

118TH CONGRESS
2D SESSION

S. CON. RES. 31

Recognizing the need to improve physical access to many federally funded facilities for all people of the United States, particularly people with disabilities.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2024

Mr. BLUMENTHAL (for himself, Mr. FETTERMAN, Mr. KELLY, Ms. DUCKWORTH, Mr. CASEY, Mr. SANDERS, Mr. MERKLEY, and Mr. VAN HOLLEN) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions

CONCURRENT RESOLUTION

Recognizing the need to improve physical access to many federally funded facilities for all people of the United States, particularly people with disabilities.

Whereas the First Amendment to the Constitution prevents Congress from making any law respecting an establishment of religion, prohibiting the free exercise of religion, or abridging the freedom of speech, the freedom of the press, the right to peaceably assemble, or to petition for a governmental redress of grievances, and was adopted on December 15, 1791, as 1 of the 10 amendments that constitute the Bill of Rights;

Whereas the Bill of Rights, specifically the First Amendment to the Constitution, calls for the right of all persons to

peaceably assemble, and to this end, all persons, regardless of their physical ability, shall be offered equal opportunity to access all federally funded, in whole or part, amenities;

Whereas, in the 33 years since Congress enacted the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), there have been unprecedented advances in all forms of technology, typified by automatic doors;

Whereas, in 2023, the Centers for Disease Control and Prevention found that 1 in 4 adults, or 61,000,000 people, have a disability;

Whereas disability is a universal concern, as an aging population increases the incidence of frailty and disability;

Whereas, as significant advances in medical treatment result in increased survival rates, the incidence of disability increases;

Whereas, in 2022, the Bureau of Labor Statistics found that 5,400,000 veterans received service-related disability benefits;

Whereas, in 2023, the Bureau of Labor Statistics found that the unemployment rate of persons with a disability was twice that of nondisabled adults;

Whereas, in 2023, the Bureau of Labor Statistics found that people of color have the highest disability rates in the United States;

Whereas Congress enacted the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) to ensure that certain federally funded facilities are designed and constructed to be accessible to people with disabilities;

Whereas the United States Access Board (referred to in this preamble as the “Board”) recently issued a final rule on accessibility guidelines for pedestrian facilities in the public right-of-way that addresses various issues, including access for blind pedestrians at street crossings, wheelchair access to on-street parking, and various constraints posed by space limitations, roadway design practices, slope, and terrain;

Whereas the new guidelines of the Board cover pedestrian access to sidewalks and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public rights-of-way;

Whereas the aim of the Board in developing new guidelines is to ensure that access for persons with disabilities is provided wherever a pedestrian way is newly built or altered, and that the same degree of convenience, connection, and safety afforded the public generally is available to pedestrians with disabilities;

Whereas, once the new guidelines developed by the Board are adopted by the Department of Justice, they will become enforceable standards under title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.); and

Whereas the United States was founded on principles of equality and freedom, and those principles require that all people, including people with disabilities, are able to engage as equal members of society: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
2 *concurring), That Congress—*

1 (1) recognizes that people in the United States
2 with disabilities experience barriers to access on a
3 daily basis;

4 (2) reaffirms its support of the Architectural
5 Barriers Act of 1968 (42 U.S.C. 4151 et seq.) and
6 the Americans with Disabilities Act of 1990 (42
7 U.S.C. 12101 et seq.), and encourages full compli-
8 ance with those Acts; and

9 (3) pledges to make universal and inclusive de-
10 sign a guiding principle for all infrastructure bills
11 and projects and will continue working to identify
12 and remove the barriers that prevent all people of
13 the United States from having equal access to the
14 services provided by the Federal Government.

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