, Braille, audiotape, and computer disk.

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

ADA Documents are On-line — The Department of Justice operates an electronic bulletin board system (BBS) that contains its ADA regulations and technical assistance materials as well as some materials from other Federal agencies. These can be downloaded by computer modem by dialing 202-514-6193. The BBS can also be accessed through the Internet. The access codes are telnet fedworld.gov Gateway D, choice 1 #9.

The Department also has placed a variety of its ADA materials directly on the Internet, including press releases on ADA cases and ADA regulations and technical assistance materials. These materials can be accessed with gopher client software (gopher.usdoj.gov), through other gopher servers (choose 9 for North America, 5 for USA, 1 for All, and look for Department of Justice, which currently is option 377), with World Wide Web software (<http://www.usdoj.gov>), or through the White House WWW server (<http://www.whitehouse.gov>). On the DOJ Home Page on the Web, ADA materials are located under Litigation Organizations, Civil Rights Division and under Justice Department Issues, Americans with Disabilities Act. The Department's press releases are located under the Office of Public Affairs on both the gopher and the World Wide Web. The Department's press releases are searchable on both gopher and World Wide Web. Speeches by senior officials of the Civil Rights Division can be found on the Civil Rights Division gopher and under Litigation Organizations, Civil Rights Division, Civil Rights Gopher Information.

Copies of the Department of Justice's Technical Assistance Manuals for titles II and III and yearly updates can also be obtained by subscription from the Government Printing Office. The subscription fee for the Title II Manual, which includes annual supplements through 1996, is \$24. The subscription fee for the Title III Manual with supplements through 1996 is \$25. Call the ADA Information Line to obtain an order form.

Copies of 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

IV. Other Sources of ADA Information

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

For ordering documents
800-669-3362 (voice)
800-800-3302 (TDD)

For questions
800-669-4000 (voice)
800-669-6820 (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.

ADA documents and general questions
202-366-1656 (voice)
202-366-4567 (TDD)

ADA legal questions
202-366-1936 (voice)
TDD: Use relay service

Complaints and enforcement
202-366-2285 (voice)
202-366-0153 (TDD)

Project ACTION
202-347-3066 (voice)
202-347-7385 (TDD)

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

ADA documents and general questions
202-418-0190 (voice)
202-418-2555 (TDD)

ADA legal questions
202-634-1798 (voice)
202-418-0484 (TDD)

Complaints and enforcement
202-632-7553 (voice)
202-418-0485 (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 National Institute on Disability and Rehabilitation Research (NIDRR) of the U.S. Department of Education has funded ten regional centers to provide technical assistance on the ADA.

800-949-4232 (voice & TDD)
(call automatically connects to the closest center)

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.

Accommodation in the workplace
800-526-7234 (voice & TDD)

V. 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) for 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 -

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

THE WHITE HOUSE
WASHINGTON

July 5, 1994

MEMORANDUM FOR MARVIN KRISLOV

From: Joe Velasquez

Subject: ADA Event

I asked Michela Alioto to put together her thoughts on a possible ADA event a few weeks ago.

We should take her thoughts into account as we make final plans for the event on the 26th.

Please advise.

Thanks.

OFFICE OF THE VICE PRESIDENT
WASHINGTON

TO: *Jol*

FROM: Michela Alioto
Deputy Assistant for Domestic Policy

Hi!

Per our conversation, I have attached a short memo on a couple of ideas I have for ~~an~~² ADT events ~~for~~ on July 26.

Unfortunately, because I am leaving for a little over a week (I'll be back on June 26) I have been trying to tie up some loose ends & was not able to put together a detailed out line on the OTRB issue at DOT. I gave you a ~~rough~~ rough sketch of what has transpired. The project, however, is being spearheaded by Stephen Kaplan, General Counsel &

over

Frank Kruesi, Asst. Sec. for
Transportation Policy at DOT.

If you need me for anything
you can leave me a message ~~on~~ at
(202) 333 2020.

I'd like to be a part of
this if you decide to run w/
these ideas or not - so let
me know.

Thanks —
Nichola

June 13, 1994

MEMORANDUM FOR JOE VALESQUEZ

FROM: MICHELA ALIOTO 

RE: POSSIBLE ADA EVENTS ON JULY 26

ISSUE

The issue at hand is a home-run ADA event to solidify the Administration's support for the ADA while publicly reemphasizing its importance to the Administration. I think I may have such an event.

BACKGROUND

When the ADA was enacted it gave one very significant provision -- it excluded over-the-road-buses (OTRB's), basically Greyhound buses, from complying with the ADA until 1996. By that time, DOT was to come up with a decision on how OTRB's would satisfy the ADA. In the meanwhile, OTA was commissioned to look into the matter and supply DOT with an assessment of the cost as well as a recommendation for implantation.

In their report, OTA supported making all new OTRB's accessible. The OTA report was subsequently sent to DOT and later disseminated among the Assistant Secretaries for full consideration and comment. Those comments were then sent to the Secretary for a decision.

Word has it that Secretary Pena agrees with OTA's recommendations and will approve them with one exception. DOT would like to see the subsidies marked in the National Highway Systems Bill go through -- they just passed in the House. If they go through, Pena is expected to back OTA's recommendations

ADA EVENT WITH THE PRESIDENT

As you know, transportation is an intrinsic part of Title II of the ADA. Its importance rests in the fact that it insures independence for people with physical disabilities.

Agreeing with and supporting the disability community by requiring OTRB accessibility, while continuing to otherwise implement the ADA -- as we have begun to do here in the White House -- would solidify our relationship with this constituency while strengthening our bond of support.

An announcement of this magnitude would be historic and would set a strong precedence for the Administration's support of the ADA. It would cement a much needed relationship with the disability community, and we would be supplying them with a victory Bush was unable to win.

ADA EVENT WITH THE VICE PRESIDENT

In addition, Vice President Gore's co-sponsorship of the ADA as a Senator makes him an important asset of this day's events. Considering his work on the NII and the NII's importance to people with disabilities, I thought he should do a separate telecommunications event after the President's.

The theme; "A White House Accessible To All People" would give the Vice President the forum to show off the accessible forms of telecommunications products that will be available to insure compliance with Title IV of the ADA; while, once again, showing the Administration's support of the ADA.

RECOMMENDATIONS

- Ensure that DOT supports OTA's recommendations.
- **Primary Event:** An announcement by the President with Secretary Pena of the Administration's support of OTRB accessibility.
- **Secondary Event:** A demonstration by the Vice President of NII accessibility.



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

Washington, D.C. 20503

1:30 mtg. has been postponed

1) date ^{7/24} looking pretty good

2) list to M. Lux. - office of Public Liaison
no decision on it

[we may not be able
to invite]

3) Mike Lux - Ricki Seidman
will call next week to
set up

7 people

(*) Corlto can ^{only} ~~not~~ meet
~~on~~ ON Fridays.

Fri. am. 10

Cert

Loz
Savage

Joe V.

ask

Campbell

Stan Herr

Carol Rasco

B. Boastin

DREDF

Disability Rights Education and Defense Fund, Inc.

Law, Public Policy, Training and Technical Assistance

FAX TRANSMITTAL SHEET

1633 "Q" STREET, N.W., SUITE 220
WASHINGTON, D.C. 20009
VOICE/TDD 202-986-0375
FAX 202-462-5624

DATE:

6-13-94

TO:

Joel Klein

FAX #

456-6279

FROM

Pat Wright

MESSAGE:

Disability Advocate Group.

TOTAL # OF PAGES INCLUDING THIS

SHEET:

2

DREDF

Disability Rights Education and Defense Fund, Inc.

Law, Public Policy, Training and Technical Assistance

MEMO

DATE: 06/13/94
 TO: Joel Klein
 FROM: Pat Wright
 RE: DAG - Disability Advocacy Group

The following names are leaders of the disability community who I believe can be trusted to work in confidence with the administration:

✓ Becky Ogle (703) 836-6263 *secret mesa*
✓ Justin Dart (202) 488-7684 *secret*
 Paul Marchand (202) 785-3388 *secret*
✓ Tony Coelho (202) 492-6423 *secret*
✓ Pat Wright (202) 986-0375 *secret*
 Lex Rubenstein (202) 467-5300 *secret*
✓ Lancaster, John 5730 *secret*

I look forward to working with you.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. fax	Request for Appointments; RE: Personally Identifiable Information [partial] (1 page)	07/01/1994	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office
Marvin Krislov
OA/Box Number: 18946

FOLDER TITLE:

Americans with Disabilities Act (ADA): ADA

2007-0143-F
db4481

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

REQUEST FOR APPOINTMENTS

To: Officer-in-charge
Workers and Visitor Entrance System
Room 06B, OEOB

Please admit the following appointments on July 1, 19 94
for Marvin Kreislov of WH Counsel
(name of person to be visited) (agency)

NAME	DATE OF BIRTH	SOCIAL SECURITY NUMBER
Coelho, Anthony Lee		
Ogle, Rebecca		
Dart, Justin		
Marchand, Paul		
Savage, Elizabeth		
Wright, Patriasha		

(b)(6) [001]

MEETING LOCATION
Building OEOB Requested by Sylvia M. Jarrell
Room No. 472 Room No. 130 Telephone 67903
Time of Meeting 1:30 p.m. Date of request June 29, 1994

Additions and/or changes made by telephone should be limited to five (5) names or less.

WAVES Center: WHITE HOUSE — 456-6742

UNITED STATES SECRET SERVICE

(SEE REVERSE FOR PRIVACY ACT STATEMENT)

SEP 2027 (09-94)

C-1

TRANSMISSION REPORT

THIS DOCUMENT (REDUCED SAMPLE ABOVE)
WAS SENT

** COUNT **

1

*** SEND ***

NO	REMOTE STATION I. D.	START TIME	DURATION	#PAGES	COMMENT
1	202 335 5349	6-28-94 15:02	0:39"	1	

TOTAL 0:00:39" 1

XEROX TELECOPIER 7020

REQUEST FOR APPOINTMENT PARKING

THIS FORM MUST BE COMPLETED AND SENT BY FAX
TO EXT. 1655 AT LEAST 2 HOURS IN ADVANCE.
(5:00 p.m. on Friday for Weekend Parking)

Date 06-29-94
Requestor's Name Sylvia M. JARRELL
Requestor's Office WH COUNSEL
Phone Extension 67903 Room No. 130

Date Parking Needed 07-01-94
Name of Driver Anthony Lee Coelho
Make of Car 1993 Mercury Capri
State and License No. VA 2YH 9558
Time of Arrival 1:30 p.m.
Time of Departure 3:00 p.m.

IT IS YOUR RESPONSIBILITY TO CONTACT
WAVER FOR ALL PASSENGERS ARRIVING IN THE CAR.

*re sending
had wrong date
thanks*

C-12

TRANSMISSION REPORT

THIS DOCUMENT (REDUCED SAMPLE ABOVE)
WAS SENT

**** COUNT ****
1

*** SEND ***

NO	REMOTE STATION I. D.	START TIME	DURATION	#PAGES	COMMENT
1	202 456 1655	6-28-94 15:03	0'48"	1	
TOTAL		0:00'48"	1		

XEROX TELECOPIER 7020

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. note	Handwritten notes; RE: Personally Identifiable Information [partial] (1 page)	07/01/1994	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office
Marvin Krislov
OA/Box Number: 18946

FOLDER TITLE:

Americans with Disabilities Act (ADA): ADA

2007-0143-F
db4481

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

7/1/94 meeting

ADA

Pls. call office, to remind them

fr. mtg 1:30

- 1 Stan Herr
 - 2 Chris Corf 52273 ^{ok} 472
 - 3 Joel 66611 ^{ok} ^{see has 2p}
 - 4 Todd Campbell 67022 ✓ ~~voice mail~~ ^{ok}
 - 5 Paul Miller 634-9610 ~~left message~~ ^{ok}
 - 6 Mike Lux 62930 ^{ok}
 - 7 Joe Velasquez 66257 ^{ok}
 - 8 Debbie Hie 62930 ^{ok}
 - 9 Bob Baerlin 67151 (may not make it)
- outside

- ? { Elizabeth Savage 514-4279 ^{see} ⁴⁷² ^{ok}
- ? { Steve Warneth ~~65586~~ 65576 ^{ok}

Tony Coelho (Kelli) ^{see} ^{ok}

~~Len Rubenstein~~ (voice mail) won't be able to come

Pat Wright (left message w/ sec.)

Becky Ogle ^{ok} spoke w/ Tressy

Justin Post ^{ok} spoke w/ wife

Paul Marchand ^{ok} w/ sec.

John Lancaster (w/ Coelho) 376-6200

DO B

(b)(6)

[002]

REQUEST FOR APPOINTMENT PARKING

THIS FORM MUST BE COMPLETED AND SENT BY FAX
TO EXT. 1655 AT LEAST 2 HOURS IN ADVANCE.
(5:00 p.m. on Friday for Weekend Parking)

Date 06-29-94
Requestor's Name Sylvia M. Jarrell
Requestor's Office WH Counsel
Phone Extension 67903 Room No. 130

Date Parking Needed 07-01-94
Name of Driver Anthony Lee Coelho
Make of Car 1993 Mercury Capri
State and License No. VA ZYU 9558
Time of Arrival 1:30 p.m.
Time of Departure 3:00 p.m.

IT IS YOUR RESPONSIBILITY TO CONTACT
WAVES FOR ALL PASSENGERS ARRIVING IN THE CAR.

*re-sending
had wrong date
Thanks*

61655

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. note	Handwritten notes; RE: Personally Identifiable Information [partial] (2 pages)	00/00/0000	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office
Marvin Krislov
OA/Box Number: 18946

FOLDER TITLE:

Americans with Disabilities Act (ADA): ADA

2007-0143-F
db4481

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1** National Security Classified Information [(a)(1) of the PRA]
- P2** Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3** Release would violate a Federal statute [(a)(3) of the PRA]
- P4** Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5** Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6** Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1)** National security classified information [(b)(1) of the FOIA]
- b(2)** Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3)** Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4)** Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6)** Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7)** Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8)** Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9)** Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

5/2/4
Jed Klein & [unclear] [unclear] office
Placing ADA [unclear] [unclear]
Sent Fri 7/26

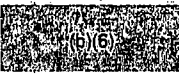
Sylvia-

~~will attend~~ ~~can~~

Invite Pat Wright. ~~Kelli~~
to Fri. mtg - 2:00 ~~986-0375~~

~~Web~~
~~on 4/26~~
~~can't~~

Good #5



1) Coelho 212 492-6486

Asst - Tim Kruger
(want Coelho himself)

2) Rubenstein

202 467-5730

~~will attend~~

(Natalie Asst.)

I didn't get a hold of these
people will call
1st thing Tues morning.

[003]

Rosa Lee 514-5004

Jim

Toni Coelho

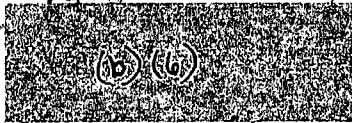
ADA

1:30 - 1:00

212-492 6486

Long forage

Ely Litt



514-4279

Rm 211

Sylvia-

Invite Pat Wright.
to Fri. mtg. 2:00

Good #s

1) Coelho 212 492-6486

Asst - Tim Kruger
Want Coelho himself

2) Rubenstein

202 467-5730

Tressy

Sylvia-

Please call following

Joel Klein + WH Counsel's Office
Tentative Meeting Fri. June 24
2:00 p.m. (room to be
discuss^{planning} announced)
to discuss WH event to
celebrate ADA (7/26)

6 outsiders.

~~Joe Velazquez~~

Todd Campbell 6-7022 (voice mail)
Chris Corf S-2273 ok /
Paul Miller 634-9610 (leave message)
Liz Savage 514-4279 voice mail
Bob Boorstin 6-7151 ok)
Stan Herr (DPC) 65570

DREDF

Disability Rights Education and Defense Fund, Inc.

Law, Public Policy, Training and Technical Assistance

MEMO

DATE: 06/13/94
TO: Joel Klein
FROM: Pat Wright
RE: DAG - Disability Advocacy Group

The following names are leaders of the disability community who I believe can be trusted to work in confidence with the administration:

Becky Ogle	(703) 836-6263	ok	sec. bad memo
Justin Dart	(202) 488-7684	ok	
Paul Marchand	(202) 785-3388	ok	left work/sec
Tony Coelho 6-15-42	(202) 492-6423	ok	now working no.
Pat Wright	(202) 986-0375	sec. left	
Lee Rubenstein <i>not attend</i>	(202) 467-5300	wrong no.	

I look forward to working with you.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. note	Handwritten notes; RE: Personally Identifiable Information [partial] (1 page)	00/00/0000	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office
Marvin Krislov
OA/Box Number: 18946

FOLDER TITLE:

Americans with Disabilities Act (ADA): ADA

2007-0143-F
db4481

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Guzy + Katzen - bag

Waves / Marrow
ADA meeting Rn 211

Anthony Coelho

(b)(6)

[004]

Becky Ogle 703-836-6263

(b)(6)

Justin Dart 488-7684

Paul Marchand

Elizabeth
Liz Savage DOJ

(b)(6)

Paul Miller ok

~~Leonard~~

Leonard E. Rubenstein

(b)(6)

Pat^{rich} Wright

(b)(6)

Steve Waneeth
Rm 217

—

THE WHITE HOUSE
WASHINGTON

ATTORNEY CLIENT PRODUCT
PRIVILEGED AND ~~CONFIDENTIAL~~
FOR INTERNAL DISTRIBUTION ONLY

June 22, 1994

MEMORANDUM FOR WHITE HOUSE DISABILITIES EVENT PLANNING GROUP

TODD CAMPBELL *ok*

CHRIS CERF *ok*

JOE VALASQUEZ *66257ok*

DEBBIE FINE *62566ok*

MIKE LUX *62930 voicemail*

BOB BOORSTIN *67151 voicemail*

PAUL MILLER *634-9610ok*

STAN HERR *65570ok*

Liz Savage ok
514-4279

Steve Warrneth
rm 217
+

FROM: JOEL KLEIN

MARVIN KRISLOV *MM*

RE: Future Plans

In our initial meeting, we discussed various tasks to be undertaken in connection with the planned July 26 event to celebrate the anniversary of passage of the ADA. We have planned a meeting for this Friday, June 24 at 2:00 p.m. in the ~~Eisenhower~~ *rm 211* Room ~~of the White House Conference Center~~ and have invited selected outside persons to attend. Below please find a list of tasks and suggested assignments; your input is welcome.

We anticipate the Friday meeting will focus on the July 26 event. We hope that other groups will meet and begin work on other tasks in the meantime.

1. Event Planning

Confirm date. Coordinate with community.
Involve agencies and identify activities, speakers, etc.

All hands--Valasquez, Miller, etc.

2. Record of Accomplishments/Message:

In preparation for event but also in general terms.
Need to coordinate with agencies to identify accomplishments, prepare materials, and pinpoint future goals.

DETERMINED TO BE AN ADMINISTRATIVE
MARKING Per E.O. 13526

Sec. 3.2(C) Initials: *JS* Date: *9/18/17*

Herr, Boorstin, Fine, Lux along with agencies esp.
Savage (DOJ), Labor, Education, SBA, EEOC

3. White House Coordinator for Disabilities Issues:
We need to obtain the position and select the person.

Klein, Miller, Campbell (?)

4. Other Appointments
Expedite vetting for Access Board, Council on
Disability, and Council on Mental Retardation.

Miller, Krislov

5. White House Accessibility Issues.
Work with GSA and/or persons in complex to identify
areas of concern, and remedy.

Cerf, Campbell

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. fax	Request for Appointments; RE: Personally Identifiable Information [partial] (1 page)	06/24/1994	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office
Marvin Krislov
OA/Box Number: 18946

FOLDER TITLE:

Americans with Disabilities Act (ADA): ADA

2007-0143-F
db4481

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

REQUEST FOR APPOINTMENTS

To: Officer-in-charge
Workers and Visitor Entrance System
Room 085, OEOB

Please admit the following appointments on June 24, 19 94
for Marvin Krislov of W.H. Counsel
(Name of person to be visited) (Agency)

NAME	DATE OF BIRTH	SOCIAL SECURITY NUMBER
Coelho, Anthony Lee		
Ogle, Rebecca		
Dart, Justin		
Marchand, Paul		
Savage, Elizabeth	(b)(6)	[005]
Rubenstein, Leonard S.		
Wright, Patricia		

MEETING LOCATION

Building OEOB Requested by Sylvia M. Jarrell
Room No. 211 Room No. 130 Telephone 57203
Time of Meeting 2:00 p.m. Date of request June 23, 1994

Additions and/or changes made by telephone should be limited to five (5) names or less.

WAVES Center WHITE HOUSE - 456-6742

UNITED STATES DEPARTMENT OF JUSTICE

1988 REVERSE FOR PRIVACY ACT STATEMENT

SEP 2007 (0601)

C-1

TRANSMISSION REPORT

THIS DOCUMENT (REDUCED SAMPLE ABOVE)
WAS SENT

** COUNT **

1

*** SEND ***

NO	REMOTE STATION I. D.	START TIME	DURATION	#PAGES	COMMENT
1	202 335 5349	6-23-94 13:58	0:40"	1	

TOTAL 6:00:40" 1

XEROX TELECOPIER 7020

REQUEST FOR APPOINTMENT PARKING

THIS FORM MUST BE COMPLETED AND SENT BY FAX
TO EXT. 1655 AT LEAST 2 HOURS IN ADVANCE.
(8:00 p.m. on Friday for Weekend Parking)

Date 06-23-94
Requestor's Name Sylvia M. Jarrell
Requestor's Office WH Counsel
Phone Extension 67903 Room No. 130

Date Parking Needed 06-24-94
Name of Driver Anthony Lee Coelho
Make of Car 1993 Mercury Capri
State and License No. VA ZYH 9558
Time of Arrival 1:45 p.m.
Time of Departure 4:00 p.m.

IT IS YOUR RESPONSIBILITY TO CONTACT
WAVER FOR ALL PASSENGERS ARRIVING IN THE CAR.

C-12

TRANSMISSION REPORT

THIS DOCUMENT (REDUCED SAMPLE ABOVE)
WAS SENT

** COUNT **
1

*** SEND ***

NO	REMOTE STATION I. D.	START TIME	DURATION	#PAGES	COMMENT
1	202 456 1655	6-23-94 13:50	0'47"	1	

TOTAL 0:00'47" 1

XEROX TELECOPIER 7020

Pls. red dot to all

- Copy to Joel

pls. fax to
Paul Miller

phone 634-9610

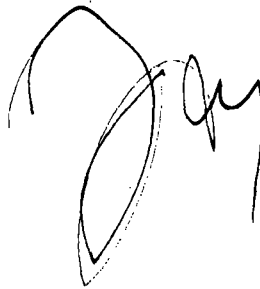
fax 634-4135

Marvin,

Pat Wright and Len Rubenstein have both confirmed that they will be in attendance for the meeting Friday, June 24, 1994 at 2 p.m.

Congressman Coelho has a meeting at that time. However he will be available to meet at one or three o'clock. His assistant was hesitant about him leaving his afore-scheduled meeting in order to attend part of Joel's.

Let me know if you want to change the time to accomodate Congressman Coelho.

A handwritten signature, possibly reading "Joel", written in dark ink.

Call

+ tell wty 2-00
in Room 211.
get into for WAVES.

Send copy of memo
to Steve Warner -
Cross out only
place -

THE WHITE HOUSE
WASHINGTON

ATTORNEY CLIENT PRODUCT
PRIVILEGED AND ~~CONFIDENTIAL~~
FOR INTERNAL DISTRIBUTION ONLY

June 22, 1994

MEMORANDUM FOR WHITE HOUSE DISABILITIES EVENT PLANNING GROUP
TODD CAMPBELL
CHRIS CERF
JOE VALASQUEZ
DEBBIE FINE
MIKE LUX
BOB BOORSTIN
PAUL MILLER
STAN HERR

FROM: JOEL KLEIN
MARVIN KRISLOV *WV*

RE: Future Plans

In our initial meeting, we discussed various tasks to be undertaken in connection with the planned July 26 event to celebrate the anniversary of passage of the ADA. We have planned a meeting for this Friday, June 24 at 2:00 p.m. in ~~the Eisenhower Room of the White House Conference Center~~ and have invited selected outside persons to attend. Below please find a list of tasks and suggested assignments; your input is welcome.

We anticipate the Friday meeting will focus on the July 26 event. We hope that other groups will meet and begin work on other tasks in the meantime.

1. Event Planning
Confirm date. Coordinate with community.
Involve agencies and identify activities, speakers, etc.

All hands--Valasquez, Miller, etc.
2. Record of Accomplishments/Message:
In preparation for event but also in general terms.
Need to coordinate with agencies to identify accomplishments, prepare materials, and pinpoint future goals.

DETERMINED TO BE AN ADMINISTRATIVE
MARKING Per E.O. 13526

Sec. 3.2(C) Initials: JB Date: 9/18/17

Herr, Boorstin, Fine, Lux along with agencies esp.
Savage (DOJ), Labor, Education, SBA, EEOC

3. White House Coordinator for Disabilities Issues:
We need to obtain the position and select the person.

Klein, Miller, Campbell (?)

4. Other Appointments
Expedite vetting for Access Board, Council on
Disability, and Council on Mental Retardation.

Miller, Krislov

5. White House Accessibility Issues.
Work with GSA and/or persons in complex to identify
areas of concern, and remedy.

Cerf, Campbell

ASAP

S - Pls. call

Mike Lux OK 6 2933 (~~correct~~)
Debbie Fine 62566 OK

correct

for 2:00 PM. wk3

MM

Planj - Disabiliter Event 7/26

Bob Boorhin suggested we
invite him

Debbie Fine 62566
Mike Lux
OK Bob Lux

Tressy

Sylvia-

Please call following

Joel Klein + WH Counsel's Office
Tentative Meeting Fri. June 28
2:00 pm (room to be
to discuss ^{planning announced} WH event to
celebrate ADA (7/26)

6 outsiders.

~~Joe Velazquez~~

Todd Campbell 6-7022 (voice mail) ok

Chris Cerf S-2273 ok

~~Paul Miller~~ 634-9610 (leave message)

Liz Savage 514-4279 Voice mail

Bob Boorstin 6-7151 (ok)

Stan Herr (DPC)

THE WHITE HOUSE
WASHINGTON

ATTORNEY CLIENT PRODUCT
PRIVILEGED AND ~~CONFIDENTIAL~~
FOR INTERNAL DISTRIBUTION ONLY

June 22, 1994

MEMORANDUM FOR WHITE HOUSE DISABILITIES EVENT PLANNING GROUP

TODD CAMPBELL
CHRIS CERF
JOE VALASQUEZ
DEBBIE FINE
MIKE LUX
BOB BOORSTIN
PAUL MILLER
STAN HERR

FROM: JOEL KLEIN
MARVIN KRISLOV *YMK*

RE: Future Plans

In our initial meeting, we discussed various tasks to be undertaken in connection with the planned July 26 event to celebrate the anniversary of passage of the ADA. We have planned a meeting for this Friday, June 24 at 2:00 p.m. in the Eisenhower Room of the White House Conference Center and have invited selected outside persons to attend. Below please find a list of tasks and suggested assignments; your input is welcome.

We anticipate the Friday meeting will focus on the July 26 event. We hope that other groups will meet and begin work on other tasks in the meantime.

1. Event Planning
Confirm date. Coordinate with community.
Involve agencies and identify activities, speakers, etc.

All hands--Valasquez, Miller, etc.
2. Record of Accomplishments/Message:
In preparation for event but also in general terms.
Need to coordinate with agencies to identify accomplishments, prepare materials, and pinpoint future goals.

DETERMINED TO BE AN ADMINISTRATIVE
MARKING Per E.O. 13526
Sec. 3.2(C) Initials: OB Date: 9/18/17

Herr, Boorstin, Fine, Lux along with agencies esp.
Savage (DOJ), Labor, Education, SBA, EEOC

3. White House Coordinator for Disabilities Issues:
We need to obtain the position and select the person.

Klein, Miller, Campbell (?)

4. Other Appointments
Expedite vetting for Access Board, Council on
Disability, and Council on Mental Retardation.

Miller, Krislov

5. White House Accessibility Issues.
Work with GSA and/or persons in complex to identify
areas of concern, and remedy.

Cerf, Campbell

X 65570

1.30 Friday

Call Stan
Herr to tell

him -
see if we can
get conf. (211)



EXECUTIVE OFFICE OF THE PRESIDENT
**CONFERENCE ROOM
RESERVATION REQUEST**

JOB # _____

DATE OF MEETING:

07-01-94

TIME RESERVED:

FROM: 1:30 TO: 3:00

NAME OF INDIVIDUAL HOSTING/ATTENDING EVENT:

MARVIN KRISLOV

OFFICE/AGENCY:

WHCounsel

STAFF PERSON RESPONSIBLE FOR ROOM RESERVATION:

Sylvia Jarrell

EXTENSION:

67903

TYPE OF EVENT:

☒ MEETING

☐ RECEPTION

☐ OTHER

DESCRIPTION OF EVENT:

NUMBER OF ATTENDEES:

20

IN ATTENDANCE:

☐ PRESIDENT

☐ FIRST LADY

☐ VICE PRESIDENT

ROOM(S) REQUESTED:

☐ RM #22

☐ RM #180

☐ RM #450

☒ RM #472

☐ RM #474 (Indian Treaty Room)

☐ RM #476

☐ ROOSEVELT ROOM

GENERAL SERVICES:

☐ ELEVATOR SERVICE ☐ #4 ☐ #6 ☐ #7

TIME RESERVED _____

FLOORS RESERVED _____

☐ PODIUM

☐ FLAGS

OTHER REQ: (Rm 1 Use Only)

SPECIAL ROOM ARRANGEMENTS:

☐ THEATRE:

Number of Chairs _____

☐ CONFERENCE:

Number of Table(s): ☐ 8 ft ☐ 10 ft

☐ RECEPTION:

Number of Tables(s): ☐ 8 ft ☐ 10 ft

☐ OTHER _____

(Room Diagrams on Reverse Side)

WHITE HOUSE STAFF MESS REQUIRED: ☐ YES ☐ NO If Yes, Funding

☐ OFFICIAL _____
OFFICE ACCOUNT

☐ OTHER _____

ADDITIONAL REQUIREMENTS OR REQUESTS:

FORMS MUST BE RETURNED TO ROOM 1, OEOB, 48 HOURS PRIOR TO EVENT

66472



EXECUTIVE OFFICE OF THE PRESIDENT
CONFERENCE ROOM
RESERVATION REQUEST

JOB #	
DATE OF MEETING: 07-01-94	
TIME RESERVED:	
FROM: 1:30	TO: 3:00
OFFICE/AGENCY: WHCOUNSEL	
EXTENSION: 67903	

NAME OF INDIVIDUAL HOSTING/ATTENDING EVENT: MARVIN KRISLOV	
STAFF PERSON RESPONSIBLE FOR ROOM RESERVATION: SILVIA JARRELL	
TYPE OF EVENT: ☒ MEETING ☐ RECEPTION ☐ OTHER	
DESCRIPTION OF EVENT:	
NUMBER OF ATTENDEES: 20	IN ATTENDANCE: ☐ PRESIDENT ☐ FIRST LADY ☐ VICE PRESIDENT
ROOM(S) REQUESTED: ☐ RM #22 ☐ RM #180 ☐ RM #450 ☒ RM #472 ☐ RM #474 (Indian Treaty Room) ☐ RM #476 ☐ ROOSEVELT ROOM	
GENERAL SERVICES: ☐ ELEVATOR SERVICE ☐ #4 ☐ #6 ☐ #7 ☐ TIME RESERVED ☐ FLOORS RESERVED ☐ PODIUM ☐ FLAGS	
SPECIAL ROOM ARRANGEMENTS: ☐ THEATRE: Number of Chairs ☐ CONFERENCE: Number of Tables(s) 8 R 10 R ☐ RECEPTION: Number of Tables(s) 8 R 10 R ☐ OTHER (Room Diagrams on Reverse Side)	
WHITE HOUSE STAFF MESS REQUIRED: ☐ YES ☐ NO If Yes, Funding	
☐ OFFICIAL ☐ OFFICE ACCOUNT ☐ OTHER	
ADDITIONAL REQUIREMENTS OR REQUESTS:	

FORMS MUST BE RETURNED TO ROOM 1, OEOB, 48 HOURS PRIOR TO EVENT

C-7

TRANSMISSION REPORT

THIS DOCUMENT (REDUCED SAMPLE ABOVE)
WAS SENT

** COUNT **
1

*** SEND ***

NO	REMOTE STATION I. D.	START TIME	DURATION	#PAGES	COMMENT
1	202 456 6472	6-27-94 11:17AM	1'04"	1	

TOTAL 0:01'04" 1

XEROX TELECOPIER 7020