

Aug 6, 2020, 04:48pm EDT | 5,335 views

Senate Republicans 'Have Declared War' On The ADA, Says Duckworth



Peter Slatin Contributor ⓘ

Diversity & Inclusion

I write about undoing norms that inhibit success for disabled people.



Listen to this article now

04:33



Powered by **Trinity Audio**



Senator Tammy Duckworth © 2017 BLOOMBERG FINANCE LP

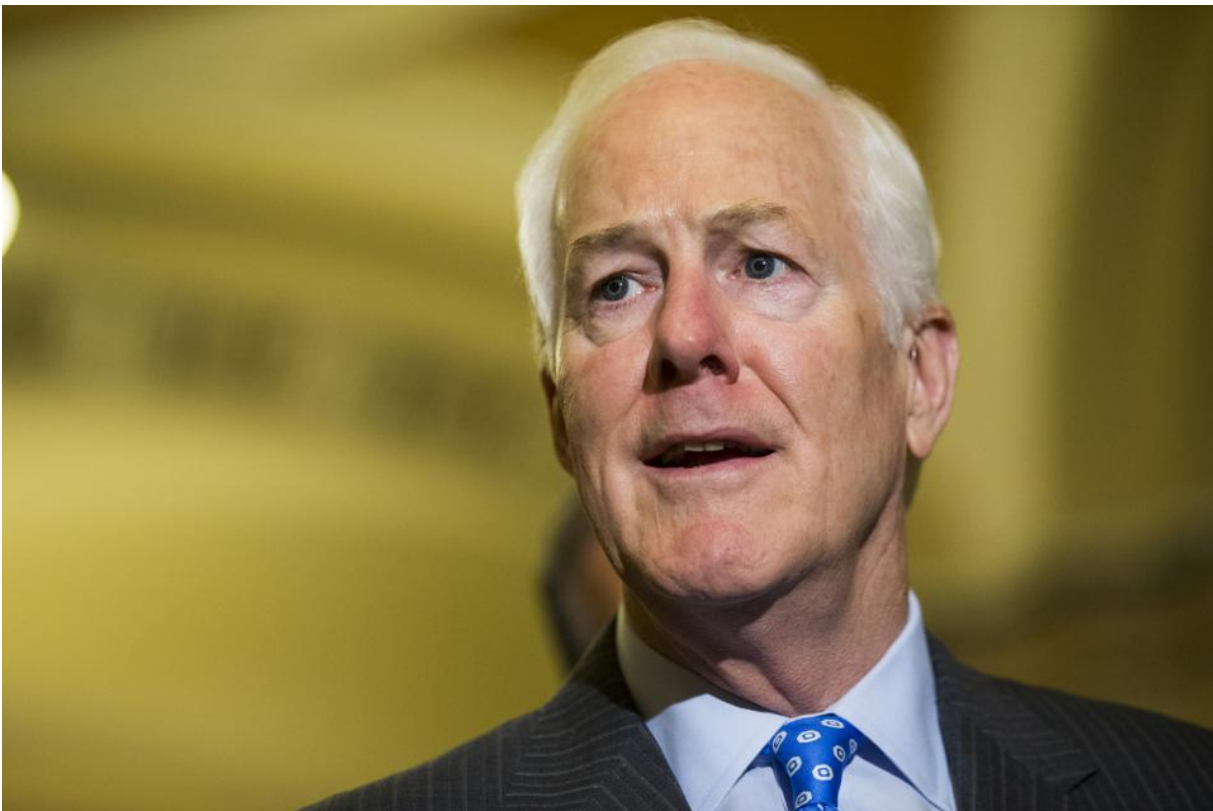
Never mind the ACA. Let's gut the ADA.

Senate Republicans, unsuccessful (so far) in ridding the nation of the pesky Affordable Care Act, have decided to follow the alphabet one letter forward

and are taking aim at another favorite conservative punching bag, the Americans with Disabilities Act. Sen. Tammy Duckworth, (D-Ill.) accused her Republican colleagues of “declaring war on the ADA.”

BETA

Seizing on the national crisis presented by the novel coronavirus and Covid-19 and focusing on protecting businesses from liability while ignoring the bleeding coffers of states, cities and hospitals, they have troweled anti-ADA language into the Senate version of the latest pandemic relief bill. Their proposed legislation, called the HEALS Act and bundling several other proposals into one, strips liability away from employers and property owners who choose to do anything other than claim they have made all reasonable accommodations to persons with disabilities. And while the President and Chief Cheerleader Donald Trump continues to insist that the threat of the virus will “go away,” the concerned and cautious Republican senators behind this provision of the bill have drafted it so that these liability protections will remain in force until October 2024 or whenever the public health emergency is declared over, whichever comes first.



Senator John Cornyn GETTY IMAGES

And it's not just the ADA. The legislation takes an extremely broad swipe at a wide range of vulnerable populations along with ordinary workers.

BETA

For example, it extends these protections to employers who might feel exposed to the vicious vicissitudes of old people, who are themselves usually protected under the Age Discrimination in Employment Act of 1967. This approach stakes out yet another area where the concerns of olders and the about disabled discrimination overlap.

In a blistering speech on the Senate floor on Wednesday evening, Sen. Tammy Duckworth (D-Ill.), an Iraq war veteran who uses a wheelchair due to devastating battle wounds that almost cost her life, invoked the landmark civil rights signed into law by a Republican president. The 30th anniversary of that signing took place less than two weeks ago, she reminded her colleagues. She said she was speaking out with “a sense of frustration as I watch my Republican colleagues—including ones who once championed the ADA—attempt to reconstruct, brick by brick, the shameful wall of exclusion that Congress sought to tear down three decades ago.”

MORE FOR YOU

Trump Threatens To Issue Executive Order Preventing Biden From Being Elected President

Washington Postal Workers Defy USPS Orders And Reinstall Mail Sorting Machines

Trump's Business Partners Allegedly Involved In Human Trafficking, Mafia Matters, Probable Money Laundering

Duckworth likely spoke to an empty chamber – a vacancy emblematic of the Republicans' comprehension of the damage being done by the pandemic to American workers.

In its current form, the act, if passed, would present what the National Law Review called a “monumental challenge” for plaintiffs seeking relief from a coronavirus-related injury. [Plaintiffs](#) would have to prove that the defendant

acted with “conscious” disregard for their safety. In cases where the plaintiff alleges discrimination based on disability, the defendant would merely have to point to an existing company or organization statement that it was doing its best to comply with the ADA.

Duckworth called on her absent Republican colleagues to “abandon efforts to gut the ADA, once and for all.”

Because of new protections for property owners – including those who own older-care and nursing facilities — the act would be an effective shield against the dangers arising from mass institutionalization and thus an increased likelihood of exposure to the virus, which is extremely efficient at killing people with intellectual and developmental disabilities.

“Disability rights are human rights, and these civil rights must never become optional benefits that can be taken away whenever it’s convenient or cheaper for employers and those in power,” declared Duckworth.

As the proposed legislation took shape early this week, opponents took aim. The National Federation of the Blind called on the Senate to remove language it said would “eliminate critical protections” from the ADA. John Pare, Executive Director for Advocacy & Policy at the NFB, the largest organization of blind people in the country, said the ADA already contains sufficient flexibility and adaptability to cover situations such as the pandemic. The NFB is “absolutely opposed” to the section of the act titled “Public Accommodation Laws.” The NFB noted in a statement that Titles I and III of the ADA, which the legislation names already provide an exception for undue burden and hardship. “It makes little sense to further burden disabled Americans by placing additional barriers in our paths,” said Pare.

The Hub for Black and Brown Business Trailblazers

Sign up for For(bes) The Culture newsletter, dedicated to elevating and empowering

Black and Brown professionals

Black and Brown professionals.

Sign up

BETA

You may opt out any time. [Terms and Conditions](#) and [Privacy Policy](#).

Check out my [website](#).



Peter Slatin

I am the founder and president of Slatin Group LLC, which provides education and training to the hospitality and tourism industry on service to consumers with...

Read More

Reprints & Permissions

ADVERTISEMENT
