

ADA – 32 Years Of Slow Progress

By Karin Falcone Krieger

Thirty-two years ago Pres. George H.W. Bush signed the Americans with Disabilities Act (ADA) into law. At the time, only 38 states had any protections for people with disabilities.

This national law introduced the idea of “reasonable accommodation” in the workplace, and mandated that federally funded public buildings be accessible to all. The courts continue to hear cases on a daily basis which solidify and strengthen these and other mandates.

A generation later, these ideas are the foundation upon which new activism and legislative proposals have been built.

When the ADA mandated that telecommunications be accessible, the internet, as we know it, did not exist. Recently, several U.S. Senators urged the U.S. Department of Justice (DOJ) to provide guidance for state and local governments to better comply with the ADA accessibility requirements on their websites, mobile applications and other forms of technology.

In a letter sent to Atty. Gen. Merrick Garland, the Senators wrote, “For people with disabilities, website accessibility and other forms of accessible [technology] are necessities – not luxuries or conveniences – that foster independence, economic self-sufficiency and active, meaningful participation in civic life.

“Although the Department has clearly stated that the ADA applies to such digital spaces, the lack of specific requirements or technical compliance standards incorporated in regulation has led to a widespread lack of meaningful digital accessibility for people with disabilities. It is past time for the Department to issue robust clarifications and remedy this exclusionary *status quo*.”

Perhaps the most noticeable triumph of the ADA is the way brick and mortar structures are built, to eliminate barriers to those with mobility impairment. Last Fall, Pres. Joe

Biden signed the Infrastructure Investment and Jobs Act into law.

The American Association of People with Disabilities states that the law “funds long underfunded accessibility mandates in our nation’s transit systems” and “provides critical investments in broadband and digital equity to ensure that all Americans have access to high-speed internet and will work to close the digital divide often experienced by disabled people.”

The Build Back Better Act has earmarked 2.5 billion dollars specifically for the construction of housing for people with disabilities, but it is still stalled in Congress along party lines.

The Disability Integration Act of 2020, if passed into law, would ensure that people with disabilities can live in the community as a civil right and provide the supports necessary for that to happen for each individual.

Right now individuals who need long-term supports and services must prove eligibility and fight the pipeline to institutionalization in varied state health care systems.

The Health and Community Based Services Access Act (HCBSAA) would establish HCBS as a mandatory Medicaid service and fund these services entirely by the federal government.

The Better Care Better Jobs Act introduced last year “establishes programs and provides funds for state Medicaid programs to improve home- and community-based services (HCBS), such as home health care, personal care, case management and rehabilitative services.” This extension of “the money follows the person” would help stabilize the underpaid care-providing workforce.

The American Rescue Plan Act of 2021, better known as COVID Relief, was passed into law and set aside funding for home- and community-based services in the form of a 10 percent, one-time rise in the federal government’s share of spending on the Medicaid program. The program expired in March.



Pres. George Bush passes a pen to Rev. Harold Wilke at the signing of the ADA in 1990. Wilke, born without arms, accepts the pen with his foot. Sharing the dias are, standing, Vice Pres. Dan Quail, and Sandra Parrino, National Council on Disability. Seated, left to right, are Evan Kemp, Equal Opportunity Commission and Justin Dart.

The White House last year proposed a wide-ranging agenda to advocate and include people with disabilities in policy making in the U.S. and around the world, especially as related to voting rights, climate change and health care access. The Disability Integration Act is absent from the agenda.

With many bills that specifically build on the framework set forth by the ADA stalled in a deadlocked Congress, it is expected that, Biden like Pres. Barack Obama, will sign executive orders into action this year which may forward the White House agenda for the disability community.

