

CONVENTION ON THE RIGHTS OF PERSONS WITH  
 DISABILITIES (TREATY DOC. 112-7)

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Mr. MENENDEZ, from the Committee on Foreign Relations,  
 submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany Treaty Doc. 112-7]

The Committee on Foreign Relations, to which was referred the Convention on the Rights of Persons with Disabilities, signed on June 30, 2009 (Treaty Doc. 112-7) (the “Convention”), having considered the same, reports favorably thereon with three reservations, nine understandings and two declarations, as indicated in the resolution of advice and consent, and recommends that the Senate give its advice and consent to ratification thereof, as set forth in this report and the accompanying resolution of advice and consent.

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## I. PURPOSE

The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities.

## II. BACKGROUND

The Convention on the Rights of Persons with Disabilities was negotiated from 2002 to 2006, and was adopted on December 13, 2006. It was opened for signature on March 30, 2007. One hundred and forty-six countries and the European Union are parties to the Convention.

The Convention is based squarely on American constitutional values such as equality, the protection of vulnerable minorities, and the unalienable right to pursue happiness. The Convention is also heavily influenced by the landmark Americans with Disabilities Act, which has allowed the United States to provide greater legal protections against discrimination for individuals with disabilities than most of the rest of the world. Without laws like the Americans with Disabilities Act, the estimated 1 billion disabled people worldwide are vulnerable to discrimination and the deprivation of community resources. Ninety percent of children with disabilities in developing countries do not attend school, and disabled children are sometimes denied even the most basic civil rights, such as birth certificates and names.

Ratification of the Convention will advance America's national interest in numerous ways. The United States has become a world leader in protecting the rights of disabled individuals through the promulgation and enforcement of legislation such as the Americans with Disabilities Act, the Rehabilitation Act, and the Individuals with Disabilities Education Act. Joining the Convention will be a vital step in exporting America's leadership on disability non-discrimination, so as to better promote the fundamental freedoms and individual autonomy of individuals with disabilities. Ratification would assist in leveling the playing field for U.S. companies that are already required to meet robust disability-accessible standards, and would open new markets for their products.

Americans with disabilities often face significant and, at times, prohibitive barriers when they travel, work, serve, study and reside in other countries. This includes millions of America's veterans, as well as military family members with special needs. Ratification of the Convention will allow the United States to more effectively support, assist, and encourage other countries to bring their domestic laws into compliance with the Convention and up to and in line with U.S. standards. Such action will not just benefit the 1 billion disabled individuals worldwide, but will also be of invaluable help to the 54 million Americans with disabilities, including our disabled servicemen and women and disabled veterans, by enabling them to travel, work, serve, study and reside in other countries without prohibitive barriers.

## III. MAJOR PROVISIONS

A detailed article-by-article analysis of the convention may be found in the Letter of Submittal from the Secretary of State to the

President (“Letter of Submittal”). Key provisions of the treaty are summarized below.

### *Scope of the Convention*

The Convention is intended to recognize and protect the rights of individuals with disabilities. Its stated purpose is “to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.” Article 3 sets out the broad principles of the Convention, which include autonomy, acceptance, and accessibility for individuals with disabilities. Equality and non-discrimination are over-arching principles that permeate the entire Convention.

All Parties to the Convention agree to “ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability.” Article 4 requires Parties to adopt appropriate legislative, administrative, and other measures for the implementation of the rights in the Convention. The Convention’s provisions can generally be grouped into the following categories: accessibility, education, equality, employment, and health.

### *Definition of Disability*

The Convention does not contain an explicit definition of “disability.” Article 1 states that persons with disabilities “include those who have long-term physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.” As the Letter of Submittal makes clear, the absence of an express definition of the terms “disability” and “persons with disabilities” was a conscious decision at the negotiating conference for the Convention. As explained in the letter of submittal, “the convention is not intended to supplant detailed and precise definitions of disability found in national legislation but is rather intended to afford States Parties flexibility in defining disability under domestic law.” As the U.S. legal framework demonstrates, this approach is preferable given that the definition of these terms may vary depending on the purpose of the law (e.g. employment discrimination or access to health services). See Letter of Submittal at 3–5.

### *Accessibility Provisions*

One fundamental goal of the Convention is to enable disabled persons to live independently and participate in all aspects of life. To that end, Article 9 requires States Parties to:

take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.

These measures include the removal of obstacles to buildings, transportation, information, communications, and electronic and

emergency services. Article 18 of the Convention directs States Parties to recognize the rights of disabled individuals to “liberty of movement,” to provide the freedom to choose their residence, and to guarantee the right to a nationality, on an equal basis with others. In particular, it requires States Parties to ensure that disabled persons are not deprived of their nationality or their ability to enter their country, arbitrarily or on the basis of their disability, and are free to leave any country, without discrimination on the basis of their disability. Article 18 requires children with disabilities to be “registered immediately after birth and [to] have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.” This language was placed in Article 18 to combat the practice of denying personhood status for infants with disabilities, which occurs in certain parts of the world and in many cases leads to infanticide.

Article 19 emphasizes the right of all persons with disabilities to live and participate in the community on an equal basis. States Parties to the Convention must ensure that people with disabilities have both the opportunity to select their place of residence on an equal basis with others, and the ability to access residential and other community support services, including whatever assistance is necessary for inclusion in the local community.

Article 20 emphasizes that States Parties must attempt to ensure personal mobility for people with disabilities, in part by facilitating access to assistive technologies and forms of live assistance.

### *Education Provisions*

Article 24 of the Convention requires States Parties to “ensure an inclusive education system at all levels.” Children with disabilities must be offered the same opportunities for free primary and secondary education as granted to other children in their communities. Their individual needs must be reasonably accommodated, and they must receive support “to facilitate their effective education.” Additionally, the Convention specifically requires that Parties facilitate the learning of methods of communication, such as sign language and Braille, so as to assist students with disabilities in fully participating in the educational process.

### *Employment Provisions*

Article 27 of the Convention recognizes a right of individuals with disabilities to work in an “environment that is open, inclusive and accessible to persons with disabilities.” By joining the Convention, Parties agree to prohibit employment discrimination based on an employee or applicant’s disability. If necessary, the Parties are to adopt legislation to bar such discrimination in various aspects of the employment process, including recruitment, hiring, retention, promotion, and termination. There must be reasonable accommodations for employees with disabilities, such as access to training programs and the ability to exercise labor rights on an equal basis with others. States Parties must also employ persons with disabilities in the public sector on a non-discrimination basis.

### *Equality Provisions*

Article 5 of the Convention creates a broad prohibition against discrimination and requires States Parties to recognize that “all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.” States Parties to the Convention must accordingly prohibit discrimination based on disability and take steps to ensure that reasonable accommodation is provided to disabled individuals. In Article 10, States Parties reaffirm “that every human being has the inherent right to life,” and agree to take all necessary measures to “ensure its effective enjoyment by persons with disabilities on an equal basis with others.”

Articles 12 and 13 mandate equal recognition before the law for disabled persons. States Parties must provide equal access to their justice systems, and ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person’s circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. In addition, Articles 6 and 7 of the Convention specifically recognize the human rights of women and children with disabilities.

Article 14 requires States Parties to ensure that persons with disabilities are not unlawfully or arbitrarily deprived of liberty, while Article 15 states that persons should not be subjected to torture or cruel, inhuman, or degrading treatment or punishment. Article 16 requires States Parties to take measures to protect individuals with disabilities from all forms of exploitation, violence, and abuse—including gender-based abuse—as well as provide for the physical and psychological recovery of victims and investigation and, where appropriate, prosecution of perpetrators. Article 21 declares that disabled persons must be able to exercise their right to freedom of expression and opinion, through all forms of communication, on an equal basis with others. It advocates the provision of information in accessible formats and technologies, and the facilitation of sign language, Braille, and other alternative methods of communication. Article 23 requires States Parties to eliminate discrimination against persons with disabilities in domestic matters, such as marriage and parenthood. Article 28 requires States Parties to promote realization by people with disabilities of their equal right to an adequate standard of living and equal access to food, clothing, and housing. Article 29 requires States Parties to guarantee equal political rights to persons with disabilities, including accessible procedures for voting, and to promote their participation in public affairs. Finally, Article 30 requires States Parties to recognize the rights of disabled individuals to take part in cultural life and recreational and sporting activities, on a non-discriminatory basis.

### *Health Provisions*

Under Article 25 of the Convention, the States Parties recognize that individuals with disabilities have the same right as others to enjoyment of the highest attainable standard of health. They must be offered the same range, quality, and standard of care as that available to other persons. Health care professionals must provide

care on the same basis as they would provide if the individual seeking care did not have a disability. So long as national law permits, Article 25 also prohibits discrimination based on disability in the provision of health and life insurance.

#### *Committee on the Rights of Persons with Disabilities*

Article 34 of the Convention creates a Committee on the Rights of Persons with Disabilities, whose members are elected by States Parties to the Convention. States Parties are required to submit periodic reports to the Committee that detail the measures they have taken to implement their obligations, as well as progress toward implementation. The Committee will then return “such suggestions and general recommendations on the report as it may consider appropriate.” These recommendations are advisory only, and are not binding on States Parties.

#### IV. ENTRY INTO FORCE AND AMENDMENTS

The Convention enters into force for a ratifying or acceding State on the thirtieth day after its instrument of ratification or accession has been deposited. For the United States, this means thirty days after the deposit of the U.S. instrument of ratification with the advice and consent of the Senate.

Amendments to articles 34, 38, 39 and 40 (which concern the Committee on the Rights of Persons with Disabilities) may be adopted only by a consensus decision of States Parties to the Convention. If adopted, such amendments enter into force and become binding on all States Parties thirty days after two-thirds of all States Parties submit instruments of ratification for the amendment.

For all other articles of the Convention, amendments may be adopted by majority vote at a meeting at which at least two-thirds of States Parties are present. If adopted, such amendments enter into force thirty days after two thirds of States Parties submit instruments of ratification for the amendment. However, such amendments are binding only on those States Parties that submit instruments of ratification.

#### V. WITHDRAWAL

Pursuant to Article 48, a Party may withdraw from the Convention by written notification to the Secretary-General of the United Nations. This withdrawal becomes effective one year after the receipt of notification.

#### VI. IMPLEMENTING LEGISLATION

The provisions of the convention are not self-executing. Accordingly, they cannot be directly enforced by U.S. courts or give rise to individually enforceable rights in the United States.

The United States has a comprehensive network of existing federal and state disability laws and enforcement mechanisms, including the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.; the Rehabilitation Act, 29 U.S.C. § 791 et seq.; the Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 U.S.C. § 251(a)(2) and 255; the Fair Housing Act, as amended in 1988, 42 U.S.C. § 3601 et seq.; the Air Carrier

Access Act, 49 U.S.C. § 41705; the Voting Accessibility for the Elderly and Handicapped Act of 1984, 42 U.S.C. § 1973ee et seq.; the Help America Vote Act of 2002, 42 U.S.C. § 15301–15545; the National Voter Registration Act of 1993, 42 U.S.C. § 1973gg et seq.; the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997 et seq.; the Copyright Act, 17 U.S.C. §§ 101 et seq.; the Genetic Information Nondiscrimination Act, 42 U.S.C. §§ 200ff et seq.; the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., and the Architectural Barriers Act, 42 U.S.C. § 4151 et seq.. In addition, disability nondiscrimination provisions have been integrated into statutes of general applicability to federal policies and programs. See Letter of Submittal, p. 91.

In the vast majority of cases, existing federal and state law meets or exceeds the requirements of the Convention. The recommended reservations in the resolution of advice and consent (discussed in section VIII below) make clear that the United States will limit its obligations under the Convention to exclude the narrow circumstances in which implementation of the Convention could otherwise implicate federalism or private conduct concerns. Ratification of the Convention with the recommended reservations will not alter the balance of power between the federal government and the states. No additional implementing legislation is necessary with respect to the Convention.

## VII. COMMITTEE ACTION

The committee first held a public hearing on the Convention on July 12, 2012. Testimony was received from the Honorable John McCain, United States Senator; the Honorable Tom Harkin, United States Senator; the Honorable Judith Heumann, Special Adviser for International Disability Rights, U.S. Department of State; Ms. Eve Hill, Senior Counselor to the Assistant Attorney General For Civil Rights, U.S. Department of Justice; The Honorable Richard Thornburgh, Former Attorney General of the United States and Counsel for K&L Gates, LLP; Mr. John Wodatch, Former Chief of the Disability Rights Section, Civil Rights Division, U.S. Department of Justice; Mr. Steven Groves, Bernard and Barbara Lomas Fellow, The Heritage Foundation; Dr. Michael Farris, Chancellor, Patrick Henry College; and Mr. John Lancaster, 1st Lt., U.S. Marine Corps (Ret.) Retired Executive Director of the National Council On Independent Living. On July 26, 2012, the committee considered the Convention and ordered it favorably reported.

The committee held two additional public hearings on the Convention on November 5, 2013, and November 21, 2013. For the November 5, 2013 hearing, testimony was received from the Honorable Kelly Ayotte, United States Senator; the Honorable Mark Kirk, United States Senator; the Honorable Thomas J. Ridge, Former Secretary of Homeland Security and current Chairman of The National Organization on Disability; the Honorable Tammy Duckworth, Congresswoman from Illinois and Lieutenant Colonel in the Illinois Army National Guard; the Honorable Richard Thornburgh, Former Attorney General of the United States and Counsel for K&L Gates, LLP; Dr. Susan Yoshihara, Senior Vice President for Research and Director of the International Organizations Research Group, part of The Catholic Family & Human Rights Institute; Mr. Timothy L. Meyer, Assistant Professor of Law

at The University of Georgia School of Law; and Dr. Michael Farris, Chancellor of Patrick Henry College. Statements for the record were submitted by Senators Ayotte and Kirk, Secretary Ridge, Congresswoman Duckworth, Attorney General Thornburgh, Dr. Yoshihara, Professor Meyer and Dr. Farris. Also entered into the record was a letter of support from former Secretary of State and Chairman of the Joint Chiefs of Staff Colin Powell, an article supporting the Convention written by former Senate Majority Leader Dr. Bill Frist, a Boston Globe article entitled “The story of Washington gridlock seen through the eyes of Bob Dole,” an article entitled “UN Disabilities Treaty does not create abortion rights,” written by Austin Ruse and Piero A. Tozzi, and a legal memorandum prepared by Patton Boggs (now Squire Patton Boggs).

At the November 21, 2013 hearing, testimony was received from the Honorable John F. Kerry, Secretary of State, U.S. Department of State; Ms. Frances W. West, IBM, Worldwide Director of the Human Ability & Accessibility Center; the Honorable C. Boyden Gray, former White House Counsel and Ambassador, currently of C. Boyden Gray and Associates; Mr. Jeremy A. Rabkin, Professor of Law, George Mason University School of Law; and Mr. Curtis A. Bradley, William Van Alstyne Professor of Law, Duke University School of Law School. Statements for the record were submitted by Secretary of State Kerry, Director West, Ambassador Gray, Professor Rabkin, and Professor Bradley. In addition, statements of support for the Convention by Secretary of Defense Charles T. Hagel and Secretary of Veterans Affairs Eric K. Shinseki were entered into the record, along with all other petitions, letters and written statements of support for the Convention. On July 22, 2014, the committee considered the Convention and ordered it favorably reported.

## VIII. COMMITTEE RECOMMENDATIONS AND COMMENTS

### A. GENERAL COMMENTS

The committee recommends that the Senate give its advice and consent to ratification of the Convention. The committee believes that the Convention advances important U.S. interests in a number of vital areas.

The committee is persuaded by the support of experts in disability law and advocacy that ratification of the Convention will enable the United States to more effectively advocate on behalf of the millions of disabled Americans. These experts indicate that it will give the United States a stronger, more prominent voice in advocating for standards and practices abroad that comport with the high standards for protection of disabled persons found in U.S. domestic law and practice. In a letter to the committee, which was entered into the record at the November 5, 2013 hearing, former Secretary of State and Chairman of the Joint Chiefs of Staff Colin Powell characterized the treaty as “the most important global platform for the implementation of best practices in disability rights abroad.” In addition to America’s bilateral efforts, ratification will allow the U.S. to nominate U.S. disabilities experts to sit on the Disabilities Committee, which will give the United States a formal voice and vote in the Assembly of States Parties to the Convention.

Sustained and effective U.S. leadership in such areas will have a positive, practical impact on the lives of disabled Americans. Congresswoman Tammy Duckworth testified that, when traveling abroad, “[b]linded veterans have had their guide sticks taken away after being mistaken for weapons,” that “[p]eople with artificial limbs have been told to store them in overhead bins,” and that, when visiting U.S. military bases in Germany and Italy, she could not take wounded veterans “off post to go see the sights downtown, because they simply were not accessible.” Many witnesses before the committee testified that U.S. ratification will make it more likely that other governments will adopt standards and regulations concerning the disabled that conform to U.S. standards and practice, and that this will greatly enhance the ability of disabled Americans, including veterans and military families, to travel and work abroad. For example, greater uniformity in standards such as the width of doorways or the size and pitch of ramps would be of great assistance to Americans who use wheelchairs when traveling abroad, not to mention increased opportunities to use wheelchair-accessible buses, grab bars for showers, disability-accessible phones, and many other aspects of the adaptive-device industry.

Joining the Convention is also likely to benefit American workers and businesses. In a global economy, it is critical that all U.S. employees have the opportunity to enhance their careers and maintain a competitive edge for their U.S. employer by traveling and working abroad freely, unencumbered by inaccessibility concerns. Moreover, the accessibility standards set forth in the Convention are modeled on U.S. law and practice, and U.S. companies are already required to meet these robust accessibility standards. The global promotion of accessibility standards and regulations that conform to U.S. practice will level the playing field for American businesses that are already equipped to comply with these standards, and will likely give them a competitive edge over any foreign competitors. As the disability standards of foreign countries move closer to those of the United States, new markets will open up for innovative American products and services that are already accessible to the disabled, such as assistive technologies created by the U.S. consumer electronics industry.

As discussed in section VI and as explained in detail in the Letter of Submittal, in light of the reservations included in the resolution of advice and consent, current federal and state law meets or exceeds the requirements of the Convention, and no changes to federal or state law will be required as a result of U.S. ratification.

#### B. NATURE OF THE CONVENTION AS A NONDISCRIMINATION INSTRUMENT

The committee notes that the Convention is a nondiscrimination instrument, requiring that services and opportunities be made available on an equal basis to persons with disabilities and those without disabilities. Therefore, as the second understanding in the resolution of advice and consent makes clear, with respect to certain economic, social and cultural rights mentioned in the Convention, States Parties to the Convention are not obligated to provide new rights by virtue of accession to the Convention; rather the obligations of Parties to the Convention are to prevent discrimination on the basis of disability in the provision of such rights only insofar

as they are already recognized and implemented under domestic law.

This concept includes health services, as Article 25 of the Convention makes clear. In the course of the committee's consideration of the Convention, an understanding was added to the resolution of advice and consent stating that Article 25 requires that health programs and procedures are provided to individuals with disabilities on a non-discriminatory basis and does not address the provision of any particular health program or procedure.

#### C. THE DISABILITIES COMMITTEE

In the course of the committee's consideration of the Convention, questions were raised concerning the role of the Disabilities Committee, which was established under Article 34 of the Convention. As discussed above, by ratifying the Convention, the U.S. will have the ability to nominate American citizens to serve as experts on the Disabilities Committee. American engagement with the Disabilities Committee will provide critical expertise and leadership to countries looking for the best practices in assisting those with disabilities, which will subsequently inure to the benefit of disabled Americans when they travel, work, serve, study and reside abroad.

The Convention will require the United States to submit periodic reports to the Disabilities Committee for its review. In these reports, U.S. officials will have the opportunity to highlight the effectiveness of U.S. laws and practices concerning individuals with disabilities, and to demonstrate that our laws and standards are an exemplary model for the rest of the world.

The text of the Convention makes clear that the role of the Disabilities Committee is limited. The Disabilities Committee is authorized under Article 36 to "consider" State Party Reports and to "make such suggestions and general recommendations on the report as it may consider appropriate." Under Article 37, the Disabilities Committee "shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention."

The Disabilities Committee has no authority to compel actions by states parties. Secretary Kerry confirmed this when he testified that "the Disabilities Committee has absolutely zero power to change a law, to order a change of law, to compel a change of law." While the conclusions, recommendations, or general comments issued by the Disabilities Committee could in some instances reflect established customary international law, the Disabilities Committee has no authority to create customary international law, and such statements by the Disabilities Committee do not, in and of themselves, constitute customary international law, as the sixth understanding in the resolution of advice and consent makes clear. States parties to the Convention are not required to give greater weight to the interpretation of the Convention by the Disabilities Committee than they do their own interpretation, and are not required to conform their interpretations to or make them consistent with those of the Disabilities Committee.

#### D. PARENTAL RIGHTS

The committee closely reviewed the "best interests of the child" standard set forth in Article 7 of the Convention, including whether

U.S. ratification of the Convention could negatively impact parental rights with respect to disabled children, including parents who opt to home-school disabled children. Former Secretary and Governor Tom Ridge testified that the Convention “does not affect the ability of a parent to act in the best interest of the child.” In the July 2012 hearing, the Department of Justice testified unequivocally that parental rights would not be hindered in any way. In response to written questions for the record, Senior Counselor to the Assistant Attorney General for Civil Rights Eve Hill stated that “[i]n light of the federalism and private conduct reservations, among others, there would be no change to Federal, State or local law regarding the ability of parents in the United States to make decisions about how to raise or educate their children as a result of ratification.” To emphasize the unified views of the Senate and the executive branch on this issue, the Committee unanimously agreed to include the seventh understanding in the resolution of advice and consent, which makes clear that the term or principle of the “best interests of the child” as used in Article 7(2) will be applied and interpreted to be coextensive with its application and interpretation under United States law, and that nothing in Article 7 requires a change to existing United States law. At the July 22, 2014, business meeting, the committee adopted an understanding, offered by Senator Barrasso, that explicitly states that “[n]othing in the Convention limits the rights of parents to homeschool their children.”

#### E. SUPPORT FOR THE CONVENTION

The President has expressed his strong support for U.S. ratification of the Convention. In addition, the committee has received letters of support for the Convention from a wide range of affected businesses, groups and associations, including: Ability Chicago, Abilities, Inc.; Ablehawks and Allies; ABILITY Jobs; AccessABILITY, Center for Independent Living; Access Alaska Inc.; Access Concepts and Training, Inc.; Access Futures Club (AFC); Access Living; Access, Inc.; Access to Independence, Inc.; ACCSES; ACCSES NEW JERSEY; Achievement Services for Northeast Kansas, Inc.; Action Against Hunger; Actionplay; Action Towards Independence, Inc.; Ada S. McKinley Community Services, Inc.; ADHD Aware; ADAPT-Chicago Chapter; ADAPT Delaware; ADAPT Missouri; Adobe; Advocacy Center (Louisiana); Advocacy Denver; Advocacy Initiative Network of Maine; Advocates for Access; Advocates For Children of NY, Inc.; Advocating 4 Kids LLC; African Methodist Episcopal Church Connectional Health Commission; AgeOptions; AHEAD—Association on Higher Education and Disability; Air Force Sergeants Association; Air Force Women Officers Associated; Alabama Disabilities Advocacy Program; Alameda County Development Disabilities Council; Alaska Multiple Sclerosis Center; Alexander Graham Bell Association for the Deaf and Hard of Hearing; Alliance Center for Independence; Alliance for the Betterment of Citizens with Disabilities; Allsup; Almost Home Kids; Alpha One; AMC Entertainment Inc.; American Academy of Audiology; American Academy of Child and Adolescent Psychiatry; American Academy of Pediatrics; American Academy of Physical Medicine and Rehabilitation (AAPM&R); American Association for Geriatric Psychiatry; American Association of People with Disabilities; American Association on Health and Disability; American As-

sociation on Intellectual and Developmental Disabilities; American Association for Psychosocial Rehabilitation, American Baptist Churches USA; American Baptist Home Missions Societies; American Bar Association; American Civil Liberties Union; American Civil Liberties Union of Illinois; American Council of the Blind; American Council of the Blind; American Counseling Association; American Dance Therapy Association; American Diabetes Association; American Foundation for the Blind; American Foundation for Suicide Prevention; American GI Forum; American Group Psychotherapy Association; American Jewish World Services; American Mental Health Counselors Association; American Music Therapy Association; American Muslim Health Professionals; American Network of Community Options and Resources; American Occupational Therapy Association; American Psychological Association; American Public Health Association; American Red Cross; American Society for Deaf Children; American Speech-Language Hearing Association; American Statistical Association American Therapeutic Recreation Association; Americans Association of People with Disabilities; AMREF; Anti-Defamation League; APSE; ARC Gateway, Inc.; Arc Northland; Arc Rutland Area; Arctic Access, Inc.; Arizona Bridge to Independent Living (ABIL); Arizona Center for Disability Law; Arizona Disability Advocacy Coalition; Assisted Cycling Tours, Inc.; Association for Assistive Technology Act Programs; Association for Community Living in Boulder County; Association for Education and Rehabilitation of the Blind and Visually Impaired; Association for Special Children & Families; Association for Vision Rehabilitation and Employment, Inc.; Association of Community Mental Health Centers of Kansas; Association of Jewish Family & Children's Agencies; Association of Programs for Rural Independent Living; Association of the United States Navy; Association of University Centers on Disabilities; Association on Higher Education & Disability; AT&T; A3 Accounting Associates; Attention Deficit Disorder Association; AUCD Council on Community Advocacy (COCA); Auditory Sciences; Autism National Committee; Autism Speaks; Autism Spectrum Counseling Center, Inc.; Autistic Self Advocacy Network; B'nai B'rith International; Baha'is of the United States; Basic Education Coalition; Bay Area People First; Bay Cove Human Services, Inc.; Bazelon Center for Mental Health Law; Becoming Independent; Bender Consulting Services, Inc.; Benetech; Best Buddies International, Inc.; Best Buddies, University of Kansas Chapter; Bethesda Lutheran Communities, Inc.; Better World Campaign; Big Lakes Developmental Center; Biogen Idec; BlazeSports America; Blind and Vision Rehabilitation Services of Pittsburgh; Blinded Veterans Association; BlueLaw International; Blue Ridge Independent Living Center; Board of the Attention Deficit Disorder Association; Bodies of Work; Boehringer Ingelheim USA; Boston Center for Independent Living; Brain Injury Association of America; BRAC; Brain Injury Association of Georgia; Brain Injury Association of Kansas; Brain Injury Association of Michigan; Brain Injury Association of Mississippi; Brain Injury Association of Nebraska; Brain Injury Association of South Carolina; Brain Injury Association of Tennessee; Brain Injury Association of South Carolina; Brain Injury Association of Tennessee; Brain Injury Association of Vermont; Braozoria County Center for Independent Living; Bridge II Sports; Bridgewell; Brooklyn Center

for Independence of the Disabled; Brown County Developmental Services, Inc.; Burton Blatt Institute at Syracuse University; Business Roundtable; California Association of the Deaf—Riverside Chapter; California Communications Access Foundation; California Foundation for Independent Living Centers; California State Council on Developmental Disabilities; California State Council on Developmental Disabilities; California State Council on Developmental Disabilities, Area Board 5; Californians for Disability Rights, Inc.; Cambria County Association for the Blind and Handicapped, CARE USA; CBM; CDC Resources; Caption First, Inc.; Cardinal Health; Center for Disability & Elder Law; Center for Disability Rights; Center for Independent Living of Middle Tennessee; Center for Independent Living of South Florida, Inc.; Center for Independent Living Options; Center for International Rehabilitation Research Information & Exchange; Center for Leadership in Disability; Center for Self-Determination; Center for the Visually Impaired; Center on Disability and Community Inclusion; Center on Disability Studies—University of Hawaii; Central Conference of American Rabbis; Central Illinois Service Access, Inc.; Cerebral Palsy and Deaf Organization; Challenged Conquistadors, Inc.; Chamber of Commerce of the United States of America; Chamblee Fences; Check and Connect Program—Central Lakes College; Chicagoland Chamber of Commerce; Christian Church of Disciples of Christ (Disciple Home Missions); Christian Reformed Church in North America (Disability Concerns); Chronic Fatigue Syndrome, Fibromyalgia & Chemical Sensitivities Coalition of Chicago; The Chubb Corporation; Client Assistance Program and Protection & Advocacy (American Samoa); Citizens for Global Solutions; Citizens for Patient Safety; City of Danbury Commission for Persons with Disabilities; Claremont Colleges Disability, Illness, and Difference Alliance, Coalition of Citizens with Disabilities in Illinois; Coalition of Concerned Citizens for Complete Justice; Coastal Bend Center for Independent Living; The Coca-Cola Company; Community Access Project Somerville; Community Access Unlimited; Community Alliance for the Ethical Treatment of Youth; Community Interface Services; Community Legal Aid Society (Delaware); Community Renewal Society; Community Resources for Independent Living; Community Services for Sight; Concerned Transit Riders for Equal Access; Conference of Educational Administrators of Schools and Programs for the Deaf; Connecticut Office of Protection and Advocacy for Persons with Disabilities; Consortium for Citizens with Disabilities; Consumer Electronics Association; Cook Ross Inc.; Council for Exceptional Children; Council for Health and Human Services Ministries United Church of Christ; Council of American Instructors of the Deaf Council of Parent Attorneys and Advocates; Council of State Administrators of Vocational Rehabilitation; Crockett Resource Center for Independent Living; CUNY Coalition for Students with Disabilities; Daniel Jordan Fiddle Foundation; DAWN Center for Independent Living; Deaf and Hard of Hearing Alliance; Deaf Education And Families Project; Deaf Equality Accessibility Forum; Deaf Youth USA; Deb Dagit Diversity LLC; Delaware Association for the Blind; Delaware Developmental Disabilities Council; Delaware Family Voices; Depression and Bipolar Support Alliance; Deque Systems, Inc.; Detroit Disability Justice; Developmental Disabilities Institute, Wayne State University; Directions in Inde-

pendent Living, Inc.; DIRECTV; Disability 411; Disability Concerns, Christian Reformed Church; Disability Concerns, Reformed Church in America; Disability Connection/West Michigan; Disability Funders Network; Disability Help Center; Disability Law & Advocacy Center of Tennessee; Disability Law and Public Policy Program, Syracuse University; Disability Law Center (Massachusetts); Disability Law Center (Utah); Disability Law Center of Alaska; Disability Law Center; disABILITY LINK; Disability Partners; disABILITY Resource Center; Disability Resource Center of Fairfield County; Disability Resource Center of Fairfield County; Disability Rights Advocacy Fund; Disability Rights & Resources; Disability Rights California; Disability Rights Center (Arkansas); Disability Rights Center (Maine); Disability Rights Center (New Hampshire); Disability Rights Center of Kansas; Disability Rights Center of Virgin Islands; Disability Rights Education and Defense Fund; Disability Rights Coalition; Disability Rights Education, Activism and Mentoring (DREAM); Disability Rights Education and Defense Fund; Disability Rights Florida; Disability Rights Fund; Disability Rights Idaho; Disability Rights International; Disability Rights Iowa; Disability Rights Legal Center; Disability Rights Mississippi; Disability Rights Montana; Disability Rights Nebraska; Disability Rights Network of Pennsylvania; Disability Rights New Jersey; Disability Rights New Mexico; Disability Rights of New York; Disability Rights North Carolina; Disability Rights Ohio; Disability Rights Oregon; Disability Rights Texas; Disability Rights Vermont; Disability Rights Washington; Disability Rights Wisconsin; disABILITY Solutions for Independent Living; Disability Services, Johns Hopkins University; Disabilityworks; Disabled American Veterans; Disabled in Action of Greater Syracuse Inc.; Disabled In Action of Metropolitan NYC; Disabled Rights Action Committee; Disabled Sports USA; Disciples Home Missions; Disciples Justice Action Network; Diverse Disability Media; Division for Early Childhood of the Council for Exceptional Children; Division of International Special Education Services (DISES) of the Council for Exceptional Children; Dominic Foundation; Dorsar Investment Co.; Down Syndrome Association of Snohomish County; Down Syndrome Association of West Michigan; Down Syndrome Support Network of Stark County; DREAM; Dream Ahead the Empowerment Initiative; Dynamic Independence; Earle Baum Center of the Blind, Inc.; East Texas Center for Independent Living; Easter Seals; Easter Seals Capper Foundation; Easter Seals Central Texas; ED101 Inc.; EDC; Education Development Center; Effective Success Practices LLC; El Valor; Elizabeth Birch Company/Global Out; Employment & Community Options; ENdependence Center of Northern Virginia; Ensign Skills Center, Inc.; Environmental Justice Coalition for Water; Epilepsy Foundation; Equal Rights for Persons with Disabilities International, Inc.; Equip for Equality (Illinois); EqUUal; Evangelical Lutheran Church in America; Family Health Network; Family Voices; Family Voices of ND; Fearless Nation PTSD Support; Federal Employees with Disabilities (FEDs); Feed the Children; FESTAC-USA (Festival of African Arts and Culture); FHI 360; Fiesta Christian foundation Inc.; 504 Democratic Club; Flinthills Services, Inc. DBA CDDO of Butler County; Florida Association of the Deaf; Fort Bend Center for Independent Living; ForwardWorks Consulting, LLC;

Foundations For Change, PC; Four Freedoms Forum; Fox River Industries; FREED Center for Independent Living; Freedom Resource Center for Independent Living, Inc.; Friedman Place; Friends Committee on National Legislation; G3ict; Gallaudet University; Genetic Alliance; Georgia Advocacy Office; Georgia Council on Developmental Disabilities; Georgia Power; GlobalPartnersUnited; Global Solutions; GoGo; Gompers Habilitation Center; Good360; Goodwill Industries International; Granite State Independent Living; Great Lakes ADA Center; Greater Haverhill Newburyport; Greater Illinois Chapter of the National Multiple Sclerosis Society; Guam Legal Services Corporation; Hadassah, The Women's Zionist Organization of America, Inc.; Handicap International; HandReach; Hands and Voices; Harlem Independent Living Center; Harvey-Marion County CDDO; Hawaii Disability Rights Center; HEAL; Health & Disability Advocates; Health & Medicine Policy Research Group; Hears Foundation; Hearing Health Foundation; Hearing Loss Association of America; Hearing Loss Association of Los Angeles; Heartland Alliance; Heartland Alliance for Human Needs and Human Rights; Hellen Keller International; HelpAge USA; Helping Educate to Advance the Rights of the Deaf (HEARD); Henry Viscardi School; Hesperian Health Guides; Higher Education Consortium for Special Education; Highmark; Hindu American Foundation; Historically Black Colleges and Universities (HBCU) Disability Consortium; Hope Haven Area Development Corporation; Horn of Africa Aid and Rehabilitation; Houston Center for Independent Living; Housing Action Illinois; Human Rights Watch; Hyun & Associated Leadership Consultants; IBM; Idaho Federation of Families for Children's Mental Health; Idaho Parents Unlimited, Inc.; IDEA Infant Toddler Coordinators Association; IFES; Illinois Association of the Deaf (IAD); Illinois Assistive Technology Program; Illinois Council on Developmental Disabilities; Illinois Iowa Center for Independent Living; Illinois Maternal and Child Health Coalition; Illinois Network of Centers for Independent Living; Illinois Partners for Human Service; Illinois Valley Center for Independent Living; IMPACT Center for Independent Living; Independence Associates, Inc.; IndependenceFirst; Independence, Inc.; Independent Living, Inc.; Independent Living Center of the Hudson Valley, Inc.; Independent Living Center of the North Shore & Cape Ann, Inc.; Independent Living Council of Georgia; Indiana Protection and Advocacy Services; Institute for Community Inclusion: U. MA Boston; Institute for Community Leadership; Institute for Educational Leadership; Institute for Health Quality and Ethics; Institute for Human Centered Design; Institute on Disabilities, Temple University; Institute on Disability Culture; Institute on Human Development and Disability; Institute on Disability and Public Policy (IDPP); InterAction; Inter-American Institute on Disability; Interdisciplinary Council on Developmental and Learning Disorders (ICDL); Interfaith Disability Advocacy Coalition; Interfaith Network on Mental Illness; InterHab; International Hearing Association; International Medical Corps; International Ventilator Users Network; International Youth Foundation; Iowa Association of Community Providers; Iowa Statewide Independent Living Council (SILC); Iraq and Afghanistan Veterans of America; Islamic Society of North America; Jawonio; Jenian, Inc.; Jessica Cox Motivational Services; Jewish Community Relations Council of Greater Boston;

Jewish Council for Public Affairs; Jewish Disability Network; Jewish Federation of Greater Atlanta; Jewish Federation of Greater Washington; Jewish War Veterans of the United States of America; Johnson County Board of Services; Johnson County Developmental Supports; Joint National Association of Persons with Disabilities; Joint National Association of Persons with Disabilities of Nigeria in the Diaspora, USA; JPMorgan Chase & Co.; Judge David L. Bazelon Center for Mental Health Law; Junior Blind of America; Just Advocacy of Mississippi; Kansas Assistive Technology Cooperative; Kansas Council for Exceptional Children; Kansas Council on Developmental Disabilities; Kansas Division for Early Childhood; Kansas Elks Training Center for the Handicapped, Inc. (KETCH); Kansas Mental Health Coalition; Kansas University Center on Developmental Disabilities; Kentucky Protection and Advocacy; Kessler Foundation; KEY Consumer Organization, Inc.; Kids Included Together; KIDZCARE School; Knowbility; Knowledge-Creativity-Caring-Development-Dedication (KCCDD); KU Spectrum; L'Arche USA; L.E.A.N. On Us; Lake County Center for Independent Living; Lakemary Center; Lakeshore Foundation; Lakeside Curative Systems, Inc.; Lane Independent Living Alliance; Lantos Foundation for Human Rights & Justice; Latino Civil Rights Committee; Lawrence B. Taishoff Center for Inclusive Higher Education; League of Human Dignity; Life for Relief and Development USA; LightHouse for the Blind & Visually Impaired; LINC—Living Independence Network Corporation; LINK, Inc.; Little Miss Hannah Foundation; Little People of America; Living Independence For Everyone (LIFE) of Mississippi; Long Island Center for Independent Living, Inc. (LICIL); Loras College Du-Buddies; Loudon ENdependence; Lupus Foundation of America; Lutheran Services in America; Lutheran Social Services of Wisconsin and Upper Michigan; Maine APSE; Maine Developmental Disabilities Council; Maine Parent Federation, Inc.; Mainstay Solutions LLC; MAK Technology Solutions, Inc.; Management Sciences for Health; Manos Unidas; ManpowerGroup North America; Martin Luther King Jr. Freedom Center; Maryland Disability Law Center; Massachusetts Down Syndrome Congress; Massachusetts Families Organizing for Change; Matrix Systems and Technologies; Medical Care Development; Medical Whistleblower Advocacy Network; Medicol Inc.; Mental Health Action; Mental Health America; Mental Health Liaison Group; Merck & Co., Inc.; Metrolina Association for the Blind, Inc.; Metropolitan Community Churches; MI Developmental Disabilities Council; Michigan Protection and Advocacy Services; Microsoft Corporation; Mid-Minnesota Legal Assistance/Minnesota Disability Law Center; Midwest Center on Law and the Deaf; Military Officers Association of America; MindFreedom International; Minnesota Disability Law Center; Mississippi Coalition for Citizens with Disabilities; Missouri Association of Rehabilitation Facilities (MARF); Missouri Developmental Disabilities; Missouri Protection and Advocacy Services; Mobility International USA; Montana Independent Living Project; Mosaic in Delaware; MS Family-to-Family Information and Education Center; Multiethnic Advocates for Cultural Competence, Inc.; Muslim Public Affairs Council; Nascar; Nation Council of Jewish Women; National Academy of Elder Law Attorneys; National Alliance on Mental Illness; National Alliance on Mental Illness—Kansas; National Association for Black Veterans;

National Association for Children's Behavioral Health; National Association for Parents of Children with Visual Impairments, Inc.; National Association of Councils on Developmental Disabilities; National Association of County Behavioral Health and Developmental Disability Directors; National Association of Head Injury Administrators; National Association of Law Students with Disabilities (NALSWD); National Association of States United for Aging and Disabilities; National Association of School Psychologists; National Association of Social Workers; National Association of State Directors of Developmental Disabilities Services; National Association of State Directors of Special Education; National Association of State Head Injury Administrators; National Association of State Mental Health Program Directors; National Association of States United for Aging and Disabilities; National Association of the Deaf; National Benevolent Association of the Christian Church of Disciples of Christ; National Black Deaf Advocates, Inc.; National Business & Disability Council; National Center for Environmental Health Strategies; National Center for Learning Disabilities; National Coalition for Mental Health Recovery; National Council for Community Behavioral Healthcare; National Council of Churches USA; National Council of Jewish Women; National Council on Disability; National Council on Independent Living; National Council on the Churches of Christ in the USA; National Court Reports Association; National Disability Rights Network; National Down Syndrome Congress; National Down Syndrome Society; National Dysautonomia Research Foundation; National Education Association; National Federation of the Blind; National Federation of the Blind of Utah; National Federation of Families for Children's Mental Health; National Guard Association of the United States; National Guardianship Association; National Health Law Program; National Industries for the Blind; National Military Family Association; National Minority AIDS Council; National Multiple Sclerosis Society; National Organization for Albinism and Hypopigmentation; National Organization of Nurses with Disabilities, Inc.—in Illinois; National Organization on Disability; National Rehabilitation Association; National Respite Coalition; National Youth Leadership Network; Native American Disability Law Center; Nebraska Advocacy Services Nevada Disability Advocacy & Law Center; NETWORK—a National Catholic Social Justice Lobby; Neumann Family Services; New Concepts for Living; New Hampshire Association for the Blind; New York Institute for Special Education; New York State Commission on Quality of Care & Advocacy for Persons with Disabilities; New York State Independent Living Council (NYSILC); Next Step; Next Steps, NFP; NHMH—No Health without Mental Health; Nike; Noble County ARC, Inc.; North Dakota Protection & Advocacy Project; Northeast Arc; Northern Marianas Protection & Advocacy Systems; Northern West Virginia Center for Independent Living, Inc.; Northrop Grumman Corporation; Not Dead Yet; Not Without Us! Disability in Action; NuVisions Center; NYC LTC Ombudsman Program; OCCK, Inc.; OHI Maine; Ohio Association of County Boards Serving People with Developmental Disabilities; OhioHealth; Ohio Statewide Independent Living Council; Ohio Valley Goodwill Industries; Office of Protection and Advocacy for Persons with Disabilities (Connecticut); Office of the Governor/Ombudsman for Persons with Dis-

abilities (Puerto Rico); OfficeMax Charitable Foundation; Ohio Legal Rights Service; OhioHealth; Oklahoma Association of Centers for Independent Living; Oklahoma Disability Law Center; ONE; Onondaga Community Living; Open Doors Organization; Operation USA; Optimal Beginnings, LLC; OrangeAbility Planning Committee; Orange County Rehabilitative and Developmental Services, Inc.; Orange Grove Center (OGC); Osteogenesis Imperfecta Foundation; Oxfam America; PACE Inc. Center for Independent Living; PA Mental Health Consumers' Association; Palestine Resource Center for Independent Living; Paradigm Services Inc.; Paralyzed Veterans of America; Paraquad; Parents, Let's Unite for Kids; Parent to Parent of NYS; Parent to Parent USA; Parents Educating Parents and Professionals, Inc.; Passaic County Community College, Office of Disability Services; PEAK Parent Center; PEAL Center; Peer Assistance Services, Inc.; Pennsylvania Association for the Blind; Pennsylvania Council of the Blind; Pennsylvania Society for the Advancement of the Deaf; People First of New Hampshire; People with Disabilities for Social & Economic Justice—Next Step; Peppermint Ridge; Perkins School for the Blind; Perkins International; Perspectives Press; PhilanthropyNow; Pineda Foundation for Youth; Plummer & Associates; Polio Survivors Association; Post-Polio Health International; Prairie Independent Living Resource Center Inc.; Pratt Institute; Presbyterian Church (U.S.A.) Office of Public Witness; Pride Mobility Products; Progress Center for Independent Living; Projects and Intellectual Properties (d/b/a); Protection and Advocacy for People with Disabilities (South Carolina); PsycHealth; Psychological Services of Barlesville; Public Advocacy for Kids; Purity Care Investments; PXE International; Rabbinical Assembly; Raising Special Kids; REACH Resource Centers On Independent Living; ReachScale; Reconstructionist Rabbinical College; Recovery Empowerment Network; RED Consulting; Reformed Church in America (Disability Concerns); Refugees International; Rehabilitation Engineering and Assistive Technology Society of North America; Rehabilitation International; Registry of Interpreters for the Deaf; Religious Action Center; Research and Training Center on Independent Living; RESNA; Resource Center for Accessible Living (RCAL); RESULTS; ReSurge; RI Family Voices; Rhode Island Disability Law Center; RISE Center—Beaumont, TX; Rita Kay Foundation; Rolling Start Inc.; Rose F. Kennedy University Center for Excellence in Developmental Disabilities; Ruh Global LLC; Russell Child Development; Sacred Creations; San Antonio Independent Living Services (SAILS); Saint Louis Arc; Sandhills Post-Polio Health Group; Save the Children; Schizophrenia and Related Disorders Alliance of America; School Social Work Association of America; Seaboard Corporation; School Social Work Association of America; Second Sense; Seguin Services; Self-Advocacy Association of New York State; Self Advocacy Council of Northern Illinois; Self Advocates Becoming Empowered; Self Advocate Coalition of Kansas (SACK); Self Advocates of Indiana; Self Advocates of Washington; SEVA Foundation; Shriver Center; Sibling Leadership Network; Signs of Self; Sikh American Legal Defense and Education Fund; Sindh Disabled Development Society; Skills of Central PA; SKIL Resource Center; Small & Associates, Inc.; SoCal APSE; Social Assistance and Rehabilitation for the Physically Vulnerable (SARPV); Society for Accessible Travel &

Hospitality (SATH); Society for Disability Studies; Society for Special Persons; Socio Economic Development Alliance (SEDA); Sodexo; South Dakota Advocacy Services; Southeast Alaska Independent Living; Southern Illinois Case Coordination Services; Southern Indiana Center for Independent Living; Southern Tier Independence Center; Soyland Access to Independent Living (SAIL); Spa Area Independent Living Services; SPEAK Consulting LLC Special Olympics; Speaking Up for Us; Speaking Up for Us, Maine; Special Needs Advocacy Network; Special Olympics; Spina Bifida Association; Springfield Center for Independent Living; Sprint; Starkey, Inc.; Statewide Independent Living Council; Statewide Independent Living Council of Georgia, Inc.; Statewide Independent Living Council of Illinois; Statewide Parent Advocacy Network; Stone Belt Arc, Inc.; Student Disability Access Center, University of Virginia; Student Veterans of America; Supportive Housing Providers of Illinois; Symantec Corporation; Syntiro; Taconic Resources for Independence; TARC (Affiliate of The Arc); TASH; TASH Arizona; TASH Missouri; TCS Associates; Team for Justice; Team of Advocates for Special Kids (TASK); Teacher Education Division of the Council for Exceptional Children; Tech for All, Inc.; Tekmiss; Telecommunications for the Deaf and Hard of Hearing, Inc.; Tennessee Association of the Deaf; Tennessee Disability Coalition; Texas Advocates; Texas Association of Centers for Independent Living, TACIL; Texas Association of the Deaf; Texas School for the Blind and Visually Impaired; The Ability Center of Greater Toledo; The Advocacy Institute; The American Legion; The Arc of Adams County; The Arc Arapahoe & Douglas; The Arc Baltimore; The Arc of Bristol County; The Arc California; The Arc Cedar Valley; The Arc of Colorado; The Arc of Dickinson; The Arc of Douglas County; The Arc of Fort Bend County; The Arc of Frederick County; The Arc of Georgia; The Arc of Greater Boone County; The Arc of Greater Pittsburgh; The Arc Greater Twin Cities; The Arc of Houston; The Arc of Howard County; The Arc of Illinois; The Arc of Indiana; The Arc of Iowa; The Arc—Jefferson, Clear Creek & Gilpin Counties; The Arc of Larimer County; The Arc of Lucas County; The Arc Maryland; The Arc of Massachusetts; The Arc Michigan; The Arc Montgomery County; The Arc Mower County; The Arc of New Jersey; The Arc Noble County Foundation; The Arc Northern Chesapeake; The Arc of Northern Virginia; The Arc of Opportunity in North Central Massachusetts; The Arc of Pennsylvania; The Arc of the Pikes Peak Region; The Arc Prince George's County; The Arc of Rockbridge; The Arc of South Carolina; The Arc of Southern MD; The Arc of Southside; The Arc of Tennessee; The Arc of the United States; The Arc of the US; The Arc of Virginia; The Arc of Toombs County; The Arc Western Wayne; The Bibb Cook Group LLC; The California Institute for Mental Health; The Center for Disability Empowerment; The Center for Financial Independence & Innovation; The Center for Rights of Parents with Disabilities; The Centered Leadership Project, LLC; The Coca-Cola Company; The Disability Rights Education and Defense Fund; The Episcopal Church; The Future Work Institute, Inc.; The Hunger Project; The Independent Living Center, Inc.; The Iris Network; The Jewish Disability Network; The Jewish Federations of North America; The Joseph P. Kennedy, Jr. Foundation; The Leadership Conference on Civil and Human Rights; The

Legal Center (Colorado); The Legal Center for People with Disabilities and Older People; The National Center of The Blind Illinois; The National Council on Independent Living; The Rabbinical Assembly; The Reconstructionist Rabbinical Association; The Rehabilitation Engineering and Assistive Technology Society of North America; The Sikh Coalition; The Starkloff Disability Institute; Three Rivers Center for Independent Living; The Viscardi Center; 3E Love, LLC; Thresholds; Time Warner Cable; Tisano LLC.; TKPSYC After School Services, Inc.; Topeka Independent Living Resource Center; Touchpoint Group, LLC; Tourette Syndrome Association; Treatment Communities of America; Trickle Up; Tri Count4y ILC; Tri-County Association of the Deaf, Inc.; Tri-County Patriots for Independent Living; Tri-Ko, Inc.; Tri-State Downs Syndrome Society; Tri-Valley Developmental Services; Trickle Up Program, Inc.; Trisomy 18 Foundation; Twin Ports Post Polio Network; Uhambo USA; UJA-Federation of New York; Union for Reform Judaism; Unitarian Universalist Association; Unitarian Universalist Association of Congregations; Unitarian Universalist Service Committee; United Cerebral Palsy; United Cerebral Palsy of Illinois; United Church of Christ Disabilities Ministries Board; United Church of Christ (Justice Witness Ministries); United Church of Christ Mental Health Network; United Methodist General Board of Church and Society; United States International Council on Disabilities; United Spinal Association; United States International Council on Disabilities; United States Olympic Committee; United Synagogue of Conservative Judaism; University Legal Services (District of Columbia); U.S. Business Leadership Network; U.S. Equal Employment Opportunity Commission; U.S. Fund for UNICEF; U.S. International Council on Disabilities; U.S. Olympic Committee; Utah Assistive Technology Foundation; Utah State Independent Living Council; Valley Association for Independent Living; Vermont Center for Independent Living; Vermont Family Network; Vermont Statewide Independent Living Council; Veterans for Common Sense; Veterans of Foreign Wars of the United States; Veterans of Modern Warfare; VetsFirst; Virginia Advocates United Leading Together; Virginia Association of the Blind; Vision for Equality; Vision Loss Resources; VisionServe Alliance; Voices of the Heart Inc.; Volar Center for Independent Living; Walmart; Washington State Developmental Disabilities Council; Water for South Sudan; WaterAid; WellShare International; Wesleyan Students for Disability Rights; West Central Independent Living Solutions Vietnam Veterans of America; West Virginia Advocates; WFD Consulting Inc.; Whirlwind Wheelchair International; WiderNet Project; Will-Grundy Center for Independent Living; Wild Watercolors; Winrock International; Wisconsin Council of the Blind and Visually Impaired Women's Rabbinic Network; Witeck Communications, Inc.; Women's Rabbinic Network; Women's Refugee Commission; WORK, Inc.; World Concern; World Institute on Disability; World Learning; World Neighbors; Wounded Warrior Project; the Wyoming Protection and Advocacy System; and Verizon. In addition, the committee received letters of support from former Secretary of State and Chairman of the Joint Chiefs of Staff Colin Powell, former Senator Bob Dole, Chinese human rights activist Chen Guangcheng, I. King Jordan, President Emeritus of Gallauet University, Admiral Steve Abbott, General Wesley K. Clark, Gen-

eral Ronald Fogleman, Admiral Edmund P. Giambastiani, Jr., Admiral Charles R. Larson, General Lester L. Lyles, General Robert Magnus, General Thomas S. Moorman, Jr., General Carl E. Munday, Jr., Admiral Joseph W. Prueher, General Henry H. Shelton, General Gordon R. Sullivan, and Loretta Claiborne, Special Olympics Athlete. Materials received as of November 21, 2013, were entered into the hearing record.

#### F. DISCUSSION REGARDING THE RESOLUTION OF ADVICE AND CONSENT

The committee has included a number of reservations, understandings, and declarations in the resolution of advice and consent. The committee notes that Article 46 of the Convention makes clear that reservations to the treaty are permitted, provided that they are not incompatible with the object and purpose of the Convention.

The committee notes that it is well-established in American jurisprudence that courts must respect the reservations, understandings, and declarations to the ratification of treaties. In their study of RUDs and human rights treaties, Professors Curtis Bradley and Jack Goldsmith concluded that “[i]n sum, since the early days of the nation, the President and Senate have attached a variety of conditions to their consent to treaties. No court has ever invalidated these conditions.” Curtis A. Bradley & Jack L. Goldsmith, *Treaties, Human Rights, and Conditional Consent*, 149 U. Pa. L. Rev. 399, 410 (2000).

##### 1. Reservations

Section (a) of the resolution contains three reservations.

*Federalism.* The first reservation addresses federalism issues. Article 4(1) of the Convention states that the provisions of the Convention “shall extend to all parts of federal States without any limitations or exceptions.” Because certain provisions of the treaty concern matters traditionally governed by state law rather than federal law, and because in very limited instances some state and local standards are less vigorous than the convention would require, a reservation is required to preserve the existing balance between federal and state jurisdiction over these matters.

*Non-Regulation of Private Conduct.* The second reservation concerns the extent of the United States obligations under the Convention with regard to private conduct. Although the United States generally and broadly applies nondiscrimination laws to private entities with respect to operation in public spheres of life, some laws set a threshold before their protections are triggered. For example, selected employment-related civil rights laws apply only to employers that have 15 or more employees. Thus, existing legislation does not extend to absolutely all private discrimination against persons with disabilities, such as actions by a sole proprietor or rental of a single-family home. Further, individual privacy and freedom from governmental interference in certain private conduct are also recognized as among the fundamental values of our free and democratic society. Accordingly, a reservation is required to make clear that the United States does not accept any obligation under the Convention to enact legislation or take any other measures with respect to private conduct except as mandated by the Constitution and laws of the United States. The committee notes that in a written

response for the record, the Department of State and the Department of Justice confirmed that in light of this reservation, ratification of the Disabilities Convention would not impose any new requirements on employers exempted by the Americans with Disabilities Act.

*Torture, Cruel, Inhumane or Degrading Treatment.* The third reservation concerns the extent of the United States obligations under Article 15 (Freedom from Torture or Cruel, Inhuman or Degrading Treatment or Punishment). As Article 15 of the Convention covers the same subject matter as Articles 2 and 16 of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and Article 7 of the International Covenant on Civil and Political Rights, the third reservation makes clear that the obligations of the United States under Article 15 of the Convention shall be subject to the same reservations and understandings that apply to U.S. ratification of those two treaties.

## 2. Understandings

Section (b) of the resolution contains eight understandings.

*First Amendment.* The first understanding makes clear that the Convention, including Article 8, does not authorize or require legislation or other action that would restrict the right of free speech, expression, and association protected by the Constitution and laws of the United States of America.

*Economic, Social and Cultural Rights.* The second understanding makes clear that with respect to the application of certain economic, social and cultural rights set forth in specific articles of the Convention, the United States understands that its obligations are only to prevent discrimination on the basis of disability in the provision of any such rights insofar as they are recognized and implemented under U.S. federal law. Equal Employment Opportunity. The third understanding makes clear that the Convention does not require the adoption of a comparable worth framework for persons with disabilities. The committee notes that in a written response for the record, the Department of State and the Department of Justice confirmed their view that current U.S. law is consistent with the language in Article 27 regarding equal pay for work of equal value.

*U.S. Military Departments.* The fourth understanding concerns Article 27 of the Convention and the obligation to take appropriate steps to afford to individuals with disabilities the right to equal access to equal work, including nondiscrimination in hiring and promotion of employment of persons with disabilities in the public sector. Under current U.S. law, certain departments of the U.S. military charged with defense of the national security are exempted from liability under the Rehabilitation Act of 1973. The understanding makes clear that the United States understands the obligations of Article 27 to take appropriate steps as not affecting hiring, promotion, or other terms or conditions of employment of uniformed employees in the U.S. military departments and that Article 2 does not recognize rights in this regard that exceed those rights available under U.S. federal law.

*Definitions.* The fifth understanding clarifies that the terms “disability”, “persons with disabilities”, and “undue burden” (terms that are not defined in the Convention), “discrimination on the

basis of disability”, and “reasonable accommodation” are defined for the United States of America coextensively with the definitions of such terms pursuant to relevant United States law.

*Article 34 Committee.* The sixth understanding concerns the Committee on the Rights of Persons with Disabilities, established under Article 34 of the Convention. It clarifies with particularity the limited powers of that Committee, including that it has no authority to compel actions by the United States, and the United States does not consider conclusions, recommendations, or general comments issued by the Committee as constituting customary international law or to be legally binding on the United States in any manner. It also clarifies that the United States does not consider the Committee’s interpretations to be legally binding on the United States.

*Health Programs and Procedures.* The seventh understanding clarifies that the Convention is a non-discrimination instrument, and that therefore nothing in the Convention, including Article 25, addresses the provision of any particular health program or procedure. Rather, the Convention requires that health programs and procedures are provided to individuals with disabilities on a non-discriminatory basis. *Best Interest of the Child.* The eighth understanding concerns the “best interests of the child” standard set forth in Article 7(2) of the Convention. It clarifies that the term or principle of the “best interests of the child” as used in Article 7(2), will be applied and interpreted to be coextensive with its application and interpretation under United States law, and that consistent with this understanding, nothing in Article 7 requires a change to existing United States Federal, State, or local law.

*Homeschooling.* The ninth understanding states that nothing in the Convention limits the rights of parents to homeschool their children.

### 3. *Declarations*

Section (c) of the resolution contains two declarations.

*Non Self-Executing.* The first declaration states that the provisions of the Convention are not self-executing. This reflects the shared understanding of the committee and the executive branch that the provisions of the Treaty are not self-executing, are not directly enforceable in U.S. courts, and do not confer private rights of action enforceable in the United States.

*U.S. Law Complies.* The second declaration provides that, in view of the reservations to be included in the instrument of ratification, current United States law fulfills or exceeds the obligations of the Convention for the United States. As discussed in section VI above, the committee is satisfied that, in view of the reservations in the resolution of advice and consent and the comprehensive network of existing federal and state disability laws and enforcement mechanisms, no implementing legislation is necessary for the United States to comply with the Convention.

## IX. TEXT OF RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION

*Resolved, (two-thirds of the Senators present concurring therein),*

**SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO RESERVATIONS, UNDERSTANDINGS, AND DECLARATIONS.**

The Senate advises and consents to the ratification of the Convention on the Rights of Persons with Disabilities, adopted by the United Nations General Assembly on December 13, 2006, and signed by the United States of America on June 30, 2009 (“the Convention”) (Treaty Doc. 112–7), subject to the reservations of section 2, the understandings of section 3, and the declarations of section 4.

**SEC. 2. RESERVATIONS.**

The advice and consent of the Senate to the ratification of the Convention is subject to the following reservations, which shall be included in the instrument of ratification:

(1) The Convention shall be implemented by the Federal Government of the United States of America to the extent that it exercises legislative and judicial jurisdiction over the matters covered therein, and otherwise by the State and local governments. To the extent that State and local governments exercise jurisdiction over such matters, the obligations of the United States of America under the Convention are limited to the Federal Government’s taking measures appropriate to the Federal system, which may include enforcement action against State and local actions that are inconsistent with the Constitution, the Americans with Disabilities Act (42 U.S.C. 12101 et seq.), or other Federal laws, with the ultimate objective of fully implementing the Convention.

(2) The Constitution and laws of the United States of America establish extensive protections against discrimination, reaching all forms of governmental activity as well as significant areas of non-governmental activity. Individual privacy and freedom from governmental interference in certain private conduct are also recognized as among the fundamental values of our free and democratic society. The United States of America understands that by its terms the Convention can be read to require broad regulation of private conduct. To the extent it does, the United States of America does not accept any obligation under the Convention to enact legislation or take other measures with respect to private conduct except as mandated by the Constitution and laws of the United States of America.

(3) Article 15 of the Convention memorializes existing prohibitions on torture and other cruel, inhuman, or degrading treatment or punishment contained in Articles 2 and 16 of the United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the United Nations General Assembly December 10, 1984, and entered into force June 26, 1987 (the “CAT”) and in Article 7 of the International Covenant on Civil and Political Rights, adopted by the United Nations General Assembly December 16, 1966, and entered into force March 23, 1976 (the “ICCPR”), and further provides that such protections shall be extended on an equal basis with respect to persons with disabilities. To ensure consistency of application, the obligations of the United States of America under Article 15 of the Convention shall be subject to the same reservations and understandings that

apply for the United States of America with respect to Articles 1 and 16 of the CAT and Article 7 of the ICCPR.

**SEC. 3. UNDERSTANDINGS.**

The advice and consent of the Senate to the ratification of the Convention is subject to the following understandings, which shall be included in the instrument of ratification:

(1) The United States of America understands that this Convention, including Article 8 thereof, does not authorize or require legislation or other action that would restrict the right of free speech, expression, and association protected by the Constitution and laws of the United States of America.

(2) Given that under Article 1 of the Convention “[t]he purpose of the present Convention is to promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities,” with respect to the application of the Convention to matters related to economic, social, and cultural rights, including in Articles 4(2), 24, 25, 27, 28, and 30, the United States of America understands that its obligations in this respect are to prevent discrimination on the basis of disability in the provision of any such rights insofar as they are recognized and implemented under United States law.

(3) Current United States law provides strong protections for persons with disabilities against unequal pay, including the right to equal pay for equal work. The United States of America understands the Convention to require the protection of rights of individuals with disabilities on an equal basis with others, including individuals in other protected groups, and does not require adoption of a comparable worth framework for persons with disabilities.

(4) Article 27 of the Convention provides that States Parties shall take appropriate steps to afford to individuals with disabilities the right to equal access to equal work, including non-discrimination in hiring and promotion of employment of persons with disabilities in the public sector. Current interpretation of Section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) exempts United States military departments charged with defense of the national security from liability with regard to members of the uniformed services. The United States of America understands the obligations of Article 27 to take appropriate steps as not affecting hiring, promotion, or other terms or conditions of employment of uniformed employees in the United States military departments, and that Article 27 does not recognize rights in this regard that exceed those rights available under United States law.

(5) The United States of America understands that the terms “disability,” “persons with disabilities,” and “undue burden” (terms that are not defined in the Convention), “discrimination on the basis of disability,” and “reasonable accommodation” are defined for the United States of America coextensively with the definitions of such terms pursuant to relevant United States law.

(6) The United States understands that the Committee on the Rights of Persons with Disabilities, established under Article 34 of the Convention, has an important, but limited and ad-

visory role. The United States understands that the Committee has no authority to compel actions by the United States, and the United States does not consider conclusions, recommendations, or general comments issued by the Committee as constituting customary international law or to be legally binding on the United States in any manner. The United States further understands that the Committee's interpretations of the Convention are not legally binding on the United States.

(7) The United States of America understands that the Convention is a nondiscrimination instrument. Therefore, nothing in the Convention, including Article 25, addresses the provision of any particular health program or procedure. Rather, the Convention requires that health programs and procedures are provided to individuals with disabilities on a nondiscriminatory basis.

(8) The United States of America understands that, for the United States of America, the term or principle of the "best interests of the child" as used in Article 7(2), will be applied and interpreted to be coextensive with its application and interpretation under United States law. Consistent with this understanding, nothing in Article 7 requires a change to existing United States Federal, State, or local law.

(9) Nothing in the Convention limits the rights of parents to homeschool their children.

#### **SEC. 4. DECLARATIONS.**

The advice and consent of the Senate to the ratification of the Convention is subject to the following declarations:

(1) The United States of America declares that the provisions of the Convention are not self-executing.

(2) The Senate declares that, in view of the reservations to be included in the instrument of ratification, current United States law fulfills or exceeds the obligations of the Convention for the United States of America.

X. MINORITY VIEWS OF SENATORS CORKER, RISCH,  
RUBIO, AND JOHNSON

BACKGROUND

The Convention on the Rights of Persons with Disabilities is a multilateral treaty adopted by the United Nations General Assembly on December 13, 2006. While the United States joined consensus on adopting the Convention, the United States' ultimate position on the convention was well known and had previously been explained in the "U.S. Participation in the United Nations, 2005" report to the Congress by the Secretary of State:

Since the beginning of the negotiations in 2003 on the draft Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (Disabilities Convention), the United States has maintained that disability issues are within the purview of domestic policy and law; therefore, the United States had no intention of becoming a party to the treaty. Ralph Boyd, Assistant Attorney General, stated during negotiations: "Given the complex set of regulations needed to canvass this broad area, and the enforcement mechanisms necessary to ensure equal opportunity for those with disabilities, the most constructive way to proceed is for each member state, through action and leadership at home, to pursue within its borders the mission of ensuring that real change and real improvement is brought to their citizens with disabilities.

This position was reiterated subsequent to adoption of the Convention in the "U.S. Participation in the United Nations, 2006" report, which was delivered to the Congress in 2008. The report on U.S. Participation in 2006 also describes the limited nature of participation by the United States in negotiations over the text of the Convention:

In 2003, the U.S. delegation intervened during negotiations only to give technical advice on U.S. disability law and practice. In 2004, the delegation expanded its engagement to make interventions on issues or articles in the draft text involving international law or practice. In the January–February 2005 and August 2005 negotiations, the United States engaged on a number of key issues, such as establishment of a treaty monitoring body, family issues, and support for the overarching principle of non-discrimination. During the fall of 2005, the United States expanded its engagement to other issues.

The United States did have considerable involvement on a few specific issues of particular concern. This involvement was described in the "Explanation of Position on the Convention on the Rights of Persons with Disabilities" announced by Ambassador Richard T. Miller, U.S. Representative to the UN Economic and Social Council on December 13, 2006 upon adoption of the Convention by the General Assembly. One such issue was the relationship of

the Convention to the issue of abortion. As the Explanation of Position described:

the United States understands that the phrase “reproductive health” in Article 25(a) of the draft Convention does not include abortion, and its use in that Article does not create any abortion rights, and cannot be interpreted to constitute support, endorsement, or promotion of abortion. We stated this understanding at the time of adoption of the Convention in the Ad Hoc Committee, and note that no other delegation suggested a different understanding of this term.

Having signed the Convention on June 30, 2009, the President has twice referred the Convention to the committee for consideration, the Senate having voted against granting its advice and consent in the 112th Congress. The committee held hearings on the Convention on November 5 and 21, 2013.

#### ANALYSIS

##### *Federalism*

Unlike the typical treaty, which governs the relationship between nation-states, the Convention on the Rights of Persons with Disabilities seeks to set an international standard for how nations, including the United States should it ratify the treaty, must treat their own citizens. In doing so, the treaty requires our democratically-elected legislative and executive branches at all levels to adopt extensive legislation and regulation governing matters of domestic policy.

Because the Convention’s obligations are so expansive, the article by article analysis (the “analysis”) enclosed in the Letter of Submittal cites 13 different federal statutes as well as provisions of at least 24 other federal laws that contribute to fulfilling them. While the Letter of Submittal is unclear on whether the United States would rely on state and local law to satisfy our obligations under the Convention, it notes that “certain treaty provisions cover matters traditionally governed by state law,” and goes on to assert that “some state and local standards are less vigorous than the convention would require.” While the Administration concludes from this that it would be appropriate to adopt a federalism reservation to “preserve the existing balance between federal and state jurisdiction,” it is not evident what this means in practice.

The Administration’s proposed federalism reservation, which remains in the present resolution, states:

This convention shall be implemented by the Federal Government of the United States of America to the extent that it exercises legislative and judicial jurisdiction over the matters covered therein, and otherwise by the state and local governments;

The reservation therefore appears to explicitly assert that where the Federal Government does not “exercise ... jurisdiction,” the Convention “shall be implemented ... by state and local governments.” This would appear to contemplate state and local law ac-

counting for fulfilling some obligations of the United States. The reservation then states:

to the extent that state and local governments exercise jurisdiction over such matters, the obligations of the United States of America under the convention are limited to the Federal Government's taking measures appropriate to the Federal system, which may include enforcement action against state and local actions that are inconsistent with the Constitution, the Americans with Disabilities Act, or other Federal laws, with the ultimate objective of fully implementing the Convention.

By first stating that the Convention "shall be implemented . . . by state and local governments," and then by limiting our obligations in those areas where state and local governments exercise jurisdiction "to the Federal Government's taking measures appropriate to the Federal system," it is unclear whether the Administration seeks to limit the scope of our obligations under the treaty, or only the means by which our obligations will be fully implemented. While similar language can be found in understandings submitted by the United States with ratification of previous UN human rights conventions, and diplomatic ambiguity has its advantages, it also carries significant legal risks as discussed below.

The Letter of Submittal's article by article analysis also fails to bring clarity to the issue as it engages in significant discussion of relevant state laws throughout. In some cases, where it deems state and local law to be consistent with the Convention, the analysis appears to claim reliance on these state and local laws for United States compliance with the Convention. For instance, p. 42 of the analysis describes:

Various state criminal laws that require protection and reporting of exploitation, violence, and abuse, including of individuals with disabilities, also further compliance with this article [Article 16].

However, the analysis also suggests that some state laws may not comply with Convention standards. For instance, p. 32 of the analysis states:

Despite these positive changes in guardianship provisions in most states, many state constitutions and statutory provisions continue to limit the full exercise of civil and political rights of persons deemed incompetent.

In these instances where state law is not uniform and may fall short of the Convention's requirements, the analysis indicates that U.S. compliance "is subject to the federalism reservation." For instance, p. 31 of the analysis describes:

Further, as described in detail below, and subject to the federalism reservation described above, there has been a significant trend toward the modernization of guardianship standards, moving most states into conformity with Article 12.

This selective referral to the federalism reservation in instances when state laws may fall short raises again the question of wheth-

er the present reservation addresses general limits on the scope of our accepted obligations under the Convention, or only addresses the level of government that will be responsible for fully implementing them.

These statements also raise concerns about Secretary Kerry's testimony before the committee that "ratification doesn't require a single change to American law."

These questions could have significant legal implications for the United States. First, by failing to clearly limit the scope of our obligations under the Convention in the federalism reservation while noting potential concerns about state level compliance, the United States risks the perception (and potential reality) of being in violation of our international legal obligations on a human rights treaty. This can harm our standing with those who share our values, and it can frustrate our efforts to encourage those who don't.

Second, we risk dramatically altering the Constitution. Under the Constitution, the federal government has limited powers, and much authority over the everyday lives of Americans is left to the states. However, in the 1920 Supreme Court case of *Missouri v. Holland*, the Supreme Court is understood to have held that the federal government's power can be expanded well beyond the Constitution's normal limits through ratification of a treaty. Because the Convention deals extensively with matters that the Constitution typically leaves to the states, ratifying this treaty risks significantly expanding federal authority.

The committee heard testimony from the Department of Justice in the 112th Congress stating that "the federalism reservation would preserve the existing balance of authority between the Federal Government and the States." However, the committee heard testimony in its hearing on November 21, 2013 of the 113th Congress from Mr. Curtis A. Bradley, William Van Alstyne Professor at the Duke University School of Law, that none of the reservations adopted by the committee in the 112th Congress—which remain in the present resolution—"adequately address[] the constitutional concerns." Professor Bradley explained:

The federalism reservation refers vaguely to "measures appropriate to the Federal system," but that might include measures allowed under *Missouri v. Holland*, and the reservation specifically states that the federal government can take enforcement measures against state and local actions that are inconsistent with "other Federal laws," which might include laws that Congress enacts in the future under the authority conferred by *Missouri v. Holland*.

Professor Bradley recommended that the committee adopt a reservation that "makes clear that the Convention will not expand the authority of the federal government," and described precedent for such a reservation.

Professor Bradley also pointed out that a strong federalism reservation is critical for another reason. The Convention's terms are not coextensive with the Americans with Disabilities Act (ADA) and other United States law, and the Convention's obligations go much further than the ADA in scope. As Professor Bradley noted:

The Convention refers, for example, to the standards governing the care of children, a family law topic traditionally regulated in the United States under state rather than federal law. In addition, in its accessibility and other provisions, the Convention addresses private as well as governmental conduct, without any of the limitations that would normally apply to federal regulation of private conduct—such as a requirement of a connection to interstate commerce.

In addition, the Administration’s article by article analysis recognizes that “[a] core purpose of the convention” is to eliminate discrimination “in all sectors of society, including by private persons and entities”, saying:

[D]omestic civil rights legislation does not extend to absolutely all private discrimination against persons with disabilities, such as employment discrimination by a sole proprietor or rental of a single-family home. Further, individual privacy and freedom from governmental interference in certain private conduct are also recognized as among the fundamental values of our free and democratic society. As a result, a “non-regulation of certain private conduct” reservation is recommended[.]

While the Administration’s proposed reservation purports to close the gap between the Convention and our laws, Professor Bradley explained that the reservation does not accomplish that goal due to flaws similar to those he identified in the Administration-proposed federalism reservation:

[T]he private conduct reservation says that the United States is not accepting any obligation to regulate private conduct “except as mandated by . . . laws of the United States of America.” Those laws could include statutes enacted in the future pursuant to the authority allowed under *Missouri v. Holland*.

To address this, Professor Bradley correspondingly recommended that the committee adopt a strong federalism reservation.

None of these issues are addressed in the present resolution and therefore ratification of the Convention on this basis would pose a substantial risk that the United States would not be in full compliance with our obligations under the Convention and that the Constitution had been altered to greatly expand the power of the federal government.

### *Senate’s Advice and Consent to Treaties*

The Treaty Clause of the Constitution provides that the United States may not ratify a treaty without the Senate’s advice and consent. U.S. CONST. art. II, §2, cl. 2. The requirement of two-thirds advice and consent by the Senate is an important Constitutional check on the treaty power, and is an especially important structural protection for our system of federalism. Recently, in *Bond v. United States*, the Department of Justice argued both that Supreme Court precedent allows ratification of a treaty to expand existing federal power to legislate beyond its traditional limits, and

that the Framers intended for the Senate to enforce federalism limits on treaties through its advice and consent power. A brief filed by several former Legal Advisors to the Department of State, who have served under presidents of both parties, supported the government's position, arguing that "as a matter of both constitutional design and practice, the Senate serves as a 'guardian of state interests.'"

Thus far, the judicial branch has failed to place any federalism limits on the treaty power, and as a result, the responsibility falls to the Senate to protect our system of federalism from treaties that would inappropriately expand federal power, as well as to ensure the Senate's advice and consent is not undermined when such a significant change to our constitutional structure is at stake.

Removing any of the conditions of the Senate's advice and consent undermines the predicate on which the treaty was ratified. Therefore, it is important to ensure that the Senate provides its advice and consent again before those RUDs may be altered or removed. As Professor Bradley noted:

In my view, the best interpretation of the U.S. Constitution is that new senatorial advice and consent would be required for such a withdrawal. This action would, after all, undo something that was subject to the senatorial advice and consent process and, depending on what was being withdrawn, could have the effect of increasing U.S. treaty obligations, which themselves require senatorial advice and consent.

Historical practice also supports this view. When the United States withdrew its reservation to the Patent Cooperation Treaty, President Reagan sought (in 1984) and received (in 1986) the advice and consent of two-thirds of the Senate. However, as Professor Bradley describes:

It is possible to imagine a situation, however, in which either the Executive Branch or a majority of Congress would attempt such a withdrawal. In doing so, the Executive Branch might invoke its general authority to act on behalf of the United States in foreign affairs, or Congress might analogize to its well-settled authority to override the domestic effects of a treaty under the "last-in-time" rule.

Professor Bradley recommended that the committee adopt a RUD "[t]o help preclude that possibility" and thereby ensure that the Senate's advice and consent would be necessary for a reservation, understanding, or declaration to be withdrawn by the United States. A withdrawal RUD would make clear that neither the Executive acting alone, nor the Congress and Executive by passing legislation with a simple majority, may alter the terms of the United States ratification of a treaty. Were either to do so by withdrawing a strong federalism reservation, such action would essentially grant the federal government new, extra-constitutional powers under *Missouri v. Holland*, while at the same time bypassing the requirement of a two-thirds vote by the Senate, currently the Constitution's strongest safeguard for federalism and state interests under the treaty power.

Professor Bradley further recommended a RUD on non-severability to “ensure that the United States will not lose the benefit of its reservations, understandings, and declarations” should the Committee (or others) assert the authority to determine the validity of a United States reservation according to Article 46.

During committee consideration of the Convention, Senator Ron Johnson offered two amendments to the resolution proposing that the committee adopt RUDs consistent with Professor Bradley’s recommendations on withdrawal and non-severability. While neither amendment was adopted by the committee, these issues are very real and must be addressed before the Senate acts. For example, Article 46 specifically allows for the withdrawal of reservations, and the Committee regularly urges States Parties to withdraw all reservations, understandings, and declarations that, in the view of the Committee, limit or misunderstand the Convention’s obligations. Without strong RUDs on these issues, therefore, there is the potential for RUDs that the Senate relies upon to be withdrawn or otherwise undermined while the Convention remains in effect.

#### Bond *v.* United States

The potential for a treaty to expand federal authority beyond normal constitutional limits was highlighted during committee consideration of the Convention in a Supreme Court case, *Bond v. United States*. In that case, the federal government sought to employ a federal law implementing the Chemical Weapons Convention in order to prosecute a purely intrastate crime relating to the use of otherwise lawful chemicals. The defendant claimed the statute violated the 10th Amendment, providing the Supreme Court a potential opportunity to revisit *Missouri v. Holland*.

In a 9–0 ruling, the Court avoided the constitutional issue entirely, and instead overturned the conviction by interpreting the statute narrowly to not apply to the defendant’s actions. While the Court held that Congress must be clear in its intent to intrude into an area of traditional state authority through a statute implementing a treaty, the Court did not address whether the Constitution, in fact, grants Congress the power to intrude into state authority in this way, and did not address the use or substance of reservations seeking to guard against such an outcome. The Court’s decision in *Bond* left *Missouri v. Holland* intact and therefore did not limit the potential for this Convention to alter the Constitution and significantly expand federal power beyond its normal limits.

#### *Sexual and Reproductive Health*

As previously described in the Background, Article 25(a) of the Convention addresses the provision of health care, including “sexual and reproductive health,” and the previous administration submitted statements explicitly declaring that this phrase “does not include abortion.” However, no language defining sexual and reproductive health has been placed in the present resolution, and an attempt to reiterate the United States’ Explanation of Position from 2006 was defeated. Abortion remains a highly controversial issue in the United States, and as such, it should be determined through domestic processes, not at an international level.

*The Committee on the Rights of Persons with Disabilities*

The Convention also establishes the Committee on the Rights of Persons with Disabilities, which reviews reports submitted by each State Party on the implementation of its obligations and makes “suggestions and general recommendations on the report as it may consider appropriate.” The Committee is therefore, in practice, the primary actor in defining State Party obligations and seeking to influence domestic policies that implement those obligations. While the Committee is comprised of 18 members nominated and elected by the States Parties, according to Article 34(3), “members of the Committee shall serve in their personal capacity” and therefore do not represent the country or government that nominated them. Therefore, while an American might be a member of the Committee, it is clear that even having such a representative would not fully provide the United States with the opportunity to have our national interests represented in the Committee’s deliberations about the treaty and its recommendations to States Parties.

In practice, the Committee makes very detailed interpretations about the treaty’s requirements and often makes extensive criticisms of State Parties and recommendations for modifications to domestic law. Committee recommendations often resemble the following example from the Committee’s concluding observations on Australia:

The Committee is further concerned that under Australian law a person can be subjected to medical intervention against his or her will, if the person is deemed to be incapable of making or communicating a decision about treatment.

The Committee *recommends that the State party repeal all legislation* that authorizes medical intervention without the free and informed consent of the persons with disabilities concerned, committal of individuals to detention in mental health facilities, or imposition of compulsory treatment, either in institutions or in the community, by means of Community Treatment Orders. (emphasis added).

The Committee has gone further, issuing global guidance on May 19, 2014, which stated:

On the basis of the initial reports of various States parties that it has reviewed so far, the Committee observes that there is a general misunderstanding of the exact scope of the obligations of States parties under article 12 of the Convention. Indeed, there has been a general failure to understand that the human rights-based model of disability implies a shift from the substitute decision-making paradigm to one that is based on supported decision-making [ . . . ] Historically, persons with disabilities have been denied their right to legal capacity in many areas in a discriminatory manner under substitute decision-making regimes such as guardianship, conservatorship and mental health laws that permit forced treatment. These practices must be abolished in order to ensure that full legal capac-

ity is restored to persons with disabilities on an equal basis with others.

While the Committee has no power to enforce its recommendations, by seeking to correct an interpretation that is apparently widely-held by the States Parties themselves, this example demonstrates the authority that the Committee claims for itself to interpret State Party obligations under the Convention. In addition, this example raises questions about the Administration's analysis of United States compliance with Article 12, and raises again the questions of reliance on state law and the potential expansion of federal authority.

### *Democratic Legitimacy*

As described above, the Convention covers expansive subject matter territory and is almost entirely devoted to domestic policy. While some of this territory simply seeks to establish the same fundamental rights of liberty, due process, and equal protection that our Constitution requires, the Convention also reaches considerably further into areas entirely reliant on legislative action, often on issues reserved to the several states under the United States Constitution. The Americans with Disabilities Act is our most significant legal regime governing disability protections and typifies the United States approach found across federal law. However, as described above, the Letter of Submittal references more than three dozen federal statutes that serve, at least in part, to fulfill our obligations under the Convention, not to mention a range of state and local laws. The policies embedded in each of these laws, and in the many state legal regimes governing matters addressed by the Convention, have been developed over the course of decades through the give-and-take of our democratic process. They thus represent a legacy of which most Americans are proud and believe demonstrates some of our nation's highest values.

Importantly though, our democratic process continues, and the history of United States leadership on disability policy is not frozen in time. Questions of housing, health care, income assistance, accessibility, mobility, communication and access to information, and of many other areas remain highly relevant in a country experiencing rapid technological change and scientific discovery. How to adapt our laws on these matters to our changing future will be rightly decided through democratic decision-making at the federal and at the state and local level, subject to the rights and requirements of the Constitution. And the results of that process of self-government should not be called into question by treaty commitments. Rather, the results of that process gain their legitimacy because of that very process.

### *Comments*

The committee's consideration of the Convention has brought substantial attention to the significant leadership role the United States has played in developing a greater understanding of the inherent dignity of every individual, and developing a new appreciation of the obligations of society to all its citizens. However, the committee's consideration has also brought substantial attention to

the fact that fundamental rights of life, liberty, citizenship, and equal treatment under the law go entirely unrealized in far too many places around the world. It is one of our core values, and it is in our national interest to promote respect for every human life. All agree that the United States is uniquely qualified and positioned to seek to impact those places to better the lives of those with disabilities who reside there, but also to enhance the opportunity for Americans abroad. While this treaty is not an appropriate vehicle for achieving these goals, principally because it has the potential to significantly alter the Constitution and because is not an appropriate tool for establishing domestic policy, substantial concrete action will be needed to bring about actual and tangible progress internationally. And the United States should continue to bolster those efforts.

## XI.—MINORITY VIEWS OF SENATOR FLAKE

Under the Constitution, treaties are the “supreme law of the land.” A critical constitutional prerogative bestowed on the United States Senate is that of providing advice and consent to treaties and considering resolutions of ratification that enable the President to formally ratify them. It is of paramount importance that support for a resolution of ratification be carefully weighed; including consideration of national interests that may or may not be served. These decisions should not be made lightly.

I am persuaded that the adoption of strong reservations, understandings, and declarations could address sovereignty concerns that have been raised with regard to United Nations Convention on the Rights of Persons with Disabilities. I am not, however, persuaded that the ratification of this treaty would provide the United States with a moral high ground that we currently lack. As the United States is the leader on disabilities policy in the world, I’m not certain higher ground is even a possibility. The Americans with Disabilities Act (ADA) has been the law of the land since 1990 and is recognized as the gold standard. In fact, it serves as the basis for much of this treaty. In addition, the United States Agency for International Development already administers programs across the globe aimed at helping the disabled.

I am similarly unpersuaded that, if ratified, this treaty will have any substantive impact in other countries. While Article 4 of the treaty obligates parties “to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities,”<sup>1</sup> there is nothing that compels them to act. The treaty would require each party to submit a report that details progress made on these obligations to the Committee on the Rights of Persons with Disabilities established by Article 34. This Committee is empowered to make “such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned,”<sup>2</sup> but no further actions are required.

In testimony before the Senate Foreign Relations Committee on November 21, 2013, Secretary of State John Kerry said that ratifying the Treaty would “provide the leverage—the hook that we need in order to push other countries to pass laws or improve their laws or raise their standards for the protection of people with disabilities up to the standard that we have already adopted in the United States of America.”<sup>3</sup> However, countries that are party to the treaty are not actually obligated to do anything with regard to disability rights. There is little in the way of leverage that would be provided that is not already available through bilateral discussions and negotiations.

Proponents of the treaty make a compelling argument that its ratification by other countries provides grassroots efforts there an instrument with which to hold a government’s feet to the fire with

<sup>1</sup>United Nations Convention on the Rights of Persons with Disabilities, Article 4 (1)(b).

<sup>2</sup>United Nations Convention on the Rights of Persons with Disabilities, Article 36 (1).

<sup>3</sup>John Kerry, Secretary of State, “Convention on the Rights of Persons with Disabilities,” Senate Foreign Relations Full Committee Hearing, November 21, 2013.

respect to advancing rights for the disabled. While I agree that the treaty can serve a useful purpose in this regard, it is already doing so in 147 countries. I am not persuaded that ratification by the United States will compel the few remaining countries in the world that have not yet ratified to do so.

The United States continues to demonstrate its leadership in disability policy. This Committee has heard testimony that the treaty would not require us to change our laws. It does not appear that the treaty would require any legal or policy changes in other countries, either. As such, it would appear that ratification of this treaty would be little more than a symbolic gesture. I remain concerned that ratifying a treaty for purely symbolic purposes would dilute the importance and integrity of the treaty process altogether.

XII.—ANNEX I.—TRANSCRIPT OF HEARING HELD ON NOVEMBER 5, 2013, WITH ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

## CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

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TUESDAY, NOVEMBER 5, 2013

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 2:30 p.m., in room SD-419, Dirksen Senate Office Building, Hon. Robert Menendez (chairman of the committee) presiding.

Present: Senators Menendez, Boxer, Cardin, Coons, Durbin, Kaine, Markey, Corker, Johnson, Flake, McCain, and Barrasso.

### OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. This hearing of the Senate Foreign Relations Committee will come to order.

Let me welcome our panelists and all of our guests, who have taken the time to come here today for this important hearing on the rights of roughly 1 billion people around the world with disabilities.

Let me quickly welcome three guests: first, Congressman Tony Coelho, who has been a longtime champion of the rights of the disabled. I appreciate him joining us.

Let me also recognize Ann Cody, a multiple Paralympic medalist representing the United States on three Paralympic teams. She has also been nominated to be the vice president of the International Paralympic Committee. I think Anne understands that it is not enough to just make the stadium accessible, you also need to make surrounding restaurants and businesses accessible, and we thank you for being here, and for your advocacy, as well.

I also want to recognize Jagoda Risteska, who is a leader in the disability community in Macedonia. She is in the United States to learn about transportation and independent living systems. Here in the United States, having high public transportation standards allows her to work and live independently. And with the help of American leadership, she hopes to make that a reality at home, as well. So, we thank you for your work, and we welcome you here. And I hope that what we do here will help you in your efforts.

Ann and Jagoda's presence makes clear what we are here to do. Ratifying this treaty will help the United States lead in the effort to give every disabled person the opportunity to live, work, learn, and travel without undue barriers. There are 5½ million American veterans with disabilities, young men and women who risked their lives to fight for us, and now it is our turn to fight for them to have full access and equal opportunity wherever they go.

One hundred thirty-eight countries have already ratified the treaty, but protections will not come automatically. It will take U.S. ratification and U.S. leadership to ensure the treaty's protections not only become a reality, but reflect American values.

From the U.S. Constitution, the treaty borrows principles of equality and the protection of minorities. From the Declaration of Independence, it borrows the inalienable right to pursue happiness. And from the Americans with Disabilities Act and other landmark accessibility laws, the treaty borrows the concept of reasonable accommodation. By ratifying this treaty, we will be advocating for the adoption of American values around the world.

At the end of the day, if we fail to ratify the treaty, the U.S. point of view and U.S. interests will be marginalized. We have heard from the State Department that they have gotten pushback in their accessibility advocacy because we are not a party to the treaty. We have also heard from NGOs who have been asked why American experts should be consulted on matters pertaining to a treaty we have not ratified. American businesses, the greatest accessibility innovators in the world, have expressed the fear that our diminished standing on disability rights could mean that markets for accessible goods might not expand as quickly as they otherwise would and that, in the future, our businesses might very well have less success advocating for U.S. accessibility standards. This raises the possibility that the world will adopt standards incompatible with the American standards that have proven so effective. In short, we need to ratify this treaty if we are going to lead the way in raising worldwide accessibility levels to the American standard.

As we embark on the first of our two hearings on the Disabilities Treaty, I ask my colleagues to look past the fear-mongering some have engaged on in this debate. Ratifying this treaty will not mean bureaucrats in Europe will determine how many parking spots are in your church's parking lot, as some have claimed. Our jobs as Senators require us to see through these smokescreens and see clearly that this treaty is about putting America in a position to help lead the world so that everyone—everyone—has the opportunity to fully achieve their dreams and fulfill their God-given talents.

Let me introduce Senator Corker, the ranking member, for his opening remarks, and then we will move toward the first panel.

**OPENING STATEMENT OF HON. BOB CORKER,  
U.S. SENATOR FROM TENNESSEE**

Senator CORKER. Mr. Chairman, thank you. And I appreciate you having these hearings so members can more fully understand the elements of this treaty. And I appreciate you having a diverse group of witnesses. I certainly appreciate my good friend, Kelly Ayotte, being here today.

And I have to tell you, the meetings that we had last year, I think one of the most moving moments in time was to have two Senators—I think, John McCain and Tom Harkin—talking about what they had done together so many years ago to move the ADA law into existence. And so many things have occurred since then. I know we had a unanimous vote, back in 2008, on the ADA

Amendments Act, and we have continued to make tremendous progress.

I do think that last year when this was considered, it was not considered in its fullness. It was rushed, and we did not really have the kind of hearings that it takes to ratify a treaty. A treaty has a different standard than most laws, with 67 votes, for obvious reasons. Again, I am glad that this year we are taking a little bit more methodical approach to that.

I do want to say to the advocates of this piece of legislation and this treaty, I am really the—it is tremendous to see the effort that is underway to move people along in this regard.

Whenever a bill or a treaty is passed, there are some unintended consequences. And I think it is our obligation to look at the effects that a treaty like this could have on domestic law. I am not one of those folks who thinks there is somebody behind every woodpile trying to do something. I just want to make sure that we, in fact, pass a treaty and it has the relevant RUDs.

I want to just mention this to those that are here. When a treaty passes, there is something called “RUDs” on the front end. They are the things that we actually act upon to give a treaty its life here in the United States. Just today, there is a Supreme Court hearing that is taking place. Arguments are being argued over a lady in Pennsylvania named Bond, who, unbelievably, was convicted of a law under the Chemical Weapons Treaty that we put in place back in 1997. And so, sometimes when people raise concerns, they are actually legitimate.

And I would just ask committee members to try to work with those of us who understand that we want to advance the rights of people who are disabled throughout the world. I want to. I think that is a good thing. At the same time, within a treaty, unless the RUDs on the front end are put in place in an appropriate way, there can be some consequences here, domestically, that affect people in various groups.

So, again, I am neutral. I just proclaim, right now, I do not have a position on this treaty. I do appreciate the energy that has been put forth toward this treaty. At the same time, I want to make sure that we, as a committee and hopefully as a Senate, get it right. We have worked some with John Kerry already, and his staff, to see if there are some ways of making sure that some of those unintended consequences do not come to bear.

Again, we have a real-life scenario today. At the Supreme Court, where literally a treaty is taking precedent over the laws of Pennsylvania and over the United States as someone that has been convicted, believe it or not, under a Chemical Weapons Treaty—by the way, that did not work for Assad, but is working right now against someone in Pennsylvania.

So, I thank you for, again, these hearings. I look forward to a very vigorous debate. I look forward especially to my good friend Kelly Ayotte’s testimony. And I look forward to working with all to come up with a good outcome here.

Thank you.

The CHAIRMAN. Thank you, Senator Corker, and we also look forward to an open and intellectually honest debate, and we stand ready to work with any member who wants to get to “yes,” in terms

of finding the opportunity to address their concerns in the reservations, understandings, and declarations. And I look forward to that opportunity to achieve that goal.

Our first panel is two of our—well, going to be two of our colleagues, and presently only one of our colleagues is here—Senator Kelly Ayotte, who has been a champion of the treaty, an advocate for it, and has worked with us to try to achieve the goal of getting the votes necessary. I know she is here in her own right, as well as in speaking on behalf of Senator Bob Dole, who is a great champion of the treaty and an icon here in the Senate.

And as I recognize you, let me also thank Congressman Bartlett, who I understand is here with us from the House.

Congressman, thank you very much, I appreciate your being here with us.

And, with that, our distinguished colleague, Senator Ayotte.

**STATEMENT OF HON. KELLY AYOTTE,  
U.S. SENATOR FROM NEW HAMPSHIRE**

Senator AYOTTE. Thank you very much, Chairman Menendez, Ranking Member Corker, honorable members of the committee.

I am deeply humbled to be here today. First of all, my primary purpose of being here today is to read the statement of Senator Robert Dole, someone who was an extraordinary leader in the United States Senate. He is someone who is a role model, in terms of what it means to be a public servant. And we all appreciate that he is a true American hero with the service that he gave to our country.

And so, I am deeply honored to be here. I personally support what this committee is doing. The Convention on the Rights of Persons with Disabilities, I think, is very, very important for us to work together to get this passed. And so, I look forward to working with the chairman and other members of the committee to do that and to address any concerns that members of the committee may have. But, my primary purpose of being here today is to read the statement of Senator Robert Dole, and so I will do that right now.

“Chairman Menendez, Ranking Member Corker, and members of this committee, I urge you to give your support and consent to the Convention on the Rights of Persons with Disabilities. While I cannot stand before you in person today, I approach you in the strong hope that, on your second examination of this important treaty, you will again do the right thing and advance the rights of disabled individuals from the United States and throughout the world.

“In so doing, I am privileged to join with over 20 veterans organizations, 40 religious groups, more than 700 disability and allied groups, dozens of you on both sides of the Senate aisles, and many other prominent Americans who recognize the imperative of United States leadership on this issue, a leadership that will be imperiled without the United States ratification of the Convention on the Rights of Persons with Disabilities.

“When this treaty came before the Senate last year, it fell just five votes short of passage. In debating the treaty’s merits, treaty opponents expressed concern that the CRPD would diminish American sovereignty, that, through U.S. ratification, the United Nations would somehow be able to supersede U.S. law, even by

interfering with American parents' right to homeschool their children. Along with Senator John McCain, Secretary John Kerry, and others, I could not disagree more strongly with this view. This treaty contains reservations, understandings, and declarations, otherwise known as RUDs, that explicitly describe how the treaty will, and will not, apply to the United States.

"At the same time, I respect this institution, its provisions for debate, and its tolerance of the opinions and conclusions of its 100 members. Today, I urge all of you to keep an open mind and recognize another important characteristic of this august body, the opportunity it presents for policies to evolve and be strengthened as members work together in a bipartisan fashion for a greater good.

"This treaty, in a way that is both telling and unique, enjoys the support of diverse groups serving a variety of interests: Republicans and Democrats, veterans organizations and disability groups, businesses, and religious organizations. Given the broad support, I hope those of you with reservations about any aspect of the treaty will work with your colleagues, whom I know are ready to work with you to address your concerns. If improvements to the RUDs are needed, then I urge members from both parties to work together on that.

"This treaty is important for America because of who we are as a nation. It is particularly important, though, for a distinguished group, of which I am a member. As I recalled in my statement to this committee last year, I left World War II having joined an exceptional group, one which no one joins by personal choice. It is a group that neither respects nor discriminates by age, gender, wealth, education, skin color, religious beliefs, political party, power, or prestige; so, therefore, has the importance of maintaining access for people"—excuse me—"that group, Americans with disabilities, has grown in size ever since, so, therefore, has the importance of maintaining access for people with disabilities to be part of mainstream American life, whether through access to a job, an education, or registering to vote. To me, this is not about extending a privilege to a special category of people; it is, instead, about civil rights.

"When Congress passed the Americans with Disability Act in 1990, it was not only one of the proudest moments of my career, it was a remarkable bipartisan achievement that made an impact on millions of Americans. The simple goal was to foster independence and dignity, and its reasonable accommodations enabled Americans with disabilities to contribute more readily to this great country.

"If not before the ADA, then certainly after its passage, our Nation led the world in developing disability public policy and equality. In recent years, many countries, including our allies in Australia, Britain, Canada, France, Germany, Israel, Mexico, and South Korea, have followed our lead.

"In 2006, President George W. Bush took U.S. leadership on this issue to a new level by negotiating and supporting approval of the CRPD. On the anniversary of the ADA in 2009, President Barack Obama signed the treaty, a landmark document that commits countries around the world to affirm what are essentially core

American values of equality, justice, and dignity. U.S. ratification of the CRPD will increase the ability of the United States to improve physical, technological, and communication access in other countries, thereby helping to ensure that Americans, particularly many thousands of disabled American veterans, have equal opportunities to live, work, and travel abroad.

“In addition, the treaty comes at no net cost to the United States. In fact, it will create a new global market for accessibility of goods. An active U.S. presence in implementation of global disability rights will promote the market for devices such as wheelchairs, smartphones, and other new technologies engineered, made, and sold by United States corporations.

“With the traditional reservations, understandings, and declarations that the Senate has adopted in the past, current U.S. law satisfies the requirements of the CRPD. Indeed, as President George H.W. Bush informed this committee last year, the treaty would not require any changes to U.S. law. It would extend protections pioneered in the United States to more than 1 billion people with disabilities throughout the world.

“President Obama has again submitted the treaty to you for your advice and consent. I urge you to seize this critical opportunity to continue the proud American tradition of supporting the rights and inclusion of people with disabilities.

“Years ago, in dedicating the National World War II Memorial, I tried to capture what makes America worth fighting for—indeed, dying for. ‘This is a golden thread that runs throughout the tapestry of our nationhood,’ I said ‘the dignity of every life, the possibility of every mind, the divinity of every soul.’ I know many of you share this sentiment, and hope you will consider this treaty through that lens. In ratifying this treaty, we can affirm these goals for Americans with disabilities.

“I urge you to support United States ratification of this important treaty, and I thank you for the courtesy of your consideration. God bless America.”

The CHAIRMAN. Thank you, Senator Ayotte, for your own advocacy, and our thanks to Senator Dole for his own long-standing advocacy in this regard. We appreciate you coming before the committee to express his sentiments.

Senator AYOTTE. Thank you, Chairman Menendez, Ranking Member Corker. And I am deeply, deeply honored, here, to be, as well, with my colleague Senator Mark Kirk.

The CHAIRMAN. Which we are going to turn to next.

We welcome to the committee a friend, a colleague, Senator Kirk. I know that Senator Durbin wanted to be recognized to both welcome his colleague from Illinois as well as recognize Congresswoman Duckworth.

**STATEMENT OF HON. RICHARD J. DURBIN,  
U.S. SENATOR FROM ILLINOIS**

Senator DURBIN. Thank you very much, Mr. Chairman. I will be very brief.

When the history of the United States Senate and Congress are written about the year 2013, there are high points and low points, but one of the highest points was January 3 of this year, because

it was on January 3 when our colleague, Mark Kirk, returned to the United States Senate determined to climb those 45 steps into the Senate. He had endured a life-threatening stroke, three brain surgeries, hundreds of hours of rehabilitation, but he was coming home—coming back to his job in Washington. For all of the negative and partisan things that are said, if someone could have witnessed that scene on the steps and watched your colleagues, Mark, stand and applaud, colleagues of both political parties, it was a reaffirmation not only of what the Senate really should be about, but also a tribute to you, your determination and your courage. I was honored to come up those stairs with you, and honored, still, to serve as my fellow colleague from Illinois.

I will introduce Congressman Duckworth when she is—on the next panel.

But, Mark, thank you very much.

The CHAIRMAN. Senator Kirk, the floor is yours.

**STATEMENT OF HON. MARK KIRK,  
U.S. SENATOR FROM ILLINOIS**

Senator KIRK. Mr. Chairman, I want to thank you for—

The CHAIRMAN. If you would just turn your microphone on.

Senator KIRK. I would like to also say, as a recently disabled American, to speak for what I would call my fellow broken people, how important it is to adopt this Convention. I want to introduce you to a constituent of Senator Durbin's and mine, Steve Baskis. He is a veteran of Iraq and lost his sight in battle in that country—27 years old. I want you to think about him as—too often, you know, we have a problem in thinking of our veterans as victims. They are victors. Steve is an ardent rock climber. He is one of those victors that Tammy and I see all the time—right, Tam? See, we rehab a lot in Walter Reed, where, in that room where we are working all the time are about 20 legs or arms missing for those guys. But you cannot hold those guys back. I would just say that this Convention allows people to “go, man, go,” and become victors instead of victims.

[The prepared statement of Senator Kirk follows:]

PREPARED STATEMENT OF SENATOR MARK KIRK

I am honored to come before the committee to express my support for the Convention on the Rights of Persons with Disabilities. As you know, in January 2012, I suffered an ischemic stroke that left me dependent on a cane or wheelchair to get around. I walk slowly, speak slowly, and have limited vision on my left side. Thanks to the Americans with Disabilities Act and other disability laws and policies we have in place here in the United States, I have not been sidelined by my disabilities.

For younger Americans, it may be difficult to imagine a country where sidewalk corners don't have ramps or where public buses don't have hydraulic lifts—but in many parts of the world these basic accessibility measures still don't exist. Throughout the world too many persons with disabilities, including innocent children, live in the shadows—socially, economically, and politically shunned, solely on the basis of their disabilities.

America must remain the voice for the voiceless—the leader to end disability-based discrimination and exclusion throughout the world. We now have commitments from many countries to promote and ensure equal access for their citizens living with disabilities. The CRPD is the mechanism for these commitments to become a reality.

I understand the skepticism among some of my colleagues with regard to United Nations treaties. I remain a critic of several U.N. agencies and treaties for their lack of transparency, accountability, and distribution of power to tyrants and human

rights abusers. But this treaty is not about politics, it isn't about pity, it is about opportunity and access for those of us living with disabilities.

Unlike other U.N. treaties, there are really only advantages to ratification of the CRPD—and the American people understand these advantages. A coalition of more than 700 disability, faith, veteran, and business organizations have voiced their support of the treaty. They know that the CRPD will help unlock American access abroad—all without threatening our sovereignty, changing our laws or spending taxpayer money.

Think about our wounded warriors and other Americans with disabilities hoping to travel the world. Will their wheel chair fit through their hotel room door? Will their business conference venue have an elevator? Will they be allowed to bring their guide stick or will it be mistaken for a weapon? Put simply, will they be denied the same dignity and access abroad that we now take for granted here at home?

Consider this inspiring story from one of my constituents. Coming from a military family, Steve Baskis, from Normal, IL, had always known he wanted to serve his country. In January 2007, he enlisted in the Army and was deployed to Iraq a year later. His life was forever changed when while on combat patrol an explosively formed penetrator sent a projectile through his armored vehicle, killing his friend and leaving him without vision and control of his left hand. Grateful for the second chance at life, Steve has endeavored to live life to the fullest, traveling domestically and internationally to compete in various sporting events and most impressive, climb mountains. However, it is not without challenges—he once said it is “more difficult to navigate through airport security in some foreign countries than it is to climb a mountain.” Despite the barriers, he has not allowed his disability to thwart his quest for adventure.

I regularly go to Walter Reed Medical Center for my own physical therapy. Watching our wounded warriors fighting to reenter the world, I am constantly inspired by their determination in the face of adversity. They, like Steve, fought for our freedom and paid a heavy price; let's fight for their freedoms and defend their rights and access when they travel abroad.

In addition to our veterans, the CRPD will help advocate for the rights of our disabled athletes that wish to represent the U.S. on the international stage—like 15-year-old Brody Roybal from Northlake, IL, who is the youngest athlete on the U.S. Sled Hockey national team that will soon compete in the 2014 Sochi Paralympics. Brody proudly represents the Rehabilitation Institute of Chicago (RIC) Blackhawks, the very same facility where I completed my rehabilitation.

While my stroke prevented me from voting for this treaty in the last Congress, I am proud to be here today to lend my support this time around. The U.S. Senate should do the right thing and ratify the Convention on the Rights of Persons with Disabilities.

The CHAIRMAN. Thank you, Senator Kirk. We appreciate you being here with us, sharing those sentiments, and we appreciate your advocacy, as well, for the treaty.

Senator KIRK. Mr. Chairman, could you—sorry—I will point out, the explosively foreign projectile that hurt Steve was made in Iran.

The CHAIRMAN. Yes. There is no more passionate proponent of trying to stop Iran's nuclear weapons, as well as their acts of terrorism. So, thank you for that, as well.

I know you both have busy schedules, so we will—with our thanks of the committee, we will excuse you both.

And let me call up our second panel. We have a large panel here, so I ask the witnesses to limit their presentations to 5 minutes so that the committee can engage in a question-and-answer session to them.

The full statements of each and every one of our panelists, that were submitted to the committee prior to this hearing, will be entered into the record in full, without objection.

First, we have Tom Ridge, former Secretary of Homeland Security and current chairman of the National Organization on Disability, to discuss his support for the treaty and the importance of ratification. I know that the Secretary changed his schedule to be with us today. He is a keynote speaker at a disabilities-related

event this evening in New York, so we will be excusing him around 4:30 or so.

Mr. Secretary, please join us, and thank you for rearranging your schedule to be here today.

I will leave Congresswoman Duckworth to be recognized by Senator Durbin, but we have someone who has done a tremendous amount of work at the Department of Veterans Affairs and whose personal testimony about her personal experience as a wounded warrior is invaluable to the committee.

I want to ask former Attorney General Richard Thornburgh to join us, as he is here to discuss the practical importance of ratification.

And let me also recognize his wife, Ginny, who is accomplished in the field of disability advocacy in her own right. We appreciate you being here, as well.

Let me ask Dr. Susan Yoshihara, from The Catholic Family & Human Rights Institute, Professor Timothy Meyer, the assistant professor of law at the University of Georgia School of Law, and Dr. Michael Farris, to join us, as well, as they offer their views on the treaty.

Thank you all.

Let me turn to Senator Durbin.

Senator DURBIN. Thank you, Mr. Chairman.

I am really honored that two of the witnesses are from Illinois, and especially honored, in addition to saying a word about our colleague, Mark Kirk, to say a word about Tammy Duckworth, because it is interesting how we came to meet.

I invited her to be my guest at a State of the Union Address in 2005. She came in, in her wheelchair, and I did not realize it was only 9 or 10 weeks after she had been shot down serving in the Illinois Army National Guard and copiloting a Black Hawk helicopter in Baghdad. She had lost both of her legs, and there was a question, then, about one of her arms. But, she came, with a big smile on her face, in full dress uniform, with her husband, also a National Guard officer, pushing the wheelchair behind her. And that is when we came to meet.

It is an incredible story. And the most amazing part of the story is—to me, is that, in just a week from now, it will be an observance of her ninth alive day—ninth anniversary of her alive day, of her survival from that helicopter incident and the crash that followed. She has led such an amazing and inspiring life since. Tomorrow, she celebrates her first anniversary as a Member of the United States House of Representatives. She has worked so hard for so many people and so many veterans and people with disabilities. I am honored to count her as a friend and glad that she can join us today.

The CHAIRMAN. Thank you very much.

Thank you all for joining us. As I said, we will ask you to limit your remarks to about 5 minutes. Your full statements will be included in the record. And we will start with Secretary Ridge.

Mr. Secretary.

Mr. RIDGE. Well, I was going to defer to Tammy. Ladies first?

The CHAIRMAN. We will start with Congresswoman Duckworth, then. [Laughter.]

I never argue with the Secretary—

Ms. DUCKWORTH. I never argue with the Secretary, either, Mr.—

The CHAIRMAN [continuing]. Especially when his testimony is along my views. So, you know—

[Laughter.]

Mr. RIDGE. After that great introduction, it should only be that way.

Ms. DUCKWORTH. Thank you.

**STATEMENT OF HON. TAMMY DUCKWORTH, CONGRESSWOMAN FROM ILLINOIS AND LIEUTENANT COLONEL, ILLINOIS ARMY NATIONAL GUARD, WASHINGTON, DC**

Ms. DUCKWORTH. Thank you. Chairman Menendez, Ranking Member Corker, members of the Foreign Relations Committee, thank you so much for the opportunity to speak today in support of the Convention on the Rights of Persons with Disabilities.

I believe CRPD ratification is integral to our Nation's global leadership role. We set the gold standard in our lifelong commitment to our disabled veterans. We have what should be the gold standard in disability access, yet our legitimacy to lead other nations is weakened because we have not yet ratified the CRPD.

There are over 5½ million veterans with disabilities in the United States, and this number will continue to grow as we welcome back our servicemembers from their deployments. We are fortunate to have many laws, most importantly the Americans with Disabilities Act, that make sure our veterans are welcomed back with the dignity and respect they deserve.

The passage of the ADA showed a United America. Republicans and Democrats standing up together for the rights of disabled persons. America's leadership inspired many around the world to seek justice and fairness for disability communities in their own countries. Unfortunately, our laws do not follow servicemembers and veterans when they are outside U.S. borders. When veterans travel abroad, they are often jolted by leaving our Nation, that does everything in its power to support our wounded warriors.

I traveled to Asia earlier this year, and I saw firsthand how even countries that are moving forward economically are not keeping pace with the necessary protections for disabled persons. For example, disabilities groups that I met with told me about the challenges they face in trying to make public buses wheelchair-accessible. It is a sad fact that, in many countries around the world, the disabled are hidden, considered to be an embarrassment, and not afforded the accommodations they need to lead productive lives. It is not surprising, then, that, when disabled Americans travel abroad, we can find ourselves mistreated and rejected simply because we are physically developmentally, or cognitively disabled. Without U.S. ratification of the CRPD, those of us who are disabled and active lose the ability to set an example when traveling overseas.

Blinded veterans have had their guide sticks taken away after being mistaken for weapons. People with artificial limbs have been told to store them in overhead bins. As one blinded veteran who

ventures around the world climbing its tallest peaks recently put it, "Climbing the mountains is not the challenge. Getting there is."

Many wounded warriors are returning to Active Duty service. They should not be limited by their disability as to where and how they can leave their impact on the world. We do want to travel, work, and, yes, serve abroad, but our service abroad will be limited if we do not start thinking globally about accessibility and how the United States can have an impact now on this issue.

The generous benefits provided by the post-9/11 GI bill that many on this very committee supported have given almost a million Iraq and Afghanistan veterans the opportunity to further their education. Many of these veterans are disabled and will be unable to enhance their education with study-abroad opportunities because of a lack of disability access overseas. It is sad that those who fought for our freedoms would find their own freedoms restricted now that they are moving on with their lives.

Accessibility abroad also impacts current servicemembers. For those that have a child or a family member with a disability, the lack of access in the country of their duty station can mean limited opportunities for their children or employment for their spouses. These servicemembers may have to face the very difficult choice between a career-enhancing tour of duty or leaving their loved ones behind, here in the United States. This is unfortunate, because the Department of Defense provides many accommodations for the needs of military families. For example, the DOD will pay for homeschooling supplies, equipment, and support for servicemembers with families in the Exceptional Family Member Program, yet if a servicemember fears negative stigma from joining the program, they are likely to miss out on a homeschooling benefit that might have allowed their childrens with disabilities to accompany them on an enriching overseas assignment.

For all these reasons, the Veterans of Foreign Wars, the Iraq and Afghanistan Veterans of America, and the Blinded Veterans of America all support ratifying this vital treaty.

In August, I was thrilled to cheer on the American Legion when their membership unanimously voted to support ratification of the CRPD at their annual convention.

We wounded warriors have done our job serving our country. Many of us sacrificed a great deal in doing so. We did this because we believe in this Nation, we believe our country should lead, that the world is a better place when the United States steps up to take leadership. And when it comes to improving opportunities for disabled Americans who want to travel and work abroad, veterans believe we should have a seat at the head of the table. It is time that the United States reaffirms itself as a leader for fairness and justice. We must stand as an example for those with disabilities around the world. We have done it before, and we can do it again.

Thank you so much for your time.

[The prepared statement of Ms. Duckworth follows:]

PREPARED STATEMENT OF CONGRESSWOMAN TAMMY DUCKWORTH

Chairman Menendez, Ranking Member Corker, and Members of the Foreign Relations Committee, thank you for the opportunity to speak today in support of the Convention on the Rights of Persons with Disabilities. I am a strong supporter of the disability treaty for many reasons.

I believe ratification is integral to our Nation's global leadership role. We set the Gold Standard in our lifelong commitment to our disabled Veterans. We have what should be the Gold Standard in disability access, yet our legitimacy to lead other nations is weakened because we have not yet ratified the CRPD.

The CRPD will allow Veterans with disabilities to have greater opportunities to work, study abroad, and travel as countries implement this treaty. Veterans, active Service Members and their families who are affected by disability will be able to lead active lives around the world.

#### LEGACY OF THE AMERICANS WITH DISABILITIES ACT

There are over 5½ million Veterans with disabilities in the United States. And this number will continue to grow as we welcome back our Service Members from their deployments in a number of conflict zones. We are fortunate to have many laws, most importantly the Americans with Disabilities Act, that make sure our Veterans are welcomed back with the dignity and respect they deserve.

The ADA makes life easier for the thousands of wounded Veterans returning from Iraq and Afghanistan who face tremendous challenges adjusting to civilian life with a new disability. Accommodations like curb cuts, accessible entrances, vehicles and public transportation are so crucial to allowing these proud men and women to live independent lives. The importance of this cannot be understated for our Nation's Veterans, including myself.

The ADA is essential in helping me overcome the obstacles I face as a Wounded Warrior and gives me the opportunity to assist other Veterans. It allows me to be physically active, resume my pilot privileges, and serve in Congress. The ADA gave me the opportunity to move forward with my life.

This historic legislation was a true bipartisan effort. It was introduced by Senator Tom Harkin and advocated for by a fellow Veteran, Senator Bob Dole. It saw support from President George H.W. Bush and Senator Ted Kennedy, among many other Republicans and Democrats. The passage of the ADA showed a united America standing up for the rights of disabled persons. America's leadership inspired many around the world to seek justice and fairness for disabled communities in their countries. It is one of the main reasons we now have the opportunity to ratify the Convention on the Rights of Persons with Disabilities.

#### INTERNATIONAL TRAVEL

Unfortunately, our laws do not follow Service Members and Veterans when they are outside U.S. borders. When Veterans travel abroad, we are often jolted by leaving a country that does everything in its power to support our Wounded Warriors. We often travel to places that have no idea how to accommodate someone with an artificial limb, guide stick, or wheelchair.

It is a sad fact that in many countries around the world, the disabled are hidden, considered to be an embarrassment and not afforded the accommodations needed for them to lead productive lives. It is not surprising then that when disabled Americans travel abroad, we can find ourselves mistreated and rejected simply because we are physically or cognitively disabled. Without U.S. ratification of the CRPD, those of us who are disabled and active lose the ability to set an example when traveling overseas.

International travel is an obstacle for the disabled. It is reflective of a grander global misunderstanding of disability. Blinded Veterans have had their guide sticks taken away after being mistaken for weapons. People with artificial limbs have been told to store them in overhead bins and others have been stranded abroad when one leg of a flight accommodates wheelchair users, but the next one does not. As one blinded Veteran, who ventures around the world climbing its tallest peaks recently put it, climbing the mountains is not the challenge but it is the getting there that is.

The generous benefits provided by the post-9/11 GI bill that many on this committee supported, have given almost a million Iraq and Afghanistan Veterans the opportunity to further their education. Many of these Veterans are disabled, however, and will be unable to enhance their education with study abroad opportunities because of a lack of disability access overseas. It is sad that those who fought for our freedoms would find their own freedoms restricted now that they are moving on with their lives.

I am proud to be the first Member of the United States Congress born in Thailand and I traveled there earlier this year. I saw firsthand how even countries that are moving forward economically are not keeping pace with the necessary protections for disabled persons. For example, disability groups I met with in Thailand told me

about the challenges they face in trying to make public buses wheelchair accessible. The U.S. has an opportunity to lead, but to do so, we must first ratify this treaty.

Many Wounded Warriors are returning to active duty, despite having a disability. They should not be limited by their disability as to where and how they can leave their impact on this world. We do want to travel, work and yes, serve, abroad. Our service abroad will be limited if we do not start thinking globally about accessibility and how the U.S. can have an impact now on this issue.

#### CURRENT SERVICE MEMBERS

When I visit injured service members at bases around the world, we are consistently met with the issue that they cannot leave the base for lack of accessibility. Last May, I returned for the first time to the war zone where I was injured. I am thrilled that Iraq and Afghanistan recently ratified the CRPD, but I know that they will need American leadership in order to rebuild their communities to be accessible to the disabled.

Accessibility abroad also impacts our current Service Members. For those of them that have a child or family member with a disability, the lack of accessibility in the country of their duty station can mean limited opportunities for children or employment for spouses. These Service Members may have to face the difficult choice between a career-enhancing tour of duty and having to deploy while leaving their loved ones behind.

In order to facilitate a military family's movement abroad, families are asked to enroll in the Exceptional Family Member (EFM) program. GAO reports have found that a fair number of families intentionally opt not to enroll in the EFM program because they are concerned that enrollment may adversely affect Service Members' careers. They are afraid that they will only be placed in countries with stronger disability protections, laws, and services.

This is unfortunate since the Department of Defense provides many accommodations for the needs of military families. For example, the DOD will pay for homeschooling supplies, equipment, and support for Service Members with families in the Exceptional Family Member program. Yet if the Service Member fears negative stigma from joining the EFM, they are likely to miss out on a homeschooling benefit that might have allowed their children to accompany them on an enriching overseas assignment.

The CRPD will allow our Service Members to deploy to more locations without concerns that host nations will not be able to accommodate their families' needs.

#### U.S. LEADERSHIP

For all these reasons, The Veterans of Foreign Wars, Iraq and Afghanistan Veterans of America, and Blinded Veterans of America all support ratifying this vital treaty. In August, I was thrilled to cheer on the American Legion when their membership unanimously voted to support ratification of the CRPD at their annual convention. A few weeks later, I welcomed their new Commander to the Joint Session of the Veterans Committee to thank them for their leadership. I was touched by the room full of Legion members who expressed to me through their nods and applause what this treaty means to them.

I know much of the opposition to this treaty comes from a lack of information. I strongly disagree that the U.S. might be hurt by ratifying the CRPD. Rather, I think this is a tremendous opportunity for us to lead in an area where we are clearly the best in the world.

The treaty needs U.S. leadership and expertise for implementation. We have the top medical device manufacturers of disability access equipment in the world. Those wheelchair accessible buses that I hope will be purchased for use in Thailand should be provided by American companies. Thanks in large part to the work of disabled Veterans, we have opened the world of competitive athletics to the disabled. Our Vietnam Veterans fought successfully to open marathons and the Olympics to disabled athletes, and today, many Paralympians are a new generation of Warriors wounded in Iraq and Afghanistan. Our educational and medical institutions like the Rehabilitation Institute of Chicago and the Alexian Brothers' Veterans Mental Health Program in Hoffman Estates, Illinois should be the global leaders in their fields. However, if we do not ratify this treaty, we open the door for other nations with strong rehabilitation programs to take on this global leadership role.

We Wounded Warriors have done our job serving our country. Many of us sacrificed a great deal in doing so. We did this because we believe in our Nation. We believe our country should lead—that the world is a better place when the U.S. steps up to take leadership. And when it comes to improving opportunities for dis-

abled Americans who want to travel and work abroad, Veterans believe we should have a seat at the head of the table.

It is time that the United States reaffirms itself as a leader for fairness and justice. We must stand as an example for those with disabilities around the world. We have done it before and we can do it again.

Thank you so much for your time.

The CHAIRMAN. Thank you, Congresswoman.

Mr. Farris.

**STATEMENT OF MICHAEL P. FARRIS, CHAIRMAN, HOME SCHOOL LEGAL DEFENSE ASSOCIATION, CHANCELLOR, PATRICK HENRY COLLEGE, PURCELLVILLE, VA**

Mr. FARRIS. Mr. Chairman, Ranking Member Corker, thank you so much for the opportunity to be here today.

On behalf of Home School Legal Defense Association, I am here in opposition to the treaty. There are three reasons I would like to cover in the time that I have today.

First, despite the claims to the contrary, the U.S. ratification of this treaty does impose binding legal obligations on this country, and it will be the responsibility of the United States to comply with international law. The statements to the contrary have been based primarily on what I would—in the course of litigation, you would call “naked assertions.” We do not hear citations to legal authority for these propositions. You do not hear appropriate citations to qualified experts, such as Louis Henkin. Louis Henkin is one of the leading experts in the world on international law, and he responds to the tenor of the argument that has been raised in support of this treaty. He says, in a different context, but the principle is applicable, “The United States apparently seeks to ensure that its adherence to a convention will not change or require change in U.S. laws, policies, or practices, even when they fall below international standards. Reservations designed to reject any obligation to rise above existing law in practice or of dubious propriety. If states generally entered such reservations, the convention would be futile. Even friends of the United States have objected to its reservations that are incompatible with the object and purpose and are, therefore, invalid. The United States, it is said, seeks to sit in judgment on others, but will not submit its human rights behavior to international judgment. To many, the attitude reflected in such reservations is offensive. The conventions are only for other states, not for the United States.”

Professor Henkin has it exactly right. This is a treaty. A treaty is a law. It is—if—the emotional and political arguments that are in favor of the treaty, no one can disagree with these arguments. But, the question is, Will the treaty actually have the legal effect that is being proffered by the proponents of the treaty? We do not hear citations to articles of the treaty. We do not hear consideration of the reports, the concluding observations by the Committee on the Rights of Persons with Disability. We do not hear the kind of legal analysis that would be appropriate for analyzing the legal impact of this treaty. And I would submit, it is the duty of this committee not to determine simply the policy issues and the emotional appeals, but to determine what the legal meaning of the treaty is and its legal application in the context both in international law and in domestic law of the United States.

One of the ways that the proponents misrepresent the nature of the treaty is on the definition of “disability.” Proponents argue that the definition of “disability” is left blank in the treaty so that each nation can decide for itself what it believes is the correct definition.

The Committee on the Rights of Persons with Disability firmly disagrees and is in the process of issuing a general observation in response to that, but has already issued concluding observations to about nine countries: Argentina, China, Hungary, Peru, Tunisia, Australia, and Austria. All were told that their nation’s definition of “disability” was improper under the treaty’s definition of “disability.” And what is improper about their definitions? They follow a medical definition of “disability” rather than any human rights definition of “disability.”

And the difference in that definition is important, because, under a human rights definition of “disability,” according to the committee, a form of disability law that permits you to—take the situation of a profoundly intellectually disabled adult. Parents, under the human rights model of disability, would not be allowed to be appointed the guardian of the adult intellectually disabled child, but, instead, would have to be only allowed to be—support decision-making rather than substitute decisionmaking. I cite the records from the CRPD Committee that says this explicitly, “Nations that allow guardianships for profoundly disabled adults that are intellectually disabled are in violation of the treaty’s definition of what constitutes disability.” That will be a profound change in American law. And if we think we will not have to comply with the treaty’s standards, they were simply making a fake promise to the rest of the world. We’re making a promise, by our ratification, that we, like all other nations, will obey the requirements of the treaty.

Turning to the issue of homeschooling, I have been criticized by many in the press for fear-mongering on this topic, but I have never seen anyone write a legal analysis; it is just simply conclusions, just assertions that I did not correctly analyze the law on this. I have an LLM in public international law from the University of London. I have coached seven national championship moot court teams that debate constitutional law. I have written the legal analysis, and I dare anyone to read my legal analysis and answer it with legal analysis, not conjecture and raw assertion.

The legal analysis is based upon the failure of the CRPD to include the traditional right of parents to direct the upbringing in education of their children that was found in the ICCPR, in the ICESCR, and the Universal Declaration of Human Rights. Those provisions did protect the rights of parents. The Convention on the Rights of the Child began the trend in the wrong direction, and it was followed by the CRPD. Article 24 of the treaty defines the educational duties, and the word “parent” is not mentioned in the educational provision of article 24 of this treaty.

The best-interests-of-the-child standard has been applied in international human rights contexts, including banning homeschooling in Germany. The highest court in Germany has held that homeschooling is banned under the best-interests-of-the-child standard. The European Court of Human Rights has upheld that ban. And when a German family fled to the United States, our administration appealed a successful grant of asylum to the Romeike

family, that I represent now before the United States Supreme Court and the cert petition that is pending. And our Justice Department contends that Germany is within its rights—

The CHAIRMAN. Mr. Farris—

Mr. FARRIS [continuing]. To ban homeschooling—

The CHAIRMAN [continuing]. I have allowed you to go a minute and a half over time.

Mr. FARRIS. I am sorry. My clock is not working.

The CHAIRMAN. Oh, OK. Well, you are at 6, almost 7–8 minutes.

Mr. FARRIS. Thank you, Senator, I will pause.

The CHAIRMAN. Thank you.

[The prepared statement of Mr. Farris follows:]

#### PREPARED STATEMENT OF MICHAEL FARRIS

I would like to thank the chairman and members of the committee for the opportunity to testify on this very important issue. Article VI of the Constitution reveals how important this treaty is in our Nation's legal framework. Once ratified, a treaty becomes part of the highest law of the land and anything in any state law or state constitution that conflicts with the treaty is null and void.

When the Framers of the Constitution wrote the Supremacy Clause, treaty law and customary international law were limited to the arena of how nations treat nations. There was no concept that the treaty power could be used to impact or control the domestic laws of this Nation.

Modern human rights laws have only one purpose—imposing binding legal obligations on state parties to treat their own citizens and other residents in conformance with the legal norms promulgated in the treaty.

Yet, during last year's floor debate on this treaty, then-Senator John Kerry said: "This treaty isn't about American behavior, except to the degree that it influences other countries to be more like us. This treaty is about the behavior of other countries and their willingness to raise their treatment of people with disabilities to our level. It is that simple. This treaty isn't about changing America, it is a treaty to change the world to be more like America."

Professor Louis Henkin, one of the world's leading experts on international law, gives the appropriate response to this argument:

By its reservations, the United States apparently seeks to assure that its adherence to a convention will not change, or require change, in U.S. laws, policies, or practices, even where they fall below international standards. . . .

Reservations designed to reject any obligation to rise above existing law and practice are of dubious propriety: if states generally entered such reservations, the Convention would be futile. . . . Even friends of the United States have objected that its reservations are incompatible with that object and purpose and are therefore invalid.

By adhering to human rights conventions subject to these reservations, the United States, it is charged, is pretending to assume international obligations but in fact is undertaking nothing. It is seen as seeking the benefits of participation in the Convention (e.g., having a U.S. national sit on the Human Rights Committee established pursuant to the Covenant) without assuming any obligations or burdens. The United States, it is said, seeks to sit in judgment on others but will not submit its human rights behavior to international judgment. To many, the attitude reflected in such reservations is offensive: the conventions are only for other states, not for the United States.<sup>1</sup>

While this erroneous form of American exceptionalism has been implied in the past, our Secretary of State (when he was the chairman of this committee) has explicitly made the very argument that Professor Henkin soundly condemns. "This treaty isn't about changing America, it is a treaty to change the world to be more like America." Such assertions are both legally inaccurate and diplomatically troubling.

The precise question that the Senate must answer is this: What will be the legal effect if the United States ratifies the United Nations Convention on the Rights of Persons with Disabilities?

This is a legal question, not a political question. The answer to this question should be determined by an accurate review of all of the relevant legal sources. It is not a question of whether we have compassion for the disabled. Without the help of any international legal source, our Nation leads the world in demonstrating compassion for the disabled. We can and should improve our law and policy in this regard. But our ability to provide leadership on this issue is not dependent on becoming responsible to report our progress to the United Nations.

The proponents of this treaty have relied on pleas for compassion and raw assertions of opinion, not proper legal analysis. This committee should and must recognize that determining the meaning of a treaty is a legal inquiry. The process employed to determine its meaning should use the same kinds of sources and points of analysis as a serious judicial inquiry. There should be citations of law not mere assertions of opinion.

The basic answer to the legal question I have posed is answered by the United Nations Office of the High Commissioner for Human Rights. Its Web site accurately summarizes the legal effect of any nation's ratification of a human rights treaty:

A State party to a treaty is a State that has expressed its consent to be bound by that treaty by an act of ratification, acceptance, approval or accession, etc., where that treaty has entered into force for that particular State. This means that the State is bound by the treaty under international law. See article 2(1)(g) of the Vienna Convention 1969.<sup>2</sup>

The implementation of our international legal obligations requires consideration of two distinct legal spheres—the international legal system and the domestic legal system.

Since a treaty is an international obligation, international law fully controls the substantive law concerning the nature of our obligations. The implementation and enforcement of our international legal obligations requires an intersection with both legal arenas—the international legal system and our domestic legal system.

In large part, our domestic legal system must be relied upon for the implementation and enforcement of any human rights treaty obligation. But our obligation to comply with the treaty's requirements is never extinguished by any limitation imposed by our domestic legal system. In fact, if our domestic legal system prohibits us from fully complying with our international legal obligations, we are presumptively in violation of our treaty obligations for which there are international legal consequences.

The international legal system claims preeminence over domestic law and national sovereignty.

A past president of the European Court of Human Rights has explained the prevailing view in the international legal system:

Treaty obligations are in case of doubt and in principle not to be interpreted in favor of State sovereignty. It is obvious that this conclusion can have considerable conclusions for human rights conventions: Every effective protection of individual freedoms restricts State sovereignty, and it is by no means State sovereignty which in case of doubt has priority. Quite the contrary, the object and purpose of human rights treaties may often lead to a broader interpretation of individual rights on one hand and restrictions on State activities on the other.<sup>3</sup>

The Committee on the Rights of Persons with Disabilities has lost no time in asserting the supremacy of the CRPD over the domestic law and sovereignty of the state parties—including its supremacy over national constitutions.

In a Communication proceeding before the CRPD Committee, six Hungarian citizens filed a formal complaint that Hungary's Constitution was in violation of the provisions of the CRPD. All six persons "suffer from intellectual disability" and had been placed under partial or general guardianship pursuant to judicial decision. Under the Hungarian Constitution, persons placed under guardianship for such intellectual disabilities were ineligible to vote.<sup>4</sup>

The CRPD Committee ruled that Hungary was in violation of its obligations under the CRPD. While the Committee did not claim the authority to directly order Hungary to amend its constitution, its ruling made it clear that in order for that nation to be in compliance with its treaty obligations, it should do so.

The impact of this decision was trumpeted by Human Rights Watch, a major NGO in this field: "The ruling applies to all 137 countries that have adopted the international disability rights treaty. These governments are required to review their laws and practices to eliminate any provisions that prevent people from voting due to their disabilities."<sup>5</sup>

In making its determination of the meaning of the CRPD's provisions, the Committee placed significant reliance on its statements concerning the meaning of the treaty in its prior Concluding Observations. It is clear that the CRPD Committee considers its so-called recommendations as authoritative interpretations of the meaning of the treaty.

In the Committee's October 8, 2013, review of El Salvador's compliance with the treaty, it expressed concern that El Salvador had taken a reservation to the effect that the nation's obligations were limited by the provisions of its constitution.<sup>6</sup> The treaty must not be subservient to a nation's constitution according to the CRPD Committee.

One of the most important themes in the CRPD Committee's review and conclusions relates to the definition of disability. Important U.S. advocates for ratification claim that the lack of a definition of "disability" in the treaty means that every nation has the power to define "disability" under its own law. The Committee definitively rejects this view in a proposed General Comment.

In consideration of the initial reports of the different States Parties that have been reviewed so far, the Committee has observed that there is a general misunderstanding of the exact scope of the obligations of States Parties under Article 12. Until now there has been a general failure to understand that the human-rights-based model of disability implies the shift from a substitute decisionmaking paradigm to one that is based on supported decisionmaking. The present general comment has the purpose of exploring the general obligations that are derived from the different components of Article 12.<sup>7</sup>

China was told that its definition of "disability" was improper under the treaty because it employed a medical definition rather than a human rights definition.<sup>8</sup> Argentina was found wanting for the exact same reason—using a definition of disability different from that imposed by the CRPD.<sup>9</sup> Hungary,<sup>10</sup> Peru,<sup>11</sup> Tunisia,<sup>12</sup> Australia,<sup>13</sup> and Austria<sup>14</sup> have also been informed that their national definitions of "disability" are contrary to the definition found in the CRPD. It is equally clear that the Committee is of the opinion that these nations are obligated to conform their definitions to the one the Committee believes is found in the treaty.

We have clearly demonstrated that the U.S. advocates for ratification are simply wrong when they assert that our Nation is free to adopt our own definition of "disability" and still be in compliance with our obligations under the treaty.

However, it is important for the Senate to consider the substantive rules that will be imposed if we ratify this treaty. The difference between the "human rights" definition of "disability" and the "medical" definition of "disability" profoundly impacts upon our laws.

Important organizations that support the ratification of the CRPD agree with our basic contention—the CRPD imposes legal obligations on the United States that differ from existing law.

There's something that may be superior to the ADA. The United Nations came up with their own disability policy: the Convention on the Rights of People with Disabilities (CRPD).

The U.N. brought up the CRPD to the General Assembly for signatures in December 2006. Now, CRPD is a fully operational policy as of May 2008. The CRPD is like the ADA on steroids; the policy doesn't just cover provisions for employing, accessibility to public place/information, and communication . . . Human rights is deeply integrated with the CRPD, so it covers disabled people's rights to an adequate standard of living, rehabilitation, and to preserve their dignity. With the CRPD's provisions, the mission to form a perfect society is clearly defined.

In comparison, the ADA is surprisingly restrictive. It only covers our rights to get a job, access public places, and accessible communication. It doesn't discuss how we are all human beings with dignity. It doesn't discuss our right to an adequate standard of living. It doesn't encourage cultivating a sense of identity with our communities.<sup>15</sup>

Consider the opinion of RatifyNow.org:

Although the Americans with Disabilities Act (ADA) has been very important to the daily lives of many Americans with disabilities, it does not, and cannot, fully cover all the basic human rights to which people with disabilities are entitled. The CRPD would supplement the power of the ADA to ensure that people with disabilities have stronger access to all the same human rights to which all people are entitled. Also, if the United States

signs and ratifies the CRPD, it would help send a strong message to other countries that we, too, support human rights for people with disabilities. This may help inspire more countries to ratify the CRPD so that more people with disabilities around the world can enjoy its protections.<sup>16</sup>

The jurisprudence of the CRPD Committee, the opinion of legal experts such as Louis Henken, and these intellectually honest advocates for CRPD ratification join us in our core contention: If the United States ratifies this treaty, it undertakes a duty to comply with international legal standards which are different from our existing law. Some people contend that this diminishment of our sovereignty is justified by the increase in protections for the disabled. We disagree. Our contention is that the United States should use the process of American self-government under the Constitution to continually improve our policies which are designed to ensure equality and justice for disabled persons.

THE U.N. CRPD COMMITTEE'S DEFINITION OF DISABILITY WOULD REQUIRE A  
SUBSTANTIAL CHANGE IN AMERICAN LAW

We have previously quoted paragraph 3 from the draft General Comment on Article 12. It proclaims that a nation that employs a "substitute decision-making" model is in violation of the treaty. Similar comments may be found in the Concluding Observations previously cited. What does this mean in practical terms? The Committee gives us its answer:

Regimes of substitute decisionmaking can take many different forms, including plenary guardianship, judicial interdiction, and partial guardianship. However, these regimes have some common characteristics. Substitute decisionmaking regimes can be defined as systems where (1) legal capacity is removed from the individual, even if this is just in respect of a single decision, (2) a substituted decisionmaker can be appointed by someone other than the individual, and this can be done against the person's will, and (3) any decision made by a substitute decisionmaker is bound by what is believed to be in the objective "best interests" of the individual—as opposed to the individual's own will and preferences.

The obligation to replace regimes of substitute decisionmaking by supported decisionmaking requires both the abolishment of substitute decisionmaking regimes, and the development of supported decisionmaking alternatives. The development of supported decisionmaking systems in parallel with the retention of substitute decisionmaking regimes is not sufficient to comply with Article 12.<sup>17</sup>

There can be no doubt that this definitional rule and the implications that flow from it are based not just on this draft General Comment, but on the same holding found in the finalized Concluding Observations that have been issued to a number of state parties.<sup>18</sup>

It is important to understand what this means. The parents of a profoundly intellectually disabled adult will not be permitted to be named their child's guardian with the ability to substitute their judgment for that of their adult child. "All forms of support to exercise legal capacity (including more intensive forms of support) must be based on the will and preference of the individual, not on the perceived/objective best interests of the person."<sup>19</sup>

The Senate Foreign Relations Committee is properly not the venue to debate the wisdom of this new approach to the rights of the profoundly disabled. But what is absolutely clear is this—the rules under the CRPD are different from existing American law and practice. And it is also absolutely clear that the U.N. Committee believes the United States will be legally obligated to conform our definitions and practices to the Committee's standards and not our own.

DOMESTIC LAW PROVIDES NO EXCUSE FOR A FAILURE TO FULLY IMPLEMENT  
THE PROVISIONS OF THE CRPD

This brings us to the broad question of the domestic impact of the ratification of the CRPD. By ratifying the treaty, the United States undertakes a solemn legal obligation to implement and follow the treaty in good faith.

Reservations, Understandings, and Declarations can only have impact on which agency of government will have authority and responsibility to implement the provisions of the treaty. But no RUD can remove the legal duty of the United States to comply with this treaty if it is ratified.

A non-self-executing RUD will only have the effect of ensuring that the judiciary will not be the agency to initially implement the CRPD into domestic law. In short, Congress and the executive branch will have the duty to implement the treaty

through statutes and regulations. Once such implementing laws are issued, then the courts are also permitted to engage in the enforcement of the treaty.

A non-self-executing RUD does not mean that Congress can avoid its duty to implement the treaty. It has the duty to enact law that conforms to the requirements of the CRPD.

A federalism RUD has a similar impact. A properly constructed RUD can, at most, ensure that certain of the duties of compliance fall on the State governments rather than on the Federal Government. But in international law, if the States fail to comply, it is the Federal Government that is liable for the failure to properly implement the treaty. A federalism RUD does not excuse a national government from noncompliance.

This was made clear by the CRPD Committee in its ruling concerning Austria:

The Committee recalls that article 4, paragraph 5, of the Convention clearly states that the administrative particularities of a federal structure do not allow a State party to avoid its obligations under the Convention.

The Committee recommends that the State party ensure that federal and regional governments consider adopting an overarching legislative framework and policy on disability in Austria, in conformity with the Convention.<sup>20</sup>

#### THE CRPD THREATENS THE RIGHTS OF HOMESCHOOLING FAMILIES

Early human rights instruments were very supportive of the rights of parents to direct the education and upbringing of their children.

It is beyond dispute that the Universal Declaration of Human Rights, adopted in 1948 by the unanimous vote of the U.N. General Assembly, arose "out of the desire to respond forcefully to the evils perpetrated by Nazi Germany."<sup>21</sup> The UDHR's view regarding parents and children is no exception to this rule. Article 26(3) of the UDHR proclaims: "Parents have a prior right to choose the kind of education that shall be given to their children." Numerous human rights instruments have been drafted in reaction to "the intrusion of the fascist state into the family. . . ."<sup>22</sup>

The rejection of the Nazi view of parents and children was translated from the aspirational articles of the UDHR into the binding provisions of the two core human rights treaties of our era—the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social, and Cultural Rights (1966). Article 18(4) of the ICCPR provides:

The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 13(3) of the ICESCR repeats and expands on this same theme:

The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

This pro-parent view of human rights has given way to a decidedly different view in the U.N. Convention on the Rights of the Child (UNCRC) and now in the U.N. Convention on the Rights of Persons with Disabilities.

It is very important to observe what is missing from the CRPD. No provision within the CRPD affirms the right of parents to choose the form of education for their children. Article 19 protects a right of the child to "know and be cared for by their parents." Article 23(1) protects the rights of disabled parents—an important provision but one that is inapplicable in the case of a nondisabled parent with a disabled child. Article 23(4) prohibits the separation of disabled children from their parents in most cases.

It is Article 24 of the CRPD that deals with education. The word "parent" does not appear in this article. Parents are assured of no rights in the education of their children.

It is not just what is absent in the CRPD that is important; what is included also substantially impacts parental rights.

The UNCRPD incorporates several key elements from the UNCRC that, as I will demonstrate, lead to the conclusion that parental rights in the education of disabled children are supplanted by a new theory of governmental oversight and superiority. In short, government agents, and not parents, are being given the authority to

decide all educational and treatment issues for disabled children. All of the rights that parents have under both traditional American law and the Individuals with Disabilities Education Act will be undermined by this treaty.

Article 7 is the key. Sections 2 and 3 directly parallel provisions of the UNCRC.

2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

Section 2 directly parallels Article 2(1) of the CRC. Section 3 closely follows Article 12(1) of the CRC.

The “best interest of the child” standard is a familiar one to anyone who has ever participated in family or juvenile law in American courts. However, in that context it is a dispositional standard. This means that after a parent has been convicted of abusing or neglecting his child, then and only then can the government substitute its view of what it best for the child for that of the parent. Or, in the divorce context, once a judge determines the family unit is broken, the judge must settle the contest between the competing parents and decide for herself what she thinks is in the best interest of the child.

In an intact family, where there is no proof of abuse or neglect, government agents—whether school officials, social workers, or judges—cannot substitute their judgment of what is best for a child over the objection of the parents.

This legal principle is firmly embedded into the Individuals with Disabilities Education Act. Parents have a great deal of authority concerning the education and treatment of their children under this act.

Geraldine van Bueren, who is one of the world’s leading experts on the international rights of the child and helped to draft the UNCRC, clearly explains the meaning and application of this best interests standard.

Best interests provides decision and policy makers with the authority to substitute their own decisions for either the child’s or the parents’, providing it is based on considerations of the best interests of the child.<sup>23</sup>

Section 7 of the UNCRPD uses precisely the same legal terms as those contained in the UNCRC.

Accordingly, today, under the IDEA parents get to decide what they think is best for their child—including the right to walk away from government services and provide private or home education. Under the UNCRPD, that right is supplanted with the rule announced by Professor van Bueren. Government officials have the authority to substitute their views for the views of parents as well as the views of the child as to what is best. If parents think that private schools are best for their child, the UNCRPD gives the government the authority and the legal duty to override that judgment and keep the child in the government-approved program that the officials think is best for the child.

Ask virtually any parent who has dealt with school officials in the IDEA context: Are you willing to give the government the final say on what it thinks is best for your child’s special needs or disability?

School districts have a powerful motivation to do better for disabled and special needs children precisely because they know that parents with real rights are looking over their every move and have the ability to fight for what they know to be best for their children. Remove parental authority and institutional lethargy will take over in many cases.

Children are treated much, much better in the special needs setting whenever their parents have real and certain rights.

Those rights are gone if this Senate ratifies this treaty. There are two reasons this is true.

First, virtually every state has state law provisions which also give parents a number of rights in the educational setting. Article VI of the U.S. Constitution contains our Supremacy Clause which explicitly states that a ratified treaty is the Supreme Law of the land and all state law provisions that conflict with the treaty are overridden by it.

Any and all parental rights provisions in state education laws will be void by the direct application of Article 7 of this treaty. Government—not parents—has the authority to decide what is best for children with special needs if the Senate ratifies the CRPD.

Since the hearings last summer, the American homeschooling community has been intensely focused on a case which illustrates the dangerous gaps in international human rights law that impact the right of a parent to homeschool one's child.

Uwe and Hannelore Romeike came to the United States from Germany in 2008. Germany bans all homeschooling and enforces that ban with police raids on family homes in which the children are seized and placed into government custody. If the parents do not relinquish their desire to homeschool their children, they are threatened with the permanent loss of the custody of their children. The Romeikes applied for asylum in the United States. The initial immigration judge ruled in favor of the family, granting them political asylum. The current administration appealed this decision to the Bureau of Immigration Appeals. The BIA reversed the immigration judge's decision. We appealed that decision to the Sixth Circuit, which upheld the decision of the BIA. In one of its filings before the Sixth Circuit, the Justice Department recited the history of German courts in their determination that the ban on homeschooling was legitimate. The Justice Department contends that the European Court of Human Rights correctly determined that no human rights standards were violated by the German ban on homeschooling and its egregious enforcement mechanisms.

This case is now pending in the Supreme Court, awaiting determination of our petition for a writ of certiorari.

Here is the lesson learned by the homeschooling community concerning both international law and the attitude of this administration. Despite the fact that the provisions of the ICCPR and the ICESCR could not be clearer in their endorsement of the right of parents to direct the education of their children, German parents cannot find protection for their right to homeschool their children in such instruments. The "best interest of the child" standard prevails. The rights of homeschooling parents are not just diminished; they are obliterated.

It is utterly unreasonable for anyone to believe that this problem can be remedied by RUDs. If an actual treaty provision protecting parental rights in education is insufficient to protect the right of homeschooling both in German and in American asylum claims, then how in the world can anyone expect homeschoolers to believe that RUDs will accomplish what clear treaty language cannot accomplish?

This administration has proven to American homeschoolers that international human rights law is not just an empty promise when it comes to protecting our rights; the best interest of the child standard in the more recent U.N. treaties has overcome and supplanted the rights of parents.

We are told that the CRPD will not affect the rights of homeschooling. These naked assertions are not based on any viable reading of the relevant law. And they come from the same sources that told the American public that if we like our current health insurance we can keep it.

Political promises are like morning clouds. They fade away as the day progresses.

The U.N. CRPD will result in the loss of educational freedom for all parents in this Nation with disabled children. Government, not parents, will decide what form of education is best for children.

We urge this committee and the Senate to reject this treaty.

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## End Notes

<sup>1</sup> Louis Henkin, "U.S. Ratification of Human Rights Conventions: The Ghost of Senator Bricker," 89 *Am. J. Int'l Law*, 341, 341-44 (1995).

<sup>2</sup> <http://www2.ohchr.org/english/bodies/treaty/glossary.htm>.

<sup>3</sup> Rudolf Bernhardt, "Evolutive Treaty Interpretation, Especially of the European Court of Human Rights," 42 *German Y.B. Int'l L.* 11, 14 (1999) as quoted in Louis Henken et al., "Human Rights: Second Edition," Foundation Press (New York), 2009, p. 206-207.

<sup>4</sup> Committee on the Rights of Persons with Disabilities, Communication No. 4/2011, Views adopted, 9 September 2013.

<sup>5</sup> <http://www.hrw.org/news/2013/10/01/hungary-change-discriminatory-voting-laws>.

<sup>6</sup> See, para. 6, CRPD/C/SLV/CO/1.

<sup>7</sup> Draft General Comment on Article 12 of the Convention, Adopted 2-13 September 2013, para. 6.

<sup>8</sup> Concluding Observations, China, 15 October 2012, CRPD/C/CHN/CO/1, para. 9.

<sup>9</sup> Concluding Observations, Argentina, 8 October 2012, CRPD/C/ARG/CO/1, para. 19-20.

<sup>10</sup> Concluding Observations, Hungary, 22 October 2012, CRPD/C/HUN/CO/1, para. 10.

<sup>11</sup> Concluding Observations, Peru, 16 May 2012, CRPD/C/PER/CO/1, para. 6(a).

<sup>12</sup> Concluding Observations, Tunisia, 13 May 2011, CRPD/C/TUN/CO/1, para. 8-9.

<sup>13</sup> Concluding Observations, Australia, 21 October 2013, CRPD/C/AUS/CO/1, para. 47.

<sup>14</sup> Concluding Observations, Austria, 30 September 2013, CRPD/C/AUT/CO/1, para. 8-9.

<sup>15</sup> <http://www.thebuffandblue.net/?p=7502>. The "Buff and Blue" is a student publication at Gallaudet University established in 1892. Gallaudet is a premier institution of higher learning dedicated to education of disabled persons.

<sup>16</sup> <http://www.ratifynow.org/ratifynow-faq/>. "RatifyNow is an international nonprofit organization that supports grassroots advocates worldwide working to persuade their nation to ratify, implement, and enforce the CRPD. Membership is free and open to both individuals and organizations."

<sup>17</sup> Draft General Comment on Article 12, Para. 23–24.

<sup>18</sup> See, e.g., Concluding Observations, Austria, op. cit., para. 28.

<sup>19</sup> General Comment on Article 12, op. cit., para. 25 (b).

<sup>20</sup> Concluding Observations, Austria, op. cit., para. 10–11.

<sup>21</sup> Kathleen Renee Cronin-Furman, "60 Years of the Universal Declaration of Human Rights: Towards an Individual Responsibility to Protect," 25 Am. U. Int'l L. Rev. 175, 176 (2009).

<sup>22</sup> Marleen Eijkholt, "The Right to Found a Family as a Stillborn Right to Procreate?" 18 Med. L. Rev. 127, 134 (2010).

<sup>23</sup> Geraldine Van Bueren, "International Rights of the Child," Section D University of London, 46 (2006).

The CHAIRMAN. Thank you.  
Secretary Ridge.

**STATEMENT OF HON. THOMAS J. RIDGE, FORMER SECRETARY OF HOMELAND SECURITY AND CURRENT CHAIRMAN OF THE NATIONAL ORGANIZATION ON DISABILITY, CHEVY CHASE, MD**

Mr. RIDGE. Senator, colleagues—distinguished colleagues—  
The CHAIRMAN. If you would put your microphone on.

Mr. RIDGE. Thank you.

As many of you know, I have had the pleasure of wearing numerous hats in public service of our country: Member of Congress, Governor, and the Nation's first Secretary of Homeland Security. But, first I want to share with you the story of my first public service role, that of a United States infantry staff sergeant in Southeast Asia. Frankly, I had poor hearing when I went in, worse hearing after, and, because of age, diminished hearing since. [Laughter.]

So, technically, since I wear hearing aids, I am a disabled veteran, but I cannot attribute the loss solely to my military service. Most of the 5.5 million disabled veterans can, and I am proud to represent their cause, as well as my own commitment to Americans with disabilities, at this hearing. I hope that, after U.S. ratification and a lot of work with other nations, Americans with disabilities will no longer face undue burdens abroad, either.

There is no greater example of U.S. leadership than on the front lines of armed conflict, where servicemembers fight to protect the moral integrity of mankind and the values of equality and liberty. If there is one thing you take away from my testimony today, I hope it is that the United States leadership counts, and we have the opportunity to lead now, and to lead well, with the Disability Treaty.

My fellow veterans recognize this leadership, as evidenced by major veterans organizations—obviously, I am a member—American Legion, Veterans of Foreign Wars, and the Wounded Warrior Project—supporting U.S. ratification.

My initial experience with disability began in grade school. One of my dearest friends had a very serious disability. We enjoyed her friendship, her smile. We admired her courage. Since those early years, my lengthy public service career has given me the insight and experience to now sit before you, as well, as the chairman of the National Organization on Disability.

I became chairman of NOD in 2005 because I believe we have to be more committed as a society to giving people with disabilities the opportunity to establish their own self-worth, particularly

through employment. There was no question that NOD would come out in full support of a treaty which echos our own constitutional values, U.S. laws, NOD's mission to allow people with disabilities to have the same opportunities as their counterparts.

My testimony, which I encourage you to read, will describe how the convention advances, I believe, democracy, benefits businesses, and ultimately will advance opportunities for Americans with disabilities worldwide.

As a young Congressman, I was proud to support the ADA. It was born of a notion where values are grounded in the concept that all men are created equal. Whether you are born with one arm, with Down Syndrome, or without sight, whether you were injured on the job or in service to your Nation, you have the right to life, liberty, and pursuit of happiness. Our founders did not preserve this notion just because it is the right thing to do, but because government is strongest when run for and by all of its people. Some countries attempted to follow in the footsteps of the United States and created similar but often inferior legislation to the ADA in the years following the enactment. Many other country has not even attempted to meet our standards and do not provide for equal protection of the rights of their citizens with disabilities. And, frankly, many simply just do not know how to do it.

I believe strongly that being part of the disability treaty benefits the United States and other member nations. This treaty will enhance, not lessen, American sovereignty by allowing us to export constitutional values abroad. It is not bad to export our value system. The United States will continue to lead the world in establishing a democratic model for participation of all its citizens, including the most vulnerable ones.

I wanted to reference a gentleman behind me from Georgia who would tell you that he has established an organization in his own country; the country of Georgia. He is a John McCain Fellow, and he is working at the National Organization of Disability. He would tell you his own country is looking to America to validate his presence and his equality. It is about American leadership.

In closing, I urge you to support ratification of a treaty that will have a tremendous impact on Americans with disabilities, at home and abroad. The treaty advances democracy in business, and, above all, validates for the rest of the world the value of people with disabilities.

While I respect the differences of our Nation's leaders on many topics, I stand firm that we must come together on the topic of disability. Disability does not know a political, racial, religious, or other barrier. It is an experience that has, or will, touch us all at some point in our lives. As the ink may fade on our Declaration of Independence, it is up to us to ensure that the words of "equality" our country stands for are everlasting.

Although our own laws will not change, U.S. ratification of the Disability Treaty will validate that all men are, indeed, equal, and that Senators will have a resounding impact on the billion persons with disabilities in the United States and around the world.

I thank you for the opportunity to share this testimony before the committee, Senator Menendez.

[The prepared statement of Mr. Ridge follows:]

## PREPARED STATEMENT OF HON. TOM RIDGE

Chairman Menendez and Ranking Member Corker, members of the Foreign Relations Committee, thank you for inviting me to discuss the disability treaty today as you consider ratification. I was one of many who made a public statement of dis-appointment following last year's failure to ratify the treaty. I am pleased that we are here today to revisit the issue. I hope that after today's hearing, we move closer as a nation to joining this important treaty.

As many of you know, I have had the pleasure of wearing numerous hats in the public service of this great Nation including serving as a Member of Congress, Governor, and the Nation's first Secretary of Homeland Security. I will touch upon how this treaty is important to all of those roles, but first I want to share with you the story of my first public service role—that of a United States infantry staff sergeant in Southeast Asia. Frankly, I had poor hearing when I went in, worse hearing after, and, because of my age, diminished hearing since. So, technically, I am a disabled veteran but I can't attribute the loss solely to my military service. Most of the 5.5 million disabled veterans can and I am proud to represent their cause as well as my own commitment to Americans with disabilities at this hearing. I hope that after U.S. ratification and a lot of work with other nations, Americans with disabilities will no longer face undue burdens abroad either.

There is no greater example of U.S. leadership than on the front lines of armed conflict where service members fight to protect the moral integrity of mankind and the values of equality and liberty. If there is one thing you take away from my testimony today I hope it is that United States leadership counts and we have the opportunity to lead now and lead well with the disability treaty. My fellow veterans recognize this leadership, as evidenced by major veterans' organizations—like The American Legion, Veterans of Foreign Wars, and Wounded Warrior Project—support U.S. ratification.

My initial experience with disability began in grade school. One of my dearest friends had a serious disability. We enjoyed her friendship, her smile, and admired her courage. My lengthy public service career has given me the insight and experience to now sit here before you as the Chairman of the National Organization on Disability. I became Chairman of NOD in 2005 because I believed we have to be more committed, as a society, to giving people with disabilities the opportunity to establish their worth.

Around the same time I became Chairman, the Convention on the Rights of Persons with Disabilities was finalized. This treaty is important for the 57 million Americans with disabilities to have equal access to opportunities the rest of us may take for granted. There was no question that NOD would come out in full support of the treaty, which echoes our own constitutional values, U.S. laws, and NOD's mission to allow people with disabilities to have the same opportunities as their counterparts. My testimony today will describe how the CRPD advances democracy, benefits business, and ultimately will advance opportunities for Americans with disabilities worldwide. Finally, I will share with you a few examples of how exactly the U.S. is equipped with the tools we need to change the circumstances of people with disabilities around the world.

## DEMOCRACY AND THE CRPD

Twenty three years ago I had the incredible opportunity as a Congressman for Pennsylvania's 21st district to vote for the Americans with Disabilities Act (ADA), one of the most important pieces of civil rights legislation in our history. Though today it stands as a celebrated piece of American legislation, at the time this was not an easy vote for many Members. There was loud opposition to the act, mostly fear-based, and there were efforts to abandon the bill altogether. Yet I was convinced that when I cast my vote in favor of the ADA, this piece of legislation would have a long-term positive impact on people with disabilities all over the world.

The ADA was born of a nation whose values are grounded in the concept that "all men are created equal." Whether you are born with one arm, with Down Syndrome, or without sight, or you are injured on the job or in service to your Nation, you have the right to life, liberty, and the pursuit of happiness. Our founders did not preserve this notion just because it is the right thing to do, but because government is strongest when run for and by all of its people.

Some countries attempted to follow in the footsteps of the U.S. and created similar, but often inferior legislation to the ADA in the years following its enactment. Many other countries have not even attempted to meet our standards and do not provide for equal protection of the rights of their citizens with disabilities. Many do not know how. And so, with great input from the U.S. and the community of people with disabilities, the disability treaty came into being to create the framework for

people with disabilities everywhere and Americans with disabilities traveling abroad to enjoy the rights they deserve.

There was a sense of urgency in 2001 when this treaty was created because without disability rights legislation many countries, regardless of intention, were isolating and segregating people with disabilities and creating dire outcomes for the lives of their citizens. This meant that children with disabilities were being placed into nursing homes and institutions and removed entirely from their families, adults with disabilities were being barred from the workplace and having to rely on government entitlements to subsist, and in many countries being born with a disability was perceived so negatively that people began to kill newborns with disabilities or hide their children with disabilities in attics and backyard sheds to keep them out of the public eye.

I believe strongly that being part of the disability treaty benefits the U.S. and other member nations. This treaty will enhance, not lessen, American sovereignty by allowing us to export American constitutional values abroad. The U.S. will continue to lead the world in establishing a democratic model for participation of all its citizens, including its most vulnerable ones. If you don't believe me, just ask Giorgi Akhmeteli. Giorgi is a fellow at NOD this year from the country of Georgia, visiting with us through the McCain Institute for International Leadership. Due to a spinal injury in 2003, Giorgi uses a wheelchair and decided he would found a Georgian disability organization to fight for the rights of his fellow citizens. Right now his organization is working on CRPD ratification in his country. However, Giorgi has told me that the decision of the U.S. to ratify the CRPD will impact his own country's decision about whether to ratify the disability treaty. Further, full U.S. participation in the multilateral process will be necessary to help push Georgia to adequately implement the treaty after ratification. Giorgi is not naive; he is a talented advocate with years of experience in leadership on behalf of Georgia in the international arena. Giorgi knows the reality that the U.S. voice counts in Georgia and for his country to validate him as an equal, U.S. involvement is mandatory.

As former Secretary of Homeland Security, I had the unique experience to understand how the U.S. is perceived by our enemies and our allies. I can confidently sit before you and tell you that the voice of the U.S. matters to both. The disability treaty seeks to bring democracy and equal opportunity to people with disabilities allowing them to participate in society, vote, seek public office, and live in the community amongst others. We must be a part of this conversation. As I travel around the world, I have seen firsthand how with the best intentions countries try to address the circumstances of their citizens with disabilities, yet fall short. Without U.S. participation, the treaty will not reach its greatest potential. Without America, the conversation will have a deficit of expertise and experience that only our Nation can fill. The CRPD will not change American law, but it is important because it provides access to the most important international forum on the rights of people with disabilities. If the U.S. wants to effectively promote access abroad, we must ratify the disability treaty.

#### BUSINESS AND THE CRPD

In addition to our democratic principles, there is more at stake for U.S. ratification of the disability treaty. Following the failure of ratification in 2012, businesses became even more vocal that the disability treaty is important to advancing their interests in the global marketplace. I have served on the boards of The Home Depot, The Hershey Company, and Exelon Corporation. I can attest to the fact that advancing the rights of people with disabilities has become an important priority for corporate decisionmaking. At NOD, we work with a CEO Council including international corporations Coca-Cola, Wal-Mart, and UPS who view the employment of people with disabilities as advancing their mission and goals and in our increasingly global marketplace more and more jobs require international travel. So, accessibility abroad is very important to American workers who need to be able to access the building to make the sales pitch or have accessible transportation in order to present at a conference. American businesses understand that accessibility abroad means opportunities for their employees and efficiencies for their operations.

Like the ADA, article 27 of the disability treaty recognizes the right of people with disabilities to work and empowers them to be an active part of society. As the Chamber of Commerce states in its letter of support for the treaty, "the United States has been an effective world leader in developing policy to ensure that individuals with disabilities have equal opportunity not only in the workplace but in society."

As Chairman of the U.S. Chamber's National Security Task Force, I can tell you that the Chamber does not take lightly decisions to endorse any piece of legislation.

Regardless of how a bill may benefit people with disabilities, we must give greatest weight to the benefit to our 3 million business members. The Chamber determined that ratification of the treaty will benefit our members.

Joining this treaty will promote unprecedented global markets and new commerce that will be aimed at 1 billion people with disabilities worldwide. As the world follows the U.S. vision of greater accessibility, we will have expanded opportunities to export American made products and services, increase international employment and entrepreneurial opportunities for Americans with disabilities and promote U.S. standards internationally. As a representative from Adobe Systems Incorporated recently explained, the danger of going about accessibility in a bilateral way is that you run the risk of having to create different products for each country based on varied standards. Companies not only have greater access to broader markets through efforts like the disability treaty, but they have the ability to harmonize standards and streamline their production. This efficiency is critical.

Ultimately, investment follows opportunity. The treaty requires countries to promote accessibility for their citizens. U.S. business recognizes the disability treaty as an opportunity to further the objectives of their businesses and expand markets of technology, mobility devices, and other U.S. made accessible products. Other countries party to the treaty, like Brazil and China, are taking advantage of the absence of U.S. participation to lead accessible technology and provide to this expanding marketplace. This should be the role of the United States and will be once we ratify the CRPD.

#### EXAMPLES OF HOW THE U.S. CAN LEAD

I would like to close with a few examples of how the U.S. is prepared to advance the disability treaty through already existing knowledge and expertise. Within 5 years of the enactment of the Americans with Disabilities Act of 1990, I had the honor of becoming the 43rd Governor of Pennsylvania and witnessing the many ways that our 50 States advance the rights of people with disabilities.

The U.S. supports a system of independent living centers, which are available in every state within our country to offer support to all people with disabilities to live independently and self-sufficiently in the community. Article 19 of the disability treaty recognizes the right of all people with disabilities to live in their community. As Governor, I appointed an executive director of a regional center for independent living to the Board of Vocational Rehabilitation in the state. I saw firsthand how employment outcomes for people with disabilities were affected by this U.S. created system. The National Council of Independent Living in the U.S. is a lead supporter of CRPD ratification and looks forward to the opportunity to contribute to the global independent living movement.

As governor I also appointed members of the disability community to serve on our State Council on Developmental Disability. Through the federal Developmental Disabilities Assistance and Bill of Rights Act, which is now celebrating its 50th year of enactment, every State and Territory of the U.S. is required to have a Council on Developmental Disability to serve as a catalyst for the community toward better inclusion of people with disabilities. In Pennsylvania, our Council was successful in providing resources to remove people from state-run institutions and integrate them into the community, providing employment training, and helping people with developmental disabilities become self-advocates.

The United States is also an international example for integrating and coordinating emergency preparedness, response and recovery for children and adults with disabilities and others with access and functional needs before, during and after a disaster. In 2001, I became Director of the Office of Homeland Security and later, in January 2003, the first Secretary of the Department of Homeland Security, overseeing the Federal Emergency Management Agency. In this time it was critical for disability to be included in any comprehensive response and recovery system. Article 11 of the CRPD supports these actions. It states that state parties shall take any measures to ensure the protection and safety of persons with disabilities in emergencies and natural disasters. We must ensure that, similar to the United States, countries around the world are including people with disabilities when developing emergency preparedness tools, offering trainings to emergency response professionals and, in an emergency, carrying out emergency assistance. FEMA's Office of Disability Integration and Coordination's mission is to do just that and the CRPD will give us an opportunity to enhance our reach and technical assistance in this arena.

## CLOSING

In closing, I urge you to support ratification of a treaty that will have a tremendous impact on Americans with disabilities at home and abroad. The treaty advances democracy and business, and above all validates for the rest of the world the value of people with disabilities. While I respect the differences of our Nation's leaders on many topics, I stand firm that we must come together on the topic of disability. Disability does not know a political, racial, religious, or other barrier. It is an experience that has, or will, touch us all at some point in our lives. As the ink fades on our Declaration of Independence, it is up to us to ensure that the words of equality our country stands for are everlasting. Although our own laws will not change, U.S. ratification of the disability treaty will validate that all men are indeed equal and that, Senators, will have a resounding impact on the one billion persons with disabilities in the United States and around the world.

The CHAIRMAN. Thank you, Mr. Secretary.  
Attorney General Thornburgh.

**STATEMENT OF HON. RICHARD THORNBURGH, FORMER ATTORNEY GENERAL OF THE UNITED STATES, OF COUNSEL, K&L GATES, LLP, WASHINGTON, DC**

Mr. THORNBURGH. It is a distinct pleasure for me, Mr. Chairman and Ranking Member Corker and other members of this committee, to testify once again before this committee in favor of the ratification of the Convention on the Rights of Persons with Disabilities.

This treaty is an important component of the worldwide effort to advance disability rights. U.S. ratification would mark a major step forward in this effort and to promote the rights of some 1 billion men, women, and children with disabilities around the world who lack recognition of their preeminent human rights. It would also serve to confirm American leadership in disability rights on the world stage.

Today, we are witnessing a new era of worldwide recognition of disability rights. To date, as you heard, a total of 158 countries, including the United States, have signed the Convention, and 138 have ratified its terms.

As many of you may know, I have been involved in the disability movement for many years. I am also the father of a man with intellectual and physical disability, my son Peter, who was seriously brain-injured at the age of 4 months in a 1960 automobile accident that tragically took the life of his mother, my first wife. As Attorney General of the United States, it was my great privilege to serve as the point person for the administration of President George H.W. Bush in the bipartisan effort to secure the passage of the Americans with Disabilities Act in 1990.

We find ourselves in a different place today than when I testified before this committee last summer. We have had the benefit of extensive discussion of the provisions of the Disability Treaty and their impact on U.S. domestic law, and on the nature of U.S. leadership in the world, and indeed on the very nature of the treaty process itself. Most important to me was the committee's adoption of a series of reservations, understandings, and declarations—RUDs, as we now know—that helped to clarify the scope and meaning of the Convention. With the inclusion of these reservations, understandings, and declarations, the Disability Treaty would require no changes to U.S. Federal or State law, and it would have no impact on the Federal budget. The important

reservation on federalism would ensure that the obligations that we undertake under the Convention are limited to the authority of the Federal Government and do not reach areas of a State and local jurisdiction. The reservation regarding private conduct would ensure that the United States will not accept any obligation, except as mandated by the Constitution and laws of the United States.

I understand that some persons have challenged the long accepted practice of using RUDs in treaties. Such claims are misguided and, quite simply, extraordinary. When the U.S. Senate attaches conditions to any treaty during its advice-and-consent process, these conditions become part of the treaty and have the force and effect of law.

Significantly, the Disabilities Treaty itself, by its own terms, allows nations to add their own reservations during the ratification process. The only limitation on the reservation process being that such reservation shall not be incompatible with the object and purpose of the Convention.

In article 1, the Convention states that its purpose is to promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. Because the object and purpose of the Disabilities Treaty is to recognize and provide disability rights for persons with disabilities, the RUDs included by the committee last year fall well within this legal standard.

The claims that somehow ratification will undermine U.S. sovereignty are misplaced. Some have raised alarms over the existence of a disability committee created by the treaty. This committee would have only an advisory role, and there would be no call for its being entered as a law under our Constitution and legal standards.

Nothing in this treaty prevents parents from homeschooling or making other decisions about their children's education. The Convention embraces the principles of the Individuals with Disabilities Education Act, adopted in this country, which emphasizes the importance of the role of parents of children with disabilities in making decisions on behalf of their children. In fact, many of the parents of children with disabilities choose to homeschool their children in order to provide an appropriate level of care and attention. And the Convention specifically recognizes and protects the important role of the family, and protects children from being separated from their parents on the basis of a disability.

Ratification of the Disability Rights Convention is an opportunity to export to the world the very best we have to offer. This is a chance to use our rich national experience in disability rights, which has gained us the respect of the world community, to extend the principles embodied in the ADA to hundreds of millions of people with disabilities worldwide who today have no domestic protection. We must ratify this Convention so that we can fulfill the role of world leader that is expected of us.

Thank you for your attention.

[The prepared statement of Mr. Thornburgh follows:]

## PREPARED STATEMENT OF RICHARD THORNBURGH

It is a distinct pleasure for to me to testify once again before this committee in favor of the ratification of the Convention on the Rights of Persons with Disabilities (the Convention or Disabilities Treaty). The Disabilities Treaty is an important component of the worldwide effort to advance disability rights. Ratification would mark a major step forward in the effort to end discrimination and to promote the rights of some 1 billion men, women, and children with disabilities around the world who seek recognition of their preeminent human rights. It would also serve to confirm American leadership in disability rights on the world stage.

Today we are witnessing a new era of worldwide recognition of disability rights. To date, as I last looked, a total of 158 countries (including the United States) have signed the Convention and 138 have ratified its terms. It is significant that the language of the Convention closely follows U.S. law and our own pioneering efforts in the recognizing and enforcing disability rights. It is equally significant that the United States remains on the sidelines as countries around the world ratify and work to comply with the Disabilities Treaty. U.S. Senate ratification of the Convention will rectify this anomaly and provide a major leap forward in securing equal rights around the world for persons with disabilities.

## I.

As many of you may know, I have been involved in the disability movement for many years. I was a founding director of the National Organization on Disability (NOD) back in 1982 and later served as Vice Chairman of its international arm, the World Committee on Disability. I am also the father of a man with intellectual and physical disability—my son, Peter, who was seriously injured at the age of 4 months in a 1960 automobile accident that tragically took the life of his mother, my first wife.

As Governor of Pennsylvania and Attorney General of the United States, I have had the privilege of working in official capacities for the inclusion of people with disabilities in all aspects of life. Indeed, it was my special privilege to serve as the point person for the administration of President George H.W. Bush in the bipartisan effort to secure the passage of the Americans with Disabilities Act (ADA) in 1990.

This work has become a family affair, as my wife, Ginny, whom I married in 1963, founded NOD's Religion and Disability Program, designed to insure spiritual and religious access to persons with physical, mental, sensory and intellectual disability. She is now the Director of the Interfaith Initiative at the American Association of People with Disabilities coordinating efforts by leaders of many faiths to advance the cause of disability rights. As the Convener of the Interfaith Disability Advocacy Coalition (IDAC), she has transmitted support for the Convention from 41 national religious or religiously affiliated organizations to members of this committee. We have thus had the great privilege of merging our personal and career objectives in this worthy cause.

I know firsthand from my service as an Under Secretary General at the United Nations in the immediate post-cold-war era of the long struggle to obtain passage of this Convention. The effort had its genesis in the 1981 Year of Disabled Persons, followed by the Decade of Disabled Persons and the promulgation of the World Programme of Action Concerning Disabled Persons, all providing focal points for efforts to internationalize concerns about disability rights. I particularly recall attending the historic gathering in Montreal in October 1992 of the very first International Conference of Ministers Responsible for the Status of Persons With Disabilities where leaders of 73 governments throughout the world met for the first time to exchange ideas and fashion strategies which ultimately led to the adoption of the Convention.

The Convention represents important principles that as Americans we hold dear—basic recognition and equal protection of every person under the law, nondiscrimination, the fundamental importance of independent living, and the right to make basic choices about our lives. We pioneered these basic principles under American law through passage of the ADA. We in the United States are demonstrating that people with disabilities can participate fully in our democracy. We are demonstrating that society, as a whole, is richer and better off when people with disabilities are included fully in every aspect of life. It is my hope and expectation that the United States will assume an equally important leadership role in helping to promote these basic principles worldwide by the ratification of this Convention.

Over 20 years ago, while serving as U.S. Attorney General, I testified before House and Senate committees of the U.S. Congress in support of the ADA. During those hearings I acknowledged that no piece of legislation could alone change the longstanding misperceptions that many people have about disability—mispercep-

tions based largely on stereotype, ignorance, and fear of what is different. Any reshaping of attitudes would have to be the gradual result not of the words or ideas in the laws, but of bringing people with disabilities from the margins of society into the mainstream of American life—in our schools and workplaces, on buses and trains, and in our courthouses, restaurants, theaters and congregations—where they not only have an absolute right to be but where we have an obligation as fellow human beings to welcome them as equals.

The effort to secure passage of the ADA was difficult. But, this legislation, with its innovative concepts such as the need for “reasonable accommodation,” is changing America. It has truly made us more representative, more democratic and more empowering by ending the unchecked exclusion of 54 million Americans from our daily lives.

Fortunately, the Disabilities Convention is an embodiment of the nondiscrimination principles developed in the United States. Its principles and, indeed, much of its language, come directly from U.S. law, adopting the successful and balanced approach of U.S. federal disability rights law. It embodies the traditional American ideals that form the basis of the Americans with Disabilities Act—the core principles of nondiscrimination and equality of opportunity. And the Convention adopts the U.S.-balanced approach to accessibility. Each requirement is tempered by limitations that reflect the difficulty and costs of achieving accessibility. Thus the obligation to make reasonable accommodation to employees is limited by undue hardship. Businesses do not have to make changes to their programs and services if they are too costly or would fundamentally change the nature of the program or service.

The comprehensive nature of the treaty also mirrors the U.S. approach to disability rights. Both U.S. law and the Disabilities Treaty recognize that persons with disabilities will not be able to enjoy equal opportunity unless there is broad coverage. Having an education loses its meaning if jobs are foreclosed to students with disabilities. Nondiscrimination in employment will not be meaningful unless persons can get to work on accessible transportation. Having a job will lose its meaning if persons are unable to enjoy the fruits of their labor, from dining at a restaurant, going to a movie, or traveling across the country. Thus, then, like U.S. law, the Disabilities Convention is comprehensive in its approach. It addresses access to facilities, political participation, access to justice, access to education, employment, health care, participation in public and cultural life, recreation, leisure activities, and sports. It upholds freedom of expression, access to information, the ability to live independently in one’s own community, and freedom from torture and other cruel, inhuman, or degrading treatment.

Because of our adoption of the ADA and other disability rights legislation, the United States is viewed internationally as a pioneering role model for disability rights. Disability activists from other countries have taken the ADA to their governments and said, “This is how it should be done. We need to do this here in our country.” And governments around the world have responded. As one who worked hard to gain protection of these rights in the United States, I am very proud to see how these basic principles are now on the way to being established as a part of international law through the adoption of the CRPD. As we overcame so many barriers to the enactment and implementation of the ADA, I am confident that we can be part of an even greater coalition to bring about worldwide support for this Convention as well.

Despite progress already made, disability as a global issue remains near the bottom of the list of priorities in many governments and societies. People with disabilities remain among the poorest, least educated and most abused and excluded people on earth. We must recognize that the challenges we face are intimately linked with the very circumstances of economic, social, and political marginalization that affect people with disabilities around the world.

## II.

We find ourselves today in a different place than when I testified before this committee last summer. We have had the benefit of extensive discussion of the provisions of the Disabilities Treaty and their impact on U.S. domestic law and on the nature of U.S. leadership in the world and, indeed, on the very nature of the treaty process itself.

Most important to me was the committee’s adoption of a series of reservations, understandings, and declarations (RUDs) that clarified the scope and meaning of the Convention. With the inclusion of these reservations, understandings, and declarations, the Disabilities Treaty will require no changes to U.S. Federal or State law and it will have no impact on the Federal budget. The important reservation on federalism ensures that the obligations that we undertake under the Convention

are limited to the authority of the Federal Government and do not reach areas of State and local jurisdiction. The reservation regarding private conduct will ensure that the U.S. will not accept any obligation except as mandated by the Constitution and the laws of the United States, such as the ADA and others like the Individual with Disabilities Education Act. Thus, as with our current law, religious entities, small employers, and private homes would be exempt from any new requirements.

I also call to your attention the important understanding on what are called economic, social, and cultural rights. This understanding makes clear that, even if any of the Convention's provisions could be read to establish new rights, the U.S. recognizes that its obligations under the Convention are limited to those of nondiscrimination and that the treaty only requires that the U.S. will guarantee persons with disabilities rights under U.S. law to the same extent that such rights are recognized with regard to persons without disabilities and will do so on a nondiscriminatory basis.

I understand that some persons have challenged the long-accepted practice of using RUDs in treaties. Such claims are misguided and, quite simply, extraordinary. When the U.S. Senate attaches conditions to any treaty during its advice-and-consent process, these conditions are binding on the President and the President cannot proceed to ratify a treaty without giving them effect. These conditions become part of the treaty and have the force and effect of law. The various courts of the United States have upheld the validity of reservations, understandings, and declarations.<sup>1</sup> Further, administrations of both political parties have uniformly held this view. In 1995, the United States stated that "reservations are an essential part of a State's consent to be bound. They cannot simply be erased. This reflects the fundamental principle of the law of treaties: obligation is based on consent. A State which does not consent to a treaty is not bound by that treaty. A State which expressly withholds its consent from a provision cannot be presumed, on the basis of some legal fiction, to be bound by it."<sup>2</sup>

Significantly, the Disabilities Treaty itself, by its own terms, allows nations to add its own reservations during the ratification process. The only limitation on the reservation process being that such reservations shall not be incompatible with the object and purpose of the Convention. In Article 1, the Convention states that its purpose is to "promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity." Because the object and purpose of the Disabilities Treaty is to recognize and provide disability rights for persons with disabilities, the RUDs included by the committee last year fall well within this legal standard. Any criticism that the wide-ranging laws of the United States in the disability rights arena, recognized even by opponents of the treaty as the "gold standard" for the world, somehow do not meet the object and purpose of the treaty is fanciful at best.

Similarly the extended body of law on how the Disabilities Treaty affects U.S. sovereignty bears revisiting. Exercising our Constitution's treaty-making power is itself a declaration of our sovereignty. In this instance, where the treaty adopts American ideals and legal principles and encourages the nations of the world to follow our model of equal opportunity and nondiscrimination, U.S. interests and influence is being extended. The Convention embodies the traditional American ideals that form the basis of our own ADA—empowering persons with disabilities to be independent, to claim responsibility for their own lives, and to be able to make their own choices. Ratification presents us with the opportunity to reaffirm these values and to export American ideals around the world.

The claims that somehow ratification will undermine U.S. sovereignty are misplaced. Some have raised alarms over the existence of the Disabilities Committee created by the treaty. This Committee, a group of 18 experts elected by the nations that have ratified the treaty, meets twice each year to review the reports submitted by those countries that have ratified the treaty. By the terms of the treaty itself this Committee is advisory only. The Committee is authorized only to respond to reports with "suggestions and general recommendations." The Committee's suggestions, observations, and opinions are not binding and cannot compel any action in the United States. The treaty provides no vehicle for the U.N. or any U.N. officials

<sup>1</sup>See *Sosa v. Alvarez Machain*, 542 U.S. 692 (2004)(Self-executing declaration); *Auguste v. Ridge*, 395 F.3d 123 (3d Cir. 2005)(Understanding); *Buell v. Mitchell*, 274 F.3d 337 (6th Cir. 2001)(Reservation); *Beazley v. Johnson*, 242 F.3d 248 (5th Cir. 2001)(Reservation and self-executing declaration).

<sup>2</sup>"Observations by the Governments of the United States and the United Kingdom on Human Rights Committee General Comment No. 24(52) relating to reservations," U.N. document A/50/40, March 28, 1995, p.1.

to interfere in American jurisprudence. Any concern that this Committee can have any role other than an advisory one was further allayed by the understanding adopted by the Committee last year that made clear that the Committee has no authority to compel any U.S. actions and that its conclusions, recommendations, or general comments were not legally binding on the United States in any manner.

It is correctly noted that by ratifying the Convention, the United States agrees to report regularly to an international advisory body. We have nothing to hide. We can only gain from participating in the process of international review. Moreover, we should not be so proud as to think that we cannot learn from other countries about how to meet the challenge of providing even better opportunities for people with disabilities.

As with other treaties entered into by the United States, the Disabilities Convention will include a declaration that the treaty is not self-executing. Thus, the treaty does not of itself give rise to individually enforceable rights and cannot be directly enforced by courts in the United States. The fact that the Disabilities Treaty is not self-executing actually means something. No one will have standing to use the treaty in a court in the United States nor can any U.S. court interpret the treaty. Simply put, U.S. sovereignty with regard to domestic decisionmaking will be fully respected and preserved.

Others have raised concerns that the treatymaking power of the United States should be limited to matters of national security, that somehow we should proscribe entering into treaties on human rights issues. I know of no subject matter limitation on our treatymaking powers in the U.S. Constitution. Further, the United States has long entered into treaties well beyond this suggested narrow reach, including, for example, treaties providing for the protections of intercountry adoptions, defining the ability of American parents to recover child support in foreign countries, protecting intellectual property, or recognizing the elimination of racial discrimination. Most importantly, such a crabbed view of our treatymaking power will seriously undermine our standing as a champion of human rights and undercut our credibility to advocate for changes in human rights in regimes across the globe that do not adhere to basic American principles.

Let me address for a moment the painful and, I must admit, somewhat puzzling question of the seeming reluctance of some in our own Nation to continue our lead role in this international effort. To begin with, it has been argued that disability rights are more appropriately addressed as solely a domestic concern, given the complexity of the issues involved. In other words, this really isn't an appropriate subject for international protection. Certainly, good domestic legislation in every country would be the ideal solution. But since many countries don't have such protections, it does not seem reasonable to expect that this will change dramatically without international pressure. The fact is, for many countries, international conventions have already served as a catalyst for the development of important domestic protections in many other areas.

Nor will the Disabilities Treaty require a national registration of all children born with disabilities. Article 18 of the Disabilities Convention requires nations to register children with disabilities at birth. This provision recognizes the horrible practice of denying personhood status for infants with disabilities, which leads directly to the practice of infanticide in cultures across the globe that do not recognize the value of all human life. In the United States the individual states require the registration of each child at birth through State and local birth certificate processes. Here the Disabilities Treaty and U.S. moral leadership will provide much-needed protection in other countries where there is no provision for a birth certification process.

Nothing in this treaty prevents parents from homeschooling or making decisions for their children. The Convention embraces the principles of our IDEA, the Individuals with Disabilities Education Act, which emphasizes the importance of the role of parents of children with disabilities making decisions on behalf of their children. In fact, many parents of children with disabilities choose to homeschool their children in order to provide an appropriate level of care and attention. In fact, the Convention specifically recognizes and protects the important role of the family and protects children from being separated from their parents on the basis of a disability. Last year, the Committee included an understanding that made clear that the use of the phrase "the best interest of the child" would not have the purpose or effect of limiting parental authority in making homeschooling decisions. While not necessary, inclusion of a similar understanding this year would eliminate any concerns on this issue.

As a practical matter, the United States will have much more authority to speak out about these and other forms of discrimination against people with disabilities

worldwide if we agree to abide by the same international scrutiny at home. We already have laws in place that are consistent with the CRPD.

The Convention provides governments with core, minimum standards needed to make essential reforms without locking different countries into one particular approach or another. This approach is a strength of the Convention, not a weakness. This approach addresses the unwarranted criticism that the Convention itself does not contain a specific definition of disability. Instead the Convention recognizes in its preamble that disability is an evolving concept that results from the interaction between a person's impairments and the attitudinal and environmental barriers that hinder the full and effective participation in society. The Convention then allows each nation state to pursue its own definition of disability under this rubric.

We in the United States have worked over the years to refine our own definition of disability for our nondiscrimination laws. The original definition in the ADA, which was drawn from the definition of disability in the Rehabilitation Act of 1973, was reworked in the ADA Amendments Act of 2008. We have a strong, workable definition of disability in the United States. This committee recognized this definition in an understanding that defined disability for the Disabilities Treaty as it is defined and used under the Americans with Disabilities Act. This approach is sound and lays to rest any concerns about lack of clarity or potential misunderstandings.

One other issue caused considerable discussion in last year's debates on the CRPD, the issue of abortion. The CRPD is a disabilities treaty; it is a non-discrimination treaty; it is not about abortion. In fact, the word abortion is not even in the treaty. The CRPD does not create new abortion rights nor does it require funding for abortion. Instead the treaty recognizes, plainly and baldly, the right of persons with disabilities to life. Article 10 reaffirms that "every human being has the inherent right to life" and calls upon nations to take all necessary measures to protect the lives of persons with disabilities on an equal basis with all other peoples. The Convention, for the first time in the international realm, specifically labels as an act of discrimination the denial of medical care or food and fluids on the basis of disability. The United States should ratify this language and assume a leadership role in ending the all-too-common and horrible practice of denying medical attention and food and water to newborns with disabilities, even to those with such disabilities as spina bifida. The Convention does use the phrase sexual and reproductive health programs in the Article on health. This phrase was included to dispel the stereotype that persons with disabilities are not sexual beings and to ensure that nations will address the practice of forced sterilization of persons with disabilities, often those with intellectual disabilities. A practice that was used and ratified in this country in the 19th century by the Supreme Court in *Buck v. Bell*, 274 U.S. 200 (1927).

Finally, some have said that, because of America's comprehensive domestic protections, a treaty on disability would have no relevance in our own country. But, let's hold on a minute. We are indeed at this time the most progressive country in the world when it comes to the domestic protection of disability rights. The universality of rights and fundamental freedoms—as expressed in our Declaration of Independence—is the foundation on which our entire society is based. Respect for human rights is also a stated principle of our foreign policy—precisely because we recognize that stability, security and economic opportunity in any society presuppose a social order based on respect for the rights of its citizens. Given this history and these values, it would seem natural for the United States to assume a leading role—not a passive one—in the effort to recognize and enforce an international treaty of this kind.

Ratification of the Disability Rights Convention is an opportunity to export to the world the very best we have to offer. This is a chance to use our rich national experience in disability rights—which has gained us the respect of the world community—to extend the principles embodied in the ADA to the hundreds of millions of people with disabilities worldwide who today have no domestic protection. This is worthy of our leadership. We have everything to gain and nothing to lose by playing the role the world expects of us. We must ratify the Convention so that we can fulfill that role.

### III.

Just as in the case of the ADA, we must recognize that the Convention will not provide instant legal solutions that can effect immediate changes in attitudes and cultural perceptions; nor will it dispel the ignorance that leads to discrimination and human rights abuses of people with disabilities. What it will do is create a permanent place for disability within the human rights framework. It will put disability issues on the radar screen of governments and societies as a legitimate human

rights concern to which they must pay heed. It will provide guidance and standards and create legal obligations for governments to respect the rights of this sizable population. It can serve as a powerful advocacy tool for the global disability movement to promote inclusion and equality of opportunity.

Before closing let me say a word, in particular, about the developing nations of the world wherein, it is estimated, some 80 percent of the world's disabled population lives. Most of these persons are at the margin of their respective societies. Priority concerns of just surviving—combating hunger, securing shelter, and eking out a daily existence—unfortunately take present precedence over concerns for people with disabilities.

It is sometimes said that, in nations struggling with a full agenda of political and economic problems and the effort to achieve basic human rights for all their citizens, the interests of persons with disabilities are likely to be set to one side for “future consideration,” i.e., when these other more important matters have been addressed.

On the contrary, I would suggest that what responsible leaders of developing nations need to realize is the unique opportunity they have to embed disability rights in their emerging institutions as part of their development efforts, to build an infrastructure of government, economy and human rights that includes and respects the interests of persons with disabilities from the very beginning. For it is no exaggeration to say that the way a society treats its citizens with disabilities is a valid measure of the quality of life and respect for human dignity in that society.

Even after ratification and implementation of the Convention, change will be gradual—and perhaps painfully slow, to be sure, but these represent important first steps we can take toward promoting change on a global scale. This Convention can help all of us to focus world attention on those worldwide whose rights have been ignored for far too long. Let's be about the business of seeing that those rights are honored, and implemented, now and forever more, by providing timely ratification of this important Convention.

The CHAIRMAN. Thank you.

Dr. Yoshihara.

**STATEMENT OF SUSAN YOSHIHARA, SENIOR VICE PRESIDENT FOR RESEARCH AND DIRECTOR, INTERNATIONAL ORGANIZATION RESEARCH GROUP, THE CATHOLIC FAMILY & HUMAN RIGHTS INSTITUTE, WASHINGTON, DC**

Dr. YOSHIHARA. Chairman Menendez, Ranking Member Corker, members of the committee, thank you for inviting me to present my views on the Convention on the Rights of Persons with Disability.

I appreciate the high hopes that some of my fellow veterans have for this treaty. I am one of many veterans who do not share that optimism and, like the group AMVETS, realize that, while the treaty might help improve conditions abroad, American ratification of the treaty will not help disabled Americans, here or abroad.

Secretary Kerry recently addressed the U.N. High Level Summit on Disabilities. He called the ADA the gold standard. And, notably, he did not mention this treaty. There, in that forum, nations like Russia declared that the United States is their role model. This shows that the United States is not only at the table, it is at the head of the table. When it comes to treaties, other governments will comply with or shirk their obligations whether we bind ourselves to them or not.

Now, I have been asked to address something in particular, the controversial term “sexual and reproductive health” in the treaty. I took part in the last round of treaty negotiations when it was inserted, and there is no better example of the way U.N. bureaucracies disregard the will of nations by routinely misinterpreting international obligations and, instead, promote their own agenda.

First, 23 nations opposed this term throughout the negotiation. This large number would usually have ended debate. And, to get

it into the treaty, proponents had to resort to things like secret meetings and venues where not all delegates were allowed. Nonetheless, nations were assured during negotiations that the treaty created no new rights and that the term would not be used to promote abortion. Yet, many nations took the additional step of putting this in the record on the day of adoption. Fifteen nations, nearly half of all the statements made that day, focused on reinforcing this understanding, including the American statement. Some reiterated that at the time of signature or accession, believing that it would be accepted and honored in good faith. But, since the time of adoption, their fears have come true. Countries are being pressured to change their laws.

For example, in May, UNICEF announced that it interprets the Disabilities Convention and the Convention on the Rights of the Child as giving children as young as 10 years old a right to confidential reproductive and sexual health services. This means that adults who are not the child's parents can supply sexual information and medical services without their parents' knowledge.

Now, second, human rights treaty bodies simply ignore the consensus of nations. In this case, the agreement that sexual and reproductive health does not include a right to abortion. Even before the Disabilities Treaty was adopted, in just a 10-year period, treaty bodies pressured more than 90 countries over 120 times to liberalize their laws on abortion, including the Human Rights Committee, who told Peru that carrying a disabled child to term was cruel and inhuman. These committees also pressure countries to remove their reservations, and encourage other governments to pressure those countries.

Now, sadly, the Committee on the Rights of Persons with Disabilities has taken up this practice and has already pressured Spain and Hungary on their abortion laws. The disabilities committees also told countries that they should remove all reservations, and this includes reservations that preserve the supremacy of national constitutions over the treaty if there is a conflict.

Now, in theory, treaty-monitoring bodies have no authority to interpret treaties in ways that create new obligations or that alter the substance of the treaties. But, in reality, jurists are accepting these interpretations as creating new obligations. The high courts of Colombia and Argentina changed their abortion laws, citing the U.N. committees as authoritative. Spain liberalized abortion in 2010, stating it did so because of this treaty and also the World Health Organization's definition of "sexual and reproductive health," a definition that has been rejected by U.N. member states for 20 years.

Now, third—the main problem with that is that these cases could reverberate in U.S. law—the third point I want to make is that this is not isolated just to this term. It is a systemic problem affecting a wide range of social and economic policies that Americans care about. The U.N. Human Rights Treaty system is in disarray.

Now things are so bad, last year the U.N. General Assembly launched a process to overhaul the monitoring committees and attempt to hold them accountable. Even the United States said, in those negotiations, that, before Americans give more money to the U.N. Human Rights Treaty system, we have to be sure the commit-

tees will not be doing business as usual and that the reforms will actually have effect.

Simply put, states' parties and U.N. bureaucracies find themselves at loggerheads on the interpretation of the text of the treaties and on the very purpose of the U.N. treaty system. We would do well to steer clear of lending it further credibility or subjecting our own laws to its scrutiny.

But, even without ratifying this controversial treaty, Americans are making life better for disabled persons all over the world through their generosity, through 77 programs at USAID, and countless other ways, and our example of our own laws. And our diplomats should continue to wield American credibility when promoting fairness, opportunity for persons with disabilities around the world.

Thank you.

[The prepared statement of Dr. Yoshihara follows:]

PREPARED STATEMENT OF DR. SUSAN YOSHIHARA

Chairman Menendez, Ranking Member Corker, members of the committee, thank you for inviting me to present my views on the Convention on the Rights of Persons with Disabilities.

I appreciate the hopes some of my fellow veterans have for this treaty. I am one of many veterans who do not share that optimism, and like AMVETS, realize that ratifying this treaty will not help disabled Americans here or abroad.

This treaty is meant to help other nations raise their standards to those of the Americans with Disabilities Act. Secretary of State Kerry addressed leaders at the U.N. High Level Summit on Disabilities a few weeks ago, reminding them that "in too many countries . . . we still see the rights and the dignity that we take for granted are not existent in many of those places." Yet experience demonstrates that other governments comply with, or shirk, their treaty obligations independent of whether or not we bind ourselves to them.

I have been asked to address the controversial term "sexual and reproductive health" in the treaty. There is no better example of the dangers of ratification or the way U.N. bureaucracies disregard the will of nations by routinely misinterpreting international obligations to instead promote their own agenda.

I want to make three points. The way that language got into the treaty, the dangers of the way it is being used, and how the example of sexual and reproductive health illustrates the current crisis within the U.N. treaty system.

This is the first time the term "sexual and reproductive health" appeared in any U.N. treaty and yet it was left undefined. While there may be a perception that the term achieved consensus, that was not the case. In fact, 23 nations opposed the term and opposition remained throughout the negotiations. I would point out that this is a very high number of objectors, and that ordinarily the language would have been removed. I included a detailed account of that negotiation in my law review article as an addendum to this testimony. In order to get the term into the text, proponents had to resort to secret meetings in remote venues where not all delegates were allowed.

On the day this landmark treaty was adopted, nearly half of all the statements made by countries struck a note of warning. Fifteen nations rose to reject the term, declare it did not include abortion, or to say the treaty created no new rights. The United States said the treaty "cannot be interpreted to constitute support, endorsement, or promotion of abortion."<sup>1</sup> Four countries would go on to make such statements at the time of signature or accession.

During negotiations, nations were assured that a footnote in a draft of the treaty would clarify the issue, but that footnote does not accompany the treaty. It is not a part of the materials provided by President Obama for ratification by the Senate. The bottom line is that many countries were not satisfied with assurances that the presence of this term in the treaty would not be used to promote new rights.

Since the time of adoption, their fears have come true: countries are being pressured to change their laws. For example, UNICEF announced in May the Disabilities Treaty and Convention on the Rights of the Child give children as young as 10 years old a "right" to "confidential" reproductive and sexual health services. This

means adults who are not the child's parents can supply sexual information or medical services (including pharmaceuticals) without their parents' knowledge.<sup>2</sup>

The second point I want to make is how this term is used.

We should be clear. The Disabilities Treaty includes "sexual and reproductive health" as a category of nondiscrimination and not as a right. But this should not allay the concerns of lawmakers. In 10 year's time, treaty bodies pressured more than 90 countries over 120 times to liberalize abortion, even though no U.N. treaty mentioned reproductive health or rights, let alone abortion.

The term "sexual and reproductive health" has only been defined once in a negotiated document, the nonbinding 1994 International Conference on Population and Development Program of Action (Cairo). Nations rejected any right to abortion at the Cairo conference; they only defined the term as including abortion where it is not against the law. Treaty bodies have ignored the agreement of nations at Cairo that regulation of abortion laws is the prerogative of sovereign states.

In just one example, the Human Rights Committee told Peru that its protection of an unborn disabled child was "cruel and inhuman" and therefore violated the treaty.<sup>3</sup> The following year when the Disabilities Treaty was adopted, the Holy See announced it would not sign the Disabilities treaty, explaining that "It is surely tragic that . . . the same Convention created to protect persons with disabilities may be used to deny the very basic right to life of disabled unborn persons."

The Committee on the Rights of Persons with Disabilities has already shown the same disregard for the agreement of nations on this issue, and it has pressured nations on their abortion laws. The committee took Spain and Hungary to task, noting that healthy children could be aborted legally through the first trimester and children identified to have abnormalities through the second trimester. Instead of recommending more protection for these children, the committee suggested they simply remove any "distinction" in the periods, in effect calling for liberalizing the law. Some countries have made reservations to the term sexual and reproductive health. The Disabilities committee has told countries they should remove all reservations. This includes reservations that preserve the supremacy of the national constitution over the treaty if they were to conflict. This raises concern, since this is precisely the type of reservation that the U.S. makes when entering into any treaty.

In theory, according to the treaties and under international law, treaty-monitoring bodies have no authority to interpret these treaties in ways that create new state obligations or that alter the substance of the treaties.

In reality, jurists are accepting treaty body interpretations as creating new obligations. In 2006, Colombia's high court cited the U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) committee observations in a decision that liberalized abortion laws in that country. Last year Argentina's high court made a similar decision, citing the treaty body as authoritative. There is concern that such cases can reverberate in U.S. law. Some U.S. Supreme Court justices approve of considering international jurisprudence in U.S. decisions.

The committees use a notion of "evolving standards" to create new obligations and then promote their views as binding precedent by calling it "jurisprudence." This raises concerns of the emergence of an international custom on abortion, which other countries would consider binding on the U.S.

If nations were convinced that there were no danger of new rights being imposed on states parties to this treaty, there would be no need for these same nations to be taking measures to reject the treaty body's broad interpretations of "sexual and reproductive health," and to reject similar terms such as "reproductive rights." Yet that is what is happening. This is most notable in meetings such as the 2011 Rio High Level Summit on Sustainable Development, and this year's negotiations over the Sustainable Development Goals, which will set the agenda for U.N. development spending for decades to come.

At the same time, U.N. agencies have promoted broad interpretations of these terms more assertively than ever in policy documents from the Office of the High Commission on Human Rights and the World Health Organization. Just weeks ago, the CEDAW committee issued its views to states parties that nations are obligated to provide "sexual and reproductive health care" in situations of conflict that includes "abortion services"<sup>4</sup>. This contravenes U.S. law.

This brings me to my third point: the U.N. human rights system is in disarray. The U.N. General Assembly launched a process to overhaul the monitoring committees last year.<sup>5</sup> Backlogs, inefficiency, the proliferation of reports—many of which examine domestic laws and policies lying far beyond committee mandates—have simply overwhelmed states parties and the committee staff. Treaty body members say this is the result of new accessions to the treaty and a testament to the success of the treaty body system. In reality, the problem is in large part the treaty body

working methods developed by the committees and the Secretariat, the Office of the High Commissioner on Human Rights.

What was once a straightforward reporting mechanism has become a laborious monitoring process where committees instruct parties on how to implement treaties. Rather than a forum where countries can seek best practices, it has become a venue for upbraiding countries via elaborate treaty interpretations that sometimes intrude upon the democratic process.

Even the United States has said during treaty body reform negotiations that before Americans invest more money in the treaty bodies we must be sure the committees will not be conducting business as usual, and reforms will actually have an effect.

Simply put, states parties and U.N. bureaucracies find themselves at loggerheads on the interpretation of sexual and reproductive health and at odds on the purpose of the U.N. treaty system itself. This has raised the question of whether the United States, or any of the dozens of countries who have not ratified the treaty, should lend the system credibility or put themselves under its review. They should not.

The good news is that the U.S. doesn't need to be a party to this treaty to promote its best practices.

As Secretary of State Kerry told the U.N. high-level summit on disabilities just a few weeks ago, the Americans with Disabilities Act is the "gold standard." He encouraged the "international community to look at, study, and, hopefully, emulate this law," and the many other laws, policies, and programs Americans have already enacted. Notably, other countries rose to recognize American leadership at the summit. Russia said the United States remained the model for its own efforts.

As the High Level Summit demonstrates, not only are Americans at the table, they are at the head. We can expect that, even without ratifying this controversial treaty, U.S. diplomats will continue to wield American credibility when promoting fairness and opportunity for persons with disabilities around the world.

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#### End Notes

<sup>1</sup>Lithuania said: "the concept of 'sexual and reproductive health' used in Article 25(a) of the Convention shall not be interpreted to establish new human rights and create relevant international commitments of the Republic of Lithuania. The legal content of this concept does not include support, encouragement or promotion of pregnancy termination, sterilization and medical procedures of persons with disabilities, able to cause discrimination on the grounds of genetic features." Malta said: "the phrase 'sexual and reproductive health' in Art 25 (a) of the Convention does not constitute recognition of any new international law obligation, does not create any abortion rights, and cannot be interpreted to constitute support, endorsement, or promotion of abortion. Malta further understands that the use of this phrase is intended exclusively to underline the point that where health services are provided, they are provided without discrimination on the basis of disability. Monaco said: "articles 23 and 25 of the Convention must not be interpreted as recognizing an individual right to abortion except where expressly provided for under national law."

<sup>2</sup>UNICEF director Tony Lake asserted in the agency's May 2013 report, "Under the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD), all children have the right to the highest attainable standard of health. It follows that children with disabilities are equally entitled to the full spectrum of care—from immunization in infancy to proper nutrition and treatment for the ailments and injuries of childhood, to *confidential sexual and reproductive health information and services during adolescence and into early adulthood*. Equally critical are such basic services as water, sanitation and hygiene." UNICEF, State of the World's Children 2013, page 23. Emphasis added. ([http://www.unicef.org/sowc2013/files/SWCR2013\\_ENG\\_Lo\\_res\\_24\\_Apr\\_2013.pdf](http://www.unicef.org/sowc2013/files/SWCR2013_ENG_Lo_res_24_Apr_2013.pdf))

<sup>3</sup>For an example of national courts considering the rights of disabled unborn, see the case of *Costa and Pavan v. Italy*, (No. 54270/10, 28 August 2012), in which the Italian court took a significant step toward the recognition of a right to a genetically healthy child, which the Court calls the "right [of the applicants] to bring a child into the world who is not affected by the illness that they carry" (§ 65).

<sup>4</sup>U.N. Committee on the Elimination of Discrimination Against Women (CEDAW), General recommendation No. 30 on women in conflict prevention, conflict and post conflict situations, 18 October 2013 Available at (<http://www.ohchr.org/Documents/HRBodies/CEDAW/GComments/CEDAW.C.CG.30.pdf>). See also: United Nations, Interim report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Aug. 3, 2011. Available at ([http://www.un.org/ga/search/view\\_doc.asp?symbol=A/66/254](http://www.un.org/ga/search/view_doc.asp?symbol=A/66/254)). World Health Organization. Safe abortion: technical and policy guidance for health systems. World Health Organization, Geneva, Switzerland (2012) 134 pp. ISBN 978 92 4 154843 4 Available at ([http://www.who.int/reproductivehealth/publications/unsafe\\_abortion/9789241548434/en/](http://www.who.int/reproductivehealth/publications/unsafe_abortion/9789241548434/en/)). Office of the High Commissioner on Human Rights, Technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality, 2012. Available at ([http://www2.ohchr.org/english/issues/women/docs/A.HRC.21.22\\_en.pdf](http://www2.ohchr.org/english/issues/women/docs/A.HRC.21.22_en.pdf)).

<sup>5</sup>See U.N. General Assembly Resolution A/RES/66/254, (<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/474/06/PDF/N1147406.pdf?OpenElement>).

The CHAIRMAN. Thank you.  
Professor Meyer.

**STATEMENT OF TIMOTHY L. MEYER, ASSISTANT PROFESSOR OF LAW, THE UNIVERSITY OF GEORGIA SCHOOL OF LAW, ATHENS, GA**

Mr. MEYER. Thank you, Chairman Menendez, Ranking Member Corker, and members of the committee, for the opportunity to appear before you today.

Unlike my colleagues, I am not here either to support or oppose the Convention. Rather, I am here hopefully to clarify the legal status of the work of the Committee on Disabilities.

I am a professor of international law at the University of Georgia, and formerly an attorney advisor at the State Department's Office of the Legal Advisor.

Senators, as you know, the CRPD creates a Committee on the Rights of Persons with Disabilities that its purpose is to consider reports made by the states' parties and then to make suggestions, recommendations, and comments on those reports and with regard to the Convention.

Now, in performing this task, the committee inevitably has to interpret the obligations that are created by the Convention. These interpretations that are issued by the committee are not legally binding, and the committee does not have any authority to compel any changes to U.S. law. There is no legal authority for that.

Neither, though, are these interpretations without effect. The obligations created by the Convention are vague; and thus, no state party is able to form any opinion about whether it or any other party is complying with the Convention, unless it forms some more specific notion of what constitutes compliance. It is, therefore, possible that other states' parties would look to the committee, and—possible, and even likely—that other states' parties would look to the committee and its interpretations of the Convention, informing their view of what counts as compliance with the Convention and the Convention's obligations.

This role for expert committees in human rights organizations has sometimes led them to claim that their interpretations of the Conventions are charged with implementing, while not legally binding, are entitled to considerable authoritative weight. This is not a term that is defined anywhere. Nevertheless, it is an authority that they have asserted. When they have asserted it, the State Department has always been clear to push back and point out that these interpretations issued by these committees are not legally binding. Nevertheless, this claim of authority remains out there and somewhat unclarified.

At the same time, declining to ratify the Convention does not ensure that the committee's interpretations will not be asserted against the United States. The committee's interpretations of the Convention are a possible basis for the formation of customary international law. Customary international laws form from a consistent and general state practice, but it does not require the universal assent of those governments that can be bound. Therefore, the committee's interpretations could be a basis of customary international law.

And moreover, it is the practice of expert committees under these human rights bodies to cite to each other's work and each other's interpretations of human rights laws when they are dealing with overlapping obligations. Therefore, it is possible that the United States would find work interpretations from the Committee on Disabilities cited against it in other treaty ratification human rights treaties bodies.

Therefore, if the United States does ratify the Convention, a strong package of RUDs could make clear that the United States does not view the work of the committee as the basis for forming customary international law, nor does the United States understand that the committee's interpretations are accorded any special weight by the states' parties. This would go, potentially, beyond the understanding that was incorporated in the Resolution for Ratification last year to make clear exactly what the United States views are with respect to the interpretations that are created by the committee.

With that, I will stop, and I look forward to your questions.  
[The prepared statement of Mr. Meyer follows:]

PREPARED STATEMENT OF PROFESSOR TIMOTHY MEYER

Chairman Menendez, Ranking Member Corker and members of the committee. Thank you for the invitation to testify today. My name is Timothy Meyer, and I am an Assistant Professor of Law at the University of Georgia School of Law in Athens, GA. I am pleased to offer my thoughts regarding the Convention on the Rights of Persons with Disabilities ("CRPD" or "the Convention").

Like most human rights treaties, the CRPD establishes an expert committee, the Committee on the Rights of Persons with Disabilities ("the Committee" or "the Committee on Disabilities"). I would like to focus my testimony today on the Committee on Disabilities' role in the implementation of the Convention. The Committee's principal task is to consider reports made by parties to the CRPD about their measures taken to comply with the Convention. The role of expert committees in general and the legal effect of their suggestions, recommendations, and comments is a subject of some debate among the various committees, member states, and academics. On the one hand, a number of commentators have expressed concerns that ratifying the Convention will result in unelected officials from multilateral organizations rewriting American laws. In response, others have pointed out that the Committee on Disabilities does not have the legal authority to compel any action by the United States. In my view, neither of these positions fully captures the way in which the suggestions, recommendations, and comments of human rights committees have effect.

I wish to make two points today regarding the role of these committees in general and the Committee in particular.

First, while reports of these expert committees are not legally binding, they do have legal significance because they influence how parties to the Convention perceive what constitutes compliance with treaty obligations and customary international law.

Second, declining to ratify the treaty does not necessarily mean that interpretations of human rights norms developed by the Committee will not be asserted against the United States. I therefore offer some possible understandings to the CRPD that would allow the United States to protect and advance its interests while ratifying the CRPD. These understandings would clarify that the Committee's interpretations of the Convention are not due any deference from parties to the Convention.

With that introduction, I will now elaborate on these points.

THE "SOFT" LEGAL NATURE OF EXPERT COMMITTEES

The CRPD requires that each State Party "submit to the Committee . . . a comprehensive report on measures taken to give effect to its obligations" under the Convention. CRPD art. 35(1). The CRPD then empowers the Committee on Disabilities to "make such suggestions and general recommendations on the report as it may consider appropriate." CRPD art. 36(1). The Convention requires States Parties to

make its reports “widely available to the public in their own countries and facilitate access to the suggestions and general recommendations” of the Committee. CRPD art. 36(4). The Committee on Disabilities is also authorized to “make suggestions and general recommendations based on the examinations of reports and information received from the States Parties” to the U.N. General Assembly and Economic and Social Council. CRPD art. 39. Moreover, it is common practice for expert committees to issue “general comments” which elaborate a committee’s interpretation of the treaty it is charged with implementing. The Committee on Disabilities has continued this practice.<sup>1</sup>

As a matter of international law, the Committee’s suggestions, recommendations, and comments are not legally binding. Nor does the Committee have the power itself to make customary international law. Provided that ratification of the Convention is accompanied by a declaration that the Convention is not self-executing and a package of reservations, understandings, and declarations (RUDs) clarifying that the Convention does not impose any obligations on the United States beyond those offered under existing state and federal laws, such as the Americans with Disabilities Act, the Committee’s work cannot be the basis for legally compelling any changes to federal law. Finally, the United States could ratify the Convention with a reservation to ensure that the United States undertakes no obligations that cannot be satisfied through federal legislation passed under Congress’ constitutionally enumerated powers. Where disabilities are concerned, congressional power to make federal laws flows primarily from Congress’ authority to regulate interstate and foreign commerce. U.S. Constitution, Art. I, Section 8. The United States could ratify the Convention with a reservation to those obligations in the Convention that cannot be satisfied under Congress’ authority to regulate interstate or foreign commerce or under another of Congress’ enumerated powers.<sup>2</sup>

Although the Committee’s suggestions, recommendations, and comments are not legally binding, they nevertheless can have indirect legal effect, what might be termed a “soft” legal effect.<sup>3</sup> As with many laws, both international and domestic, the substantive commitments contained in the Convention are vague and imprecise. Legal scholars often make a distinction between “rules” and “standards” in terms of how precise a law is.<sup>4</sup> As an ideal type, a “rule” is a law that that can be applied without any interpretation. An example is the speed limit. If the speed limit is 65 miles per hour, one only needs to answer the factual question of how fast the driver was going to know whether he was speeding. By contrast, if the rule is that drivers must drive at a “reasonable” speed, one must both interpret what “reasonableness” means and then determine factually whether the driver’s conduct conforms to the law. The commitments made by parties to the Convention are more like standards than rules. By this I mean that no one—other parties, the Committee, outside observers, etc.—can determine whether a state is complying with its obligations under the Convention without first forming some more specific notion of what the commitments undertaken in the Convention require.

The implementation of the Convention thus necessarily requires some interpretation of the Convention’s terms. As the United States has consistently maintained, the authority to issue legally binding interpretations of a treaty remains with the parties to the treaty unless the treaty specifically says otherwise.<sup>5</sup> But in considering the reports made by parties to the Convention, the Committee unavoidably has to give some meaning to the Convention’s vague obligations. It cannot otherwise assess the relationship between specific practices described in parties’ reports and the vague language of the Convention. Moreover, states parties to the Convention may look to the Committee for guidance as to how they might interpret the obligations created by the Convention. Thus, even though the Committee’s suggestions, recommendations, and comments are not legally binding, they can in some circumstances influence how other actors—parties to the Convention, including domestic courts and administrative agencies, as well as nongovernmental organizations—interpret and apply the Convention. In effect, an expert committee’s recommendations can sometimes become a focal point around which the expectations of a treaty’s parties coalesce when determining what constitutes compliance with vague treaty terms.<sup>6</sup>

This phenomenon is perhaps easiest to observe among international tribunals. Like the Committee on Disabilities’ suggestions, recommendations and comments, the decisions of most international tribunals are nonbinding with respect to states not party to the dispute.<sup>7</sup> There is thus little formal role for precedent in international law. In general neither international courts nor expert committees can lay down interpretations of treaties that bind the parties to the treaty prospectively. Nevertheless, tribunals frequently cite to and follow their own precedents, as well as the precedents of other tribunals.<sup>8</sup> The World Trade Organization’s Appellate Body has justified this practice as follows:

[It is well settled that Appellate Body reports are not binding, except with respect to resolving the particular dispute between the parties. This, however, does not mean that subsequent panels are free to disregard the legal interpretations and the ration decidendi contained in previous Appellate Body reports that have been adopted by the DSB . . . *Dispute settlement practice demonstrates that WTO Members attach significance to reasoning provided in previous panel and Appellate Body reports* [emphasis added].<sup>9</sup>

The mechanism through which international tribunals and expert committees have legal effect is thus not through any binding force of the decisions themselves, but rather because—and only to the extent that—parties to the Convention follow the interpretations and reasoning adopted by tribunals. Similarly, the Committee's interpretations of the Convention could be given effect when other legal actors attach significance to the reasoning or opinions provided by the Committee. This indirect effect is observable in the practice of U.S. Government agencies. To give but one illustrative example, a 2005 memo from the Justice Department's Office of Legal Counsel considered a report of the Committee Against Torture (a committee created by the Convention Against Torture and other Cruel, Inhumane, or Degrading Treatment (CAT) with a mandate similar to the Committee on Disabilities) alongside opinions of the Ninth Circuit of Appeals and the European Court of Human Rights in interpreting federal legislation implementing the CAT by prohibiting torture.<sup>10</sup>

An analogy to domestic lawmaking may help clarify the nature of the soft legal effect that these committees have. Domestic legal institutions frequently act in ways that do not have binding legal effect on other institutions, but nevertheless have indirect legal effects. I will highlight two particular kinds of domestic acts that are regularly given indirect legal effect but are not themselves law. First, congressional resolutions are not binding law. Yet scholars have argued that, despite the non-binding nature of resolutions, they are given soft legal effect when courts, administrative agencies, or the President incorporate congressional views expressed in resolutions into binding policies or rulings.<sup>11</sup> Similarly, the legislative history of statutes is not itself binding law. Nevertheless, courts routinely give legislative history legal effect when they use it to interpret statutes.<sup>12</sup> Second, domestic courts routinely cite the decisions of other courts as persuasive authority even when they are not bound to follow those courts' rulings. Federal circuit courts, for example, regularly look to each other's reasoning and analysis in interpreting federal law. They are free to, and frequently do, disagree with each other. But later courts also frequently adopt the reasoning and follow the decisions of earlier courts, even in the absence of a legal rule compelling that result. In the same way, nonbinding actions by international institutions such as the Committee on Disabilities can be given indirect legal effect.

Just as the Committee's nonbinding interpretations of the Convention may in some circumstances influence how parties view their obligations under the Convention, so too can parties' reactions to the Committee's interpretation shape the development of customary international law. It bears repeating that this does not mean that the Committee has the authority to make customary international law. It does not. But customary international law "results from a general and consistent practice of states followed by them from a sense of legal obligation."<sup>13</sup> States' interactions with human rights committees have at least the theoretical possibility of creating customary international law should states begin to act in accordance with a committee's interpretations of international law. Notably, customary international law does not require that all states participate in the practice in order for an obligation to arise.<sup>14</sup> Thus, a country not party to a treaty or interacting with the Committee could nevertheless end up bound by the resulting customary obligation. A government can protect itself from being so bound—under a doctrine known as the "persistent objector" doctrine—by monitoring the practices of other governments and objecting to being bound by a customary rule during the time the rule is forming.<sup>15</sup>

Thus, to simply state that the Committee has no authority to make binding determinations or to create customary international law does not do justice to the role of the Committee. The Committee unequivocally does not have the authority on its own to create legal obligations for states or to compel any action by parties to the Convention. The Committee cannot direct the United States to take any particular action and cannot rewrite American laws. But the Committee will play a role in influencing how the vague obligations in the Convention are interpreted and understood by States Parties and other actors. International law is, in a sense, a sort of common law. It develops through an accretion of precedents and through negotiations, both implicit and explicit, about the legal significance that should be accorded to the nonbinding acts of institutions like the Committee. The question is thus how

to best promote U.S. interests in light of the Convention and the role it affords the Committee.

POSSIBLE UNDERSTANDINGS TO THE CRPD

Significantly, not ratifying the CRPD would not necessarily eliminate the Committee's role in influencing how other states perceive the United States human rights obligations for two reasons. First, as discussed above, the Committee's interpretations and its dialogues with states are precedential acts that can contribute to the creation of customary international law. In its examinations of parties' reports, expert committees sometimes opine that particular treaty obligations constitute customary international law.<sup>16</sup> There is no denying that expert committees at times issue recommendations that go beyond what the parties contemplated when entering into a treaty.<sup>17</sup> Because the formation of a rule of customary international law does not require affirmative consent from all nations, failing to object to these expansive claims can lead to claims that a country is bound by rules it played no role in forming. The U.S. Government officials charged with appearing before human rights bodies and monitoring the activities of those bodies have ever been vigilant in protecting American interests against overreaching interpretations of what international law requires.<sup>18</sup> Having the opportunity to nominate an American to serve on the Committee and to appear before the Committee is an effective way to ensure that the Committee does not become a vehicle for creating customary international legal obligations that are contrary to U.S. interests.

Second, expert committees frequently cite to each other and to other human rights treaties in interpreting obligations in human rights agreements that overlap.<sup>19</sup> The CRPD itself expressly authorizes this conduct when it provides that: "The Committee shall, as it discharges its mandate, shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions." CRPD art. 38(2).

Not ratifying the Convention thus does not ensure that the United States would not face arguments that its conduct is inconsistent with human rights obligations as interpreted by the Committee on Disabilities. The CRPD includes a number of obligations that overlap with rights contained in the International Covenant on Civil and Political Rights ("ICCPR"), to which the United States is party. Conceivably, the United States could find arguments developed by the Committee on Disabilities in its interactions with parties to the CRPD also advanced under the ICCPR. Of course, interpretations developed by the Committee on Disabilities and advanced as consistent with obligations under the ICCPR would not be binding on the United States, just as interpretations developed by the Human Rights Committee under the ICCPR and the Committee on Disabilities under the CRPD are nonbinding. But by not participating in the development of these interpretations before the CRPD, the United States may lose some influence over how other nations understand the United States commitments under those treaties it has ratified.

In light of these considerations, I have two recommendations on how the United States might protect and advance its interests while ratifying the CRPD.

First, American interests at home can be protected through a declaration that the CRPD is not self-executing, as well as a package of reservations, understandings, and declarations (RUDs) that clarify that the United States is not undertaking any commitments that exceed the extensive rights available under existing federal and state laws. These RUDs signal to the Committee and other States Parties to the Convention the limits on the commitments the United States is making by ratifying the Convention. They also ensure that the power to change federal law remains with Congress. These RUDs are important. As the administration has made clear, the United States tends to follow a practice of "compliance before ratification."<sup>20</sup> RUDs thus give the United States the ability to ratify the Convention knowing we are already in compliance with the commitments that we are making, while increasing our ability to influence how the Convention's obligations are interpreted by parties that ratify before complying.

Second, the ability of expert committees to influence the views of parties as to how to interpret their binding legal obligations (or about the existence of a rule of customary international law) has led expert committees to claim that they have the ability to make "authoritative" interpretations of the treaties they are charged with implementing, even while conceding that their interpretations are not legally binding.<sup>21</sup> To the extent that this claim refers to the fact that the parties to a treaty may attach significance to the views of a committee, it does little more than make

a factual claim about how a committee is viewed by the governments that created it.

Committees might also be understood, however, to be making a claim that their rulings have a formal legal status somewhere between “binding” and “nonbinding.” That is, expert committees might be understood to be arguing that their interpretations of a treaty are entitled to greater weight when considered by a treaty’s parties than are the views of, say, a law professor.<sup>22</sup>

The United States could use ratification of the CRPD to clarify once again that the parties to the Convention are under no obligation to accord any weight to expert committee’s interpretations. Last year when this Committee reported the CRPD to the full Senate, it included a proposed understanding stating:

The United States of America understands that the Committee on the Rights of Persons with Disabilities, established under Article 34 of the Convention, is authorized under Article 36 to “consider” State Party Reports and to “make such suggestions and general recommendations on the report as it may consider appropriate.” Under Article 37, the Committee “shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention.” The United States of America understands that the Committee on the Rights of Persons with Disabilities has no authority to compel actions by states parties, and the United States of America does not consider conclusions, recommendations, or general comments issued by the Committee as constituting customary international law or to be legally binding on the United States in any manner.<sup>23</sup>

This understanding could be supplemented in two ways to make clear that the United States does not recognize the authority of the Committee to interpret the Convention. First, the understanding could include a sentence stating that: “The United States further understands that the Committee’s interpretations of the Convention are not entitled to any weight apart from that given to them by States Parties to the Convention.”

Such an understanding goes beyond the 2012 understanding by clarifying that the Committee’s interpretations are not due any deference by parties to the Convention. Such an understanding is consistent with the text of the Convention, which imposes no obligations on parties to adopt or agree with the Committee’s views on what the Convention requires.

Second, the understanding could include a sentence making clear that the United States preserves its right to consent to any interpretations of the Convention, from whatever source, before they have any effect whatsoever in the United States. For example, a sentence might be added to the understanding stating that: “Moreover, the United States understands that no interpretation of the obligations of the Convention issued by the Committee or any other international institution can have binding legal effect with regard to the United States unless the United States consents to such an interpretation in accordance with its constitutionally required procedures.”

This understanding makes clear that by joining the Convention the United States has not delegated any authority to any international institution to create legal obligations for the United States. It therefore preserves the primacy of the United States domestic lawmaking process in determining what international obligations bind the United States.

#### CONCLUSION

In sum, Mr. Chairman, thank you for the opportunity to present these views on the CRPD. International institutions such as the Committee on Disabilities have proliferated in recent decades and an accurate understanding of what they do and do not do is critical to engaging with these institutions in a way that protects and advances the interests of the United States. A simple binary conception of the legal effect—either binding or nonbinding—of the Committee’s suggestions, reports, and recommendations, does not do justice to the ways in which the Committee can have indirect, “soft” legal effects. A more nuanced understanding of how these institutions works offers the possibility of a more effective strategy for ensuring that U.S. involvement with these institutions promotes U.S. interests.

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#### End Notes

<sup>1</sup>See, e.g., Draft General comment on Article 12 of the CRPD—Equal Recognition before the Law; Draft General Comment on Article 9 of the CRPD—Accessibility.

<sup>2</sup>For example, in 2005 the United States ratified the United Nations Convention on Transnational Organized Crime with a reservation providing that: “The United States of America reserves the right to assume obligations under the Convention in a manner consistent with its fundamental principles of federalism, pursuant to which both federal and state criminal laws must be considered in relation to the conduct addressed in the Convention. U.S. federal criminal law, which regulates conduct based on its effect on interstate or foreign commerce, or another federal interest, serves as the principal legal regime within the United States for combating organized crime, and is broadly effective for this purpose. Federal criminal law does not apply in the rare case where such criminal conduct does not so involve interstate or foreign commerce, or another federal interest. There are a small number of conceivable situations involving such rare offenses of a purely local character where U.S. federal and state criminal law may not be entirely adequate to satisfy an obligation under the Convention. The United States of America therefore reserves to the obligations set forth in the Convention to the extent they address conduct which would fall within this narrow category of highly localized activity. This reservation does not affect in any respect the ability of the United States to provide international cooperation to other Parties as contemplated in the Convention.”

<sup>3</sup>See, e.g., Andrew T. Guzman & Timothy L. Meyer, “International Soft Law,” 2 J. Legal Analysis 171 (2010); Mark A. Pollack & Gregory C. Shaffer, “Hard v. Soft Law: Alternatives, Complements, and Antagonists in International Governance,” 94 Minn. L. Rev. 706 (2010); Andrew T. Guzman & Timothy L. Meyer, “International Common Law: The Soft Law of International Tribunals,” 9 Chi. J. Int’l L. 515 (2009); Kenneth W. Abbott & Duncan Snidal, “Hard and Soft Law in International Governance,” 54 Int’l Org. (2000).

<sup>4</sup>See, e.g., Louis Kaplow, “Rules Versus Standards: An Economic Analysis,” 42 Duke L.J. 557 (1992).

<sup>5</sup>See, e.g., Human Rights Committee, Summary of the 2380th Meeting, U.N. Doc. CCPR/C/SR.2380 § 8 (July 27, 2006) (in which the United States delegation noted in a colloquy with the Human Rights Committee that “in general, only the parties to a treaty were empowered to give a binding interpretation of its provisions unless the treaty provided otherwise”).

<sup>6</sup>See Andrew T. Guzman & Timothy L. Meyer, “International Soft Law,” 2 J. Legal Analysis 171, 203 (2010).

<sup>7</sup>See, e.g., Statute of the International Court of Justice art. 59. (“The decision of the Court has no binding force except between the parties and in respect of that particular case.”)

<sup>8</sup>See Harlan Grant Cohen, “The Strategy of International Precedent,” in *Interpretation in International Law* (Andrea Bianchi, et al. eds forthcoming 2014).

<sup>9</sup>“Stainless Steel (Mexico-United States)” p. 158–160, WT/DS344/AB/R, 30 April 2008.

<sup>10</sup>Memo for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice (May 10, 2005), available at: [http://www2.gwu.edu/~nsarchiv/torture\\_archive/docs/Bradbury%20memo.pdf](http://www2.gwu.edu/~nsarchiv/torture_archive/docs/Bradbury%20memo.pdf).

<sup>11</sup>Jacob E. Gersen & Eric A. Posner, “Soft Law: Lessons From Congressional Practice,” 61 Stan. L. Rev. 573 (2008).

<sup>12</sup>Andrew T. Guzman & Timothy Meyer, “International Soft Law,” 2 J. Leg. Analysis 171 (2010).

<sup>13</sup>Restatement (Third) of Foreign Relations Law § 102(2) (1987).

<sup>13</sup>Restatement (Third) of Foreign Relations Law § 102, comment b (1987) (“A practice can be general even if it is not universally followed”).

<sup>15</sup>Restatement (Third) of Foreign Relations Law § 102, comment d (1987). (“[I]n principle a state that indicates its dissent from a practice while the law is still in the process of development is not bound by that rule even after it matures.”)

<sup>16</sup>See, e.g., Human Rights Committee, General Comment 24(52) ¶ 8, General comment on issues relating to reservations made upon ratification or accession to the Covenant or the Optional Protocols thereto, or in relation to declarations under article 41 of the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.6 (1994) (asserting that “a State may not reserve the right to engage in slavery, to torture, to subject persons to cruel, inhuman or degrading treatment or punishment, to arbitrarily deprive persons of their lives, to arbitrarily arrest and detain persons, to deny freedom of thought, conscience and religion, to presume a person guilty unless he proves his innocence, to execute pregnant women or children, to permit the advocacy of national, racial or religious hatred, to deny to persons of marriageable age the right to marry, or to deny to minorities the right to enjoy their own culture, profess their own religion, or use their own language” because provisions in the ICCPR protecting such rights “represent customary international law.”)

<sup>17</sup>See, e.g., Report of the Committee on the Elimination of Discrimination Against Women, U.N. Doc. A/55/38 ¶ 361 (2000) (expressing concern about “the reintroduction of such symbols as Mothers’ Day . . .”).

<sup>18</sup>See, e.g., Response of the United States to Recommendations of the U.N. Human Rights Council, November 9, 2010, available at: <http://www.state.gov/s/l/releases/remarks/150677.htm>. In his remarks, State Department Legal Adviser Harold Hongju Koh described some of the Human Rights Council’s recommendations as “plainly intended as political provocations [that] cannot be taken seriously.” See also Observations of the United States of America on General Comment 24, in *Human Rights as General Norms and A State’s Right To Opt Out: Reservations and Objections To Human Rights Conventions* (J.P. Gardner, ed. 1997) (noting that paragraph 8 of the Human Rights Committee’s General Comment 24 “asserts in a wholly conclusory fashion that a number of propositions are customary international law which, to speak plainly, are not.”).

<sup>19</sup>See, e.g., Draft General Comment on Article 9 of the CRPD ¶ 5 (citing General Comments of the Committees on Economic, Social, and Cultural Rights and the Rights of the Child).

<sup>20</sup>Opening Remarks of Legal Adviser Harold Hongju Koh to the United Nations Committee on the Rights of Child Concerning the Optional Protocols to the Convention on the Rights of the Child (January 16, 2013).

<sup>21</sup>See, e.g., Human Rights Committee, Summary of the 2380th Meeting, U.N. Doc. CCPR/C/SR.2380 ¶ 57 (July 27, 2006) (in which the Human Rights Committee asserts in a colloquy with the United States delegation that “its findings, while not legally binding, had considerable authoritative status.”).

<sup>22</sup>See Observations of the United States of America on General Comment 24, in Human Rights as General Norms and A State’s Right To Opt Out: Reservations and Objections To Human Rights Conventions (J.P. Gardner, ed. 1997). In its observations, the United States responded to General Comment 24 of the Human Rights Committee (“HRC”), which arguably asserted that it was contrary to the object and purpose of the Covenant on Civil and Political Rights to reject the interpretations of the HRC. The United States clarified that “it is unnecessary for a state to reserve as to the Committee’s power or interpretative competence since the Committee lacks the authority to render binding interpretations or judgments.” *Id.*

<sup>23</sup>Report of the Committee on Foreign Relations on the Convention on the Rights of Persons with Disabilities § 7 (July 31, 2012).

The CHAIRMAN. Well, that is the first time I have seen a law professor not take his full 5 minutes, so—

[Laughter.]

The CHAIRMAN [continuing]. We compliment you—

[Laughter.]

The CHAIRMAN [continuing]. For your preciseness.

Let us start a round of questions.

Thank you, to all of the witnesses, for their testimony.

And, very briefly, a claim of authority is different than authority itself, is it not?

Mr. MEYER. That is correct; yes.

The CHAIRMAN. And an understanding or even a reservation in understanding, as you describe, would clearly create a nullity as to any claim, at least in the context of American law, would it not?

Mr. MEYER. For purposes of domestic law, a very strong package of RUDs should be sufficient to ensure that U.S. courts—for example, a non-self-execution declaration—would be sufficient to ensure that U.S. courts do not recognize, for example, private causes of action based upon the Convention. But, simply nullifying the claim of authority would not necessarily affect the ability of other states’ parties to the Convention to adopt interpretations of the Convention coming out of the committee as coextensive with their interpretations of what constitutes—

The CHAIRMAN. Other state parties, meaning other countries.

Mr. MEYER. Yes, other—yes, sorry, other countries.

The CHAIRMAN. Thank you.

Secretary Ridge, I understand that you are a strong supporter of homeschooling, and I am sure you are aware of the arguments that were made last year and some that Mr. Farris has made here today. Can you speak to that issue?

Mr. RIDGE. Well, I certainly am. During my time as Governor, we saw a rather substantial increase in the number of children who were being homeschooled, for a variety of different reasons. I think my colleague, Governor Thornburgh, Attorney General Thornburgh, addressed this issue in his remarks. And frankly, there are some families with children with disabilities, for many reasons, choose to provide schooling at home. So, I do have a couple of thoughts on that.

One, relying on the quality legal interpretation that I have had an opportunity to review, and also recognizing the reservations and the understandings and the declarations that the committee worked its will to graft onto the treaty that was considered last

year, this matter is addressed. This treaty does not affect the ability of a parent to act in the best interest of the child. And it is—again, according to people whose opinions I respect, the fact of the fact of the matter is that this treaty cannot be interpreted to bar or prohibit any parent from homeschooling their children. For me, it is absolutely a nonissue, and I am a strong proponent of homeschooling.

The CHAIRMAN. Thank you.

Congresswoman Duckworth, let me ask you—you come from a family of military veterans, and you developed a close relationship with Senator Dole, who spent some time with you during your recovery. You have served as Assistant Secretary for Veterans Affairs. What do you say to the critics who say this treaty really does not help U.S. veterans? And what do you say to Dr. Yoshihara's assertion that AMVETS speaks for veterans and opposes the treaty?

Ms. DUCKWORTH. Well, Mr. Chairman, I—

The CHAIRMAN. If you would put your microphone on.

Ms. DUCKWORTH. Mr. Chairman, I would like to start by saying that my understanding is, AMVETS neither opposes nor supports the treaty. They are neutral on it. But, I will tell you that the Iraq and Afghanistan Veterans of America, the American Legion, the Blinded Veterans of America all support this treaty and recognize the fact that our veterans should have the opportunity to travel internationally, especially our disabled veterans. They set a wonderful example wherever they go. I have mentioned, our post-9/11 GI bill recipients who would love to take advantage of foreign study programs so that they can spend time in a foreign university. They cannot do that. When I have gone to visit Landstuhl, Germany, and Vicenza, Italy, our bases there, and visited with our wounded warriors, I often could not take them off post to—even on a 4-hour pass—to go see the sights downtown, because they simply were not accessible.

And so, I think that those who state that this treaty would not help our veterans really have to better understand the situation for our military men and women and their families. Many of these posts are duty stations that are very advantageous toward one's career. And if you cannot bring your family with you because you have a child with a disability or a spouse with a disability, you have to make that tough choice, "My career, or do I leave my family behind?" And that is not a choice I want any servicemember to have to make.

The CHAIRMAN. Thank you.

Dr. Yoshihara, let me ask you—there are many in the pro-life community who disagree with you that the treaty somehow takes a position on the debate concerning abortion. Is that not true?

Dr. YOSHIHARA. Senator, first, I just want to clarify something. I never said that the treaty would not help. I said U.S. ratification. I agree with the Congresswoman, that these countries do need to—

The CHAIRMAN. Would you answer my question, though?

Dr. YOSHIHARA. Yes. Yes, Senator.

It is true, National Right to Life issued a statement, at the time of the adoption of this treaty in 2006, saying that this treaty had

nothing to do with abortion. And, in fact, we found that, after that time, that the treaty body is, in fact, interpreting that.

So, the argument is not really with me so much as it is with the committee that is—

The CHAIRMAN. Well—

Dr. YOSHIHARA [continuing]. Misinterpreting the treaty.

The CHAIRMAN. In fact, dozens of countries that prohibit or restrict access to abortion, including Brazil, Chile, Egypt, Argentina, where the Holy Father came from, and El Salvador, have ratified the treaty, and some of the most fiercest supporters from within the disabilities rights community are pro-life.

Moreover, the president of the Catholic Family and Human Rights Institute, who I understand is your boss, penned an article entitled “U.N. Disabilities Treaty Does Not Create Abortion Rights.” The article describes in detail how the parties negotiating the treaty made clear, and I quote, “that countries are free to keep their laws protecting the unborn in place and urges other pro-life activists to stop arguing about the phrase ‘sexual reproductive health.’”

So, there is obviously, even from those who employ you, a much different point of view.

And I ask unanimous consent to include that article in the record.

[EDITOR’S NOTE.—The above mentioned letter and any other articles submitted for the record during the hearing can be found in the “Additional Material Submitted for the Record” section of the hearing. The “Ave Maria Law Review” article submitted by Susan Yoshihara and “CRPD Committee Appendix” submitted by Michael Farris are both too voluminous to include in the printed hearing. They will be maintained in the permanent record of the committee.]

The CHAIRMAN. Senator Corker.

Senator CORKER. Thank you, Mr. Chairman.

I think, actually, numbers of witnesses have additional materials, and I would like to ask unanimous consent that whatever materials they have can be entered into the record.

The CHAIRMAN. Without objection.

Senator CORKER. Yes, thank you.

Senator CORKER. So, I would imagine that every Senator here, on the whole idea of having a convention for the rights of people with disability—they would want to support that. I cannot imagine anybody looks at something that might advance the rights of people with disabilities—I think people start with a great deal of optimism. And it is my sense that Mr. Thornburgh and Mr. Ridge and Ms. Duckworth want to see those rights advanced throughout the world, and want to see the United States playing leadership in that area. At the same time, I would assume that the three of you would not want a convention to have any effect whatsoever on domestic law; meaning, you would not want a treaty that we have with other—are all three of you all in agreement with that?

So, it seems to me that, instead of, you know, maybe taking an approach where we try to look at people who have concerns like that as enemies, the concern would be to try to figure out a way to make sure that you have a treaty that advances the effort that

the three of you are here about and have done such a wonderful job with, and, at the same time, to try to make sure that the treaty does not have those unintended consequences, like the case—it is pretty phenomenal that, today, the Supreme Court is hearing a case where this exact thing has occurred.

So, my question, first, would be, to Mr. Meyer, to ask you this question. We have the RUDs issue, which hopefully we will be examining over the next few weeks. Is there a way, in your opinion, to write RUDs, on the front end of a treaty, that would absolutely ensure that there is no way for this treaty to affect either the federalism issues that we have to deal with or to cause a court to look to the treaty to actually affect the individual lives of citizens here in the country? Is there a way of us coming together and writing RUDs in that way?

Mr. MEYER. Senator, thank you for that question. So, I think, with respect to the federalism issue, a federalism reservation could address the federalism problems that you have identified. A federalism reservation could, I think, be drafted to be somewhat stronger than the reservation that that was attached to the Resolution for Ratification that came out last year. Conceivably, such a reservation would make very clear what the enumerated powers that Congress possesses are, and then, would then reserve out of any obligations that could not be satisfied through the exercise of those powers.

With respect to the interpretation issue, I think a set of understandings could be drafted that would make very clear that the United States does not accord any significance to the interpretations of the Convention afforded by the committee. I think this would go a long way toward addressing the concern that the Convention might be used to interpret Federal statutes, including potentially preexisting Federal statutes, like the ADA.

The current understanding, or the understanding that was attached to the Resolution for Ratification last year, spoke only to the issue of whether or not there was the authority to legally compel changes to U.S. law. The committee clearly does not have the authority to legally compel changes to U.S. law. But, one could imagine, and my written testimony suggests, some language that might be helpful to further make clear that the United States accords no weight to the interpretations of the committee.

Senator CORKER. So, it is your belief that the RUDs we have in place, or the ones that came through the committee last year, could more fully be written in such a way, could be enhanced, to make sure that these types of issues did not come up.

Mr. MEYER. Yes, I think it is possible to draft RUDs that are stronger and would address these concerns more fulsomely.

Senator CORKER. So, to the two witnesses that had very specific concerns about very specific issues, do you also agree that there is a way to address the concerns that you have by writing the RUDs in a different way than they are now written?

Dr. YOSHIHARA. I think one of the problems with the reservations, as has already been stated, is, they can be removed. So, if that was our protection and they are removed, then I would assume then—

Senator CORKER. But, they would have to be removed by Congress, right?

Dr. YOSHIHARA. Right. That is right. I am thinking——

Senator CORKER. Well, I mean, I——

Dr. YOSHIHARA. That is right.

Senator CORKER [continuing]. I would like to try to solve this problem, but I cannot solve every problem that might come up 20 years from now. But, the fact is, we, ourselves, would only be passing a law that solved this problem. And my question is, Do you think that——

Dr. YOSHIHARA. That it would protect us from misinterpretation? Well, you know, in the case of *Roper v. Simmons*, the Supreme Court did cite a portion of the civil and political rights covenant that we had specifically reserved on. So, there is precedent that the reservation may or may not help us in that regard.

Senator CORKER. And if I could—Mr. Farris, if you would answer the question.

Mr. FARRIS. Senator, I cannot imagine a reservation that would be legally acceptable. That is, it is consistent with the object and purpose of the treaty, that would satisfy the reservations that would be needed to comply with the three positive witnesses. You would have to write the reservation to say, “This treaty shall not bind the United States to comply with the standards of the treaty, and shall have no domestic legal effect.” If you would put that reservation in, that would be fine. I would support the treaty at that point in time. Because it is meaningless then.

And what is being argued is that the treaty has no domestic meaning. And treaties, when we accept a treaty, the only nation in the world that we are binding is us. We do not bind anybody else. Our ratification has no external legal effect anywhere. What is being argued is external political effect. And there is no record shown that our ratification of any other treaty has had external political effect that has been effective in seeking compliance with other human rights treaties. So, it is a shell game and empty promises that are being made.

We need to determine whether or not we are going to comply with this treaty, or not. And if we are not going to comply with the treaty, we ought not to ratify it, because the number one thing this country should do with its treaty obligations is keep them, in good faith.

Senator CORKER. Mr. Chairman, if I could, when I was speaking to Dr. Yoshihara and I said we cannot solve all the problems that are going to happen 20 years, you know, what I meant to say was, we cannot keep another Congress from doing something else down the road. That was the point I was trying to make.

And I appreciate the witnesses, and I look forward to further conversation.

The CHAIRMAN. As I call on Senator Barbara Boxer, let me just make an observation, that if RUDs never have any consequence, then what the ranking member did in the Strategic Arms Limitation Treaty has no consequence whatsoever. I do not think he believes that.

Senator Boxer.

Senator BOXER. Thank you, Mr. Chairman. And thank you, Ranking Member Corker.

What an important day this is. And I hope it will be viewed as a turning point. I really do.

You know, we all have our passions on a variety of social issues, issues that divide us deeply—really deeply. But, this treaty is really only about one thing; it is about improving the lives of a billion people worldwide, people with disabilities, and 50 million of them who are living in America.

Ratifying this treaty is about making sure that, when we—and I think this is something Congresswoman Duckworth stated—that when we, the United States, encourage a country to improve rights and protections, that country cannot say, “Hey, you failed to ratify this disability treaty, so we are not going to listen to you.” And, believe me, that is what is happening. It could help encourage countries like Ghana.

Listen to what the Human Rights Watch said about Ghana in a report. Many disabled people live in unregulated camps. They are often chained to trees, concrete floors, for weeks or months on end. They are beaten, denied food, forced to endure involuntary treatment. This treaty is about helping to right this terrible wrong.

And, of course, as far as our veterans are concerned, how could we turn away from our veterans? Our veterans are unbelievable. I have a Comprehensive Casualty Care Center, thanks to Senators Inouye and Stevens, who helped me get that, in San Diego. You just cannot keep our veterans down. We see it right here. You cannot. And they want to, yes, travel the world. They do. And we need to pass this treaty.

But, let us talk about what this treaty is not about. It is not about any particular health care procedure. It is not about abortion. It is not about vasectomies. It is not about cancer screenings. It is not about dental exams or prostate exams. It is about making sure that people are treated equally on all fronts, including their need to get health care.

I want to place in the record a wonderful op-ed piece written by Dr. Bill Frist. It came out today—if I might—

The CHAIRMAN. Without objection.

Senator BOXER. And I am going to ask Congresswoman Duckworth to comment on this.

Here is the title, “Why the U.S. Must Lead on Disabilities Treaty.” In it, Dr. Frist discusses a part of the treaty that addresses protecting the most vulnerable from health-care-related discrimination, including reproductive health care. He correctly points out that, I quote him, I want to be precise; this is him—“In many parts of the world, people with disabilities, regardless of age, are believed to be sexually immature or inactive. The assumption can make them targets for rape and other sexual crimes while, at the same time, gynecological and obstetrical care are withheld and considered inappropriate. In other cases, they’re forcibly sterilized or they’re forced to have abortions simply because they have a disability,”

Dr. Frist concludes that the treaty’s sexual and reproductive health language is a necessary provision to protect—to protect the disabled. He unequivocally states, “The treaty does not create any

new services not previously available or legally sanctioned in an adopting country.”

So, Representative Duckworth, do you agree with Dr. Frist, especially with this assessment that the treaty does not create any new services not previously available or legally sanctioned in any adopting country?

Ms. DUCKWORTH. Senator Boxer, yes, I do agree with that statement. And, in the case of abortion, the word is never even mentioned once in this treaty.

Senator BOXER. Right.

Ms. DUCKWORTH. What this treaty will do is provide people overseas with disabilities with the rights—the same rights to access to health care that the rest of the population in that nation—

Senator BOXER. Thank you.

Ms. DUCKWORTH [continuing]. Has access to.

Senator BOXER. I wanted to make that case.

Now, Dr. Farris, you say you are speaking for the disabled, but your statements are directly contradicted by organizations that work every day, 24/7, to protect disabled kids, like the United States International Council on Disabilities, who states, “This treaty protects parental rights and highlights the important role of parents in raising children with disabilities.”

And TASH—you know that organization—says, “Nothing included in this treaty prevents parents from homeschooling. This treaty embraces the spirit of Individuals with Disabilities Education Act, Americans with Disabilities Act, and all disability non-discrimination legislation.”

But, you, Dr. Farris, argue the opposite. You once even said, and I quote, “The definition of ‘disability’ is not defined in the treaty, and so my kids—my kid wears glasses. Now they are disabled. Now the U.N. can get control of them.” Well, the facts say, in my opinion, that is nonsense, if a child wears glasses they are considered disabled. So, I wonder what is behind your fight. And I just ask this question for the record. Have you ever tried to raise funds by telling parents this treaty will limit their ability to decide what is best for their children?

Mr. FARRIS. Senator, our organization is funded by membership dues, not by contributions.

Senator BOXER. So, you have never sent out an e-mail asking for funds to fight—

Mr. FARRIS. No—

Senator BOXER [continuing]. Against this treaty.

Mr. FARRIS. Home School Legal Defense Association is associated also with a group called ParentalRights.org. ParentalRights.org has, indeed, sent out fundraising—

Senator BOXER. Thank you very much. What—

Mr. FARRIS [continuing]. But—

Senator BOXER. Yes.

Mr. FARRIS [continuing]. Senator—

Senator BOXER. Yes.

Mr. FARRIS [continuing]. The substantive answer is, the treaty does not ban homeschooling; what the treaty does is shifts the decisionmaking authority from parents to the government. That is what the meaning of the best-interest standard is.

Senator BOXER. Well, that is not something that I agree with, nor do any of the organizations.

Mr. FARRIS. Well—

Senator BOXER. Thank you very much.

The CHAIRMAN. Senator Johnson.

Senator JOHNSON. Thank you, Mr. Chairman.

Professor Meyer, are you familiar with the case being argued before the Supreme Court today, *Bond v. The United States*?

Mr. MEYER. I am.

Senator JOHNSON. Can you speak to how that is relevant to our discussion here today on this treaty?

Mr. MEYER. Well, sure. To be very brief, Ms. Bond was convicted of violating the Chemical Weapons Implementation Act.

Senator JOHNSON. It is in Federal court, correct?

Mr. MEYER. In Federal court, correct. It is the Federal statute implementing the Chemical Weapons Convention. What is basically at issue is whether or not Congress had the authority to pass the Chemical Weapons Implementation Act. Under a case, dating back now 90-plus years, called *Missouri v. Holland*, the Supreme Court held that, in at least some circumstances, if the treaty power authorizes the Federal Government to make a treaty and the treaty is otherwise valid, Congress may have the authority to enact a statute that it would not otherwise have under any of its enumerated powers.

Senator JOHNSON. The authority or the obligation—well, I am just going to read out of Article 4 General Obligations of the Treaty. It says, “To this end, Article 4 requires State parties to adopt all appropriate measures to implement the rights in the Convention, modify legislation and practices that discriminate against persons with disabilities.”

That seems like a rather strong obligation. What am I missing here?

Mr. MEYER. Senator, it seems like a strong obligation. They—the—it says, “The State parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms.”

Senator JOHNSON. So, to me, I am hearing, from supporters of the bill, that this does not obligate the United States to do anything. It sounds to me like it is a very strong obligation.

Mr. FARRIS, do you want to comment on that?

Mr. FARRIS. Yes, Senator. That is exactly the point. The United States is making a solemn promise in international law that we will comply with the treaty. And, despite whatever federalism reservations or other reservations, those simply have the effect of deciding which agency of government has the duty of implementing a treaty—the courts or the Congress or the States. But, the duty to implement the treaty is never extinguished. We have to implement the treaty, or else we are in violation of international law.

Now, does that mean that somebody can actually invade this country militarily because we do not comply with a treaty? Enforcement of international law is problematic, in a general sense. So, can they force us to obey the treaty? No, not realistic; they cannot force us to. But, are we going to undertake a treaty, knowing that we are going to disobey it? That is not right. We ought to undertake a treaty obligation only if we intend to fully and fairly and

completely obey it, in good faith. And what I am hearing today is, we are not going to do that, is what Professor Henkin said, that, when the United States pretends to ratify a treaty and actually undertakes nothing, it diminishes our standing in the world community.

Senator JOHNSON. Now, Attorney General Thornburgh, I think we all kind of recognize that the United States is sort of the gold standard on disability rights.

So, again, what I am trying to grapple with—if we are already the gold standard—I mean, I certainly understand why it is in our best interests to have other countries obligate themselves to meet our gold standard. I am just not quite getting why we should be ratifying a treaty that obligates us to do things that are still subject to interpretation. I mean, that is my concern. I think that is kind of the core concern of those that may not be supportive of the treaty currently. Can you explain that to me?

Mr. THORNBURGH. I think so. The basic gap, I think, in understanding is what the consequences of the RUDs are. The treaty that is adopted includes the reservations, understandings, and declarations that accompany it, so that, when we say we are not going to do something that we have specified we do not include within the ambit of the treaty, as amended by the RUDs, that does not mean that we are flouting the Convention, it means that we are implementing it with the RUDs in mind. And that is true, not only of what the United States does, but other countries—

Senator JOHNSON. If we are the gold standard, what do we have to interpret and, you know, implement as a country? What do we have to implement?

Mr. THORNBURGH. Nothing new that we are obliged to do under this, because, frankly, it draws so completely and thoroughly on the Americans With Disabilities Act.

Senator JOHNSON. So, again, what is the benefit—why does the United States have to do this? I mean, I understand, again, why other countries—it is very beneficial—

Mr. THORNBURGH. Yes.

Senator JOHNSON [continuing]. To us and our members of the—you know, servicemembers, to have other countries ratify this and implement it. I am still not quite getting why we have to.

Mr. THORNBURGH. The United States is a world leader, Senator, in this area, and—

Senator JOHNSON. And we passed Americans with Disabilities Act—

Mr. THORNBURGH [continuing]. We have to show that leadership. In order to preserve that status and maintain its credibility as the gold standard manufacturer, we simply have to share that insight that we have acquired, and urge the other nations of the world, within a structured framework, to follow that, in order to assure that those countries and their citizens, who we have heard described today in some detail suffer from the lack of this kind of statute—

Senator JOHNSON. OK.

Mr. THORNBURGH [continuing]. Their right to bootstrap themselves into a gold-standard position—

Senator JOHNSON. OK. Well, thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. All right. And I think, Senator, you raise a question that many have raised, and I think it deserves a considered answer. Let me take a moment simply to say: While I and many others believe this treaty will not impose any new obligation on the United States, since we already have the highest standard in the world, our advocacy has virtue, because by signing on to the treaty and ratifying it, it puts us in the leadership roll to get the world to move in the direction so that Tammy Duckworth or Mark Kirk or anyone similar will be able to travel anywhere in the world and have the greater likelihood that their access—whether that is in a job, whether that is in business, whether that is for travel, whether it is for advocacy—will be able to be achieved, and that American businesses, who already lead the world in terms of accessibility standards, that those standards will be the standards that other countries will adopt so that, you know, Eric LeGrand, the football player from Rutgers who has this big wheelchair—a motorized wheelchair—will be able to travel to other places in the world and will likely be able to have access.

And so, that is why ratification of the treaty expands our reach and our advocacy to ultimately get the world to raise standards, not simply by a reflection of looking at what the United States does, but its advocacy.

I think it is a very good question that has been raised, and I think it deserves—

Mr. RIDGE. Mr. Chairman—

The CHAIRMAN [continuing]. A thoughtful answer.

Mr. RIDGE. Mr. Chairman, could I offer a few—

The CHAIRMAN. Let me—if I can, let me—

Mr. RIDGE. All right, very good.

The CHAIRMAN [continuing]. Turn to Senator Cardin, and then we will get you to work it in, in one of your answers.

Mr. RIDGE. You bet.

Senator CARDIN. I will try to leave some time for you to respond—

Mr. RIDGE. Fine.

Senator CARDIN [continuing]. To that.

Let me further answer Senator Johnson's point, following up with Chairman Menendez. Quoting from General Thornburgh's written statement, which I think is very appropriate here, in that, "We should not be so proud as to think that we cannot learn from other countries about how to meet the challenges of providing even better opportunity for people with disabilities." I mean, this is a gathering. Does not mean we change our laws, but we learn how to do things better. And that is part of being part of an international community in an effort to help people with disabilities.

I also wanted to acknowledge my former colleague, Tony Coelho, who is here. When I came to the House of Representatives he was a great help on this issue and so many other issues. And, Tony, it is good to see you.

I also want to acknowledge Mrs. Rhonda Newhouse, who is in the audience, from Silver Spring, MD, attended University of Maryland School of Law, my alma mater. Rhonda is also a bilateral amputee and wears prosthetic legs. She has traveled to over 40

countries for work and study, and knows the barriers in study, work, and travel abroad for individuals with disabilities. It is nice to have you here.

Mr. Chairman, and I guess to General Thornburgh or to Secretary Ridge—and I will give you the chance to respond to this.

Mr. RIDGE. No problem.

Senator CARDIN. We all acknowledge that the treaty is based upon, basically, the U.S. law, the ADA. We passed that in 1990. I remember, in 1991, Congressman Hoyer, who was then chairman of the U.S. Helsinki Commission, traveled to Moscow to become part of the Moscow Declaration document, which started the international effort to use the U.S. law as the model to protect the rights of people with disabilities. So, the United States has been a leader on this issue.

The point that I would raise, the failure to ratify, I think, compromises the U.S. ability to advance these standards globally. I mean, it weakens our own credibility to participate in the development, internationally, of the rights of people with disabilities. And, as the chairman pointed out and others have pointed out, it also compromises American citizens who are in other countries if we have not ratified the treaty.

Secretary Ridge, your comments, or generally.

Mr. RIDGE. Well, thank you very much, Senator.

I just wanted to respond to, I thought, a very appropriate question from Senator Johnson, if I might.

I think, regardless of where you are on the political spectrum, we all feel very fortunate and grateful that we live in the United States of America. It is a very unique place. And if America was considered to be a product—and we do try to sell our product overseas—what is our brand?

And I think our brand is the Constitution, the rule of law, and our value system. And, under that brand and under that value system, there is that notion of “equal under the eyes of the law.” Under that brand and value system is the ADA and trying to elevate the rights of Americans with disabilities. And when we have an opportunity to advance America, the product, not through the military and not through diplomacy, but to be the convener around an issue that is humanitarian in nature and that is elevating the rights of people, globally, with disabilities, I think we enhance the brand, and we enhance the product by enhancing ourselves.

So, we say to the rest of the world—you know, let us think about it from their point of view. We are asking the rest of the world to adopt American standard. We have found, from time to time, that is pretty difficult to do. But, with the ratification of 100-and-plus countries, we see that, at least on an issue, regardless of where they are, they like the brand, they like the value system, they want to embrace the notion of elevating the rights of people with disabilities.

The gentleman behind me is—as I have mentioned before, is from the McCain Institute for International Leadership. He is a remarkable young man. He was disabled in 2003. Giorgi Akhmeteli. And he established an organization in the country of Georgia. And he is working on ratification over there. And he will be the first one to tell you, “You know what the country of Georgia is going to

look to? They are going to see whether or not—among other things, whether America ratifies the treaty.”

So, I suggest that, regardless of where we are on the political aisle, all of us have an interest in promoting America; and, by doing so and promoting the brand and our value system, I think it has as much a lasting impact as anything else we can do diplomatically, and there’s no better place to convene that discussion and lead that discussion globally than the United Nations.

I think it is a very appropriate question, Senator Johnson, but I hope you embrace the notion that there is great value, globally, internationally. We do not sacrifice sovereignty, we do not change any American lives to advance our interest, and we advanced our brand, and we advance our value system.

And I thank you, Senator, for giving me an opportunity to share those thoughts with you.

The CHAIRMAN. Thank you.

Senator Flake.

Senator FLAKE. Thank you.

If I could follow up with regard to the case the Supreme Court is currently hearing, the *Bond v. U.S.* Mr. Thornburgh, were you surprised when you heard that the Federal Government was actually suing in this—or, using a treaty or a convention in order to bring charges against an individual, a chemical weapons treaty? Were you surprised that this was used in this fashion?

Mr. THORNBURGH. Yes.

Senator FLAKE. OK. If you are surprised by that, what can reassure us that you will not be surprised that this treaty is used for a similar purpose?

Mr. THORNBURGH. Because I think by that time the Supreme Court will have thrown out that decision, and the basis for it.

Senator FLAKE. Well—but, the fact that it is even brought and it has survived one challenge—

Mr. THORNBURGH. Well—

Senator FLAKE [continuing]. Gone up one level, as well.

Mr. THORNBURGH. Let me mention that, sad to say, the Department of Justice does not always act wisely and that there are occasions when mistakes are made in the pursuing of cases and controversies that really do not rise to the level where they are appropriate.

There are examples, however, on the other side, as well, and that is where the Department has rightfully stretched the law to cover situations that clearly were not contemplated. Of course, I think of the *Rodney King* case, for example, where he was ultimately convicted under the Federal civil rights laws, when—what—or, the police officers were convicted, when what—people knew what was going on. Here was a police brutality case, it was not a civil rights case. But, our laws maintained a degree of flexibility that we can use in particular situations, where the occasion arises.

But, I do not anticipate that happening on a day-to-day basis under a treaty like the U.N. treaty. I mean, clearly we have to put some semblance of confidence in the judgment of our lawmakers and those who execute those laws. They are going to make mistakes. And I think the mistake in the chemical warfare case is a clear example.

Senator FLAKE. Governor Ridge, were you surprised to hear the *Bond* case?

Mr. RIDGE. It was brought to my attention a few hours, and I, frankly, do not know enough to comment. I would say, however, that, based on the experience of an individual I respect enormously, and he is seated to my right, I would align myself with his response. I think we all know—I mean, we all know, from recent experience, that—and we have all questioned the judgment of the Department of Justice on several more recent occasions. And I do not think there could ever be any guarantee that there would not potentially be litigation. We live in a litigious society. Somebody out there may take it to court. That does not necessarily mean you are going to see the conclusion—

Senator FLAKE. But, this is the Federal Government—

Mr. RIDGE. Yes.

Senator FLAKE [continuing]. Suing and using this. And, I mean, I—

Mr. RIDGE. Well, but, I mean—but—

Senator FLAKE [continuing]. Think that we should expect a little better judgment.

Mr. RIDGE. Well, we should, but, you know, we have a tough time legislating a lot of other things, let alone judgment. So, we will never be able to do that. [Laughter.]

But, I think, if you make the perfect the enemy of the good, and you conclude that somehow some litigation will undermine this—I just have not drawn that conclusion from what I have read, but I cannot draw any analogy or comparison between the present case before the Supreme Court and this treaty.

Senator FLAKE. Well, let me just tell you, it surprised the heck out of me that the Federal Government was suing—

Mr. RIDGE. Well, it surprised me, as well.

Senator FLAKE [continuing]. And using this. It would also surprise me if it works its way through the Supreme Court and they agree with the Department of Justice here.

Having said that, I think, when assurances are being made in this hearing and elsewhere by those that this would never be used as a basis to hold anybody in the United States to account for this treaty, then that rings pretty hollow today, when this case is being heard by the Supreme Court. I would think that it would behoove us at least to see, just as—Mr. Thornburgh, you say you are surprised that the case was brought. I think we would all be surprised if the Supreme Court ruled this way, as well, but it would behoove us, I think, to see how they rule before we go ahead with this. That is just the way I feel, here.

And I have tended to discount some of the claims about this applying to U.S. law. I have had my own questions about whether it is worth it, simply because we are saying, on one hand, it matters a lot, and then, on the other hand, we are saying it really does not matter. And what is the use of a treaty if it is treated like that?

But, here I think we are all surprised at the action of the Department of Justice here, and I think we ought to see how the Supreme Court rules before moving ahead.

Thank you, Mr. Chairman.

The CHAIRMAN. Just an observation. I understand the Senator's concern, and I appreciate it. The Justice Department has prosecuted cases on Federal statutes, not implementings of treaties, that went far afield of what the Federal Government intended. And it has nothing to do with a treaty. On the Honor Services Act, the Supreme Court turned provisions of what prosecutions were. So, you can never totally rely that, you know, Justice Department is made up a view that—

Senator FLAKE. Well, but the Government—

The CHAIRMAN [continuing]. Judgment will be affected at the end of the day. So, that is an example of a nontreaty piece of legislation that was used in an inappropriate way for prosecution as the Supreme Court determined. So, there is no absolute guarantee.

And I would just say, since the *Bond* case has been raised several times, I think there is a bit of a differentiation here that should be considered. You know, *Bond* involves Congress' authority under both the Commerce Clause and the Treaty Power, along with the Necessary and Proper Clause. And the Treaty Power would not be relevant to U.S. implementation of the Disabilities Convention, because the ADA does not rely on the Treaty Power. In fact, it was passed before the Disabilities Convention had ever been negotiated. And the Commerce Clause analysis addressing the Chemical Weapons Convention Implementation Act is unlikely to be relevant to the ADA, a statute that has already been extensively litigated at the Supreme Court. So, I think there is—I understand the concern, but I think there are differentiations in this respect.

Senator FLAKE. If the gentleman would yield for just a second.

One, the *Bond* case has nothing to do with the Commerce Clause. It is under the treaty, here.

But, second, I would just say that the certainty with which we are all saying this will not apply to us, here, is shaken a bit by the *Bond* case. And that is all I am saying.

The CHAIRMAN. Yes. No, I appreciate that. And I am simply saying that, you know, as in that other case under the Honor Services Act, that has nothing to do with a treaty. The Supreme Court found that elements of how that was used to prosecute people was an overreach and unconstitutional. And yet, you cannot protect against that until you get to the Supreme Court, which is why we have a Supreme Court.

And I do think that the *Bond* case has three elements to it. It has the Treaty Power, but it also has questions that arise under the Commerce Clause and the Necessary and Proper Clause. And so, in that respect, it is a little different.

Senator Durbin.

Senator DURBIN. I want to continue this, because we have raised this issue as if it stops us cold. We cannot go forward on this Disability Convention until we work out this *Bond* case. And I would say to Professor Meyer, Mr. Thornburgh, I think there is a clear distinction here. The *Bond* case is not being raised under the treaty, the Convention, when it comes to chemical weapons. This case is being prosecuted under the Implementation Act, a separate act of Congress implementing the treaty. Two different things.

So, when we come to the Disability Act, what is the Implementation Act under the Convention for Disabilities? There is none. The

only Implementation Act is the Americans with Disabilities Act, which has been on the books for 20 years. Have we tested that over 20 years? Has it eliminated homeschooling, Mr. Farris? I do not think so. Has it mandated abortion across America, Dr. Yoshihara? No, it has not.

The Americans with Disabilities Act is the implementing act that we have adopted ahead of the Treaty on Disabilities. The *Bond* case is dealing with the Implementation Act on the Convention Weapons Treaties, two separate actions by Congress: one, ratifying the Convention on Chemical Weapons; two, passing a law called the Implementation Act, the law of the land. And now the Supreme Court will decide if that law is proper.

So, conflating these two and saying, "Oh, it's all about the same thing"—one of our scholarly colleagues, the junior Senator from Texas, said, in a piece in the Washington Post, "If the Supreme Court concludes that a treaty can be used to prosecute Americans, regardless of their constitutional rights, the ramifications could be alarming." And then he goes on with all sorts of opportunities.

The prosecution is not under a treaty. The prosecution is under the Implementation Act. It is different. It's a law of Congress.

And I am just stopped cold, here, with this argument by Mr. Farris that the Americans with Disabilities Act is going to put an end to homeschooling in America. Is that your position?

Mr. FARRIS. No, Senator, that is not my position. My position is that the treaty changes the legal requirements in this country, that it is just not correct to say that there is no duty to change American law in accordance with the treaty. So, since I believe there will be required to be an Implementation Act that complies with the requirements of the treaty, I think, at that point in time, that's when the problems will arise.

Senator DURBIN. So, Mr. Farris—

Mr. FARRIS. Not under the ADA itself. The ADA—

Senator DURBIN. Mr. Farris, the fact that the administration is not asking for an Implementation Act and made it clear that it is not seeking it, because the Americans with Disability Act already is controlling and has been extensively litigated, sets disability standards in our country which are higher than any in the world. You do not find that convincing?

Mr. FARRIS. That is the same administration that is prosecuting a homeschooling family to try to expel them from the United States, who came here—

Senator DURBIN. Under the ADA?

Mr. FARRIS [continuing]. Seeking political asylum—

Senator DURBIN. Under the Americans with Disabilities Act?

Mr. FARRIS. No, they came here under our law of asylum.

Senator DURBIN. Yes.

Mr. FARRIS. But, the question, in the case that is pending—that case is also pending before the Supreme Court.

Senator DURBIN. Well—

Mr. FARRIS. But, in that—it is for a circuit to—

Senator DURBIN [continuing]. Let me just say, Mr. Farris, I do not know what—

Mr. FARRIS. Well, I guess you do not want me to answer the question—

Senator DURBIN. Well, I do not think you can answer it, because you want to talk about something other than the Americans with Disabilities Act or the Convention on Disabilities, and that is what we are here to discuss.

Mr. FARRIS. Well, the Convention with Disabilities has a different legal standard than the ADA. There are—

Senator DURBIN. I can tell you—

Mr. FARRIS [continuing]. There are numerous disability organizations that say, so I include their citations in my written testimony.

Senator DURBIN. If we are going to use—

Mr. FARRIS. I am not the only one who says that. The CRPD Committee agrees with me—

Senator DURBIN. And I would just say to you, Mr. Farris, that if we are going to have a battle of the organizations supporting and not supporting this, I think we are going to prevail, because we have the mainstream disability organizations across America who are supporting the adoption of this Convention on Disabilities. And I struggle with the notion that we are somehow going to stop this effort—this effort to extend the rights to the disabled around the world, for fear of something which you cannot even clearly articulate when it comes to homeschooling.

As Mr. Ridge says—I do not know whether to call him Congressman or Secretary, but we have been friends in both capacity—what he has said, he supports homeschooling. I do, too. This is not going to affect homeschooling. It is very clear that it will not. And the Americans with Disabilities Act, for 20 years, has not affected homeschooling.

I yield back my time.

The CHAIRMAN. Senator McCain, I want to extend my appreciation for his advocacy from the last effort and, in this effort, has been an invaluable voice in this regard.

Senator McCain.

Senator MCCAIN. Well, thank you, Mr. Chairman.

And I thank all the witnesses. And I especially thank Dick Thornburgh and Tom Ridge. I think you prefer “Governor” to those others, don’t you? [Laughter.]

I want to thank you. And I remember, with great nostalgia, the day that the then-President of the United States, Herbert Walker Bush, signed the Americans with Disabilities Act on the lawn in the White House, and so many of our friends from the disabilities community were there to celebrate what has been—I don’t know anyone who does not believe that the passage of that act was not an unqualified success. It gave opportunities for some of our disabled community to get ahead in our society, and have rights which they previously had been deprived of.

Mr. Meyer, you have made some very important, constructive recommendations, in my view, in this legislation—in your statement. And I would just like to ask you a couple of additional questions.

On the issue of abortion, the Resolution of Advise and Consent, that this committee passed last year, that contained the following understanding on how this treaty relates to U.S. law concerning abortion, “Nothing in the Convention—in this—in the Convention, including Article 25, addresses the provision of any particular

health program or procedure.” Now, do you think that that is sufficient to address the concerns raised about what effect that this treaty might have on the U.S. laws and policies regarding abortion? And, if not, how would you recommend that we improve that provision that we adopted last year?

Mr. MEYER. Well, Senator, of course, as I believe it was Secretary Ridge mentioned, we live in a litigious country, and so, one can't guarantee that there will never be a lawsuit asserting that the Convention creates certain abortion rights. Nor can one guarantee that the Committee on Disabilities will not take such a position.

Senator MCCAIN. But, do you have suggested language that could strengthen that to lessen that likelihood?

Mr. MEYER. Yes. So, with respect to the role of the committee, I think the language that is referenced in my written testimony, or similar language, that makes clear that the committee's interpretations of the Convention are not entitled to any weight whatsoever, would—or any deference from, for example, U.S. courts—could go a long way toward assuring that Federal courts are not going to be prone to following interpretations that the committee might adopt that, for example, a Congress would find objectionable.

Also, the language you referenced—the Convention, in general—and the RUDs make this clear—is a nondiscrimination Convention, to a very large extent. Therefore, it does not reference the particular—the language you read does not reference the particular—any particular procedure; it just simply states that there shall be no discrimination.

Senator MCCAIN. Well, I would appreciate it—the specific language—if you would submit to us, to lessen—obviously, abortion is a huge aspect of this issue with many Americans, and may affect the judgment of some members of this committee. So, I want to close that as tightly as we can, recognizing that there may always be some challenges. But, it—so, I think you see my point.

Mr. MEYER. I do, Senator. I would be happy to read to you the language on the understanding that I think might help address the role of the committee.

One might, for example, include language that states that, “The United States understands that the committee's interpretations of the Convention are not entitled to any weight, apart from that given to them by states' parties to the Convention.”

One could imagine modifying that to specifically reference Federal courts. Or one could imagine modifying that language to specifically reference that the United States understands that there should be no weight given within U.S. courts unless the United States has adopted an interpretation consistent with its domestic procedures regarding the creation of international obligations.

Senator MCCAIN. Mr. Chairman, I hope that maybe we could look at that language, as we move forward. And we need to assure the pro-life community, obviously, that this would not have any effect on present U.S. policy.

Mr. Meyer, have you seen any serious restriction or violation of the rights of parents regarding the education of their children as a result of the treaties that we have ratified, as you know—the Convention on the Rights of the Child, Children in Armed Conflict, Optional Protocol on Children in—I guess, in Armed Conflict?

Have you seen any serious restriction or violation of the rights of parents regarding the education of their children as a result of these previously Senate-ratified treaties?

Mr. MEYER. I am not aware of any.

Senator MCCAIN. Would you agree that the Senate can ratify the CRPD in a way that protects the prerogatives of parents and reaffirm the primacy of U.S. law, just as we have in these other instances?

Mr. MEYER. Yes. I think it is possible that there is a package of RUDs that would satisfy these concerns.

Senator MCCAIN. And right now do you see sufficient RUDs, or should we have additional language?

Mr. MEYER. I think some of the additional language with respect to the role of the committee would be helpful in addressing some of these concerns, going forward. I think, also, as I mentioned to Senator Corker, one could imagine, on the federalism point, potentially a stronger reservation to deal with the federalism issue. But, I think that these RUDs are available. I think these RUDs can be drafted.

Senator MCCAIN. I would just like to—well, I am out of time, Mr. Chairman.

Thank you.

The CHAIRMAN. Thank you.

Senator Kaine.

Senator KAINE. Thank you, Mr. Chair.

And, to the witnesses, good testimony. And the questions have been helpful.

One of the reasons that I love being assigned to this committee as a new Senator is, the mission statement is pretty simple. American leadership in the world is really the mission statement of this committee. And that is a combination of economic, military, diplomatic, and moral leadership. And many of the witnesses have spoken to this.

We have, as a country, shown great moral leadership on the issue of rights of folks with disabilities. I was just—off the top of my head and with my handy research tool, there, during testimony—the Rehabilitation Act, 1973; the Education for All Handicapped Children Act, 1975; Individuals With Disability Education Act, 1990; Americans with Disability Act, 1990. There are others, as well. Those are the four that I thought of, off the top of my head. These are significant, and they really do set a gold standard for the world.

But, I think it is appropriate for us to make it part of our brand, Governor Ridge, and brag about it in the way you mentioned. And I think entering into this treaty will be good for our citizens with disabilities, it will be good for citizens around the world with disabilities.

But, I also—just to my colleagues really, this point is addressed—I think it will be good for this body—this body, the Senate, and our committee—because this is one of those issues where I think the Venn diagram overlapping between the various partisan positions is near complete.

I could not help but note, as I was looking at the dates of the passage of all four of those seminal statutes with respect to dis-

ability rights, they were all passed and signed by Republican Presidents: 1973, President Nixon; 1975, President Ford; the IDA and ADA, President Bush 41. This is an issue where it is not what you normally see up here, where Democrats want to do something, and Republicans do not; or Republicans want to do something, and Democrats do not. This has traditionally been about as bipartisan issue as you find in, kind of, modern public policy in American life, and I think we ought not to sacrifice that.

I think Senator McCain's questions and some of—both Professor Meyer and Attorney General Thornburgh's testimony about the—and Ranking Member Corker's questions—about the drafting of the RUDs and trying to make sure that we can solve some of the internal concerns that are fairly raised through that process, we should not—we should really diligently make an effort to do that, because this has been such a good example of an issue on which we have been together and we have exercised leadership in the right way that I do not think we should sacrifice an opportunity to continue to lead in this particular area.

And so, again, to the members who have testified today, I appreciate it.

Mr. Chair, I will yield back my time.

The CHAIRMAN. Thank you.

Senator Barrasso, who has also been a strong supporter of the ratification of the Convention.

Senator BARRASSO. Thank you very much, Mr. Chairman. I want to congratulate you, as well as Senator McCain, for what I thought was an excellent op-ed in USA Today this Monday, "Menendez and McCain Ratify Disabilities Treaty." So, I appreciate your efforts.

And I just wanted to thank all of you for being here today to discuss this important issue.

As a physician who has practiced medicine for over 25 years, I have seen firsthand the challenges facing people with disabilities. Every individual, regardless of the obstacles in their lives, should have an opportunity to work, to live, and to fully take part in our society. The United States has been the leader in working to end discrimination and to break down barriers that prevent the full participation—

The CHAIRMAN. Senator—

Senator BARRASSO [continuing]. Of all members of our—

The CHAIRMAN. Senator—

Senator BARRASSO. Yes, Mr.—go right ahead—

The CHAIRMAN. I want to thank Secretary Ridge for joining us. We had acknowledged and agreed that he had a plane to catch.

So, thank you very much. There may be questions in the record that follow up, and we would ask you to consider answering them.

Senator Barrasso, I am sorry. We will—

Senator BARRASSO. Thank you, Mr. Chairman.

The CHAIRMAN [continuing]. Restore the time.

Senator BARRASSO. Mr. Chairman, as we know and discussed, over 20 years ago, Congress passed the Americans with Disabilities Act. This Convention is based on the same principles as the Americans with Disabilities Act. The general principles include nondiscrimination, equal opportunity, independence, accessibility, human dignity, and full and effective participation and inclusion in society.

The people of this great Nation believe in these ideals and principles. It is time for our Nation to stand up and show our commitment to these principles in the international community.

I believe the Convention offers the United States a forum to utilize our wealth of knowledge and practical experiences to influence other nations in recognizing the rights of people with disabilities. Our Nation has the opportunity to help countries transition from the isolation and segregation of persons with disabilities to removing obstacles, to opening barriers, which ends up helping our citizens, in the process. Ratification also demonstrates our Nation's ongoing commitment to equality and opportunity for individuals with disabilities.

This Convention is supported by more than 760 disability groups, 20 veterans service organizations, including the American Legion, the Veterans of Foreign Wars, Wounded Warriors Project, members of the business community, including the U.S. Chamber of Commerce. And a former Secretary of State, Colin Power, supports the Convention.

And, Chairman Menendez, I have an additional—a letter from General Colin Powell. And, rather than read the whole thing, I asked unanimous consent to have this included in the record.

The CHAIRMAN. Without objection.

Senator BARRASSO. Thank you.

Senator BARRASSO. Just for a couple of quick questions.

Attorney General Thornburgh, there has been some misinformation, I believe, that has been circulated regarding the impact of this Convention on children. Does the Convention take away parents' rights? Does it allow courts to interfere with parents' decisions regarding their children? And in Article 6, specifically, does that provision require a national registry of children born with disabilities?

Mr. THORNBURGH. The registry that is anticipated by the treaty is very similar to the laws we have in this country, which require that birth certificates and death certificates be taken note of and enrolled.

Interestingly enough, many countries around the world have lacking today that kind of procedure. And it poses a real threat, in many of the worst situations around the world, of improper abortion techniques or infanticide, even, so that—I view this as a very signal advance, not for the United States, because I think, at both the Federal and State—local level, we have those requirements. But, when you read in the headlines about the kinds of things that are going in lesser developed countries or dictators flout the law, if such there be, this, I think, is a very positive part of the treaty requirements that we could support easily.

Senator BARRASSO. Thank you.

Professor Meyer, in your testimony, it said, "Having the opportunity to nominate an American to serve on the committee and to appear before the committee is an effective way to ensure that the committee does not become a vehicle for creating, you know, customary international legal obligations that are contrary to U.S. interests." Could you further explain why you think it is in the U.S. interests to have an American serving on the committee created by this Convention?

Mr. MEYER. Sure. So, as I suggested in my opening statement, one of the ways in which the committee can have a legal effect, even though its recommendations are nonbinding, is through the creation of customary international law. The committee clearly does not have the power to create customary international law, but its recommendations, if other states react and adopt its interpretations and recommendations, that could be the basis for a claim that there is customary international law.

Therefore, the opportunity for the United States to appear and to object to the interpretations of the committee that might be thought to give rise to customary international law obligations potentially could defeat the formation of customary international law that the United States would view as unacceptable. And there are examples of this occurring in the context of, for example, the Human Rights Committee, where the Human Rights Committee has, at times, taken positions that certain rules are customary international law, and the State Department has been able to take the position that they are not.

Now, not ratifying the Convention does not remove the ability to object to the formation of rules of customary international law, either. And, likewise, there is some—with respect to U.S. courts not ratifying, it reduces the likelihood that a U.S. court would find there to be a rule of customary international law.

But, the answer to your question is that the ability to have an American—to nominate an American to serve on the committee, and the ability to actually engage in colloquies with the committee, likely affects the committee's work and may serve to actually ensure that its interpretations that are adopted are consistent with U.S. interpretation.

Senator BARRASSO. Thank you, Professor Meyer.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

Senator Markey.

Senator MARKEY. Thank you very much, Mr. Chairman.

It is great to have Tammy Duckworth here, an American hero. And she is in a wheelchair. And in 1990, we passed the ADA, and it made sure that there were on-ramps for those wheelchairs everywhere in our country. And it would be great if she could go anywhere in the world, as well, and know that we were moving inextricably in that same direction.

Back in—and we thank you so much for your service—back in 1990, when we did the ADA, I was the chairman of the Telecommunications Committee, so closed-captioning for TV sets, or ensuring that a phone system is available for a deaf and blind person, as well. And the 1996 Telecom Act extended that, as well. But then, in 2010, I authored, with Cliff Stearns, a very conservative Republican in the House side, and Mark Pryor, over here on the Senate side with very conservative Republicans, were able to pass a law that said that every one of these wireless devices had to have an on-ramp for the deaf and the blind. And we had to negotiate with the Consumer Electronics Association, this massive organization of thousands of companies, because they had to sign off on it. And now the deaf and blind can use these devices, no matter where they are. OK?

Now, would it not be a good thing if that was true for the whole world, that all deaf, all blind had the capacity? But, I would like, Attorney General Thornburgh, to come back to you and just ask this question. What does it mean for the Consumer Electronic Association of the United States to have a market open up around the planet for all these devices that would be available to hundreds of millions of deaf and blind who would be empowered to become part of their economies?

Mr. THORNBURGH. To ask the question is to answer it. [Laughter.]

Senator MARKEY. But, not in Congress. [Laughter.]

So, you—actually, the words have to—

Mr. THORNBURGH. That is not my problem. [Laughter.]

Senator MARKEY [continuing]. The words have to be spoken. I understand what you are saying. You believe it is a self-evident truth. But, we are having this hearing because—

Mr. THORNBURGH. No, I did not mean to be facetious.

Senator MARKEY [continuing]. I—know—

Mr. THORNBURGH. It obviously would open up markets that are unavailable now, either because of the ethos of the governing process in the country in question or lack of resources or what have you. But, once you have got a rolling consensus built about the desirability and feasibility of doing these things, you can see remarkable advances take place around the world, which is in the business we ought to be in.

Senator MARKEY. So, the Consumer Electronics Association has written a letter of support for the disability treaty, stating, “The U.S. ratification of the treaty would encourage greater demand for U.S. companies’ skills and services as fellow nations begin to adhere to the new international standards.” So, there should be no doubt, in other words, that this is a great economic benefit for American companies, as well.

Now, of course, we want to help all of those who are deaf and blind. That is the point of my law, you know, to make that possible. But, as part of the bargain, we have the lead because we passed the law first, and pretty soon there is going to be just about every citizen on the planet that has one of these devices. And would it not be great if we were ensuring that they were accessible to the deaf and blind, as well, because those devices that are made in the United States already have to comply with that law. And I think that would be something that we would think would actually be in our best interest.

Now, there are several countries, including China, Australia, and Argentina, who have already submitted reports to the Disabilities Committee. And I understand the Chinese admitted that they have a long way to go to protect the rights and interests of persons with disabilities.

Now, if the Chinese got serious about ensuring access for disabled persons, that would open up a huge market for the United States, would it not?

Mr. THORNBURGH. Indeed.

Senator MARKEY. And, given that the Convention will open all of those markets, not just in China, but around the world, would you

not agree that a vote for ratification is a vote to support American businesses and to create jobs here in the United States?

Mr. THORNBURGH. I think that is perhaps why the Chamber of Commerce supports the treaty ratification so—

Senator MARKEY. And right now, no one from the United States is sitting on the Disabilities Committee. If we had a delegate on that committee, do you think that would help U.S. businesses to expand their markets overseas?

Mr. THORNBURGH. Yes.

Senator MARKEY. And would it not help in creating, then, the rules and regulations that, you know, would be used in order to expand in other countries?

Mr. THORNBURGH. One would expect that.

Senator MARKEY. Congresswoman Duckworth.

Ms. DUCKWORTH. Well, I think that the extent of opportunity for U.S. firms is really underestimated right now. The adaptive-device industry is a tremendously large one, and one that we certainly dominate the world. We are not talking about just the phones, but wheelchair-accessible buses, grab bars for showers, homeschooling supplies for parents who want to teach their kids at home. The range is tremendous. And if we do not do this, and American companies do not gain the credibility as being the world's leader, we open the door for other nations who are competing with us in these fields—places like Germany and Iceland, where they do have industries and companies that provide adaptive devices, as well—we will lose the market share, and we will lose our role as a leader in the world in producing these devices.

Senator MARKEY. Yes. So, Annie Sullivan helped Helen Keller, deaf and blind, to—using her palm to teach her. But, now we have moved from the palm to the Palm Pilot and on to the iPhone and the iPad and beyond. And so, that is the way you have to empower people in the modern era. Without that, they are not empowered.

And so, we are doing something good across the whole planet, as well. We are making sure that we give people the ability to maximize their God-given abilities. And, without these kinds of devices in a modern world, you are not empowered, you do not have the capacity to be able to communicate, to be able to work. And so, this is now the essential ingredient of citizenship on the planet, if you want to be a productive person, and it makes it possible, for the first time in history, for every deaf and blind person to be able to fully participate in the economy of their country. And I think it would be wrong to do that, on a moral basis, but it would also be wrong to deny our own companies the ability to make these products and to create jobs here in America. So, you can do good and do well at the same time by supporting this treaty.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Markey.

I just have some final questions. Mr. Farris, you described the Disabilities Treaty as the ideal, “wedge issue for future political campaigns.” Is it because the treaty is such a good divisive political issue for you that you have made some of the claims about the treaty that you have made? Is it why you stated that the treaty proponents have sort of a Soviet agenda and your organization has made some—what many of us are saying—are pretty outrageous

claims that the U.N. will determine how many parking spots are at American churches?

Mr. FARRIS. Senator, the wedge-issue comment was—I believe that this treaty would be the first in a line of human rights treaties that would be coming before this committee. The committee—the Convention on the Rights of the Child—Senator McCain misspoke, I am sure, earlier—we have not ratified that treaty. And so, I think that will be coming next. The Convention on the Elimination of all Forms of Discrimination Against Women, that would be coming, after that. I think that this treaty is the first of many treaties that would be in this range. That is what was intended by that comment.

On the parking-space comment, I coach moot court, and you have hypothetical questions in moot court, and you tend to argue that way in a lot of venues. That is what I was doing there.

When there is no definition of “disability” and you give this organization the ability to define “disability,” anything is possible. I was trying to make an extreme case to show that anything is possible.

The CHAIRMAN. I agree with you that you were trying to make an extreme case.

And, by the way, on the wedge issue, you were not talking about a whole host of other potential treaties, you were talking about this treaty. The source is “The Story of Washington Gridlock,” in the Boston Globe by author Michael Kranish.

And on the question of the parking-lot reference, which you yourself say is an extreme example, your organization, or an organization you are affiliated with, ParentalRights.org, has a document detailing the 15 issues your organization has with the treaty. Reason number two—pretty much at the top—states that the number of handicapped spaces required for parking at your business, private school, or house of worship will be established by the U.N., not your local government.

And I would like to submit that article for the record, without objection.

So, you know, that is why—you know, I can understand and respect your view, although I disagree with it. But, when a statement like that is made, I think it undermines the credibility of those arguing how far this treaty could be taken.

Let me ask you something else. In Article 7(2) of the Disability Treaty, it states that, “In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.” That seems like an incredibly noncontroversial statement to me. So, can you—I have read your testimony, and I have read the testimony of last year, as well—can you tell me one example where the best interests of the child with disabilities should not be a primary consideration?

Mr. FARRIS. Yes. Because the term “the best-interest-of-the-child standard” is a legal term of art, and it means that the government gets to substitute its judgment for that of the parent. And so, anytime—

The CHAIRMAN. You believe—that is your interpretation. It is not the definitive interpretation.

Mr. FARRIS. Well, it—that is the—I quoted Professor Geraldine Van Bueren, who is the leading expert on international rights of the child—

The CHAIRMAN. But, let us look—

Mr. FARRIS [continuing]. In the world.

The CHAIRMAN [continuing]. Let us look at what the Convention says. The text says nothing about the state stepping into the shoes of the parents. In fact, Article 23 describes in detail protecting parental rights and the rights of the extended family to care for and to make decisions for children with disability. So, I am dumfounded how you can make a noncontroversial statement and twist it into something that is rather sinister.

Mr. FARRIS. Senator, the treaty—the ICCPR protects, directly, the right of parents to direct the upbringing and education of their children. That language is missing in this treaty. If that language was in this treaty, we would be in a different position. But, that language is missing. That is the historical practice. There is no direct statement about parents' rights in education in this treaty.

And the best-interest standard is a legal term of art that has been used by the German high court to take parents' children away from them if they homeschool their children.

The CHAIRMAN. Well, this is not the German high court. This is—

Mr. FARRIS. But, it is the meaning of the—

The CHAIRMAN [continuing]. This is the United States of America, and the only high court I care about is the Supreme Court of the United States.

Let me ask you, finally, this. You quoted Professor Henkin as a buttress for your arguments, your legal arguments. And I appreciate that you have an LLM from London, which, as I understand, from a distance learning course—

[Laughter.]

The CHAIRMAN [continuing]. As a matter of—there are no comments permitted before the committee of either approval or disapproval.

But, as a matter of law, the courts have no authority to ignore reservations, understandings, and declarations. As a matter of fact, some of the most conservative lawyers—Professors Curtis Bradley and Jack Goldsmith—concluded that, “In sum, since the early days of the Nation, the President and Senate have attached a variety of conditions to their consent to treaties. No court has ever invalidated these conditions.”

And finally, when you quote Professor Henkin, you know, you seem to somehow suggest that he would not have supported ratifying this treaty.

Mr. FARRIS. No, I think he would support ratification. I think that there—

The CHAIRMAN. Well, I am glad we agree on that.

Mr. FARRIS [continuing]. A number of internationalists would support it. They think it is good that we submit the United States to the supervision of the international community. I do not. But, we at least agree on the operation of international law.

I do not disagree one whit with Professor Henkin on how he sees international law in operation. What we disagree about: Is this good, or is this bad? I think American—

The CHAIRMAN. Well—

Mr. FARRIS [continuing]. Self-government is the part of our brand that we should be exporting—

The CHAIRMAN. And I agree with that. And that is why the—you know, you argue that the treaty creates obligations others do not see, and then you suggest that the United States must follow your interpretations in terms of ratifying the treaty.

And I think that where we have a fundamental disagreement here is that, under the Constitution, the President and the Senate determine our obligations under international treaties, and therefore the reservations, understandings, and declarations of the Resolution of Advise and Consent are binding.

I am going to ask unanimous consent to include a legal memo prepared by Patton Boggs on this issue, to set the record straight on the power and the efficacy of RUDs.

You know, I will just close on Professor Henkin. He would have recognized that, just because the United States law is adequate to comply with the treaty is not a good reason not to ratify it. He would have supported the treaty, in my view, because it advances human rights and makes us full participants in the treaty. And the fact is that the Human Rights Institute, which he founded, and the Human Rights First organization, on which he served on its board of directors, both support the treaty. So, we just have a fundamental disagreement about what, in fact, will be our obligations and what will be the reach of the treaty.

I believe that homeschoolers will be absolutely fine, and I know that, you know, there is money raised on this issue, but that is—and, you know, maybe it is a wedge issue, but it is not going to affect homeschoolers, because I think there is very broad support for homeschoolers here on this committee.

Senator Coons.

Senator COONS. Thank you, Chairman Menendez and Ranking Member Corker. Thank you, Chairman, for convening this hearing to consider the Convention on the Rights of Persons with Disabilities, the CRPD.

Bipartisanship has historically been the hallmark of American leadership protecting the rights of persons, and, in particular, the rights of persons with disabilities. And I was proud to have the opportunity to work with you and with others—Senator McCain, Senator Durbin, Udall, Barrasso, Harkin, many others—in highlighting our united supported for this issue in the last Congress. Ratification of the CRPD, in my view, will serve to solidify the American commitment to equal opportunity for disabled persons through increased access, mobility, and protection of our disabled Americans abroad, especially our wounded veterans.

Promoting the rights of disabled persons has historically garnered the support of a very broad range of Americans, and I remain hopeful the Senate can come together to protect dignity and human rights for all by ratifying the CRPD in this Congress.

Last year, we missed a great opportunity to ratify this treaty. It is my hope, shared by many of my constituents and Americans

throughout the country, as, I think, evidenced here today, that we do not make that same mistake again. We cannot afford to miss the opportunity—and I encourage my colleagues to participate actively in the hearings and to join those of us who might vote again to ratify it.

If I might first—Congresswoman Duckworth—first, thank you for your service and for your remarkable and inspiring story of perseverance and of engagement and of continued service to our country. I am glad to be able to be here for your testimony earlier.

In your view, how has America's failure to ratify this treaty actually impacted our leadership on disability issues globally?

Ms. DUCKWORTH. Thank you, Senator. Well, I felt it, myself, when I traveled to Asia earlier this year, where I went to talk to disability rights groups and talked about what we have done in the United States. One of the first questions asked on the rank-and-file folks in the room was, "But, America didn't vote to ratify the Convention." And sitting in that room as a representative of the United States, I had nothing to say, except that, "Well, we're going to work on it and we're going to try to ratify it soon. This is how our democracy works."

But, I felt it firsthand, because I was in a room full of people who looked to me to talk about ADA and all the benefits and how it allowed me to recover from my injuries and live this life that I live and then to be able to serve my Nation. But, I could not do that with authority, because the very—you know, one of the first questions I got asked, "Well, are you guys going to ratify it?" I had egg on my face.

And if we are going to lead the world, you know, it is—on ADA—it is in so many area. Americans dominate the worlds of athletics, and, you know, we have the Olympics coming up. Our athletes, our Paralympians, are—have now a new infusion of veterans—disabled wounded warriors who are now Paralympians, and, because of them, we are really elevating the sports around the world. Anywhere there's a Paralympics, they must make the venues wheelchair and ADA accessible. And so, because of the participation of our veteran Paralympians in Beijing, I will now someday be able to go and see the Great Wall of China, which was never accessible before.

The way we can touch the world is endless with this, but we go into this with a lack of credibility. We have not ratified this treaty. We should be at the head of the table, and we are not.

Senator COONS. Mr. Attorney General, thank you for your active work in supporting this. What have been some of the positive results of the CRPD in those countries that have ratified, so far? And has it made notable progress in promoting accessibility and equality and establishing disability standards? The Congresswoman just spoke to one concrete example, but, more broadly, in the many other countries that have already ratified, what difference has it made?

Mr. THORNBURGH. It is probably difficult to quantify, at this early stage, precisely what differences have been made, but you have heard, today, from any number of people, anecdotal evidence of the change and the prospects for change that clearly will flow from our leadership role on this.

But, I think a good project for this committee, if I may be so bold, would be to catalog the answers to the very question that you raised. I do not have any particular insight into this, but I think you have able staff who could perhaps put together a compilation from around the world of the kinds of positive changes. And I would say, with no compunction, that that will show a mighty impressive record.

It is early in the game yet, I think, before—if you use that as a basis for judgment, but I would be greatly surprised if there were not some marvelous stories that are available to share with the public.

Senator COONS. A last question, if I might, Mr. Chairman.

Well, Mr. Attorney General and, if I might also, Professor Meyer, it was just, in the last exchange, advanced by Mr. Farris that, were we to ratify this treaty, we would be submitting the United States to the supervision of the international community. Does that strike you as an accurate characterization of the impact on America and American sovereignty, were we to ratify the CRPD, that we would be submitting to the supervision of the international community?

Mr. THORNBURGH. I have heard that claim made before, and searched the record for any indication that that is either intended or possible, given the current posture of the deliberations on the Convention in this body. No, I do not think that is a realistic assessment. It is a little bit of an alarmist and perhaps good propaganda. But, this is not a country that is going to submit to any worldwide body. We have shown our independence in any number of areas. And why we would choose to roll over on an issue where we have such a leadership role established already is unthinkable.

Senator COONS. Thank you, Mr. Attorney General.

Professor Meyer, just in concluding, in your view, would we be compromising our sovereignty by submitting to the global community, or, in fact, leading and demonstrating our commitment.

Mr. MEYER. I think the characterization that we would be submitting ourself to the supervision of the United Nations or the world community would be an overstatement. The committee does not have any legal authority to compel any changes to Federal law. And, provided that there's an appropriate package of RUDs, I think that we would be in a position to say that Congress and the United States continues to enjoy the ability to decide what Federal law requires.

Senator COONS. Well, thank you. I would like to thank all of the witnesses from the first panel, the Senators who testified earlier, and Congresswoman, Attorney General, everyone else who's testified today.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Senator Corker.

Senator CORKER. Thank you, Mr. Chairman. And I appreciate you letting me ask a few more questions.

And, Congresswoman Duckworth, I appreciate your inspiration and your comments about being in Asia. And I think one of the reasons that we are all concerned about the legalities—I think that, you know, the thrust—I do not think there is anybody on this committee that does not appreciate deeply the thrust of this effort, but it is that we actually—when we pass laws, we go by them. And

some of the countries that we deal with, that is not the case. And I know the General mentioned that we are a country of the rule of law. And I think—it seems to me that all of the advocates for this treaty would agree that delving into the RUDs and getting them right so that we do not end up having unintended consequences is a worthy effort as we move forward over the next few weeks. Is that correct?

Mr. THORNBURGH. Absolutely. I think that they are the key tasks that have to be performed in the drafting of the final version of what is voted on, because they are going to spell out, if done correctly, the explicit guidelines that will endure long past the debate that goes on in this body.

Senator CORKER. And, Mr. Meyer, it seems to me that you have offered some really constructive comments relative to some of the changes that may be made. And I do want to say, we would love to work with you to try to develop those and try to address some of the issues that were brought up.

I know that we talked about the committee, and it is my understanding that we would have a representative on that committee, but it would be temporary, meaning that they rotate, and we would have somebody on, on the front end, and that, over time, this committee can do some things to establish customary international law.

And, I guess, is there a way, in your opinion, to inoculate ourselves from the evolution that can occur with these committees over time—20, 30, 40 years—through the RUDs, that would protect us from customary international law that might be developed by the committees?

Mr. MEYER. Senator, there is a doctrine known as the persistent objector doctrine that provides that a state that objects during the formation of a rule of customary international law persistently is not bound by that rule.

One could imagine an understanding that is stated that the United States understands that the interpretations of the committee are not a basis for the formation of customary international law, and objects to any rule of customary international law formed on the basis of the committee's interpretations alone. I think that that would lay the groundwork for a claim that the United States was not going to be bound by any emergent rule of customary international law.

The other thing—and this is the practice of the State Department—is to monitor the activities of the committee and to make sure that we do object in those cases in which interpretations of the Convention or purported rules of customary international law emerge which we find objectionable.

Senator CORKER. So, because the committee's sort of a living organism, some people have said, "Look, yeah, the ADA standards are the gold standard today, but, as the committee evolves over time, it could well be that other laws have to be developed here within our country." But, you believe, per what you just said, that customary international law—we could inoculate ourselves fully from that evolution. And I see proponents of this treaty shaking their heads up and down. That would not be objectionable, General, from your standpoint, to the advocates?

Mr. THORNBURGH. No. It seems to me that, as was mentioned earlier on, that one body cannot make rules that bind its successor in the legislature. So, there is going to be a call for oversight. Look, the definition of "disability" under the ADA has already been changed, and it has only been in effect less than 25 years. So, experience is a good mentor in that respect, and that is why we have the Congress and the courts, and not some ultimate executive branch decisions that are going to be made.

Senator CORKER. So, Dr. Yoshihara, it seemed to me that you agreed that, with stronger RUDs, that the issues that you are concerned about could be dealt with. Is that correct?

Dr. YOSHIHARA. Well, I have to say, I am not optimistic that we could be fully inoculated from customary international laws evolving, because it doesn't involve us. This is something that is international opinion. So, customary international law evolves, internationally, through other court decisions, such as the Colombia and Argentina cases, through jurisprudence in other countries. We could not inoculate ourselves from what the world opinion is. We could certainly make a reservation, or an understanding on this. I know that Senator Rubio had a very strong amendment, the last time around, that got watered down. And if this—you know, I think that that would be a minimum to try to protect ourselves from 25(a) in the treaty.

But, again, I am not optimistic that a reservation would do it, because the committee is ignoring those reservations. They are already telling countries to remove the reservations. So, if we think we are getting pressure now to ratify, wait until we have to go every 4 years before the committee. We are going to get pressure to remove every one of our reservations.

So, again, I am not as sanguine, I think, as the Professor is.

Senator CORKER. But, to remove those reservations, that would require Congress to act to remove those reservations, and—I mean, do you think anybody's—

Dr. YOSHIHARA. Yes, sir.

Senator CORKER [continuing]. Going to really care—

Dr. YOSHIHARA. No, I am—

Senator CORKER [continuing]. That much about a committee—

Dr. YOSHIHARA. Forgive me, I—

Senator CORKER [continuing]. To put any pressure—

Dr. YOSHIHARA [continuing]. Was not clear. As far as authority, there are now a lot of folks who have spoken today that we are going to lose credibility, mitigate credibility altogether, if we do not ratify. We're going to be out of the table. I think that is excessive. We will maintain our credibility. We have that credibility. One hundred thirty-eight countries have already ratified without us ratifying. Great Britain, Spain has passed a comprehensive law. African nations are making real differences now and embracing this because they have ratified it. Even without us ratifying—and time and again, I hear, when I am at the U.N., from delegates who tell me, "You are the leaders on this. We understand that you have not ratified, but you are still the leader."

So, again, I think that if we go down this path and go to reservations, if we are already afraid, by ratifying, we've gone too far, as far as I am concerned, because we already have the authority, the

credibility, and the leadership to make a difference around the world.

Senator CORKER. Would you work constructively with Mr. Meyer and others to do what we can to try to get to a place where these RUDs alleviate most of the concerns that you have? I know you still have the concern about customary international law.

Dr. YOSHIHARA. Senator, I would be happy to work with them, absolutely.

Senator CORKER. So, if I could, just my final question. You know, Mr. Farris seemed to strongly disagree with you, Mr. Meyer, as to whether the issues that he is concerned about can be addressed through RUDs. And I would like for you, if you would, to address that one more time, Mr. Farris, and then, if you would, Mr. Meyer, respond to that.

Mr. FARRIS. Senator, I think it is possible to write a RUD that would address my concerns, but I think that the RUD would be illegal under the terms of the treaty, because RUDs that are contrary to the object and purpose of the treaty are illegal. And so, I think that the RUD that would be needed—

Senator CORKER. And illegal where?

Mr. FARRIS. They are—it would—illegal in any court. The question becomes whether we have really ratified the treaty. I think that the better view is that, if we adopt a treaty with a reservation that is contrary to the object and purpose of the treaty, then we are not actually a party to the treaty. It is not that the RUD falls; our whole ratification or whole participation falls, because we are undertaking it—we are pretending to undertake the obligation, and we are not really doing so.

So, I do not think that the RUD that would satisfy my arguments would be legal, for that reason. Now, could you write something that was just on the homeschooling issue? Perhaps. I have not seen anything to date that has come close to that. But, given the experience of the homeschooling community in the last year with this administration on the *Romeike* case, where it was interpretation of international treaty law on the best-interests-of-the-child standards, the same term of art that are concerned about here, we do not trust this—given the fact that we are being mistreated by this administration right now on an immigration issue on this very term of art in the law. Moreover, this is the same administration that told us, “If you can—if you want to keep your insurance policies, you can.” If—

Senator CORKER. Yes.

Mr. FARRIS. And so, trusting the source of the promises is not at a high level right now.

Senator CORKER. So, if you would respond to that, Mr. Meyer, I would appreciate it.

Mr. MEYER. Thank you, Senator.

First, I think, to be clear, no U.S. court is going to disregard a RUD, regardless of whether or not it is contrary to the object and purpose of the treaty. Consistent with Professor Goldsmith and Professor Bradley’s findings, I am aware of no instance in which a Federal court has ignored a RUD.

The way in which RUDs—the object and purpose rule comes into play is mostly that another party might object that a reservation

the United States made is contrary to the object and purpose of the Convention.

The United States—there is no way, through this procedure, that the United States can end up bound by anything to which we have not consented, by which I mean, it is not possible that, by the virtue of some party objecting, that the reservation will be struck and the United States will be bound by the treaty without the reservation. Either the treaty simply would be deemed not to apply or, more likely, the objection would just be answered and everybody would understand that the United States had entered this reservation.

It is also possible that the committee, at some point, might opine that a reservation the United States made was contrary to the object and purpose of the treaty. But, again, as with other interpretations offered by the treaty, that would be nonbinding on anybody, and it would be up to, actually, a state party to advance that argument.

Senator CORKER. So, we are the country that has the gold standard, and advocates would like for us to play a role throughout the world in helping develop that gold standard around the world. And you are saying that, if we develop RUDs that, in our opinion, absolutely inoculate us from any kind of outside issue outside our domestic laws, and it is struck down as being something that is contrary to the treaty, then the whole treaty falls, from our standpoint; we are not bound to other portions of the treaty. Is that one point you just made?

Mr. MEYER. That is correct. The only thing I would add is that there is no court that would have jurisdiction to strike down a reservation. This treaty does not submit, for example, to the jurisdiction of the International Court of Justice. And the committee does not have the authority to formally strike down a reservation.

Senator CORKER. And I guess one of the advocates, the witness, Mr. General, you would say that we would be better off with adhering and taking up this treaty and being bound by this treaty, with RUDs that did that very thing, and that would be acceptable to you, as an advocate, for us having those kind of disclaimers relative to our own internal and domestic laws.

Mr. THORNBURGH. I do not think there is really any choice, because what we have exemplified historically in this country is a commitment to assuring, to the world's people, that benefits and advances that we have made in our own country—and I do not see disability rights, to which there is an obvious strong commitment in this country, going back to and preceding the Americans with Disabilities Act, as any different than the other important principles that we have fought and died for over the years.

So, I think that, clearly, any strategy on the design to gut our ratification to the treaty would be unacceptable. At the same time, I think it is entirely possible to draft RUDs that are satisfactory to most reasonable people in looking at what the problem is.

Senator CORKER. Mr. Chairman, thank you.

And thank all of you, as witnesses, for your time.

The CHAIRMAN. Thank you, Senator Corker.

Just one final comment. And since we are developing a record here, I cannot let go of a different view than Dr. Yoshihara's with

regards to her constant references to the *Colombia* case. And I am disappointed that you use it in that way.

With reference to, you know, the assertion that Colombia's high court overturned the country's protection of the unborn, invoking the nonbinding comments of U.N. treaty bodies as it relates to this treaty, the fact of the matter is, the *Colombia* case has nothing to do with the disabilities treaty. It's a 2006 case. Colombia did not ratify the Disabilities Treaty for another 5 years after that decision.

The *Colombia* case cites a different Convention, a treaty to which Colombia had no reservations, no understandings, no declarations. By contrast, our ratification, should we do so, of the Disabilities Treaty would be with a declaration that the treaty is not self-executing, meaning that the Disabilities Treaty could not be used as a basis for lawsuits in United States courts. And the U.S. Supreme Court has upheld the validity of non-self-executing declarations in the case of *Sosa vs. Alvarez-Machain*.

So, you know, we need to be clear about the assertions that we make when we are creating a record, and I felt the responsibility to make that clear.

Let me thank all of the witnesses—

Senator CORKER. Could she respond to that?

The CHAIRMAN [continuing]. For their—we have given everybody plenty of opportunity.

Let me thank all of the witnesses for their testimony. I appreciate all of the members who have attended and the thoughtfulness for which they approach the issue.

I appreciate and want to thank those who have beared with us and have watched the hearing from overflow rooms, since we did not hold this in the—outside of the traditional hearing room. We appreciate your forbearance and your watching of the democratic process in the overflow rooms.

The record will be open until the close of business on Thursday.

And, with the thanks of the committee to all of you, this hearing is adjourned.

[Whereupon, at 5:12 p.m., the hearing was adjourned.]

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## ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

### RESPONSES OF MICHAEL P. FARRIS TO QUESTIONS SUBMITTED BY SENATOR BOB CORKER

*Question.* Can you please explain your view of whether and how U.S. ratification of the CRPD could affect the current balance between the Federal Government, State governments, and individuals—particularly with respect to Congress' power to regulate in areas that understood to be reserved to the States or the people under the 10th Amendment of the U.S. Constitution? How might we construct Reservations, Understandings, or Declarations (RUDs) sufficient to ensure against such an effect?

*Answer.* 1. *Like the CRC and CEDAW, if ratified, the Convention on the Rights of Persons with Disabilities would become the supreme law of the land under the U.S. Constitution's Supremacy Clause in Article VI, would trump State laws, and would be used as binding precedent by State and Federal judges.*

Article 4(1)(a) demands that all American law on this subject be conformed to the standards of the U.N., and Article 4(1)(e) remands that "every person, organization, or private enterprise" must eliminate discrimination on the basis of disability. The State Department and the Committee on Foreign Relations both recognize "that

by its terms the Convention can be read to require broad regulation of private conduct.”<sup>1</sup>

The rule of international law is that the nation-state that ratifies the treaty has the obligation to ensure compliance. This gives Congress total authority to legislate on all matters regarding disability law—a power that is substantially limited today. Article 4(5) makes this explicit. Absent an effective RUD, any remaining state sovereignty on the issue of disability law will be entirely eliminated by the ratification of this treaty.

2. *The very concept of a federalism reservation runs counter to the general principles of international law.*

Normally, when a nation-state enters into a treaty, that nation-state has the obligation to fulfill that treaty and may not justify its failure to implement the treaty’s provisions based on the failure to act of any subsidiary unit of government—even in a Federal system. Thus, in *Missouri v. Holland*, 252 U.S. 416 (1920), the Supreme Court held that Congress may pass implementing legislation in pursuance of a treaty even in that subject matter had heretofore been, by virtue of the 10th Amendment, within the exclusive legislative competence of the states. There can be no debate that the ratification of a treaty gives Congress all of the power necessary to implement its terms—any principle of federalism to the contrary notwithstanding.

3. *Ultimately, the UNCRPD’s strong nationalistic approach to treaty obligations results in frustration, exasperation, and even outright disdain for Federal systems of government.*

To cite just one example, the Expert Committee has specifically identified Argentina’s Federal structure of government as a “challenge” to the achievement of the Convention’s aims: “The Committee is also concerned about the challenge posed by the State party’s federal structure in terms of the achievement of full accessibility for all persons with disabilities in every province and municipality in its territory. The Committee recommends that the State party establish effective mechanisms for monitoring and evaluating compliance with accessibility laws in the State party and that it take the necessary measures to facilitate the alignment of the relevant federal and provincial legislation with the Convention and the development and implementation of accessibility plans.”<sup>2</sup>

The implication of these statements is clear. Under modern international law, constitutional federalism—where states have meaningful freedom to individualize and customize the laws within their own sovereign spheres of authority—is the great challenge and barrier to the aims of the treaty. If the treaty’s aims are to be fully realized, federalism must be curtailed, removed or subsumed entirely. There is no reservation which can both recognize and retain vibrant federalism, and adequately address this concern.

*Question.* In your view, is it conceivable that the CRPD Expert Committee could assert obligations of States parties’ that would implicate parental governance of disabled children and U.S. compliance with the CRPD? If your answer is yes, please cite the article(s) of the CRPD and/or the operative language that might create this obligation. How might we construct Reservations, Understandings, or Declarations (RUDs) sufficient to ensure against such an effect?

Answer. 1. *The UNCRPD follows the trend of the second generation of human rights treaties which promote the idea that government, not parents, have the ultimate voice in decisions concerning their children.*

Early human rights instruments were very supportive of the rights of parents to direct the education and upbringing of their children. It is beyond dispute that the Universal Declaration of Human Rights, adopted in 1948 by the unanimous vote of the U.N. General Assembly arose “out of the desire to respond forcefully to the evils perpetrated by Nazi Germany.” Article 26(3) of the UDHR, regarding parents and children, is no exception: “Parents have a prior right to choose the kind of education that shall be given to their children.”

The rejection of the Nazi view of parents and children was translated from the aspirational articles of the UDHR into the binding provisions of the two core human rights treaties of our era—the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social, and Cultural Rights (1966). Article 18(4) of the ICCPR provides: “The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”

Article 13(3) of the ICESCR repeats and expands on this same theme: The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other

than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

2. *This proparent view of human rights has given way to a decidedly different view in the U.N. Convention on the Rights of the Child (UNCRC) and now in the U.N. Convention on the Rights of Persons with Disabilities.*

Article 7(2) advances the identical standard for the control of children with disabilities as is contained in the U.N. Convention on the Rights of the Child. This means that the government—acting under U.N. directives—gets to determine for all children with disabilities what the government thinks is best.

The “best interest of the child” standard is one used currently in American family law, but only if a family is broken by a divorce or if a parent is convicted of neglect or abuse. In all other cases, current American law rejects the proposition that the government can substitute its view of what is best for the child for that of the parent.

In contrast, Article 7, Section 2 of the treaty requires that States ensure that “In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.” The UNCRPD further enjoins States to ensure that all actions concerning disabled children are made on the basis of the child’s best interest.

In order for States to live up to their treaty obligations, they must necessarily make judgments about children’s best interests continuously. Should the government’s assessment of the child’s best interests differ from that of the parents, the government gets to make the decision, not the parents.

3. *The UNCRPD’s approach to parental rights leads to the inescapable conclusion that parental rights in the education of disabled children will be supplanted by a new theory of governmental oversight and superiority.*

In short, government agents, and not parents, are being given the authority to decide all educational and treatment issues for disabled children. All of the rights that parents have under both traditional American law and the Individuals with Disabilities Education Act will be undermined by this treaty. A couple of examples illustrate the dangerous trend in the UNCRPD.

a. Evisceration of IDEA’s baseline parental protections: Under current American law, the IDEA requires public schools to offer special assistance to children with disabilities. No parent, however, is required to accept such assistance. Under this section the government—and not the parent—would have the ultimate authority to determine if a child with special needs will be homeschooled, attend a private school, or be required to accept the program offered by the public school.

The National Dissemination Center for Children with Disabilities lists eight particular rights of parents contained in the IDEA:

- (1) The right of parents to receive a complete explanation of all the procedural safeguards available under IDEA and the procedures in the state for presenting complaints;
- (2) Confidentiality and the right of parents to inspect and review the educational records of their child;
- (3) The right of parents to participate in meetings related to the identification, evaluation, and placement of their child, and the provision of FAPE (a free appropriate public education) to their child;
- (4) The right of parents to obtain an independent educational evaluation (IEE) of their child;
- (5) The right of parents to receive “prior written notice” on matters relating to the identification, evaluation, or placement of their child, and the provision of FAPE to their child;
- (6) The right of parents to give or deny their consent before the school may take certain action with respect to their child;
- (7) The right of parents to disagree with decisions made by the school system on those issues; and
- (8) The right of parents and schools to use IDEA’s mechanisms for resolving disputes, including the right to appeal determinations.

All of these parental rights will be eviscerated by the mandatory application of the “best interest of the child” standard which is set forth in Article 7 of the UNCRPD. Speaking of the “best interest of the child” standard in the UNCRC—a provision that uses the exact same legal terms as those contained in Section 7 of the UNCRPD—Geraldine van Bueren, one of the world’s leading experts on the international rights of the child, clearly explains the meaning and application of this best interests standard: “Best interests provides decision and policymakers with the

authority to substitute their own decisions for either the child's or the parents', providing it is based on considerations of the best interests of the child.

Today, under the IDEA parents get to decide what they think is best for their child—including the right to walk away from government services and provide private or home education. Under the UNCRRPD, that right is supplanted with the rule announced by Professor van Bueren. Government officials have the authority to substitute their views for the views of parents as well as the views of the child as to what is best. If parents think that private schools are best for their child, the UNCRRPD gives the government the authority and the legal duty to override that judgment and keep the child in the government-approved program that the officials think is best for the child.

The resulting danger is far from theoretical. To cite just one example, the Expert Committee has held that New Zealand's Education Act of 1989, which allows the Secretary of Education to force any child with special needs into government-run schools "if the Secretary thinks [the student] would be better off," conforms to the UNCRRPD. If the "best interest of the child" standard controls, substitution of the government's views for that of the parents is all but *fait accompli*.

b. Directing the Child's Education: Article 24 on Education does not repeat the parental rights rules of earlier human rights treaties such as the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social, and Cultural Rights.

This is an important omission. Coupling this omission with the direct declaration of "the best interest of the child" standard in Article 7(2), this convention is nothing less than the complete eradication of parental rights for the education of children with disabilities. Again, New Zealand's approach to this issue—and its subsequent approval by the Expert Committee—is illustrative of the great danger to familial integrity, autonomy, privacy, and liberty posed by the UNCRRPD.

c. Parental Discipline and Corporal Punishment: Similar concerns attach to Article 15's call for a ban on "inhuman or degrading treatment or punishment." This legal phrase is identical to that used in the UNCRC, which has been authoritatively interpreted to ban any spanking by parents. It should be noted that Article 15 is not limited to persons with disabilities. It says "no one shall be subjected to . . . inhuman or degrading treatment." This means that spanking will be banned entirely in the United States.

4. *Current reservations are insufficient to protect parental rights in education, which are almost universally matters of State law.*

It is true that the Foreign Relations Committee sought to address these concerns with an "Understanding" that "nothing in Article 7 requires a change to existing United States law." However, in context, the term "United States law" is ambiguous. In normal usage, "United States law" refers to Federal law while State law is described as "the laws of the several states." Since this Understanding only addresses "United States law" the supremacy of the treaty over State law is still unaddressed.

Of course, the vast majority of the law concerning the rights of parents over the education of their children is found in State law, not in Federal law. As such, this Understanding—as currently written—falls woefully short of providing any assurance to parents that they will remain the primary decisionmakers for their children's education.

*Question.* In your testimony, you point out that the CRPD Expert Committee has criticized some nations' approach to disability rights. Do you have concerns that they will do so for the United States, despite our being the world leader on these issues? If so, do you think that having a "seat at the table" would allow us to better protect and advocate for American laws and standards?

1. *There is no doubt that the United States leads the whole world in providing appropriate access to persons with disabilities.*

But we lead, not because international law has required us to do so, but rather because we believe that every single person is endowed by our Creator with certain inalienable rights. It is that belief system, and not international law, which will continue to provide Americans with disabilities with any necessary changes to the law in the years ahead.

2. *Proponents of this treaty who offer RUDs contending that the United States is already fully compliant with this convention are actually working at cross-purposes to the goal of "leading" the international community.*

Professor Louis Henkin writing in the American Journal of International Law, cautions that "Reservations designed to reject any obligation to rise above existing law and practice are of dubious propriety: if States generally entered such reservations, the convention would be futile."

Under such an approach, the United States ratification of the UNCRPD will not send any signal worth sending. The message will not be that other nations need to match our comprehensive package of State and Federal laws concerning the proper treatment of disabled persons. Rather, the message will be that treaties are for show and have no more impact than you want them to have. International law that is not translated into domestic law and practice is nearly worthless. I can think of no means of drafting a reservation that cures this huge defect.

3. *The way for the United States to continue to lead the world in this area is to ensure that American law and practice live up to the promises of the Declaration of Independence rather than the amorphous standards of the UNCRPD and its Expert Committee.*

The United States should lead the world in only ratifying treaties with which we intend to fully, faithfully, and vigorously comply. We should not lead the world in cheap and compromised promises.

*Question.* In your testimony, you stated your concern that the CRPD does not provide a concrete definition of “disability.” Please describe whether and how our obligations under the treaty might change over time as a consequence. How might we construct Reservations, Understandings, or Declarations (RUDs) sufficient to ensure against such an effect?

Answer. 1. *Because the UNCRPD provides no definition of “disability,” it is truly impossible to understand the scope of the undertaking of this treaty.*

2. *The proposed Understanding which attempts to grapple with this fact—recognizing disabilities “insofar as they are recognized and implemented under U.S. Federal law”—is ultimately impotent:*

a. At best, this understanding is a futile exercise in semantics. The cardinal rule governing treaty reservations, understandings, and declarations is that the reservation cannot be incompatible with the object and purpose of the treaty.<sup>3</sup> The UNCRPD’s purpose statement is intentionally broad and inclusive, and nothing in the treaty even suggests—much less States—that the domestic law of States parties are a valid basis for defining it. There is no way to tailor this understanding which overcomes this difficulty, while preserving its essence.

b. As discussed above, because this understanding only addresses “United States law” the supremacy of the treaty over State law is still unaddressed. While Federal statutes exert some level of control over certain aspects of disability law, State action is hardly preempted, particularly as concerns the rights of parents over the education of their children. This Understanding—as currently written—falls woefully short of providing any assurance to parents that they will remain the primary decisionmakers for their children’s education.

c. This “limitation” is ultimately no less fluid than the nondefinition given in the treaty itself. The limitation promised by the Understanding is subject to an exception—disability as recognized under “U.S. Federal law.” If this exception was limited to “existing U.S. Federal law” then we would know the extent of the undertaking. But since the word “existing” is missing from the treaty, we are left with an expanding definition of disability that represents a growing extent of Federal power over any arguable form of disability that is not currently regulated by the Federal Government.

d. This exception is for “U.S. Federal law” not “acts of Congress.” This administration is pushing the boundaries of the power to make federal law via Executive orders and other forms of administrative action.

This “exception” robs this Understanding of any meaningful limitation on Federal power to enforce this treaty. Any future President can simply make an Executive order announcing a new, broad definition of disability and the United States would be bound thereby according to the terms of this Understanding.

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## End Notes

<sup>1</sup>Executive Report of the Senate Committee on Foreign Relations, Recommendation to Ratify Treaty Doc. 112–7, Convention on the Rights of Persons with Disabilities with 3 Reservations, 8 Understandings, and 2 Declarations, 112th Congress, 2d Session (Ex. Rept. 112–6), July 31, 2012, available at <http://www.gpo.gov/fdsys/pkg/CRPT-112erpt6/html/CRPT-112erpt6.htm> (accessed April 10, 2014).

<sup>2</sup>U.N. Comm. Rights of Persons with Disabilities, “Concluding observations on the initial report of Argentina,” U.N. Doc. CRPD/C/ARG/CO/1 (Oct. 8, 2012) at 3–4 ¶ 17–18.

<sup>3</sup>Vienna Convention on the Law of Treaties, “Opened for signature” May 23, 1969, Art. 19, 1155 UNTS 331.

RESPONSES OF TIMOTHY MEYER TO QUESTIONS  
SUBMITTED BY SENATOR BOB CORKER

*Question. 1.* The CRPD has an Expert Committee to evaluate whether parties are in compliance with the treaty. What role does the Committee play through its reporting process in influencing interpretations of the treaty's obligations, particularly where it contemplates an "evolving" understanding of certain terms? Does that process pose any implications for the United States?

*Answer.* As a matter of international law, the Committee on Disabilities does not have the authority to issue binding interpretations of the Convention on the Rights of Persons with Disabilities ("CRPD" or "Committee"). Rather, the Committee is authorized to "consider" reports made by parties to the CRPD about measures they have taken to implement the Convention. The Committee may also "make such suggestions and general recommendations on the report as it may consider appropriate." CRPD art. 36(1). The Committee may also "make suggestions and general recommendations based on the examinations of reports and information received from the States Parties" to the U.N. General Assembly and Economic and Social Council. CRPD art. 39. It is also common practice for expert committees to issue "general comments" which elaborate a committee's interpretation of the treaty it is charged with implementing, a practice the Committee has continued.<sup>1</sup>

These interpretations, while not legally binding, still have what is referred to as a "soft" (or indirect) legal effect.<sup>2</sup> This effect occurs when the Committee's interpretations are given effect by other legal actors. Most obviously, other parties to the Convention may adopt the Committee's interpretations of the Convention's obligations as their own. Thus, if the United States were to ratify the CRPD, other states parties to the Convention might base their view of the United States obligations in part on how the Committee interprets those obligations. The Committee's interpretations become, in effect, a focal point for giving content to the vague obligations contained in the CRPD. And the CRPD contains many vague obligations that require interpretation before they can be applied. Most notably, the CRPD "recognizes" in its Preamble that what constitutes a "disability" is "evolving." The Committee thus has a role to play in influencing how other parties to the Convention view the definition of a disability, and thus the scope of the Convention. The U.S. Government will have to respond to and engage with the Committee's interpretations to the extent that other parties to the Convention accept those interpretations as correct. Moreover, because expert committees do provide a focal point for shaping the expectations of parties about what constitutes compliance with a treaty, these committees have sometimes claimed that their interpretations of the treaties they are charged with implementing are entitled to "authoritative" weight.<sup>3</sup>

As set forth more fully below, if the United States ratified the Convention, it could cabin the role of the Committee in interpreting the United States obligations through a strong package of RUDs. These RUDs would achieve two purposes. First, they would clarify that the United States does not accept any legal obligations arising by virtue of any actions of the Committee. Second, they would clarify that the United States does not accept that the Committee's interpretations of the Convention have any legal significance. Such a package of RUDs would clearly signal to both foreign states and domestic U.S. agencies and courts that the United States accepts no commitments with respect to, and is not bound in any way by, the Committee's interpretations of the Convention.

*Question. 2.* What role might the Committee's reporting process play in the development of customary international law in matters covered by the CRPD?

*Answer.* The Committee does not have the power to make customary international law. However, just as the Committee's nonbinding interpretations of the Convention may in some circumstances influence how parties view their obligations under the Convention, so too can parties' reactions to the Committee's interpretation shape the development of customary international law, at least in principle. Customary international law "results from a general and consistent practice of states followed by them from a sense of legal obligation."<sup>4</sup> States' interactions with human rights committees constitute state practice that have the possibility of giving rise to rules of customary international law if states in general accept or begin to act in accordance with the Committee's interpretations of international law. The formation of customary international law thus remains with states, but the Committee can use the opportunities the Convention gives it to interact with states to influence their views about customary international law. In effect, the Committee can act as a sort of agenda-setter. At the same time, however, states' interactions with the Committee can also disrupt the formation of customary international law when the interactions make clear that states do not accept the Committee's claims or interpretations of

international law. The United States has used the opportunity to respond to the Human Rights Committee, for example, to make clear that it does not accept certain broad claims by the Human Rights Committee about the content of customary international law.<sup>5</sup>

*Question.* 3. Could such a body of law bind the United States or be enforceable in any way?

Answer. Customary international law does not require that all states participate in the practice in order for an obligation to arise.<sup>6</sup> Thus, in theory a country not party to a treaty or interacting with the committee could nevertheless end up bound by a customary international law obligation that arose based on the Convention's obligations as interpreted by the committee.

These rules of customary international law would still not be the basis for an action before an international court such as the International Court of Justice unless the United States consented to the jurisdiction of the court in some fashion. Moreover, I am aware of no legal authority that would provide a cause of action for a U.S. national in a suit against the United States or state governments in U.S. Federal Court for breaching a customary international law obligation.<sup>7</sup> Finally, a state can protect itself from being bound internationally by a rule of customary international law to which it objects—under a doctrine known as the “persistent objector” doctrine—by monitoring the practices of other governments and objecting to being bound by a customary rule during the time the rule is forming.<sup>8</sup>

*Question.* 4. Does U.S. ratification of the treaty provide support to the obligations of the treaty, as interpreted by the Committee and other countries, becoming customary international law?

Answer. Yes, it could. Having ratified the Convention, however, the United States would be bound by the obligations created therein as treaty obligations, and so whether they are also customary international law obligations would not affect the United States commitments internationally so long as the United States remained party to the CRPD.

Customary international law “results from a general and consistent practice of states followed by them from a sense of legal obligation.”<sup>9</sup> Thus, each additional ratification could be used to support a claim that the rules created by a treaty are customary international law. Notably, though, customary international law does not require that all states participate in the practice in order for an obligation to arise.<sup>10</sup> The CRPD has been ratified by 138 nations, so in practice the ratification of the United States may make little difference to whether the obligations found in the CRPD are thought to be customary international law by other nations.

Moreover, if the United States ratified the CRPD it would be bound by the obligations therein, regardless of whether they are viewed as treaty obligations or obligations arising under customary international law. There are some instances in which a party to a Convention might distinguish between customary international law obligations and identical treaty obligations. For example, if a state withdrew from a treaty but the treaty's substantive obligations had become customary international law, the state would still be bound by the substantive obligations in the treaty notwithstanding its withdrawal. Treaties such as the CRPD often provide monitoring mechanisms, such as reporting requirements, that do not become customary obligations, however. Withdrawal would still allow the United States to avoid reporting obligations, even if the substantive obligations were binding as customary international law.

If ratified, concerns that the CRPD's obligations would be viewed as customary international law by virtue of their inclusion in the Convention could be addressed through an understanding stating the United States position that the CRPD's obligations are not customary international law by virtue of being included in the Convention, and a declaration that the United States does not view its ratification as created any customary international law obligations. I have provided possible language for such a RUD in response to question 6 below.

*Question.* 5. Is it fair to say that without very strong and clear RUDs on these issues, that the Committee and its work—through courts and other parties to the Convention—could put significant pressure on U.S. laws, like the ADA?

Answer. A strong and clear package of RUDs would ensure that the committee and its interpretations of the Convention are not the basis for a decision by U.S. courts interpreting the ADA or other federal statutes. A nonsent execution declaration like the one included in the Transmittal Package would be sufficient to ensure that the Convention does not create a private cause of action in U.S. courts. Moreover, RUDs could make clear that the Committee's interpretations are to be given no interpretative weight apart from the weight they are accorded by the States Par-

ties to the Convention. In question 6 below I suggest language for such possible understandings.

The Committee's interpretations might still influence the views of other States Parties, and those Parties might still ask the United States to make changes to its laws based the Committee's interpretations. The RUDs cannot control what other parties to the Convention do; they can provide direction to U.S. courts as to the obligations the United States would be undertaking were it to ratify the Convention, as well as clarify for other parties to the CRPD the commitments the United States is making.

*Question.* 6. Could you provide possible RUD language that, if adopted, would insulate the United States against changing interpretations of our obligations under the treaty, as well as any customary international law that flows from the treaty, by anyone other than the United States Government?

*Answer.* Yes. Last year when this Committee reported the CRPD to the full Senate, it included a proposed understanding stating:

The United States of America understands that the Committee on the Rights of Persons with Disabilities, established under Article 34 of the Convention, is authorized under Article 36 to "consider" State Party Reports and to "make such suggestions and general recommendations on the report as it may consider appropriate." Under Article 37, the Committee "shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention." The United States of America understands that the Committee on the Rights of Persons with Disabilities has no authority to compel actions by states parties, and the United States of America does not consider conclusions, recommendations, or general comments issued by the Committee as constituting customary international law or to be legally binding on the United States in any manner.<sup>11</sup>

This understanding could be supplemented in three ways to make clear that the United States does not recognize the authority of the Committee to interpret the Convention. First, the understanding could include a sentence stating that: "The United States further understands that the Committee's interpretations of the Convention are not entitled to any legal weight apart from that given to them by States Parties to the Convention."

Such an understanding goes beyond the 2012 understanding by clarifying that the Committee's interpretations are not due any deference by parties to the Convention. Such an understanding is consistent with the text of the Convention, which imposes no obligations on parties to adopt or agree with the Committee's views on what the Convention requires.

Second, the understanding could include a sentence making clear that the United States preserves its right to consent to any interpretations of the Convention, from whatever source, before they have any effect whatsoever in the United States. For example, a sentence might be added to the understanding stating that: "Moreover, the United States understands that no interpretation of the obligations of the Convention issued by the Committee or any other international institution can have binding legal effect with regard to the United States unless the United States consents to such an interpretation in accordance with its constitutionally required procedures."

This understanding makes clear that by joining the Convention the United States has not delegated any authority to any international institution to create legal obligations for the United States. It therefore preserves the primacy of the United States domestic lawmaking process in determining what international obligations bind the United States.

Third, the United States could enter RUDs to make clear that it does not view any rules contained in the Convention to be customary international law by virtue of their inclusion in the Convention, and stating that it objects to the formation of rules of customary international law based solely on the Committee's interpretations of the Convention.

"The United States understands that no obligations in the Convention amount to customary international law by virtue of their inclusion in the Convention. The United States declares that it does not ratify the Convention out of any sense of legal obligation to do so or recognition that any obligations contained in the Convention are customary international law by virtue of their inclusion in the Convention or the United States' ratification of the Convention. Moreover, the United States objects to the formation of rules of customary international law based solely on interpretations of the

Convention provided by the Committee on the Rights of Persons with Disabilities.”

Such language makes clear that the United States does not believe the Convention affects customary international law. Moreover, it states clearly that the United States does not ratify the Convention out of a sense of legal obligation. State practice done out of a sense of legal obligation is a requirement for the formation of a rule of customary international law. This language thus makes clear that ratification by the United States should not be viewed as contributing to the formation of customary international law. Finally, the last sentence lays the foundation for the application of the persistent objector doctrine to the United States. As explained below, if the United States persistently objects to the formation of rules of customary international law, it cannot be bound by such rules. The proposed language enters a preliminary objection that could be followed by specific objections to interpretations provided by the Committee, as necessary.

For the sake of clarity, I have also collected these possible RUDs at the end of this document.

*Question.* 7. Please explain in greater detail the persistent objector doctrine and how it can be invoked or applied to ensure against new legal obligations for the United States from the development of customary international law, particularly in the case of the CRPD. Do objections have to be maintained against all actions of the Committee, or only those directed toward the United States?

Answer. The persistent objector doctrine is a rule that is widely, but not universally, agreed to exist.<sup>12</sup> It provides that a state may avoid being bound by a rule of customary international law if it consistently objects to the rule during the rule's formation; i.e., prior to the time when the rule becomes firmly established as a rule of customary international law. The exception to the application of a rule of customary international law created by the persistent objector doctrine is a narrow one. As the International Law Association has written in an influential study on custom:

There is fairly widespread agreement that, even if there is a persistent objector rule in international law, it applies only when the customary rule is in the process of emerging. It does not, therefore, benefit States which came into existence only after the rule matured, or which became involved in the activity in question only at a later stage. Still less can it be invoked by those who existed at the time and were already engaged in the activity which is the subject of the rule, but failed to object at that stage. In other words, there is no “subsequent objector” rule.<sup>13</sup>

A customary international law obligation binding on the United States can be formed on the basis of a consistent and general state practice done out of a sense of legal obligation. There is no requirement that the practice in question involve the United States or be directed at the United States. Customary international law rules are generally thought to bind even states that were not in existence when the rules were formed. Thus, if the United States found an interpretation by the Committee objectionable, the United States would have to object to it even if the interpretation was not directed toward the United States.

*Question.* 8. Is it your understanding that only the executive branch has the ability to fulfill the persistent objector function for the U.S. Government, or may the persistent objector function also be fulfilled by the legislative branch (for example, via a House, Senate, or joint resolution, or even via less formal means)?

Answer. In my view, Congress can play a role in objecting to the formation of customary international law. Congress can do this in several ways. First, including RUDs stating that the United States objects to the formation of customary international law based on the interpretations of the Committee as a condition of ratification would make clear the U.S. position regarding the role of the Committee. Second, Congress could use legislation to express the view of the United States Government that it objects to the formation of a particular rule of customary international law. Third, Congress could pass resolutions stating its objections to the formation of particular rules of customary international law. Such resolutions would likely be given less weight than RUDs or legislation, but would still provide evidence of the position of the U.S. Government on the formation of customary international law. This role for Congress in objecting to the formation of customary rules is consistent with the role branches other than the executive branch can play in the formation of customary international law. Legislation and judicial decisions can be the basis for the formation of customary international law, for example.<sup>14</sup> I do not think it likely that less formal means of objecting to the formation of customary international law, such as floor statements, would be given much weight.

*Question. 9.* What is the process in the United States for withdrawal of a reservation, understanding, and declaration? Can RUDs be drafted in such a way as to prevent their repeal or withdrawal in the future?

Answer. The United States very rarely withdraws RUDs. RUDs can be withdrawn either by returning to the Senate for advice and consent to withdrawal, or through ordinary legislation passed by both Houses of Congress.<sup>15</sup> In 1984, for example, President Reagan requested the advice and consent of the Senate to withdraw a reservation to the Patent Cooperation Treaty.<sup>16</sup> Although President Reagan requested the advice and consent of the Senate, Congress responded by passing ordinary legislation implementing the portion of the Patent Cooperation Treaty that had been excluded by the reservation.<sup>17</sup>

I am aware of no authority for the proposition that the President can unilaterally withdraw a RUD made by the Senate as a condition of ratification.<sup>18</sup> Presidents have withdrawn from treaties entirely without seeking the advice and consent of the Senate.<sup>19</sup> Withdrawing from a treaty to which the Senate previously gave its advice and consent, and withdrawing a reservation made a condition of the Senate's advice and consent to ratification, are fundamentally different acts, however. The former terminates treaty obligations. The latter creates treaty obligations by removing a restriction made when the U.S. initially ratified the treaty. If the advice and consent of the Senate is necessary to the creation of an international legal obligation through a treaty, the same advice and consent should be necessary to its creation through the removal of a reservation.<sup>20</sup>

I do not believe it is possible to draft RUDs to prevent a future Congress and President from withdrawing them. One Congress cannot exercise its legislative power to bind a future Congress in how it exercises the same power. Likewise, the Senate and the President cannot exercise the Treaty Power in a way to bind future uses of that power. A RUD that purported to restrict a future Senate's ability to give its advice and consent to withdrawal of the RUD, or a future Congress' ability to withdraw it through implementing legislation, would restrict the use of a constitutionally authorized power (either the Treaty Power or Congress's authority to legislate pursuant to one of its enumerated powers). RUDs cannot be used to change the constitutional allocation of authority, and therefore in my view such a RUD would be unconstitutional.

*Question. 10.* Would any of the constraints or limitations on our obligations conceived in the preceding questions be construed as violations of the "object and purpose" clause of the CRPD, and thus incompatible with our ratification? Is there any body, such as the Committee or U.S. courts, that could conceivably have the authority to make such a determination? How might we construct Reservations, Understandings, or Declarations (RUDs) sufficient to ensure against such an effect?

Answer. In my opinion, all of the RUDs that are part of the Transmittal Package and all those suggested here are consistent with the object and purpose of the CRPD. To my knowledge no U.S. court has ever struck down a RUD on the grounds that it violates the object and purpose of the treaty, or indeed for any reason at all.<sup>21</sup> For the purposes of U.S. courts, RUDs are part of the law that the President and Senate make in creating a treaty. As such, U.S. courts could strike down a RUD as unconstitutional, just as they could strike down ordinary legislation. The Constitution prevails over inconsistent federal law, including treaties. But U.S. courts could not strike down a RUD as violating the object and purpose of the CRPD, because the RUD itself is part of the federal law created when the treaty is ratified. Rather, the court would be bound by the RUD just as it would be bound by a constitutional statute. Moreover, states are bound by the doctrine of *pacta sunt servanda*, which requires that parties to a treaty honor their commitments in good faith.<sup>22</sup> In entering a RUD to a treaty such as the CRPD that incorporates the "object and purpose" limitation on reservations expressly, the United States would be in effect stating that it believes in good faith that all of its reservations are compatible with the object and purpose of the treaty. A U.S. court would honor this judgment by the Senate and the President.

The Committee would not have the authority to issue a legally binding ruling that a U.S. reservation is incompatible with the object and purpose of the CRPD. The Committee does not have the authority to make legally binding rulings. That does not necessarily mean that the Committee would not opine that a reservation is incompatible with the object and purpose of the treaty, as other human rights committees have done.<sup>23</sup> And just as other interpretations by the Committee can have effect if they are persuasive to other parties to the Convention, so too an opinion by the Committee could potentially affect the views of other parties. Absent consent to the jurisdiction of an international court competent to make a binding determina-

tion, no other international tribunal would have jurisdiction to make a legally binding ruling.

Other than drafting RUDs that the United States believes in good faith are compatible with the object and purpose of the treaty, I am unaware of any way to limit the chances that some entity—another party to the Convention, for example, or the Committee—will view U.S. RUDs as incompatible with the object and purpose. The United States could make clear, however, that its ratification of the Convention is contingent on the validity of its reservations. Professor Curtis Bradley suggested helpful language in his testimony before the Foreign Relations Committee: “The United States declares that its intention to be bound by this Convention depends on the continuing validity and effectiveness of its reservations, understandings, and declarations, except to the extent that such reservations, understandings, and declarations have been withdrawn by the United States pursuant to its constitutional processes.”<sup>24</sup>

*Question.* 11. In recent years, federal courts, including the U.S. Supreme Court, have looked toward international law or other foreign courts’ decisions to help decide domestic federal cases. Are you concerned that the CRPD, and U.S. ratification, could be used to interpret domestic law in an inappropriate way? How might we construct Reservations, Understandings, or Declarations (RUDs) sufficient to ensure against such an effect?

*Answer.* No RUD can guarantee that a U.S. court will not cite to foreign or international law. A wide range of federal judges and members of the Supreme Court have looked to foreign law and to the decisions of foreign courts regarding international instruments to which the United States is not a party. To provide but one recent illustrative example, in his dissent in *United States v. Windsor* Justice Alito cited to the absence of a deeply rooted tradition permitting same sex marriage in foreign countries to support his contention that same-sex marriage is not deeply rooted in the traditions of the United States.<sup>25</sup>

Having said that, the RUDs I suggest in response to question 6 above would provide additional direction to U.S. courts that preexisting federal laws are not meant to be interpreted in accordance with subsequent interpretations of the CRPD by non-U.S. entities.

#### POSSIBLE ADDITIONAL RUDS

##### *Regarding the Committee on Disabilities*

The United States of America understands that the Committee on the Rights of Persons with Disabilities, established under Article 34 of the Convention, is authorized under Article 36 to “consider” State Party Reports and to “make such suggestions and general recommendations on the report as it may consider appropriate.” Under Article 37, the Committee “shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention.” The United States of America understands that the Committee on the Rights of Persons with Disabilities has no authority to compel actions by states parties, and the United States of America does not consider conclusions, recommendations, or general comments issued by the Committee as constituting customary international law or to be legally binding on the United States in any manner. The United States further understands that the Committee’s interpretations of the Convention are not entitled to any legal weight apart from that given to them by States Parties to the Convention.” Moreover, the United States understands that no interpretation of the obligations of the Convention issued by the Committee or any other international institution can have binding legal effect with regard to the United States unless the United States consents to such an interpretation in accordance with its constitutionally required procedures.

##### *Regarding Customary International Law*

The United States understands that no obligations in the Convention amount to customary international law by virtue of their inclusion in the Convention. The United States declares that it does not ratify the Convention out of any sense of legal obligation to do so or recognition that any obligations contained in the Convention are customary international law by virtue of their inclusion in the Convention or the United States ratification of the Convention. Moreover, the United States objects to the formation of rules of customary international law based solely on interpretations of the Convention provided by the Committee on the Rights of Persons with Disabilities.

*Regarding the severability of RUDs*

The United States declares that its intention to be bound by this Convention depends on the continuing validity and effectiveness of its reservations, understandings, and declarations, except to the extent that such reservations, understandings, and declarations have been withdrawn by the United States pursuant to its constitutional processes.

## End Notes

<sup>1</sup> See, e.g., Draft General comment on Article 12 of the CRPD—Equal Recognition before the Law; Draft General Comment on Article 9 of the CRPD—Accessibility, available at: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/DGCArticles12And9.aspx>.

<sup>2</sup> See generally Andrew T. Guzman & Timothy L. Meyer, “International Soft Law,” 2 J. Legal Analysis 171 (2010).

<sup>3</sup> See, e.g., Human Rights Committee, Summary of the 2380th Meeting, U.N. Doc. CCPR/C/SR.2380 § 57 (July 27, 2006) (in which the Human Rights Committee asserts in a colloquy with the United States delegation that “its findings, while not legally binding, had considerable authoritative status.”).

<sup>4</sup> Restatement (Third) of Foreign Relations Law § 102(2) (1987).

<sup>5</sup> See Observations of the United States of America on General Comment 24, in “Human Rights as General Norms and A State’s Right to Opt Out: Reservations and Objections to Human Rights Conventions” 201 (J.P. Gardner, ed. 1997). In its observations, the United States noted that the Human Rights Committee had “assert[ed] in a wholly conclusory fashion that a number of propositions are customary international law which, to speak plainly, are not. It cannot be established, for example, that the mere expression (albeit deplorable) of national, racial or religious hatred (unaccompanied by any overt action or preparation) is prohibited by customary international law.” Id.

<sup>6</sup> Restatement (Third) of Foreign Relations Law § 102, comment b (1987) (“A practice can be general even if it is not universally followed”).

<sup>7</sup> This assumes that Congress has not passed a statute creating a cause of action based on a rule of customary international law, in which case the cause of action would be based on the statute, not customary international law.

<sup>8</sup> Restatement (Third) of Foreign Relations Law § 102, comment d (1987) (“[I]n principle a state that indicates its dissent from a practice while the law is still in the process of development is not bound by that rule even after it matures.”).

<sup>9</sup> Restatement (Third) of Foreign Relations Law § 102(2) (1987).

<sup>10</sup> Restatement (Third) of Foreign Relations Law § 102, comment b (1987) (“A practice can be general even if it is not universally followed”).

<sup>11</sup> Report of the Committee on Foreign Relations on the Convention on the Rights of Persons with Disabilities § 7 (July 31, 2012).

<sup>12</sup> Curtis A. Bradley & Mitu Gulati, “Withdrawing from International Custom,” 120 Yale L.J. 202, 204 (2010).

<sup>13</sup> Int’l Law Ass’n, Comm. on the Formation of Customary (Gen.) Int’l Law, Statement of Principles Applicable to the Formation of General Customary International Law 27 (2000).

<sup>14</sup> For example, in the *Arrest Warrant Case*, the International Court of Justice examined national legislation and the decisions of national courts to determine whether customary international provided an exception to the rule granting immunity from criminal jurisdiction to certain foreign officials. *Arrest Warrant of 11 April 2000 (Dem. Rep. Congo v. Belg.)*, 2002 ICJ REP. 3, 24 (Feb. 14); see also Ingrid Wuerth, “Pinochet’s Legacy Reassessed,” 106 Am. J. Int’l L. 731, 759 (2012) (noting that “national court decisions drove much of the change from absolute to restrictive immunity”).

<sup>15</sup> Treaties are subject to the last-in-time rule, meaning that a subsequent statute prevails over a conflicting treaty. See e.g., *Breard v. Greene*, 523 U.S. 371, 376 (1998) (noting that “when a statute which is subsequent in time is inconsistent with a treaty, the statute to the extent of the conflict renders the treaty null.”) (internal citations omitted). Thus, as a matter of U.S. domestic law, subsequent legislation can be used to modify treaty obligations.

<sup>16</sup> Message to the Senate Transmitting a Patent Cooperation Treaty, July 27, 1984, available at: <http://www.reagan.utexas.edu/archives/speeches/1984/72784d.htm>.

<sup>17</sup> See Act to authorize the United States to participate in chapter II of the Patent Cooperation Treaty, PL 99–616, 100 Stat. 3485 (Nov. 6, 1986).

<sup>18</sup> Justice Scalia, concurring in *United States v. Stuart*, described the situation in this way: “Of course the Senate has unquestioned power to enforce its own understanding of treaties. It may, in the form of a resolution, give its consent on the basis of conditions. If these are agreed to by the President and accepted by the other contracting parties, they become part of the treaty and of the law of the United States. 489 U.S. 353, 374–75.”

<sup>19</sup> See Text of Diplomatic Notes to Russia, Belarus, Kazakhstan, and Ukraine (December 13, 2001) (announcing the United States withdrawal from the Anti-Ballistic Missile Treaty); *Goldwater v. Carter*, 444 U.S. 996 (1979) (holding nonjusticiable a challenge to the President’s withdrawal from a mutual defense treaty with Taiwan).

<sup>20</sup> Again, as a matter of domestic law Congress could achieve the same effect through ordinary legislation.

<sup>21</sup> See Curtis A. Bradley & Jack L. Goldsmith, “Treaties, Human Rights, and Conditional Consent,” 149 U. Pa. L. Rev. 399, 410 (2000) (“In sum, since the early days of the nation, the President and Senate have attached a variety of conditions to their consent to treaties. No court has ever invalidated these conditions.”).

<sup>22</sup> Vienna Convention on the Law of Treaties art. 21.

<sup>23</sup>Human Rights Committee, General Comment 24 (52), General comment on issues relating to reservations made upon ratification or accession to the Covenant or the Optional Protocols thereto, or in relation to declarations under article 41 of the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.6 (1994).

<sup>24</sup>See Testimony of Professor Curtis A. Bradley, Hearing on the Convention in the Rights of Person with Disabilities, U.S. Senate Comm. On For. Rel. (Nov. 21, 213), available at: [http://www.foreign.senate.gov/imo/media/doc/Bradley\\_Testimony.pdf](http://www.foreign.senate.gov/imo/media/doc/Bradley_Testimony.pdf)

<sup>25</sup>*United States v. Windsor*, 133 S.Ct. 2675, 2715 (2013) (Alito, J., dissenting) (“Nor is the right to same-sex marriage deeply rooted in the traditions of other nations. No country allowed same-sex couples to marry until the Netherlands did so in 2000.”).

RESPONSE OF DR. SUSAN YOSHIHARA TO QUESTION  
SUBMITTED BY SENATOR BOB CORKER

*Question.* At the conclusion of the hearing on November 5, the chairman sought to address certain previous testimony of yours. You did not have the opportunity to respond. Would you please do so here?

*Answer.* Senator Menendez in his summary said I implied that Colombia’s 2006 high court decision referred to the Disabilities Committee. But my testimony is clear that this decision was prior to the formation of the Disabilities Committee. The importance of that court’s decision is not that any particular U.N. committee was cited, but that by citing any of the committees, a court—such as Colombia in 2006 and Argentina in 2012—lends the nonbinding views of U.N. human rights committees the status of jurisprudence, when in fact those views have no such authority. This is germane to our discussion on the evolution of customary law, and how this treaty and the comments of the committee might reverberate in U.S. law.

When the Colombia Constitutional Tribunal directed a liberalization of the national abortion law, the court’s majority referred to the comments of U.N. human rights treaty bodies regarding abortion (please see Constitutional Court of Columbia Decision C-355/06, 10 May 2006). What is particularly notable is that the Colombian court cited not just one but six committees, referring to “The obligatory nature of international treaties and the recommendations made by international organizations in relation to human rights, and particularly, in relation to the general criminalization of abortion,” and stating that “the recommendations made by the international authorities in charge of overseeing compliance by the States Parties, and particularly the recommendations made to the State of Colombia in relation to the subject of absolute criminalization of abortions, should be taken into consideration.”

The Colombia court decision cited observations made by the Human Rights Committee (ICCPR), Committee on Economic, Social and Cultural Rights (ICESCR), The Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), Committee on the Rights of the Child (CRC), Committee of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Committee of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture, UNCAT).

The Committee on the Rights of Persons with Disabilities was not in existence at that time, but in its brief history has already pressured two countries on abortion laws. This follows an unfortunate practice by the Committee on the Elimination of All Forms of Discrimination Against Women which has pressured more than 80 countries to liberalize their abortion laws, the Human Rights Committee which has admonished more than a dozen countries to liberalize their abortion laws, the Committee on Economic and Social Rights which has pressed more than 10 countries to liberalize their abortion laws, and the Committee on the Rights of the Child and the Committee Against Torture which have also urged countries to liberalize their abortion laws.”

The Argentine Supreme Court also cited the recommendations of international treaty monitoring bodies in its March 2012 decision partially liberalizing the country’s law on abortion (please see F., A.L. s/ media autosatisfactiva, F. 259. XLVI (Arg. Mar. 13, 2012), available on the Supreme Court of Argentina Web site at <http://www.csjn.gov.ar/om/img/f259.pdf>). The Court cited, on page 6 of its decision, the “Concluding Observations” of both the Human Rights Committee, which monitors state party progress under the International Covenant on Civil and Political Rights (ICCPR), and the Committee on the Rights of the Child (please see CCPR/C/ARG/CO/4 of 22/03/2010, and CRC/C/ARG/CO/ 3-4 of 21/06/2010, respectively). What is particularly troubling is the way the Argentine Court refers to these committees—incorrectly—as “judicial.” This asserts that the nonbinding recommendations have a weight far beyond what was originally intended.

While one panelist at the hearing asserted that having a U.S. representative on the Disabilities Committee might prevent such misinterpretations in the first place,

history does not support this view. When in 2005 the Human Rights Committee incorrectly interpreted the ICCPR to tell Peru that its restrictive abortion laws represented “cruel, inhuman, and degrading treatment,” there was an American expert on the Committee. Not only that, but the U.S. representative chaired the committee at the time. (Please see Human Rights Committee, Eighty-fifth Session, “Views,” November 22, 2005 (CCPR/ C/85/D/1153/2003)).

The United States would do well to avoid lending even more credibility to the committees by ratifying this treaty.

LETTER FROM CATHOLIC FAMILY & HUMAN RIGHTS INSTITUTE SUBMITTED BY DR. YOSHIHARA TO ACCOMPANY HER RESPONSE TO THE QUESTION



November 7, 2013

The Honorable Bob Corker  
 Ranking Member  
 U.S. Senate Committee on Foreign Relations  
 444 Dirksen Senate Office Building  
 Washington, DC 20510

Dear Ranking Member Corker,

Contrary to the assertion by Chairman Menendez that an article I co-authored which he entered into the record indicates pro-lifers are split on whether the UN CRPD contains dangerous provisions and that the article rebuts the testimony of C-FAM's Vice President for Research, Dr. Susan Yoshihara, the article clearly states that "pro-lifers should be concerned with Disabilities as with any treaty, because even though the Disabilities Convention does not create a right to abortion, it does create a committee to monitor compliance with its terms. UN compliance committees are often staffed with radicals who favor abortion, and, in their non-binding advisory recommendations, will hector countries about changing their laws protecting life."

It is unfortunate that Mr. Menendez did not allow Dr. Yoshihara to respond to his comments about the column, a copy of which is attached, as she would have explained the nuances of our concerns.

While the treaty addresses "reproductive health" in the context of nondiscrimination, and while negotiators of the Convention, including the Chairman, repeatedly insisted the treaty does not create a right to abortion, as the article cited by Chairman Menendez forewarned, the Treaty Monitoring Body created for the Convention would likely attempt to redefine the term as including abortion. This was our fear at that time and we expressed that fear.

In the intervening years, our fears have proven well-founded. The committee now defines the phrase "reproductive health" as including abortion. We still contend the committee is wrong and that the treaty does not include a right to abortion, but the Senator's argument is not with my group or me. His argument is with the Committee on Disabilities. They contend that it does. This is why we oppose ratification of the Convention.

I hope this clears up any confusion created by the Chairman's imprecise and frankly misleading characterization of the article which he entered into the record and to which I respectfully refer the committee.

I hope this clears up the Chairman's confusion.

Yours respectfully,

*Austin Ruse*  
 President/C-FAM

RESPONSES OF RICHARD THORNBURG TO QUESTIONS  
SUBMITTED BY SENATOR BOB CORKER

*Question.* During your testimony, you informed the committee that you were surprised by the Federal Government's application of the Chemical Weapons Convention to a domestic criminal prosecution (in *Bond v. U.S.*, OT 2013, Docket No. 12–158, which is currently pending before the Supreme Court; see also 681 F.3d 149 (3d Cir. 2012)). You also stated, however, that you were not concerned about similar misapplication or overreach under the CRPD in the event the United States were to ratify that treaty, based on your anticipation that the Court will use the pending *Bond* case to reverse *Missouri v. Holland*, 252 U.S. 416, the seminal treaty power case that was decided in 1920.

- ◆ Given the potential implications of the pending *Bond* case and the line of case law extending back to *Missouri v. Holland*, would it be prudent to wait until the Supreme Court renders its decision in *Bond*, in order to see what limits (if any) the Court places on the current expansive treaty power?
- ◆ If it is not overturned, would you still recommend ratification?
- ◆ In any outcome, how might we construct Reservations, Understandings, or Declarations (RUDs) sufficient to ensure against unintended consequences like this?

*Answer.* While it is difficult to predict how the Supreme Court will decide any particular case, it is not necessary to wait until the Court decides the *Bond* case before proceeding to ratify the Disabilities Convention. Even in the unlikely event that the Court reaffirms or extends its earlier ruling on the nature of the Constitution's Treaty Power, we can still proceed to ratification. The basis for this view is twofold: (1) the ability of the committee to craft an appropriate Federalism reservation; and (2) the fact that no new implementing legislation is needed to comply with the Disabilities Treaty, and existing implementing legislation—the ADA, the Rehabilitation Act, and other disability rights laws—do not rely upon the Treaty Power for their constitutional justification.

I have no objection to revising the Federalism Reservation that this committee adopted last year so that it includes language that puts to rest any concerns about the potential impact of the *Bond* case.

*Question.* Are you concerned that the concept of disability is not clearly defined in the CRPD, but is instead an “evolving concept” that is subject to change over time? To the extent an evolving concept of disability is incompatible with the Americans with Disabilities Act's firm, medical definition of disability, how might we construct Reservations, Understandings, or Declarations (RUDs) sufficient to ensure against conflict between possible future interpretations of the definition of disability in the CRPD and our own “gold standard” in the ADA?

*Answer.* I am not concerned about the nature of the approach to the definition of disability in the Disabilities Treaty. In fact, I believe that the approach of the treaty and the flexibility it provides to nation states is a strength, not a weakness.

In the preamble to the Disabilities Treaty, it “recognizes” that disability is an evolving concept that comes from the interaction of a person's “impairment” (the treaty's language) and attitudinal and environmental barriers. Thus the treaty is grounded, as is our ADA definition, in the concept of impairment. We have a 40-year history with the definition of disability for disability nondiscrimination legislation, starting with the Rehabilitation Act of 1973 and continuing to the ADA Amendments Act of 2008. Our definition covers those with a current impairment, those with a history of an impairment or those who are regarded as having an impairment, even though they may not have one. Thus a woman who has recovered from breast cancer and is now cancer-free cannot be discriminated against because of her history of breast cancer when she applies for a job. We will be able to use our own definition of disability to implement the Disabilities Treaty.

Last year the committee included an understanding that said that the term “disability” would be defined under the treaty coextensively with the definition under relevant United States law. I believe that a similar understanding in this year's ratification package that ties the treaty definition of disability to the definition in U.S. disability nondiscrimination law should relieve any concerns about the definition of disability.

NOVEMBER 5, 2013, OP-ED BY DR. BILL FRIST  
 SUBMITTED BY SENATOR BARBARA BOXER

WHY THE U.S. MUST LEAD ON DISABILITIES TREATY

In an HIV clinic in Africa, a man born deaf holds a single sheet of paper with a plus sign. He looks for help, but no one at the clinic speaks sign language. In fact, the staff doesn't seem interested in helping him at all.

He returns to his plus sign. These are his test results. They dictate he should start antiretroviral drugs immediately and should also make changes in his sexual habits. But he doesn't know this. He leaves the clinic concluding that the plus sign must mean he's okay, that everything is just fine.

This scenario seems shocking. Yet it continues to play out around the world. The Senate will tackle this issue at the November 5 in hearings on the Convention on the Rights of Persons with Disabilities (CRPD)—the Disabilities Treaty.

There are nearly 1 billion people worldwide living with a disability. For the sake of those individuals, the United States joined 158 other countries in signing the Convention on the Rights of Persons with Disabilities in 2009. The Disabilities Treaty was drafted to promote and protect the human rights and fundamental freedoms of persons with disabilities—modeled on our own Americans with Disabilities Act, but on a global scale.

Yet the Senate failed to ratify the U.N. treaty last December. As is often the case, a bit of politics and a bit of misinformation ruled the day.

First, the timing was bad. The vote was called in a lame duck session and many senators said this was an inappropriate time to ratify a U.N. treaty, signing a letter to that effect. But this was not the entire story.

Two larger political issues emerged. Republicans exhibited some squeamishness around the term “sexual and reproductive health” in the treaty. While the term is undefined, there were rumblings that it could create a global right to abortion.

The second issue was an impressive fear campaign launched by Michael Farris of the Home School Legal Defense Association to convince parents that the U.N. treaty would limit their ability to educate their disabled children at home.

The relevant provisions in the treaty regarding sexual and reproductive health demand non-discrimination for persons with disabilities.

In many parts of the world, people with disabilities, regardless of age, are believed to be sexually immature or inactive. The assumption can make them targets for rape and other sexual crimes while, at the same time, gynecologic and obstetrical care are withheld and considered inappropriate and unnecessary. In other cases, they are forcibly sterilized or forced to have abortions, simply because they have a disability.

The treaty's “sexual and reproductive health” language is a necessary provision to protect these people. It does not define services—a ratifying country's existing law provides the definition. The agreement simply demands that those with disabilities not be denied any treatments based on their disability.

It does not create any new services not previously available or legally sanctioned in an adopting country.

For the home schooling debate, the story is more complicated. The Americans with Disabilities Act—on which the international agreement is modeled—has a strong history of Republican support.

Consider, the disabilities act was signed into law by President George H.W. Bush—passed with a 76 to 8 vote in the Senate. President George W. Bush negotiated the CRPD treaty in 2006. Senator John McCain (R-Ariz.) and former Senate Majority Leader Robert Dole, who had each suffered serious war injuries, were significant supporters. Senator Jerry Moran, a Republican from Dole's home state of Kansas, also initially supported it.

The tide turned, however, at a Senate Foreign Relations Committee hearing on July 12, 2012. Farris, president of the home-schooling organization, claimed in testimony that the U.N. treaty was “dangerous” for parents who teach disabled children at home. He asserted that it will create a legal basis for the United Nations to infringe on the fundamental parental rights of parents of disabled children.

In a radio interview after the hearing, Farris stated “[t]he definition of disability is not defined in the treaty and so, my kid wears glasses, now they're disabled; now the U.N. gets control over them.”

It sounded terrifying.

Then-Foreign Relations Committee Chairman John Kerry dismissed Farris's argument out of hand. But the home-schooling organization has an impressive grassroots machinery.

Within a few weeks, Farris's argument spread. Senator James Inhofe (R-Okla.) and then Senator Jim DeMint (R-S.C.) wrote an op-ed article for *The Washington Times* stating the treaty would infringe on U.S. sovereignty. Farris's group began a phone campaign to all senators who might be a potential nay votes—specifically targeting the Kansas senators. Senator Rick Santorum, a parent of a disabled child, adopted Farris's argument as well.

The probable nail in the coffin was when Moran changed his position to align with HSLDA.

But despite the successful political maneuvering of Farris's home-schooling organization and its capture of many Tea Party senators, careful reading of the law reveals their arguments were a misinterpretation.

U.S. ratification of the treaty does make the agreement a U.S. law, along with the Senate's reservations, understandings and declarations (RUDs). However, these RUDs make it clear that current U.S. law—the Americans with Disabilities Act—meets any U.S. obligation under the treaty. In fact, the ADA and related disability laws far exceed the standards set out in the U.N. treaty. Ratifying the agreement will not affect current enforcement of the ADA or create additional causes of action under the treaty. The Americans with Disabilities Act would remain the controlling U.S. law.

The U.N. experts committee cannot make international law and therefore cannot create new international obligations. The committee can make suggestions for improvement during a review process. But these recommendations are just that—recommendations. The United Nations will have no ability to swoop in and poach parental control over the education of children with disabilities in the United States.

Some still argue that the United States has no need to ratify the U.N. treaty. The Americans with Disabilities Act, they insist, already protects the rights of those with disabilities at home. But as a global leader, we must stand with those struggling for the rights that we hold dear.

These are complicated issues revolving around potentially esoteric points of international law. Given this complexity, many senators felt the previous hearings were rushed and that they did not have enough detail to make an informed decision. The set of hearings scheduled for November 5 and 12 will be different. Both witness lists have a deep bench of experts—legal, administrative and activist alike. Now is the time to really unpack what this U.N. treaty would mean for Americans and the world.

Voting no to this treaty without a specific and compelling reason is saying that we do not think the global community deserves an ADA of their own.

U.S. leadership matters. We should be at the table. It is not just Americans who deserve healthcare and protection from discrimination. It is everyone.

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LETTER SUBMITTED FOR THE RECORD BY SUSAN YOSHIHARA

NOVEMBER 5, 2013

Hon. ROBERT MENENDEZ, *Chairman*,  
 Hon. BOB CORKER, *Ranking Member*,  
*Committee on Foreign Relations*,  
*Dirksen Senate Office Building*,  
*Washington, DC*.

Re United Nations CRPD.

DEAR CHAIRMAN MENENDEZ AND RANKING MEMBER CORKER: We write to you today to strongly urge you to oppose U.S. ratification of the U.N. Convention on the Rights of Persons with Disabilities (CRPD). There are multiple grounds for opposing the Convention.

First, the CRPD will not help a single American with a disability. America already has the best laws in the world protecting the lives and rights of our people with disabilities. This treaty adds not a single protection not already provided by the Americans with Disabilities Act and panoply of other federal laws.

Proponents of the CRPD are making reckless claims that it will help American veterans with disabilities when they travel overseas. The proposition is that States Parties to the CRPD are not currently implementing it and that they are only waiting for U.S. ratification before doing so. In their view, the only thing preventing Ecuador from building wheelchair ramps is U.S. ratification. There is absolutely no evidence for this assertion. Proponents of the CRPD are making promises to our heroic servicemen that they cannot keep. To make such empty promises to our wounded warriors is deeply offensive.

Second, the CRPD does not advance U.S. global leadership on disability rights. The U.S. leads the world on the legal protection of persons with disabilities and their rights. The U.S. Agency for International Development funds and implements programs all over the world to advance the protection and rights of persons with disabilities. This leadership role has not and will not diminish absent U.S. ratification of the CRPD. No other country does as much as we do in helping persons with disabilities in other countries. It is laughable to suggest that foreign countries will reject our financial and technical assistance because we are not a party to the CRPD.

Third, American manufacturers of products designed for persons with disabilities will continue to lead the world regardless of whether or not the U.S. joins the CRPD. Proponents' claims that foreign countries will reject our technology and products because we have not ratified the CRPD are baseless. There is not a scintilla of evidence to suggest that U.S. manufacturers are being blocked because the U.S. has not ratified the CRPD. In any event, the United States, when it does join human rights treaties, does so for the purpose of advancing human rights, not to advance its commercial interests.

Fourth, the U.S. should not submit itself to yet another U.N. treaty monitoring body. The U.N. human rights treaty monitoring system is a mess. The treaty monitoring bodies have taken it upon themselves to radically reinterpret the language of human rights treaties and then insist upon compliance by States Parties. These bodies have largely been taken over by ideologues that advance a radical agenda often at odds with American social, cultural, and legal norms.

Fifth, Article 7 in the CRPD violates the rights of parents by giving bureaucrats the authority to decide what is best for children with disabilities.

Finally, many of us are deeply concerned that the CRPD is the first hard law treaty to include the phrase "reproductive health." Though the CRPD treats the phrase in terms of nondiscrimination, we are nonetheless concerned. The phrase "reproductive health" is used by U.N. agencies, U.N. treaty monitoring bodies and by pro-abortion activists as including abortion. In fact, the World Health Organization defines "reproductive health" as including "fertility regulation" which includes abortion. The phrase is dangerous and should be rejected.

We urge you in the strongest possible terms not to give your consent to ratification of the CRPD.

Yours sincerely,

Austin Ruse, President, C-FAM

Alan Sears, President, Alliance Defending Freedom

Tony Perkins, President, Family, Research Council

Michael P. Farris, JD, LLM, Chairman, Home School Legal Defense Association

Senator Rick and Karen Santorum, Cofounders, Patriot Voices

Penny Nance, CEO & President, Concerned Women for America Legislative Action Committee

Melissa Ortiz, Founder & Principal, Able Americans

D. Brian Scarnecchia, M.Div., J.D., Associate Professor, Ave Maria School of Law, President, International Solidarity and Human Rights Institute, Inc., In consultative status with the United Nations

Bob Lalonde, International Director, Priests for Life

Phyllis Schlafly, Founder and President, Eagle Forum

Mathew Staver, Founder and Chairman, Liberty Counsel

John Fonte, Ph.D., Senior Fellow, Hudson Institute

Tom McClusky, Vice President of Government Affairs, March for Life

Bradley Mattes, President, International Right to Life Federation

Dr. Keith Wiebe, President, American Association of Christian Schools

Thomas W. Jacobson, President, International Diplomacy and Public Policy Center

Manuel Gonzalez, M.D., President, Catholics Called to Witness

Karen Malec, President, Coalition on Abortion/Breast Cancer

Katharine Cornell Gorka, Executive Director, The Westminster Institute

Sharon Slater, President, Family Watch International

Tom Kilgannon, President, Freedom Alliance

Janice Crouse, Senior Fellow, Beverly LaHaye Institute/Concerned Women for America

Nathan Mehrens, President, Americans for Limited Government

Laura Bunker, President, United Families International

Judie Brown, President, American Life League Inc.

Patricia McEwen, Ph.D., Director, Life Coalition International

Ron Pearson, President, Council for America

Jim Backlin, VP for Legislative Affairs, Christian Coalition of America

Jo Brinck, President, Sanctity Life Foundation  
 Tim Wildmon, President, American Family Association  
 Maria McFadden Maffucci, President, Human Life Foundation  
 Dana Cody, President and Executive Director, Life Legal Defense Foundation  
 Rev. James R. Harden, Founder and COO, Commission for Reproductive Health  
 Service Standards  
 Jim Martin, Chairman, 60 Plus Association  
 Brent Bozell, Chairman, ForAmerica  
 Jo Tolck, Executive Director, Human Life Alliance  
 Gary Marx, Executive Director, Faith & Freedom Coalition  
 Joshua Duggar, Executive Director, Family Research Council Action  
 Jim Bentley, Executive Director, Parentalrights.org  
 Jeff White, Executive Director, Survivors of Abortion Holocaust  
 Susa Yoshihara, Ph.D., Senior VP for Research, C-FAM  
 Adriana Gonzalez, Vice President, Catholics Called to Witness  
 Donna Harrison, Ph.D., Executive Director and Director of Research and Public Pol-  
 icy, American Association of Pro-Life Obstetricians and Gynecologists  
 Gerard M. Nadal, Ph.D., Executive Director, Children First Foundation  
 Leonard Leo, Former U.S. Delegate, U.N. Human Rights Council  
 Lisa Nancollas, Mifflin County Tea Party Patriots  
 Paul Caprio, Director, Family Pac Federal  
 Samuel B. Casey, Managing Director & General Counsel, Law of Life Project

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LETTER SUBMITTED FOR THE RECORD BY SENATOR JOHN BARRASSO

OCTOBER 16, 2013

Hon. Robert Menendez, *Chairman*,  
 Hon. Bob Corker, *Ranking Member*,  
*Senate Foreign Relations Committee*,  
*U.S. Senate, Washington, DC.*

DEAR CHAIRMAN MENENDEZ AND RANKING MEMBER CORKER: I am writing to urge you and your fellow members of the Senate Foreign Relations Committee to report favorably and promptly to the Senate a resolution supporting U.S. ratification of the Convention on the Rights of Persons with Disabilities.

The disabilities treaty is a crucial tool for recognizing and upholding the rights of one billion people—including our own disabled veterans—with disabilities around the world. This is why the American Legion, VFW, and many other prominent veteran's organizations have called upon your committee to support the treaty. Seven hundred disability, faith, and business organizations across the United States support it, as well as veterans on your committee. I join them in endorsing the treaty—and, in so doing, rejecting claims that U.S. ratification will somehow compromise our nation's sovereignty.

The treaty promotes fairness and equality in education, work, and recreation. It calls for the inclusion of people with disabilities in the mainstream of society. It also recognizes the importance of keeping families, including family members with disabilities, together at home in their own communities. Many of these concepts were enshrined in U.S. law through passage of the Americans with Disabilities Act in 1990. The United States has always been at the forefront of the global movement for disability rights. Disability organizations and governments abroad look to our disability rights legislation as a model for their countries' nascent laws. If the Senate does not approve this treaty, the United States will continue to be excluded from the most important global platform for the implementation of best practices in disability rights abroad.

To date, 137 countries have ratified the disabilities treaty. In New York each September, delegates from these nations participate in the annual Conference of States Parties and share new ideas for strengthening the rights of people with disabilities around the world. The United States should not be missing this vital opportunity to sit and play a leadership role at the world's largest table for countries trying to improve the lives of their citizens with disabilities.

I therefore urge the Senate to provide its advice and consent for the United States to ratify the disabilities treaty at the earliest possible date. Thank you for consideration.

Sincerely,

GEN. COLIN L. POWELL,  
*USA (Ret).*

LETTERS AND ARTICLES SUBMITTED FOR THE RECORD  
BY SENATOR ROBERT MENENDEZ

U.N. DISABILITIES TREATY DOES NOT CREATE ABORTION RIGHTS

*Abortion has not been smuggled into international law by hiding under the banner of "sexual and reproductive health."*

(BY AUSTIN RUSE AND PIERO A. TOZZI)

Late week, United States signed the Convention on the Rights of Persons with Disabilities—the first binding United Nations treaty to mention “sexual and reproductive health.” The term has provoked concern among pro-lifers, who worry that it creates an implicit right to abortion. Let us emphatically state: It does not.

There is some confusion about U.N. documents related to abortion—and the proponents of abortion like it that way. Their strategy is to claim that terms like “reproductive health” mean abortion, and, by dint of repetition, get people to believe that it does. Pro-abortion groups claim “reproductive health” means abortion, and, most famously, so does U.S. Secretary of State Hillary Clinton, but that is not how the term is used in any negotiated U.N. document.

Take the Disabilities Convention. The term was debated extensively, and it was clear throughout negotiations that “sexual and reproductive health” did not include abortion. This was recognized repeatedly by the Chairman, who said that no new rights—and specifically no right to abortion—were created. Indeed, the official report of the proceedings stated that “this phrase was not intended to alter or prejudice the general policies of governments,” thus acknowledging that countries are free to keep their laws protecting the unborn in place.

At least 15 nations made statements that the phrase did not create a right to abortion. The U.S. in its closing statement affirmed that the term “cannot be interpreted to constitute support, endorsement, or promotion of abortion.”

Yet this history is sometimes lost. Pro-lifers do the unborn a disfavor when they start repeating the talking points of the other side. Articles have appeared in the pro-life press recently saying that the Disabilities Convention “establishes an international right to abortion.” It does no such thing, and nothing pleases groups like the Center for Reproductive Rights and International Planned Parenthood Federation more than to have our side repeat their revisionist narrative.

For rewriting the history of U.N. conferences is part of the strategy pro-abortion groups adopt. Take, for example, the International Conference on Population and Development, held in Cairo in 1994. This conference was a victory for pro-lifers, who beat back a concerted attempt by the Clinton Administration and their European allies to establish a right to abortion. Yet following defeat, the other side has tried to rewrite the story as a victory for abortion rights.

This is false for a number of reasons, and pro-lifers should arm themselves with facts to rebut their claims. The document produced at Cairo is not a treaty and is not binding. The Cairo document states explicitly that it created no new rights, so no “right to abortion” can be found there. Terms like “reproductive rights” and “reproductive health” are indeed mentioned, but their definitions do not include abortion. In two places the document states that in “no case should abortion be used as a method of family planning,” and, most importantly, it acknowledges explicitly the sovereign right of states to legislate on the subject: “Any measures or changes related to abortion within the health system can only be determined at the national and local level according to the national legislative process.”

Does this mean that pro-lifers should be unconcerned about the United States signing the Disabilities Treaty, and the planned efforts to make it binding on us by ratifying it?

No, pro-lifers should be concerned with Disabilities as with any treaty, because even though the Disabilities Convention does not create a right to abortion, it does create a committee to monitor compliance with its terms. U.N. compliance committees are often staffed with radicals who favor abortion, and, in their nonbinding advisory recommendations, will hector countries about changing their laws protecting life. They will claim that where the Disabilities treaty refers to “sexual and reproductive health,” it is referring to abortion, though this was emphatically not what countries intended to do when they negotiated, signed and ratified the treaty.

Members of compliance committees should not be reinterpreting the meaning of words to claim “reproductive health” means abortion when that was not the intention. This holds equally true for pro-lifers, who should be the last people to want to aid and abet the strategy of the other side by repeating their false claims.

## PATTON BOGGS MEMORANDUM

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The Honorable Robert Menendez  
Chairman  
Committee on Foreign Relations  
444 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Mr. Chairman:

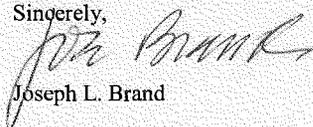
You have asked for a memorandum discussing, in connection with the pending United Nations Convention on the Rights of People with Disabilities, the enforceability of reservations, understandings and declarations adopted by the Senate when providing its advice and consent to the ratification of treaties.

Enclosed please find our memorandum. The memorandum sets forth our basic conclusions regarding the enforceability of these expressions of the Senate. It does not seek to opine on whether the Convention should be ratified, or if ratified, what reservations, understandings or declarations, if any, should be adopted.

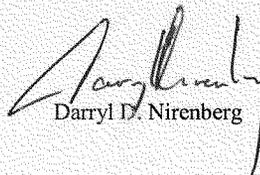
We hope this memorandum is of assistance to the Committee on its deliberations on this, and other conventions which may come before the panel. Please let us know if you, or any of your colleagues, have any questions or need for additional information.

With kindest regards.

Sincerely,



Joseph L. Brand



Darryl D. Nirenberg

ENCLOSURES

cc: The Honorable Bob Corker, Ranking Member

**MEMORANDUM**

**To:** The Honorable Robert Menendez, Chairman  
**Cc:** The Honorable Bob Corker, Ranking Member  
**From:** Patton Boggs LLP  
**Date:** November 4, 2013  
**Subject:** Memorandum on Reservations, Understandings and Declarations in Relation to the United Nations Convention on the Rights of People with Disabilities

You have requested a memorandum, in connection with the pending United Nations Convention on the Rights of People with Disabilities (“Convention” or “CRPD”), on the enforceability of reservations, understandings, and declarations adopted by the Senate of the United States when it gives its advice and consent to the ratification of treaties. Except where explicitly noted otherwise, the legal principles on which this opinion rests are well-established in American law, as interpreted by the Supreme Court of the United States. When issues of international law are relevant, our view is based exclusively on the binding obligations of the United States under treaties to which the United States is already a party, or under customary international law.

This memorandum is limited to the reservations, understandings, and declarations (“RUDs”) endorsed by the President of the United States in his message transmitting the Convention to the Senate for its advice and consent. RUDs are the conditions under which the United States makes its treaties. *Reservations* unilaterally alter the reserving party’s legal obligation under the treaty without necessarily altering or affecting the language of the treaty. *Understandings* are interpretive statements that elaborate or clarify the legal obligations under the treaty, without changing them. *Declarations* are statements of policy or purpose relating to the treaty that do not alter or limit the legal obligations under the treaty.

We offer no view on the merits of the Convention as a matter of policy or foreign relations. As a matter of law, however, we conclude that:

- (1) A treaty cannot limit or infringe the Constitutional rights and freedoms of American citizens;
- (2) The courts of the United States routinely enforce reservations, understandings, and declarations that a treaty is not self-executing, which means that the treaty cannot become law of the United States in the absence of implementing legislation enacted by Congress;

- (3) The courts of the United States have no authority to ignore reservations, understandings, and declarations attached to the ratification of treaties;
- (4) A federalism reservation preserves the balance of powers between the federal government and the various States of the Union;
- (5) The Committee established by the Convention cannot create binding legal obligations for the United States or dictate changes to U.S. law.

1. *As a matter of law, a treaty cannot limit or infringe the Constitutional rights and freedoms of American citizens.*

It is axiomatic that every exercise of federal power – including legislation, agency regulations, and treaties – must conform to the Constitution of the United States. A treaty that infringes on a citizen's Constitutional rights will either be struck down altogether or interpreted in such a way as to conform to the Constitution. According to the Supreme Court, “it is well established that ‘no agreement with a foreign nation can confer power on the Congress, or on any other branch of Government, which is free from the restraints of the Constitution.’” *Boos v. Barry*, 485 U.S. 312, 324 (1988) (quoting *Reid v. Covert*, 354 U.S. 1, 16 (1957)). The American Law Institute, in its authoritative RESTATEMENT (THIRD) OF FOREIGN RELATIONS LAW OF THE UNITED STATES (1987) (“RESTATEMENT (THIRD)”), concludes categorically that “... [P]rovisions of international agreements of the United States are subject to the Bill of Rights and other prohibitions, restrictions, and requirements of the Constitution, and *cannot be given effect in violation of them*.” *Id.*, at § 111, cmt. a (1987) (emphasis added). In consequence, the CRPD cannot limit the Constitutional rights and freedoms of American citizens, including their protected liberty, privacy, and property interests *inter alia*.

Despite the fact that for purposes of domestic law, no RUD is necessary to require this result, the United States has adopted RUDs preserving certain Constitutional standards in the face of a potentially contrary treaty. For example, Article 20 of the International Covenant on Civil and Political Rights (“ICCPR”) requires State Parties to prohibit “[a]ny propaganda for war” and “[a]ny advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.” When it ratified the Covenant, the United States adopted a reservation establishing “[t]hat Article 20 does not authorize or require legislation or other action by the United States that would restrict the right of free speech and association protected by the Constitution and laws of the United States.”

This reservation was unnecessary under U.S. domestic law to preserve the First Amendment rights of citizens, but it did qualify the treaty obligation owed by the United States to the other State Parties. In other words, the reservation established as a matter of *international* law that Constitutional conformity would not violate U.S. obligations under the treaty, but U.S. courts would have been powerless to apply the treaty in violation of the Constitution regardless of whether there was a reservation.

In submitting the CRPD to the Senate, the President proposed a number of RUDs that similarly put other nations on notice that the United States' obligations under the treaty are limited

by the Constitutional rights of U.S. citizens. These include the “private conduct” reservation; the reservation conforming the CRPD’s definition of “torture or cruel, inhuman or degrading treatment” to prior treaty obligations of the United States, which were in turn reserved to conform them to the Eighth Amendment prohibition on cruel and unusual punishments; and an understanding that the CRPD does not authorize or require actions restricting speech, expression, or association.

To summarize: There is no authority in the text of the Constitution or the decisions of the Supreme Court for the proposition that the CRPD can restrict existing Constitutional rights and freedoms of citizens, and the proposed RUDs effectively conform the government’s international obligations under the Convention to its Constitutional obligations.

2. *The courts of the United States routinely enforce reservations, understandings, and declarations that a treaty is not self-executing, which means that the treaty cannot become the law of the United States in the absence of Congressional legislation implementing the treaty.*

There is an independent reason that the ratification of the CRPD as proposed by the President cannot alter existing U.S. law, including the rights of citizens, whether those rights are Constitutional, statutory or common law in origin. By giving its advice and consent to ratification subject to a declaration that the CRPD is not self-executing, the Senate would assure that, as a matter of law, the CRPD creates no new domestic law whatsoever. By definition, a self-executing treaty becomes law of the United States at the moment it comes into force internationally, and no additional implementing legislation is required. *See TWA v. Franklin Mint Corp.*, 466 U.S. 243, 252 (1984). By contrast, a non-self-executing treaty does not become the law of the United States unless Congress enacts legislation implementing the treaty. In the words of the Supreme Court, “a ‘non-self-executing’ treaty does not by itself give rise to domestically enforceable federal law. Whether such a treaty has domestic effect depends upon implementing legislation passed by Congress.” *Medellin v. Texas*, 552 U.S. 491, 505, n. 2 (2008).

The Supreme Court has explained the legal effect of a non-self-executing treaty in unmistakable terms:

This Court has long recognized the distinction between treaties that automatically have effect as domestic law, and those that – while they constitute international law commitments – do not by themselves function as binding federal law. The distinction was well explained by Chief Justice Marshall’s opinion in *Foster v. Neilson*, 27 U.S. 253, 2 Pet. 253, 315, 7 L. Ed. 415 (1829), *overruled on other grounds*, *United States v. Percheman*, 32 U.S. 51, 7 Pet. 51, 8 L. Ed. 604 (1833), which held that a treaty is “equivalent to an act of the legislature,” and hence self-executing, when it “operates of itself without the aid of any legislative provision.” *Foster*, *supra* at 314, 2 Pet. 253, 315, 7 L. Ed. 415. When, in contrast, “[treaty] stipulations are not self-executing they can only be enforced pursuant to legislation to carry them into effect.” *Whitney v. Robertson*, 124 U.S. 190, 194, 8 S. Ct. 456, 31 L. Ed. 386 (1888). In sum, while treaties

“may comprise international commitments ... they are not domestic law unless Congress has either enacted implementing statutes or the treaty itself conveys an intention that it be ‘self-executing’ and is ratified on these terms.” *Igartúa-De La Rosa v. United States*, 417 F.3d 145, 150 (C.A.1 2005) (*en banc*) (Boudin, C. J.). *Medellin, supra*, 552 U.S. at 504–05.

When the courts of the United States have confronted declarations that a particular treaty is not self-executing, they have routinely concluded that the treaty in question is without direct domestic legal effect. In *Igartúa-De La Rosa v. United States*, 417 F.3d 145, 150 (1st Cir. 2005), *cert. denied* 547 U.S. 1035 (2006), the court of appeals ruled *en banc* that the International Covenant on Civil and Political Rights is not a self-executing treaty and thus is not binding as a matter of domestic law. Similarly, in *Buell v. Mitchell*, 274 F.3d 337, 372 (6th Cir. 2001), the court of appeals declared that “Courts in the United States are bound to give effect to international law and to international agreements [of the United States], except that a ‘non-self-executing’ agreement will not be given effect as law in the absence of necessary [implementation] authority” (quoting RESTATEMENT (THIRD), *supra* at § 111). At a minimum, this means that the later-in-time rule – under which unavoidable conflicts between a statute and a treaty are resolved by applying the later-in-time to the extent of the conflict – cannot apply as between an existing statute and a non-self-executing treaty. There is no authority for the proposition that a non-self-executing treaty directly creates any domestic law, even though it remains an international obligation of the United States.

There is no evidence in the decided cases that courts fail to recognize and enforce RUDs providing that a particular treaty is not self-executing. To the contrary, in restating the law on this point in 1987, the American Law Institute concluded that when courts determine whether a treaty is self-executing and the treaty itself is silent on that point, as the CRPD is, “account *must* be taken of any statement by the President in concluding the agreement or in submitting it to the Senate for consent or to the Congress as a whole for approval, and of any expression by the Senate or by Congress in dealing with the agreement.” RESTATEMENT (THIRD), *supra* at § 111, cmt. h (emphasis added). In the twenty-six years since the RESTATEMENT (THIRD) was adopted, the courts have embraced the consensus that Executive/Senate RUDs addressing the self-executing character of a treaty are controlling. See *Sosa v. Alvarez-Machain*, 542 U.S. 692, 735 (2004) (“[T]he United States ratified the [International] Covenant [on Civil and Political Rights] on the express understanding that it was not self-executing and so did not itself create obligations enforceable in the federal courts.”). A variety of factors may be relevant to the determination of whether a treaty is self-executing or not, Carlos Vazquez, *Treaty-Based Rights and Remedies of Individuals*, 92 COLUM. L. REV. 1082, 1117 (1992), but we have found no case in which a court declared that a treaty was self-executing in the face of a contrary RUD approved by the political branches.

3. *As a matter of law, the courts of the United States have no authority to ignore reservations, understandings, and declarations attached to the ratification of treaties.*

It is well-established in American jurisprudence that courts must respect the reservations, understandings, and declarations attached to the ratification of treaties. In their study of RUDs and

human rights treaties, Professors Curtis Bradley and Jack Goldsmith concluded that “In sum, since the early days of the nation, the President and Senate have attached a variety of conditions to their consent to treaties. No court has ever invalidated these conditions.” Curtis A. Bradley & Jack L. Goldsmith, *Treaties, Human Rights, and Conditional Consent*, 149 U. PA. L. REV. 399, 410 (2000). There is one overriding reason for this remarkable consistency: for domestic purposes, the treaty is what the President and the Senate say it is. Under the Treaty Power in the Constitution, Art. II, § 2, cl. 2, the President by and with the advice and consent of the Senate makes the “treaties” of the United States, including the conditions they attach to the international agreement itself. As matter of Constitutional law, the courts of the United States can enforce only the treaty as agreed by the President and the Senate together. The courts could no more enforce a treaty free of its accompanying RUDs than they could enforce legislation approved only by the House of Representatives.

The RUDs attached to the CRPD as proposed illustrate each category of RUDs. For example, the President proposed reservations with respect to federalism (discussed below), which limits the international obligation of the United States by restricting it to matters properly within federal powers under the U.S. Constitution and laws. He also proposed an understanding of the Convention that it neither authorizes nor requires actions restricting free speech, expression, and association as protected under the Constitution. And, as noted, the President proposed a declaration to the effect that the CRPD is not self-executing.

The courts will not second guess the choice of the President and the Senate to proceed through one category of RUDs rather than another. Nor is there some sliding scale of deference to these three categories: The courts simply have no authority to ignore or override any RUD, except on Constitutional grounds. A RUD that violates the Constitution would be struck down like any other exercise of federal power, but, in the absence of so extraordinary a circumstance, the courts simply have no authority to ignore RUDs. This is true even when profound interests of individuals are involved – even if those interests are not constitutionally protected. For example, in *Beazley v. Johnson*, 242 F.3d 248 (5th Cir. 2001), an inmate on death row sought *habeas* relief on the ground that a U.S. reservation to the International Covenant on Civil and Political Rights – allowing the imposition of capital punishment on juvenile offenders – was inconsistent with the treaty and therefore inapplicable. The court ruled that its decision was controlled by a reservation expressly preserving the power of the United States’ to impose the death penalty on juvenile offenders. Similarly, with respect to understandings, the courts consider themselves bound by what the President and the Senate attach to a treaty. In *Auguste v. Ridge*, 395 F.3d 123 (3d Cir. 2005), for example, the Third Circuit found the controlling rule of decision in the United States’ understanding of the definition of torture under the Convention against Torture:

We think it so plain a proposition that the United States may attach an understanding interpreting the meaning of a treaty provision as part of the ratification process that, where as here there is clear consensus among the President and Senate on that meaning, a court is obliged to give that understanding effect.

*Id.* at 142 (emphasis added). Declarations are subject to a similar regime. As noted above, in *Sosa v. Alvarez Machain*, the Supreme Court noted that “although the Covenant does bind the United States as a matter of international law, the United States ratified the Covenant on the express understanding that it was not self-executing and so did not itself create obligations enforceable in the federal courts.” *Sosa v. Alvarez-Machain*, 542 U.S. 692,735 (2004).

It is true as a matter of general international law that some reservations are unlawful. Article 19 of the Vienna Convention on the Law of Treaties prohibits reservations that are “incompatible with the object and purpose of the treaty.” That tracks the decision of the International Court of Justice in *Reservations to the Convention on Genocide (Advisory Opinion)*, [1951] I.C.J. REP. 15, which attests to the status of the rule as customary international law: A state is free to conceive of its reservations as it deems best, but reservations that violate the object and purpose of the treaty are, for the purposes of international as opposed to domestic law, unlawful. Like many other human rights treaties, the CRPD reinforces this rule, providing explicitly that “[r]eservations incompatible with the object and purpose of the present Convention shall not be permitted.” CRPD, Art. 46. On the international plane, if a state is found to have attached an unlawful reservation to a treaty, it has a choice: it can either abandon the reservation and become a party to the treaty without the reservation, or it can decline to become a party to the treaty at all. No international actor can force a state to be a party to a treaty without the reservation and without that state’s consent.

Even more important, there is no basis for concluding that any of the RUDs proposed by the President violate the object and purpose of the CRPD, and the domestic authorities cited above suggest that a domestic court would feel compelled to apply the RUDs regardless.

4. *As a matter of law, a federalism reservation preserves the balance of powers between the federal government and the various States of the Union.*

With respect to the United States, only the national government has legal personality on the international plane. As in other federal systems around the world, the States of the Union have no independent standing as international actors. It is moreover the United States – not the States of the Union – that bear the international obligations of a treaty. But the Supremacy Clause of the Constitution demands that treaties provide a form of federal law that is superior to State law:

This Constitution, and the laws of the United States which shall be made in Pursuance thereof; and all treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

U.S. Const., Art. VI, § 2. The supremacy of treaties, combined with other Constitutional factors such as the President’s foreign affairs power and the Congress’s foreign commerce power, have sometimes raised federalism concerns, as though the very existence of a treaty, including the CRPD, might expand federal legislative powers against the States of the Union. This is potentially significant

**PATTON BOGGS**<sup>LLP</sup>  
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because the Convention addresses some matters that have historically been the subject of state law, including family law and education. But it is well-established that treaties cannot override the Constitutional limitations on the federal government's power. "No provision of an agreement may contravene any of the prohibitions or limitations of the Constitution applicable to the exercise of authority by the United States." RESTATEMENT (THIRD), *supra* at § 302.

The origin of the states rights concern can be traced to the Supreme Court's decision in *State of Missouri v. Holland*, 252 U.S. 416 (1920), which held that a valid treaty could provide a Constitutional basis for federal statute to implement it, even if Congress would not have had the power to enact the legislation in the absence of the treaty. In that case, the Supreme Court expressly found that the States of the Union had no Constitutionally-protected interest in the subject matter of the treaty, namely migratory birds; therefore, the Tenth Amendment – which provides that powers not granted to the federal government by the Constitution nor prohibited to the states are reserved to the states – created no enforceable limits on the Treaty Power of the federal government and did not invalidate the statute implementing the treaty in question. *Id.* at 434–35.

*Missouri v. Holland* predates by decades the expanded recognition of state powers by the Rehnquist and Roberts courts, and there is now no doubt that only self-executing treaties even have the potential to override contrary state law. In *Medellin v. Texas*, 552 U.S. 491 (2008), the Court ruled that nothing in Vienna Convention on Diplomatic Relations or the United Nations Charter required that a decision of the International Court of Justice displace a state procedural default rule. Even a presidential memorandum declaring that the United States would discharge its international obligations by having state courts give effect to the ICJ's decision was inadequate to override the state law.

Applying these principles to the case at hand, there are two independent reasons that the CRPD as proposed cannot recalibrate or even affect the balance of powers between the federal government and the various States of the Union. *First*, as noted above, the President has attached a declaration to the effect that the CRPD shall be considered non-self-executing, which means after *Medellin* that it cannot – standing alone – create *any* binding domestic law, let alone federal law that comes within the Supremacy Clause.

*Second*, the President has proposed a "federalism reservation" to the CRPD which limits the federal power to "measures appropriate to the Federal system":

This Convention shall be implemented by the Federal Government of the United States of America to the extent that it exercises legislative and judicial jurisdiction over the matters covered therein, and otherwise by the state and local governments; to the extent that state and local governments exercise jurisdiction over such matters, the obligations of the United States of America under the Convention are limited to the Federal Government's taking measures appropriate to the Federal system, which may include enforcement action against state and local actions that are inconsistent with the Constitution, the Americans with Disabilities Act, or other Federal laws, with the ultimate objective of fully implementing the Convention.

S. EXEC. REPT. NO.112-6, at 14–15 (2012). The federalism reservation fundamentally distinguishes the national government’s powers under the CRPD from those under the migratory birds treaty in *Holland*: the reservation explicitly brings the CRPD within existing and recognized federal power. After all, in stark contrast to the federal legislation in *Holland*, which had been held *unconstitutional* in the absence of the treaty, the constitutionality of the Americans with Disabilities Act has already been sustained over a Tenth Amendment challenge. See e.g., *Dave v. California*, 191 F.3d 1167 (9th Cir. 1999), *cert denied*, 531 U.S. 1190 (2001) (“because [the ADA] falls within Congress’s Fourteenth Amendment powers, it does not conflict with powers reserved to the states under the Tenth Amendment.”) The Fourteenth Amendment was irrelevant in *Missouri v. Holland*, but it is fundamental to the constitutionality of the ADA, as the courts have routinely recognized.

Any argument that the CRPD represents a substantial – or expanded – threat to the existing powers of the States of the Union is not supported by law, or by the courts. Such an argument is inconsistent with and ignores the self-executing treaty doctrine; the change in state powers worked by the Fourteenth Amendment; the consequent constitutionality of the ADA and related legislation; and, the effects of the proposed federalism reservation.

5. *As a matter of law, the Committee established by the Convention cannot create binding legal obligations for the United States or dictate changes to U.S. law.*

One common procedural feature of the human rights treaties to which United States is already a party is the creation of a committee of experts to receive and comment on periodic reports from State Parties. Thus for example, the United States has historically submitted reports to the committees established under the Convention against Torture and the International Covenant on Civil and Political Rights. The committees’ review of these reports neither creates nor implies any legislative power and certainly does not create any power in the committee to nullify or override a State Party’s laws. To the contrary, a committee’s comments or recommendations are purely advisory and precatory. As noted by the International Law Association in its global study of the legal status of the treaty bodies’ work product, “[n]one of the human rights treaties explicitly confers on the relevant treaty bodies the power to adopt binding interpretations of the treaties. . . .” In consequence, “while the views, concluding observations and comments, and general comments and recommendations of the treaty bodies are to be accorded considerable importance as the pronouncement of body expert in the issues covered by the treaty, they are not in themselves formally binding interpretations of the treaty.” International Law Association, Committee on Human Rights Law and Practice, FINAL REPORT ON THE IMPACT OF FINDINGS OF THE UNITED NATIONS HUMAN RIGHTS TREATY BODIES (2004), at ¶¶ 16, 18.

In other words, like experts testifying before Congress on a piece of legislation or in the course of oversight hearings, the committees’ conclusions can provide information and guidance, and the process of preparing a report for a committee can provide information relevant to assessments of the government’s practices and policies. In some cases (but always requiring separate and explicit consent), a State Party may also empower the treaty body to receive and process

XIII.—ANNEX II.—TRANSCRIPT OF HEARING HELD ON NOVEMBER 21, 2013, WITH ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

## CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

THURSDAY, NOVEMBER 21, 2013

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 9:34 a.m., in room SD-G50, Dirksen Senate Office Building, Hon. Robert Menendez (chairman of the committee) presiding.

Present: Senators Menendez, Cardin, Shaheen, Coons, Durbin, Udall, Murphy, Kaine, Markey, Corker, Rubio, Johnson, Flake, McCain, and Barrasso.

### OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. Good morning. This hearing of the Senate Foreign Relations Committee on the Convention of the Rights of People with Disabilities will come to order.

Let me first start off by thanking Secretary Kerry for being with us today for this second hearing on the ratification of the CRPD, and, Mr. Secretary, first, I think you have the thanks of all of us on the committee for the incredible work that you have been doing on behalf of our country across the globe. And your presence here today sends a strong message about the importance of this issue. So we appreciate you taking the time to come back to the committee that you chaired to support the treaty.

We convened the second hearing on ratification of the treaty, having received the enthusiastic support of literally thousands of people and organizations, all of whom with letters, petitions, and various statements for the record are looking for us to finally take the treaty over the finish line. We have received compelling letters of support from companies like Adobe, Coca-Cola, DirecTV, NASCAR, and the Consumer Electronics Association, with over 2,000 member companies, the U.S. Chamber of Commerce, and I believe the Chamber is represented in our audience here today, as is the U.S. Business Leadership Network, which submitted a letter from over 50 companies in support of the treaty, including Microsoft, IBM, AT&T, Merck, J.P. Morgan, and Northrop Grumman, to mention a few.

I also want to recognize former President and CEO of the Financial Services Roundtable, Steve Bartlett, who is here. When he was in the House, he was a leader of the effort to pass the Americans with Disabilities Act, and we appreciate his presence.

And we have received individual letters from 84 nonprofit disability and religious organizations like the Red Cross, Easter Seals, the National Federation for the Blind, and Special Olympics, to

name a few, not to mention sign-on letters representing over 1,000 different groups.

We have heard from individuals, some not so well known and some very well-known citizens, like Colin Powell; Chinese human rights activist Chen Guangcheng; Special Olympics athlete Loretta Claiborne; I. King Jordan, President Emeritus of Gallaudet University, who wrote: "Nothing is more American than recognizing equal opportunity for all citizens." And I think at the end of the day, Dr. Jordan's simple but compelling statement is the sum and substance of why we must ratify the treaty.

And we have several petitions that have been organized by different groups with a total of over 67,000 signatures.

And let us not forget what this treaty means to veterans. We have received letters of support from 15 veterans' organizations, including the American Legion, representing 2.4 million veterans, and the Veterans of Foreign Wars, with 1.5 million members. And I would also like to recognize the National Commander of the American Legion, Dan Dellinger, who is here with us today. Everyone who supports the treaty is pleased with the resolution the American Legion passed in August at your national convention, and we thank you not just for that, but on behalf of a grateful Nation to all of you who have served, thank you very much.

We are also deeply honored to have so many of our wounded warriors of all generations, including those from the Iraq and Afghanistan Veterans of America. Thank you for taking the time to show your support. You certainly have ours, which is one reason we should ratify this treaty as soon as possible. We salute you, and we thank you for your service and your sacrifice. And I am told we will soon receive a letter of support from several former Secretaries of Defense.

At the end of the day, the support from the U.S. military and veterans' community has truly been overwhelming. And so I move that all of the petitions, letters, and written statements of support we have received be entered into the record to reflect the extraordinary depth of the support for the treaty that it has from thousands of Americans on both sides of the aisle and every walk of life. Without objection, so ordered.

Let me conclude by saying that at the end of the day, ratification of the Convention of the Rights of People with Disabilities is simply the right thing to do. I repeat Dr. Jordan's simple message, eloquent nonetheless, is: "Nothing is more American than recognizing equal opportunity for all of our citizens."

With that, let me turn to the distinguished ranking member of the committee. I particularly want to thank him for working with me on a process forward to have very substantive discussions about what the treaty means, what it can achieve, what are some of the concerns of members both of the committee and beyond, and it has been an extraordinary effort to work with you.

Senator Corker.

**OPENING STATEMENT OF HON. BOB CORKER,  
U.S. SENATOR FROM TENNESSEE**

Senator CORKER. Thank you, Mr. Chairman. I do appreciate the tone that you have set in your leadership and the committee mem-

bers have set in separating and ensuring that those things we do beyond our shores are done in the most bipartisan way possible. And I really do appreciate the way the committee has worked together. I want to thank Secretary Kerry for being here today.

And as I mentioned to some of the leading advocates just a minute ago, I think the ratification of this treaty really rests solely on the administration's willingness to ensure that this treaty has no effect on domestic law. No effect. The meetings we have had thus far with the administration officials have been pleasant but unsatisfying in that as concerns are raised, the administration so far has not shown a willingness to try to accommodate those. So I am glad that the Secretary is here.

I am really so proud of the people who are here and the efforts that they have led over the last several decades to advance ADA and so many other significant measures that have had such a positive effect on the disability community. It has been outstanding. I think the hearing that we had last year may have been one of the most moving hearings that I have participated in, as we had Senators McCain and Harkin out front with many others talking about the many, many strides that have taken place. And I really do think that was one of my high marks here in the Senate.

At the same time, people have said that ADA is the implementing language, that there are no further steps that need to be taken domestically. We just had a case, the *Bond* case—and I know there has been some dispute over its implications, but it is a case that significantly points out how the Supreme Court or courts can, in fact, take into account treaties to affect domestic law. We saw where a woman in Pennsylvania actually was being convicted because of a treaty that we had relative to chemical weapons. And I know that some on the committee have stated that the reason for that was that Congress passed implementing language. I thought that was an interesting argument.

But even after this treaty passes, another Congress can pass implementing language, and when that occurs, it does expand the limits of what we now have at the Federal Government level relative to federalism and other types of issues.

So I will just say to the Secretary, as he begins to testify, I would love to see the advancement of rights for the disabled. I would love to see that happen. I would love to see America continue to play a role in advancing those kinds of things. But as I just mentioned, it is absolutely incumbent on the administration to agree to very difficult language that absolutely assures in every single case that a treaty like this will not infringe upon federalism and other kinds of issues that are very important, I think, to people on both sides of the dais. So I hope that this hearing will be more about substance and less about cheerleading, and I hope that the Secretary's testimony will reflect that and his answers to the questions.

So I thank you all for being here. I appreciate the chairman having this hearing. I look forward to a substantive hearing, as he alluded to. I appreciate all the witnesses who have come here today.

The CHAIRMAN. Mr. Secretary, the floor is yours.

**STATEMENT OF HON. JOHN F. KERRY, SECRETARY OF STATE,  
U.S. DEPARTMENT OF STATE, WASHINGTON, DC**

Secretary KERRY. Well, thank you. Mr. Chairman and Ranking Member Corker, and members of the committee, thanks very, very much for welcoming me here to talk about the disabilities treaty, which I am very anxious to do, mindful of the comments of the ranking member just now.

I would just start off by saying we are 100 percent prepared, as we have been, to work through what are known as RUDs, or the reservations, understandings, and declarations, in order to pass this treaty. That is our goal. You know, we begin with a place that makes it clear that we do not believe this has impact, but we are happy to restate and reassert the law in ways that make Senators feel comfortable, obviously. We want to pass this.

It is not lost on any of us that only 11 months ago the Senate fell just five votes short of approving this treaty. So more than 60 Senators have already resolved in their minds many of the questions that are reraised again and again. And we can go into them today, as I am sure we will.

Obviously, that day when we fell those five votes short with a number of people who had previously been going to vote for it, then changed, so it is even closer—that was a rough day for a lot of us who support the treaty, including Senator McCain who is hardly a newcomer to this issue and is one of the strongest, most eloquent voices for why we ought to be doing this, for why, to put it bluntly, this treaty is in America's interests.

In the after-action conversations that I had with many Senators, both Republicans and Democrats alike, including a number who had voted against the treaty, yourself, Senator Corker, and others, I even heard some real regret about what had transpired and the unintended message that the outcome sent to Americans with disabilities, as well as to other people around the world. And I heard from many, not just a willingness, but a hope that they would have the chance in a new Congress to take up the treaty again and to demonstrate the important truth that Senators from both sides of the aisle care deeply about the rights of people with disabilities.

So, thank you, Chairman Menendez, for your comments this morning, for your leadership in bringing the first hearing and being willing to come back at this important treaty, and thank you, Ranking Member Corker, for joining with him in a bipartisan way to do exactly what both of you have talked about trying to do here. And that is, with an eye to trying to make certain that we air all of the concerns so that every Senator can make up their own judgment in an atmosphere that is not clouded with procedural questions, as we unfortunately were last year.

I think we all approach this renewed discussion—we in the administration, having listened very carefully to all of you, and we recognize that while many Senators voted “yes,” some Senators were dissatisfied with the process last year, and that several are not prepared to support the treaty until they feel that certain concerns are addressed.

So again, I repeat I am absolutely committed. I have said this to the chairman in private conversations. We will work with you on an appropriate reservation or understanding or declaration, as

appropriate, in order to try to clarify something if, indeed, it really is begging for clarification and we are not able to show adequately through legal cases, through precedent, through the reality of the treaty itself that it is already addressed.

I still believe what I believed the first time we tried to do this when I was chair, that the ratification of the disabilities treaty will advance core American values. It will expand opportunities for our citizens and our businesses, and it will strengthen American leadership. And I am still convinced that we give up nothing, but we get everything in return. I will say that again. We give up nothing, but we get everything in return.

Our ratification does not require a single change to American law, and it is not going to add a penny to our budget. But it will provide the leverage, the hook that we need in order to push other countries to pass laws or improve their laws or raise their standards for the protection of people with disabilities up to the standard that we have already adopted in the United States of America, up to the standard that prompted President George H.W. Bush and Republican Leader Dole to pass the Americans with Disabilities Act and indeed to negotiate the treaty.

Now, I am especially engaged now, obviously, as Secretary of State because having traveled to a great number of countries these last 9 months since you confirmed me, I have seen firsthand the need for this treaty in ways that I never had before. It is not an abstract concept. This is not just a nice thing to do. It is not something that is for the few. It really raises standards for the many, and there are countries where children with disabilities are warehoused from birth, denied even a birth certificate, not a real person, and treated as second class citizens every single day of their lives.

The United States has the ability to impact that by the passage of this treaty. One hundred thirty-eight countries have already signed up to this. In too many countries, what we did here at home with the Americans with Disabilities Act has not even been remotely realized overseas, and in too many places what we take for granted here has not been granted at all.

Now, I will never forget my visit recently to a sports rehabilitation center for disabled veterans in Bogota a little while ago, a center that we support with funding from USAID. And I met police officers who were injured by grenades, soldiers wounded by IEDs, volunteers caught in the tragic shootouts that take place over their efforts to help us together to enforce global international narcotics objectives. These brave men and women have risked life and limb and they have lost friends in battle, and yet there is a whole world that they are unable to access today because of their disabilities which they received as they undertook duties shared by our hopes and aspirations with respect to the enforcement of law.

Moments like this really clarify for me the work that we have to do to export our gold standard. The Americans with Disabilities Act is the global gold standard. We should be extraordinarily proud of it. We are. But I would hate to see us squander our credibility on this issue around the world because we are unwilling to embrace what we actually began—this initiative. When I tell other countries that they ought to do what we have done, I am often reminded that

we have not done what we said we were going to do. We have not joined the treaty ourselves. It is pretty hard to leverage people when you are on the outside.

So those 138 parties to the treaty, when they convene, we miss out on the opportunity to use our expertise, to leverage what we have done in America and put it on the table. We lose out on that. We are not at the table. We cannot share our experience and use our experience to broaden theirs. When other countries come together to discuss issues like education, accessibility, and employment standards for people with disabilities, areas where the United States has developed the greatest expertise, we have been excluded because we are not a party to the treaty. And the bottom line is that when we are not there, other countries with a different and, unfortunately, often a lower standard, a lower threshold, wind up filling the void, and that is the best that people get.

I do not want to see us continue to take ourselves out of the game. No Member of the Senate should want us to voluntarily take ourselves out of this. Remaining on the sidelines jeopardizes our role in shaping the future of disability rights in other countries. And we need to help push the door open for other countries to benefit, not just from our example but from our guidance and our expertise, our experience.

Joining the treaty is the most powerful step that we can take to gain all of those upsides. And do not take my word for it. In a letter to this committee last month, former Secretary of State Colin Powell said it best. He wrote: "If the Senate does not approve this treaty, the United States will continue to be excluded from the most important global platform for the implementation of best practices in disability rights abroad."

So this is about something very real. Look at the numbers of people who are here today and the numbers of groups represented behind me here today. Every one of them represents thousands more people for whom this is very real. It is about things that you can see and you can touch and that make a difference to people's lives. I am talking about sidewalks without curb cuts. Try managing that. Public buildings with no accessible bathrooms, restaurants, stores, hotels, and universities without ramps or elevator access, buses without lifts, train platforms without tactile strips that keep you from going over onto the tracks.

We cannot afford to ignore these barriers as problems that somehow affect other countries but do not affect us. They are present all over the world, including some of the top destinations for Americans traveling abroad for work or for study or for pleasure. And we are not using all of our power and influence to change things for the better if we do not join this treaty.

Now, I ask you just to think about what this treaty could mean. It means something for everybody with disabilities. But I do particularly want to ask you to think about what it means to our veterans with disabilities. Last year, I met a fellow named Dan Berschinski. He is a West Point graduate, a retired U.S. Army captain, and he is an Afghanistan war veteran. And like many of us, Dan never thought that he would one day have a disability or be an advocate for people with disabilities. But his life changed

instantly when he stepped on the trigger of an IED and he lost both of his legs.

Dan speaks in absolutely clear, searing, stark terms about the difficulty, the fear, the embarrassment of negotiating obstacles abroad as a person with a disability. And he experienced those obstacles firsthand when he traveled to South Africa. And he told me last year—he told all of us because he shared his testimony with this committee, “The advantages that we take for granted here at home that allow people like me to live fulfilling, independent lives do not exist in much of the rest of the world.”

Let me tell you the good news. Dan is now a student at Stanford Business School, and he wants to be able to take advantage of every possible opportunity. He can do that in the United States because of the ADA and other disability rights laws. But Dan will tell you—not me—he will tell you, as he said last year, as he experienced on a trip abroad, his opportunities in the increasingly important international marketplace are hindered by his disability and it is a disability that he acquired while fighting overseas on our behalf. He is asking us now to fight for him and a lot of folks like him on their behalf.

There are an estimated 5.5 million disabled veterans just like Dan, and many of the veterans and their beneficiaries on the post-9/11 GI bill have a disability. And many of them are unable to study abroad because of poor accessibility standards at schools overseas.

Now, I have met with recovering veterans at home in Massachusetts. I have met with them at Walter Reed. They want, very simply, a world where they can be independent, go out and fend for themselves, where they can travel abroad to work or study or vacation. And they should never have to worry about whether the disabilities sustained fighting on our behalf are going to prevent them from accessing a classroom, a workplace, a hotel, or transportation overseas. Like all people with disabilities, they deserve a world where they can fully participate in the global economy on equal terms without fear of discrimination or loss of dignity.

Joining the disabilities treaty will also expand opportunities for American students with disabilities who need to be able to study abroad to prepare themselves to compete in the global economy.

I want you to take the example of Anais Keenon. She is one of the outstanding interns at the State Department. She is here today. Anais is a graduate student with dreams of a career in foreign affairs. She happens to also be deaf. Two years ago, she traveled to Ghana. It was the opportunity of a lifetime, but the obstacles she faced from the absence of written directions on how to proceed through customs at the airport to the absence of fire alarms with flashing lights in public buildings made the demands of everyday life much more difficult for her to sustain. And she managed to travel despite the obstacles in her way that would stop others from traveling at all. Anais is exceptional, but it should not be the exception. It ought to be the rule.

And America has more students with disabilities in higher education than ever before, partly by virtue of what we have accomplished with the ADA. So students with disabilities participate in study abroad programs unfortunately less than half as often as

those without disabilities. And our joining this treaty will help change those numbers.

I would just ask you very quickly and then I will wrap up to consider just a few concrete examples. We are talking about joining a treaty that will strengthen our hand as we push for fire alarms with flashing lights so people who are deaf or hard of hearing will know when there is an emergency or when they need to evacuate. We are talking about joining a treaty that gives us leverage to push for other countries to have sidewalks with those curb cuts so people who use wheelchairs can safely cross the street or the tactile strips at the train platform so people who are blind do not fall into danger.

Our joining the treaty means that we will lead the way for other countries to raise their standards, and it means that we will lead the way for other countries to adopt our standards, for all of these things, accessible bathrooms, tactile strips, fire alarms, flashing lights, all of the advancements that have made an enormous difference in the lives of Americans with disabilities.

Now, I will admit to you change is not going to just happen with the passage of the treaty. It is not going to happen overnight. When we passed the ADA, sidewalks with these curb cuts and bathrooms that were accessible did not appear the next day, nor did all of the businesses that make accessible products that serve people with disabilities. But the disabilities treaty, just like the ADA is a process. And our joining the treaty, followed by a very important ingredient—we pass this treaty. I will send a message to every embassy in the world, and we will begin to engage a protocol that will have our people reaching out to every country and every government, and we will use our presence in this treaty to leverage these changes in these other countries, to encourage these changes, to use the voice that you will give us by actually joining it, a voice that we are not able to exercise today for our absence as a member.

If we join, we can ensure that vets like Dan Berschinski and a lot of others like him have the same opportunities abroad as other Americans. That is why the American Legion, our Nation's largest wartime veterans' service organization, which I am proud to be a lifetime member of, and the VFW, likewise, and many other veterans groups support the ratification of this.

If we join, I ask you to think about this. Why is the American Chamber of Commerce supporting this? Why are so many businesses, Coca-Cola, which is I think in something like 198–200 countries plus—why do they support it? Because this will open new markets. It will level the playing field for our businesses who already meet accessibility standards. As other countries rise to meet our standards and need our expertise, guess what. They are going to look to American companies that already produce these goods, and we will be able to help them fill the needs and this means jobs here at home. That is why IBM and the Consumer Electronics Association and many other businesses support ratification.

So I think this is the single most important step that we can take today to expand opportunities abroad for the more than 50

million Americans with disabilities. This treaty is not about changing America. This treaty is about America changing the world.

And I hope that each of you will put yourselves in the situation if you were disabled. One of our colleagues, Mark Kirk, as we all know, who supports this treaty, has unfortunately found himself fighting back against things that happened unexpectedly. And so while our circumstances might change, our rights and our opportunities should never change. And with the passage of this treaty, we have an opportunity to guarantee that for all Americans. And we also have an opportunity to change lives for the better for a lot of people in the world. That is what America is all about. And I hope we will ratify this treaty.

Thank you, Mr. Chairman.

[The prepared statement of Secretary Kerry follows:]

PREPARED STATEMENT OF SECRETARY OF STATE JOHN F. KERRY

Chairman Menendez, Ranking Member Corker, thank you for welcoming me back here to talk about the Disabilities Treaty.

It's not lost on any of us that 11 months ago the Senate fell just five votes short of approving this Treaty. It was a tough day for many of us who supported the Treaty, including Senator McCain who is a new member of the committee but hardly a newcomer to this issue. In fact, he is one of the most eloquent voices about precisely why this Treaty is in America's interests.

In the after-action conversations I had with many Senators, Republican and Democrat both, including many who had voted against the Treaty, I heard some real regret about what had transpired and the unintended message the outcome sent to Americans with disabilities. And I heard from many not just a willingness, but a hope, that they would have the chance, in a new Congress, to take up the Treaty again—to demonstrate the important truth that Senators from both sides of the aisle care deeply about the rights of people with disabilities. Chairman Menendez and Ranking Member Corker are doing exactly that, with an eye toward airing every concern, so that Senators can make their own judgments in an atmosphere that is not clouded with procedural questions and I'm glad they are.

I think we all approach this renewed discussion having listened closely to all of you. We recognize that while many Senators voted yes, some Senators were dissatisfied with the process last year and that several are not prepared to support the Treaty until certain concerns are addressed. I want you to know that I am committed to helping find the common ground so that this Treaty moves forward with the broad bipartisan support it deserves.

I still believe what I believed the first time—that ratification of the Disabilities Treaty will advance core American values, expand opportunities for our citizens and businesses, and strengthen American leadership. And I am still convinced that we give up nothing by joining but get everything in return. Our ratification doesn't require a single change to American law, and it won't add a penny to our budget. But it will provide the hook we need to push other countries to raise their laws and standards for the protection of people with disabilities to the standard we set at home under President George H.W. Bush and Republican Leader Dole when we passed the Americans with Disabilities Act.

And I am especially engaged now as Secretary of State, because, having traveled to a great number of countries these last 9 months since you confirmed me, I have seen firsthand the need for this Treaty in ways I never had before. It's not an abstract concept. There are countries where children with disabilities are warehoused from birth, denied even birth certificates, treated as second class citizens every day of their lives.

In too many countries, what we did here at home through the Americans with Disabilities Act hasn't been remotely realized overseas. In too many places, what we take for granted hasn't been granted at all.

I'll never forget my visit to a sports rehabilitation center for disabled veterans in Bogota earlier this year—a center that we support with funding from USAID. I met police officers injured by grenades, soldiers wounded by IEDs, volunteers caught in the crosshairs of a tragic shoot-out. These brave men and women have risked life and limb and lost friends in battle. And yet, there's a whole world that they're unable to access today because of their disability.

Moments like this clarify for me the work we must do to export our gold standard—the American standard. I hate seeing us squander our credibility on this issue around the world. When I tell other countries that they should do what we've done, I'm often reminded that we haven't joined the Treaty ourselves. When the 138 parties to the Treaty convene, we miss out on the opportunity to speak or to share our own experience. When other countries come together to discuss issues like education, accessibility, and employment standards for people with disabilities—areas where the United States has the greatest expertise—we've been excluded because we're not a party to the Treaty. And the bottom line is that when we're not there, other countries with different, and often lower, standards fill the void.

I don't want to see us continue to take ourselves out of the game. Remaining on the sidelines jeopardizes our role in shaping the future of disability rights in other countries. We need to help push open the door for other countries to benefit, not just from our example, but from our guidance and expertise.

Joining the Treaty is the most powerful step we can take to make that happen. Don't take my word for it. In a letter to this committee last month, Former Secretary of State Colin Powell said it best. He wrote, "If the Senate does not approve this Treaty, the United States will continue to be excluded from the most important global platform for the implementation of best practices in disability rights abroad."

This is about something very real. It's about things you can see and touch that make a difference. I'm talking about, sidewalks without curb cuts; public buildings with no accessible bathrooms; restaurants, stores, hotels, and universities without ramps or elevator access; buses without lifts; and train platforms without tactile strips. We cannot afford to ignore these barriers as problems affecting other countries but not us. They're present all over the world, including in some of the top destinations for Americans traveling abroad for work or study. And we're not using all of our power and influence to change things for the better if we don't join the Treaty.

Just think about what this Treaty can mean to our own veterans with disabilities. Last year, I met Dan Berschinski. He's a West Point graduate, retired U.S. Army captain, and Afghanistan war veteran. Like many of us, Dan never thought that he would one day have a disability. But his life changed instantly when he stepped on the trigger of an IED and lost both his legs.

Dan speaks in searing terms about the difficulty, fear, and embarrassment of negotiating obstacles abroad as a person with a disability. He experienced those obstacles firsthand when he traveled to South Africa. As he told me last year, "the advantages we take for granted here at home that allow people like me to live fulfilling, independent lives, don't exist in much of the rest of the world."

Dan is now a student at Stanford business school. We all want him to take advantage of every possible opportunity. He can do that in the United States because of the ADA and our other disability rights laws. But as Dan will tell you, his opportunities in the increasingly important international market are hindered by his disability—a disability he acquired fighting overseas on our behalf.

There are an estimated 5.5 million disabled American veterans just like Dan. Many of the veterans and their beneficiaries on the post-9/11 GI bill have a disability—and many of them are unable to study abroad because of poor accessibility standards at schools overseas.

I've met with recovering veterans at home in Massachusetts and at Walter Reed. They want and deserve a world where they can travel abroad to work, study, or just vacation. They should never have to worry about whether the disabilities sustained fighting on our behalf will prevent them from accessing classrooms, workplaces, hotels or transportation overseas. Like all people with disabilities, they deserve a world where they can fully participate in the global economy on equal terms without fear of discrimination or loss of dignity.

Joining the Disabilities Treaty will also help expand opportunities for American students with disabilities, who need to be able to study abroad to prepare themselves to compete in the global economy. Take Anais Keenon, one of our outstanding interns at the State Department. Anais is a graduate student with dreams of a career in foreign affairs. She also happens to be deaf.

Two years ago, she traveled to Ghana. It was the opportunity of a lifetime. But the obstacles she faced—from the absence of written directions on how to proceed through customs at the airport to the absence of fire alarms with flashing lights in public buildings—made the demands of everyday life so much more difficult for her. She managed to travel despite obstacles in her way that would stop others from traveling at all. Anais is exceptional. But it shouldn't be the exception—it should be the rule. America has more students with disabilities in higher education than ever before. But students with disabilities participate in study abroad programs less

than half as often as those without disabilities. Our joining the Treaty will help change those numbers.

Consider a few very concrete examples:

We're talking about joining a Treaty that will strengthen our hand as we push for fire alarms with flashing lights so people who are deaf or hard of hearing know when there's an emergency and they need to evacuate. We're talking about joining a Treaty that will give us the leverage we need to push for other countries to have sidewalks with curb cuts so people who use wheelchairs can safely cross the street, or tactile strips on train platforms so people who are blind don't fall off the edge.

Our joining the Treaty means that we lead the way for other countries to raise their standards, and it means we lead the way for them to adopt our standards—for curb cuts, ramps, bus lifts, accessible bathrooms, tactile strips, fire alarms with flashing lights and all of the other advancements that have made an enormous difference in the lives of Americans with disabilities.

Now, we all know that change will not come overnight or through joining the Treaty alone. When we passed the ADA, sidewalks with curb cuts and accessible bathrooms didn't appear the next day; nor did all of the businesses that make accessible products to serve people with disabilities.

The Disabilities Treaty—just like the ADA—is a process. Our joining the Treaty, followed by our sustained engagement with Treaty partners, will help other countries move forward in that process. By helping them, we help ourselves.

If we join, we will put ourselves in the strongest position to push other countries to make systemic changes in how they treat persons with disabilities, changes which will help more students—like Anais—study abroad. That's why hundreds of disability rights groups, faith-based organizations, and businesses support this Treaty.

If we join, we will help ensure that our wounded warriors from Afghanistan and Iraq—vets like Dan Berschinski—have the same opportunities abroad as other Americans. That's why the American Legion—the Nation's largest wartime veterans service organization—the VFW, and many other veterans groups support ratification.

And if we join, we will open new markets and level the playing field for our businesses, who already meet robust accessibility standards. As other countries rise to meet our standards and need our expertise, they will look to our businesses for accessible products and technologies. That's why the U.S. Chamber of Commerce, IBM, the Consumer Electronics Association, and many other businesses support U.S. ratification.

So what's really at stake? Joining the Disabilities Treaty is the single most important step we can take right now to expand opportunities abroad for the more than 50 million Americans with disabilities. This Treaty isn't about changing America. It's about America changing the world.

The way we treat people of all backgrounds—including how we treat our brothers and sisters with disabilities—demonstrates our values and defines who we are. That's our greatest export, and this is our chance to make sure that we leave no one behind. The principle here is simple: Any one of us could become disabled tomorrow. And though our circumstances might change, our rights and opportunities must never change. That is what is at stake, and that is why I hope that we can get past the division, reason together, and find a way forward this year.

Thank you, and I look forward to your questions.

The CHAIRMAN. Thank you, Mr. Secretary, for very substantive, very vivid examples of why the treaty is so important for the lives of Americans with disabilities traveling abroad, the lives of their accompanying families, and the lives of our veterans.

Let me start a round of questions and try to get to some of the issues that I have heard. I am sure you have heard them from your past effort in this regard, and we have heard it in the first round of hearings and individual conversations. Some argue that the United States should not enter into treaties that do not involve matters of national security. What would you say to those who espouse the view that treaties like this are unnecessary?

Secretary KERRY. Well, Mr. Chairman, I think I have just given you a fairly strong description of why this is necessary. I mean, we join treaties because they are in our national interest. I mean, if you think about the treaties that the Senate has passed on occasion

that possibly impact the lives of people, we have passed treaties that promote religious freedom. We have passed treaties that allow for intercountry adoption. We have passed treaties for the international recovery of child support. We passed treaties that enforce intellectual property rights. I mean, we do this because it is in the interest of the United States.

And as I have said in this particular case, it is in the profound interest of everybody with disabilities, and I find it very hard to see why we could ask people to go abroad, fight, sustain an injury, fight for our values, and not reinforce those values by allowing them then to travel abroad, work abroad, study abroad with the same rights they have here in America. That is what is at stake. That is what makes this in our interest.

The CHAIRMAN. Now, another argument that I have heard is that ratification would subordinate the United States to the U.N. and allow our laws and actions to be guided by the United Nations, the Disabilities Treaty Committee, foreign courts and judges. I personally disagree with that view, and I think we have tried to explore it in our first hearing. But I would like to get your take. Would ratification violate principles of American sovereignty?

Secretary KERRY. No, Mr. President, on the contrary. There is no impact whatsoever on the sovereignty of the United States. In fact, you all are exercising our sovereignty right now by doing what the Framers of the Constitution envisioned, which is ratifying a treaty. And the treaty, if it does not have any negative consequence on the United States—it does not require us to do anything. There is no subjugation to any entity outside. There is no cause of action created here. There is no access to American courts. There is no enforceability. There is no self-execution in here. So there is no cause of action as a consequence that allows people to go to court.

So in fact, joining this treaty does not require a change to U.S. law, and there is no reach whatsoever by any committee or any entity outside. The one committee that exists within the framework of this treaty is allowed to suggest things, but they have no power to enforce, no power to compel, no power to do anything except put an idea on the table. Nothing can change unless the U.S. Senate were to reratify whatever suggestion the U.S. Senate might engage in subsequently. But there is no change.

The CHAIRMAN. And finally, I appreciate the comments that you made here today in public, as well as the ones you have expressed to me and, I believe, other colleagues in private about our openness and willingness to consider reservations, understandings, and declarations that would amplify, possibly clarify and assuage concerns that members have in terms of voting for ratification of the treaty. And I just want to create a framework for that.

I think myself as the chair and other Senators are very open to working with you on that process. However, we can also have requests of RUDs that go beyond an appropriate balance. So while we want to work very deeply with those who want to get to a “yes” on the treaty and find a way for them to do so, it is my hope that the requests that we get for reservations, understandings, and declarations are fair and balanced so that we can take care of the concerns that exist, and at the same time not undermine the very

essence of our standing with the treaty. Is that a fair statement of how we seek to balance this?

Secretary KERRY. It is a very fair statement, Mr. Chairman. It is exactly our point of view. I mean, last year when we did this process, we entertained—and I was happy to entertain as chair—a number of reservations, a number of understandings, et cetera. I thought we did a pretty good job, but we can maybe hone them and do some more. We are willing to work with you.

But we do not need to fill this thing up with a stack of restatements of things that absolutely do not need to be restated. I think we have to exercise a little bit of restraint and judgment as to what is really a case in controversy and what is not. I am absolutely prepared—and I said this originally to both you and to the ranking member. We want Senators to feel comfortable. So we are prepared to address legitimate concerns, and we will work with you to do it.

The CHAIRMAN. Senator Corker.

Senator CORKER. Thank you, Mr. Chairman. I think you know, Mr. Secretary, I typically do not read from notes, but I am going to do that today just to ask the questions in a specific way. And I do want to say to all of the people here advocating on behalf of the treaty I do not think there is anybody up here that disagrees whatsoever with the thought of advancing this cause. And I know that is why so many letters have come in in support of this. I mean, I do not think that is in question.

When people look at these kinds of issues, sometimes they forget that there is a whole body of law out there that affects people domestically in ways that were never intended. And so my goal here and I think a number of people on the committee's goal and others is to make sure that the best of what this treaty is about is preserved, but at the same time you end up in a situation where inadvertently you have not done things that affect us domestically in ways that we never intended for that to occur.

So let me just ask you a series of questions. In the Supreme Court case *Bond v. The United States*, the Department of Justice argued both that ratification of a treaty can expand existing Federal power to legislate beyond its traditional limits and that the Framers intended for the Senate to enforce federalism limits on treaties through its advice and consent power. Do you agree with the argument that your administration has put forth?

Secretary KERRY. I do not believe that *Bond* applies here, so it is not a question of whether I agree or disagree with the argument they put forward. The question is, does *Bond* have any impact on the passage of the disabilities treaty and the fact that it is a case in controversy at the moment before the Supreme Court. And the answer is *Bond* involves a challenge to an implementing statute that was passed after the Senate gave its advice and consent to a treaty, in other words, after the Chemical Weapons Treaty was passed. Then the implementing language was passed.

In this case, the implementing language has not only been passed, it has been found constitutional by the Supreme Court and has been put in practice for years. We are talking about the ADA. That is the implementing language. So in contrast, here no new legislation is required. Even former Senator DeMint recognized that and accepted that fact.

So the constitutionality of our domestic legislation, which was passed entirely independently of the disabilities treaty, has repeatedly been sustained by the courts. So we do not have the potential of a *Bond* crisis here. And I think it is being in appropriately applied to this treaty.

Senator CORKER. So can you confirm then that no further legislation—I think you just did. I want all of this for the record, if I could. Can you confirm that no further legislation is necessary to meet our obligations under the CRPD and that there will not be a need in the future for any further legislation to satisfy the Convention's requirements?

Secretary KERRY. I can confirm that no legislation is required to implement this. Whether a Congress 20 years from now thinks it has to tweak something, I cannot speak to that. But, obviously, nothing—

Senator CORKER. But not to satisfy this Convention.

Secretary KERRY. Nothing is required to be passed to satisfy this treaty, no.

Senator CORKER. Very good. So the United States is clearly not accepting any obligations under the treaty to regulate beyond the federalism limits reflected in the ADA and other Federal laws.

Secretary KERRY. That is accurate.

Senator CORKER. And there will certainly be no need for additional authority beyond the current limits of Federal power for the Federal Government to implement the CRPD. Is that correct?

Secretary KERRY. That is correct.

Senator CORKER. Since we have established that the CRPD comes with no additional Federal obligations and requires no additional authority, you would support strong federalism RUDs to eliminate both of those possibilities. That is a yes or no.

Secretary KERRY. I would support an appropriate RUD, yes, with respect to federalism.

Senator CORKER. That addresses these issues, one that affirmatively and declaratively addresses these issues.

Secretary KERRY. That clarifies the federalism reservation and how it would work. I think that is appropriate.

Senator CORKER. Obviously, we have attempted to work with your staff—

Secretary KERRY. In other words, that restates the fact that the treaty would only obligate us to take action that we can take under Federal law. That is the reservation. We have a right to have a RUD appropriately stating that.

Senator CORKER. OK. I think it is very important that this is a very clear statement, and we look forward to working with you.

Secretary KERRY. Absolutely.

Senator CORKER. A range of concerns have been raised about whether RUDs we adopt today could be invalidated or otherwise rendered ineffective by a future Congress, by a court, or by the U.N. Disabilities Committee. I think any Senator would want to make sure we can be confident that our RUDs will stand the test of time and would take the view that their advice and consent was conditioned on the package of RUDs adopted by the Senate. Do you agree with that?

Secretary KERRY. I do agree.

Senator CORKER. Will you support a nonseverability RUD that ties our treaty obligations to the continuing validity of the RUDs? Very important. A very important answer.

Secretary KERRY. Say that again. Would I support a nonseverability—

Senator CORKER. Will you support a nonseverability RUD that ties our treaty obligations to the continuing validity of the RUDs?

Secretary KERRY. I do not know if I can. I would just have to be able to make sure that we have the power to do that and that it can be done. But there is no way the RUDs can be dropped. They become part of the treaty. They are embraced in the treaty, and you would have to pull out of the treaty or the treaty would have to be changed altogether for the RUD not to be enforceable. Can we look at the language so that I am not committing something that—

Senator CORKER. Obviously, I want you to look at the language.

Secretary KERRY. Again, we will work with you on the language. I just want to make certain that that is—

Senator CORKER. If for some reason your staff decides that this is not something that can be done or is not a serious concern, will the Department of Justice provide in writing confirmation of its legal review that the Senate RUDs cannot be invalidated or otherwise rendered ineffective for either domestic or international legal purposes?

Secretary KERRY. Well, here is what I would commit to you, Senator. First of all, my staff is not going to decide on its own. I am going to decide. And I will take a look at it and see where we are. And you and I will talk and we will see what our options are.

Secondly, I will certainly engage with the Justice Department in order to find out what is possible. But I think we ought to be able to find a way in the language to appropriately reflect what you are trying to do. We want to act in good faith to try to answer the question so the RUDs that you enter into, you are not somehow feeling like you are entering into a quicksand deal.

Senator CORKER. I agree. And if I could ask one more question. Thank you for the time.

In addition, the treaty allows for the withdrawal of RUDs. And in fact, State parties are often encouraged by monitoring committees and others to withdraw their RUDs in order to come into what they consider to be full compliance with the treaty. Could a future Congress or executive withdraw a RUD either through the normal legislative process or a unilateral executive action, thereby circumventing—and remember, a treaty is ratified by two-thirds—the constitutional protection provided by a two-thirds majority requirement of the Senate advice and consent? You understand what I am asking.

Secretary KERRY. I am told that this has never happened, that we would not do it without a fair amount of process engaged in it. No foreign country can invalidate a U.S. RUD. I will tell you that. And no disability committee or anybody could invalidate a U.S. RUD. So we would be the only ones who could do it. I presume it would take—I think it would take an entirely new resolution, et cetera. I would have to find out for you, Senator.

Senator CORKER. More specifically, then could the federalism RUD be withdrawn in this manner, thereby eliminating the limits that the Senate has put in place, and pass legislation that uses expanded Federal authority under the treaty to intrude on the powers of the States?

Secretary KERRY. I do not believe it could, no, because that would be in contravention of the federalism—

Senator CORKER. So I take that to mean that you would support a RUD to protect our RUDs from withdrawal without a new resolution of advice and consent from the Senate.

Secretary KERRY. On the surface, that would appear to be a good thing to do. I would want to check with my counsel and everybody and run it through, but in quick blush, why not?

Senator CORKER. I thank you, and I thank the chairman for his patience. And I would just say to mean that the community of people here that are advocating for the passage of this treaty all the things that I just asked about today have nothing to do with helping other countries around the world deal with these issues that are so important to especially the people who are advocating today. They are about ensuring that this treaty does not have the unintended consequences that sometimes can occur here in our country. And I would just ask all of those who are advocates here to help push the administration and others to resolve these issues with us if, in fact, you believe this treaty is something important to pass. And I thank you for the time.

The CHAIRMAN. Thank you, Senator Corker. Now, I have extended the time for the ranking member because he plays a very important role. Because there is going to be action on the floor that might obviate our timeframe here, I am going to have to ask members to stick to their time, and I am going to adhere to it strictly.

So with that, Senator Cardin.

Senator CARDIN. Well, thank you, Mr. Chairman. And, Secretary Kerry, thank you for your extraordinary leadership and thank you for what you have done as Secretary of State. You have been an incredible voice for America, and we thank you for that service.

I want to acknowledge the presence of Dr. Seth Morgan. He is a Commissioner of the Maryland Commission on People with Disabilities. Dr. Morgan is a retired neurologist with 28 years of experience in the field of neurology, psychiatry, and diagnostic radiology. He is a tireless advocate working as a volunteer for the National MS Society. He is a person who lives with MS. I just would like to quote one of the statements that Dr. Morgan made, and that is, as a person with a family living abroad, I would be able to visit my siblings, nephews, and extended family without the uncertainty accessible that has plagued prior visits, just underscoring what you have said, Mr. Secretary, about how important this treaty is for Americans who are traveling abroad.

Mr. Chairman, I would ask consent that the statement by Secretary Hagel in support of the legislation on behalf of the military families and the 5.5 million American veterans that have disabilities be made part of the record.

The CHAIRMAN. Without objection, so ordered.

Senator CARDIN. Mr. Secretary, I often write you letters asking you in your visits abroad to raise issues of concern on human

rights. I have asked you to raise issues concerning religious freedom, the concerns about corruption in other countries, concerns about how police activities occur in other countries, and occasionally will write to you about issues concerning people who have challenges and disabilities.

Now that you are the Secretary of State, you are in those meetings. The fact that we have not ratified this treaty, does that affect your credibility in advocating on behalf of basic core values that we believe in, the rights of all people, including people with disabilities, when you raise these issues of concerns that we have in other countries?

Secretary KERRY. Well, Senator, I am not going to tell you that in every conversation I have had, somebody has raised the disabilities treaty because they have not. But the generic breadth of our rights absolutely comes up. And often you wind up with people pushing back on one thing or another about our absence from the table either not having signed up to a particular treaty. I will tell you this has happened frequently, for instance, on the Law of the Sea, though that is not the issue in front of us.

But with respect to human rights and other things—let me just say up front. I never go anywhere—any meeting I have anywhere, we discuss the question of rights, human rights, the question of what is happening in the country, its transformation, its reforms. We always run into some kind of a debate about the differences, cultural differences here.

But on this kind of thing, I have raised this issue on occasion in certain places, and people indicate a readiness and a willingness to try to do things but they are not particularly versed in it. They do not know what the options are. They are not sure how much it costs or how long it takes or what the complications are. That is the virtue of our being able to put the ADA on the table, but also be a member of this so we go to the 138 member countries and start to engage them on it. And the answer is, you know, it is the old clean hands doctrine of the law. If you come in and you are not a member and you are not part of it, of course you lose leverage.

Senator CARDIN. There is no question that the ratification of this treaty strengthens the U.S. position internationally in advocating on behalf of basic rights for people with disabilities. And it is interesting. When you look at basic human rights and the advancement of basic human rights, when the United States is missing in those debates, it is much more challenging to get the type of progress that we need.

Secretary KERRY. Absolutely, without any question. And, you know, when you sort of run through the list and you look at the countries that are signed up to it, you see incredible opportunities here—Saudi Arabia, South Korea, Yemen, Zambia, Tanzania, the United Kingdom actually, Jordan. You run around any of these countries—Israel actually is a signatory and Israel did a reservation with respect to one thing to abide by their laws, but they are comfortable.

So I think our legitimacy as the full advocate that we have the power to be because we are the ones who initiated this, that we are the ones who negotiated it, we are the ones who went to countries and said come on board, and now we are not there, the result is

that the committee, frankly, is not as energized and engaged as it could be. So there is a lot that could be done by our joining up.

Senator CARDIN. I would make an observation that the United States has been a leader in advancing the rights of people with disabilities. In 1991 in the Moscow document under the OSCE, it was U.S. leadership, Congressman Hoyer and Tony Coelho, were very much involved in taking the work that we did in the ADA here and bringing it to that regional organization. And it is frequently cited now as a document that is used to advance rights for people with disabilities at international meetings to make sure that proper accommodations have been made.

The ratification of this treaty—as you point out, countries that are so, so far behind us in accommodating people with disabilities have already signed and ratified this treaty. So it gives us a seat at the table to advance their laws that protect people with disabilities. It is a golden opportunity for us, and it is interesting that these countries have already ratified and approved and we are still in the process of doing it.

Thank you, Mr. Chairman.

Secretary KERRY. Thank you very much, Senator.

The CHAIRMAN. Thank you.

Senator Rubio.

Senator RUBIO. Thank you, Mr. Chairman. I am going to be brief. We have been notified that there might be significant measure taken on the floor here at 10:30. So thank you, Mr. Secretary, for being here.

My grandfather was severely disabled by polio as a young child. He struggled his whole life to provide for his daughters and his family. So I am extremely sympathetic to the goals here. I am getting a lot of e-mails and letters about people that have concerns about what they are reading and hearing about this. So I just have two quick questions.

The first involves a statement we made in 2007 when the General Assembly approved the final text. The United States issued an official statement that clarified our understanding of the phrase “reproductive health” in article 25 does not—and I am quoting. It does not include abortion and that its use in that article does not create any abortion rights and cannot be interpreted to constitute support, endorsement, or promotion of abortion. Would the administration support the inclusion of an understanding that reaffirms this policy?

Secretary KERRY. Well, as you know, Senator, last year we had a debate about this here in the committee, and I thought we came up with a pretty good RUD that dealt with this question by making sure that it did not include any language regarding any medical procedure. I think we used the word “any medical procedure,” that it did not refer to that whatsoever because there was some back and forth on the issue, the always volatile issue, obviously, about pro-choice, pro-life. And I thought we had thread that needle fairly effectively.

Now, if there is a conviction by the committee that that does not or has not, then we ought to sit down and try to work through the language. But I do want to make it absolutely clear. Nothing in article 25 or anywhere else in this treaty creates a right to abor-

tion. That is a domestic legal issue and nothing in this treaty changes that. And that was in the transmittal. The transmittal letter to the Congress made it very clear that that is true, and I thought the language we had last year helped clarify it. But we are happy to work with you to make sure it is clarified.

Senator RUBIO. OK, thank you. And also, we have gotten a lot of letters and e-mails about home schooling. The written testimony, which I am sure he will deliver here in a moment, by Mr. Gray talks about an idea that I want to get your opinion on, and that is the inclusion of an understanding this year that merely said that nothing in the treaty limits the ability of parents to homeschool their children.

Secretary KERRY. Let me make it clear. First of all, we all value the right of parents to make decisions for their children, including the decision to homeschool. And second, nobody is seeking to weaken or believes there is anything in here that weakens or eliminates those rights. And third, U.S. ratification of this treaty will have absolutely no impact on parental rights, homeschooling, or any other aspect of U.S. law.

Now, we added during the markup last year RUDs that included an understanding proposed by Senator DeMint to allay the concerns of homeschoolers. I continue to support such an understanding, if that will help address Senate concerns. And we are happy to try to work with you again to make sure the language is adequate to do that.

Senator RUBIO. And last but not least, off the topic for a second, but I want to give you an opportunity to address this because it has been in the news this morning. And this is my last question.

Yesterday it appears Ayatollah Khomeini in an address to paramilitary forces referred to Israel as a rabid dog and accused the United States of launching a nuclear attack on Japan after the country had surrendered in World War II. Apparently an American official called that language—I think the right term he used is “unacceptable.” Would you just comment on that statement?

Secretary KERRY. Well, obviously, we disagree with it profoundly. You are asking the obvious. It is inflammatory and it is unnecessary. And I think at this moment when we are trying to negotiate and to figure out what can and cannot be achieved, the last thing we need are names and back and forth. I do not want to exacerbate it now sitting here.

But our good friends in Israel know full well that we defend their concerns. They are threatened existentially by what is happening in that part of the world and particularly by the potential of a nuclear weapon. We stand by our friends in Israel completely. And obviously, we do not believe that anything is served with names that challenge everybody’s sense of propriety and justice and rectitude.

We have been through this before. We heard, as you know, prior very disturbing assertions regarding the Holocaust and so forth. I think we need to move away from that, and our hope is that the process of the next months and years would enable us to do that.

The CHAIRMAN. Senator Coons.

Senator COONS. Thank you, Chairman Menendez, and thank you for convening our second hearing to consider the Convention on the

Rights of Persons with Disabilities. And thank you, Secretary Kerry, for your ongoing leadership both in your previous role as chair of this committee and now as our Secretary of State.

Protecting the rights of disabled persons has historically garnered the support of all Americans, and ratification of the CRPD would serve to solidify a strong U.S. commitment to equal opportunity for disabled persons through increased access, mobility, protection for disabled Americans abroad, in particular our wounded veterans. Last year, I think we missed a great opportunity and it is my sincere hope, shared by many of my constituents, that we do not make the same mistake again.

And at the risk of asking you to repeat things that have been asked and answered, Mr. Secretary, but this entire hearing strikes me as revisiting important fundamental issues that need to be asked and answered to reassure those of my constituents who have not quite heard “yes” yet. In your view, what is the response to critics who charge the CRPD would violate U.S. sovereignty and that somehow the Disabilities Committee would be empowered under this treaty to dictate how the United States treats people with disabilities here at home?

Secretary KERRY. Well, with respect to sovereignty, as I said earlier, there is absolutely no ability whatsoever for any country or any entity through this treaty to gain any legal redress or capacity to compel the United States to do anything. There is no oversight. There is a committee that works on issues, but the most that they can do is make a suggestion. There are 18 members of it. They are elected on a global basis. They issue a report. But they cannot compel us to do a thing. So there is zero give-up or loss of any sovereignty of the United States. In fact, as I said earlier, we are exercising our sovereignty by deciding whether or not we want the rest of the world to be importuned by us over the course of the next years as a member of this party to rise to our standards rather than stay static or rise slower or come to a lower standard. So I think the United States gains entirely by this.

And secondly, on the Disabilities Committee, the Disabilities Committee has absolutely zero power to change a law, to order a change of law, to compel a change of law. They cannot have any impact. There is no power in this treaty, also in the committee. The committee has no ability to create any customary international law. No decision, memo, anything that they utter can have an impact on the United States and what we reserve to ourselves through our Constitution and even through our declarations and understandings and reservations in this treaty.

Senator COONS. So given that, Mr. Secretary, if, as I believe and as you have asserted, the treaty does not compel us to do anything except to continue to follow our own law in our own way, why then ratify it? If you would just briefly remind us what harm is being done to our ability to advocate for disability rights by being the empty seat at the table or merely in observer status of the committee for the Convention on the Rights of Persons with Disabilities. How does this harm our ability to advocate for Americans, Americans with disabilities, and America’s standard for how we should treat citizens with disabilities around the world?

Secretary KERRY. Well, there are a whole series of things that this treaty actually does require other countries to do. We have already done them. So that is why it does not have an impact on us. We are already meeting those standards. But it does compel other countries or requires other countries to provide accessibility, to provide nondiscrimination in things that they do like a birth certificate for kids. You know, you cannot deny somebody a birth certificate because they are disabled. It creates a set of rights about standards for education, for transportation, for all of the things that matter to us under the ADA and basically takes each of those components and gives a legal obligation to other countries to live up to that standard, our standard.

Senator COONS. Well, thank you, Mr. Secretary. Thank you for your testimony and for your hard work. I think this Convention is a great opportunity for us to demonstrate the high standard that the United States has made the gold standard for treatment of our citizens with disabilities. And thank you, Mr. Chairman, for convening this hearing.

The CHAIRMAN. Thank you.

Senator Kaine.

Senator Kaine. Thank you, Mr. Chair. Before I have a comment and a question for Secretary Kerry, I do want to do an introduction. I think Gen. Gale Pollock is here with us today, and I just wanted to bring her to the attention of the committee. She was the first woman nonphysician commander of the U.S. Army Medical Command and acting Surgeon General of the Army with a nearly \$8 billion annual budget in 2007. She has extensive experience in the military.

But she was challenged by Senator Inouye when he made comments about caring for blinded troopers and led an effort that resulted in the establishment of a DOD/VA Center for Excellence for Vision. Following her experience in that regard and a program at Harvard, she established, Elevation, Inc., a sole-source information solution provider for anybody concerned about vision loss. And we are very happy that General Pollock is here today and for all the work that she does to advocate for folks around the world who suffer from vision loss. So thank you, General Pollock.

And thank you, Secretary Kerry. Today is a big day. There is a lot going on in the world today and that you have chosen to be here with us a tribute to you, to how importantly you view this priority. In listening to your testimony, I was reminded of the great Senator William Proxmire who believed so deeply in the United States need to ratify the Genocide Treaty that every day the Senate was in session for 19 years he took to the floor of the Senate and advocated that the U.N. Genocide Treaty, which had been ratified by the U.N. and activated in 1951—it was not ratified by the United States until 1986. He gave over 3,200 floor speeches over the course of 19 years until the United States ratified the Genocide Treaty. I hope you are not here that often. [Laughter.]

And I hope we do it quicker than 48 years. This treaty came before the U.N. and was ratified in 2006. But thank you for sticking with it and sticking with us.

I only have one question for you. The last time you were before us, we were debating a very difficult issue that remains difficult,

and that was Syria and whether to authorize use of military force in Syria. The committee voted to do that authorization. Shortly thereafter, in your diplomatic discussion with Syria and others, Syria agreed to do something that it had not done, which is it agreed to become a signatory to the U.N. Chemical Weapons Convention.

What moral leverage would the United States have had to insist that Syria become a member and sign on to those treaty agreements under the Chemical Weapons Convention if the United States had not been a signatory to that Convention?

Secretary KERRY. Well, Senator, first of all, thank you for your reflections on Senator Proxmire. I was here when we passed that finally, and I remember listening to many of those comments. Look, your question answers itself.

We never could have achieved it and we would have had no standing whatsoever to be able to try to argue it.

Senator Kaine. Thank you, Mr. Chair. Thank you, Mr. Secretary.

The CHAIRMAN. Senator Markey.

Senator MARKEY. Thank you, Mr. Chairman, very much. Can we talk about something in addition to the obvious benefits that will flow to people with disabilities, and that is that which will flow to American businesses if we have an international standard? So there are about 56 million people in the United States with disabilities, but there are about a billion people in the world with disabilities.

So, for example, if we just take something like a U.S. law, a standard that says that all of these devices have to be now accessible to the deaf and the blind, and you multiply that by the thousands of companies in the United States that now have a part of this communications revolution, what could it mean for American business if these standards are adopted in countries all across the world? What could it mean in terms of practical benefits for the U.S. economy if we joined the rest of the world in ratifying a treaty that they are all ready to go on in terms of what that additional benefit would be for our country?

Secretary KERRY. Senator, you have hit the nail on the head. I mentioned it in my opening comment about the benefit to business and why the American Electronics Association and IBM and others are supportive of this.

A billion people is a big market. The market that drove the wealth creation of the 1990s where every quintile of American income earners saw their incomes go up—every quintile—and the greatest wealth in the history of our Nation was created, that market was a 1-billion-person market. Actually it grew quickly into about a \$1 trillion market but it began smaller. And the result is this market is just waiting for us to tap into.

We have electronic assisted devices that help people to speak, that can print. I mean, there are extraordinary gains through technology and we will be able to sell it. Different kinds of wheelchair accessibilities, lifts, all kinds of benefits in communications and in transportation. So there are huge, huge benefits for our companies, and the bottom line is it means jobs.

Senator MARKEY. I agree with you, and not a small number of jobs, tens of thousands, maybe hundreds of thousands of jobs in the

United States directly related to a standard being established across the rest of the world.

And I agree with you that it does not require any change in U.S. law. It is really going to be a benefit for the disabled around the world and for businesses here in the United States to be able to service that new market that has been created. And we can be the leader in distributing those technologies as well while profiting here in the United States. So I thank you again, Mr. Secretary, for your great good work.

Secretary KERRY. Well, we agree completely. Thank you, Senator.

The CHAIRMAN. Well, Mr. Secretary, I know that there are a series of members who would have liked to have engaged with you, and I think the challenge is there are procedures that are about to take place on the floor that will probably take about an hour of time. I assume that your schedule would not permit you to have that period of time.

Secretary KERRY. I regret, Mr. Chairman, that it does not, I am afraid.

The CHAIRMAN. I did not think so considering what is happening in the world and your pressing schedule.

We will keep the record open extensively so that questions can be submitted, and if there are any specific members in another setting that have some specific questions maybe in the future, we can work with you toward getting—

Secretary KERRY. Mr. Chairman, why do I not agree to do this? I really want this to pass and I want to try to expedite it and I want to be as helpful as we can at the Department. So recognizing there is a difficulty on the floor, why do we not try to arrange a meeting at the State Department for those Senators who did have some of those questions? We would be happy to meet. And obviously, we are prepared to answer questions for the record in short order.

The CHAIRMAN. So between the record for those who want to have something on the record and for those who want to have a conversation about some of their concerns and how the State Department and the administration should react to them, I think that is a fair offer and I appreciate it. I appreciate your testimony here today. I think it has been substantive, very compelling. I just want to share two final concerns.

One is that we can try to create an environment in which we want to be as airtight as possible—and I get that—for those who have concerns. However, I think that looking at future Congresses 5 years, 10 years, 20 years from now on, of course anything that the U.S. Congress does and passes could be changed. Of course, it would seem to me that a U.S. Congress would have to change it, and so there would be full debate and the opportunity to do so. I do not envision that, and as has been stated, that has never happened as it relates to RUDs, and I would not expect that this would be the first time ever in history that that would take place. But I think there has to be a balance here as to what expectations are of what one can guarantee about future Congresses. So that is just an observation for the record.

The second is, as you and the Department work with any of the members as it relates to RUDs, I would urge you to also share your

deliberations with us because at the end of the day, I will have to be willing to support a set of RUDs and bring it before the committee when we get to that point. I am sure that is the way we will work together. With the thanks of the committee—

Secretary KERRY. Can I just say, Mr. Chairman—

The CHAIRMAN. Yes.

Secretary KERRY. I just want to thank you for your leadership on this. There is a lot going on here too. But this, as you know, is a priority and I appreciate your making it one.

And I also want to thank Senator Barrasso who was an early supporter of this some time ago and has stuck with it. We are very appreciative for the bipartisan effort here with Senator McCain and others.

The CHAIRMAN. Yes. We have a series of colleagues who have joined us in this effort. You have mentioned Senator McCain, Senator Barrasso, Senator Ayotte, Senator Kirk, as well as members on the Democratic side. So our goal is to get us the type of strong bipartisan support that will pass the treaty. There are few times I think in our lives in public service that you can affect the lives of millions of your fellow Americans in a powerful way that can make equality of opportunity and access to that opportunity a reality, whether they are the 58 million Americans who face some form of disability or the 5.5 million veterans who served their country and now face some sort of disability. This is an opportunity to do that, and that is why this is so important and that is why we appreciate your presence here today in the midst global challenges.

Thank you very much.

With the appreciation of the committee, the Secretary is excused.

Secretary KERRY. Thank you.

The CHAIRMAN. I am going to apologize to our next panel in terms of wait time, and I hope that you can hang in there with us. I am not in control of exactly what time will be required on the floor. It may be shorter, but it is likely to take about an hour. To the audience members as well, we will reconvene upon that final vote that takes place on the Senate floor. But I believe it will be sometime within an hour, and until that time the committee stands in recess.

[Recess.]

The CHAIRMAN. This hearing of the Senate Foreign Relations Committee will come to order. First, let me say to our distinguished panel that we regret that issues on the floor have created challenges to us conducting the hearing. As a matter of fact, we are not finished on the floor. But in order to listen to your incredibly important testimony, what I have asked the ranking member, with his concurrence, is to proceed during these votes and hopefully rotate, ask members to take the chair when it is necessary in order to get the testimony in the record, and then hopefully have an opportunity for Q&A at the end.

I know that Mr. Gray has to leave and we want to definitely get his testimony in, and I appreciate your willingness to do so. So, after we start with you, we will excuse you, and of course the record will be open, and we urge you to answer any questions.

Our second panel today we have Ms. Frances West, the Worldwide Director for Human Ability and Accessibility Center for IBM.

Ms. West is responsible for promoting advanced research technologies as part of IBM's efforts to enable everyone to achieve their full potential through innovation. Ambassador Boyden Gray is former White House Counsel to President George H.W. Bush, and a member of the board of directors of the Atlantic Council, the European Institute, and various other organizations, and served as Special Envoy for European Affairs and U.S. Ambassador to the European Union. I understand his daughter, Eliza, a staff writer for Time magazine, was married Saturday, so congratulations to the proud father of the bride.

Jeremy Rabkin is a professor of law at George Mason University. Professor Rabkin serves on the Board of Academic Advisors of the American Enterprise Institute and the Board of Directors of the Center for Individual Rights, and we welcome you. And Curtis Bradley is a professor of law, Public Policy Studies, Senior Associate Dean for Faculty Research at Duke University. Professor Bradley, early in his career, clerked for Supreme Court Justice Byron White, and has written many articles on international law, constitutional law, and U.S. foreign relations. So, Professor, you are at the right committee. Welcome to you all.

With that, let me ask Mr. Gray to go first. All of your statements will be fully entered into the record. We would ask you to synthesize it in about 5 minutes so hopefully we will be able to go forward and ask some questions.

Mr. Gray.

**STATEMENT OF HON. C. BOYDEN GRAY, C. BOYDEN GRAY AND ASSOCIATES, FORMER WHITE HOUSE COUNSEL, AND FORMER AMBASSADOR TO THE EUROPEAN UNION, WASHINGTON, DC**

Ambassador GRAY. Mr. Chairman, thank you very much for the opportunity to appear, and also thank you for your accommodation for my schedule. I wish I could stay here for the entire conversation. It is very important and also very interesting. But I hope I can answer questions in the record if it is appropriate.

I was involved with the architecture and structure of the Americans with Disabilities Act almost from the very beginning, starting with work that then-Vice President Bush did with the Task Force on Regulatory Relief under President Reagan, who was very supportive always of disability rights. And the ADA grew out of work that had been done during the Reagan administration.

The statute has been very durable. It has been a great success. It has really changed for the better the lives of a great many Americans. And as I enter as a leader of the baby boom cohort, as many people have said, there really is no basic difference between the rights of the disabled and the rights of the aging. And this has been a great success in the United States.

We are at an inverted situation basically with the way this has proceeded. Normally you have a treaty and then an implementing statute. Here, not quite the reverse, but close to it where we had an implementing statute 25 years ago and a treaty that has come out of that. There is nothing that is binding on this country, and that is, I think, the most important point that I can make.

The *Bond* case has become an issue, which was argued just recently. Senator Kerry, I think, dealt with that comprehensively. The case was brought under the implementing legislation, not under the treaty itself. There will be no implementing legislation here. Of course, as Senator Kerry observed, there is no way to bond some future Congress from amending the ADA. It has already been amended once. But that is for the future, and that is not at issue here.

There is discussion of whether for federalism purposes and for purposes of severability, to take two examples that were raised earlier with Senator Kerry, do there need to be stronger reservations. A couple have been suggested in testimony that will be given a few minutes. I see no difficulty with making these strengthened reservations, but I also do not think that they are absolutely essential. Why? Because as Professor Bradley acknowledges and what is clearly understood, the Convention—the Congress has already adopted a reservation that has—or declaration that has the Convention being non-self-executing, which he acknowledges will have the effect of preventing the Convention from judicially enforceable on its own terms. Therefore, it cannot be used to justify legislation that would not be ordinarily justified under our Constitution. And it cannot be used to justify interference with our system of federalism beyond what would ordinarily be possible under the Constitution in the absence of this treaty.

So I do not think it is absolutely essential, but I also think since it has already been done by this very strong reservation of non-execution, I think there is no difficulty in adopting these stronger statements.

I think on homeschooling, which has been an issue in the past, I think it has been dissipated thankfully. I want to just express my own support for school choice. I think I am probably well known for this. Home schooling has blossomed under the regime of the ADA and other disabled education legislation. I do not see really any way in the world a treaty, which is nonenforceable, can do anything to hurt the growing movement or the vibrant movement of home schooling here in America.

So at that point, I will be quiet.

[The prepared statement of Ambassador Gray follows:]

PREPARED STATEMENT OF AMBASSADOR C. BOYDEN GRAY

It is a pleasure for me to testify in favor of the ratification of the Convention on the Rights of Persons with Disabilities (the Convention or the Disabilities Treaty). Ratification of the Disabilities Treaty will constitute a major step forward in the effort to end discrimination against more than 1 billion persons with disabilities around the world. It will protect the rights and dignity of all people with disabilities and export core American values that have been codified in U.S. law in the Americans with Disabilities Act. It will serve Americans well. Our active participation in the implementation of this Convention will continue strong American leadership; it will assist the ease with which Americans with disabilities, including our wounded warriors, travel, work, and study abroad; and it will help American businesses expand their role in the international, global economy.

My direct involvement on disability rights issues began with my bridge partner, Evan Kemp, a disability rights leader, head of the EEOC during the administration of George H.W. Bush, and a friend. At the start of the Reagan administration I worked with the Presidential Task Force on Regulatory Relief, which was considering the scope and nature of government regulations required by the 1978 amendments to section 504 of the Rehabilitation Act of 1973. That Act required all Execu-

tive branch agencies to issue regulations implementing the nondiscrimination requirements of section 504.

During this time, the Reagan administration engaged in extensive outreach and negotiations with the disability community, led by Mr. Kemp and his cohorts at DREDF, the Disability Rights Education and Defense Fund. Together with the Justice Department, then under the leadership of Edwin Meese and with the Civil Rights Division under William Bradford Reynolds, we hammered out the basic and balanced concepts of what constitutes discrimination on the basis of disability.

We introduced the concepts that the disability law did not require actions that resulted in undue financial and administrative burdens and that entities covered by the law would not have to engage in conduct that resulted in a fundamental alteration of the nature of their programs. We also worked out an appropriate definition of disability for the implementation of the law, giving significant regulatory guidance to the statutory definition. We provided a fair, effective approach to disability nondiscrimination, carefully balancing the rights and needs of persons with disabilities with the costs to businesses and government agencies of providing access. In the ensuing years, each Federal agency issued disability rights regulations adopting these principles and worked to open their own programs to persons with disabilities. Programs at the National Parks Service became accessible and local Social Security offices began the necessary steps to make their offices and programs accessible.

Several years later, while serving as the Legal Counsel to President George H.W. Bush, I was once again involved with disability rights issues. The project this time in the development of what would become the Americans with Disabilities Act, one of the premiere achievements of the Bush administration. Not surprisingly, we turned to the terms and concepts that we had first adopted in section 504 and turned them into a new comprehensive disability rights law, the Americans with Disabilities Act.

I recount this history today because the concepts and principles that were developed during the Reagan administration and then codified in the ADA during the Bush 41 administration are now at the heart of the Convention on the Rights of Persons with Disabilities. The U.S. delegation that worked at the U.N. during the administration of President George W. Bush made sure that the new Disabilities Treaty followed the time-tested approaches of American disability law. The Disabilities Treaty is the next logical step after the ADA.

Thus, the concepts of equality of treatment and nondiscrimination are the primary principles of both U.S. domestic law and the Disabilities Treaty. The Disabilities Treaty seeks to ensure that persons with disabilities enjoy the same rights as everyone else and are able to lead their lives as do other individuals, if given the same opportunities. By requiring equal treatment and reasonable accommodation for persons with disabilities, the Convention is rooted in the principles of U.S. disability law. As with the comprehensive network of U.S. federal disability law, the Convention expresses the principles and goals of inclusion, respect for human dignity and individual autonomy and choice, accessibility, and equal enjoyment of rights—including political participation, access to justice, respect for home and the family, education, access to employment and health care, and freedom from torture and other cruel, inhuman or degrading treatment.

Now I am aware that the Disabilities Treaty is an expansive, sometimes hortatory document that does, in some instances, go beyond what we have developed here in the United States. Thus, it is essential that we include reservations, understandings, and declarations, or RUDs, to tailor this treaty to our concepts of equal opportunity and nondiscrimination. Last year the Obama administration included just such a series of RUDs in its submission of the Disabilities Treaty to the Senate. And this committee wisely added additional RUDs to the treaty. These RUDs are an appropriate and needed addition to the Disabilities Treaty and I encourage this committee to include similar RUDs in this session of Congress. In doing so, the committee must remember that no matter what RUD language you develop, the underlying and most important principle here is that this is a nondiscrimination treaty. Any new RUD language must not undermine the principles of U.S. disability law: nondiscrimination and equality of opportunity.

Perhaps most significant are the proposed reservations on Federalism and private conduct and the declaration that the treaty is non-self-executing. I note with approval that the Obama administration made its Federalism provision a reservation, rather than an Understanding. In this country's earlier human rights treaties, for example, the Convention on the Elimination of Racial Discrimination, or CERD, the Federalism provision was an understanding. Making this provision a reservation means the United States is only undertaking obligations to the extent consistent with our Federalist system. Those powers and responsibilities that are the province of the individual States will remain so under this Convention. The important res-

ervation on federalism ensures that the obligations that we undertake under the Convention are limited to actions within the authority of the Federal Government and do not reach areas of sole state and local jurisdiction.

The reservation regarding private conduct is equally important. It will ensure that the U.S. does not accept any obligation except as mandated by the Constitution and the laws of the United States, such as the ADA and others like the Individual with Disabilities Education Act. Thus, as with our current law, religious entities, small employers, and private homes would be exempt from any new requirements.

Similarly significant is the declaration that the Convention on the Rights of Persons with Disabilities is non-self-executing. This declaration ensures that the treaty itself does not give rise to individually enforceable rights and cannot be directly enforced in the U.S. courts. It ensures the primacy of U.S. domestic law and remedies on disability issues. Simply put, no one will be able to use the Disabilities Treaty to bring an action in the U.S. courts. If persons in this country seek a redress of what they perceive to be violations of their rights, they must continue to use the tools that are in place for them now, including the ADA, the civil rights provisions of the Rehabilitation Act, the disability provisions of the Fair Housing Act, and the many other laws that we have put in place to protect Americans with disabilities at home.

With these reservations, understandings, and declarations, the Senate will ensure that ratification of the Disabilities Treaty will require no new federal laws, and will not require the individual States to revise their own laws. Inclusion of these RUDs will confirm that the United States will rely on its compliance with our existing, rich panoply of disability laws to constitute compliance with the treaty and that we can continue to use our expansive and recently amended definition of disability. These reservations are eminently reasonable and are compatible with the object and purpose of the treaty. And once included in the Senate Resolution of Advice and Consent, these reservations become the law and no nation nor any international body has the ability or power to sever, amend, or overturn such reservations.

I understand that some persons have challenged the long-accepted practice of using RUDs in treaties. Such claims are not correct and, quite simply, extraordinary. When the U.S. Senate attaches conditions to any treaty during its advice-and-consent process, these conditions are binding on the President and the President cannot proceed to ratify a treaty without giving them effect. These conditions become part of the treaty and have the force and effect of law. The various courts of the United States, including the Supreme Court, have upheld the validity of reservations, understandings, and declarations. Further, administrations of both political parties have uniformly throughout our history upheld this view.

The claims that somehow ratification of the Disabilities Treaty will undermine U.S. sovereignty are simply false. Some have raised alarms by mischaracterizing the role of the Disabilities Committee created by the treaty. This Committee, a group of 18 experts elected by the nations that have ratified the treaty, meets twice each year to review the reports submitted by those countries that have ratified the treaty. The persons on this Committee are not employees of the governments that they represent. They are civilians, ordinary citizens from around the world with extensive expertise on disability rights. Among the 18 Committee members, 15 are themselves persons with disabilities.

By the terms of the treaty itself this Committee is advisory only. The Committee is authorized only to respond to reports with "suggestions and general recommendations." The Committee's suggestions, observations, and opinions are not binding and cannot compel any action in the United States. The treaty provides no vehicle for the U.N. or any U.N. officials to interfere in American jurisprudence.

Further, the concerns that Committee's interpretations of the Disabilities Treaty will become customary international law and thus be binding on the United States are misplaced. The Committee's nonbinding recommendations by themselves do not rise to the level of international law. Even if the nonbinding recommendations of the Committee are adopted by other nations, they cannot and will not become binding on the United States if the United States consistently objects to any such interpretations during their emergence. The persistent objector doctrine ensures that the United States will have a say in any future treaty interpretation. Of course, the one way to ensure that the United States has a role in the interpretation of the treaty is to ratify the treaty and seek to serve on the Convention's Disabilities Committee.

Any concern that this Committee can have any role other than an advisory one was further allayed by the understanding adopted by the Committee last year that made clear that the Committee has no authority to compel any U.S. actions and that its conclusions, recommendations, or general comments were not legally binding on the United States in any manner.

I would also like to address what has become known as the homeschooling issue. I myself am a longtime advocate for parental choice in education decisions. I note that homeschooling has blossomed in the United States at the same time that we have embraced the concepts of the ADA and of the parental role in education decisions in the Individuals with Disabilities Education Act (IDEA). In fact, many parents with children with disabilities have chosen homeschooling as an option to provide an appropriate education for their children.

I would align myself with the testimony before this committee of former Attorney Gen. Dick Thornburgh. I agree that nothing in this treaty prevents parents from homeschooling or making other decisions for their children. As I understand the concern, it rises from the inclusion of the phrase "best interests of the child" in the Disabilities Convention. While I do not believe considering the best interests of the child is threatening to parental rights, last year, the Committee included an understanding that made clear that the use of the phrase "the best interest of the child" would be interpreted in a manner consistent with use of that concept in U.S. law, a result that would have the purpose or effect of maintaining parental authority in making homeschooling decisions. While not necessary, inclusion of an understanding this year that merely said that nothing in the treaty limits the ability of parents to homeschool their children would eliminate any legitimate concerns on this issue.

Some have found it troubling that the Disabilities Convention does not contain a definition of disability and that it recognizes that disability is an evolving concept that results from the interaction between a person's impairment and the physical and environmental barriers around them. The implication of this criticism is that it is a weakness in the Convention that each Nation State will have to adopt its own definition in its national legislation. The flexibility that the Convention allows here is its strength, not its weakness; and it follows our own precedent on the definition of disability. We in the United States have moved away from the medical model to the integration model of disability in our own definition of disability. The medical model defines individuals with disabilities as sick and focuses on medical treatment and health services. The integration model recognizes the abilities of individuals with disabilities and emphasizes removing barriers to full participation in society for individuals with disabilities. The culmination of this 40-year history, which started with 1973's Rehabilitation Act, was the ADA Amendments Act of 2008, signed by President George W. Bush. We will be able to use our own definition of disability to implement the Disabilities Convention.

An argument made by some opponents of U.S. ratification of the Disabilities Convention is that we should not enter into treaties that do not directly enhance national security. The U.S. has ratified numerous treaties, including multilateral trade agreements, that do not bear directly on national security. The benefits to Americans from ratification of the Disabilities Convention are significant. In our global economy, U.S. employees need to travel and work abroad freely, unencumbered by inaccessibility. Every U.S. worker starting a career now and in the future should expect to be called upon to travel abroad to enhance his own career and to maintain a competitive edge for his U.S. employer. There is no better way for our government to support the long-term economic self-sufficiency of the millions of Americans with disabilities than to participate in the global commitment to accessibility that is enshrined in the Disabilities Convention.

U.S. business supports the Disabilities Convention because the globalization of disability nondiscrimination and accessibility will promote U.S. business in international markets and advance equal access and opportunity for employees. Business groups that favor U.S. ratification include the Chamber of Commerce, the U.S. Business Leadership Network, and the Information Technology Council. The Disabilities Treaty can level the playing field abroad for U.S. industries that have been required by the ADA since 1990 to design and manufacture accessible products. The Disabilities Convention provides the pre-eminent forum for disability rights and accessibility internationally. If we are not there, the leadership vacuum will be filled by other countries in Europe or Asia. This could result in less clout for Americans in standard setting bodies and multiple, incompatible accessibility standards. If the world follows standards based on European or Asian accessibility standards, it could limit access for Americans, including vets working, studying, or traveling abroad. It could also hurt American businesses trying to sell their accessible products abroad. There are at least 1.2 billion persons outside the U.S. who can benefit from these goods and services.

The U.S. owes a duty to our wounded veterans to ratify the Disabilities Convention. There are approximately 5.5 million disabled American veterans, more than 3.5 million of whom are receiving compensation for a disability. There are also at least 126,000 military family members with special needs. More than 325,000 Amer-

ican servicemembers and their families are stationed abroad, many in countries with accessibility standards significantly lower than our own. Our disabled veterans and military families want to work, study, serve, and travel abroad with the same dignity and opportunity as other Americans. Doing so can be difficult, if not impossible, in countries with poor accessibility standards.

Of the nearly 1 million veterans and their beneficiaries who have taken advantage of the Post-9/11 GI bill since its inception 4 years ago, about 20 percent have a disability. In general, students with disabilities participate in study abroad programs less than half as often as those without disabilities. Disabled veterans and military servicemembers are among America's most elite athletes. Ten veterans and servicemembers represented the U.S. at the 2013 International Paralympic Committee World Championships and more will compete for Team U.S.A. at the 2014 Paralympics Winter Games. International competition often poses significant obstacles for many of these athletes because of inaccessibility in overseas venues, lodging, transportation and related facilities. Ratification of the Disabilities Treaty will help enable the United States to export its gold standard for nondiscrimination and accessibility worldwide and make it easier for all our wounded warriors, disabled veterans, Active Duty members, and their families to take advantage of important opportunities abroad.

Some question why the U.S. should ratify a disabilities treaty that is modeled on American law that has been on the books for more than 20 years. As one who has been at the center of the development of domestic disability law and policy for 40 years, I can tell you that the U.S. achieved its current position as the standard setter in the world for nondiscrimination and equal access for individuals with disabilities through a long, painstaking process. We navigated through that process with a balanced approach to disability nondiscrimination that has been and continues to be supported by strong, bipartisan majorities of Congress and the American public and Presidents of both parties. It is time for the U.S. to export the model of the ADA to other countries as a leader of the official global initiative on disability nondiscrimination. There is nothing more important to the ability of Americans with disabilities, including veterans and their families, to become full participants in the world economy than the leadership that the U.S. can provide only if it ratifies the Disabilities Convention. What are we afraid of? The Disabilities Convention is modeled on our existing domestic law. The U.N. Committee for the treaty is advisory only.

Our official imprint on the implementation of the Disabilities Convention is critical to our ability to give our citizens the protections they need to thrive in the 21st century. I wonder how many Senators on this committee have a son or daughter who has benefited from travel abroad as part of his or her education? Students with disabilities often are excluded from these opportunities for lack of accessibility in the destination country. Approximately 4 out of 10 American travelers or their travel companions are people with disabilities that still face constant barriers and discrimination abroad.

There is another important reason for the U.S. to ratify the Disabilities Convention. Without laws like the ADA abroad, millions of children and adults are housed in institutions without the enrichment of family life, community resources, or access to the most basic civil rights like a birth certificate or even a name. Until the U.S. ratifies the Disabilities Convention, it is a bystander on these critical matters. Our leadership in fighting against these unconscionable practices can make an enormous difference.

At this committee's previous hearing on ratification of the Disabilities Convention, some suggested that the case of *Bond v. United States*, recently argued and currently pending in the Supreme Court, should be decided before the Senate consents to ratification of the Disabilities Convention. I am familiar with the time-honored tactic of using a vaguely related court case as a basis for delaying congressional action on something that some Members would rather avoid. The *Bond* case is an unnecessary distraction from the important task of U.S. ratification of the Disabilities Treaty. The *Bond* case is a red herring. The outcome of the *Bond* case will not impact the Disabilities Convention nor the obligations of the U.S. to implement the treaty.

The *Bond* case involves a challenge to the legislation implementing the Chemical Weapons Convention. U.S. compliance with the Disabilities Convention will result from already existing laws, laws that were passed entirely independently of the Disabilities Convention, laws that do not rely upon the Constitution's treaty power but have already been found to have a constitutional basis by the Supreme Court. No implementing legislation will be necessary for the Disabilities Convention. This is confirmed in a declaration this Committee inserted into its proposed resolution of advice and consent last year, which states "The Senate declares that, in view of the

reservation to be included in the instrument of ratification, current United States law fulfills or exceeds the obligations of the Convention for the United States of America.”

I said earlier that the Disabilities Treaty was the logical next step after the Americans with Disabilities Act. On July 26, 1990, when President Bush signed the ADA on a sun-drenched ceremony on the White House lawn, he saw that we were entering a “bright new era of equality, independence, and freedom.” It is time for the United States to stand with the rest of the world in fostering the core American values of equality, independence, and freedom. I urge you to ratify the Convention on the Rights of Persons with Disabilities and give international meaning to President Bush’s call: “Let the shameful walls of exclusion finally come tumbling down.”

The CHAIRMAN. Well, I appreciate your testimony and your forbearance with us in this process. Let me just ask you, since you are going to have to be excused, and maybe Senator Corker may have a question for you before we go to the rest of the panel. I just want to focus on one part of your testimony, and that is if you were still the White House Counsel, as you were under President Bush, there are some who have suggested that we have to wait for the Supreme Court to decide in the *Bond* decision before the Senate would make a decision on this treaty. Do you think there is any reason that the *Bond* case should delay Senate consideration of the Disabilities Treaty?

Ambassador GRAY. I do not on the merits. I was not at the argument, but I am told that Justice Breyer was more skeptical than perhaps anybody else. And so, I think it is pretty clear what the result is going to be, but I also think the result is irrelevant for reasons Senator Kerry stated and for the reasons that I just mentioned, that there is a clear congressionally approved RUD that makes this treaty non-self-executing and nonreviewable in the courts. So I see no way how the *Bond* case can be relevant.

Again, to point out that it was the prosecution under an implementing statute. There will be no implementing statute here. What is relevant for purposes of the courts is the ADA itself and not this treaty.

Senator CORKER. Listen, I understand you have to leave, so I am going to go ahead and ask you some questions, and thank you.

I would—first of all, I respect you very much and I appreciate being here today, and I want to ask you a couple of specific questions. I will say relative to your last statement, Congress can always pass implementing legislation 2 years from now, 4 years from now. So the fact is that it is not necessarily even that that could happen, but the fact that when you ratify a treaty, that itself can, in fact, create some issues here for us to domestically. So let me just ask you a couple of questions.

As an advocate for the ratification of the treaty, do you agree that there are significant questions about whether a treaty can expand Congress’ power into areas historically reserved to the States under the Supreme Court current case law? You agree with that, right?

Ambassador GRAY. As a general proposition, that is probably right. The *Bond* case will clarify that. But we do not have that issue presented here because of what I have already mentioned, which is the RUD you have already adopted, which means that the Convention is not judicially enforceable on its own terms.

So the only thing that the Congress can do constitutionally is what it could do constitutionally in the absence of a treaty. And

you have already, one, submitted the ADA, and you may again choose to do so, whenever, to amend it again. But it will be bound and constrained by the limits of the Constitution and not enabled in any way by the treaty because that cannot be judicially enforced.

Senator CORKER. But you would have no issue, as you just stated, since what I just made was a statement of fact, it can. I am talking about just treaties in general. You would have no opposition to us trying to clarify those very specifically with a set of RUDs that have no impact on us being able to advocate in other countries, but would keep this treaty from affecting us here domestically. You do not have opposition—

Ambassador GRAY. I do not, and I just so testified, I think, about that I do have no objection to clarifying those severability issues and federalism issues.

Senator CORKER. Why thank you, and I hope you can help us do that through your advocacy. Do you agree that it is important for the Senate to adopt a strong package of RUDs that protects the appropriate balance of power between State and Federal governments?

Ambassador GRAY. Well, as I—

Senator CORKER. I think the answer is yes, but I—

Ambassador GRAY. Yes. Yes.

Senator CORKER. OK. You have made some statements on the record in the past, and since the record of these hearings can have a bearing on future issues that arise, I just wanted to re-ask those. And again, I respect your advocacy. I respect your service to our country, and I thank you very much for coming.

Ambassador GRAY. Thank you, Senator Corker.

The CHAIRMAN. Thank you, Mr. Gray, and I know you are going to have to leave. So we appreciate your willingness to answer questions on the record as we move ahead.

Ambassador GRAY. Well, I am happy to do that, and I really do appreciate your understanding about my having to leave. And I am sorry to my fellow panelists, with whom I would love to have a robust discussion assuming there was time. But it is not—I just cannot stay. So thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you.

Ms. West.

**STATEMENT OF FRANCES W. WEST, WORLDWIDE DIRECTOR, HUMAN ABILITY AND ACCESSIBILITY CENTER, IBM, CAMBRIDGE, MA**

Ms. WEST. Good afternoon, Chairman Menendez, Ranking Member Corker, and members of the committee. My name is Frances West. I am the Worldwide Director for the IBM Human Ability and Accessibility Center. In this role, I am responsible for advancing IBM's accessibility leadership by driving inclusive people-focused technology solutions. I currently serve on the board of directors for the World Institute on Disability and the U.S. Business Leadership Network. I am honored to provide IBM's point of view and would like to ask for your support to ratify the CRPD.

Global understanding and demand for accessibility continues to grow, driven in part by an entirely new set of disruptive trends, including the growing aging population, mobile and smart devices,

social networking, and emerging technologies, such as smart TVs and wearable devices. These innovations are creating unprecedented demand for inclusive technologies that enhance user experiences and create more fulfilling interactions for any individual—anytime and anywhere. As a result, accessibility has become a mainstream requirement for the society.

Ratification of the CRPD would help advance the marketplace for accessible information and communication technologies, benefiting the U.S. economy, businesses, and individual citizens. We believe by unifying the ratifying countries, the CRPD can accelerate two critical business imperatives that are foundational to market and job creation. First, the adoption of harmonized international technology standards, and second, the execution of meaningful policies, procurement regulations, and technology research agendas.

First, on standards. It plays a critical role in ensuring the interoperability of technology and the acceleration of innovation upon a common foundation. Without harmonized international standards, an employee with a disability in any of the 96 countries IBM operates will have difficulties in using airport kiosks, accessing ATMs, using teleconferencing facilities, or obtaining multimedia digital content through their computer or cell phone—any time and any place.

So standards harmonization is absolutely vital to the United States and U.S.-based companies, and we can see three reasons how CRPD can help. First, the CRPD embraces standards of inclusion outlined in the ADA and, by extension, U.S. accessibility standards. So for U.S. companies, it is familiar to implement. Second, these harmonized standards protect our investments in accessible technology and help us achieve economies of scale, ensuring a positive return on investment. Finally, it helps preserve the U.S.'s ability to continue to lead innovation worldwide as CRPD countries are investing in accessibility technology leadership, and our ability to influence them is diminishing.

Now, onto the policy benefit. It is no exaggeration to say that in many cases policies make markets. The U.S. Section 508 of the Rehabilitation Act is a great example. Prior to the enactment of this Federal procurement policy, the accessibility marketplace was small, niche-oriented, and not an investment priority. However, section 508 and the buying power of the U.S. Government have transformed the marketplace and played a major role in defining it as a mainstream government and business requirement. U.S. ratification of CRPD will have a similar effect.

In addition, by prioritizing both equal education and technology access for people with disabilities, the CRPD will create a larger talent pool of knowledge workers with disabilities, enabling companies like IBM to hire the best talent and meet the requirements associated with emerging policies, such as section 503 of the Rehabilitation Act.

It is for these policy and harmonized standards reasons that IBM believes the United States can solidify technology leadership in the burgeoning marketplace through CRPD participation. We believe that failure to act will produce quite the opposite effect over the long term, stifling the ambition and dreams of people with disabil-

ities, limiting market opportunities, and jeopardizing the U.S.'s ability to influence the global accessibility community.

In conclusion, IBM is confident that U.S. ratification of the CRPD will create global marketplace pull for accessible ICT and reinforce the U.S. legacy leadership position as a champion for full societal inclusion of people with disabilities.

I thank you for your attention.

[The prepared statement of Ms. West follows:]

PREPARED STATEMENT OF FRANCES W. WEST

Good morning, Chairman Menendez, Ranking Member Corker, and members of the committee. My name is Frances West. I am the worldwide director for the Human Ability and Accessibility Center at the IBM Corporation. In this role, I am responsible for advancing IBM's accessibility market leadership by driving inclusive, human-centric technology innovation and solution development. I currently serve on the Board of Directors for the World Institute on Disability and the U.S. Business Leadership Network.

As an information technology (IT) executive who has dedicated a decade of my career to advancing the equal technology access rights of people with disabilities, I am honored to appear before this committee to discuss IBM's point of view on the United States proposed ratification of the Convention on the Rights of Persons with Disabilities (CRPD).

Today, I will discuss the current global marketplace for accessibility, the opportunities created by the CRPD, and the potential business impact of U.S. ratification of this important human rights treaty. I will conclude with IBM's recommendation for the committee's consideration. It is our hope that the committee will vote favorably on the treaty and the Senate will ratify it during this congressional session.

THE CURRENT GLOBAL MARKETPLACE FOR ACCESSIBLE INFORMATION AND COMMUNICATIONS TECHNOLOGIES

Global demand for accessibility continues to grow, due in part to the strengthening voice of more than 1 billion people with disabilities worldwide; the organizations that advance their interests; and influential human rights treaties like the CRPD. However, other parallel, disruptive trends are also driving unprecedented marketplace demand, making accessibility a mainstream requirement for governments and businesses around the globe.

For example, today a significant percentage of the world's population—more than 800 million people—are over the age of 60.<sup>1</sup> By 2025, individuals in this age bracket are expected to comprise 20 percent of the population in most industrialized nations. And while half of people over the age of 65 have some form of age-related disability—such as diminished sight, hearing or mobility—they typically do not consider themselves disabled. As a result, they are less likely to proactively seek technology accommodations, driving the need for governments and businesses to create more adaptive, intuitive, and usable technology solutions from the outset.

From a technology perspective, mobile and smart device adoption is transforming how, when and where we communicate. It is also enabling a new paradigm for work, allowing us to connect to clients, partners, and colleagues, anytime, anywhere. Last year, mobile phone subscriptions worldwide surpassed 6.4 billion.<sup>2</sup> These users—more than 1 billion of whom are mobile workers—are impacted by environmental challenges that render them “situationally disabled.” For example, workers taking conference or client calls in public spaces with loud ambient noise, like that in airports and coffee shops, are situationally disabled. So too, are employees who need hands- and eyes-free access while driving to e-mail, SMS messages, and other text-based communications.

As a result, mobile technology leaders are seeking new ways to address these situational challenges to capture or sustain market leadership. In many cases, the solution involves integration of assistive technologies originally designed to enable access for people with disabilities.

Social networking and social businesses are also playing a significant role in mainstreaming accessibility worldwide. Upending traditional customer segmentation and collaboration models, the social revolution has generated intense demand for preference-based content and services. It has also enabled individuals as change agents and created empowered consumers with new demands for highly personalized service experiences.

Finally, emerging human-centric technologies such as smart TVs, wearable devices and next-generation augmented reality—a technology that is expected to grow from about 6 million users<sup>3</sup> to 2.5 billion by 2017<sup>4</sup>—will continue to transform the technology landscape. Enabling widespread access to and innovation for these technologies will depend in large part, on the ongoing integration of flexible, adaptive, intuitive and accessible technology capabilities.

Based on these and other disruptive trends, it is clear that moving forward the demand for accessibility will continue to increase.

#### GLOBAL GOVERNMENT RESPONSE TO RISING DEMAND FOR ACCESSIBILITY

In response, governments around the world are taking steps to ensure equal access to technology for everyone, including people with disabilities. As you know, the United States Government has assumed a leadership role in this area with the refresh of Section 508 of the U.S. Rehabilitation Act and the Americans with Disabilities Act Amendment, as well as the passage of laws such as the 21st Century Communications and Video Accessibility Act.

However, other governments are also taking clear and significant action. In Canada, the government of the province of Ontario in 2005 passed the Accessibility for Ontarians with Disabilities Act. This domain-based law impacts public and private sector organizations and, in part, includes requirements that all new Web content and user interfaces be accessible by January 2014.

In Europe, the EU Mandate 376 requires the three standards bodies in that region to harmonize and facilitate the procurement of accessible information and communications technologies (ICT). The European Accessibility Act currently under development will also define new procurement requirements for government entities and significantly impact the private sector mobile market in Europe.

In China, a national Web Accessibility standard has been established that harmonizes with key principles outlined in the World Wide Web Consortium's Web Content Accessibility Guidelines, ensuring that more people with disabilities in China can access and use the Internet.

Notably, all of these countries have ratified the CRPD and only the U.S.—the leader in disability and accessibility policy—has not.

#### SCOPE AND IMPORTANCE OF THE CRPD

As of October 2013, 158 countries worldwide have signed the CRPD. Of these, 138 countries have also chosen to ratify the Convention based on the clear understanding of its broad intent to advance the full societal inclusion of people with disabilities. The CRPD quite simply mandates that people with disabilities should have the full rights and freedoms enjoyed by all other citizens worldwide, including equal access to employment, health care, education, transportation and technology, to name a few.

Importantly, it also establishes the first universal framework for accessible ICT. Understanding that technology is the great equalizer for underserved populations, the CRPD authoring committee adopted this framework to provide governments and businesses worldwide with a clear roadmap toward inclusive ICT that can benefit all individuals, including people with disabilities.

#### IBM POINT-OF-VIEW ON U.S. RATIFICATION OF THE CRPD

It is for these reasons, that IBM—which for 100 years has embraced accessibility as a diversity initiative and has been consistently recognized for its leadership in the employment and accommodation of people with disabilities—supports the CRPD and its underlying principles.

It is our view that the CRPD does more than any single government or business entity could do on its own, and that U.S. ratification of the CRPD will advance the marketplace for accessible ICT, ultimately benefiting the U.S. economy, businesses, and individual citizens.

Indeed, by unifying ratifying countries in collective commitment to providing people with disabilities with, in part, equal access to employment, education, and technology, the CRPD accelerates a number of critical business imperatives, including:

- The adoption of globally harmonized accessible information technology standards;
- Technology research innovation and agendas;
- Policy-driven market growth;
- Public and private sector procurement policies;
- A larger, accessibility informed U.S. talent pool; and
- The development of more U.S. knowledge workers with disabilities.

*Adoption of globally harmonized accessible information technology standards*

In the IT industry, standards play a critical role in ensuring the interoperability of technology and the acceleration of innovation upon a common foundation. Through the Global Initiative for Inclusive Information and Communications Technologies (G3ict), the CRPD advocates for accessible ICT standards harmonization among ratifying countries. This is vital to the U.S. and U.S.-based technology companies for a number of reasons:

1. The Convention itself is based on the Americans with Disabilities Act (ADA). As such, it embraces standards of inclusion outlined in the ADA and by extension, U.S. accessibility standards.

2. For U.S.-based technology companies like IBM, global accessibility standards that are harmonized with U.S. standards protect our investments in accessible technology and help ensure return on investment over the long term.

3. As the global IT market grows with more participation from every corner of the globe, the U.S.'s ability to influence overseas IT manufacturers is diminishing. The G3ict focus on harmonizing international standards to those developed here in the U.S., like the World Wide Web Consortium's Web Content Accessibility Guidelines, will enable the IT industry to achieve economies of scale and preserve the United States ability to continue to lead change worldwide.

The implications of unharmonized technology standards are potentially enormous. Without standards harmonization, the availability of accessible ICT could be greatly diminished because the market would fragment. Essentially, the costs of solutions and services would increase due to the need for customization for each individual market; and, conversely, access to lucrative markets ripe for accessible solutions and services will decrease because of these divergent requirements.

Take for example, a piece of technology I'm sure most of us in this room have with us today: our mobile smartphone. Due to massive global adoption rates, device manufacturers and service providers are under intense marketplace pressure to continually deliver new and better products. As a result international standards development has not been able to keep pace and countries are, in some cases, setting divergent requirements for mobile accessibility.

Today mobile accessibility is like the Wild West, with every country sheriff trying to determine how to set and enforce laws in the mobile territory. In this space, the U.S. has led by setting some standards through FCC regulation but we are seeing other countries begin to establish divergent requirements. What does this mean? If we are not at the policy and standards tables to ensure that mobile and all ICT accessibility rules are globally harmonized, market barriers will be created for technology products and solutions. The trickle-down effect for all users that require accessible mobile devices is that they will not be able to use their mobile technology in foreign countries. For global citizens, for IBM's employees in 96 countries, and all persons with disabilities who rely on these devices as an essential enabler of work and life, this could be a major barrier to work and societal inclusion. The U.S. needs to lead and continue to share our expertise in order to keep open markets and our global relevance.

By promoting globally the standardized development of accessible ICT the CRPD will drive awareness of the importance of using international accessibility standards in all industries and environments. By not having a "seat at the table" in standards development, U.S. businesses' ability to quickly develop and innovate new solutions will be slowed and our capacity to keep up with the speed of change, especially in the mobile space, will be hampered.

The ripple effect for people with disabilities will be significant not only in terms of the increased availability of accessible ICT, but also with respect to jobs creation, and employment opportunity.

For instance, innovation in accessibility technology that benefits people with disabilities also benefits the general population that are "situationally disabled," as mentioned previously. Aligning around harmonized standards will allow businesses, such as IBM, to address accessibility needs into their product development and be better positioned to lead a market when an assistive technology garners the attention of the mass market.<sup>5</sup> Thus, expanding the market opportunity will create an entrepreneurial wave of activity that creates jobs and promotes accessible ICT.

As U.S. businesses gain a greater understanding of the need for accessible, standards-based solutions and incorporate best practices into their procurement and development processes, they will over time become better equipped to support the competitive employment of existing employees with disabilities and create new opportunities for prospective employment candidates with disabilities.

*Policy-driven market growth*

In the U.S. and worldwide, the actions of governments have long played a key role in driving business opportunity. It is no exaggeration to say that in many cases, policies make markets. The U.S.'s Section 508 of the Rehabilitation Act is a prime example. Prior to the enactment of this federal procurement policy, the accessibility market was small. Indeed, most technology companies would have classified it as "niche" and therefore not an investment priority.

However, Section 508 and the buying power of the Federal Government has transformed the marketplace for accessibility, generating new demand for accessible ICT from government agencies and the countless companies that provide products and services to those agencies. As a result, this single U.S. policy action has played a major role in defining accessibility as a mainstream government and business requirement. U.S. ratification of the CRPD will have a similar effect across many other industries vital to the socio-economic inclusion of people with disabilities, including education, health care, and transportation.

*Public and private sector procurement policies*

In recent years, IBM added an accessibility statement to our procurement policy to encourage the acquisition of products, services, and solutions that are usable by all of our 430,000 employees worldwide. This action prompted change among our vendors and suppliers, increasing integration of accessibility into their products and services.

The CRPD promotes the use of accessible technology. Public and private sector adoption of procurement requirements for accessible technology will increase the marketplace for accessibility innovations on a broad scale, increasing technology access for individuals in every country where accessibility innovators do business.

*A larger, accessibility informed U.S. talent pool*

One of the primary challenges to widespread accessible ICT adoption is the dearth of accessibility expertise across all lines of business. Post-secondary and professional education curriculums have simply not kept pace with increasing marketplace demand for accessibility. As the CRPD drives increased awareness and adoption of accessibility best practices, knowledge and skills of individuals in key job roles—including executive management, human resources, and IT development—will naturally increase. Accessibility innovation, research agendas, and procurement rules in the U.S. and worldwide will advance as a result.

*More knowledge workers with disabilities*

Equally as challenging as the lack of mainstream accessibility expertise is the shortage of people with disabilities with the skills necessary for IBM and companies like us to hire them. For IBM, a diverse workforce that includes people of different cultural backgrounds, heritages, ages, and abilities has proven to be a significant competitive differentiator. In our experience, diversity of thoughts, perspectives, and viewpoints drives innovation. Unfortunately today, too many prospective job candidates with disabilities lack the necessary science, technology, engineering, and math skills to even qualify for employment consideration at IBM. By prioritizing both equal education and technology access for people with disabilities, the CRPD will in turn, create a larger talent pool of knowledge workers with disabilities, enabling IBM and like companies to hire the best talent and meet requirements associated with emerging policies such as Section 503 of the Rehabilitation Act.

## CONCLUSION

In conclusion, IBM is confident that U.S. ratification of the CRPD will generate new opportunities for U.S. businesses. It will also create marketplace "pull" for accessible information and communications technologies and reinforce the United States legacy leadership position as a champion for full societal inclusion of people with disabilities.

Failure to act, will produce quite the opposite effect over the long term: stifling the ambition and dreams of people with disabilities; choking marketplace opportunities; and jeopardizing the United States ability to influence the global accessibility community. IBM wants the full backing of the U.S. Government to influence the development of emerging standards and policies that drive an important market for us.

As we look toward the future of technology and its increasing emphasis on delivering personalized, intuitive, adaptive, and accessible experiences for every individual, governments, and businesses that prioritize accessibility and take necessary steps to create or maintain leadership will be at a distinct advantage. I can tell you

that IBM has already seen increased interest in its accessible solutions in countries that have ratified the CRPD.

Ratification of the CRPD by the U.S. would enhance our opportunities here and abroad. The business community has signaled its support for the ratification of the treaty with letters from the U.S. Chamber of Commerce, the Information Technology Industry Council and the U.S. Business Leadership Network. IBM includes its support as a member of these organizations.

Finally, for nearly a half century, the U.S. has worked to ensure that people with disabilities can enjoy the same rights and freedoms as the rest of our citizens. This administration in particular, has set aggressive goals to strengthen health care access, expand educational opportunities and increase employment of people with disabilities.

As with many other societal issues, the U.S. has served as a model for the rest of the world. Ratifying the CRPD is the next logical step in our journey toward full societal inclusion of Americans with disabilities. It will also preserve our leadership role in promoting the rights and employment of persons with disabilities worldwide, and create new global market opportunities for U.S. businesses.

However, I believe there is perhaps an even larger benefit to be realized by U.S. ratification of the CRPD. As the widespread creation, availability, and use of accessible technology increases, we have a unique opportunity to transform not only the way we do business, but our society as a whole. Because widespread accessibility integration cannot be achieved by any one public or private entity, by necessity new cross-industry partnership models will emerge to speed innovation and decrease time to market. Through these public-private partnerships, IBM and like-minded government, business, and technology leaders can affect real and significant change for people with disabilities, the aging population and others on a broad scale.

By partnering together, government, advocacy, health care, education, telecommunications, transportation, technology and other industry leaders can maximize value creation for even more people. The end result will be smarter, more connected, inclusive and accessible societies for all of us. That, I believe, is an outcome worth aspiring to and a goal worth pursuing together.

Mr. Chairman and members of the committee, I hope my insights into IBM's point of view on U.S. ratification of the Convention on the Rights of Persons with Disabilities are helpful.

Thank you for the opportunity to testify before you today. I look forward to answering any questions you may have.

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#### End Notes

<sup>1</sup> "Ageing in the 21st Century: A Celebration and A Challenge," Chapter 1. 2012. U.N. Population Fund. <http://unfpa.org/ageingreport/2>

<sup>2</sup> Source Digit. <http://sourcedigit.com/1264-global-mobile-penetration-q3-2012/>.

<sup>3</sup> Los Angeles Times. <http://articles.latimes.com/2011/oct/13/business/la-fi-augmented-reality-20111013>.

<sup>4</sup> Juniper Research. <http://www.juniperresearch.com/viewpressrelease.php?pr=334>.

<sup>5</sup> Gartner, "Market Trends: New Technologies Benefit Employees and People With Disabilities" (Published: 20 September 2013).

The CHAIRMAN. Thank you.  
Professor Rabkin.

**JEREMY A. RABKIN, PROFESSOR OF LAW, GEORGE MASON  
UNIVERSITY OF SCHOOL OF LAW, ARLINGTON, VA**

Mr. RABKIN. Thank you for inviting me, Mr. Chairman. I want to make three basic points, and they respond to what Secretary Kerry was saying, that this treaty will not require us to do a thing. He repeated that over and over again, "will not require us to do a thing," but it will give us a lot of leverage on other countries.

So my first point is we should stop and pause over this. How could it be that although they do not get any leverage on us, we get a lot of leverage on them? That just on the face of it seems a little bit implausible. If it were true that our ratifying a treaty like this gives us a lot of leverage on other countries, then our having ratified the Covenant on Civil and Political Rights, which we have ratified, would give us the leverage to make sure that there is free

speech in countries like North Korea and Cuba, both of which are parties to the Covenant on Civil and Political Rights. It would allow us to make sure there is freedom of religion in China, Egypt, and Pakistan, countries which are part of that Convention.

We should remind ourselves that if we can make a promise saying, "We are promising, but it does not mean anything because you cannot force us," they also can make the same promise in the same spirit. They can say, "Oh, yeah, we signed onto this, but you cannot force us to do anything." So I think this is a little bit optimistic to think just because people have signed this Convention, that means they are going to implement it.

The only way in which there can be American leverage is if we actually lean on these countries, we twist their arms. We say, "Now, come on, now we really expect you to do it." And I think we should pause over that, too. A lot of countries in the world have really serious problems. Hundreds of millions of people do not have access to clean water, and, therefore, they get all kinds of intestinal parasites, and their children get sick. And we are saying, "No, forget about that, what you need are tactile strips. That is the most urgent priority. And that is the most urgent priority because Americans want to feel totally comfortable when they visit your country."

Around the world there are countries that have real problems with malnutrition, that have real problems with illiteracy, and we are saying that is not important. Your highest priority should be buying equipment from IBM and other American countries that have made advanced equipment to deal with the problems of a small subset of your population. And a lot of the discussion today was not even about their population; it was about our population.

I really think we are going to find it difficult to lean on other countries and say do this so that Americans when they briefly visit your country will be more comfortable. So that is the first thing. I think the leverage on other countries is really exaggerated.

The second thing is, Secretary Kerry said no problem for America. We are not obligated in any way. There are a lot of things in this Convention which are not parallel to the ADA. Let me just tick off a few. The ADA has a bunch of exceptions for private clubs, for religious institutions, for private residences. The Convention does not acknowledge any of those exceptions. If we sign the Convention, we are obligating ourselves in our good faith to implement it, but the ADA is more restrictive than the Convention.

Now, it is true that we can say to the implementing committee, "We are not listening, we are America, you do not care." But I think, inherently, when you sign a treaty, you are making a promise in good faith to implement it, which means we are promising, in fact, to do more than we already do with the ADA. There are a lot of questions that can arise down the road. What do you mean by "disability"? The treaty does not define it. Is alcoholism a disability, drug addiction? You can go through a whole series of things, which we have disputes about. Do we want the right to decide that entirely for ourselves, or are we going to commit, which this treaty would do, to say, "Yes, we will take advice from the implementing committee there?"

Equal remuneration for work of equal value. That is in article 27. That is a big change over what we have done. We do not have anything like that in the ADA. It is not even in our civil rights legislation. Are we going to implement that? The Convention has provisions about making sure that laws protecting intellectual property rights do not conflict—do not constitute an unreasonable barrier to access to persons with disabilities. That seems to me to say you should not enforce intellectual property rights if it gets in the way of helping people with disabilities get access to maybe IBM products. Why should IBM insist on its patent since the Convention is saying you should not do that?

The last thing I want to say is, we have previously not ratified human rights conventions of this kind. The human rights conventions that we have ratified up until now have been on very basic American style constitutional rights like freedom of religion and freedom of speech or opposing torture. This is a big step beyond that. This is much more like the Covenant on Economic and Social Rights, which we have said through a succession of Presidents that, no, we are not going there. That is too ambitious. That is not what we understand by human rights.

If we ratify this Convention, we are saying that anything and everything could be something brought to us in the name of human rights, and we could commit to it, and we could share with other countries what decisions we make about how to regulate our economy, how to take care of poor people, old people, any kinds of people in the country. That is a very, very big step, and we should think about that before we say, “Yes, sure, we will just cross that bridge now without worrying about it, because we want to help the disabled.”

I think everybody in America—almost everybody—does want to help people who have disabilities. The question is, Do we want to do it in partnership with 138 countries? And I think we ought to have the self-confidence to say we can decide these matters for ourselves, and we respect their right to decide for themselves.

Thank you.

[The prepared statement of Mr. Rabkin follows:]

#### PREPARED STATEMENT OF JEREMY RABKIN

Most Americans want to help people with disabilities. So a treaty promising to do that generates immediate sympathy. But a treaty is a solemn international commitment. We should not embrace a new international commitment on the basis of emotional identification with its aims. Ratifying this Convention would commit the United States to obligations we cannot now foresee. An international treaty is a bad vehicle for determining what we should do to help people with disabilities.

Let me start with the most general premise of this Convention, that a coordinated global policy in this area is a good thing in itself. Our own Constitution rests on the opposite premise—that centralizing and standardizing our public policies is not a good thing. Our Constitution confers special responsibilities on the Federal Government, then leaves broad areas of policy to states and localities. We call this system federalism. It rests on the common sense premise that we will have better policy and more effective implementation of policy, if we let people decide matters locally, where immediately affected communities know more about their own problems, their own resources, their own competing needs. If we insisted on “one size fits all,” we would end up with a lot of ill-fitting policy, because circumstances vary from place to place.

Of course, we still have a lot of debate about which policies can be left to State and local government and which need to be directed by the Federal Government. That has been a large part of the current debate on how to improve our system of

health insurance. And the same concerns apply to protections for persons with disabilities: if Washington can't manage the regulation of health insurance, why suppose that Geneva can be trusted to oversee a global scheme of protections for people with disabilities? When you agree to have your policies regulated by some higher authority, you inevitably risk losing control of your own policies.

When it comes to protection for people with disabilities, there have been undeniable benefits to national regulation. Among other things, national programs, like the Americans with Disabilities Act and the Rehabilitation Act, won greater attention and more funding for disability rights. That does not mean, however that we can expect to secure even better results by now pushing policy responsibility from the national to the international level.

We certainly won't get international funding for American programs to help people with disabilities. If there is sharing of resources, we will end up as net contributors to programs in other countries. We can't even expect that participation in an international program will deliver visibility and prestige for efforts to assist the disabled in this country. Our own national government—home to institutions and personalities we see on the news every day—has far more visibility than any U.N. forum in Geneva or even at Turtle Bay in New York. Our own national government has the prestige of an entity that we depend on, in the last resort, to secure our freedom and independence. Americans won't be more impressed by admonitions from international bureaucrats or second rank diplomats.

So, taking direction from international officials won't elevate our own efforts to help persons with disabilities. It will simply complicate our own efforts, entangling them in remote international deliberations, which will be far less informed than our own domestic debates about proper policy. We have no reason to embrace the underlying premise here, that global policies are inherently better than national or local policies.

This brings me to my second point. This is not just any international convention but precisely the type of convention that the United States has, until now, generally eschewed. Advocates for ratifying this Convention often say the United States has long been a leader in the movement for international human rights, so embracing CRPD now will honor our own traditions. Framing the issue in this way, however, leaves out some important qualifications.

Since the late 1940s, when the United Nations first began proposing international human rights standards, there has been a debate about how to define human rights. Some advocates emphasized restraints on government to protect individual liberty—the sorts of restraints enshrined in our own Bill of Rights. Others disparaged such limiting principles as outdated. They called for expanding the powers of government to assure economic security and well-being to the people at large. People who urged such viewpoints often said that the Soviet Union and other socialist countries provided more meaningful human rights guarantees than countries with capitalist economies, where individuals had to worry about unemployment and material deprivation.

The U.N. responded to this debate by proposing two different conventions on fundamental human rights. One addressed "Civil and Political Rights" (free speech, religious freedom, due process, and so on); the other dealt with "Economic and Social Rights" (guarantees of employment, health care, higher education, etc.). The United States has ratified the first Convention but not the second. Our government has advocated for civil and political rights in various ways and in various international forums. Advocacy for "economic and social rights" is most often the cry of repressive governments, which boast of food subsidies but can't tolerate personal freedoms.

In a similar spirit, the United States has ratified the Convention Against Racial Discrimination and the Convention Against Torture. We have thus endorsed the basic principle that respectable governments can never engage in torture, never perpetrate race discrimination. The United States has not, however, joined the Convention on the Elimination of Discrimination Against Women (CEDAW) nor the Convention on the Rights of the Child. These Conventions don't just prohibit discrimination but go on to demand a series of government commitments to remake society in the service of particular egalitarian agendas.

Our past practice has a sound logic behind it. It is fine (most of us think) for government to help the most vulnerable with particular programs. But as soon as you turn from fundamental limits on government to considering such additional commitments, you have opened a very different kind of debate. The question is no longer, "Should government have this power at all?" To that sort of question, you might give a concise, clear answer, set out in the charter of government. When you turn to specialized programs of public assistance for vulnerable groups, you must instead ask, "How much should we spend and regulate for this benefit and how should we

do it?" We have not previously regarded such programs as proper subjects of international human rights commitments.

We set down basic constitutional limits on governmental power—civil and political rights—for generations to come, "for ourselves and our posterity" as the Preamble to the Constitution says. We might think that international human rights treaties on those subjects simply reaffirm our longstanding constitutional commitments. When, by contrast, our legislatures enact particular protective programs to help particular groups, we expect there will be debate and ongoing compromise and adjustment. So, for example, most of us may agree that government should do more to help people with chronic diseases—but that doesn't necessarily mean we embrace the Affordable Care Act in its current form. We reserve the right to change our minds, to adjust and improve that new program—perhaps to repeal large parts of it, if they do not function as advocates for it had hoped.

The Convention on the Rights of Persons with Disabilities is not a treaty that simply elaborates fundamental limits on government, akin to those set out in the International Covenant on Civil and Political Rights. Instead, the CRPD exemplifies the activist governing philosophy behind the International Covenant on Economic and Social Rights. The CRPD explicitly echoes general provisions of the International Covenant on Economic, Social and Cultural Rights. The latter imposes an obligation on states to protect the "right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing and to the continuous improvement of living conditions." (Art. 11, Par. 1) In just these same terms, the CRPD demands that governments "recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing and to the continuous improvement of living conditions . . ." (Art. 28, Par. 1)

If we acknowledge that government has this obligation toward persons with disabilities, why not toward others? Why not for "everyone," as the Covenant on Economic and Social Rights has it? If we embrace international supervision of our efforts to help persons with disabilities, why not accept international supervision for all other policies? Surely, we will have forfeited the capacity to say that any other convention extends to policies outside our own understanding of human rights. If we support this convention, we say helping people with disabilities is good and we aim to do good. We thus endorse the premise that if something is good, it should rightly be managed, directed or supervised on a global basis.

Advocates for CRPD may reply that it does not really commit us to anything because we are already in compliance with all its requirements. Therefore, they say, subscribing to this treaty just gives us an opportunity to encourage others to emulate us. In fact, our own laws are not so sweeping and comprehensive as the CRPD. And we cannot now know what this convention may be interpreted to require down the road. I will come back to that objection in a moment. But let us stipulate, for the sake of argument, that the Convention will not constrain us, but only impose new obligations on other nations. Even if that were true, ratifying this Convention would not be at all wise, given the kind of convention it is.

As with other human rights conventions, the CRPD makes no provision for enforcement, in the sense of formal sanctions for noncompliance. Some parties to this treaty may disobey all its requirements, as brutal governments have done with other human rights conventions. Saudi Arabia is a party to the Convention on the Elimination of All Forms of Discrimination Against Women. The Soviet Union subscribed to the Covenant on Civil and Political Rights. If there is hope for enforcement, it must come from third parties who hector or cajole non-compliant states.

We did do some of that to the Soviet Union, in its last years—regarding free speech and religious freedom. Secretary of State John Kerry recently made clear we are not prepared to do that against Saudi Arabia, regarding its treatment of women. Asked about the Saudi law prohibiting women from driving cars, he said, "I think that debate is best left to the Saudi Arabian people." But the United States is not a party to CEDAW.

If we ratify CRPD, we would be taking on the moral responsibility to help enforce it. Are we really prepared to hector and admonish other countries to implement all the provisions in this very ambitious treaty? We would then be demanding that even very poor countries expend considerable resources to make public transportation and public buildings accessible to wheel chairs, schools equipped to accommodate blind people, factories to accommodate people with limited mobility. Such accommodations often require very large sums of money. Advocates say that if CRPD requirements are implemented everywhere, Americans with disabilities will find it easier to navigate wherever they travel. But money for this purpose may mean less money for schools in countries with limited literacy, less money for inocu-

lation programs in countries still facing epidemic disease, less money for food programs in countries with mass malnutrition.

Do we really want to badger poor countries to cut spending on these other things in order to make life more comfortable for American tourists, who will probably be few in number and brief in their visits? Do we really want to insist that convenience for traveling Americans must take priority over basic human needs in developing countries—just because there happens to be an international convention addressing “rights of persons with disabilities”? If we say that, we say that what international diplomats think is most important must be taken as such by all the world, even when it comes to matters of internal governance. Why would we want to sign up for that view of global policy?

But now I want to address the claim that the United States is already in full compliance, so the Convention makes no demands of us. That view rests on the very questionable assumption that you can scan a legal document and know from your own initial reading what it will mean in the future. Americans should be the last people to accept that naive view. We are often enough surprised by what our own judges tell us is in our own Constitution. Who knew, before last year, that our Constitution prohibited the Federal Government from forcing people to buy health insurance—unless the forcing was implemented by something which judges could categorize as a tax?

Many commentators openly affirm that our Constitution is a “living document,” constantly evolving to meet new concerns. Is the CRPD more fixed? The Preamble actually proclaims that “disability is an evolving concept” (Par. e). Unless the Convention is simply a collection of empty platitudes, advocates will surely insist that it is meant to function as something like a global constitutional standard—which can be made to answer precise questions despite the seeming generality of its language. The drafters evidently thought the Convention would be subject to precise interpretation. It establishes a committee of “experts” to hand down such interpretation. (Art. 34)

What is the status of the committee’s determinations? The Convention is sketchy about that. It says, for example, that reservations contrary to “the object and purpose of the convention shall not be permitted.” (Art. 46) The Convention does not say who will determine which reservations do and which do not meet that test. The parallel committee for the International Covenant on Civil and Political Rights (the so-called “Human Rights Committee”) claimed it had the authority to rule on which reservations are and which are not valid. It then claimed that invalid reservations should simply be treated as void, reinstating any provision of the Covenant which might otherwise have been suspended by a reservation. The Clinton administration disagreed, but the Human Rights Committee did not abandon its claims.

At minimum, we should expect the CRPD committee to assert its own authority to say which reservations are valid and which can be discounted as improper. The Human Rights Committee claimed this authority even though the ICCPR makes no provision for limiting reservations. The CRPD goes to the trouble of making such limitation explicit—after setting up the committee to monitor each signatory state’s compliance. Maybe a future American administration will challenge the authority of CRPD rulings and refuse to comply with their admonitions. But that will now be harder in future years than it was in the 1990s. In that era, we had only subscribed to a few basic principles which we could see as analogous to our Bill of Rights. In ratifying the CRPD we will have taken a long further step toward committing to international supervision of the whole range of our domestic policies.

In its present form, the CRPD does not provide for a right of individual appeal to the committee. That is provided in an optional protocol, as it has been in optional protocols to other human rights conventions. The United States has always rejected such protocols, even for conventions we have embraced (as with the ICCPR). If the monitoring committee can hear personal complaints from named individuals, it is hard for the affected nation to say the committee is just offering speculative advice. Why allow individual complaints if decisions on the merits of those complaints can be entirely disregarded? Yet the CRPD provides that two-thirds of the signatory states can make amendments, binding on all the others, for specialized topics—among which are the role of the committee in hearing reports (Art. 47, Par. 3). So we might think we had signed up for a general discussion of general policies and then discover that we were committed to a quasi-judicial procedure generating a whole new body of case law.

And it’s not as if the Convention doesn’t extend to disputed policies. Our own federal laws were the outcome of careful political bargaining, so they make provision for limits and exceptions. The Americans with Disabilities Act, for example, requires public buildings to provide access for wheelchairs, but the requirement does not apply to purely residential buildings. There are also ADA exemptions for private

clubs and religious institutions. Schools receiving federal financial assistance are regulated under Sec. 504 of the Rehabilitation Act, but homeschooling is not. The CRPD acknowledges none of these limits or exceptions. It thus threatens to overturn all these jurisdictional compromises, subjecting everyone and everything to its demands.

Then there will be knotty questions on the substance of policy. What counts as a disability? Should alcoholism count? Drug addiction? Sexual addictions? Can employers take into account that a job applicant has been convicted of unlawful behavior (regarding drugs or some form of sexual abuse)? Or should propensity to such conduct be considered a disability, so that employers would be guilty of discrimination if they did take this into account? The Convention says employers must provide "equal remuneration for work of equal value" (Art. 27, Par. 1b). Who determines whether a particular job, performed by a person with a disability, does or does not have the same financial "value" as a different job, which could not be performed by that person? Employers must provide "reasonable accommodation . . . in the workplace" to "persons with disabilities" (Art. 27, Par. 1i). How much extra cost must an employer bear before "accommodation" would no longer be "reasonable"? Would a full-time personal assistant to read or translate directives into sign language be "reasonable accommodation" for an unskilled blind or deaf person?

The CRPD says states have an obligation to "promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities." (Art. 30, Par. 5a) Does that mean professional sports teams must allow disabled athletes to "participate" with motorized devices, even if that gives them an unfair advantage? Does it mean schools must allow students with disabilities to participate in contact sports, even if medical experts caution that such participation might pose special risks of injury? The Convention admonishes, "In all actions regarding children with disabilities, the best interest of the child shall be a primary consideration." (Art. 7, Par. 2) Does that mean state authorities should always be empowered to override parental decisions regarding schooling or proposed surgical intervention or pharmacologic treatment?

The CRPD imposes a state obligation to "adopt immediate, effective and appropriate measures . . . to combat stereotypes, prejudices, and harmful practices relating to persons with disabilities." (Art. 8, Par. 1b) Neither here nor elsewhere does the Convention provide exemptions for religious institutions. So far from exempting journalistic institutions, it admonishes states to adopt "measures . . . encouraging *all organs of the media* to portray persons with disabilities in a manner consistent with the purpose of the Convention." (8, 1c, emphasis added) So it might be understood to mean that states must compel even religious broadcasters or actual churches to disseminate particular "messages" at odds with their own religious views, as on such questions as the propriety of mixed sporting activities between male and female students when some are disabled. (See Art. 8, Par. 1b, imposing a duty to "combat stereotypes, prejudices and harmful practices . . . including those based on sex and age, *in all areas of life*" [emphasis added]).

The CRPD also imposes a duty to ensure that "laws protecting intellectual property rights do not constitute an unreasonable . . . barrier to access to persons with disabilities." (Art. 30, Par. 3) That might require that patents and copyrights be waived whenever doing so would help disabled persons gain readier access to otherwise protected products. The Convention requires states to take "all necessary measures to ensure the protection and safety of persons with disabilities in . . . situations of armed conflict". (Art. 11) That might impose very considerable extra burdens on our military.

My point is not that absurd or intolerable consequences will necessarily follow once we commit to the Convention. My point is that many provisions are open to a range of possible interpretations. We have no reliable way of predicting how the CRPD committee will interpret the Convention in future years. And we can't now predict whether the United States Government will feel able or willing to reject those interpretations. If we start by insisting we will never be influenced by the committee's interpretations, we make the whole project appear to be pointless symbolism. If we are not influenced, why suppose any other country would be? Then what is the point? But if we say we are open to influence, we may find it hard to resist particular rulings, especially if domestic constituencies embrace them and demand that we "honor our solemn treaty commitments" and show "due respect to the consensus of the international community" or defer to "internationally acknowledged experts in this field."

Nor can we assume that the CRPD monitoring committee will only offer interpretations acceptable to most of the world at that moment and therefore always quite modest. The Human Rights Committee of the ICCPR read sexual liberty into the "privacy" guarantee of that Convention as long ago as the mid-1990s, when many

states (including most American states) still had laws against same-sex sexual practices. The U.S. Supreme Court subsequently cited that ruling in interpreting the U.S. Constitution. No Muslim country seems to have felt compelled to follow nor has the U.N. made an issue of their restrictive regulation in this area. Even international conventions that seem to indicate universal prohibitions are, in practice, understood to apply differently to different countries. When it comes to costly adaptations to complicated social policy aims (such as assuring accessibility of public transportation to people in wheelchairs), differential requirements will be taken for granted. The Committee is quite capable of imposing requirements on the United States and other affluent countries which it does not press on less developed states.

Again, I am not saying the results will necessarily be onerous or outrageous. But I return to my initial point: why commit ourselves to a global partnership when deliberating on our own policies in this area? Why assume that a group of international "experts" (as the CRPD calls the committee) will necessarily know better than democratically elected representatives in countries that already have much experience with these policy questions?

Of course, we may still have things to learn from other countries. Let us, by all means, study their experience. Let us give grants to scholars to write up what they have learned from studying the experience of other countries. But why commit ourselves to do the same things they do and in the same way? Why is it so important for all nations to follow the same policy standards in this area?

What about liberty? What about independence? What about pursuing happiness in our own varied ways? Aren't those fundamental American commitments? To embrace this Convention is to confess that we don't think we can decide these matters for ourselves. It is to confess that we don't think ourselves worthy of self-government. It is not, then, a fulfillment of our Declaration of Independence but a repudiation of its central premise—that we have a right, as an independent nation, to decide for ourselves how we will be governed.

The CHAIRMAN. Thank you.  
Professor Bradley.

**STATEMENT OF CURTIS A. BRADLEY, WILLIAM VAN ALSTYNE  
PROFESSOR OF LAW, DUKE UNIVERSITY SCHOOL OF LAW,  
DURHAM, NC**

Mr. BRADLEY. Chairman Menendez, Ranking Member Corker, thank you for this opportunity to appear before the committee. I want to emphasize at the beginning that I consider myself a strong supporter of protecting the rights of the disabled. I am quite proud of the laws that the Congress has enacted in this area, including, of course, the Americans with Disabilities Act.

I come here not as an opponent of the Convention, but rather as someone who strongly believes that when the United States ratifies treaties, it should be attentive to how the treaties relate to U.S. constitutional standards and traditions, something I know the Senate is always concerned about. And this is a particular issue when it comes to human rights treaties, which by their nature focus much more internally than traditional treaties, and, thus, pose additional issues for the U.S. legal system.

Of particular concern, in my view, is that the broad and vague terms in the Disabilities Convention, some of which you have heard about today, could be used in a manner that would undermine the Federal nature of the U.S. constitutional system. To give you a couple of examples, the Convention refers, for example, to standards governing the care of children. This is a family law topic, traditionally regulated in the United States under State rather than Federal law. In addition, the Convention addresses private as well as governmental conduct without any of the limitations that would normally apply to Federal regulation of private conduct, such as a requirement of a connection to interstate commerce.

Although Congress has broad authority in the absence of this treaty to protect the rights of the disabled and has used that authority, there are limits in our system to how far Congress can go with respect to the regulation of matters normally addressed by State and local governments. Because of a 1920 Supreme Court decision, *Missouri v. Holland*, Congress is allowed, however, to expand its normal legislative authority when it is passing legislation to implement a treaty. A concern has been raised, therefore, that Congress at any future time could use the Disabilities Convention, if it is ratified, as a basis for legislation that would intrude in new ways on State and local authority beyond what Congress could normally enact. The United States commitment to federalism, I think, depends on maintaining a national government of limited and enumerated powers, and I believe, therefore, that this issue should be addressed.

I do think, fortunately, that it is possible to adequately address this issue with an appropriate reservation. I have looked at the reservations proposed by the administration, however, and I think they are clearly not adequate. When you read those reservations closely, what you find is that they merely state that the government is not required to intrude on State and local authority, but they in no way prevent the government from doing that. Those who have expressed concerns about the potential reach of the Convention understandably want more assurance than that.

It is not enough—and this is a rare disagreement between myself and Mr. Gray—it is not enough to point to the non-self-execution declaration, which is certainly an important one. All that does is prevent the Convention right now from being litigated. It has no effect at all on the issue of the scope of congressional authority, starting the day after the treaty is ratified, to invade State and local authority. It is simply a different issue. The proper way to address the congressional authority issue is instead by crafting an appropriate federalism reservation that expressly disavows expanding the government's authority beyond what it could do, which is quite expansive already, in the absence of the Convention.

As I discuss in my written testimony, this would not be the first time the Senate would adopt such a reservation. I found several examples in which the Senate has quite properly attached a similar reservation, starting, for example, in the 1951 ratification of the charter of the Organization of American States, and I give some other examples in my testimony. These reservations make clear, unlike what the administration has proposed—just to quote one of the reservations in my testimony—nothing in the Convention confers any power on the Congress to take action in fields previously beyond the authority of Congress. That is from a prior reservation, from a different treaty. Something like that I think is quite clearly needed here.

The administration—and I was quite encouraged by Secretary Kerry's testimony this morning—should not be opposed to this idea. And, indeed, if I am interpreting what the Secretary said correctly, he seemed quite receptive to adding reservations along the lines that I am suggesting here. Of course, the administration maintains that existing law is satisfactory to meet the obligations of the United States under the treaty, so it should not claim the

need not only for new laws, but laws that would expand Congress' authority beyond what it currently has. And my sense is that Secretary Kerry was acknowledging that.

I address some other issues in my written testimony about the role of the Disabilities Committee and the need for nonseverability language.

Thank you for your attention.

[The prepared statement of Mr. Bradley follows:]

PREPARED STATEMENT OF CURTIS A. BRADLEY

Thank you for this opportunity to appear before you. I am a strong supporter of protection for the rights of the disabled, and I am proud of the strong laws that Congress has enacted in this area, including most notably the Americans with Disabilities Act. I have no doubt that the United States will continue to be a world leader on these issues regardless of whether it joins the Disabilities Convention. I come here not as an opponent of the Convention, but rather as someone who believes that when the United States ratifies treaties it should be very attentive to how the treaties relate to U.S. constitutional standards and traditions.

I have studied this relationship during almost 20 years of teaching, and also during my service as Counselor on International Law in the Legal Adviser's Office of the U.S. State Department. I have also written extensively about issues relating to treaties and their implementation in law journal articles as well as in my recent book, "International Law in the U.S. Legal System" (Oxford University Press 2013). In addition, I currently have the privilege of serving as one of the Reporters for the treaty portion of the American Law Institute's new Restatement (Fourth) project on U.S. foreign relations law.

POTENTIAL FOR INTRUSION ON STATE AND LOCAL AUTHORITY

The Disabilities Convention, like other human rights treaties, was negotiated among a large group of countries and thus is not focused on the constitutional standards and traditions of the United States. It should not be surprising, therefore, that there might be discontinuities between the approach of the Convention and the overall framework of American law. Of particular concern, in my view, is the potential that the broad and vague terms in the Convention could be applied in a manner that would be inconsistent with the federal nature of the U.S. constitutional system. The Convention refers, for example, to the standards governing the care of children, a family law topic traditionally regulated in the United States under State rather than Federal law. In addition, in its accessibility and other provisions, the Convention addresses private as well as governmental conduct, without any of the limitations that would normally apply to federal regulation of private conduct—such as a requirement of a connection to interstate commerce.

The Federal Government already has broad authority in the absence of the Convention to protect the rights of the disabled, most notably under its power to regulate commerce and its power under Section 5 of the Fourteenth Amendment to address certain state-sanctioned discrimination, and it has already enacted a number of important laws that protect such rights. Nevertheless, there are constitutional limits to how far Congress can go with respect to the regulation of matters normally addressed by State and local governments or left to private decisionmaking. As a result of the Supreme Court's 1920 decision in *Missouri v. Holland*, 252 U.S. 416 (1920), however, Congress is allowed to exceed its normal legislative powers, including its commerce power, if it is implementing a treaty. A concern has therefore been raised that Congress could in the future invoke the Disabilities Convention as a basis for intruding on State and local authority beyond what would be permitted in the absence of the Convention. I believe this is a legitimate concern.

The importance of this issue was highlighted recently during the Supreme Court argument in *Bond v. United States*. In that case, the Federal Government prosecuted a local poisoning case—something normally within the province of State law—under the statute that implements the Chemical Weapons Convention. A number of the Justices on the Supreme Court were surprised that the government had decided to use the statute in this way, given that the case did not concern the United States international affairs and was of no particular interest to the other parties to the treaty. When the Solicitor General told the Court that it would be "unimaginable" that the Senate would agree to a treaty allowing the Federal Government to exercise a general police power, Justice Kennedy replied that "[i]t also seems unimaginable that you would bring this prosecution."<sup>1</sup> Justice Breyer also

expressed concern that the government's broad reading of the treaty power "would allow the President and the Senate, not the House, to do anything through a treaty that is not specifically within the prohibitions of the rights protections of the Constitution," something that Breyer "doubt[ed] . . . the Framers intended to allow."<sup>2</sup>

It is possible, in my opinion, to address the federalism concern that is raised by the Disabilities Convention by including an appropriate reservation in the Senate's resolution of advice and consent. The two reservations that were proposed last year, however, are not adequate. Those reservations state:

(1) This Convention shall be implemented by the Federal Government of the United States of America to the extent that it exercises legislative and judicial jurisdiction over the matters covered therein, and otherwise by the state and local governments; to the extent that state and local governments exercise jurisdiction over such matters, the obligations of the United States of America under the Convention are limited to the Federal Government's taking measures appropriate to the Federal system, which may include enforcement action against state and local actions that are inconsistent with the Constitution, the Americans with Disabilities Act, or other Federal laws, with the ultimate objective of fully implementing the Convention.

(2) The Constitution and laws of the United States of America establish extensive protections against discrimination, reaching all forms of governmental activity as well as significant areas of non governmental activity. Individual privacy and freedom from governmental interference in certain private conduct are also recognized as among the fundamental values of our free and democratic society. The United States of America understands that by its terms the Convention can be read to require broad regulation of private conduct. To the extent it does, the United States of America does not accept any obligation under the Convention to enact legislation or take other measures with respect to private conduct except as mandated by the Constitution and laws of the United States of America.<sup>3</sup>

In my view, neither of these reservations adequately addresses the constitutional concerns. The federalism reservation refers vaguely to "measures appropriate to the Federal system," but that might include measures allowed under *Missouri v. Holland*, and the reservation specifically states that the Federal Government can take enforcement measures against State and local actions that are inconsistent with "other Federal laws," which might include laws that Congress enacts in the future under the authority conferred by *Missouri v. Holland*. Similarly, the private conduct reservation says that the United States is not accepting any obligation to regulate private conduct "except as mandated by . . . laws of the United States of America." Those laws could include statutes enacted in the future pursuant to the authority allowed under *Missouri v. Holland*.

#### PROPOSED FEDERALISM RESERVATION

To adequately address the constitutional concerns, I believe that the Senate should instead include a reservation with its advice and consent that makes clear that the Convention will not expand the authority of the Federal Government to regulate matters that would otherwise fall outside of Congress's regulatory authority. The reservation could refer specifically to Article 4(5) of the Convention, which states that "[t]he provisions of the present Convention shall extend to all parts of federal states without any limitations or exceptions." I am including an appendix with my testimony that proposes language for such a reservation. By limiting U.S. obligations to matters that fall within the constitutional authority of the Federal Government in the absence of the Convention, this reservation would ensure that the Convention does not change either the Federal-State balance or expand the ability of the Federal Government to regulate private conduct.

There is precedent for what I propose. During the mid-2000s, the Senate included with its advice and consent to two treaties—the U.N. Convention Against Corruption and the U.N. Convention Against Transnational Organized Crime—a reservation that withheld consent to certain obligations that would normally be addressed by State and local law. In that reservation, the Senate made clear that Federal criminal law applies only to conduct that involves "interstate or foreign commerce, or another federal interest," and that the United States was not assuming obligations to address "highly localized activity."<sup>4</sup> An even closer precedent occurred in connection with the U.S. ratification of the Charter of the Organization of American States in 1951, when the Senate included with its advice and consent a reservation stating that none of the Charter's provisions "shall be considered as enlarging the powers of the Federal Government of the United States or limiting the powers of

the several states of the Federal Union with respect to any matters recognized under the Constitution as being within the reserved powers of the several states.”<sup>5</sup> A similar example is the statement issued by the Senate when giving its advice and consent to the Convention on the Organization for Economic Cooperation and Development in 1961, which makes clear that “nothing in the Convention . . . confers any power on the Congress to take action in fields previously beyond the authority of Congress.”<sup>6</sup> A reservation with comparable language is needed here.

If issued as a reservation, and included in the Senate’s resolution of advice and consent, I believe that what I am proposing would be viewed as binding by U.S. courts if the Federal Government ever attempted to implement the Convention in a way that exceeded Congress’ preexisting constitutional authority. In addition, the package of proposed reservations, understandings, and declarations for the Convention already includes a declaration of non-self-execution, which will have the effect of preventing the Convention from being judicially enforceable on its own terms. Such a declaration has been issued by the Senate in connection with its ratification of a number of other human rights treaties, and courts have consistently deferred to the declaration.

In order to obtain the requisite two-thirds senatorial advice and consent, proponents of the Convention should be willing to accept this proposed reservation. The Obama administration has stated that existing U.S. law is sufficient to meet the obligations that the United States would have under the Disabilities Convention. For example, in transmitting the treaty to the Senate in May 2012, President Obama stated that “the strong guarantees of nondiscrimination and equality of access and opportunity for persons with disabilities in existing U.S. law are consistent with and sufficient to implement the requirements of the Convention as it would be ratified by the United States.”<sup>7</sup> Similarly, this committee concluded last year, as reflected in one of its proposed declarations for the Convention, that “in view of the reservations to be included in the instrument of ratification, current United States law fulfills or exceeds the obligations of the Convention for the United States of America.”<sup>8</sup> As a result, proponents of the Convention should not be in a position to claim that the Federal Government needs authority to enact not only new laws, but also laws that exceed the normal (and quite broad) regulatory powers of Congress. In any event, in order to protect the U.S. Federal system, it is my view that the Senate should not give its advice and consent to the Convention without a reservation along the lines of what I am proposing.

#### OTHER ISSUES

Another concern that has been expressed about the Convention relates to its establishment of the Committee on the Rights of Persons with Disabilities. Monitoring committees established under the Disabilities Convention and other U.N. human rights treaties are authorized to issue nonbinding conclusions, recommendations, and general comments to states parties. These committees have sometimes issued statements that appear to assume new authority or that reflect expansive interpretations of the underlying treaty. In at least one instance, a committee purported to have the authority to determine whether reservations attached by the United States to its ratification of the treaty were valid. In addition, the positions taken by these committees are sometimes cited as evidence of “customary international law” that might bind the United States without its express agreement.<sup>9</sup> As a result, the Senate should consider including an “understanding” with its advice and consent that confirms the limited authority of the Disabilities Committee.

Last year, the Senate Foreign Relations Committee sought to address concerns relating to the Disabilities Committee with this proposed “understanding”:

The United States of America understands that the Committee on the Rights of Persons with Disabilities, established under Article 34 of the Convention, is authorized under Article 36 to “consider” State Party Reports and to “make such suggestions and general recommendations on the report as it may consider appropriate.” Under Article 37, the Committee “shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention.” The United States of America understands that the Committee on the Rights of Persons with Disabilities has no authority to compel actions by states parties, and the United States of America does not consider conclusions, recommendations, or general comments issued by the Committee as constituting customary international law or to be legally binding on the United States in any manner.<sup>10</sup>

If something like this is included, it could be redrafted to address more specifically what I understand to be the relevant concerns. For example, the under-

standing does not currently mention the concern about the Committee passing judgment on reservations. In addition, technically the United States cannot control the development of customary international law, so merely saying that the Committee's positions do not constitute customary international law may be ineffective. Professor Timothy Meyer testified earlier this month about the role of the Disabilities Committee and usefully suggested some language that could be used to supplement the understanding that was proposed last year.<sup>11</sup>

In any event, regardless of what the Senate ultimately says about the role of the Committee, I believe that it would be desirable for the Senate to emphasize the non-severability of its reservations, including the federalism reservation proposed above. The United Nations International Law Commission has concluded that if a reservation is found by a monitoring committee to be invalid (for example, because it is inconsistent with the object and purpose of the treaty), the ratifying nation continues to be bound to the treaty without the benefit of the reservation, unless it is clear that the reservation was integral to the country's ratification.<sup>12</sup> To ensure that the United States will not lose the benefit of its reservations, understandings, and declarations, the Senate should consider including a declaration in its resolution of advice and consent stating something like the following: "The United States declares that its intention to be bound by this Convention depends on the continuing validity and effectiveness of its reservations, understandings, and declarations, except to the extent that such reservations, understandings, and declarations have been withdrawn by the United States pursuant to its constitutional processes."

It would still be open to the United States to decide voluntarily at some point to withdraw a particular reservation, understanding, or declaration. In my view, the best interpretation of the U.S. Constitution is that new senatorial advice and consent would be required for such a withdrawal. This action would, after all, undo something that was subject to the senatorial advice and consent process and, depending on what was being withdrawn, could have the effect of increasing U.S. treaty obligations, which themselves require senatorial advice and consent. It is possible to imagine a situation, however, in which either the Executive branch or a majority of Congress would attempt such a withdrawal. In doing so, the Executive branch might invoke its general authority to act on behalf of the United States in foreign affairs,<sup>13</sup> or Congress might analogize to its well-settled authority to override the domestic effects of a treaty under the "last-in-time rule."<sup>14</sup> To help preclude that possibility, the Senate might want to include a declaration in its resolution of advice and consent stating something like the following: "These reservations, understandings, and declarations may not be withdrawn by the United States without passage of a new resolution that receives the advice and consent of two-thirds of the Senators present." Although I am not aware of any specific precedent for this sort of declaration, a number of scholars have concluded that a somewhat analogous declaration requiring senatorial advice and consent for the termination of a treaty would be constitutionally valid,<sup>15</sup> and this committee itself stated—during the debate over President Carter's termination of the Taiwan defense treaty—that it was "clear beyond question" that the Senate could validly limit the President's authority to terminate a treaty by placing a condition on such termination in the Senate's advice and consent to the treaty.<sup>16</sup>

#### CONCLUSION

The United States commitment to federalism depends on maintaining a national government of limited and enumerated powers. Human rights treaties, because they concern the internal relationship of a nation to its own citizens, pose unique challenges to this constitutional structure. These challenges are especially apparent with respect to the Disabilities Convention in light of its overlap with matters traditionally regulated by State and local law and its failure to distinguish sufficiently between public and private spheres of action. The possibility that human rights monitoring bodies such as the Disabilities Committee will seek to expand their authority naturally raises additional concerns. Nevertheless, I believe that a well-crafted set of reservations, understandings, and declarations would allow the United States to join the Convention while preserving its constitutional values.

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#### End Notes

<sup>1</sup> Transcript of Oral Argument, *Bond v. United States*, No. 12–158, at 28 (Sup. Ct., Nov. 5, 2013).

<sup>2</sup> *Id.* at 48.

<sup>3</sup> See S. Exec. Rep. 112–6, Convention on the Rights of Persons with Disabilities, 112th Cong., 2d Sess. 14–15 (July 31, 2012).

<sup>4</sup> For each of these two treaties, the federalism reservation was included by the Senate at the request of the Executive branch. It appears from the U.N. treaty database that these reserva-

tions triggered only one objection from another country. The Netherlands objected to the U.S. reservation to the U.N. Convention Against Corruption, noting that the reservation left it “uncertain to which extent [the United States] accepts to be bound by the obligations under the treaty,” while also making clear that its objection “does not constitute an obstacle to the entry into force of the Convention between the Kingdom of the Netherlands and the United States.”

<sup>5</sup>The Senate Foreign Relations Committee explained in its report on the OAS Charter that the reservation was designed “to make perfectly clear that the provisions of the Charter do not enlarge the authority of the Federal Government with respect to the reserved powers of the States.” Report of the Comm. on For. Rel., Exec. A 81st Cong., 1st Sess. 12 (Aug. 24, 1950).

<sup>6</sup>The Senate Foreign Relations Committee explained that it wished to make clear that “nothing in the Convention enlarges, diminishes, or alters the powers of the President or the Congress in respect to any substantive actions taken or that may be taken by the Organization for Economic Cooperation and Development.” Report of the Comm. on For. Rel., Exec. E 87th Cong., 1st Sess. 13 (Mar. 8, 1961).

<sup>7</sup>Letter of Transmittal from President Obama to the Senate (May 17, 2012).

<sup>8</sup>S. Exec. Rep. 112–6, supra note 3, at 17.

<sup>9</sup>Customary international law is the law of the international community that “results from a general and consistent practice of states followed by them from a sense of legal obligation.” Restatement (Third) of the Foreign Relations Law of the United States § 102(2) (1987).

<sup>10</sup>S. Exec. Rep. 112–6, supra note 3, at 16.

<sup>11</sup>See Testimony of Professor Timothy Meyer, “Hearing on the Convention on the Rights of Persons with Disabilities,” U.S. Senate Comm. on For. Rel. (Nov. 5, 2013), at [http://www.foreign.senate.gov/imo/media/doc/Meyer\\_Testimony.pdf](http://www.foreign.senate.gov/imo/media/doc/Meyer_Testimony.pdf).

<sup>12</sup>See Report of the International Law Commission, 63d Session, ch. IV: Reservations to Treaties, Section 4.5.3 (2011).

<sup>13</sup>See, e.g., *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304, 319 (1936) (referring to “the very delicate, plenary and exclusive power of the President as the sole organ of the federal government in the field of international relations”).

<sup>14</sup>See, e.g., *Whitney v. Robertson*, 124 U.S. 190, 194 (1888) (“[I]f there be any conflict between the stipulations of the treaty and the requirements of the law, the latter must control.”).

<sup>15</sup>See, e.g., Restatement (Third) of the Foreign Relations Law of the United States, supra note 9, § 339, reporters’ note 3; Michael J. Glennon, *Constitutional Diplomacy* 156 (1990); Kristen E. Eichensehr, “Treaty Termination and the Separation of Powers,” 53 VA. J. INT’L L. 247 (2013). See also Curtis A. Bradley, “Treaty Termination and Historical Gloss,” 92 Tex. L. Rev. (forthcoming 2014).

<sup>16</sup>Treaty Termination Resolution, S. Rep. No. 119, 96th Cong., 1st Sess. 11 (1979).

#### APPENDIX TO TESTIMONY OF CURTIS A. BRADLEY

##### *Proposed Federalism Reservation for the Disabilities Convention*

The Federal Government has substantial authority to regulate issues relating to the rights of persons with disabilities, and it has exercised this authority in connection with a number of important statutes, including the Americans with Disabilities Act. The Federal Government’s authority is not unlimited, however, and some matters that relate to the Convention would typically be addressed by State and local law. The United States expects that the combination of existing Federal law and State and local laws will be sufficient to meet or exceed the obligations of the United States under the Convention as ratified by the United States. Because the United States does not intend to alter the existing scope of Federal authority, it is not assuming obligations under this Convention that would exceed the constitutional authority that the Federal Government would have in the absence of the Convention, notwithstanding Article 4(5) of the Convention. Furthermore, nothing in the Convention shall be considered as conferring on the Congress of the United States the authority to enact legislation that would fall outside of the authority that it would otherwise have in the absence of the Convention, or as limiting the powers of the several states of the Federal Union with respect to any matters recognized under the United States Constitution as being within the reserved powers of the several states.

The CHAIRMAN. Thank you all for your testimony. There is a vote pending on the floor. What I am going to do is ask Senator Shaheen to proceed with her questions and to take over the chair. Senator Corker and I are going to vote, and we will come back because we think your testimony is very important, and we want to explore it with you. So thank you very much.

Senator Shaheen.

Senator SHAHEEN [presiding]. Thank you very much, Mr. Chairman. Thank you to all of the panelists who are here testifying today. I apologize for having missed your testimony, and I very much appreciate your being here.

I want to, just before I get to my questions, recognize all of the veterans who are in the audience today. Thank you for your service, for attending this hearing. And I hope that in a time when more veterans such as you are returning home with injuries and disabilities, that we can stand up and support your rights and protections, not only here in America, but around the globe.

I want to quote the words of another veteran from this treaty hearing in the last Congress when I was here, John Lancaster, who is the former Director of the National Council on Independent Living. And what he said at the last hearing that I think is very powerful is that we aspire to what is in this Convention. "This is what we are about as a nation—including people, giving them freedom, giving them rights, giving them the opportunity to work, to learn, to participate. Is that not what we are about? Is that not what we want the rest of the world to be about? Well, if we are not willing to say that this is a good thing and to say it formally, what are we about really?" For me that sentiment captures what I think this treaty should be for, not just the United States, but for the rest of the world.

So I wonder if I can ask each of the panelists, starting with you, Ms. West, if you can explain how you think U.S. ratification of the Convention would help to advance the goal of making sure that people throughout the world have the same kinds of protections that people with disabilities have here in the United States.

Ms. WEST. Because we are a technology company and also a for-profit company, we look at the world from the perspective that whatever we bring to the market has to be better for our customers and also for the business. And in the area of accessibility, we are evolving the technology to be very much human-centric, which means that everybody can benefit from accessibility. It is not just a small group of people. For example, the aging population and people who cannot speak languages can all benefit from this. So when we look at this, it is actually doing something good for the business and not just good for a small segment of our population, but actually for the entire population around the globe.

And I do want to make a comment about some of the emerging countries. Yes, they do face a lot of issues, like clean water. But I think you would be surprised that the governments understand they actually have many people with disabilities in their population. So they actually appreciate having technologies and technology from countries like the United States to help them deal with it. So it is not an either/or situation. We really see this as beneficial both for the citizens of the world and also for business.

Senator SHAHEEN. Thank you. Can you elaborate a little bit on the impact on U.S. businesses if we choose not to ratify the treaty and have a seat at the table? What will happen on issues around standards and standards development, as you mentioned? Is it accurate to say that we would be forced to play a more reactive role than be proactive?

Ms. WEST. Absolutely. The adoption rate of the 21st Century Human Rights Convention has been very, very fast. We have seen firsthand the countries that have adopted CRPD come together, in many cases forming committees, and studying standards in various areas. In the technology area, we have already witnessed a dif-

ferent kind of thinking, and right now we still enjoy our leadership and technology standards leadership. So we are still able to apply some of our influence.

But over time, as you know, especially in the area of technology, it evolves very quickly. And by not being there, I think we will very quickly lose our ability to impact. And if a new standard is not harmonized based on U.S. standards, for example, then all businesses will suffer because that means we potentially have to create different sets of products and different sets of services that will adversely impact our ability to really expand commerce.

Senator SHAHEEN. Thank you very much. Do either of the other panelists want to comment on that?

Mr. RABKIN. Yes. I know John Lancaster. We are colleagues together on the board of directors of the United States Institute of Peace. And I do not mean at all to put words in his mouth, but I think one thing on which we would both agree is there are limits to what the United States can expect to do in terms of influencing other countries. One of the ways in which we can hope to secure a more peaceful world is if we understand that other countries do not have to be exactly what we would like them to be.

I am a little bit uneasy about having this openly said: "We need to have international standards which will force other countries to buy American products." First of all, I am very skeptical that that is going to work, but second of all, if it does work, I do not think it is going to make us more popular. I think there is going to be a lot of resentment that we are basically saying to poor countries, do not spend your money on things that you think are most important. Spend your money on American exports because there is an international treaty. It does not require us to do anything, but it requires you to buy our stuff. And I think that is kind of a problem, and we should all be a little bit more uneasy about that than we seem to be.

Senator SHAHEEN. Gee, that was not my interpretation of what I understood Ms. West to be saying. Would you like to respond to that?

Ms. WEST. Yes. Standards actually come about from best practices. So in many cases, especially American standards because we are a free society where people come together sharing their best practices, and that becomes a de facto standard, eventually becoming an international standard.

Other countries actually look to these kinds of standards because they know it is a combination of best practices, so it is not a force issue. It is not an action that you impose on people, especially in the technology industry. It is a welcomed standard because that means they do not have to spend time to go through the trial and error that other companies in the world or other industries have gone through. So I would say that this is not an adversarial kind of a situation. It is usually welcomed very much by the global community.

Senator SHAHEEN. Thank you. Mr. Bradley, did you want to comment?

Mr. BRADLEY. Thank you. My view is probably in between these positions to some extent. My guess is that the United States will continue to be a leader in the area of disabilities protection in the

future even if it does not join the Convention. Why would that be the case? It has some of the best laws in this area on the planet, and I imagine that Congress will continue to ensure that this is the case. And that would allow the United States to continue doing what it has done already, which is to serve as a good model regardless of whether it happens to be party to the treaty.

Having said that, I agree with Secretary Kerry that the United States is likely to gain at least some additional leverage both on the Committee and more generally if it is a party to the Convention. So I do think that is an advantage potentially of joining the Convention. And so, the emphasis of my testimony is simply that we should only do that if we are satisfied that we are doing it in a way consistent with U.S. law and particularly constitutional standards.

Thank you.

Senator SHAHEEN. Thank you. One of the issues that was raised before at the previous hearing on this treaty had to do with concerns that have been raised by some groups about homeschooling their children. And last year, the Justice Department testified before this committee that the Convention including the phrase "best interests of the child" would be applied consistent with current U.S. law and would not require a change to existing law.

I wonder if—as I have looked at the treaty, I do not see that there is a threat here to parents who would like to homeschool their children. And I just wondered if that was a concern, Mr. Bradley, that you have heard about the treaty and what your thinking is about whether that is an issue with the current wording.

Mr. BRADLEY. Yes, thank you. I believe I do understand that concern. One of the issues that arises whenever you have a treaty like this, it is negotiated among a large group of countries. By definition, therefore, the language can be very vague and broad. Its implications can be unclear.

Communities in the United States like the homeschool community, quite understandably want some assurance about what the implications of this treaty will be. And you are absolutely right that the main assurance that they have gotten is an assurance that the Convention will not require a change to existing practice and law. What I am urging is that the Senate can give more assurance than that and make clear that the Convention will not allow a change from what our Constitution permits in terms of the regulation of issues in the family and in terms of home schooling.

In my view, if the community had that greater reassurance, that should be sufficient to address the concerns as I understand them.

Senator SHAHEEN. So are you suggesting express language that would address that? Is that what you are suggesting?

Mr. BRADLEY. In my view, it would be enough if the Senate were to endorse the federalism reservations that I have suggested, which make clear that the Convention cannot be used by the government to expand its authority in any local, traditionally State domain. That would include the homeschooling issue, but would not be limited to it.

I think that should address those concerns by taking off the table the possibility that I think they are worried about, which is that

after the Convention would be put into force there would be some intrusion by the Federal Government that would not normally have been allowed, but would now be allowed under the Convention, even though not required.

And so, I think the general reservations I am suggesting should address the concern as I understand it, and you would not need an additional one for home schooling, although some kind of an understanding that has already been proposed that says that this does not affect homeschooling would certainly be also quite welcome.

Senator SHAHEEN. Thank you. Ms. West, you talked somewhat about how foreign countries perceive the fact that we have not ratified the Convention. And I wonder if what you have heard from business leaders around the world is further concerns about U.S. leadership on the issue of disabilities, and the extent to which you think that might continue to be eroded if we are not able to pass the treaty in this session of Congress or of the Senate.

Ms. WEST. Well, we see the Convention as a means for us to really have a very efficient way of understanding market requirements whether it is in a developed country or developing countries, and by not signing the CRPD we see cases where we could be excluded from some of these discussions which could lead to new solutions. And for the business community, it is all about being able to understand the customer's requirement whether it is by country or by industry.

So we think it is very important that we be at the table and be able to glean from these discussions about different industries, whether it is transportation, or banking, or the retail. That will allow United States companies, especially companies that have global interests, to be able to continue that leadership in the world market.

And also we think, at least in the technology area, that we enjoy tremendous leadership with harmonized international standards. And these standards are very, very important because they really allow the continued leadership of U.S. companies in global settings.

Senator SHAHEEN. Thank you. I have just gotten notice that they have called another vote in the Senate. And so, I think we should take a short recess. Hopefully Senator Menendez and Senator Corker will be back because they will be able to vote now. But because I am going to vote, let us recess for 15 minutes, and hopefully by then they will return.

Thank you.

The CHAIRMAN. Here we are.

Senator SHAHEEN. Very fast. Thank you.

The CHAIRMAN [presiding]. Thank you, Senator Shaheen. And I am sure you got more time than you normally can get. [Laughter.]

I am sure you made good use of it, too. But our thanks to you for chairing in the interim, and thank you to the panel. I thought the testimony was all very interesting.

Let me explore a couple of things. Dr. Rabkin, you know, I listened to your testimony. I understand that you are in opposition to the treaty, which I respect. But I think you minimized in your testimony the notion of what the treaty can do. In your testimony, you seem to disparage the idea of asking other countries to make facilities accessible to disabled people in order to make life more

comfortable for American tourists “who will be few in number and brief in their visits,” is the exact quote from your testimony.

Do you not think as America, for a moment, that it is important for our country and for our government to try to create the opportunity for Americans to be able to visit a dying relative abroad, to be able to do a sales pitch in another country, or have a member of our Armed Forces abroad who has a family member with a disability, to be able to have these Americans fulfill their God-given potential without the challenges, the impediments that individuals with disabilities find globally, and increasingly less in the United States, but occasionally still in the United States even with the ADA law?

Mr. RABKIN. Look, I am very sympathetic to people who—

The CHAIRMAN. I am not asking about your sympathy.

Mr. RABKIN. I understand.

The CHAIRMAN. I am asking you whether or not you believe it is—should the power and the advocacy of the United States not be used on behalf of its citizens to be able to enjoy abroad what they enjoy and access to opportunity here to become a more global norm?

Mr. RABKIN. I think we cannot make everything that we like into a global norm, and I am skeptical that this is the right priority for us. And if I could, Senator, I would just give you another example. A lot of Americans have difficulties with foreign languages, and so I will include myself there. We would find it a lot easier if everyone spoke English, or if they did not speak English, at least—

The CHAIRMAN. If other—

Mr. RABKIN. Let me just finish—if every country would provide us—

The CHAIRMAN. With all due respect, that is not a disability, though. That is—

Mr. RABKIN. It is a limitation. I am not saying it is a severe limitation. The point I am making is we cannot get every country to do exactly what we would like them to do.

The CHAIRMAN. Well, that is true. We cannot get every country to be a democracy, although we—

Mr. RABKIN. That is right. That is right.

The CHAIRMAN [continuing]. Although we do not stop from seeking to promote democracy globally. We do not—

Mr. RABKIN. We do not have a treaty that requires that.

The CHAIRMAN. We do not ultimately wish that certain countries would act in a way that creates a security challenge to the United States, but we send our sons and daughters abroad when we think the national security of the United States is at stake. So if I were to take your argument to a logical conclusion, then I would, in essence, abdicate the U.S. role in so many different dimensions in a way in which we would not pursue our national interests. But that is your point of view. I respect that.

Let me turn to Professor Bradley. I want to thank you for—I read your testimony as a whole, in addition to listening to your synthesized version, and I think it is considered testimony. And I look forward to hopefully engaging you, as I am sure Senator Corker might, on the RUDs package.

In your testimony, you raise concerns about the reach of future implementing legislation for the treaty, even if there is broad agreement that existing U.S. law is sufficient to implement the treaty. And you raised concerns that the advisory committee the treaty creates could somehow invalidate U.S. RUDs, even though the treaty does not grant them the power to do that.

Now, in the last Congress, we adopted a set of RUDs to address these federalism and advisory committee power concerns. And I think last year my description of it is we used the belt and suspender approach to address these concerns. But now we are in the territory of three belts and three pairs of suspenders and a team of engineers to supervise the whole operation. But I think if that is what is necessary, I certainly want to entertain it.

So my point here is I get the expression of your concerns, and I want to ask you this, though. Assuming that we could adopt a set of RUDs that would satisfy your concerns, which may be the concerns of others as well, and I am optimistic that we can, do you think that we need to wait until the *Bond* case is decided to consider this treaty, as some have suggested we do?

Mr. BRADLEY. Thank you, Senator. In terms of what has been proposed before, my view is they are not belt and suspenders. I have already indicated, for example, that the RUDs that were previously proposed simply say that Congress is not required to invade State and local authority. It does not take it off the table, and I think that would be helpful.

As for the Disabilities Committee, it is not fanciful to think that it might try to invalidate the reservations. The Human Rights Committee of the Civil Rights Covenant already said they have that authority. That was not in the treaty either. That is not a fanciful proposition. And it was not addressed in the proposed RUD last year on the committee. So those are two examples that I think—

The CHAIRMAN. Now you cannot invalidate the RUDs in such a way to enforce something domestically.

Mr. BRADLEY. The invalidation would apply internationally, and so then the question would be what the United States would do if it has been found not to have those RUDs available internationally. But your more general question is, if we could fashion a set of RUDs—and by the way, I am optimistic that we can. And listening to the Secretary of State this morning, I thought he sounded optimistic that we could. And he seemed quite willing to add additional belts and suspenders along the lines of what you were just asking about.

If that were done, my view is that that would be sufficient as long as the language is really tight in the way that I talked about in my written testimony.

The CHAIRMAN. So let me get to the core of my question, which is, I hear what your concerns are, and you have reiterated them, and I get it. My question is, Assuming that we did, that we even worked with you and got to language that through you would satisfy some of our colleagues on these critical issues, do you really think that we need to wait for a decision on *Bond* in order to accomplish this goal?

Mr. BRADLEY. I do not. It is possible that the *Bond* case would cut back on some of the treaty power concerns that have been raised. The Supreme Court is not going to add additional concerns in my view. So as long as the RUDs we are talking about address those concerns fully, then whatever happens in *Bond* should not change the picture.

The CHAIRMAN. That is very helpful. Let me just say—make one comment on one of your observations with reference to the Human Rights Committee, which attempted to expand the scope of its authority. The United States successfully pushed back, and we have made it clear before, the committee does not have the authority under international law to invalidate RUDs, and neither does the Disabilities Committee.

So, look, any entity—any entity, including the U.S. Congress—now, I know that there is a concern about binding future Congresses, and although the RUDs have never been invalidated, to our knowledge, in the history of the Congress—look, a future Congress as, Mr. Gray said, can go ahead and amend the Americans with Disabilities Act. It has once. We constantly see there is a great desire to change the President's health care law. That is under—you know, that is just one of a hundred examples I could give.

Now, there are a lot of things that Congress could do—a number of hypothetically bizarre things, you know. They could seek to ultimately sell the Capitol for scrap. They could disband—

[Disturbance in the audience.]

The CHAIRMAN. Expressions of approval or disapproval are not in order in the committee. I am trying to get to a point here, which is that I have great faith, despite our challenges sometimes, in the institution and the American people, who would say, wait a minute, that is way off of base.

And so, I just think that in suggesting that—you know, we can look at whatever language is necessary, but I do not think this Congress wants to bind itself in its actions by what the previous Congress decided, as is evidenced by those who want to undermine the President's health care law. So if a present Congress wants to change what a previous Congress did, that is part of the nature of the essence of government.

Now, I do not think—I think that only a Congress might be able to change a future RUD or change the Americans with Disabilities Act. That would go through the same robust debate that takes place in the Congress. It would have to get the appropriate majority votes in the Congress, and then it would have to be signed by our President. So I think just creating some balance in that as a reality of any future issue is just a realistic view.

Mr. BRADLEY. May I respond to that, Senator?

The CHAIRMAN. Yes, absolutely.

Mr. BRADLEY. I largely agree with what you said. If Congress decided at some future point to amend the ADA, obviously it could consider doing that. We need to recall that Congress used its regular commerce clause and other powers to enact the ADA, and I am simply suggesting it should return to those powers if it wanted to amend the ADA.

All I am suggesting to take off the table is the claim that some Congress might try to expand its authority beyond even the broad commerce clause in ways that would address very local, traditionally State law issues. That is the only issue I am talking about taking off the table, not the ability of Congress to legislate. I agree with you.

The CHAIRMAN. And that would be a concern beyond the question of this treaty.

Mr. BRADLEY. It is a concern for treaties because of this old case that says if you have a treaty, Congress can then ramp up its authority beyond even the commerce clause.

The CHAIRMAN. So outside of treaties you do not have that concern?

Mr. BRADLEY. The courts would hold Congress to the commerce clause outside of the treaty context. And another thing, in the *Bond* case, although I do not think we need to wait for it—the Solicitor General said, do not worry, the Senate would not do anything crazy like invade the prerogatives of the States. And immediately Justice Kennedy responds, “then why do I see this prosecution here of a local poisoning case?” His response suggests that we should not just assume that Congress will not do things we are concerned about. Let us instead take them off the table.

The CHAIRMAN. Yes, except that, let us be clear. In that case, the basis under which Federal action took place—in this case the Justice Department pursued—it was under an enacting statute. It has been clearly stated here time and time again by all the relevant parties that the Americans with Disabilities Act is our enacting statute. It has been constitutionally upheld, and to the extent that the government would have to prosecute, it would have to prosecute under the ADA. So whatever is prosecuted, it has already prosecuted for those who may violated the ADA.

Mr. BRADLEY. But as you pointed out, Senator, it could be amended.

The CHAIRMAN. Of course—well, anything we do here can be amended. But in *Bond*—I think it is just a little absurd, and I do not want to prolong it. But it just a little absurd to think that somehow we are not going to ever allow a future Congress to change anything that a previous Congress does because as Americans change majorities, for example, they do that for a reason. They want to see a different course of action. So I am not quite sure that that can be full proof. But I get your concerns.

Senator Corker.

Senator CORKER. Thank you, Mr. Chairman. And just for those looking on, I know that someone raised the issue of the *Bond* case being heard before we act. I just want you to know I am not the person who did that. I want to make sure that people understand I am not that person. And second, I know that—

The CHAIRMAN. You always have a more considered view.

Senator CORKER. OK, thank you. The second thing I would like to mention is I know a number of our members obviously have not been able to be here, but are reading the testimony. And I know that some of them would like to have until Monday afternoon to ask questions, if that is OK, for the record. I know that is not the norm.

The CHAIRMAN. Without objection, so ordered.

Senator CORKER. And I think the point, and again, I know that you yourself are a legal scholar, and I know these gentlemen are. I think the point that he is trying to make on this issue is not that a future Congress cannot change laws. We all understand that. But it is that a treaty's ability to affect the commerce clause changes dramatically the norms that Congress acts under. And I think that is a point that was missed as you all talked past each other a little bit, I think, in this last conversation. And I hope it is something that we are able to resolve. It is just a point that I am observing.

So I am going to walk through a very bland set of questions, and I apologize because, again, we are trying to work through all the legalities here, and I know your testimony spoke to some of these things. But, Professor Bradley, I want to just walk through these in order to build the record so that if something happens down the road, we have that hearing committee.

Can you describe the CRPD might alter the constitutional balance of power between Federal and State governments, particularly in the areas that have long been reserved to the States?

Mr. BRADLEY. Yes, thank you, Senator. As I have indicated in my written testimony, the treaty, unlike existing U.S. law, addresses some matters that have always been left to State and local regulation or to private decisionmaking. It is not really the fault of the Convention. The Convention is written to try to accommodate more than 100 legal systems over the entire world. It does not focus on U.S. law, so it addresses issues of care of the children and family law that primarily in the United States are under the domain of State and local law.

It also does not distinguish between private housing decisions and public accommodations. And obviously U.S. law often makes those sorts of distinctions, in part because of limits on the Federal Government's authority to regulate private decisions or things that are quite local. And, you know, maybe the *Bond* case will or will not change this picture. And I thank you very much, Senator, for clarifying my exchange that I had before. You are absolutely right about that. The issue is not whether Congress could change the laws. It could always use its regular powers to do that, and that is just a different Congress.

We have case law, though, that says if there is a treaty, Congress does not need to worry about any of its normal limits on its legislative authority. There is allegedly nothing too local for Congress under this old case, *Missouri v. Holland*. Once you have a treaty in place, you can regulate local housing decisions or private action in ways that Congress could never do. And without some protection here, there is at least a danger—we can talk about how probable it is that the Convention could be used in that sort of way. And I do think it is a danger that could be fully addressed by the appropriate reservations, but I do think it is quite important that we do that.

Senator CORKER. Are the administration's proposed RUDs on federalism sufficient to address these concerns? And if not, how would you modify those RUDs?

Mr. BRADLEY. Thank you. And as I have testified, I think the proposed understandings, declarations, reservations are not sufficient, and I will not go through all of them at the moment—

The CHAIRMAN. Could I just interrupt you a minute—

Mr. BRADLEY. Yes.

The CHAIRMAN [continuing]. And ask the ranking member, are you referring to the previous RUDs that were—because as far as I know, there are no new RUDs that are—we are talking about the previous RUDs.

Senator CORKER. Yes, that is correct.

Mr. BRADLEY. And I am referring to the ones—

Senator CORKER. And they were never adopted. I assume they are proposed.

Mr. BRADLEY. The ones proposed last year, and I think they are not sufficient. For one thing, the federalism and private decision-making RUDs simply say, if you read them carefully, that the Convention is not requiring that we invade State and local law, and not requiring that we take over some private decisions. They do not in any way stop Congress from using this *Missouri v. Holland* idea to expand Congress' authority at any time it would like to do so in the future. And I sense that a lot of people are OK with making it clear that that is not going to happen, and I think that needs to be fixed.

Another issue not addressed by the previously proposed RUDs is the problem that the Disabilities Committee might try to strike down our reservations, which some committees have tried to do before. As Senator Menendez pointed out, the United States pushed back on that. However, the U.N.'s International Law Commission, which is the key lawmaking arm of the U.N., has come out against the U.S. position and reasoned that, in fact, if a monitoring body finds that reservations are not good, the background assumption is that the country is still bound without the benefit of those. We may push back on that as well, but it does argue for clarifying this point, I think, in the RUDs.

Senator CORKER. Does the fact that the Supreme Court recently heard a case assessing whether treaties may expand the power of the Federal Government legitimize these concerns about federalism, even if that case may be decided on other grounds?

Mr. BRADLEY. I think certainly the *Bond* case highlights some of the concerns that get raised when you have a treaty and then implementing legislation. And, you know, Senator Menendez is correct that we do not yet have that because we have earlier legislation. But the issue that people are afraid about is what if we have new legislation? And the Senator pointed out that we obviously do not know whether that will happen.

In the *Bond* case, a lot of people were surprised that a treaty that was supposed to deal with issues like the one in Syria is now being used for really local crimes within a state. The Justices on the Supreme Court, I think, were surprised. I would not be shocked if the Senate were surprised that that was what it had agreed to in the Chemical Weapons Convention because that treaty, like many treaties, is not very specific about what it is requiring. And you may find down the line that Congress or the executive branch applies treaties in ways that the Senate never intended. And

another argument for RUDs is to prevent that from happening down the line.

Senator CORKER. And again, I know many of these questions have been answered in other ways, and I just want to have these for the record today. But is it possible that the RUDs adopted by the Senate could be altered or overwritten in the future, for instance, the reservations against expanded Federal power? If so, how would you recommend to ensure the RUDs we adopt are protected?

Mr. BRADLEY. Thank you, Senator. We fortunately do not have examples of where Congress or the Executive, as far as I am aware, have tried to go back on the RUDs. I hope that would be unlikely since it is a condition of the Senate's advice and consent. I am assuming these would be included in the resolution of advice and consent. But if we were worried about that, I talk about in my written testimony that it could be made very clear in the RUDs that these are nonseverable and that the way to withdraw them—and I think Secretary Kerry was asked about it this morning—would be to go back to the Senate.

I was understanding the Secretary to be receptive to clarifying that one would need to go back to the Senate in order to alter the RUDs. And I would certainly support that idea.

Senator CORKER. Thank you very much. Professor Rabkin, can you describe your specific concerns with the CRPD with respect to sovereignty, the specific concerns?

Mr. RABKIN. I do not know if this will be specific enough for you, but I think we ought to have a strong presumption that we get to decide for ourselves. I understand the meaning of a treaty is that we promise another country, OK, we are with you on this. I think there have to be some basic limits about what we can promise. We cannot have every aspect of domestic public policy up for grabs, and we just hand it off to some international entity or international process.

I cannot think of a treaty that is at all analogous to the CRPD, that covers a whole range of things about how American Government or American private entities treat other Americans, and we are promising the world that we are going to do what the world thinks should be done. We have crossed a real bridge when we start making those kinds of promises.

And if I could just briefly add this point, in relation to the discussion you have been having with Curt Bradley here. I think the danger of the RUDs is not that some court will say, "Ah, ha, gotcha, no, we are overriding your reservation." I think the danger is more direct. And it is totally foreseeable. It is likely. The monitoring committee and other countries will say, "No, wait, you promised to honor the Convention, and since you promised, you have got to live up to your promise. And you cannot just say, "Oh, no, we had our fingers crossed behind our back on this, this, and this."

So I think we will experience moral and political pressure to abandon the RUDs. And I think it will be hard for anybody to say, "Oh, no, no, no, there was a reservation, so forevermore we have that reservation." If we think that we have leverage on other countries, we should expect that they will have leverage on us, and it

may make it hard for us to stick to the exceptions that we have tried carve out with the RUDs. And I think that is a problem.

Senator CORKER. So you may have answered my followup to that, but do you think the issues that you have raised can be fully addressed through the RUDs, other than—I know this last point cannot. But do you think the legal points could be—

Mr. RABKIN. I think there are two different issues here. One is, can we anticipate every possible difficulty and provide for it in advance with the RUDs? Maybe we can, if we are real imaginative and work hard. But even then there is the question, what does it mean to ratify a treaty when we say, “Well, we have 28 or 32 exceptions that we are taking, but otherwise we really want to be a party to this Convention.” I mean, basically if we take exception to this provision, this one, this one, and that one—dozens of times—we have not really ratified the treaty. So if we are not a party to it, why are we pretending to be a party to it? I think there is that problem.

And then there is the second problem, which is on any particular one of these exceptions, if the monitoring committee, the committee of experts, says, “No, you are wrong, that is not a valid reservation,” do we have the self-confidence to say, “We do not care what you said, we are America, we are doing what we want to do.” Do we have the confidence to speak the way Secretary Kerry did? And I have to say I was uncomfortable. I think I am at least as nationalist as he is. I cannot speak French, for example. But I did think it was very awkward that he said we do not have to do a thing—not one thing. He several times repeated that, we do not have to do one thing.

I just think you cannot in good faith enter into a treaty and then say to the world, “You cannot complain about our compliance, we are not doing anything beyond what we already happen to have done.” We routinely have disputes in the WTO. It does not change our law, but when the Appellate Body of the WTO says, “No, what you are doing in America is wrong,” we do change our law. We feel obligated to do so.

I do not think we would find it so easy to just shrug off international criticism about our compliance with the CRPD, particularly when the criticism comes from the official committee that is set up to decide whether we are in compliance. So I think with any one of these RUDs we may find ourselves down the road saying, “Oh, OK, sorry, we are not supposed to do that, OK, then we will change that law.” That is what bothers people about relying on RUDs to protect us.

Senator CORKER. Thank you for your testimony, all of you. And, Mr. Chairman, thank you for having this hearing.

The CHAIRMAN. Thank you, Senator Corker. I just have a couple of questions for Ms. West, and after all the time you spent here, we need to use your expertise.

I know the main focus of the reason for this treaty is obviously to extend the rights for 58 million Americans, 5½ million veterans, to make it more likely than not that they will travel some place in the world for business, for education, for pleasure, and more likely than not find themselves having standards of accessibility as

we enjoy in the United States, which is the world's leader in this regard. That is the overwhelming compelling reality.

But I think that your testimony, I think, is important. You know, for example, the technologies at IBM—this is not about what Professor Rabkin said, you know, American business, you know. That is not the compelling reason. But, my god, everything we think about has pretty much an economic dimension to it. And I think there is nothing wrong at looking at American leadership, to the private sector, in creating in the world standards that will have the citizens of those countries enjoy higher standards for their own accessibility, as well as for ours.

So are technologies that provide access to people and disabilities a small niche market or a potentially large business opportunity?

Ms. WEST. It is a huge market, and we think it is just at the beginning of a growing market. I think in the past few years with the proliferation of, for example, smart phone devices, really puts accessibility at the center of technology discussions. Sometimes people think of accessibility as just for people with disabilities, such as vision or hearing impairment. But a cell phone really brings to play that every one of us can be situationally disabled. You could be driving the car, but still want to read your e-mail. You need some kind of technology to read the e-mail through speech.

So we see that accessibility is becoming what we call human-centric technology. Think about the aging population. In the United States, we have 76 million people who are baby boomers. In China, they will have 365 million people over the age of 65 by the middle of the century. So when people age, they naturally will acquire disabilities.

So the market is just at the beginning of growth. This is one of those areas that we really, truly believe that you can do good while you do well. And we have seen that play out in IBM's history in the past 100 years, and we think the CRPD really gives a forum and opportunity for all businesses to partake and really do well while doing good.

The CHAIRMAN. You also talk in your testimony about the importance of harmonization of international standards when it comes to furthering the interests of the United States in the global market for accessible products. Now, there has been some testimony here about entanglement in remote international deliberations. Are we not in so many different sectors very active in international bodies that are promoting standards so that we can try to move them closer and closer to American standards that will open opportunities for our people as well as our businesses to be globally competitive?

Ms. WEST. Yes. The standards are very important not just for technology, but for many consumer electronics devices. Harmonized standards, especially based on, in many cases, American standards, is definitely a positive and also a very preferred position for U.S. companies to ensure that we have a leadership position. It helps to reduce the cost of goods sold. And also in many cases, especially in accessibility, it really gives us an extra moral benefit because the technology, in this case, does help people with disabilities better their lives and better their employment opportunities. So it is

really a great example of American innovation that brings benefit to the entire world.

The CHAIRMAN. Well, thank you. Thank you. I am glad we have that perspective for the record. Let me close with some final observations.

I think, Professor Rabkin, you seem to be missing a major point of Secretary Kerry's testimony. You stated several times that the Secretary said the United States does not have any obligations under the treaty. He did not say that. What he has testified to is that we have already met our obligations under the treaty, so we need to take no additional action to comply. I think that is a very significant difference than to say there are no obligations whatsoever. We have already undertaken those obligations.

Secondly, let me just say that the administration, both today and at other times, has repeatedly stated before this committee that all legislation necessary to implement the treaty already exists. So, therefore, the conversation that we have had about the RUDs look like are important both to amplify that and to make sure that there are no views that would undermine that reality.

Now, the concern that the treaty committee could suddenly declare itself the arbiter of RUDs simply does not, in my mind, hold water in the context of some of our history here. For over 20 years, we have been a party to the International Covenant on Civil and Political Rights, or what is called the ICCPR, which created the Human Rights Committee. We have ratified the treaty with a number of RUDs, many of which were similar to those we are seeking to include for the Disabilities Treaty. Despite any effort by the Human Rights Committee to expand its authority, our ICCPR RUDs remain valid both internationally as well as domestically. And time and again, our courts, including the Supreme Court in *Sosa v. Alvarez-Machain*, have affirmed the validity of our RUDs to the ICCPR, as well as other RUDs in general. So I just, you know, think it is important as members read this testimony, and as I am sure many will as they make a considered judgment, that they know some of that reality.

Finally, I have a statement from Secretary Shinseki on the Disabilities Treaty, in support of it. And I would ask unanimous consent that it be entered into the record.

With the thanks of the committee for your testimony, and there may be some followup questions because of the nature of what took place here, we will keep the record open until the close of business on Monday for members to submit any questions that they have.

I thank you for bringing us your individual expertise and insights. And this committee stands adjourned.

[Whereupon, at 1:34 p.m., the hearing was adjourned.]

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#### ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

RESPONSES OF SECRETARY JOHN F. KERRY TO QUESTIONS  
SUBMITTED BY SENATOR ROBERT MENENDEZ

*Question.* Do you believe that the Senate should wait for the Supreme Court's ruling in *Bond v. United States* before it considers the Convention on the Rights of Persons with Disabilities? Why or why not?

Answer. No, there is no reason for the Senate to delay action on the Disabilities Treaty until after the Supreme Court issues a decision in *Bond v. United States*. The *Bond* case involves a challenge to the constitutionality of an implementing statute that was passed after the Senate gave its advice and consent to a treaty (the Chemical Weapons Convention). In contrast, the United States will implement the Disabilities Treaty with existing law; no new legislation will be required. The committee recognized this fact last year when it adopted a declaration offered by Senator DeMint. Our relevant domestic legislation was passed entirely independently of the Disabilities Treaty and its constitutionality is not in question.

*Question.* Article 46 of the Disabilities Treaty states that reservations “contrary to the object and purpose” of the treaty shall not be permitted. Does the Disabilities Committee have the authority to determine whether reservations are contrary to the object and purpose of the treaty?

Answer. No, the Disabilities Treaty does not give the Disabilities Committee any authority to determine whether reservations by States Parties are contrary to the object and purpose of the treaty. The Disabilities Committee may only issue non-binding “suggestions and general recommendations” to parties to the treaty.

*Question.* In his testimony, Professor Rabkin pointed out that the committee created by the International Covenant on Civil and Political Rights (the Human Rights Committee), to which the United States is a party, claimed that it had the authority to rule on which reservations are, and are not, valid, and stated that invalid reservations should be treated as void. Was the United States Government aware of this claim and what was its response to it?

Answer. The United States forcefully objected to the Human Rights Committee’s position in 1994 that it could invalidate RUDs and that invalid RUDs should be treated as void. We explained to the Human Rights Committee that it lacked authority to determine the validity of RUDs, and we reiterated that we would never be bound by a treaty obligation to which we reserved, even if another state objected to our reservation. The Human Rights Committee has never “invalidated” a U.S. RUD, and the fact remains that no international body, including the Human Rights Committee and the Disabilities Committee, could somehow do so to a RUD on this treaty.

*Question.* Does the administration believe that it is necessary to include a non-severability declaration in the RUD package for the Disabilities Convention, as Professor Bradley suggests? Why or why not?

Answer. No, we do not believe that a nonseverability declaration is necessary as a legal or practical matter. Such a provision would, to our knowledge, be unprecedented in U.S. treaty practice. Even in cases like the Disabilities Treaty, where federalism concerns are addressed through RUDs (e.g., the International Covenant on Civil and Political Rights, the Convention on the Elimination of Racial Discrimination, and the U.N. Convention on Transnational Organized Crime), the RUD packages did not include nonseverability provisions.

We do not consider there to be a realistic risk that U.S. RUDs could be invalidated. Internationally, there is no body that has the power or authority to take such action against a RUD to the Disabilities Treaty. Further, it is the longstanding position of the United States that we could never be bound by a treaty obligation to which we have reserved, even if another state party objected to our reservation. Nor could another state party invalidate a U.S. understanding or declaration. Domestically, while we cannot completely eliminate the possibility that a U.S. court could take such action, it is highly improbable that could happen with regard to this treaty. We base this assessment on two key factors: First, U.S. courts have routinely upheld the validity and enforceability of Senate RUDs (see e.g., *Beazley v. Johnson*, 242 F.3d 248 (5th Cir. 2001), and *Auguste v. Ridge*, 395 F.3d 123 (3d Cir. 2005)). Second, if the Senate ratifies this treaty, we understand that it would do so with a declaration that the treaty is not self-executing. The effect of such a declaration is that the treaty will not be enforceable in U.S. courts and, as a result, could not be used as the basis for a lawsuit in U.S. courts. The Supreme Court upheld such a declaration in *Sosa v. Alvarez-Machain*, 542 U.S. 692 (2004). Accordingly, we see no realistic basis for a U.S. court to strike down a RUD related to this treaty.

Inclusion of a nonseverability declaration for the first time in U.S. treaty practice could arguably weaken our position that no international body or other country can invalidate a U.S. RUD, by implying that the United States believes such international action could be possible absent a RUD to the contrary. If the Senate decides to include this type of provision with regard to the Disabilities Treaty, we would recommend crafting the provision in a way to minimize that risk and other potentially negative consequences.

*Question.* In his testimony, Professor Bradley suggested that the Senate might want to include a declaration regarding withdrawal of reservations. Is the administration aware of any case in which the executive branch has withdrawn a reservation to a treaty without the advice and consent of the Senate to its withdrawal?

Answer. No. We are aware of only one case in which the United States has withdrawn a reservation to a treaty, and in that case the Executive sought and received the advice and consent of the Senate prior to withdrawing the reservation. In 1975, the United States became a party to the Patent Cooperation Treaty of 1970, which simplified the filing of patent applications on the same invention in different member countries. In 1984, the President requested the advice and consent of the Senate to withdraw a reservation to the treaty that the United States had made when it became a party. The Senate gave its advice and consent to that request in 1986.

Additionally, a provision addressing the process to withdraw a RUD would, to our knowledge, be unprecedented in U.S. treaty practice. Even in cases like the Disabilities Treaty, where federalism concerns are addressed through RUDs (e.g., the International Covenant on Civil and Political Rights, the Convention on the Elimination of Racial Discrimination, and the U.N. Convention on Transnational Organized Crime), the RUD packages did not address a process for withdrawing a RUD.

*Question.* Article 36 of the Disabilities Treaty provides that “[e]ach report” by States Parties to the Disabilities Treaty “shall be considered by the [Disabilities] Committee, which shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned.” Does this provision empower the Disabilities Committee to issue authoritative interpretations of the Disabilities Treaty? Does this provision or any other provision in the Disabilities Treaty empower the Disabilities Committee to compel any action by States or by individuals?

Answer. Article 36 of the Disabilities Treaty empowers the Disabilities Committee to “consider” reports by States Parties on implementation of the treaty and to make “appropriate” “suggestions and general recommendations on” those reports. Nothing in Article 36 or elsewhere in the Disabilities Treaty gives the committee the power to issue authoritative, i.e., binding, interpretations of the treaty or compel any action by states or individuals.

*Question.* In his testimony, Professor Rabkin expressed concern regarding a lack of clarity on what will count as a disability under the Disabilities Treaty. What is your response to this concern?

Answer. The fact that the treaty does not contain a definition of disability is a strength—it is a recognition that different countries have different definitions and that deference should be paid to States’ domestic law in this area. There are multiple definitions of disability in U.S. law. Joining the treaty will not impact or require changes to any of those definitions. To remove any doubt on this point, an understanding on the definition of disability would make clear that the term is defined for the United States coextensively with how it is already defined under existing U.S. law. The Senate Foreign Relations Committee adopted such an understanding last year, and I continue to support it.

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RESPONSES OF AMBASSADOR C. BOYDEN GRAY TO QUESTIONS  
SUBMITTED BY SENATOR ROBERT MENENDEZ

*Question.* Professor Curtis Bradley stated during the committee hearing that a ratification vote on the treaty need not wait on the Supreme Court’s decision in *Bond v. United States* so long as the committee adopts RUDs satisfying his federalism concerns and concerns about the advisory committee created by the treaty.

◆ Do you agree with Professor Bradley that there is no need to delay consideration of the treaty until the *Bond* case is decided?

Answer. Yes, I agree that it is appropriate for the Senate to proceed to ratification before the Supreme Court issues an opinion in the *Bond* case. While I believe that the Supreme Court will decide this case on terms that will make a reservation unnecessary, it is prudent to craft a Federalism reservation that limits congressional authority to draft any future implementing legislation to the authority that it otherwise has in the Constitution and not rely on the Constitution’s Treaty Power. Of course, with the reservations, understandings, and declarations that the Senate Foreign Relations Committee adopted last year, no new implementing legislation is needed to carry out U.S. responsibilities under the treaty. Further, because of the declaration that the treaty is non-self-executing, the treaty cannot be used for a cause of action in U.S. courts so there is no way for any court in the United States

to review the treaty or sever any of its provisions. Nevertheless, I agree that a Federalism reservation can maintain our current balance of powers between the Federal Government and the States.

Ratification of the treaty with a Federalism reservation will not freeze disability rights law in the United States as it now exists. Future Congresses may choose to amend the Americans with Disabilities Act and other Federal disability rights laws or even craft new laws to advance the rights of persons with disabilities. However any such future legislative action would be based on the authority of the Federal Government exclusive of the Treaty Power.

*Question.* Some have proposed a “non-severability” reservation for the Disabilities Treaty to assure that RUDs adopted by the Senate cannot be stripped after ratification, either by U.S. Courts or any international body.

◆ Is such a reservation necessary?

Answer. I do not believe that such a reservation is necessary. The concept of “non-severability” comes from our domestic law and is a device that allows Congress to ensure that the statutes that they enact can stand or fall on its own complete terms or, in the alternative, that the law can continue to stand even if one of its provisions has been found unconstitutional. For example, the ADA itself has a severability provision. This concept is necessary in Federal legislation because the U.S. courts have the authority to review Federal statutes and declare them invalid. U.S. courts have no jurisdiction to review U.S. treaties nor does any U.S., U.N., or international authority or body have the authority to strip the reservations from a U.S. treaty. The manner in which a reservation can be deleted from a ratified treaty is through the ratification process itself; i.e., if the President and a two-thirds majority of the U.S. Senate decides to do so.

*Question.* During the hearing, Professor Rabkin expressed his skepticism as to whether ratification of this treaty is the right priority for the United States, and whether we should hector, admonish, and badger other countries to improve accessibility and eliminate discrimination for what he calls a small subset of other countries’ populations.

◆ As someone with a long history of involvement in disability rights issues, what is your perspective?

Answer. The CRPD takes traditional and core American values and raises them to the level of international law. Based on our Federal disability laws, the Convention expresses the principles of inclusion, respect for human dignity, individual autonomy and freedom of choice, nondiscrimination, accessibility, and equal enjoyment of all rights and freedoms. I believe that it is in the best interests of the United States and also to countries around the world for the United States to export these values and share our experiences in implementing our disability rights laws.

There is nothing crass in recognizing the significant benefits to Americans from ratification of the Disabilities Convention. In our global economy, U.S. employees need to travel and work abroad freely, unencumbered by inaccessibility. Every U.S. worker starting a career now and in the future should expect to be called upon to travel abroad to enhance his own career and to maintain a competitive edge for his U.S. employer. There is no better way for our government to support the long-term economic self-sufficiency of the millions of Americans with disabilities than to participate in the global commitment to accessibility that is enshrined in the Disabilities Convention.

Just as important are the benefits to the countries around the world. Without laws like the ADA abroad, millions of children and adults are housed in institutions without the enrichment of family life, community resources, or access to the most basic civil rights like a birth certificate or even a name. Eighty percent of persons with disability live in developing countries and 20 percent of the world’s poorest people have some kind of disability and are the most disadvantaged in their own communities. Ninety percent of children with disabilities in developing countries do not attend school. Until the United States ratifies the Disabilities Convention, it is a bystander on these critical matters. Our leadership in fighting against these unconscionable practices can make an enormous difference.

We are the leader of the official global initiative on disability nondiscrimination. We are not hectoring, admonishing, or badgering other countries when we join with them in assisting them in providing rights to their citizens with disabilities. And, at the same time, we support the ability of Americans with disabilities, including veterans and their families, to become full participants in the world economy. U.S. leadership can best be provided only if it ratifies the Disabilities Convention.

*Question.* Do you agree that the Convention is a nondiscrimination treaty?

Answer. The Disabilities Convention is a nondiscrimination treaty. In requiring equal treatment and reasonable accommodation for persons with disabilities, the Convention is anchored in the principles of United States domestic disability law, including the landmark Americans with Disabilities Act, the Rehabilitation Act, and the Individuals with Disabilities Education Act. At its core the Convention seeks to ensure that persons with disabilities enjoy the same rights as everyone else and are able to lead their lives as do other individuals, if given the same opportunities.

The understanding that the committee included last year, one that was first suggested by the Obama administration, on economic, social, and cultural rights confirms that the treaty does not create new rights or programs. It just ensures that persons with disabilities will be given the opportunity to enjoy the same rights and programs that are already offered by the countries that ratify the treaty. Thus, the test for this treaty and for any new reservation, understanding, or declaration is to preserve equal opportunities for persons with disabilities; i.e., to ensure that persons with disabilities are not treated differently than persons without disabilities.

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RESPONSE OF PROFESSOR JEREMY RABKIN TO QUESTION  
SUBMITTED BY SENATOR BOB CORKER

*Question.* At the conclusion of the hearing on November 21, the Chairman sought to address certain previous testimony of yours. You did not have the opportunity to respond. Would you please do so here?

Answer. At the close of the Senate Foreign Relations Committee hearing on November 21, Senator Menendez disputed my characterization of Secretary Kerry's testimony. According to Menendez, Secretary Kerry did not mean to say that ratifying the CRPD would impose no obligations on the United States. Rather, Senator Menendez insisted, Secretary Kerry only meant to say that the CRPD imposes no additional obligations, because the United States has already fulfilled all its obligations by enacting the Americans with Disabilities Act.

I fully agree with Senator Menendez on what Secretary Kerry meant to say. But I believe the underlying claim is incorrect. The ADA includes many exemptions and restrictions. For example, by its own terms the ADA does not apply to religious institutions, to private clubs, to private residences. The CRPD does not make provision for any of these exemptions or exceptions. To cite another example, the CRPD requires employers to provide "equal remuneration for work of equal value." The ADA has no provision requiring employers to adjust pay scales to the intrinsic "value" of different jobs. These examples could be readily multiplied. The point is beyond dispute: by its own terms, the CRPD is a much broader or more comprehensive regulatory charter than the ADA. So it is simply not true that the ADA already regulates everything on which the CRPD calls for state regulation.

It can be argued that the CRPD only means to establish a general standard and does not require every state to conform to every one of its requirements in every last particular. It can be argued that current American law already does conform to the general spirit of the CRPD, so much so that we would not be required to implement any additional measures. But the question is, "required" by whom? Surely it is not sufficient to say, "We think we are in compliance, therefore we are." If such unilateral assertions work for us, they must work for every state and then the Convention becomes so much empty rhetoric.

The more reasonable reading of the treaty is that it obligates each participating state to conform to promptings of the "experts" on the monitoring committee—unless a state has very substantial reasons for insisting on an alternate view. But neither Secretary Kerry nor Senator Menendez (nor anyone else, that I know of) has explained how we can know that all current discrepancies between the ADA and the CRPD will, in the future, be judged acceptable under the treaty. The ADA was enacted before the CRPD existed. How likely is it that the drafters of the ADA just magically intuited everything that the subsequent treaty would genuinely require, while simultaneously intuiting what compromises with the letter of the CRPD would still be judged consistent with its "object and purpose"? Unless they have access to some infallible diplomatic Ouija Board, Secretary Kerry and Senator Menendez have no grounds for claiming that we already know what will be eventually required to comply with the CRPD.

In his closing statement, Senator Menendez also sought to refute another point I made in my testimony. I had warned that poor countries might find it difficult to provide all the accommodations—ramps, lifts, tactile strips and so on—required by the CRPD and such countries might think it more urgent to invest in infrastructure to provide clean drinking water or provide inoculations against infectious dis-

eases. I therefore cautioned that such countries might resent American pressure to comply with the CRPD—all the more so when American business stood to gain by export of specialized products to assist persons with disabilities. In his concluding remarks, Senator Menendez pointed out that Congress frequently legislates in ways that help American business, so there is no problem with saying the United States wants to help people with disabilities around the world—while also helping American business.

I do not think the remarks of Senator Menendez answer the challenge here. I would be happy to stipulate that every Member of the U.S. Senate cares more about helping people with disabilities than about helping American business. But the relevant question is not how senators answer to their own consciences, but how American policy will be viewed in poor countries around the world. It is actually very hard to explain why the claims of disabled people should take priority over the claims of the vastly larger number of people suffering malnutrition or infectious disease. Our insistence that we only want the best for these people rings hollow when we say—in public testimony before Senate committees—that we are particularly concerned with benefits to visiting Americans or profits to American manufacturers.

None of this would matter if there were some central authority empowered to enforce this treaty. But there is not. It will be enforced only to the extent that major states cajole others to comply. If we ratify the CRPD, we would be committing ourselves to lean on all other signatories to implement the treaty. It cannot be helpful to start by proclaiming to the world that none of these obligations actually require the United States itself to do anything—because we are already perfect in our compliance, as Secretary Kerry proclaimed at the hearing. It is even more awkward for us to insist that countries with massive problems devote more of their limited resources to buying American gadgets to help visiting Americans with disabilities and to help American exporters—because our Congress always likes to do more than one thing, when it sets out to do good.

Perhaps we will say different things to other countries than we say to our own people. But that means, we are trying to get the CRPD ratified with arguments to our own people that we don't dare repeat to foreigners. If we cannot say what we really mean in front of foreigners, can Americans be sure what it is we really mean?

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RESPONSES OF SECRETARY OF STATE JOHN F. KERRY TO QUESTIONS  
SUBMITTED BY SENATOR JEFF FLAKE

*Question.* I have heard from different sides on this issue and it seems to be widely accepted that ratification will not require any changes to U.S. law. I have further been told that even if the Committee on the Rights of Persons with Disabilities were to somehow find U.S. policy toward disability rights inadequate, and issue a report with recommendations to that effect, the recommendations are not binding and the United States would still not have to make any changes to its laws.

- ◆ a. If that is true for the United States, then it must be true for any other party to the treaty, correct?
- ◆ b. Doesn't it stand to reason then, that ratification of this treaty by any country does not guarantee any changes in disability policy at the domestic level?
- ◆ c. How, then, does U.S. ratification help disability rights abroad?

*Answer.* While the United States already fulfills all obligations it would have under the Disabilities Treaty as ratified, there are many countries around the world, including States Parties to the Disabilities Treaty, which will need to make systemic changes and improvements to their laws and practices to comply with the treaty. The Disabilities Treaty provides the necessary hook we need to engage most effectively with the 138 States Parties and to push them to make the types of systemic changes that we have made over the past few decades, most notably with passage and implementation of the Americans with Disabilities Act in 1990. It also provides the best opportunity we have to influence other countries so that they adopt an approach and standards on core disability rights matters that are consistent with our standards.

Our status as a nonparty to the treaty deprives us of this powerful tool. It has already resulted in the exclusion of the United States from opportunities to share our expertise when other countries come together to discuss issues like education, accessibility, and employment standards for people with disabilities—areas where the United States is the leader—because we are not a party to the treaty. When we are excluded from such opportunities, other countries with different, and often lower, standards fill the void.

It is accurate that the Committee on the Rights of Persons with Disabilities can issue only nonbinding recommendations and has no power to compel action by the United States or other States Parties. While the Committee is a feature of the treaty—and will give the United States a platform to showcase to the rest of the world the full extent of our gold-standard disability laws—our expectation is that the benefits of U.S. ratification will not be derived primarily from the existence of, or our interaction, with the Committee. Rather, as noted above, U.S. ratification provides the mechanism we need to engage most effectively with the 138 states parties and to push them to make systemic changes necessary for their compliance and implementation of the treaty in a manner that is consistent with our approach to disability rights.

Finally, we recognize that U.S. ratification of the treaty must be coupled with a sustained diplomatic effort to engage future treaty partners to implement their treaty obligations. As I indicated in my testimony before the Senate Foreign Relations Committee, when we ratify the treaty, I “will send a message to every embassy in the world, and we will begin to engage a protocol that will have our people reaching out to every country and every government, and we will use our presence in this treaty to leverage these changes in these other countries, to encourage these changes, to use the voice that you will give us by actually joining it, a voice that we’re not able to exercise today for our absence as a member.”

*Question.* China ratified the CRPD in 2008, and yet a Human Rights Watch report issued in July of this year makes a number of findings which demonstrate that, despite its ratification of the treaty, China still has a long way to go to implement policies that would safeguard the rights of the disabled.

- ◆ a. If the United States were to ratify this treaty, would that increase any leverage we have over China—or any other nation that has ratified, but not yet complied with CRPD standards—to implement the recommendations of the Committee or otherwise improve life for its disabled population?

*Answer.* The Disabilities Treaty is the center of gravity for international disability rights. Officials from nations including China regularly question why we have not yet ratified the treaty. Our failure to do so weakens our ability to engage effectively with these countries on disabilities rights and diminishes our credibility and leverage in this area.

The Disabilities Treaty provides the necessary mechanism we need to engage most effectively with the 138 states parties and to push them to make the types of systemic changes that we have made over the past few decades, most notably with passage and implementation of the Americans with Disabilities Act in 1990. It also provides the best opportunity we have to influence other countries so that they adopt an approach and standards on core disability rights matters that are consistent with our standards.

Our status as a nonparty to the treaty deprives us of this powerful tool. It has already resulted in the exclusion of the United States from opportunities to share our expertise when other countries come together to discuss issues like education, accessibility, and employment standards for people with disabilities—areas where the United States is the leader—because we are not a party to the treaty. When we are excluded from such opportunities, other countries with different, and often lower, standards fill the void.

- ◆ b. Couldn’t the United States raise the issue of disability rights with China, or any other nation, bilaterally, without having to ratify the CRPD? *Answer:*

*Answer.* The Disabilities Treaty is the center of gravity for international disability rights. While the United States does raise the issue of disability rights bilaterally, including with China, our status as a nonparty to the Disabilities Treaty has diminished our credibility and leverage with other countries and has resulted in our exclusion from opportunities to influence other countries as they consider different possible approaches to implementation of the treaty. When we are excluded from such opportunities, other countries with different, and often lower, standards fill the void.

U.S. ratification will be a “force-multiplier” in relationship to our current bilateral diplomacy. It is the most effective way for the United States to engage with the most countries possible and it will ensure that we have the leverage and credibility we need to do so.

*Question.* According to CRS, “Supporters of CRPD contend that U.S. ratification would enhance the United States credibility as it advocates the rights of persons with disabilities globally.” Yet, according to USAID the United States has spent more than \$33.5 million since 2005 in support of disability programming for 108

projects in 65 countries. I have heard stories of the good these programs are doing across the globe.

- ◆ a. What other nations operate international disability programming on par with what USAID offers?
- ◆ b. Has the United States needed to ratify the treaty to operate these programs or otherwise advocate in a bilateral fashion support for disability rights?
- ◆ c. Are these programs not a sign of American leadership on this issue?

Answer. There is no doubt that USAID has some of the strongest disability-inclusive programming among international development donors, and that there is much for Americans to be proud of in this work. However, by their nature, USAID programs are typically bilateral, project-specific, and necessarily limited in scope. By contrast, U.S. ratification of the Disabilities Treaty offers the best possible opportunity to engage other countries and push them to undertake systemic reform across a range of issues, akin to the work that was done in the United States following passage of the Americans with Disabilities Act. By ratifying the Disabilities Treaty, the United States will be best positioned to champion the kinds of systemic reforms that we know from our domestic experience are needed to raise standards and improve the lives of persons with disabilities globally, which will expand opportunities abroad for the millions of Americans with disabilities. Joining the Disabilities Treaty is also the most effective and efficient way for the United States to engage with the most countries possible, rather than having to rely solely upon country-by-country engagement. Accordingly, ratification will amplify and enhance the ongoing work of USAID, all without any budgetary impact.

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RESPONSES OF SECRETARY JOHN F. KERRY TO QUESTIONS  
SUBMITTED BY SENATOR JOHN BARRASSO

*Question.* Would the United States ratifying this Convention require any changes to current laws or regulations at the State or Federal level?

Answer. No. While our ratification of the Disabilities Treaty will help expand opportunities abroad for the over 50 million Americans with disabilities, it will not require any change to domestic law, at the Federal or State level. The United States already fulfills all obligations it will have under the Disabilities Treaty as ratified with reservations, understandings, and declarations.

*Question.* Would the Convention impose new obligations on individuals, private organizations, or religious groups?

Answer. No. While our ratification of the Disabilities Treaty will help expand opportunities abroad for the over 50 million Americans with disabilities, it will not impose any new obligations on individuals, private organizations, or religious groups. Individual privacy and freedom from governmental interference in certain private conduct are fundamental values of our free and democratic society, and our ratification will safeguard those values. The administration continues to support a private conduct reservation, like that included in last year's Senate resolution of advice and consent, which will ensure that the United States does not accept any obligation under the Disabilities Treaty with respect to private conduct except as mandated by the Constitution and laws of the United States. Additionally, as would be reflected in a declaration, the treaty is not self-executing, and therefore cannot serve as the basis for a lawsuit in Federal or State court and does not give rise to individually enforceable rights in the United States.

*Question.* Does the Convention impose any new costs upon U.S. taxpayers?

Answer. No. While U.S. ratification of the Disabilities Treaty will help expand opportunities abroad for the over 50 million Americans with disabilities, our ratification will not impose any new costs on U.S. taxpayers.

*Question.* Does the Convention create any legal rights for individuals to bring lawsuits in U.S. Courts?

Answer. No. While our ratification of the Disabilities Treaty will help expand opportunities abroad for the over 50 million Americans with disabilities, it will not create any legal rights in the United States. Additionally, as would be reflected in a declaration, the Disabilities Treaty is not self-executing. Therefore, it cannot serve as the basis for a lawsuit in Federal or State court and does not give rise to individually enforceable rights in the United States.

*Question.* Does the administration believe that the three reservations it has proposed are compatible with the object and purpose of the Convention?

Answer. Yes. The object and purpose of the Disabilities Treaty is to promote and protect the rights of people with disabilities and to ensure nondiscrimination and equality of treatment. Our ratification of the treaty will help expand opportunities abroad, including for the over 50 million Americans with disabilities, so that they enjoy the same opportunities as their nondisabled peers.

As a result of our constitutional protections and gold-standard disability rights laws, the United States already acts consistently with the object and purpose of the treaty. The three reservations proposed by the administration clarify our relationship with the treaty. They do not change Federal or State law in the United States, and they are consistent with the object and purpose of the treaty.

*Question.* Is there anything in the Convention that would take away parents' rights and allow courts to interfere with parents' decisions regarding their children?

Answer. No. In the United States, it is incontrovertible that parents decide how to raise and educate their children, including deciding whether to homeschool children, so long as such decisions are consistent with Federal and State law. The Disabilities Treaty also embraces the paramount role of parents in the care and upbringing of children with disabilities. Nothing in the treaty or our ratification of the treaty will change or detract from the right of parents to make decisions regarding their children, including the decision to homeschool children with disabilities.

Additionally, the executive branch continues to support reservations, understandings, and declarations that will ensure that our ratification of the Disabilities Treaty will not have any impact on a parent's right to make decisions regarding their children, including the decision to homeschool children with disabilities. For example, last year the Senate Foreign Relations Committee adopted the private conduct reservation proposed by the executive branch. That reservation will ensure that the United States does not accept any obligation under the Disabilities Treaty with respect to private conduct, including parents' decisions about their children, except as mandated by the Constitution and laws of the United States.

*Question.* Would the Convention in any way limit the ability of parents to homeschool their children?

Answer. No. In the United States, it is incontrovertible that parents decide how to raise and educate their children, including deciding whether to homeschool children, so long as such decisions are consistent with Federal and State law. The Disabilities Treaty also embraces the paramount role of parents in the care and upbringing of children with disabilities. Nothing in the treaty or our ratification of the treaty will limit the ability of parents to homeschool their children.

Additionally, the executive branch continues to support reservations, understandings, and declarations that will ensure that our ratification of the Disabilities Treaty will not in any way limit the ability of parents to homeschool their children. For example, last year the Senate Foreign Relations Committee adopted the private conduct reservation proposed by the executive branch. That reservation will ensure that the United States does not accept any obligation under the Disabilities Treaty with respect to private conduct, including parents' decisions about their children, except as mandated by the Constitution and laws of the United States.

*Question.* The United States has successfully undertaken a comprehensive effort to protect the rights of persons with disabilities. However, some of the U.S. laws offering these protections contain important nuances and exceptions. For example, Title I of the Americans with Disabilities Act does not apply to employers with fewer than 15 employees. The Convention does not appear to contain a similar exception. It is my understanding that the proposed reservation concerning "non-regulation of certain private conduct" in conjunction with the declaration that the Convention is not self-executing would make it clear that ratification of the treaty would not impose a new mandate on employers exempted by the ADA.

◆ Can you confirm this understanding?

Answer. Yes, this understanding is accurate. The treaty is not self-executing, and therefore cannot serve as the basis for a lawsuit in Federal or State court. Further, a private conduct reservation would ensure that the United States does not accept any obligation under the treaty to enact legislation or take any other measures with respect to private conduct except as mandated by the Constitution and laws of the United States. With these reservations, the Disabilities Treaty would impose no new mandate on employers, including those employers exempted by the ADA because they have fewer than 15 employees.

*Question.* Article 27 of the Convention calls on State Parties to "protect the rights of persons with disabilities, on an equal basis with others, to just and favorable conditions of work, including equal opportunities and equal remuneration for work of

equal value . . . .” This phrase has raised some concern as it could be construed to imply that the Convention contemplates comparable worth. The administration has recognized this by proposing an Understanding clarifying that ratification of the Convention would not require adoption of a comparable worth framework for persons with disabilities. However, the description of this understanding in the Executive Summary is not clear.

◆ Can you confirm that the proposed understanding does not require the adoption of a comparable worth framework?

Answer. Ratification of the Disabilities Treaty would not require U.S. adoption of a comparable worth framework. The understanding adopted by the Senate Foreign Relations Committee last year, which the executive branch continues to support, makes it clear that the treaty does not require the adoption of a comparable worth framework for persons with disabilities. Current U.S. law is consistent with the language in Article 27 regarding equal pay for work of equal value because it provides strong protections for persons with disabilities against unequal pay, including the right to equal pay for equal work.

*Question.* Some have raised concern that the Convention contemplates that employers undertake affirmative action measures with respect to employment of individuals with disabilities. The Rehabilitation Act requires certain federal contractors and subcontractors to undertake affirmative action efforts, but private sector employers who are not federal contractors or subcontractors are not subject to such affirmative action requirements. Article 27 of the Convention requires State Parties to “promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives, and other measures.”

◆ Is it the administration’s view that this language does not impose an affirmative action mandate on private sector employers?

Answer. The Disabilities Convention does not impose an affirmative action mandate on private sector employers. The United States fully satisfies the treaty’s requirement to promote the employment of persons with disabilities in the private sector through appropriate policies and measures, including laws such as the ADA and programs such as the Department of Labor’s America’s Heroes at Work program, which addresses the employment challenges of returning service members and veterans. These laws and programs effectively satisfy the treaty’s obligations by promoting the employment of persons with disabilities in the private sector.

Even though nothing in the treaty imposes an affirmative action mandate on private employers, the Senate Foreign Relations Committee has previously adopted federalism and private-conduct reservations and a non-self-executing declaration, which would further ensure that our ratification of the treaty does not infringe on constitutionally protected private conduct and that the treaty cannot serve as the basis for a lawsuit in Federal or State court and does not give rise to individually enforceable rights in the United States.

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PREPARED STATEMENT OF SECRETARY OF DEFENSE CHUCK HAGEL  
ON THE DISABILITIES TREATY

On behalf of America’s service members, DOD civilians, and military family members with disabilities, I urge the United States Senate to approve the Convention on the Rights of Persons with Disabilities.

One of the legacies of the past 12 years of war is that thousands of young Americans will carry physical wounds for the rest of their lives. These wounded warriors deserve to have the same opportunities to live, work, and travel as every other American, and to participate fully in society whether at home or abroad. Joining this treaty will allow the United States to help shape international practices for individuals with disabilities that are consistent with our own high standards for access and opportunity. It will also help personnel who have family members with disabilities, who often have to choose between their families and their careers when considering assignments in other countries.

Treating people with respect and dignity is one of the fundamental values of the United States Armed Forces. It is a value that our men and women in uniform fight for around the world. Failing to approve this treaty would send the wrong message to our people, their families, and the world. Approving it would help all people fulfill their potential. That’s why I strongly support swift Senate action.

PREPARED STATEMENT OF ERIC SHINSEKI, SECRETARY OF THE DEPARTMENT OF  
VETERANS AFFAIRS, ON THE DISABILITIES TREATY

WASHINGTON.—Ratification of the Disabilities Treaty is important to our Nation's 5.5 million disabled Veterans. Ratification of the Disabilities Treaty is not about changing America. It's about helping the rest of the world raise their accessibility standards to the gold standard the United States has set through our ADA. Ratification will help reinforce America's global leadership role and reputation, putting us in the strongest position to advance disability rights worldwide. By joining the treaty, we will be helping the 5.5 million Veterans with disabilities and the 50 million Americans with disabilities study and work with dignity and pursue greater opportunity abroad with the same access they enjoy at home.

I served for roughly 10 years in Europe as a disabled Soldier following my tours in Vietnam. During that time, I had to learn to walk and run again. I had to convince the Army that I could continue to serve, and learn to adjust to a new reality. I recall the absence of aids for the disabled in many places where I served—ramps, lifts, automatic door openers, among other devices that are commonly available in this country. Our disabled Veterans and service members have put their trust in our country. Now, it's time for our country to put its trust in them. It's time to ratify the Disabilities Treaty.

I urge the Senate to approve the treaty this year.

XIV.—ANNEX III.—LETTERS SUBMITTED FOR THE RECORD IN  
SUPPORT OF THE CONVENTION

United States International Council on Disabilities

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October 31, 2013

Honorable Rob Menendez, Committee Chair  
Honorable Bob Corker, Ranking Member  
Foreign Relations Committee, United States Senate  
446 Dirksen Senate Office Building  
Washington, D.C. 20520

RE: The Convention on the Rights of Persons with Disabilities

Dear Senators Menendez and Corker:

On May 17, 2012 the Senate received a treaty package for their advice and consent to ratify the Convention on the Rights of Persons with Disabilities (CRPD). The Senate voted on the CRPD on December 4, 2012, and fell short of the requisite two-thirds majority by only five votes. We know the Foreign Relations Committee is again considering the CRPD via hearings in November 2013.

We the undersigned ask for your support for U.S. ratification of the CRPD. Similar to the Americans with Disabilities Act (ADA), the principles of the CRPD include equality, non-discrimination, inclusion in society, accessibility, and respect for inherent dignity. Twenty three years ago on July 26<sup>th</sup>, President George H.W. Bush signed the ADA, calling for the "walls of discrimination to come tumbling down." Since that time, the ADA has been model legislation for ending discriminatory practices throughout the world and a key inspiration for the CRPD.

One hundred and thirty-eight nations have ratified the CRPD, including important allies of the U.S. The treaty reflects core American values such as the dignity of the individual, access to justice, respect for the home and family, and the right to education. The CRPD is consistent with not only the ADA, but also with the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act of 1973, and numerous other U.S. laws. The CRPD seeks to ensure that countries across the globe provide people with disabilities the same rights as everyone else in order to live full, satisfying and productive lives. To this end, the CRPD will create greater access for Americans serving, working, traveling, and studying abroad. The treaty package submitted to the Senate this May includes reservations, understandings, and a declaration that allow the United States to meet the obligations of the treaty without requiring any costs or changes in law.

We, the undersigned, are committed to our country's leadership in promoting the rights and dignity of all people with disabilities. We believe the ratification of the CRPD will allow the U.S. to continue in our global leadership on disability rights. We therefore urge the Senate to continue the bipartisan tradition of supporting the disability community by uniting in support of ratification of the Convention on the Rights of Persons with Disabilities.

1. Ability Chicago
2. Abilities, Inc.
3. Ablehaws and Allies
4. accessABILITY, Center for Independent Living
5. Access Alaska Inc.
6. Access Concepts and Training, Inc
7. Access Futures Club (APC)
8. Access Living
9. Access, Inc.
10. Access to Independence, Inc.

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 United States International Council on Disabilities
 

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11. ACCSES
12. ACCSES NEW JERSEY
13. Achievement Services for Northeast Kansas, Inc.
14. Action Against Hunger
15. Actionplay
16. Action Towards Independence, Inc.
17. Ada S. McKinley Community Services, Inc.
18. ADHD Aware
19. ADAPT – Chicago Chapter
20. ADAPT Delaware
21. ADAPT Missouri
22. Advocacy Center Louisiana
23. Advocacy Denver
24. Advocacy Initiative Network of Maine
25. Advocates for Access
26. Advocates For Children of NY, Inc.
27. Advocating 4 Kids LLC
28. African Methodist Episcopal Church Connectional Health Commission
29. AgeOptions
30. Alabama Disabilities Advocacy Program
31. Alameda County Developmental Disabilities Council
32. Alaska Multiple Sclerosis Center
33. Alliance Center for Independence
34. Alliance for the Betterment of Citizens with Disabilities
35. Almost Home Kids
36. Alpha One
37. American Academy of Child and Adolescent Psychiatry
38. American Academy of Pediatrics
39. American Academy of Physical Medicine and Rehabilitation (AAPM&R)
40. American Association for Geriatric Psychiatry
41. American Association on Health and Disability
42. American Association on Intellectual and Developmental Disabilities
43. American Association of People with Disabilities
44. American Association for Psychosocial Rehabilitation
45. American Baptist Churches USA
46. American Baptist Home Mission Societies
47. American Bar Association
48. American Civil Liberties Union
49. American Civil Liberties Union of Illinois
50. American Council of the Blind
51. American Counseling Association
52. American Dance Therapy Association
53. American Diabetes Association
54. American Foundation for the Blind
55. American Foundation for Suicide Prevention
56. American Group Psychotherapy Association
57. American Mental Health Counselors Association
58. American Music Therapy Association
59. American Muslim Health Professionals
60. American Network of Community Options and Resources (ANCOR)
61. American Occupational Therapy Association
62. American Public Health Association
63. American Red Cross

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64. American Speech-Language-Hearing Association
65. American Therapeutic Recreation Association
66. amFAR, the Foundation for AIDS Research
67. AMREF
68. Anti-Defamation League
69. APSE
70. ARC Gateway, Inc.
71. Arctic Access, Inc.
72. Arizona Bridge to Independent Living (ABIL)
73. Arizona Center for Disability Law
74. Arizona Disability Advocacy Coalition
75. Assisted Cycling Tours, Inc
76. Association for Assistive Technology Act Programs
77. Association for Community Living in Boulder County
78. Association for Education and Rehabilitation of the Blind and Visually Impaired
79. Association for Special Children & Families
80. Association for Vision Rehabilitation and Employment, Inc.
81. Association of Community Mental Health Centers of Kansas
82. Association of Jewish Family & Children's Agencies
83. Association of Programs for Rural Independent Living
84. Association of University Centers on Disabilities (AUCD)
85. Association on Higher Education & Disability (AHEAD)
86. Attention Deficit Disorder Association
87. AUCD Council on Community Advocacy (COCA)
88. Auditory Sciences
89. Autism National Committee
90. Autism Society of Illinois
91. Autism Society of Indiana
92. Autism Speaks
93. Autism Spectrum Counseling Center, Inc.
94. Autistic Self Advocacy Network
95. Baha'is of the United States
96. Basic Education Coalition
97. Bay Area People First
98. Bay Cove Human Services, Inc
99. Becoming Independent
100. Bender Consulting Services, Inc.
101. Benetech
102. Best Buddies International, Inc.
103. Best Buddies, University of Kansas Chapter
104. Bethesda Lutheran Communities, Inc.
105. Better World Campaign
106. Big Lakes Developmental Center
107. BlazeSports America
108. Blind and Vision Rehabilitation Services of Pittsburgh
109. BlueLaw International
110. Blue Ridge Independent Living Center
111. Bodies of Work
112. Boston Center for Independent Living
113. Brain Injury Association of America
114. Brain Injury Association of Georgia
115. Brain Injury Association of Kansas
116. Brain Injury Association of Michigan

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 United States International Council on Disabilities
 

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117. Brain Injury Association of Mississippi
118. Brain Injury Association of Nebraska
119. Brain Injury Association of South Carolina
120. Brain Injury Association of Tennessee
121. Brain Injury Association of Vermont
122. Braozoria County Center for Independent Living
123. Bridge II Sports
124. Bridgewell
125. Brooklyn Center for Independence of the Disabled
126. Brown County Developmental Services, Inc.
127. Burton Blatt Institute at Syracuse University
128. California Association of the Deaf – Riverside Chapter
129. California Communications Access Foundation
130. California Foundation for Independent Living Centers
131. California Health Incentives Improvement Project, San Diego State University
132. California State Council on Developmental Disabilities
133. California State Council on Developmental Disabilities, Area Board 5
134. Californians for Disability Rights, Inc.
135. Cambria County Association for the Blind and Handicapped
136. CARE USA
137. CBM
138. CDC Resources
139. Center for Disability & Elder Law
140. Center for Disability Rights
141. Center for Independent Living of Middle Tennessee
142. Center for Independent Living of South Florida, Inc.
143. Center for Independent Living Options
144. Center for International Rehabilitation Research Information & Exchange
145. Center for Leadership in Disability
146. Center for Self-Determination
147. Center for the Visually Impaired
148. Center on Disability and Community Inclusion
149. Center on Disability Studies – University of Hawaii
150. Central Illinois Service Access, Inc
151. Cerebral Palsy and Deaf Organization
152. Challenged Conquistadors, Inc.
153. Check and Connect Program - Central Lakes College
154. Chicagoland Chamber of Commerce
155. Chronic Fatigue Syndrome, Fibromyalgia & Chemical Sensitivities Coalition of Chicago
156. Citizens for Global Solutions
157. Citizens for Patient Safety
158. City of Danbury Commission for Persons with DisAbilities
159. Claremont Colleges Disability, Illness, and Difference Alliance
160. Coalition of Citizens with Disabilities in Illinois
161. Coalition of Concerned Citizens for Complete Justice
162. Coastal Bend Center for Independent Living
163. Community Access Project Somerville
164. Community Access Unlimited
165. Community Alliance for the Ethical Treatment of Youth
166. Community Interface Services
167. Community Renewal Society
168. Community Resources for Independent Living
169. Community Services for Sight

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- 170. Concerned Transit Riders for Equal Access
- 171. Conference of Educational Administrators of Schools and Programs for the Deaf Council of Parent Attorneys and Advocates
- 172. Connecticut Office of Protection and Advocacy for Persons with Disabilities
- 173. Consortium for Citizens with Disabilities
- 174. Consumer Advisory Committee
- 175. Consumer Council System of Maine
- 176. Cottonwood, Inc.
- 177. Council for Disability Rights
- 178. Council for Exceptional Children
- 179. Council for Health and Human Service Ministries United Church of Christ
- 180. Council of Parent Attorneys and Advocates, Inc.
- 181. Council of State Administrators of Vocational Rehabilitation
- 182. Council on Community Advocacy
- 183. Crockett Resource Center for Independent Living
- 184. CUNY Coalition for Students with Disabilities
- 185. Daniel Jordan Fiddle Foundation
- 186. DAWN Center for Independent Living
- 187. Deaf and Hard of Hearing Alliance
- 188. Deaf Education And Families Project
- 189. Deaf Equality Accessibility Forum
- 190. Deaf Youth USA
- 191. Delaware Association for the Blind
- 192. Delaware Developmental Disabilities Council
- 193. Delaware Family Voices
- 194. Depression and Bipolar Support Alliance
- 195. Detroit Disability Justice
- 196. Developmental Disabilities Institute, Wayne State University
- 197. Directions in Independent Living, Inc.
- 198. Disability Concerns, Christian Reformed Church
- 199. Disability Concerns, Reformed Church in America
- 200. Disability Connection/West Michigan
- 201. Disability 411
- 202. Disability Funders Network
- 203. Disability Help Center
- 204. Disability Law & Advocacy Center of Tennessee
- 205. Disability Law and Public Policy Program, Syracuse University
- 206. Disability Law Center
- 207. disABILITY LINK
- 208. Disability Partners
- 209. disABILITY Resource Center
- 210. Disability Resource Center of Fairfield County
- 211. Disability Rights Advocacy Fund
- 212. Disability Rights & Resources
- 213. Disability Rights Center of Arkansas
- 214. Disability Rights Center, Maine
- 215. Disability Rights Center of Kansas
- 216. Disability Rights Coalition
- 217. Disability Rights Education, Activism and Mentoring (DREAM)
- 218. Disability Rights Education and Defense Fund
- 219. Disability Rights Fund
- 220. Disability Rights International
- 221. Disability Rights Legal Center

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 United States International Council on Disabilities
 

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- 222. Disability Rights Mississippi
- 223. Disability Rights Nebraska
- 224. Disability Rights Vermont
- 225. disAbility Solutions for Independent Living
- 226. Disability Services, John Hopkins University
- 227. Disabilityworks
- 228. Disabled American Veterans
- 229. Disabled in Action of Greater Syracuse Inc.
- 230. Disabled In Action of Metropolitan NYC
- 231. Disabled Rights Action Committee
- 232. Disabled Sports USA
- 233. Disciples Home Missions
- 234. Disciples Justice Action Network
- 235. Diverse Disability Media
- 236. Division for Early Childhood of the Council for Exceptional Children
- 237. Division of International Special Education Services (DISES) of the Council for Exceptional Children
- 238. Dominic Foundation
- 239. Down Syndrome Association of Snohomish County
- 240. Down Syndrome Association of West Michigan
- 241. Down Syndrome Support Network of Stark County
- 242. DREAM
- 243. Dream Ahead the Empowerment Initiative
- 244. Dynamic Independence
- 245. Earle Baum Center of the Blind, Inc.
- 246. East Texas Center for Independent Living
- 247. Easter Seals
- 248. Easter Seals Capper Foundation
- 249. Easter Seals Central Texas
- 250. ED101 Inc.
- 251. Education Development Center
- 252. Effective Success Practices LLC
- 253. El Valor
- 254. Employment & Community Options
- 255. ENDependence Center of Northern Virginia
- 256. Ensign Skills Center, Inc.
- 257. Environmental Justice Coalition for Water
- 258. Epilepsy Foundation
- 259. The Episcopal Church
- 260. Equal Rights for Persons with Disabilities International, Inc
- 261. Equip for Equality
- 262. EqUal
- 263. Evangelical Lutheran Church in America
- 264. Family Health Network
- 265. Family Resource Center on Disabilities
- 266. Family Voices
- 267. Family Voices of ND
- 268. Fearless Nation PTSD Support
- 269. Federal Employees with Disabilities (FEDs)
- 270. FESTAC-USA (Festival of African Arts and Culture)
- 271. FHI 360
- 272. Fiesta Christian foundation Inc
- 273. 504 Democratic Club
- 274. Flinthills Services, Inc. DBA CDDO of Butler County

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 United States International Council on Disabilities
 

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- 275. Florida Association of the Deaf
- 276. Fort Bend Center for Independent Living
- 277. ForwardWorks Consulting, LLC
- 278. Foundations For Change, PC
- 279. Four Freedoms Forum
- 280. Fox River Industries
- 281. FREED Center for Independent Living
- 282. Freedom Resource Center for Independent Living, Inc.
- 283. Friedman Place
- 284. Friends Committee on National Legislation
- 285. G3ict
- 286. Gallaudet University
- 287. Genetic Alliance
- 288. Georgia Council on Developmental Disabilities
- 289. GlobalPartnersUnited
- 290. Global Solutions
- 291. Gompers Habilitation Center
- 292. Goodwill Industries International
- 293. Granite State Independent Living
- 294. Great Lakes ADA Center
- 295. Greater Haverhill Newburyport
- 296. Greater Illinois Chapter of the National Multiple Sclerosis Society
- 297. Hadassah, The Women's Zionist Organization of America, Inc.
- 298. Handicap International
- 299. HandReach
- 300. Harlem Independent Living Center
- 301. Harvey-Marion County CDDO
- 302. Hawaii Disability Rights Center
- 303. HEAL
- 304. Health & Disability Advocates
- 305. Health & Medicine Policy Research Group
- 306. Hears Foundation
- 307. Hearing Loss Association of America
- 308. Hearing Loss Association of Los Angeles
- 309. Heartland Alliance for Human Needs and Human Rights
- 310. Helen Keller International
- 311. HelpAge USA
- 312. Helping Educate to Advance the Rights of the Deaf (HEARD)
- 313. Henry Viscardi School
- 314. Hesperian Health Guides
- 315. Higher Education Consortium for Special Education
- 316. Hindu American Foundation
- 317. Historically Black Colleges and Universities (HBCU) Disability Consortium
- 318. Hope Haven Area Development Corporation
- 319. Horn of Africa Aid and Rehabilitation
- 320. Houston Center for Independent Living
- 321. Housing Action Illinois
- 322. Human Rights Watch
- 323. Idaho Federation of Families for Children's Mental Health
- 324. Idaho Parents Unlimited, Inc.
- 325. IDEA Infant Toddler Coordinators Association
- 326. IFES
- 327. Illinois Association of the Deaf (IAD)

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 United States International Council on Disabilities
 

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- 328. Illinois Assistive Technology Program
- 329. Illinois Council on Developmental Disabilities
- 330. Illinois Iowa Center for Independent Living
- 331. Illinois Maternal and Child Health Coalition
- 332. Illinois Network of Centers for Independent Living
- 333. Illinois Partners for Human Service
- 334. Illinois Valley Center for Independent Living
- 335. IMPACT Center for Independent Living
- 336. Independence Associates, Inc.
- 337. IndependenceFirst
- 338. Independence, Inc.
- 339. Independent Living, Inc.
- 340. Independent Living Center of the Hudson Valley, Inc.
- 341. Independent Living Center of the North Shore & Cape Ann, Inc
- 342. Independent Living Council of Georgia
- 343. Institute for Community Inclusion: U. MA Boston
- 344. Institute for Community Leadership
- 345. Institute for Educational Leadership
- 346. Institute for Health Quality and Ethics
- 347. Institute for Human Centered Design
- 348. Institute on Disabilities, Temple University
- 349. Institute on Disability Culture
- 350. Institute on Human Development and Disability
- 351. Institute on Disability and Public Policy (IDPP)
- 352. InterAction
- 353. Inter-American Institute on Disability
- 354. Interdisciplinary Council on Developmental and Learning Disorders (ICDL)
- 355. Interfaith Disability Advocacy Coalition
- 356. Interfaith Network on Mental Illness
- 357. InterHab
- 358. International Ventilator Users Network
- 359. Iowa Association of Community Providers
- 360. Iowa Statewide Independent Living Council (SILC)
- 361. Islamic Society of North America
- 362. Jawonio
- 363. Jenian, Inc.
- 364. Jessica Cox Motivational Services
- 365. Jewish Community Relations Council of Greater Boston
- 366. Jewish Council for Public Affairs
- 367. Jewish Disability Network
- 368. Jewish Federation of Greater Atlanta
- 369. Jewish Federation of Greater Washington
- 370. The Jewish Federations of North America
- 371. Johnson County Board of Services
- 372. Johnson County Developmental Supports
- 373. Joint National Association of Persons with Disabilities
- 374. Joint National Association of Persons with Disabilities of Nigeria in the Diaspora, USA
- 375. Judge David L. Bazelon Center for Mental Health Law
- 376. Junior Blind of America
- 377. Just Advocacy of Mississippi
- 378. Kansas Assistive Technology Cooperative
- 379. Kansas Council for Exceptional Children
- 380. Kansas Council on Developmental Disabilities

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 United States International Council on Disabilities
 

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- 381. Kansas Division for Early Childhood
- 382. Kansas Mental Health Coalition
- 383. Kansas University Center on Developmental Disabilities
- 384. Kansas Elks Training Center for the Handicapped, Inc. (KETCH)
- 385. Kessler Foundation
- 386. KEY Consumer Organization, Inc.
- 387. Kids Included Together
- 388. KIDZCARE School
- 389. Knowbility
- 390. Knowledge -Creativity-Caring-Development-Dedication (KCCDD)
- 391. KU Spectrum
- 392. L'Arche USA
- 393. L.E.A.N. On Us
- 394. Lake County Center for Independent Living
- 395. Lakemary Center
- 396. Lakeshore Foundation
- 397. Lakeside Curative Systems, Inc.
- 398. Lane Independent Living Alliance
- 399. Lantos Foundation for Human Rights & Justice
- 400. Latino Civil Rights Committee
- 401. Lawrence B. Taishoff Center for Inclusive Higher Education
- 402. The Leadership Conference on Civil and Human Rights
- 403. League of Human Dignity
- 404. Life for Relief and Development USA
- 405. LightHouse for the Blind & Visually Impaired
- 406. LINC - Living Independence Network Corporation
- 407. LINK, Inc.
- 408. Little Miss Hannah Foundation
- 409. Little People of America
- 410. Living Independence For Everyone (LIFE) of Mississippi
- 411. Long Island Center for Independent Living, Inc. (LICIL)
- 412. Loras College Du-Buddies
- 413. Loudon ENDependence
- 414. Lupus Foundation of America
- 415. Lutheran Services in America Disability Network
- 416. Maine APSE
- 417. Maine Developmental Disabilities Council
- 418. Maine Parent Federation, Inc.
- 419. Mainstay Solutions LLC
- 420. MAK Technology Solutions, Inc.
- 421. Manos Unidas
- 422. Martin Luther King Jr. Freedom Center
- 423. Maryland Disability Law Center
- 424. Massachusetts Down Syndrome Congress
- 425. Massachusetts Families Organizing for Change
- 426. Medical Care Development
- 427. Medical Whistleblower Advocacy Network
- 428. Medicol Inc.
- 429. Mental Health Action
- 430. Mental Health America
- 431. Mental Health Liason Group
- 432. Metrolina Association for the Blind, Inc.

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 United States International Council on Disabilities
 

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- 433. Michigan Protection & Advocacy Service, Inc
- 434. MI Developmental Disabilities Council
- 435. Midwest Center on Law and the Deaf
- 436. MindFreedom International
- 437. Mississippi Coalition for Citizens with Disabilities
- 438. Missouri Association of Rehabilitation Facilities (MARF)
- 439. Missouri Developmental Disabilities
- 440. Mobility International USA
- 441. Montana Independent Living Project
- 442. Mosaic in Delaware
- 443. MS Family-to-Family Information and Education Center
- 444. Multiethnic Advocates for Cultural Competence, Inc.
- 445. Muslim Public Affairs Council
- 446. National Academy of Elder Law Attorneys
- 447. National Alliance on Mental Illness
- 448. National Alliance on Mental Illness - Kansas
- 449. National Association for Children's Behavioral Health
- 450. National Association for Parents of Children with Visual Impairments, Inc.
- 451. National Association of Councils on Developmental Disabilities
- 452. National Association of County Behavioral Health and Developmental Disability Directors
- 453. National Association of Law Students with Disabilities (NALSWD)
- 454. National Association of School Psychologists
- 455. National Association of Social Workers
- 456. National Association of State Directors of Developmental Disabilities Services
- 457. National Association of State Directors of Special Education
- 458. National Association of State Head Injury Administrators
- 459. National Association of State Mental Health Program Directors
- 460. National Association of States United for Aging and Disabilities
- 461. National Association of the Deaf
- 462. National Benevolent Association of the Christian Church (Disciples of Christ)
- 463. National Black Deaf Advocates, Inc.
- 464. National Business & Disability Council
- 465. National Center for Environmental Health Strategies
- 466. National Center for Learning Disabilities
- 467. National Coalition for Mental Health Recovery
- 468. National Council of Churches USA
- 469. National Council of Jewish Women
- 470. National Council on Disability
- 471. National Council on Independent Living
- 472. National Council for Community Behavioral Healthcare
- 473. National Disability Rights Network
- 474. National Down Syndrome Congress
- 475. National Down Syndrome Society
- 476. National Dysautonomia Research Foundation
- 477. National Education Association
- 478. National Federation of the Blind
- 479. National Federation of the Blind of Utah
- 480. National Federation of Families for Children's Mental Health
- 481. National Guardianship Association
- 482. National Health Law Program
- 483. National Industries for the Blind
- 484. National Minority AIDS Council
- 485. National Multiple Sclerosis Society

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 United States International Council on Disabilities
 

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- 486. National Organization for Albinism and Hypopigmentation
- 487. National Organization of Nurses with Disabilities--Inc. in Illinois
- 488. National Organization on Disability
- 489. National Rehabilitation Association
- 490. National Respite Coalition
- 491. National Youth Leadership Network
- 492. NETWORK, A National Catholic Social Justice Lobby
- 493. Neumann Family Services
- 494. New Concepts for Living
- 495. New Hampshire Association for the Blind
- 496. New York Institute for Special Education
- 497. New York State Independent Living Council (NYSILC)
- 498. Next Step
- 499. Next Steps, NFP
- 500. NHMH - No Health without Mental Health
- 501. Noble County ARC, Inc.
- 502. North Dakota Protection & Advocacy Project
- 503. Northeast Arc
- 504. Northern West Virginia Center for Independent Living, Inc.
- 505. Not Dead Yet
- 506. Not Without Us! Disability in Action
- 507. NuVisions Center
- 508. NYC LTC Ombudsman Program
- 509. OCK, Inc.
- 510. OHI Maine
- 511. Ohio Association of County Boards Serving People with Developmental Disabilities
- 512. OhioHealth
- 513. Ohio Statewide Independent Living Council
- 514. Ohio Valley Goodwill Industries
- 515. Oklahoma Association of Centers for Independent Living
- 516. ONE
- 517. Onondaga Community Living
- 518. Open Doors Organization
- 519. Operation USA
- 520. Optimal Beginnings, LLC
- 521. OrangeAbility Planning Committee
- 522. Orange County Rehabilitative and Developmental Services, Inc.
- 523. Orange Grove Center (OGC)
- 524. Osteogenesis Imperfecta Foundation
- 525. PACE Inc. Center for Independent Living
- 526. PA Mental Health Consumers' Association
- 527. Palestine Resource Center for Independent Living
- 528. Paradigm Services Inc.
- 529. Paralyzed Veterans of America
- 530. Paraquad
- 531. Parents, Let's Unite for Kids
- 532. Parent to Parent of NYS
- 533. Parent to Parent USA
- 534. Parents Educating Parents and Professionals, Inc
- 535. Passaic County Community College, Office of Disability Services
- 536. PEAK Parent Center
- 537. PEAL Center

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 United States International Council on Disabilities
 

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- 538. Peer Assistance Services, Inc.
- 539. Pennsylvania Association for the Blind
- 540. Pennsylvania Council of the Blind
- 541. Pennsylvania Society for the Advancement of the Deaf
- 542. People First of New Hampshire
- 543. People with Disabilities for Social & Economic Justice –Next Step
- 544. Peppermint Ridge
- 545. Perkins
- 546. Perspectives Press
- 547. PhilanthropyNow
- 548. Pineda Foundation for Youth
- 549. Polio Survivors Association
- 550. Post-Polio Health International
- 551. Prairie Independent Living Resource Center Inc.
- 552. Pratt Institute
- 553. Presbyterian Church (U.S.A.)
- 554. Progress Center for Independent Living
- 555. PsychHealth
- 556. Psychological Services of Barlesville
- 557. Public Advocacy for Kids
- 558. Purity Care Investments
- 559. PXE International
- 560. The Rabbinical Assembly
- 561. Raising Special Kids
- 562. REACH Resource Centers On Independent Living
- 563. ReachScale
- 564. The Reconstructionist Rabbinical Association
- 565. Reconstructionist Rabbinical College
- 566. Recovery Empowerment Network
- 567. Refugees International
- 568. Rehabilitation International
- 569. Religious Action Center
- 570. Research and Training Center on Independent Living
- 571. RESNA
- 572. Resource Center for Accessible Living (RCAL)
- 573. RESULTS
- 574. ReSurge
- 575. RI Family Voices
- 576. RISE Center - Beaumont, TX
- 577. Rita Kay Foundation
- 578. Rolling Start Inc.
- 579. Rose F. Kennedy University Center for Excellence in Developmental Disabilities
- 580. Russell Child Development
- 581. Sacred Creations
- 582. San Antonio Independent Living Services (SAILS)
- 583. Saint Louis Arc
- 584. Sandhills Post-Polio Health Group
- 585. Save the Children
- 586. Schizophrenia and Related Disorders Alliance of America
- 587. School Social Work Association of America
- 588. Second Sense
- 589. Seguin Services
- 590. Self-Advocacy Association of New York State

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 United States International Council on Disabilities
 

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- 591. Self Advocacy Council of Northern Illinois
- 592. Self Advocates Becoming Empowered
- 593. Self Advocate Coalition of Kansas (SACK)
- 594. Self Advocates of Indiana
- 595. Self Advocates of Washington
- 596. Shriver Center
- 597. Sibling Leadership Network
- 598. Signs of Self
- 599. Sikh American Legal Defense and Education Fund
- 600. The Sikh Coalition
- 601. Sindh Disabled Development Society
- 602. Skills of Central PA
- 603. SKIL Resource Center
- 604. Small & Associates, Inc.
- 605. SoCal APSE
- 606. Social Assistance and Rehabilitation for the Physically Vulnerable (SARPV)
- 607. Society for Accessible Travel & Hospitality (SATH)
- 608. Society for Disability Studies
- 609. Society for Special Persons
- 610. Socio Economic Development Alliance (SEDA)
- 611. Southeast Alaska Independent Living
- 612. Southern Illinois Case Coordination Services
- 613. Southern Indiana Center for Independent Living
- 614. Southern Tier Independence Center
- 615. Soyland Access to Independent Living (SAIL)
- 616. Spa Area Independent Living Services
- 617. SPEAK Consulting L.L.C
- 618. Speaking Up for Us
- 619. Speaking Up for Us, Maine
- 620. Special Needs Advocacy Network
- 621. Special Olympics
- 622. Spina Bifida Association
- 623. Springfield Center for Independent Living
- 624. Starkey, Inc.
- 625. Statewide Independent Living Council
- 626. Statewide Independent Living Council of Georgia, Inc.
- 627. Statewide Independent Living Council of Illinois
- 628. Statewide Parent Advocacy Network
- 629. Stone Belt Arc, Inc.
- 630. Student Disability Access Center, University of Virginia
- 631. Supportive Housing Providers of Illinois
- 632. Syn tiro
- 633. Taconic Resources for Independence
- 634. TARC (Affiliate of The Arc)
- 635. TASH
- 636. TASH Arizona
- 637. TASH Missouri
- 638. TCS Associates
- 639. Team for Justice
- 640. Team of Advocates for Special Kids (TASK)
- 641. Teacher Education Division of the Council for Exceptional Children
- 642. Tech for All, Inc.
- 643. Tekmiss

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 United States International Council on Disabilities
 

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- 644. Tennessee Association of the Deaf
- 645. Tennessee Disability Coalition
- 646. Texas Advocates
- 647. Texas Association of Centers for Independent Living, TACIL
- 648. Texas Association of the Deaf
- 649. Texas School for the Blind and Visually Impaired
- 650. The Ability Center of Greater Toledo
- 651. The Arc of Adams County
- 652. The Arc Arapahoe & Douglas
- 653. The Arc Baltimore
- 654. The Arc of Bristol County
- 655. The Arc California
- 656. The Arc Cedar Valley
- 657. The Arc of Colorado
- 658. The Arc of Dickinson
- 659. The Arc of Douglas County
- 660. The Arc of Fort Bend County
- 661. The Arc of Frederick County
- 662. The Arc of Georgia
- 663. The Arc of Greater Boone County
- 664. The Arc of Greater Pittsburgh
- 665. The Arc Greater Twin Cities
- 666. The Arc of Houston
- 667. The Arc of Howard County
- 668. The Arc of Illinois
- 669. The Arc of Indiana
- 670. The Arc of Iowa
- 671. The Arc - Jefferson, Clear Creek & Gilpin Counties
- 672. The Arc of Larimer County
- 673. The Arc of Lucas County
- 674. The Arc Maryland
- 675. The Arc of Massachusetts
- 676. The Arc Michigan
- 677. The Arc Montgomery County
- 678. The Arc Mower County
- 679. The Arc of New Jersey
- 680. The Arc Noble County Foundation
- 681. The Arc Northern Chesapeake
- 682. Arc Northland
- 683. The Arc of Northern Virginia
- 684. The Arc of Opportunity in North Central Massachusetts
- 685. The Arc of Pennsylvania
- 686. The Arc of the Pikes Peak Region
- 687. The Arc Prince George's County
- 688. The Arc of Rockbridge
- 689. Arc Rutland Area
- 690. The Arc of South Carolina
- 691. The Arc of Southern MD
- 692. The Arc of Southside
- 693. The Arc of Tennessee
- 694. The Arc of the US
- 695. The Arc of Virginia
- 696. The Arc of Toombs County

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 United States International Council on Disabilities
 

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- 697. The Arc Western Wayne
- 698. The Bibb Cook Group LLC
- 699. The California Institute for Mental Health
- 700. The Center for Disability Empowerment
- 701. The Center for Financial Independence & Innovation
- 702. The Center for Rights of Parents with Disabilities
- 703. The Hunger Project
- 704. The Independent Living Center, Inc.
- 705. The Iris Network
- 706. The Jewish Federations of North America
- 707. The Joseph P. Kennedy, Jr. Foundation
- 708. The Legal Center for People with Disabilities and Older People
- 709. The National Council on Independent Living
- 710. The National Center of The Blind Illinois
- 711. The Starkloff Disability Institute
- 712. Three Rivers Center for Independent Living
- 713. The Viscardi Center
- 714. 3E Love, LLC
- 715. Thresholds
- 716. Tisano LLC.
- 717. TKPSYC After School Services, Inc.
- 718. Topeka Independent Living Resource Center
- 719. Touchpoint Group, LLC
- 720. Tourette Syndrome Association
- 721. Treatment Communities of America
- 722. Trickle Up
- 723. Tri County ILC
- 724. Tri-County Association of the Deaf, Inc.
- 725. Tri-County Patriots for Independent Living
- 726. Tri-Ko, Inc.
- 727. Tri-State Downs Syndrome Society
- 728. Tri-Valley Developmental Services
- 729. Trisomy 18 Foundation
- 730. Twin Ports Post Polio Network
- 731. Uhambo USA
- 732. Union for Reform Judaism
- 733. Unitarian Universalist Association
- 734. Unitarian Universalist Service Committee
- 735. United Cerebral Palsy
- 736. United Cerebral Palsy of Illinois
- 737. United Church of Christ Disabilities Ministries Board
- 738. United Church of Christ, Justice and Witness Ministries
- 739. United Church of Christ Mental Health Network
- 740. United Methodist Church – General Board of Church and Society
- 741. United Spinal Association
- 742. U.S. Business Leadership Network
- 743. U.S. Equal Employment Opportunity Commission
- 744. U.S. Fund for UNICEF
- 745. U.S. International Council on Disabilities
- 746. U.S. Olympic Committee
- 747. Utah Assistive Technology Foundation
- 748. Utah State Independent Living Council
- 749. Valley Association for Independent Living

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## United States International Council on Disabilities

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- 750. Vermont Center for Independent Living
- 751. Vermont Family Network
- 752. Vermont Statewide Independent Living Council
- 753. Virginia Advocates United Leading Together
- 754. Virginia Association of the Blind
- 755. Vision for Equality
- 756. Vision Loss Resources
- 757. VisionServe Alliance
- 758. Voices of the Heart Inc
- 759. Volar Center for Independent Living
- 760. Washington State Developmental Disabilities Council
- 761. Water for South Sudan
- 762. Wesleyan Students for Disability Rights
- 763. West Central Independent Living Solutions
- 764. Whirlwind Wheelchair International
- 765. WiderNet Project
- 766. Will-Grundy Center for Independent Living
- 767. Winrock International
- 768. Wisconsin Council of the Blind and Visually Impaired
- 769. Women's Rabbinic Network
- 770. Women's Refugee Commission
- 771. WORK, Inc.

October 30, 2013

Robert Menendez  
Chairman  
U.S. Senate Committee on Foreign Relations  
444 Dirksen Senate Office Building  
Washington, DC 20510-6225

Bob Corker  
Ranking Member  
U.S. Senate Committee on Foreign Relations  
444 Dirksen Senate Office Building  
Washington, DC 20510-6225

Re: Letter of Support from the National Disability Rights Network and Protection and Advocacy Agencies on the Convention on the Rights of Persons with Disabilities

Dear Senators Menendez and Corker:

As the Senate begins consideration of the Convention of the Rights of Persons with Disabilities (CRPD), the undersigned Protection and Advocacy (P&A) agencies and their membership organization, the National Disability Rights Network write to express our strong support for this important human rights treaty.

P&A agencies exist in every state, the District of Columbia, Puerto Rico, U.S. territories (American Samoa, Guam, U.S. Virgin Islands, and the Northern Marianas Islands), and for Native Americans in the Four Corners region. Central to the work of the P&A agencies is the ability to investigate allegations of abuse and neglect of individuals with disabilities, and provide legal representation and other advocacy services to individuals with disabilities on a range of issues. Collectively, the P&A agencies are the largest provider of legally-based advocacy services to persons with disabilities in the United States.

The treaty establishes minimum international standards for the rights and freedoms of people with disabilities. The United States is fully free to, and in some areas already does, surpass these standards. The treaty reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making, and non-discriminatory treatment in employment and public accommodations. Ratification most importantly would provide the United States Government with a stronger ability to advocate for the realization of these rights and freedoms in the 138 nations and the European Union who are already party to the treaty.

Ratification is required for the United States to participate in the CRPD Conference of States Parties and elections to the Committee on the Rights of Persons with Disabilities, both of which will guide implementation of the treaty. Such participation is necessary to further the commitment of the United States to the protection and equal treatment of persons with disabilities. Ratification will also assist the United States to better achieve similar protections for American citizens with disabilities, including veterans, and the family members of active military, who travel abroad for employment, business, education, or recreation. Ratification provides the legal basis for the United States to advocate for changes in other countries that are also party to the CRPD, while maintaining United States sovereignty. American citizens with disabilities should have the opportunity to benefit from a world economy that is fully accessible.

The United States has ratified a number of international human rights treaties, such as the International Covenant on Civil and Political Rights, and the Convention on the Elimination of All Forms of Racial Discrimination, and for decades has participated in international human rights bodies and committees. These previously ratified human rights treaties contain rights that Americans have long enjoyed, such as the right to equality under the law, the right to due process, and the right to be free from discrimination based on race. The United States ratified these human rights treaties because they adhere to long established American values. United States ratification of the CRPD would demonstrate this nation's continued commitment to the values that all individuals with disabilities are accorded equal rights as those without disabilities, including the

right to live, access, and participate in their communities without discrimination. Given this nation's prior involvement with other human rights treaties, continued rejection of the CRPD by the United States says to Americans with disabilities that the protection of other civil rights across the world are of greater value to the United States than the civil rights of individuals with disabilities.

During consideration of the CRPD by the Senate Foreign Relations Committee in 2012, legal experts who served under both Republican and Democratic administrations testified that the United States, as the global leader in protecting the civil and human rights of persons with disabilities, is already in compliance with the CRPD with the reservations, understandings, and declarations submitted by the Administration. The witnesses also clearly articulated that the treaty is consistent with the landmark Americans with Disabilities Act, the Individuals with Disabilities Education Act, the Rehabilitation Act, the Architectural Barriers Act, and numerous other federal statutes that P&A agencies work each day to ensure are enforced.

The following undersigned Protection and Advocacy agencies and the National Disability Rights Network are committed to continued leadership of the United States for the human rights and empowerment of the 57 million people with disabilities in the United States and the 1 billion people with disabilities worldwide. Therefore, we urge the Senate Foreign Relations Committee to approve, and the Senate to ratify, the Convention on the Rights of Persons with Disabilities.

Sincerely,

Alabama Disabilities Advocacy Program  
 Disability Law Center of Alaska  
 Client Assistance Program and Protection & Advocacy (American Samoa)  
 Arizona Center for Disability Law  
 Disability Rights Center (Arkansas)  
 Disability Rights California  
 The Legal Center (Colorado)  
 Office of Protection and Advocacy for Persons with Disabilities (Connecticut)  
 Community Legal Aid Society (Delaware)  
 University Legal Services (District of Columbia)  
 Disability Rights Florida  
 Georgia Advocacy Office  
 Guam Legal Services Corporation  
 Hawaii Disability Rights Center  
 DisAbility Rights Idaho  
 Equip for Equality (Illinois)  
 Indiana Protection and Advocacy Services  
 Disability Rights Iowa  
 Disability Rights Center of Kansas  
 Kentucky Protection and Advocacy  
 Advocacy Center (Louisiana)  
 Disability Rights Center (Maine)  
 Maryland Disability Law Center  
 Disability Law Center (Massachusetts)  
 Michigan Protection and Advocacy Services  
 Mid-Minnesota Legal Assistance/Minnesota Disability Law Center  
 Disability Rights Mississippi  
 Missouri Protection and Advocacy Services  
 Disability Rights Montana  
 Native American Disability Law Center  
 Nebraska Advocacy Services  
 Nevada Disability Advocacy & Law Center

Disability Rights Center (New Hampshire)  
Disability Rights New Jersey  
Disability Rights New Mexico  
Disability Rights New York  
Disability Rights North Carolina  
North Dakota Protection & Advocacy Project  
Northern Marianas Protection & Advocacy Systems  
Disability Rights Ohio  
Oklahoma Disability Law Center  
Disability Rights Oregon  
Disability Rights Network of Pennsylvania  
Office of the Governor/Ombudsman for Persons with Disabilities (Puerto Rico)  
Rhode Island Disability Law Center  
Protection and Advocacy for People with Disabilities (South Carolina)  
South Dakota Advocacy Services  
Disability Law & Advocacy Center of Tennessee  
Disability Rights Texas  
Disability Law Center (Utah)  
Disability Rights Vermont  
Disability Rights Center of Virgin Islands  
Disability Rights Washington  
West Virginia Advocates  
Disability Rights Wisconsin  
Wyoming Protection and Advocacy System



**VADM Norbert R. Ryan, Jr. USN (Ret)**  
*President*

October 29, 2013

The Honorable Robert Menendez  
 Chairman  
 Senate Committee on Foreign Relations  
 United States Senate  
 Washington, DC 20510

The Honorable Bob Corker  
 Ranking Member  
 Senate Comm. on Foreign Relations  
 United States Senate  
 Washington, DC 20510

Dear Chairman Menendez and Ranking Member Corker:

On behalf of more than 380,000 MOAA members, I am writing to express our strong support for ratification of the Convention on the Rights of Persons with Disabilities (CRPD). Currently serving military families and veterans of our Armed Forces will have greater opportunities to work, travel and study overseas under CRPD ratification.

For military families with disabled dependent spouses or children, foreign assignments are often precluded because the Services can't rely on support for persons with disabilities in certain countries. As a recognized leader in the world, the United States should endorse the CRPD to have leverage with our NATO and other partners to ensure our deployed families can expect comparable services and support as they enjoy at home under the Americans with Disabilities Act (ADA), which informed the principles of the CRPD.

Moreover, more than 5.5 million American veterans with disabilities will have greater opportunities under the CRPD including our nation's newest generation of Iraq and Afghanistan veterans. The ADA ensures that veterans with disabilities and millions of other disabled Americans have an equal opportunity to access rehabilitation, employment, and educational opportunities in the United States. The United States must ratify the CRPD to foster the opportunities that will increase access around the world for a new generation of disabled veterans.

Distinguished former Senator Bob Dole who was severely disabled in combat during World War II has said: "U.S. ratification of the [treaty] will improve physical, technological, and communication access outside the U.S., thereby helping to ensure that Americans—particularly, many thousands of disabled American veterans—have equal opportunities to live, work, and travel abroad." We agree.

As you examine the CRPD, I would request that you include this letter of support in the official record of any hearing on the Treaty.

Thank you for your leadership on this issue. We look forward to lending our support to ratification of the Convention on the Rights of Persons with Disabilities at the earliest opportunity this year.

Sincerely, *Best Regards*

*Norbert Ryan*

Wounded Warrior Project  
1120 G St. NW, Suite 700  
Washington, DC 20005  
☎ 202.358.4302  
☎ 202.896.0301



November 4, 2013

The Honorable Robert Menendez  
Chairman, Senate Foreign Relations Committee  
528 Hart Senate Office Building  
120 Constitution Avenue, NE  
Washington, DC 20510

The Honorable Bob Corker  
Ranking Member, Senate Foreign Relations Committee  
425 Dirksen Senate Office Building  
100 Constitution Avenue, NE  
Washington, DC 20510

Dear Chairman Menendez and Ranking Member Corker:

As a national non-profit organization serving wounded, ill, and injured service members and veterans of the Post 9/11 era whose mission is to honor and empower Wounded Warriors, Wounded Warrior Project (WWP) is writing to express our support for ratification of the Convention on the Rights of Persons with Disabilities (CRPD). Driven by our vision to foster the most successful, well-adjusted generation of veterans in our nation's history we urge you and your fellow members of the Senate Foreign Relations Committee to report favorably and promptly to the Senate a resolution supporting ratification of the CRPD.

Because ratification of the CRPD will help enable the United States to export its standards and best practices for access and opportunity worldwide, and make it easier for our Wounded Warriors and their families to work, study, serve, and travel abroad with dignity and respect, the CRPD is a critical tool to help guarantee that our veterans and service members enjoy the same rights outside the United States as they do here at home. Like the Americans with Disabilities Act, the CRPD embodies basic principles of dignity and independent living, non-discrimination, and full inclusion and participation in society and in the global economy.

WWP joins the more than 20 veteran services organizations, more than 600 American disability organizations, and nearly 40 faith-based organizations in support of US ratification of the CRPD. Without further delay, WWP urges the US to join the other 133 in upholding the dignity and protecting the rights of disabled people worldwide.

Sincerely,

Charles Abell, EVP Policy and Government Affairs

**DUTY ★ HONOR ★ COURAGE ★ COMMITMENT ★ INTEGRITY ★ COUNTRY ★ SERVICE**

woundedwarriorproject.org





### *Vietnam Veterans of America*

8605 Cameron Street, Suite 400 • Silver Spring, MD 20910 • Telephone (301) 585-4000  
 Main Fax (301) 585-0518 • Advocacy (301) 585-3180 • Communications (301) 585-5245 • Finance (301) 585-5542  
 World Wide Web: <http://www.vva.org>

*A Not-For-Profit Veterans Service Organization Chartered by the United States Congress*

November 18, 2013

The Honorable Robert Menendez, Chairman  
 The Honorable Bob Corker, Ranking Member  
 Committee on Foreign Relations  
 United States Senate  
 SD-444 Dirksen Senate Office Building  
 Washington, D.C. 20510-6225

Dear Senators Menendez and Corker:

The passage of the Americans with Disabilities Act in 1990 was landmark legislation on par with the enactment of civil rights acts in the 1960s. The ADA has afforded these women and men protections that have helped them overcome bias and discrimination that relegated many of them to the status of second-class citizens. Importantly, it set what many have called the "gold standard" in the acknowledgment – and treatment – of our nation's disabled citizens, embracing veterans of the Armed Forces whose wounds and injuries suffered while in uniform have added them to the ranks of America's nearly 58 million disabled.

This is why Vietnam Veterans of America (VVA) strongly supports the ratification of the so-called Disability Treaty, which was inspired, as you know, by America's leadership in recognizing the rights of the disabled. We agree with Senators Menendez and John McCain, who have written that "global accessibility standards . . . are essential for veterans to safely travel, study and work abroad."

Unfortunately, bogeymen abound in the minds of those of your colleagues who oppose ratification of this treaty. They cite some inevitable "loss of sovereignty"; they spout the belief that somehow the right of American parents to home-school their children will be abrogated.

These are baseless fears, however, unsupported – and unsupportable – by facts. Yes, everyone is entitled to their own opinion, but not to their own facts. As Senators Menendez and McCain have noted, "This treaty would not constrain our sovereignty; it would extend the protection of human rights on which America has proudly led the world for decades . . . [I]t would hand no power to the United Nations or any other international body to change America's laws [and] would advance America's high standards for the treatment of people with disabilities to other nations."

On behalf of the membership of VVA, and our families, we urge the ratification of the Convention on the Rights of Persons with Disabilities. It's time to put to rest the misapprehensions and misstatements about this treaty to rest. To not do so is a slap in the face of more than five million of our fellow veterans.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Rowan".

John Rowan  
 National President



a program of United Spinal Association

September 16, 2013

The Honorable Robert Menendez  
Chairman  
Senate Committee on Foreign Relations  
Washington, D.C. 20510

The Honorable Bob Corker  
Ranking Member  
Senate Committee on Foreign Relations  
Washington, D.C. 20510

Dear Chairman Menendez and Ranking Member Corker,

VetsFirst, a program of United Spinal Association, is writing to express our continued strong support for the Convention on the Rights of Persons with Disabilities (CRPD). We urge swift action by the Senate Foreign Relations Committee in favorably reporting this important treaty to the full Senate.

Disabled veterans must have every opportunity to reintegrate into their communities when facing the challenges associated with living with a disability. The Americans with Disabilities Act (ADA) ensures that people with disabilities have an equal opportunity to access rehabilitation, employment, and educational opportunities in the United States. Now, the United States must ratify the CRPD to foster the opportunities that will increase access around the world for a new generation of disabled veterans.

U.S. ratification of the CRPD will ensure that we are able to continue to influence the development of access for Americans with disabilities across the world. Increasing access is particularly important because of the increasingly global marketplace in which workers must compete. Without this access, disabled veterans may be unable to travel or live abroad as required by their job responsibilities. United States ratification of the CRPD, which fully compliments American access laws for people with disabilities, would send an important message to the world community regarding inclusion of people with disabilities.

We urge the committee to work to ensure bipartisan support for this treaty, which will facilitate community reintegration and global participation for all people with disabilities. If you have any questions, please contact me at (202) 556-2076, ext. 7702 or by email at [hansley@vetsfirst.org](mailto:hansley@vetsfirst.org)

Sincerely,

Heather L. Ansley, Esq., MSW  
Vice President  
VetsFirst, a program of United Spinal Association



---

VETERANS OF FOREIGN WARS OF THE UNITED STATES

[www.vfw.org](http://www.vfw.org) | [info@vfw.org](mailto:info@vfw.org)

September 13, 2013

The Honorable Robert Menendez, Chairman  
Senate Foreign Relations Committee  
444 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chairman Menendez:

On behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and our Auxiliaries, I am requesting your support for the United Nations Convention on the Rights of Persons with Disabilities Treaty (CRPD).

Disabled veterans, wounded warriors and their families have made tremendous sacrifices to protect our freedoms and our right to pursue happiness. These fights have not been limited to our own borders. We have asked them to protect and promote these ideals around the world.

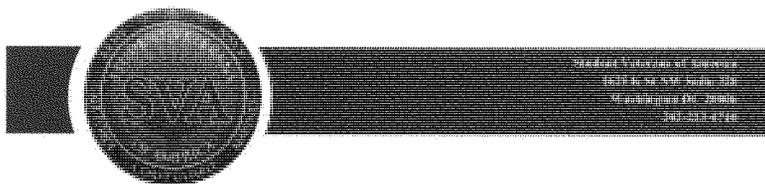
In the past decade, more than 50,000 service members have been wounded in battle. Many of these wounds are life altering, limiting mobility and accessibility. The VFW strongly believes that the brave women and men who have sacrificed so much to promote peace and liberty around the world should not be limited in their ability to travel, learn and live – regardless of whether they are at home or abroad. By ratifying CRPD, the United States will provide its voice and experience on ways to improve quality of life and other opportunities within the disabled community. Through its leadership, our nation removed barriers with the passage of the American with Disabilities Act; now it is time to remove those barriers around the globe.

We urge your support for ratification of the CRPD to promote global disability rights, and thank you in advance for your continued support of our armed forces and veterans.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ray C. Kelley', written over a horizontal line.

Raymond C. Kelley, Director  
VFW National Legislative Service



November 19, 2013

The Honorable Robert Menendez  
 Chairman  
 Senate Foreign Relations Committee  
 Washington, DC 20510

The Honorable Bob Corker  
 Ranking Member  
 Senate Foreign Relations Committee  
 Washington, DC 20510

Dear Chairman Menendez and Ranking Member Corker:

On behalf of the thousands of student veterans of Student Veterans of America, I am requesting your support for the ratification of the Convention on the Rights of Persons with Disabilities (CRPD). The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in the United States. It will empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society.

Disabled veterans, wounded warriors, and their families have made tremendous sacrifices to protect our freedoms here at home and in all corners of the globe. By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities and ensure that our Veterans receive continued care overseas. For example, SVA has chapters at institutions of higher education in France, Germany, and Italy. These chapters are being led by U.S. Veterans.

Ratification of the CRPD will ensure that these veterans and the thousands more living abroad have the same rights as those here in the United States.

Student Veterans of America is committed to U.S. leadership on behalf of the 1 billion people with disabilities worldwide. We believe swift U.S. ratification of the CRPD in a bipartisan fashion is in this country's best interest and in the best interest of student veterans. We ask you for your support and leadership on this issue.



If you have additional questions, please contact me at [d.wayne.robinson@studentveterans.org](mailto:d.wayne.robinson@studentveterans.org) or at 202-223-4710

Respectfully,

A handwritten signature in black ink, appearing to read 'D. Wayne Robinson', is written over a light gray rectangular background.

D. Wayne Robinson  
President & CEO  
Student Veterans of America



#2 completed

October 31, 2013

The Honorable Robert Menendez  
528 Hart Senate Office Building,  
Washington, DC 20510

Dear Senator Menendez:

On behalf of the Paralyzed Veterans of America, I urge you to support passage of the Convention of the Rights of People with Disabilities (CRPD).

The CRPD is an international disability treaty that creates a vital framework to protect the human rights of persons with disabilities across the world. Inspired by our own Americans with Disabilities Act (ADA), which served as the model for the Treaty, the CRPD protects the values of independence, respect, and dignity for individuals with disabilities.

President Obama signed the CRPD on July 24, 2009. Ratification of the Treaty will allow the United States to enhance its leadership role with other countries in developing policies that are based on the ADA to protect the rights of people with disabilities and remove barriers to public accommodations and services. This will allow greater opportunities for disabled veterans, their families, U.S. students with disabilities and others to travel, study, work, and live abroad and experience the world community.

Sincerely,

Douglas K. Volmer  
Associate Executive Director  
For Government Relations

Chartered by the Congress of the United States

801 Eighteenth Street, NW ★ Washington, DC 20006-3517  
phone: [202] 872-1300 ★ tdd: [202] 416-7622 ★ fax: [202] 785-4452 ★ www.pva.org



October 3, 2013

The Honorable Robert Menendez, Chairman  
Senate Foreign Relations Committee  
444 Dirksen Senate Office Building, Washington, DC

Dear Chairman Menendez,

On behalf of the Paralyzed Veterans of America, I respectfully request that you schedule a hearing on the Convention of the Rights of People with Disabilities (CRPD) at the Committees earliest opportunity.

The CRPD is an international disability treaty that recognizing the rights of people with disabilities. The CRPD is a vital framework for creating legislation and policies around the world that embrace the rights and dignity of all people with disabilities. The Americans with Disabilities Act (ADA) was the model for the CRPD.

President Obama signed the CRPD on July 24, 2009. Ratification of the Treaty will allow the United States to enhance its leadership role with other countries in developing policies that are based on the ADA to protect the rights people with disabilities and remove barriers to public accommodations and services. This will allow greater opportunities for disabled veterans, their families, U.S. students with disabilities and others greater opportunity to travel, study, work, and live abroad and experience the world community.

Sincerely,

Douglas K. Volmer  
Associate Executive Director  
For Government Relations

Chartered by the Congress of the United States

801 Eighteenth Street, NW ★ Washington, DC 20006-3517  
phone:(202) 872-1300 ★ tdd:(202) 416-7622 ★ fax:(202) 785-4452 ★ www.pva.org

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November 20, 2013

The Honorable Robert Menendez  
 Chairman  
 Senate Committee on Foreign Relations  
 Washington, D.C. 20510

The Honorable Bob Corker  
 Ranking Member  
 Senate Committee on Foreign Relations  
 Washington, D.C. 20510

Dear Chairman Menendez and Ranking Member Corker:

The National Association for Black Veterans is writing to express our support for ratification of the Convention on the Rights of Persons with Disabilities (CRPD). Ratification of this treaty will foster the conditions necessary to ensure that all people with disabilities, including disabled veterans have the opportunity to study, work, and live abroad without encountering barriers due to a disability.

Our nation leads the world in access for people with disabilities. The Americans with Disabilities Act (ADA) has served as a foundation for equality and opportunity for people with disabilities in the United States. Because of the ADA, people with disabilities in America have protections against discrimination due to disability and the opportunity to participate in their communities.

The ideals found in the ADA serve as the underpinnings of the CRPD. The CRPD which has been ratified by nearly 140 nations is a nondiscrimination treaty that will foster opportunities for people with disabilities around the world. The CRPD promotes the American value that people should not be held back from educational, work, or travel opportunities simply because they have a disability.

United States ratification of the CRPD will ensure that our nation can participate in the global conversation about disability rights and access. By working with other nations that have ratified the treaty, we will be able to break down the remaining barriers to full-inclusion of all people with disabilities, including disabled veterans.

We stand with the 5.5 million veterans living with disabilities in calling for swift ratification of the CRPD. If you have any questions regarding our support, please contact me.

Joe Wynn, NABVETS  
 National Vice Commander  
 Legislative Director  
 202 365-0482

National Association for Black Veterans, Inc.  
 Legislative Headquarters  
 1200 18th Street, N.W. - Suite LL-100, Washington, D.C. 20036  
 (202) 822-0011 www.Nabvets.org

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# The American Legion



OFFICE OF THE  
NATIONAL COMMANDER

★ WASHINGTON OFFICE ★ 1805 "K" STREET, N.W. ★ WASHINGTON, D.C. 20006 ★  
(202) 263-2986 ★

November 1, 2013

Honorable Robert Menendez, Chairman  
Senate Committee on Foreign Relations  
SD-444 Dirksen Senate Office Building  
Washington, DC 20510

Honorable Bob Corker, Ranking Member  
Senate Committee on Foreign Relations  
SD-446 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Menendez and Ranking Member Corker:

On behalf of the 2.4 million members of The American Legion, I would like to express our strong support for the Convention on the Rights of Persons with Disabilities (CRPD), an international treaty that seeks to ensure that countries around the globe provide people with disabilities the same rights as everyone else in order to live full, satisfying, and productive lives. We urge swift, bipartisan action by the Senate Foreign Relations Committee in favorably reporting this important treaty to the full Senate.

The United States is the leader on access and equality for all people with disabilities, including disabled veterans. As the leading veterans' service organization, The American Legion believes the CRPD would continue this tradition by removing barriers and allowing American veterans with disabilities more access to work, serve, travel, and live abroad. Our service members returning from abroad with disabilities should not be denied these opportunities in the global economy. Also, thousands of military service members still serve and live overseas with their families, some with children and spouses with disabilities. The CRPD would promote greater accessibility and protection from disability discrimination in these countries for them.

Some have expressed misgivings about the treaty. However, we are confident these concerns have been addressed by the adoption of a set of conditions, called reservations, understandings and declarations. These conditions protect U.S. sovereignty, ensure parental rights and recognize the treaty as a nondiscrimination instrument, similar to the landmark Americans with Disabilities Act. Furthermore, the CRPD has bipartisan support. More than 700 American organizations, including veterans' service organizations, faith-based groups, civil rights organizations, disability groups, and business leaders like the U.S. Chamber of Commerce have pledged their support to this treaty.

It is for these reasons that The American Legion, at our 2013 National Convention in Houston, Texas, passed Resolution No. 80: "Ratify Disabilities Treaty". Therefore, The American Legion calls for Senate ratification of the CRPD because it helps ensure that persons with disabilities, including disabled veterans, are treated with respect and dignity. Thank you for your leadership in addressing this critical issue facing our nation's service members, veterans, and their families.

Respectfully,  
  
DANIEL M. DELLINGER  
National Commander



## AIR FORCE SERGEANTS ASSOCIATION

P.O. Box 50 Temple Hills, Maryland 20757-0050  
 Phone: 301-899-3580 E-Mail: [stieff@hqafsa.org](mailto:stieff@hqafsa.org)



October 1, 2013

The Honorable Bob Corker  
 Ranking Member, Senate Committee on Foreign Relations  
 425 Dirksen Senate Office Building  
 Washington, D.C. 20510

Senator Corker,

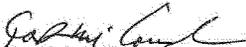
On behalf of the 110,000 plus members of the Air Force Sergeants Association, I wish to offer AFSA's continued support for the Convention on the Rights of Persons with Disabilities (CRPD). Our membership recognizes the potential impact of CRPD for disabled Veterans around the world.

As an organization that represents Veterans and servicemembers as well as their families, we believe the CRPD would remove barriers; allowing Americans with disabilities to work, live, study, and serve abroad as they often choose to do. At home, the Americans with Disabilities Act ensures citizens from this important demographic have equal opportunity in accessing rehabilitation, employment and education in their transition back to the civilian sector, or in their continued work as government employees. The CRPD ensures similar treatment away from home.

Ratification of the CRPD basically exports the excellence of America's ADA to the rest of the world. There is no cost to the taxpayer and no follow-on legislation is required. By virtue of our ADA, we already exceed the CRPD. By ratifying this treaty, Americans can expect to see standards around the world rise to meet those already in place in the United States.

AFSA calls on members of the Foreign Relations Committee and all Senators to support this non-partisan treaty. Ratification of the CRPD does nothing but solidify the United States as a global leader in disability rights for all citizens in a global economy.

Respectfully,

  
 JOHN R. "DOC" McCAUSLIN, CMSgt, USAF, Retired  
 Chief Executive Officer

*Serving the Total Air Force Enlisted Corps  
 And Their Families since 1961*



**VADM Norbert R. Ryan, Jr. USN (Ret)**  
President

October 29, 2013

The Honorable Robert Menendez  
Chairman  
Senate Committee on Foreign Relations  
United States Senate  
Washington, DC 20510

The Honorable Bob Corker  
Ranking Member  
Senate Comm. on Foreign Relations  
United States Senate  
Washington, DC 20510

Dear Chairman Menendez and Ranking Member Corker:

On behalf of more than 380,000 MOAA members, I am writing to express our strong support for ratification of the Convention on the Rights of Persons with Disabilities (CRPD). Currently serving military families and veterans of our Armed Forces will have greater opportunities to work, travel and study overseas under CRPD ratification.

For military families with disabled dependent spouses or children, foreign assignments are often precluded because the Services can't rely on support for persons with disabilities in certain countries. As a recognized leader in the world, the United States should endorse the CRPD to have leverage with our NATO and other partners to ensure our deployed families can expect comparable services and support as they enjoy at home under the Americans with Disabilities Act (ADA), which informed the principles of the CRPD.

Moreover, more than 5.5 million American veterans with disabilities will have greater opportunities under the CRPD including our nation's newest generation of Iraq and Afghanistan veterans. The ADA ensures that veterans with disabilities and millions of other disabled Americans have an equal opportunity to access rehabilitation, employment, and educational opportunities in the United States. The United States must ratify the CRPD to foster the opportunities that will increase access around the world for a new generation of disabled veterans.

Distinguished former Senator Bob Dole who was severely disabled in combat during World War II has said: "U.S. ratification of the [treaty] will improve physical, technological, and communication access outside the U.S., thereby helping to ensure that Americans—particularly, many thousands of disabled American veterans—have equal opportunities to live, work, and travel abroad." We agree.

As you examine the CRPD, I would request that you include this letter of support in the official record of any hearing on the Treaty.

Thank you for your leadership on this issue. We look forward to lending our support to ratification of the Convention on the Rights of Persons with Disabilities at the earliest opportunity this year.

Sincerely, *With Best Regards*  
*Norbert Ryan*



## Jewish War Veterans of the United States of America

*Chartered By an Act of Congress*

1811 R Street, NW • Washington, DC 20009 • (202) 265-6280 • Fax (202) 234-5662 • Email: JWV@jvw.org • www.jvw.org

November 20, 2013

The Honorable Robert Menendez  
Chairman  
Senate Committee on Foreign Relations  
Washington, DC 20510

The Honorable Bob Corker  
Ranking Member  
Senate Committee on Foreign Relations  
Washington, DC 20510

Dear Chairman Menendez and Ranking Member Corker:

On behalf of the Jewish War Veterans of the USA, America's oldest active veterans' service organization, I am writing to urge you to support the United Nations Convention on the Rights of Persons with Disabilities Treaty (CRPD).

There are 5.5 million American veterans living with disabilities. These men and women have made immense sacrifices in order to protect the rights and freedoms that we all enjoy. In the United States, the Americans with Disabilities Act makes it possible for our disabled veterans to live comfortable lives, and these same opportunities should be available to them if they choose to work, study, or travel abroad.

Our country has been a leader on recognizing the rights of people with disabilities, and it is our obligation to continue to be a leader for the rest of the world with the ratification of CRPD. I thank you in advance for your support and for all of the work you do to help our servicemembers, veterans, and their families.

Sincerely,

Dr. Robert E. Pickard, COL (USA Retired)  
National Commander

---

*"The Patriotic Voice of American Jewry - over 100 years of Jewish Pride and American Patriotism"*



November 8, 2013

The Honorable Robert Menendez  
Chairman  
Senate Committee on Foreign Relations  
45 Dirksen Senate Office Building  
Washington, DC 20510-6225

Dear Chairman Menendez:

Iraq and Afghanistan Veterans of America (IAVA) strongly supports the Convention on the Rights of Persons with Disabilities (CRPD), and encourages the Senate Committee on Foreign Relations to present a resolution to support ratification of the CRPD to the entirety of the Senate.

The protections and accessibility standards provided by the Americans with Disabilities Act have allowed disabled persons, including veterans and service members, opportunities for active and mobile lives within the United States. These same protections and accessibility standards are not always upheld internationally, which potentially limits options to live, work, study, and travel abroad for many in the disabled community. The CRPD addresses these international inconsistencies and aims to establish equality and accessibility for the world's 1 billion disabled persons, including the 5.5 million disabled American veterans.

While the US has been committed to supporting the disabled community domestically, limiting support for disabled persons to the confines of the United States is no longer sufficient in today's globalized world. Ratifying the CRPD would extend this support internationally, thus giving disabled persons equal opportunities to live global lives.

IAVA believes that veterans and service members deserve the best opportunities for a full and active life, regardless of disability. We are proud to offer our assistance and thank you for considering this meaningful convention. If we can be of help, please contact Lauren Augustine, IAVA's Legislative Associate, at (202) 544-7692 or [lauren@iava.org](mailto:lauren@iava.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Rieckhoff', is written over a light blue horizontal line.

Paul Rieckhoff  
Founder and Executive Director  
Iraq and Afghanistan Veterans of America (IAVA)



National Service & Legislative Headquarters  
807 Maine Avenue, S.W.  
Washington, D.C. 20024-2410  
Phone (202) 554-3501  
Fax (202) 554-3581  
www.dav.org

September 6, 2013

The Honorable Robert Menendez, Chairman  
Senate Committee on Foreign Relations  
444 Dirksen Senate Office Building  
Washington, D.C. 20510-6225

Dear Chairman Menendez:

On behalf of DAV (Disabled American Veterans), an organization of 1.2 million wartime wounded, injured, and ill veterans, I am writing with respect to the Disabilities Treaty, the "Convention on the Rights of Persons with Disability," currently under consideration by the United States Senate.

The treaty, if ratified, would mean there would be greater access and opportunity for Americans with disabilities, including disabled American veterans, to participate in international travel and in the global economy. Under the treaty, America would be better able to encourage other nations to adopt our higher standard for disability rights, the Americans with Disabilities Act.

While DAV supports the intent of the treaty to level the playing field for all individuals with disabilities, specifically disabled American veterans, DAV takes no formal position on the treaty itself, because our membership has not approved a resolution specific to the all-inclusive nature of this treaty, which goes well beyond our mission.

Sincerely,

GARRY J. AUGUSTINE  
Executive Director  
Washington Headquarters

GJA:imb



## BLINDED VETERANS ASSOCIATION

477 H STREET NORTHWEST • WASHINGTON DC 20001-2694 • (202) 371-8880

September 5, 2013

The Honorable Robert Menendez  
 Chairman, Senate Committee on Foreign Relations  
 Senate Hart 528 Building  
 Washington, D.C. 20510

Dear Chairman Menendez:

On behalf of the Blinded Veterans Association (BVA), the only congressionally chartered veterans' service organization exclusively dedicated to serving the needs of our nation's blinded veterans and their families for over 68 years, BVA would like to express strong support of your leadership in support to urge the Senate Foreign Relations Committee to hold a hearing soon and favorably report the Convention on the Rights of Persons with Disabilities (CRPD) as soon as possible.

The CRPD is important to all our disabled veterans and wounded warriors with disabilities because it embodies the principles of the Americans with Disabilities Act (ADA). Like the ADA, the CRPD supports equal treatment and non-discrimination in access to rehabilitation, employment, and educational opportunities when our veterans travel to other countries. We have strongly supported the principles of the ADA and the CRPD Treaty because it promotes empowerment of our nation's disabled veterans and those in general population with disabilities by providing the opportunity to achieve independent living and inclusion into all aspects of society here or while traveling abroad.

Blinded Veterans Association has represented veterans and servicemembers, and worked with the International War Blind Association on advocacy for improving access for all disabled and we believe that the CRPD would remove barriers and allow American veterans with disabilities to work, serve, study, participate in disabled sports events, and live abroad. In part, barriers will be diminished due to changing attitudes around the world regarding people with disabilities. As a result of the changes occurring through the CRPD, veterans with disabilities will be able to continue leading active lives within the global community and for three years a group of war blinded OIF/OEF veterans visited our sister organization in England the Blind Veterans United Kingdom (UK) and they support improvements in disability access similar to BVA's advocacy.

The United States must ratify the CRPD to reinforce our leadership in the promotion of opportunities for people with disabilities in the world community. Our nation established its leadership on disability rights through the passage of the ADA. In order to continue that leadership, the United States must once again act to promote the rights of people with disabilities.

We appreciate your leadership on this issue and urge swift ratification of the CRPD to ensure global disability rights. BVA appreciates your leadership on the Senate Foreign Relations Committee in scheduling a hearing soon and will fully support your efforts with respect to this issue.

Sincerely,

Thomas Zampieri Ph.D.

CHARTERED BY THE CONGRESS OF THE UNITED STATES



1 October 2013

The Honorable Robert Menendez (NJ)  
 Chairman, Senate Committee on Foreign Relations  
 444 Dirksen Senate Office Building  
 Washington, DC 20510

The Honorable Bob Corker (TN)  
 Ranking Member, Senate Committee on Foreign Relations  
 446 Dirksen Senate Office Building  
 Washington, DC 20510

Dear Chairman Menendez and Ranking Member Corker,

On behalf of the Association of the United States Navy (AUSN), we are writing to express our support of the Convention on the Rights of Persons with Disabilities (CRPD). We urge the Senate Foreign Relations Committee to favorably report this treaty to the full Senate.

Disabled Veterans in the United States are confronted with a number of challenges when reintegrating into civilian life. The Americans with Disabilities Act (ADA) affords everyone in the United States with disabilities access to rehabilitation, employment, and education. The CRPD is based on American leadership in passing the ADA, and supporting the CRPD presents an opportunity for the United States to continue to be a world leader in the rights of people with disabilities.

Of the 57.8 million people in the United States with disabilities, 5.5 million are Veterans. The ratification of the CRPD would afford our Veterans and other disabled Americans and their families the same protections and opportunities that they have here in the U.S. while traveling, studying, and working abroad. Veterans in particular must take advantage of the evolving global market and competition for jobs, but without access like that provided by the ADA, our Veterans would be shut out of these opportunities. The CRPD would ensure that Veterans traveling or working abroad would have the same access that they enjoy in the United States, and increase the skills and expertise that Veterans have to offer in the global marketplace.

We at AUSN urge the Committee to work towards bipartisan support for this important treaty. The CRPD presents an opportunity to protect our disabled citizens and Veterans while setting a positive example throughout the world. If you have any questions, please contact our Legislative Director, Mr. Anthony A. Wallis, at [anthony.wallis@ausn.org](mailto:anthony.wallis@ausn.org) or at 703-548-5800.

Sincerely,

A handwritten signature in black ink, appearing to read "John Toteshek".

VADM John Toteshek, U.S. Navy (Ret)  
 Executive Director, AUSN

cc: Members of the Senate Foreign Relations Committee

Special Olympics



October 28, 2013

The Honorable Robert Menendez, Chairman  
Committee on Foreign Relations  
United States Senate  
Washington, DC 20510

Dear Senator Menendez:

I write to you in support of the *Convention on the Rights of Persons with Disabilities (CRPD)*, adopted by the United Nations General Assembly on December 13, 2006, signed by the United States of America on June 30, 2009, and transmitted to the Senate for ratification on May 17, 2012. The Convention establishes international standards regarding the rights and freedoms of people with disabilities and creates a common basis for greater civic and political participation and self-sufficiency. The Convention reflects core American values and core Special Olympics values regarding the dignity of the individual, equal and fair access to justice, access to health care, and the chance to participate fully in the life of the community and the country.

On December 4, 2012, the CRPD did not pass the Senate. Some of the opposition was attributed to a number of Senators (36) not wishing to ratify a Treaty during a lame duck session and to some wishing to hold additional Hearings on the Treaty.

The CRPD seeks the same goals the United States had in enacting the Americans with Disabilities Act (ADA) twenty-two years ago: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration in all aspects of society. Our nation's leadership in enacting the ADA served as a beacon of hope to people around the world and offered a strategy that other nations could emulate. By signing the CRPD, the United States reaffirmed its leadership position in establishing and protecting the rights and dignity of individuals with disabilities. By providing positive advice and consent for ratification, the Senate will underscore and ensure our global leadership in disability rights, and more importantly, improve the lives of hundreds of millions of people with disabilities worldwide and enable them to make important contributions to society.

The United States has an essential role to play in contributing to the realization of global human rights and we are uniquely fortunate and well positioned, based on our leadership and example on disability rights to ratify this Convention.

Sincerely,

Timothy P. Shriver, Ph.D.  
Chairman & CEO

Special Olympics

1333 19th Street NW, Washington, DC 20036-3604, USA Tel: +1 202 628 3630 Fax: +1 202 824 0200

[www.specialolympics.org](http://www.specialolympics.org) Email: [info@specialolympics.org](mailto:info@specialolympics.org) Twitter: [SpecialOlympics](https://twitter.com/SpecialOlympics)

Created by the Joseph P. Kennedy Jr. Foundation for the benefit of persons with intellectual disabilities



US Business Leadership Network® (USBLN®)  
1310 Braddock Place, Suite 101  
Alexandria, VA 22314  
Phone: (800) 706-2710  
Fax: (800) 706-1335  
[info@usbln.org](mailto:info@usbln.org)  
[www.usbln.org](http://www.usbln.org)

November 20, 2013

The Honorable Robert Menendez  
528 Senate Hart Office Building  
Washington, D.C. 20510

The Honorable Bob Corker  
425 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Senators:

On behalf of the undersigned businesses, we want to express our support for the U.S. ratification of the Convention on the Rights of Persons with Disabilities (CRPD), subject to the Reservations, Understandings and Declaration (RUDs) submitted by the Administration. U.S. participation with the CRPD would help to promote U.S. business leadership in international markets, advance equal access and opportunity, and encourage greater global community inclusion for people with disabilities.

Ratification of the CRPD, subject to the RUDs, would require no change in U.S. laws. However, US leadership in ratifying this treaty would potentially encourage other countries with less comprehensive systems of disability laws to ratify the treaty, which in turn would help create important changes for U.S. business. If adopted in other countries, the CRPD would help to: increase opportunities in international markets and exports for U.S. companies, promote U.S. disability standards internationally, and support U.S. public and private research and U.S. academic leadership in global accessibility innovations.

U.S. ratification of the CRPD can help support these advancements throughout the world. We thank you for your support for U.S. business and your consideration of this important treaty.

Sincerely,

Mary Dale Walters, Senior Vice President, Consumer Sales and Marketing, Allsup

Keith P. Wiedenkeller, Senior Vice President and Chief People Officer, AMC Entertainment Inc.

Tim McKone, Executive Vice President-Federal Relations, AT&T

Nancy J. Di Dia, Executive Director, Chief Diversity Officer, Boehringer Ingelheim USA

Aida Sabo, Vice President of Diversity & Inclusion, Cardinal Health

Steve Bucherati, Chief Diversity Officer, The Coca-Cola Company

Preety Kumar, CEO, Deque Systems, Inc.

Stephen Feinberg, Chairman of the Board, Dorsar Investment Co.

Michael Small, President & CEO, Gogo

Ray Carson, Executive Vice President & Chief Human Resources Officer & Maureen Cahill, Vice President Total Rewards and Executive Sponsor, Abilities Business Resource Group, Highmark

Frances W. West, Worldwide Director, IBM Human Ability & Accessibility Center, IBM

Patricia David, Head of Diversity, JPMorgan Chase & Co.

Jorge Perez, Senior Vice President, ManpowerGroup North America

Dottie Brienza, Chief Diversity Officer and Executive Talent Development Leader, Merck & Co., Inc.

Lisa Brummel, Executive Vice President of Human Resources, Microsoft Corporation

Sandra Evers-Manly, Vice President, Global Corporate Responsibility, Northrop Grumman Corporation

Carolynn Brooks, Vice President, Chief Diversity Officer, President, OfficeMax Charitable Foundation

Chris Moranda, LSW, CDMS, Manager, Disability Services, Associate Health and Wellness, OhioHealth

Madonna Long, Consumer Advocate, Pride Mobility Products

Rohini Anand, Senior Vice President and Global Chief Diversity Officer, Sodexo

Bill Barloon, Vice President State and Federal Legislative Affairs, Sprint

Cecily Joseph, Chief Diversity Officer and Vice President Corporate Responsibility, Symantec Corporation

Gail MacKinnon, Executive Vice President and Chief Government Relations Officer, Time Warner Cable

Frank McCloskey, Retired Vice President Diversity Georgia Power

Marge Plasmier, Director of Business and Government Accounts, ABILITY Jobs

Roy Lanza, CEO, A3 Accounting Associates

Joyce Bender, CEO/President, Bender Consulting Services, Inc.

Patricia Graves, President, Caption First, Inc.

Joanna Barsh, President, The Centered Leadership Project, LLC

Mike Chamblee, Owner, Chamblee Fences

Howard Ross, Founder and Chief Learning Officer, Cook Ross Inc.

Elizabeth Birch, President, Elizabeth Birch Company/Global Out

Margaret A. Regan, President & CEO, The Future Work Institute, Inc.

Jane Hyun, Founder & President, Hyun & Associates Leadership Consultants

Willie Davis, President, Matrix Systems and Technologies

Linda Plummer, Owner, Plummer & Associates

Donna Lisa Hunte-Dobbs, CEO, Projects and Intellectual Properties (d/b/a)

Toni L Riccardi, CEO, RED Consulting

Debra Ruh, Owner, Ruh Global LLC

Debbie Phillips, President, WFD Consulting Inc.

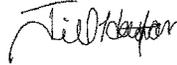
Dale Ross, Owner, Wild Watercolors

Bob Witeck, President, Witeck Communications, Inc.

Sincerely,



Keith P. Wiedenkiller  
USBLN® Board Chair



Jill B. Houghton  
USBLN® Executive Director

CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

THOMAS J. DONOHUE  
PRESIDENT AND  
CHIEF EXECUTIVE OFFICER

1615 H STREET, N.W.  
WASHINGTON, D.C. 20062-2000

November 19, 2013

The Honorable Robert Menendez  
Chairman  
Committee on Foreign Relations  
United States Senate  
Washington, DC 20510

The Honorable Bob Corker  
Ranking Member  
Committee on Foreign Relations  
United States Senate  
Washington, DC 20510

Dear Chairman Menendez and Ranking Member Corker:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector and region, supports the United Nations Convention on the Rights of Persons with Disabilities and urges the Senate to offer its advice and consent to ratification of the treaty, subject to the Reservations, Understandings and Declarations (RUDs) submitted by the administration.

The United States is the world leader in developing effective policy to ensure that individuals with disabilities have equal opportunity in the workplace and in society as a whole. The Chamber is proud of the role that it has played in helping to formulate this policy by engaging in cooperative efforts with the disability community. Consistent with these efforts, the Chamber believes that ratification of the Convention will not just lead to greater access and opportunity for individuals with disabilities throughout the world, but will also be beneficial to business.

Indeed, the ratification of the Convention will, among other things, increase international markets for U.S. assistive technology companies, advance equal access opportunities for employees of U.S. companies operating abroad and ease

Chairman Menendez & Ranking Member Corker  
November 19, 2013  
Page Two

international business and leisure travel for individuals with disabilities. Importantly, ratification of the Convention does not require the enactment of any new federal or local laws or regulations, and will not impose any new requirements on American businesses.

For these reasons, the Chamber supports the ratification of the Convention, subject to the RUDs, as a means to promote global acceptance of the rights of individuals with disabilities.

Sincerely,



Thomas J. Donohue

# SEABOARD CORPORATION

October 21, 2013

The Honorable Harry Reid  
Majority Leader  
United State Senate  
S-221 The Capitol  
Washington, DC 20515

The Honorable Mitch McConnell  
Minority Leader  
United State Senate  
S-230 The Capitol  
Washington, DC 20515

Dear Senators:

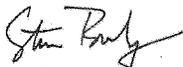
We want to express our support for the U.S. ratification of the Convention on the Rights of Persons with Disabilities (CRPD). U.S. participation with the CRPD is necessary to promote global commerce and U.S. business leadership in international markets, advance equal access and opportunity, and ensure greater global community inclusion for people with disabilities.

Ratification of the CRPD comes with no cost and will require no change in U.S. laws. However, ratifying this treaty will create important changes for U.S. business. The CRPD will promote new markets and global commerce by increasing international markets and export opportunities for U.S. companies, promoting U.S. standards internationally, and supporting U.S. public and private research and U.S. academic leadership in global accessibility innovations.

The CRPD will provide U.S. companies operating abroad with competitive advantages in advancing equal access and opportunities for local employees. These opportunities include promoting good practices overseas and adoption of laws similar to the Americans with Disabilities Act. Ratification will also provide the opportunity to promote international accessibility standards and guidelines in the workplace.

We believe that now is the time for the U.S. to contribute to global community inclusion by promoting access to international travel, advancing international community living, and leading the elimination of myths, stereotypes and fears about the inclusion of people with disabilities in society. With the U.S. at the helm, the CRPD can and will achieve these outstanding advancements throughout the world. We thank you for your support for U.S. business and your consideration of this important treaty.

Sincerely,



Steve Bresky  
President & CEO  
Seaboard Corporation



Ralph L. Moss  
SVP, Government Affairs  
Seaboard Corporation



October 30, 2013

Senator Robert Menendez  
 Chair, Senate Committee on Foreign Relations  
 528 Senate Hart Office Building  
 Washington, DC 20510

Dear Senator Menendez:

RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America, strongly supports Senate ratification of the Convention on the Rights of Persons with Disabilities (CRPD). We appreciate the Senate Committee on Foreign Relations' decision to hold hearings on the CRPD on November 5<sup>th</sup> and 12<sup>th</sup>, and we hope that the Senate will vote to ratify this landmark Convention during the current session of Congress.

In over two decades since the passage of the Americans with Disabilities Act (ADA), much progress has been made in advancing access and inclusion for people with disabilities. Although significant work remains to be done, the United States has set an example for other nations to follow. By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA and other landmark legislation. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making, and access to appropriate healthcare.

As a North American organization, most of our members are from the United States and Canada. However, many of our members are involved with international activities that assist people with disabilities in accessing and using the technology that enables them to participate in their local communities. For example, RESNA members are involved with the development of international standards which ensure the safety and efficacy of technology for people with disabilities; practical wheelchair development projects in places like Central America, Thailand, and the nation of Georgia; appropriate technology for landmine survivors; and many other significant activities.

Ratification of the Convention also presents an opportunity for American-based manufacturers to open new markets, as well as create collaborations for capacity building in other countries. The Convention serves to promote research on affordable assistive technology and personal mobility, as well as habilitation, rehabilitation, and full societal inclusion via well-qualified and trained personnel. For example, the International Seating Symposium (ISS) recently hosted in the United States brought

*Promoting technology solutions for people with disabilities*

1700 N. Moore Street • Suite 1540 • Arlington, VA 22209-1903 • t: 703-524-6686 f: 703-524-6630



(2)

representation from 31 countries. Conference organizers have also launched similar symposia in Europe, South America, and India, in which many American manufacturers have been present as exhibitors due to the growing demand for higher quality devices in these emerging markets.

Failure to ratify the Convention may have negative consequences for the United States, which currently leads the way in setting standards for assistive technologies. Should the Senate fail to act, American leadership in policymaking will be marginalized just as Europe and Asia are beginning to begin to fill the vacuum in this area, including the ability to sell AT products abroad in a highly globalized world.

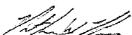
We were deeply disappointed that the Senate failed to pass the resolution in favor of the Convention last year by just a handful of votes. We hope that you and your colleagues will reject false arguments against the Convention and work to gain ratification this year. Many of the Senators who voted against ratification understand and support the use of appropriate technology by American citizens with disabilities, but perhaps they did not see the connection to daily functioning for people with disabilities around the world. We especially urge these Senators, all of whom have people with disabilities among their constituents, to reconsider their vote. In affirming the Convention, the Senate has an opportunity to reaffirm American leadership on human rights.

Thank you for your reconsideration of the Convention on the Rights of Persons with Disabilities. We urge the Foreign Relations Committee and the full Senate to vote in favor of it.

Respectfully submitted,



Alex Mihailidis, Ph.D. P.Eng.  
RESNA President



Nathan W. Moon, Ph.D.  
Chair, RESNA Government Affairs Committee



November 5, 2013

Honorable Robert Menendez, Committee Chair  
 Honorable Bob Corker, Ranking Member  
 Foreign Relations Committee, United States Senate  
 444 Dirksen Senate Office Building  
 Washington, DC 20520

Dear Senators:

I am writing in support of the ratification of the Convention on the Rights of Persons with Disabilities (CRPD). The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members, as it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA and Individuals with Disabilities Education Act (IDEA). The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

Through these mechanisms, the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

The NASCAR Community is committed to U.S. leadership on behalf of the 1 billion people with disabilities worldwide. We believe swift U.S. ratification of the CRPD in a bipartisan fashion is in this country's best interest and we ask you for your support and leadership on this issue.

Best regards,

A handwritten signature in black ink, appearing to read "Brian France". The signature is fluid and cursive, with a large initial "B" and "F".

Brian France  
 Chairman and CEO

ONE DAYTONA BOULEVARD • DAYTONA BEACH, FLORIDA 32114 • (386) 310-5000  
[www.nascar.com](http://www.nascar.com)



Adobe Systems Incorporated  
345 Park Avenue  
San Jose, CA 95110-2704

November 8, 2013

The Honorable Robert Menendez  
Chairman  
Committee on Foreign Relations  
United States Senate  
Washington, DC 20510

The Honorable Bob Corker  
Ranking Member  
Committee on Foreign Relations  
United States Senate  
Washington, DC 20510

Dear Chairman Menendez and Ranking Member Corker:

I am writing to express Adobe's support for ratification of the United Nations Convention on the Rights of Persons with Disabilities, Treaty Doc. 112-7. Users with disabilities in this country enjoy a high level of protection under domestic laws, and ratifying this treaty will help encourage greater cooperation globally and extend the influence of the United States in this area.

Adobe builds products to support a global audience -- content from websites and documents, smartphone applications, video content and more are built using Adobe tools and technologies. As countries around the world recognize that providing accessible content and technology is critical for an inclusive and self-sufficient populace, Adobe and other technology providers are positioned to help content-providers efficiently address accessibility requirements. Accomplishing this goal at a global scale is possible only when accessibility standards are harmonized, and ratification of this treaty by the United States will underscore that accessibility is an area in which international coordination is essential.

We believe that ratification will lead to greater opportunities for people with disabilities globally, and avoids unnecessary complexity resulting from adoption of non-harmonized technology standards for accessibility in different countries. For these reasons Adobe urges the Senate to offer its advice and consent to ratification of Treaty 112-7.

Sincerely,

A handwritten signature in cursive script that reads 'Andrew Kirkpatrick'.

Andrew Kirkpatrick  
Group Product Manager, Accessibility



701 4<sup>th</sup> Street NW  
 Suite 200  
 Washington, DC 20004  
 Phone 202-434-0728  
 Fax 202-585-0128  
 www.walmart.com

## Federal Government Relations

E. Ivan Zabien, Esq., Vice President

December 18, 2013

The Honorable Robert Menendez  
 Committee on Foreign Relations  
 444 Dirksen Senate Office Building  
 Washington, DC 20510-6225

Dear Chairman Menendez:

Walmart would like to express its support for the United Nations Convention on the Rights for People with Disabilities. Ratification of this treaty would underscore the role of the United States as a global leader for the roughly 1 billion people in the world with disabilities—including approximately 58 million Americans.

As one of the country's largest private employers, Walmart places a diverse and multicultural workforce—at all levels—among its top priorities. Our commitment to diversity is not just something we talk about, it's who we are. We believe that we can better serve our customers and provide a positive work environment for our more than 1.4 million U.S. associates by cultivating respect for their diverse lives and background through various company initiatives. As part of this commitment, Walmart has made tremendous strides to support the disability community and the organizations and issues of importance to individuals with disabilities, their families, and community members.

We encourage the United States Senate to ratify this treaty and hope the international community will place the highest of priorities on the protection of people with disabilities everywhere.

Sincerely,

E. Ivan Zabien, Esq.  
 Vice President  
 Walmart

cc: The Honorable Bob Corker, Ranking Member

## CHUBB &amp; SON

December 9, 2013

Chairman Robert Menendez  
United State Senate  
Committee on Foreign Relations  
528 Senate Hart Office Building  
Washington, D.C. 20510

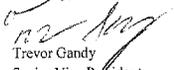
Dear Chairman Menendez,

On behalf of our Chairman, John D. Finnegan, and The Chubb Corporation, I am honored to express our support for the United Nations Convention on the Rights of Persons with Disabilities. This treaty will help those with disabilities to have greater access and opportunity in the workplace and throughout society, just as we currently have in the United States.

As a global company with business in 120 countries, creating and maintaining inclusive work environments around the world is a key component of our business operations. Accordingly, we ask the Senate to offer its advice and consent to the Convention in an expeditious manner, including the understandings and declarations provided for by the Administration and reflected in the Senate Resolution. We encourage the international community to institute this treaty as it allows for a level of employment opportunity that all individuals should have without regard to physical ability or other perceived differences.

For these reasons, we are pleased to support the Convention. Thank you for your leadership on this issue.

Sincerely,



Trevor Gandy  
Senior Vice President  
Chief Diversity Officer

cc: Mr. David Gins, Senate Foreign Relations Committee

MARK G. PARKER  
PRESIDENT  
CHIEF EXECUTIVE OFFICER

December 3, 2013

The Honorable Robert Menendez  
Chairman, Senate Foreign Affairs Committee  
United States Senate  
528 Senate Hart Office Building  
Washington, D.C. 20510

Dear Chairman Menendez:

NIKE, Inc. is in full support of the ratification of the Convention on the Rights of Disabled People and hopes that the Senate will ratify the treaty as soon as possible.

Human potential resides in all of us and requires commitment, determination and innovation to be fully realized. As the collective global consciousness continues to grow in the world of business, sport, politics and economics, it is imperative that the global playing field continue to grow as well.

We encourage the international community to institute the same high standards for the protection of the rights of the disabled that were adopted here in the United States.

Kind Regards,



Mark G. Parker



Consumer Electronics Association  
1419 South Park Street  
Arlington, VA  
22202-4352  
(843) 986-1355 Fax  
(703) 949-8553 TDD  
(703) 947-6097 Toll Free  
www.cea.org

October 9, 2013

The Honorable Robert Menendez  
Chairman  
Committee on Foreign Relations  
United States Senate  
Washington, D.C. 20510

The Honorable Bob Corker  
Ranking Member  
Committee on Foreign Relations  
United States Senate  
Washington, D.C. 20510

Dear Chairman Menendez and Ranking Member Corker:

On behalf of the Consumer Electronics Association (CEA) and its more than 2,000 member companies, I write to express support for the United Nations Convention on the Rights of Persons with Disabilities (CRPD). CEA is the principal U.S. trade association of the consumer electronics and information technologies industries. CEA's members cumulatively generate more than \$203 billion in annual factory sales and employ tens of thousands of people in the United States. CEA is committed to enhancing the lives of persons with disabilities. In fact, the CEA Foundation's mission is to link seniors and people with disabilities to technologies to enhance their lives.

CEA was deeply involved in the legislative efforts that led to passage of the groundbreaking Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA) and continues to engage extensively in FCC regulatory and standards activities relating to accessibility. CEA is currently working with the Federal Communications Commission (FCC) to implement the CVAA so that all consumers, with and without disabilities, have products and services that meet their needs.

Given the U.S. commitment to disability rights through the ADA, the CVAA and other laws, I am disappointed that ratification of the CRPD failed the U.S. Senate by five votes in December 2012. Fortunately, we have another chance to correct this error and I urge U.S. ratification of the CRPD. Ratification will not alter any existing U.S. laws or require mandates, but it will make certain that the protections guaranteed through the ADA are embraced around the world. You can be assured that CEA remains committed to supporting efforts that spur innovative and industry-driven products and services for those with accessibility needs. U.S. ratification of the CRPD would encourage greater demand for U.S.





Consumer Electronics Association

1919 L Street, N.W.  
Washington, DC  
20036-2000  
(800) 855-2100 / (202) 462-1000  
www.cea.com

The Honorable Robert Menendez  
The Honorable Bob Corker  
October 9, 2013  
Page Two

companies' skills and services as fellow nations begin to adhere to the new international standards.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Gary Shapiro', written over a horizontal line.

Gary Shapiro  
President and CEO



*The Coca-Cola Company*

WASHINGTON, D.C.

MATT ECHOLS  
VICE PRESIDENT  
CORPORATE GOVERNMENT RELATIONS

800 CONNECTICUT AVENUE, N.W.  
SUITE 711  
WASHINGTON, D.C. 20008

TEL 202 - 973 - 2683  
FAX 202 - 466 - 2862

November 5, 2013

The Honorable Robert Menendez  
United State Senate  
528 Senate Hart Office Building  
Washington, D.C. 20510

Dear Senator Menendez,

The Coca-Cola Company supports the United Nations Convention on the Rights of Persons with Disabilities and hopes that the Senate will offer its advice and consent to ratification of the treaty. This treaty would help those with disabilities, veterans included, to have the same access to work in other countries as they currently have in the United States.

The United States and our business community should continue to be the world leader in protecting the rights of those with disabilities so that there are equal opportunities to work and live with dignity in societies around the world. As an international company with business in 207 countries, promoting and protecting human and workplace rights all over the world is inseparable from our daily operations. We encourage the international community to institute the high standards for the protection of the rights of the disabled that have been adopted in the United States.

Kind regards,



Matt Echols  
Vice President, Corporate Government Affairs and Diplomatic Relations  
The Coca-Cola Company



Susan M. Eid  
Executive Vice President  
Government and Regulatory Affairs

November 7, 2013

The Honorable Robert Menendez  
Chairman  
Committee on Foreign Relations  
United States Senate  
Washington, D.C. 20510

The Honorable Bob Corker  
Ranking Member  
Committee on Foreign Relations  
United States Senate  
Washington, D.C. 20510

Dear Chairman Menendez and Ranking Member Corker:

DIRECTV supports the United Nations Convention on the Rights of Persons with Disabilities and encourages the Senate to ratify this treaty. Through laws like the Americans with Disabilities Act (ADA) the United States is a leader in protecting the rights of persons with disabilities. The convention ensures that the protections guaranteed through the ADA are embraced across borders.

The United States should continue being the world leader in protecting the rights of persons with disabilities. As an international company doing business in over 30 countries and territories, DIRECTV proudly fosters diversity and inclusiveness throughout the Americas.

Thank you for considering DIRECTV's view of the United Nations Convention on the Rights of Persons with Disabilities.

Sincerely,

A handwritten signature in black ink, appearing to read 'Susan Eid', written over a light blue horizontal line.

Susan Eid



300 New Jersey Avenue, NW  
 Suite 800  
 Washington, DC 20036

Telephone 202 672 1260  
 Facsimile 202 468 3509  
 Website brt.org

June 19, 2014

The Honorable Harry Reid  
 Majority Leader  
 United States Senate  
 Washington, DC 20510

The Honorable Mitch McConnell  
 Minority Leader  
 United States Senate  
 Washington, DC 20510

Dear Leaders:

Business Roundtable, an association of chief executive officers of leading U.S. companies with \$7.4 trillion in annual revenues and more than 16 million employees, supports the United Nations Convention on the Rights of Persons with Disabilities ("Convention") and urges the United States Senate to offer its advice and consent to ratification of the treaty, subject to the Reservations, Understandings and Declarations (RUDs) submitted by the Administration.

Modeled after the Americans with Disabilities Act and other U.S. disability rights laws, the Convention on Rights of Persons with Disabilities seeks "to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities."

Ratification of the treaty will send a signal that the United States is committed to its role as the world leader in promoting and ensuring individuals with disabilities have equal opportunity in the workplace and in society overall. This commitment means we stand behind the principles of the Convention and will work with nations to advance its goals. As a result, the Convention will help individuals worldwide and create opportunities for American businesses to play a leadership role in exporting their knowledge and expertise as countries develop disability laws and standards.

Business Roundtable supports ratification of the Convention and urges the United States Senate to act without delay. Thank you for your consideration.

Sincerely,

John Engler  
 JE/mg

C: United States Senate

Randall Stephenson  
 AT&T Inc.  
 Chairman

Ursula M. Burns  
 Xerox Corporation  
 Vice Chair

David M. Cote  
 Honeywell  
 Vice Chair

Andrew N. Liskov  
 The Dow Chemical Company  
 Vice Chair

John Engler  
 President

Yita Frensdottir  
 Senior Vice President

Marion Hopkins  
 Senior Vice President

William C. Miller, Jr.  
 Senior Vice President

LeAnne Redick Wilson  
 Senior Vice President

The logo for Biogen Idec, consisting of the words "biogen ideo" in a lowercase, sans-serif font, enclosed within a rectangular border.

June 11, 2014

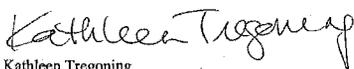
The Honorable Robert Menendez  
United States Senate  
528 Senate Hart Office Building  
Washington, D.C. 20510

Dear Senator Menendez,

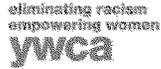
Biogen Idec, the world's oldest independent biotechnology company, supports the United Nations Convention on the Rights of Persons with Disabilities and hopes that the Senate will offer its advice and consent to ratification of the treaty. This treaty affirms the equality of all people by helping those with disabilities, including veterans, to have the same access to employment, health care, education, and transportation in other countries as they currently have in the United States.

By ratifying the treaty, the United States and our business community will continue to be the leader in setting the standards for ensuring the human rights of individuals with disabilities. As an international biotechnology company that delivers innovative therapies to patients in 90 countries around the world, promoting and protecting human and workplace rights is inseparable from our business operations. We encourage the international community to protect the rights of the disabled and provide equal opportunity to all individuals by instituting the high standards that have been set in the United States.

Best regards,

A handwritten signature in black ink that reads "Kathleen Tregoning".

Kathleen Tregoning  
Vice President  
Public Policy & Government Affairs  
Biogen Idec



December 16, 2013

Dear Senator,

On behalf of the YWCA USA, we urge you to support the ratification of the Convention on the Rights of Persons with Disabilities (CRPD) and to vote yes on the CRPD once it reaches the full Committee for a vote.

The YWCA USA is a part of a global network of the World YWCA reaching more than 25 million women and girls, leading social and economic change in over 120 countries worldwide. Domestically, the YWCA serves more than 2 million women and girls across the country through a range of services and programs dedicated to eliminating racism and empowering women. Local associations provide tailored services to women and girls with disabilities such as transitional and permanent housing, job training, and domestic violence and sexual assault programs.

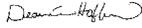
Currently, at least 10% of the world's female population lives with a disability. Women with disabilities comprise three quarters of all disabled people in low and middle-income countries. Women are at increased risk of becoming disabled during their lifetimes due to neglect and lack of access to health care, poor workforce conditions, and/or gender based violence. Because of these factors, women and children with disabilities are often more susceptible to human and sexual trafficking, HIV/AIDS, high mortality rates, low literacy rates, and poor education outcomes. The United States has long recognized this and in 2000 joined 189 other countries in supporting the eight UN Millennium Development Goals (MDG's)-which range in halving extreme poverty rates to halting the spread of HIV/AIDS and providing universal primary education, all by the target date of 2015. Promoting gender equality and empowerment of women is essential to the achievement of the internationally agreed development goals, and specifically, the inclusion of women and children with disabilities will be a critical component in achieving these goals.

While the United States has strong laws protecting the advancement and equality of individuals with disabilities such as the Americans with Disabilities Act (ADA), by showing support for the CRPD, it sends a strong signal to international businesses, NGOs, and other nations that we are committed to equality and inclusion. Further, by ratifying the CRPD, it is valuable step in helping reach the UN Millennium Development Goals.

for every woman

We believe that the ratification of the Convention on the Rights of Persons with Disabilities (CRPD) is an important step toward eliminating discriminatory practices against women and girls with disabilities and paving the way for them to lead independent, fulfilling and productive lives and strongly urge your support.

Sincerely,



Desiree Hoffman  
Director of Advocacy and Policy, YWCA USA



October 31<sup>st</sup> 2013

The Honorable Robert Menendez  
Chairman  
U.S. Senate Committee on Foreign Relations  
444 Dirksen Senate Office Building  
Washington, DC 20510-6225

The Honorable Bob Corker  
Chairman Ranking Member  
U.S. Senate Committee on Foreign Relations  
444 Dirksen Senate Office Building  
Washington, DC 20510-6225

Dear Chairman Menendez and Ranking Member Corker,

My name is Jean Lin; I am the Outreach Coordinator for Asians & Pacific Islanders with Disabilities of CA (APIDC). APIDC's mission is to give a "voice and a face" to Asian American and Pacific Islanders (AAPIs) with mental and physical disabilities. Our goal is to bridge the service and cultural barriers that Asian Americans and Pacific Islanders (AAPIs) with disabilities and their families may face. Our purpose is to act as the technical assistance network to interconnect disabilities organizations with AAPI communities, AAPI individuals with disabilities and their families as well as bringing strength and unity as we join together through shared cultural experience among the Asian American and Pacific Islander communities.

Asians & Pacific Islanders with Disabilities of CA is writing in support of ratification of the Convention on the Rights of Persons with Disabilities (CRPD). The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society.

The CRPD is important to all people with disabilities, including our veterans and service members with disabilities of our AAPI communities, as it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities. By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, etc. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

Through these mechanisms, the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. Asian American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

APIDC is committed to US leadership on behalf of the 1 billion people with disabilities worldwide. We believe swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest and we ask you for your support and leadership on this important part of global human rights.

If you have additional questions, please contact me at [jean.apidc@gmail.com](mailto:jean.apidc@gmail.com). Or my mobile phone 510-304-3772

Sincerely,

Jean Lin  
APIDC Outreach Coordinator



December 19, 2013

Honorable Robert Menendez  
Chairman  
Committee on Foreign Relations  
United States Senate  
Washington, DC 20510

Honorable Bob Corker  
Ranking Member  
Committee on Foreign Relations  
United States Senate  
Washington, DC 20510

Dear Senators Menendez and Corker,

On behalf of the National Council for Languages and International Studies and its 86 member organizations, I write to urge that the United States Senate Committee on Foreign Relations ratify the Convention on the Rights of Persons with Disabilities. As the national trade council for the language enterprise, our membership includes organizations of teachers of American Sign Language as well as private sector companies, which provide American Sign Language interpreting services. The Convention calls for the recognition of signed Languages as equal in status to spoken languages. While the United States, under the Americans with Disabilities Act, has made tremendous strides in providing equal access for Deaf Americans, the Convention will spur other countries to consider the Deaf on a cultural, rather than medical, basis insofar as language is concerned. The National Council for Languages and International Studies fully supports this perspective, and the passage of the Convention.

Sincerely,

A handwritten signature in cursive script that reads "William P. Rivers".

William P. Rivers  
Executive Director

Joint National Committee for Languages · National Council for Languages and International Studies  
4646 40<sup>th</sup> Street, NW, Suite 310  
Washington, DC 20016  
202-966-8477  
[www.languagepolicy.org](http://www.languagepolicy.org)



- Lee Saunders**  
President
- Laura Rojas**  
Secretary/Treasurer
- Vice Presidents:**
- Ken Allen**  
Business Unit
- Henry L. Bayer**  
Georgia, IL
- Ken Deitz, RN**  
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- Dorcy Davidson**  
Illinois, NY
- David R. Filman**  
Harrisburg, PA
- Nicholas Fox**  
Harrisburg, PA
- Kathleen Garfalon**  
Columbus, OH
- Roger George Jr.**  
New York, NY
- Patricia Harrell**  
Milwaukee, WI
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Missouri, OH
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Baltimore, MD
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San Angeles, CA
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Harrisburg, PA
- Douglas P. Moore Jr.**  
San Diego, CA
- Frank Flanagan**  
Boston, MA
- Henry Nicholas**  
Washington, DC
- Randy Parsons**  
Portland, ME
- Greg Powell**  
Harris, TX
- Lillian Roberts**  
New York, NY
- Eddie Rodriguez**  
New York, NY
- Lawrence A. Roebig**  
Baltimore, MD
- Joseph P. Rogals**  
Columbus, OH
- Elise Seale**  
San Diego, CA
- Mary E. Sullivan**  
Chicago, IL
- Bruno Torres**  
San Juan, PR
- David Warwick**  
Harrisburg, PA
- Jeanette G. Wynn**  
Tulsa, OK

November 4, 2013

Committee on Foreign Relations  
United States Senate  
Washington, D.C. 20510

Dear Senator:

On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees (AFSCME), I write in support of ratification of the Convention on the Rights of Persons with Disabilities (CRPD). We urge ratification of this non-discrimination treaty which will help empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society.

Like the landmark civil rights law, the Americans with Disabilities Act, this Convention reflects core American values such as upholding the dignity of the individual, and providing access to appropriate healthcare and support services. Ratification provides our nation with an opportunity to help support the development of disability rights for the one billion individuals with disabilities around the world.

We urge the Committee to give prompt and favorable consideration to this Convention and the Senate to give its advice and consent to its ratification.

Sincerely,

Charles M. Loveless  
Director of Federal Government Affairs

CML:ib:mc



October 30, 2013

The Honorable Robert Menendez, Chair  
The Honorable Bob Corker, Ranking Member  
Foreign Relations Committee  
United States Senate  
446 Dirksen Senate Office Building  
Washington, DC 20520

**Re: Ratification of the Convention on the Rights of Persons with Disabilities (CRPD)**

Dear Senators Menendez and Corker:

Alliance is a nonprofit, statewide association of Community Centered Boards and Service Provider Organizations dedicated to strengthening community services and supports for people with developmental disabilities. Alliance urges Senate ratification of the CRPD, a non-discrimination treaty based on the same values our nation espouses in the Americans with Disabilities Act.

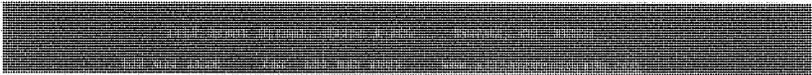
The CRPD establishes international standards regarding the rights and freedoms of people with disabilities and creates a common basis for greater civic and political participation, self-sufficiency, and independent living. The Convention is consistent with not only the ADA, but also with the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act of 1973, and numerous other U.S. laws. The reservations, understandings, and declarations offered by the Administration allow the United States to meet the obligations of the treaty while remaining consistent with existing U.S. domestic law.

The United States' ratification of the treaty will continue our country's distinguished tradition as a world leader for people with disabilities. Ratification will allow U.S. participation on the CRPD Conference of States Parties, create U.S. eligibility to serve on the Committee on the Rights of Persons with Disabilities, and allow the U.S. to provide input into the implementation of the treaty. Such participation will further our nation's vision for global human rights and assist the millions of people with disabilities from the U.S. such as military veterans, students, scientists, tourists and business leaders, and their families who live, work, and travel abroad.

Alliance urges the Senate to come together in bipartisan fashion, as it did in passing the ADA and the more recent Americans with Disabilities Act Amendments Act (ADAAA), to ratify the CRPD and ensure our global leadership in disability and human rights. As a leader in ensuring the human rights of individuals with disabilities, the U.S. must ratify the CRPD.

Sincerely,

Chris Collins  
Executive Director





Hon. Chair Robert Menendez  
Senate Foreign Relations Committee  
528 Senate Hart Office Building  
Washington, D.C. 20510

Hon. Ranking Member Bob Corker  
Senate Foreign Relations Committee  
425 Dirksen Senate Office Building  
Washington, D.C., 20510

November 4, 2013

Dear Senators Menendez and Corker,

For the upcoming occasion of the International Day of Persons with Disabilities, Amnesty International USA writes in strong support of U.S. ratification of the Convention on the Rights of Persons with Disabilities ("CRPD"). We are pleased that the Senate Foreign Relations Committee is holding hearings on CRPD and submit this letter of support for the hearing record.

The CRPD affirms and protects the rights of individuals with disabilities, guaranteeing equal treatment and non-discrimination. We urge the Senate to take a significant step towards fully applying human rights laws and standards to the United States by ratifying the treaty without delay and without amendments, and to commit to fully implementing the treaty.

AMNESTY INTERNATIONAL USA | 57 FENN PLAZA | NEW YORK, NY 10001-1810  
T 212.607.8400 | F 212.627.1451 | WWW.AMNESTYUSA.ORG

The CRPD would ensure equal protection for persons with disabilities, guaranteeing them the rights to accessibility, non-discrimination, and access to liberty and justice, among many other important human rights. One of the key guarantees in the treaty is "freedom from exploitation, violence and abuse," which members of the disabled community experience at a disproportionate rate.

In the United States in 2011, serious violence (defined as rape/sexual assault, robbery, and aggravated assault) accounted for about 43% of violence against persons with disabilities in the U.S.<sup>1</sup> The CRPD would provide a roadmap to end these and other abuses by requiring the U.S. to "promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity."

The CRPD was inspired by and embodies the human rights ideals that form the basis of the American Disabilities Act ("ADA") and other existing disability laws in the United States. These principles include non-discrimination, equality, inclusion in society, accessibility and respect for the inherent dignity of all persons, including persons with disabilities. By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as it has under the ADA and other domestic laws.

Human rights laws and standards apply equally in the United States as they do in every country around the world. The United States must demonstrate its commitment to ensuring that these standards are fully implemented within the United States even as it works to advance these rights globally.

Amnesty International USA is concerned that the U.S. has conditioned its previous treaty ratifications by attaching reservations, understandings, and declarations, or RUD's, to various treaty articles. The effect has been to limit the application of treaties by ensuring that they confer no greater protection than already exists under U.S. law. While the U.S. has many laws and mechanisms

<sup>1</sup> Harrell, Erika. "Crime Against Persons with Disabilities, 2009-2011 Statistical Tables." *U.S. Department of Justice*. U.S. Department of Justice, Dec. 2012. Web. < <http://bjs.gov/content/pub/pdf/capd0911st.pdf>>.

to protect human rights, there are areas where U.S. law or practice falls short of international treaty provisions.

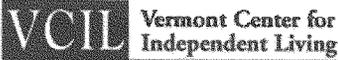
Amnesty International USA calls on the Senate to ratify the CRPD without any amendments and to demonstrate its commitment to ensuring that the human rights of every person in the United States are respected, protected and fulfilled.

Thank you again for addressing this critical human rights issue. We look forward to continuing to work with you and appreciate your leadership on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven W. Hawkins". The signature is fluid and cursive, with the first name "Steven" and last name "Hawkins" clearly legible.

Steven W. Hawkins  
Executive Director, Amnesty International USA



*Citizens with disabilities working together for dignity, independence, and civil rights*

October 30, 2013

Dear Senator:

The Vermont Center for Independent Living is writing to support ratification of the Convention on the Rights of Persons with Disabilities (CRPD).

The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities, as it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, etc. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

Through these mechanisms, the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

VCIL is committed to U.S. leadership on behalf of the 1 billion people with disabilities worldwide. We believe swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest and ask you for your support and leadership on this issue.

If you have additional questions, please contact me at [slaunderville@vcil.org](mailto:slaunderville@vcil.org) or 802-229-0501.

Sincerely,

Sarah Launderville  
Executive Director



11 East State Street, Montpelier, VT 05602  
802-229-0501, 800-639-1522 (voice & TTY)  
fax: 802-229-0503  
email: [info@vcil.org](mailto:info@vcil.org)  
website: [www.vcil.org](http://www.vcil.org)





**THE LEAGUE**  
 FOR PEOPLE WITH DISABILITIES, INC.  
1111 EAST COLD SPRING LANE • BALTIMORE, MD 21239 • PHONE 410.323.0500 • FAX 410.323.3298 • WWW.LEAGUEFORPEOPLE.ORG

ADULT MEDICAL DAY SERVICES • LEAGUE INDUSTRIES • VOCATIONAL SERVICES • AUTISM SERVICES  
 CAMPING & THERAPEUTIC RECREATION • THE WELLNESS CENTER • DAY HABILITATION

October 29, 2013

Dear Senator:

The League for People with Disabilities writes you to urge your support of ratification of the Convention on the Rights of Persons with Disabilities (CRPD). The League is one of the oldest disability agencies in Maryland providing important services to individual and families since 1927.

The CRPD is a non-discrimination treaty that seeks to achieve the same goals as the Americans with Disabilities Act (ADA) and other U.S. disability laws: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. It is the first international treaty to address the rights of persons with disabilities worldwide. The CRPD is important to all people with disabilities, including U.S. veterans, service members, overseas workers and travelers with disabilities. Ratification of the CRPD will reinforce America's global leadership and position the United States to advance disability rights worldwide with the 129 nations and the European Union that are already parties to the treaty. Ratification of the CRPD is required for the U.S. to participate in the CRPD Conference of States Parties and elections to the Committee on the Rights of Persons with Disabilities, both of which will guide the treaty's implementation.

Through these mechanisms, the United States can provide guidance and influence on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the U.S. such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

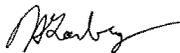
This treaty will have no impact on U.S. sovereignty. The United States has ratified a number of international human rights treaties, such as the International Covenant on Civil and Political Rights, and the Convention on the Elimination of All Forms of Racial Discrimination, and for decades has participated in international human rights bodies and committees. These previously ratified human rights treaties contain rights that Americans have long enjoyed, such as the right to equality under the law, the right to due process, and the right to be free from discrimination. The U.S. ratified these treaties because they adhere to long established American values. United States' ratification of the CRPD would demonstrate our nation's continued commitment to the norm that all individuals with disabilities shall be accorded equal rights as those without disabilities.

Ratification of the CRPD by the U.S. will open new markets for American products, technologies, and services that assist persons with disabilities, and will put the U.S. in the best position to export them worldwide. Many businesses and associations, such as IBM, Consumer Electronics Association, Adobe, AT&T and the U.S. Chamber of Commerce support the CRPD for this reason.

In addition, ratification of the CRPD will assist veterans and others with disabilities who want to work, travel or study abroad by improving physical, technological, and communication access outside the United States. Among the more than 600 organizations supporting ratification are over 20 veteran services organizations representing all generations of veterans, including: the American Legion, Veterans of Foreign Wars, Paralyzed Veterans of America, Iraq and Afghanistan Veterans of America, Vietnam Veterans of America, and Blinded Veterans Association.

The CRPD affirms America's leadership in protecting and promoting the human and civil rights of persons with disabilities. On behalf of all the individuals and families we serve, thank you for considering our views.

Sincerely,



David A. Greenberg  
President and CEO  
410-323-0500 x303



October 14, 2013

Dear Senator Menendez:

As Board President of The Key Clubhouse of South Florida, I am writing to support ratification of the Convention on the Rights of Persons with Disabilities (CRPD). The Key Clubhouse is a nonprofit organization that operates a "recovery through work" program in Miami for individuals living with serious mental illness. We follow the evidence based International Clubhouse program model that helps people with mental health recovery in 33 countries around the world.

The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities, as it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, etc. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

Through these mechanisms, the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

The Key Clubhouse of South Florida is committed to US leadership on behalf of the 1 billion people with disabilities worldwide, including individuals living with serious mental illness. We believe swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest and ask you for your support and leadership on this issue.

If you have additional questions, please contact me at amyjmcclellan@gmail.com or 305-757-4082.

Sincerely,

Amy McClellan, President



The Arc  
1825 K Street NW, Suite 1200  
Washington, DC 20006

T 202 534-3700  
F 202 534-3731  
www.thearc.org

October 28, 2013

Honorable Robert Menendez, Committee Chair  
Honorable Bob Corker, Ranking Member  
Foreign Relations Committee  
United States Senate  
446 Dirksen Senate Office Building  
Washington, DC 20520

Re: Ratification of the Convention on the Rights of Persons with Disabilities (CRPD)

Dear Senators Menendez and Corker:

The Arc is the nation's largest national community-based organization for people with intellectual and developmental disabilities (I/DD). The Arc has a network of over 700 chapters across the country promoting and protecting the human rights of people with I/DD and actively supporting their full inclusion and participation in the community throughout their lifetimes.

The Arc urges ratification of the CRPD. The non-discrimination treaty is based on the same values our nation espouses in the Americans with Disabilities Act – economic self-sufficiency, independent living, and inclusion and integration into all aspects of society for all individuals with disabilities. As a leader in ensuring the human rights of individuals with disabilities, the U.S. must ratify the CRPD.

The United States' ratification of the treaty will continue our country's distinguished tradition as a world leader for people with disabilities as evidenced by the ADA. Ratification will allow U.S. participation on the CRPD Conference of States Parties, create U.S. eligibility to serve on the Committee on the Rights of Persons with Disabilities, and thus allow the U.S. to provide input into the implementation of the treaty and the development of disability rights. Such participation will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

The CRPD establishes international standards regarding the rights and freedoms of people with disabilities, and creates a common basis for greater civic and political participation, self-sufficiency, and independent living. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making, and access to appropriate health care. The Convention is

*Achieve with us.*

furthermore consistent with not only the ADA, but also with the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act of 1973, and numerous other U.S. laws. The reservations, understandings, and declarations offered by the Administration allow the United States to meet the obligations of the treaty while remaining consistent with U.S. domestic law.

The Arc urges the Senate to come together in bipartisan fashion, as it did in passing the ADA and the more recent Americans with Disabilities Act Amendments Act (ADAAA), to ratify the CRPD and ensure our global leadership in disability and human rights.

The Arc is committed to our country's leadership for the rights and empowerment of the 650 million people with disabilities worldwide. We believe that ratification of the CRPD will allow the United States to continue in our global leadership in this area, and therefore urge the Senate to quickly consider and ratify the Convention on the Rights of Persons with Disabilities.

Sincerely,



Peter V. Berns  
CEO



*For people with intellectual and developmental disabilities*  
Since 1937

557 South Lawrence Street  
Montgomery, AL 36104-4611

V: (334) 262-7688  
F: (334) 834-9737  
T-F: (866) 243-9557  
E: [info@thearcoofalabama.com](mailto:info@thearcoofalabama.com)  
W: [www.thearcoofalabama.com](http://www.thearcoofalabama.com)

November 4, 2013

The Honorable Robert Menendez, Committee Chair  
The Honorable Bob Corker, Ranking Member  
Foreign Relations Committee  
United States Senate  
446 Dirksen Senate Office Building  
Washington, DC 20520

Re: Ratification of the Convention on the Rights of Persons with Disabilities (CRPD)

Dear Senators Menendez and Corker:

The Arc of Alabama is Alabama's largest state community-based organization for people with intellectual and developmental disabilities (I/DD). The Arc of Alabama has over 6,600 volunteer members and a network of 29 local chapters across the state promoting and protecting the human rights of people with I/DD and actively supporting their full inclusion and participation in their communities throughout their lifetimes.

The Arc of Alabama urges ratification of the CRPD. The non-discrimination treaty is based on the same values our nation espouses in the Americans with Disabilities Act – economic self-sufficiency, independent living, and inclusion and integration into all aspects of society for all individuals with disabilities. As a leader in ensuring the human rights of individuals with disabilities, the U.S. must ratify the CRPD.

The United States' ratification of the treaty will continue our country's distinguished tradition as a world leader for people with disabilities as evidenced by the ADA. Ratification will allow U.S. participation on the CRPD Conference of States Parties, create U.S. eligibility to serve on the Committee on the Rights of Persons with Disabilities, and thus allow the U.S. to provide input into the implementation of the treaty and the development of disability rights. Such participation will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

The CRPD establishes international standards regarding the rights and freedoms of people with disabilities, and creates a common basis for greater civic and political participation, self-

*Achieve with us.*

Letter to Senators Menendez and Corker, CRPD  
Page 2, November 4, 2013

sufficiency, and independent living. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making, and access to appropriate health care. The Convention is furthermore consistent with not only the ADA, but also with the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act of 1973, and numerous other U.S. laws. The reservations, understandings, and declarations offered by the Administration allow the United States to meet the obligations of the treaty while remaining consistent with U.S. domestic law.

The Arc of Alabama urges the Senate to come together in bipartisan fashion, as it did in passing the ADA and the more recent Americans with Disabilities Act Amendments Act (ADAAA), to ratify the CRPD and ensure our global leadership in disability and human rights.

The Arc of Alabama is committed to our country's leadership for the rights and empowerment of the 650 million people with disabilities worldwide. We believe that ratification of the CRPD will allow the United States to continue in our global leadership in this area, and therefore urge you and the Senate to quickly consider and ratify the Convention on the Rights of Persons with Disabilities.

Sincerely,



Thomas B. Holmes  
CEO/Executive Director

Cc: The Honorable Jeff Sessions  
The Honorable Richard Shelby  
Mr. Philip Richards  
Mr. Peter Berns

October 31, 2013

Dear Senator:

Independence First, Milwaukee, Wisconsin is writing in support of ratification of the Convention on the Rights of Persons with Disabilities (CRPD). The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities, employment and educational opportunities.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, etc. The convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

Through these mechanisms, the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

Independence First, Milwaukee, Wisconsin is committed to US leadership on behalf of the 1 billion people with disabilities worldwide. We believe swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest and we ask you for your support and leadership on this issue.

If you have additional questions, please contact me at [gimp0421@yahoo.com](mailto:gimp0421@yahoo.com) or 414-272-5994.

Sincerely,

Jerry Mc Closkey  
Independence First Board of Directors  
1956 Polio Survivor



## human rights first

American ideals. Universal values.

November 4, 2013

The Honorable Robert Menendez  
Chairman, U.S. Senate Foreign Relations Committee  
444 Dirksen Senate Office Building  
Washington, D.C. 20510-6225

The Honorable Bob Corker  
Ranking Member, U.S. Senate Foreign Relations Committee  
446 Dirksen Senate Office Building  
Washington, D.C. 20510-6225

Dear Chairman Menendez and Ranking Member Corker:

I am writing to express Human Rights First's strong support for ratification of the Convention on the Rights of Persons with Disabilities ("disabilities treaty"). As an American organization whose central mission is to advance U.S. global leadership on human rights, we believe the United States should be leading the fight for inclusion and justice worldwide.

More than a billion people—approximately 15 percent of the world's population—live with some form of disability. Many face barriers that prevent them from participating fully and effectively as equal members of society. When the United States enacted the Americans with Disabilities Act (ADA) in 1990, it inspired a global movement to protect the rights of disabled people everywhere. That movement produced the disabilities treaty, which declared that all people, regardless of ability, deserve to live in dignity. Today, 138 nations—including every major U.S. ally—have ratified the treaty.

On December 5, in recognition of his pioneering advocacy on behalf of the disabled, Human Rights First will honor former Senate Majority Leader Bob Dole with our Beacon Prize for American global leadership on human rights. When he accepted the 1996 Republican nomination for President, Senator Dole said, "I believe the ultimate imperative for growth and opportunity is to advance human dignity." Senator Dole's championing of the ADA and the disabilities treaty exemplifies the best of American leadership on human rights. As he rightly observed, ratification of the treaty would reaffirm our country's "common values of equality, access, and inclusion for all individuals with disabilities."

333 Seventh Avenue, 13th Floor, New York, NY 10001  
Tel: 212.845.8200 | Fax: 212.845.8399

805 15th Street, N.W., #800, Washington, DC 20005  
Tel: 202.547.9502 | Fax: 202.543.6809

[humanrightsfirst.org](http://humanrightsfirst.org)

Thank you for your leadership in convening a hearing on the Convention on the Rights of persons with Disabilities treaty in the Senate Foreign Relations Committee on November 5. We hope the hearing leads to the Senate's prompt ratification of this important human rights treaty.

With respect,



Elisa Massimino  
President & CEO

October 30, 2013

The Honorable Robert Menendez  
The Honorable Bob Corker  
U.S. Senate  
Washington, DC 20510

Dear Senators Menendez and Corker:

Gay Men's Health Crisis (GMHC) urges the Senate Foreign Relations Committee to vote for ratification of the United Nations' Convention on the Rights of Persons with Disabilities (CRPD). As the first organization in the United States to respond the HIV/AIDS epidemic, GMHC understands the importance of this convention. The current, comprehensive system of protections for people with disabilities in the United States, including those living with HIV/AIDS, should be extended to people worldwide.

The CRPD would protect individuals living with disabilities, or who are perceived to have disabilities, including Americans who are working, studying, or traveling abroad, from discrimination in healthcare, education and employment. Specifically, the CRPD protects individuals living with "long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others."

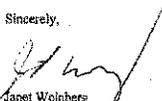
According to the World Health Organization, the treaty will protect people living with HIV/AIDS (PLWHA), even though the resolution does not specifically list the condition. PLWHA will be protected if HIV/AIDS leads to "impairments which, in interaction with the environment, results in stigma, discrimination or other barriers to their participation."<sup>1</sup>

According to the Centers for Disease Control, over one million Americans are estimated to be living with HIV/AIDS, but only 33% are receiving antiretroviral therapy to manage the disease.<sup>2</sup> UNAIDS estimates that 25.9 million people worldwide need antiretroviral therapies, yet in 2012, only 9.7 million (37%) accessed these medications.<sup>3</sup> Lack of adequate access to treatment and care can lead PLWHA to become disabled.

PLWHA can develop long-term physical, mental, intellectual or sensory impairments from living with a compromised immune system. These impairments can impede with PLWHA's full and effective participation in society on an equal basis with others. They may develop long-term physical impairments like HIV wasting syndrome, mental impairments like depression, intellectual impairments like dementia, and sensory impairments like hearing loss from Cryptococcal meningitis.<sup>4</sup> Although individuals living with HIV/AIDS do not always develop major, long-term impairments associated with the virus, it is important that those who do are protected.

GMHC stands behind the Convention on the Rights of Persons with Disabilities and strongly urges the Senate Foreign Relations Committee to move the treaty forward, for the protection of the rights of people living with HIV/AIDS around the world.

Sincerely,



Janet Weinberg  
Interim CEO/COO

<sup>1</sup> World Health Organization (2009). *Disability and HIV policy brief*. Retrieved October 29, 2013 from [http://www.who.int/disabilities/ic1622\\_policy\\_brief\\_disability\\_en.pdf](http://www.who.int/disabilities/ic1622_policy_brief_disability_en.pdf)

<sup>2</sup> Centers for Disease Control and Prevention (2012). *CDC fact sheet: HIV in the United States: The stages of care*. Retrieved October 29, 2013 from [http://www.cdc.gov/nchs/data/ncdd/hiv\\_stages\\_of\\_care\\_fact\\_sheet\\_508.pdf](http://www.cdc.gov/nchs/data/ncdd/hiv_stages_of_care_fact_sheet_508.pdf)

<sup>3</sup> UNAIDS (2012). *Treatment 2012*. Retrieved October 29, 2013 from

[http://www.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2013/JC2484\\_treatment-2012\\_en.pdf](http://www.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2013/JC2484_treatment-2012_en.pdf)

<sup>4</sup> Social Security Administration (2005). *Disability evaluation under Social Security* (No. 64-039). Office of Disability Programs.



446 West 33 Street, New York, NY 10001-2601 (212) 567-3000 gmhc.org

Visit the GMHC Center for HIV Prevention, 224 West 29 Street, New York, NY 10001-5204



# East Bay Developmental Disabilities Legislative Coalition

November 7, 2013

Dear Senator:

Alameda County  
Developmental  
Disabilities Council

Area Board 5

Developmental  
Disabilities Council of  
Contra Costa County

Regional Center of the  
East Bay

Provider/Vendor  
Advisory Committee

**RE: Support for the Convention on the Rights of Persons with Disabilities (CRPD).**

The East Bay Developmental Disabilities Legislative Coalition (EBLC) is comprised of the Alameda County Developmental Disabilities Council, Area Board 5, the Developmental Disabilities Council of Contra Costa County, Regional Center of the East Bay and the Provider/Vendor Advisory Committee. The EBLC coordinates local efforts which impact the development of public policy for individuals with developmental disabilities and their families.

The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in the United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities, as it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, etc. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

Through these mechanisms, the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military

veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

The EBLC is committed to US leadership on behalf of the 1 billion people with disabilities worldwide. We believe swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest and ask you for your support and leadership on this issue.

If you have additional questions, please contact Sandi Soliday at (510) 267-3261.

Sincerely,  
Josh Sullivan and Carl Tolentino, Co-Chairs  
East Bay Legislative Coalition



The Campaign for US Ratification of the  
Convention on the Rights of the Child

Honorable Robert Menendez  
United States Senate  
528 Hart Senate Office Building  
Washington, D.C. 20510-0303

5 November 2013

Dear Senator Menendez:

The Campaign for U.S. Ratification of the Convention on the Rights of the Child is writing in support of ratification of the Convention on the Rights of Persons with Disabilities (CRPD).

According to UNICEF, some 93 million children – or 1 in 20 of those aged 14 or younger – live with a moderate or severe disability of some kind. Children with disabilities are targets of discrimination; exclusion; stigmatization; neglect; exploitation; violence; and abuse. Worst of all, children with disabilities are too often invisible, ignored by governments and communities.

By ratifying the CRPD, the U.S. will join other nations in fighting discrimination; dismantling barriers to inclusion; supporting families; and promote a change in public attitudes toward disabilities.

The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in United States. Because of these groundbreaking laws, the United States is already a world leader in recognizing the rights of people with disabilities, and ensuring that everyone has access to independent living, inclusion, and integration into all aspects of society, without discrimination. The CRPD was inspired by the ADA, and reflects the ADA's fundamental principles. Our great Nation should lead the world to promote these basic rights, and to share our expertise in helping countries build inclusive societies. We cannot assume that leadership role, however, unless we ratify the CRPD.

The Campaign for U.S. Ratification of the Convention on the Rights of the Child is committed to US leadership on behalf of the 1 billion people – including 93 million children – with disabilities worldwide. We believe swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest and we ask you for your support and leadership on this issue.

If you have additional questions, please contact me at [meggardiner@gmail.com](mailto:meggardiner@gmail.com).

Sincerely,

Meg Gardiner  
Chair, Campaign for US Ratification of the CRC [www.childrightscampaign.org](http://www.childrightscampaign.org)

Director,  
Arigatou International-New York  
866 United Nations Plaza, Suite 307  
New York, NY 10017  
[Mgardiner@dayofprayerandaction.org](mailto:Mgardiner@dayofprayerandaction.org)



October 31, 2013

The Honorable Robert Menendez  
Chairman  
U.S. Senate Committee on Foreign Relations  
444 Dirksen Senate Office Building  
Washington, DC 20510-6225

The Honorable Bob Corker  
Ranking Member  
U.S. Senate Committee on Foreign Relations  
444 Dirksen Senate Office Building  
Washington, DC 20510-6225

Dear Chairman Menendez and Ranking Member Corker,

We are writing on behalf of Asian Americans Advancing Justice-AAJC ("Advancing Justice-AAJC") in support of United States ratification of the Convention on the Rights of Persons with Disabilities (CRPD). We are pleased that the Senate Foreign Relations Committee is holding hearings on CRPD and submit this letter of support for the hearing record.

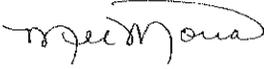
Founded in 1991, Advancing Justice-AAJC works to advance the human and civil rights of Asian Americans, and build and promote a fair and equitable society for all. To achieve our mission, we engage in research, policy advocacy, public education, community capacity-building/mobilization and litigation strategies to advance public policies that enable Asian Americans and other vulnerable communities to reach their full potential and address unfair and discriminatory structures and institutions that systematically deny Asian Americans and other vulnerable communities, including the disability community, their civil and human rights.

The CRPD is a non-discrimination treaty that seeks to ensure that countries across the globe provide people with disabilities with the same rights as everyone else, so that they can live full, satisfying and productive lives. This global treaty was inspired by and embodies the bedrock American ideals that form the basis of the American Disabilities Act (ADA). These principles, so important to us as a civil and human rights organization devoted to protecting and advancing the rights of Asian Americans, include non-discrimination, equality, inclusion in society, accessibility and respect for the inherent dignity of all persons, including persons with disabilities.

The CRPD will benefit millions of individuals with disabilities around the world. In the United States, 18.7 percent of all Americans have some type of disability according to the latest census data, with 5.4% of Asian Americans and 8.8% of Native Hawaiian Pacific Islanders having some type of disability. U.S. ratification will benefit these Americans, as well as those veterans, business leaders, scientists, students and other disabled Americans who seek to live, work or travel abroad.

Advancing Justice-AJC is committed to ensuring that our country maintains its leadership role in promoting the rights and dignity of all people with disabilities. We have a lot of experience—through the ADA, our technology and our creative know-how—to share with the rest of the world. But most importantly, by ratifying the Convention on the Rights of Persons with Disabilities we will demonstrate our respect to those Americans disabled through war and conflict and other incidents and can stand with the rest of the world in advancing the civil and human rights of disabled people around the world.

Sincerely,

A handwritten signature in black ink, appearing to read "Mee Moua". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Mee Moua  
President and Executive Director



October 31, 2013

Senator Robert Menendez  
528 Senate Hart Office Building  
Washington, D.C. 20510-6225

Dear Senator Menendez:

The Starkloff Disability Institute is writing to support ratification of the Convention on the Rights of Persons with Disabilities (CRPD).

The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in the United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities, as it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities.

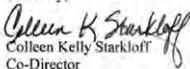
By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, etc. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

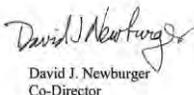
Through these mechanisms, the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but also assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

The Starkloff Disability Institute is committed to US leadership on behalf of the 1 billion people with disabilities worldwide. We believe swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest and ask you for your support and leadership on this issue.

If you have additional questions, please contact us at [cstarkloff@starkloff.org](mailto:cstarkloff@starkloff.org) or [dnewburger@starkloff.org](mailto:dnewburger@starkloff.org) or give us a call at 314-588-7090.

Sincerely,

  
Colleen Kelly Starkloff  
Co-Director

  
David J. Newburger  
Co-Director



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American Academy of Physical Medicine and Rehabilitation



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Stephen J. Tamm, MD



August 22, 2013

The Honorable Joseph R. Biden, Jr.  
Vice President  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20501

The Honorable Mitch McConnell  
Minority Leader, U.S. Senate  
317 Russell Senate Office Bldg.  
Washington, DC 20510

The Honorable Harry Reid  
Majority Leader, U.S. Senate  
522 Hart Senate Office Bldg.  
Washington, DC 20510

The Honorable John Cornyn  
Minority Whip, U.S. Senate  
517 Hart Senate Office Bldg.  
Washington, DC 20510

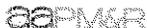
Dear Vice President Biden, Majority Leader Reid, Minority Leader McConnell and  
Minority Whip Cornyn:

As part of the physician community, the American Academy of Physical Medicine  
and Rehabilitation (AAPM&R) appreciates the opportunity to comment on the  
Senate's anticipated vote to ratify the treaty, the *Convention on the Rights of  
Persons with Disabilities (CRPD)*. Ratification by the Senate would mark a major step  
forward in international efforts to end discrimination and to promote the rights of  
approximately one billion men, women and children with disabilities around the  
world.

AAPM&R is the national medical society representing more than 8,000 physiatrists,  
physicians who are specialists in the field of physical medicine and rehabilitation  
and primarily focused on diagnosing and serving the needs of people with a wide  
range of disabilities and chronic conditions. Physiatrists treat adults and children  
with acute and chronic pain, persons who have experienced catastrophic events  
resulting in paraplegia, quadriplegia, traumatic brain injury, spinal cord injury, limb  
amputations, rheumatologic conditions, musculoskeletal injuries, and individuals  
with neurologic disorders or any other disease process that results in impairment  
and/or disability. With appropriate rehabilitation, many patients can regain  
significant function, live independently, and enjoy fulfilling lives.  
Over the years, we've appreciated your support on a number of priority measures,  
including the groundbreaking *Americans with Disabilities Act (ADA)* - that impact  
people with disabilities, physicians and other providers who serve their health care  
needs. We respectfully urge you to support ratification of the treaty based on the  
following compelling arguments:

- The treaty sets broad goals of autonomy, equality, acceptance, and  
accessibility for individuals with disabilities — beyond U.S. borders and

Physician Signature



proclaims that all citizens, including our men and women in uniform and our disabled veterans, have the ability to live in dignity, safety and equality.

- Passage of this treaty will allow the U.S. to show leadership on disability policy based on our experiences with the ADA, and help other nations work toward equal opportunity, freedom, and dignity for people with disabilities.
- It is unacceptable that any American with a disability cannot leave the borders of the U.S due to the fear of stigma, barriers, and denial of his or her rights.
- In 2012, the Senate passed a resolution that clarifies the U.S. would not compromise its sovereign authority by approving the convention.
- To further allay other concerns, the treaty has no power to modify or overrule U.S. law; nor would any recommendations emerging from it be binding on state or federal governments or in any state or federal court.

"We strongly urge the Senate to ratify the CRPD to position the United States as an example for leadership in advocating for people with disabilities" said AAPM&R president, Alberto Esquenazi, M.D.

In sum, we assert that voting for ratification of the treaty is an opportunity to reposition our country as a world leader, help eliminate barriers and make the world accessible for people with disabilities, including our veterans, Americans working abroad and others so affected. Please contact Suzanne Butler, AAPM&R Manager, Legislative Affairs at (847) 737-6022, or at [sbutler@aapmr.org](mailto:sbutler@aapmr.org) with any questions.

Sincerely,

Alberto Esquenazi, M.D.,  
President, American Academy of  
Physical Medicine and Rehabilitation

cc:  
Senator Robert Menendez, Chairman  
Senator Bob Corker, Ranking Member  
U.S. Senate Committee on Foreign Relations



AMERICAN  
SPEECH-LANGUAGE-  
HEARING  
ASSOCIATION

November 4, 2013

The Honorable Robert Menendez  
Chair  
U.S. Senate  
Foreign Relations Committee  
Washington, DC 20510

The Honorable Bob Corker  
Ranking Member  
U.S. Senate  
Foreign Relations Committee  
Washington, DC 20510

Dear Chairman Menendez and Ranking Member Corker:

On behalf of the American Speech-Language-Hearing-Association (ASHA), I am writing to support the United States' ratification of the Convention on the Rights of Persons with Disabilities (CRPD), an international disability treaty of the United Nations. ASHA is the national professional, scientific, and credentialing association for more than 166,000 audiologists, speech-language pathologists, speech, language, and hearing scientists, audiology and speech-language pathology support personnel and students. ASHA urges the Senate Foreign Relations Committee to move the treaty forward to the full Senate and allow the U.S. to join the other 138 nations that have already ratified this important human rights treaty.

The CRPD is an international agreement that will help protect the rights afforded to Americans with disabilities through the Americans with Disabilities Act (ADA) when they travel, study, or live abroad. Ratification is an important step that the U.S. can take to promote our accessibility standards internationally, including:

- Requiring other countries to adopt our disability rights standards, so that citizens are provided the same protections globally as they have in the U.S.;
- Enforcing American's global leadership, putting the country in the strongest position to advance disability rights worldwide;
- Promoting the importance of access to information and communication for all deaf people and people with disabilities, regardless of their preferred method of communication.

The ADA has transformed the lives of many people in the United States living with disabilities. Through its experience in implementing and enhancing disability rights through the ADA, the U.S. has the ability to fully engage with other countries which have ratified the treaty in collaborating, developing, and implementing programs and policies to improve the lives of persons living with disabilities across the world.

It is time for the U.S. to join other countries in a commitment to promote, protect, and ensure the rights of people with disabilities. We urge the Senate to approve the ratification of the Convention on the Rights of Persons with Disabilities.

Sincerely,

Patricia A. Prelock, PhD, CCC-SLP  
2013 ASHA President



November 18, 2013

Dear U.S. Senate Foreign Relations Committee members:

As the CEO of Mobility International USA (MIUSA), I am writing today to encourage your support of the Disabilities Treaty. MIUSA is a US-based disability-led non-profit organization established in 1981 working to empower people with disabilities around the world to achieve their human rights through international exchange and international development. As a prominent leader in both the field of international exchange and disability rights, MIUSA has promoted study abroad and conducted educational trainings with more than 2,200 people with disabilities from over 110 countries.

Mobility International USA believes it is crucial for people with disabilities in the United States to study abroad so that they can be competitive with their peers on a global level. In a globalized economy, cross-cultural competencies as well as foreign language acquisition is crucial. We believe that creating a pipeline of people with disabilities in the U.S. and abroad who are advancing into international careers and pursuing degrees in international relations, public policy, critical languages, international education and other fields is vital. Providing more focused opportunities for young people with a variety of disabilities in other countries to learn English to stay competitive with their peers, especially in countries where young disabled people do not have the same access to education will advance the interests of the U.S. and persons with disabilities globally.

Because the United States is a leader in the disability rights movement and a pioneer in legislation such as the Americans with Disabilities Act, the signing of the UN Convention of the Rights of Persons with Disabilities will enable the United States to share this valuable expertise with other countries across the world which will assist not only disabled Americans but the over 1 billion disabled people located throughout the world.

Thank you so much for all the work that you do. We appreciate this opportunity to educate you about issues that are core values for our organization.

Sincerely,

Susan Sygall  
CEO and MacArthur Fellow

---

MIUSA, 132 E. Broadway, Suite 343, Eugene OR 97401 USA  
(541) 343-1284 (Tel and TTY) • (541) 343-6812 (Fax) • info@miusa.org (E-mail)  
www.miusa.org (website)



Association of Programs for Rural Independent Living

October 31, 2013

RE: Ratification of the CRPD

Dear Senator:

The Association of Programs for Rural Independent Living (APRIL) is writing to ask for your support in ratification of the Convention on the Rights of Persons with Disabilities (CRPD). APRIL is a national membership organization dedicated to advancing the rights and responsibilities of people with disabilities in rural America. APRIL provides leadership and resources on rural independent living through a national network of rural centers for independent living, programs and individuals concerned with the unique aspect of rural independent living. The goal of APRIL is to work together to find solutions to common problems and to bring rural issues in independent living into focus on the national level.

The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities, as it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, etc. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

Through these mechanisms, the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

2001 Pershing Circle, Suite 200  
North Little Rock, AR 72114  
Phone: 501-753-3400  
FAX: 501-753-3406  
[www.april-rural.org](http://www.april-rural.org)

The United Voice of Independent Living in Rural America

APRIL is committed to US leadership on behalf of the 1 billion people with disabilities worldwide. We believe swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest and ask you for your support and leadership on this issue.

If you have additional questions, please contact me at [hwalkom@stcglobal.net](mailto:hwalkom@stcglobal.net) or 501-753-3400.

Respectfully,



Billy Altom  
Executive Director



November 1, 2013

The Honorable Robert Menendez  
United States Senate  
Washington, DC 20510

Dear Senator Menendez:

I write to convey the Women's Refugee Commission's strong support for Senate ratification of the Convention on the Rights of Persons with Disabilities (CRPD). The CRPD is an important tool for ensuring the equality and inclusion of all people with disabilities, including those affected by conflict and crises.

Article 11 of the Convention highlights the need to ensure the protection and safety of persons with disabilities in situations of risk such as armed conflict, humanitarian emergencies and natural disasters. The World Health Organization has estimated that 15 percent of any population are persons with disabilities. This percentage is likely to be even higher in conflicts or natural disasters that result in new impairments for large numbers of people—for example, the 2010 earthquake in Haiti and the current conflict in Syria.

In our work, the Women's Refugee Commission has found that refugees and internally displaced persons with disabilities face especially grave protection challenges, have significant difficulty accessing assistance and services, and are often excluded from community decision making processes. As a leading provider of humanitarian and development assistance, the United States can help ensure the full inclusion of persons with disabilities in life-saving humanitarian programs and in recovery and development efforts. Ratification of the Convention would further enhance U.S. leadership on this vital human rights issue and strengthen our country's advocacy on and support for effective implementation of the Convention globally, including in crisis settings.

We hope the Senate will move swiftly to ratify the Convention and respectfully request your leadership and support on this important issue. If you have additional questions about the Women's Refugee Commission's work on behalf of displaced persons with disabilities, please contact Joan Timoney at [joant@wrccommission.org](mailto:joant@wrccommission.org).

Sincerely,

Sarah Costa  
Executive Director



November 4, 2013

The Honorable Robert Menendez,  
United States Senate  
Washington, DC 20510

Dear Senator Menendez:

On behalf of the U.S. Fund for UNICEF, I am writing to let you know that my organization strongly supports the Convention on the Rights of People with Disabilities (CRPD). I urge you to vote for ratification of this important treaty.

Children with disabilities are targets of discrimination, exclusion, stigmatization, neglect, exploitation, violence, and abuse. Worst of all, children with disabilities are too often invisible, ignored by governments and communities.

At least 93 million children around the world live with a moderate or severe disability. One in twenty children aged 14 or younger are part of this group. Each one of these children is more than a statistic; each child is a son or daughter, brother or sister, friend or classmate. Each child should have the same rights and opportunities as any other child. We believe in ZERO discrimination against children with disabilities. Children belong at the center of efforts to build inclusive societies, not as simply as recipients of charity, but as agents of change.

Because of the Americans with Disabilities Act and other groundbreaking laws, the United States is already a world leader in recognizing the rights of people with disabilities, and ensuring that everyone has access to independent living, inclusion, and integration into all aspects of society, without discrimination. The CRPD was inspired by the ADA, and reflects the ADA's fundamental principles. Our great Nation should lead the world to promote these basic rights, and to share our expertise in helping countries build inclusive societies. We cannot assume that leadership role, however, unless we ratify the CRPD.

Without U.S. leadership, millions of children with disabilities will remain stuck in institutions rather than with families, excluded from schools and health clinics, and lacking access to the most basic civil rights like a birth certificate or even a name. Ratifying the CRPD would strengthen our authority and our ability as Americans to help these children.

I believe with U.S. ratification of the CRPD in a bipartisan fashion is in the best interests of the world's children, and I ask you for your support. Thank you for your consideration, and I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Cary M. Stern".

Cary M. Stern  
President and CEO



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1980-1983

Michael Robbins Low  
1982-2011

October 30, 2013

Dear Senator:

Trickle Up is writing in support of ratification of the Convention on the Rights of Persons with Disabilities (CRPD). The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities, as it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, etc. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

Through these mechanisms, the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

Trickle Up is committed to US leadership on behalf of the 1 billion people with disabilities worldwide. We believe swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest and we ask you for your support and leadership on this issue.

If you have additional questions, please contact me [abramsw@trickleup.org](mailto:abramsw@trickleup.org) or 212-255-9980, ext. 220.

Sincerely,

William M. Abrams  
President



The Arc of Massachusetts  
217 South Street  
Waltham, MA 02453-2710  
Tel: 781.891.4270 x. 100  
Fax: 781.891.4271  
info@arc-mass.org  
www.arc-mass.org

*Achieve with us.*

Francis J. Sully, President  
Leo V. Sarkisian, Executive Director

November 5, 2013

Honorable Robert Menendez, Committee Chair  
Honorable Bob Corker, Ranking Member  
Foreign Relations Committee  
United States Senate  
446 Dirksen Senate Office Building  
Washington, DC 20520

Re: Ratification of the Convention on the Rights of Persons with Disabilities (CRPD)

Dear Senator Menendez and Senator Corker:

The Arc of Massachusetts represents nearly 200,000 people and families in Massachusetts. We are an affiliate of the nation's largest national community-based organization for people with intellectual and developmental disabilities (I/DD). In Massachusetts we have a network of 17 chapters and 42 supporting organizations promoting and protecting the human rights of people with I/DD and actively supporting their full inclusion and participation in the community throughout their lifetimes.

We urge ratification of the CRPD. The non-discrimination treaty is based on the same values our nation espouses in the Americans with Disabilities Act – economic self-sufficiency, independent living, and inclusion and integration into all aspects of society for all individuals with disabilities. As a leader in ensuring the human rights of individuals with disabilities, the U.S. must ratify the CRPD.

The United States' ratification of the treaty will continue our country's distinguished tradition as a world leader for people with disabilities as evidenced by the ADA. Ratification will allow U.S. participation on the CRPD Conference of States Parties, create U.S. eligibility to serve on the Committee on the Rights of Persons with Disabilities, and thus allow the U.S. to provide input into the implementation of the treaty and the development of disability rights. Such participation will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

The Arc of Massachusetts includes the following Local Chapters:

*The Arc of Opportunity • Berkshire County • Bristol County • Brockton Area • Cape Cod • Center of Hope Foundation  
Charles River Center • EMARC • Greater Riverhill-Newsburyport • Greater Lawrence • Greater Plymouth • Greater Waltham  
Minute Man AHS • Northeast • South Norfolk County • South Shore • The United Arc*

The CRPD establishes international standards regarding the rights and freedoms of people with disabilities, and creates a common basis for greater civic and political participation, self-sufficiency, and independent living. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making, and access to appropriate health care. The Convention is furthermore consistent with not only the ADA, but also with the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act of 1973, and numerous other U.S. laws. The reservations, understandings, and declarations offered by the Administration allow the United States to meet the obligations of the treaty while remaining consistent with U.S. domestic law.

The Arc urges the Senate to come together in bipartisan fashion, as it did in passing the ADA and the more recent Americans with Disabilities Act Amendments Act (ADAAA), to ratify the CRPD and ensure our global leadership in disability and human rights.

The Arc is committed to our country's leadership for the rights and empowerment of the 650 million people with disabilities worldwide. We believe that ratification of the CRPD will allow the United States to continue in our global leadership in this area, and therefore urge the Senate to quickly consider and ratify the Convention on the Rights of Persons with Disabilities.

Sincerely,



Leo V. Sarkisian  
Executive Director



**Achieve with us.**

Robert Hage, President  
Thomas Baffuto, Executive Director  
985 Livingston Avenue  
North Brunswick, NJ 08902  
T 732.246.2525  
F 732.214.1834  
[www.arcnj.org](http://www.arcnj.org)

The Honorable Robert Menendez, Committee Chair  
Foreign Relations Committee  
United States Senate  
446 Dirksen Senate Office Building  
Washington, DC 20520

November 1, 2013

RE: Ratification of the Convention on the Rights of Persons with Disabilities (CRPD)

Dear Senator Menendez,

The Arc of New Jersey is a non-profit advocacy organization for individuals with intellectual and developmental disabilities and their families. We have 20 affiliated local chapters providing services in all 21 counties in New Jersey. Our mission is to enhance the quality of life of children and adults with intellectual and developmental disabilities and their families through advocacy, empowerment, education and prevention.

On behalf of all of the individuals and families we represent, we urge you to please support the ratification of the Convention on the Rights of Persons with Disabilities. The CRPD will go a long way toward improving accessibility and acceptance of our constituents beyond America's borders as it establishes international standards regarding the rights and freedoms of people with disabilities, and creates a common basis for greater civic and political participation, self-sufficiency, and independent living. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making, and access to appropriate health care.

As a leader in ensuring the human rights of individuals with disabilities, the U.S. must ratify the CRPD. The Treaty promotes independent living, inclusion and integration into all aspects of society for individuals with disabilities. It truly embodies the core values of the Americans with Disabilities Act. On the economic front, the ratification of the CRPD will promote new markets and global commerce.

We also want to point out that the reservations, understandings, and declarations offered by the Administration allow the United States to meet the obligations of the Treaty while remaining consistent with U.S. domestic law.

By supporting the CRPD you will better the lives of individuals with disabilities in the United States and beyond. Thank you for your kind attention to this request.

Sincerely,  
  
Thomas Baffuto  
Executive Director

**For people with intellectual and developmental disabilities**



The Arc of South Carolina  
 1202 12<sup>th</sup> Street  
 Caynes, South Carolina 29013  
 T: 803 248-3020  
 F: 803 445-1028  
 www.arcsc.org

October 28, 2013

Honorable Robert Menendez, Committee Chair  
 Foreign Relations Committee  
 United States Senate  
 448 Dirksen Senate Office Building  
 Washington, DC 20520

Re: Ratification of the Convention on the Rights of Persons with Disabilities (CRPD)

Dear Senator Menendez:

The Arc is the nation's largest national community-based organization for people with intellectual and developmental disabilities (I/DD). The Arc has a network of over 700 chapters across the country promoting and protecting the human rights of people with I/DD and actively supporting their full inclusion and participation in the community throughout their lifetimes.

The Arc urges ratification of the CRPD. The non-discrimination treaty is based on the same values our nation espouses in the Americans with Disabilities Act – economic self-sufficiency, independent living, and inclusion and integration into all aspects of society for all individuals with disabilities. As a leader in ensuring the human rights of individuals with disabilities, the U.S. must ratify the CRPD.

The United States' ratification of the treaty will continue our country's distinguished tradition as a world leader for people with disabilities as evidenced by the ADA. Ratification will allow U.S. participation on the CRPD Conference of States Parties, create U.S. eligibility to serve on the Committee on the Rights of Persons with Disabilities, and thus allow the U.S. to provide input into the implementation of the treaty and the development of disability rights. Such participation will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

The CRPD establishes international standards regarding the rights and freedoms of people with disabilities, and creates a common basis for greater civic and political participation, self-sufficiency, and independent living. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making, and access to appropriate health care. The Convention is furthermore consistent with not only the ADA, but also with the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act of 1973, and numerous other U.S. laws. The reservations, understandings,

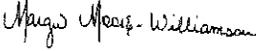
*Achieve with us.*

and declarations offered by the Administration allow the United States to meet the obligations of the treaty while remaining consistent with U.S. domestic law.

The Arc urges the Senate to come together in bipartisan fashion, as it did in passing the ADA and the more recent Americans with Disabilities Act Amendments Act (ADAAA), to ratify the CRPD and ensure our global leadership in disability and human rights.

The Arc is committed to our country's leadership for the rights and empowerment of the 650 million people with disabilities worldwide. We believe that ratification of the CRPD will allow the United States to continue in our global leadership in this area, and therefore urge the Senate to quickly consider and ratify the Convention on the Rights of Persons with Disabilities.

Sincerely,

A handwritten signature in black ink that reads "Margie Moore-Williamson". The signature is written in a cursive, flowing style.

Margie Moore-Williamson  
Executive Director



October 28, 2013

Honorable Robert Menendez, Committee Chair  
Honorable Bob Corker, Ranking Member  
Foreign Relations Committee  
United States Senate  
446 Dirksen Senate Office Building  
Washington, DC 20520

Re: Ratification of the Convention on the Rights of Persons with Disabilities (CRPD)

Dear Senators Menendez and Corker:

The Arc Tennessee is a statewide disability advocacy organization with a proud history of promoting and protecting the human rights of people with I/DD and actively supporting their full inclusion and participation in the community throughout their lifetimes.

The Arc Tennessee urges ratification of the CRPD. The non-discrimination treaty is based on the same values our nation espouses in the Americans with Disabilities Act - economic self-sufficiency, independent living, and inclusion and integration into all aspects of society for all individuals with disabilities. As a leader in ensuring the human rights of individuals with disabilities, the U.S. must ratify the CRPD.

The United States' ratification of the treaty will continue our country's distinguished tradition as a world leader for people with disabilities as evidenced by the ADA. Ratification will allow U.S. participation on the CRPD Conference of States Parties, create U.S. eligibility to serve on the Committee on the Rights of Persons with Disabilities, and thus allow the U.S. to provide input into the implementation of the treaty and the development of disability rights. Such participation will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

*For people with intellectual and developmental disabilities*

151 Athens Way, Suite 100, Nashville, TN 37228  
Phone 615-248-5878 - Toll free 800-835-7077 - Fax 615-248-5879  
<http://www.thearcTN.org>

 GIVING MATTERS.COM

The CRPD establishes international standards regarding the rights and freedoms of people with disabilities, and creates a common basis for greater civic and political participation, self-sufficiency, and independent living. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making, and access to appropriate health care. The Convention is furthermore consistent with not only the ADA, but also with the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act of 1973, and numerous other U.S. laws. The reservations, understandings, and declarations offered by the Administration allow the United States to meet the obligations of the treaty while remaining consistent with U.S. domestic law.

The Arc urges the Senate to come together in bipartisan fashion, as it did in passing the ADA and the more recent Americans with Disabilities Act Amendments Act (ADAAA), to ratify the CRPD and ensure our global leadership in disability and human rights.

The Arc is committed to our country's leadership for the rights and empowerment of the 650 million people with disabilities worldwide. We believe that ratification of the CRPD will allow the United States to continue in our global leadership in this area, and therefore urge the Senate to quickly consider and ratify the Convention on the Rights of Persons with Disabilities.

Sincerely,

*Carrie Hobbs Guiden*

Carrie Hobbs Guiden  
Executive Director



## SYRACUSE UNIVERSITY

COLLEGE OF LAW  
Office of Clinical Legal Education

November 18, 2013

## VIA E-MAIL

Dear Senator:

On behalf of the Disability Rights Clinic, Office of Clinical Legal Education, at Syracuse University College of Law, I write in support of ratification of the Convention on the Rights of Persons with Disabilities (CRPD). The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in the United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities, as it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, etc. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making, and access to appropriate healthcare.

Through these mechanisms, the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

The Disability Rights Clinic at Syracuse University College of Law is committed to US leadership on behalf of the one billion people with disabilities worldwide. We believe swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest, and we ask you for your support and leadership on this issue.

If you have additional questions, please contact me at [maschw01@law.syr.edu](mailto:maschw01@law.syr.edu) or (315) 443-4582.

Sincerely,

Michael A. Schwartz, Esq.  
Supervising Attorney  
Disability Rights Clinic

P.O. Box 6543 / Syracuse, New York 13217-6543 / 315-443-4582 / Fax 315-443-3630



**The Starkloff  
Disability Institute**  
*creating a world that welcomes  
all people with disabilities*

October 31, 2013

Senator Robert Menendez  
528 Senate Hart Office Building  
Washington, D.C. 20510-6225

Dear Senator Menendez:

The Starkloff Disability Institute is writing to support ratification of the Convention on the Rights of Persons with Disabilities (CRPD).

The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in the United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities, as it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, etc. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

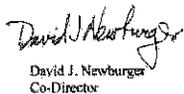
Through these mechanisms, the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but also assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

The Starkloff Disability Institute is committed to US leadership on behalf of the 1 billion people with disabilities worldwide. We believe swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest and ask you for your support and leadership on this issue.

If you have additional questions, please contact us at [starkloff@starkloff.org](mailto:starkloff@starkloff.org) or [www.starkloff.org](http://www.starkloff.org) or give us a call at 314-588-7090.

Sincerely,

  
Colleen Kelly Starkloff  
Co-Director

  
David J. Newburger  
Co-Director

Celebrating 10  
**10**  
2003-2013

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Colleen Kelly Starkloff  
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Jeffrey Tucker  
Philip van Goetard  
Richard Weil



## Southern Tier Independence Center

*Access your world.*

October 29, 2013

Dear Senator Menendez,

I am writing to urge your support for ratification of the Convention on the Rights of Persons with Disabilities. I could list all the reasons (and there are very many) to support this treaty, but I think a couple stories could make my point better.

My youngest daughter is married to a man who serves in the US military. In the past they were stationed in Florida, but they are now stationed overseas. My daughter works at the Landstuhl Hospital in Germany. This is the hospital that receives wounded American warriors, as well as our wounded allies. Often the wounds are very serious (including amputations, burns, etc.). Wounded American veterans will return to Walter Reed and eventually, their home communities. While not perfect, access is definitely better here than in very many other places in the world. Many of the foreign wounded return to countries that do not have the therapists, durable medical equipment, and assistive technology that can assist these men in their recovery. And in many of these countries overall disability access is poor to non-existent.

My middle child has multiple disabilities. We have traveled twice to see our family members who are stationed in Germany and while there we have also traveled to neighboring countries. Although our family spends a great deal of time researching access before we travel, access and attitudes are two areas that one cannot fully anticipate or plan. This past summer as we were riding a train, we watched four people pick up a person in a wheelchair to help her board and disembark the train. Perhaps you, too, have observed the difficulty for people with disabilities and their families if they lived in, were stationed, or visited certain areas of the world.

The United States has the opportunity to be a leader in this area of civil rights. The ADA and other laws were built upon the advocacy of persons with disabilities over many decades. We are still fighting battles over barriers and discrimination here and overseas. Passing this treaty will be a very important step, one I believe the Senate needs to make. Thank you for your consideration.

Sincerely,

*Susan Ruff*

Susan Ruff  
Advocacy Director



POST-POLIO HEALTH INTERNATIONAL  
 INFORMING INTERNATIONAL VENTILATOR USERS NETWORK

October 29, 2013

Dear Senator Menendez:

Post-Polio Health International, including International Ventilator Users Network, writes in support of ratification of the Convention on the Rights of Persons with Disabilities (CRPD) on behalf of its Membership of people with disabilities worldwide.

The CRPD is a non-discrimination treaty seeking to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, etc. The US can then provide guidance and lend its expertise towards the implementation of the treaty around the world.

St. Louis- based Post-Polio Health International is committed to US leadership on behalf of the 1 billion people with disabilities worldwide many of whom are the survivors of polio. People forget that polio has not yet been eradicated and the survivors need guaranteed access to rehabilitation, employment and educational opportunities.

We believe swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest and we ask you for your support and leadership on this issue.

A handwritten signature in black ink, appearing to read "Joan L. Headley".

Joan L. Headley  
 Executive Director  
 director@post-polio.org



1310 Braddock Place  
Alexandria, VA 22314-1681  
703-310-0500  
www.nib.org

November 1, 2013

To the Honorable Members of the Committee on Foreign Relations:

National Industries for the Blind (NIB) calls on the U.S. Senate to ratify the Convention on the Rights of Persons with Disabilities (CRPD). NIB urges the Senate Committee on Foreign Relations to move quickly and the Senate to vote favorably so that the United States can join global efforts to expand equality and opportunity for all persons with disabilities.

For 75 years, NIB has been focused on enhancing the opportunities for economic and personal independence of people who are blind, primarily through creating, sustaining and improving employment. NIB and its nationwide network of 90 associated nonprofit agencies serve as the largest employer for people who are blind by the sale of SKILCRAFT® and other products and services through the AbilityOne Program.

According to the World Health Organization, over 285 million people live globally with vision loss. Blindness in its many forms creates multiple barriers to economic and personal independence, the foremost obstacle being misconceptions and lack of knowledge on solutions that allow for a person who is blind to lead a completely independent and productive life. NIB encounters these barriers daily as it works to curtail the 70% non-employment rate of working aged Americans who are blind.

Indeed, employment is the pathway toward economic independence and full inclusion into our society. And since the passage of the Wagner O'Day Act in 1938, the legislation that resulted in the creation of NIB; our network of nationwide nonprofits have been embracing the values embodied in the UN convention. Therefore, ratifying this convention not only secures the rights of Americans working or traveling abroad, but it allows the United States to lead the way globally in identifying workable solutions.

Every individual with a disability should have a choice in determining their employment outcome in life. The CRPD assures that the solutions Americans with disabilities have chosen to support these outcomes will not be left out of the conversation as we work toward equality and opportunity for all, regardless of ability.

Sincerely,

Kevin A. Lynch  
President & CEO





[www.ncil.org](http://www.ncil.org)

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Executive Director

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Fairbanks, Alaska

The National Council on Independent Living (NCIL) profoundly supports ratification of the Convention on the Rights of Persons with Disabilities (CRPD). As the longest-running national cross-disability, grassroots organization run by and for people with disabilities, NCIL recognizes the necessity for ratification of the CRPD as a means of ensuring civil and human rights for the 1 billion people with disabilities worldwide.

The CRPD is a non-discrimination international treaty seeking to achieve the empowerment of individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion, and integration into all aspects of society. The CRPD is therefore vital for all people with disabilities because it embodies equal treatment and non-discrimination in access to rehabilitation, employment, and educational opportunities (foundational elements of NCIL and the Independent Living Movement).

Beyond securing the rights of people with disabilities at home, the CRPD is a fundamental framework for creating legislation and policies around the world that embrace the rights and dignity of all people with disabilities. By ratifying the CRPD, the United States will continue to be a global leader in disability rights because the influence of the ADA is apparent throughout the Convention. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. The Convention therefore reflects core American and Independent Living values such as the dignity of the individual, access to justice, and access to appropriate healthcare.

NCIL stands with a broad coalition of over 600 U.S. disability, civil rights, faith, business, and veteran organizations that support US ratification of the CRPD. Ratification is critical to maintaining our leadership role in working to eliminating disability discrimination throughout the world. Without laws like the ADA abroad, millions of children and adults are housed in institutions without enrichment of a family life, community resources, or access to the most basic civil rights like a birth certificate or even a name.

We therefore urge the Senate to continue the bipartisan tradition of supporting the disability community by uniting to ratify the CRPD. NCIL is committed to leading the efforts.

(202) 207-0334 (Voice)  
(202) 207-0340 (TTY)  
(202) 207-0341 (Fax)  
(877) 525-3400 (Toll-Free)

2013 H Street NW, 6<sup>th</sup> Floor  
Washington, DC 20006  
Email: [info@ncil.org](mailto:info@ncil.org)

If you have additional questions, please contact me at [kelly@ncil.org](mailto:kelly@ncil.org) or 202-207-0334.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Buckland". The signature is fluid and cursive, with the first name "Kelly" written in a larger, more prominent script than the last name "Buckland".

Kelly Buckland  
Executive Director  
National Council on Independent Living



Emily Spitzer  
Executive Director

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Robert N. Weiser  
Arnold & Porter, LLP

November 18, 2013

Senator Robert Menendez  
SH-528 Hart Senate Office Building  
Washington, DC 20510-3001

Dear Senator Menendez:

The National Health Law Program (NHeLP) is writing in support of ratification of the Convention on the Rights of Persons with Disabilities (CRPD). The National Health Law Program (NHeLP) is a public interest law firm working to advance access to quality health care and protect the legal rights of low-income and underserved people. NHeLP provides technical support to direct legal services programs, community-based organizations, the private bar, providers and individuals who work to preserve a health care safety net for the millions of uninsured or underinsured low-income people.

The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities, as it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, etc. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

1444 I Street NW, Suite 1105 • Washington, DC 20005 • (202) 289-7551 • Fax (202) 289-7724  
3701 Wilshire Boulevard, Suite 750 • Los Angeles, CA 90010 • (310) 204-8010 • Fax (213) 368-0774  
101 East Weaver Street, Suite G-7 • Carboro, NC 27510 • (919) 968-6306 • Fax (919) 968-8855

[www.healthlaw.org](http://www.healthlaw.org)

Through these mechanisms, the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

NHeLP is committed to U.S. leadership on behalf of the 1 billion people with disabilities worldwide. We believe swift U.S. ratification of the CRPD in a bipartisan fashion is in this country's best interest and we ask you for your support and leadership on this issue.

If you have additional questions, please contact Mara Youdelman, Managing Attorney (DC Office) at [Youdelman@heathlaw.org](mailto:Youdelman@heathlaw.org) or 202-289-7661.

Sincerely,



Emily Spitzer  
Executive Director





**Marc Maurer, President**

200 East Wells Street  
 at Jorrikan Place  
 Baltimore, MD 21230  
 Phone 410 689 9314 Fax 410 685 5653  
 www.nfb.org

The Honorable Robert Menendez  
 Chairman  
 Senate Committee on Foreign Relations  
 United States Senate  
 SD-444 Dirksen Senate Office  
 Building (Committee Staff)  
 Washington, DC 20510

The Honorable Bob Corker  
 Ranking Member  
 Senate Committee on Foreign Relations  
 United States Senate  
 SD-446 Dirksen Senate Office  
 Building (Committee Staff)  
 Washington, DC 20510

November 4, 2013

Dear Chairman Menendez and Ranking Member Corker:

I am writing to urge ratification of the Convention on the Rights of Persons with Disabilities (CRPD). The National Federation of the Blind, the oldest and largest nationwide organization of blind people in the United States, supports this critical non-discrimination treaty, which seeks to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in the United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion, and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities abroad, as it embodies equal treatment and non-discrimination in access to rehabilitation, employment, and educational opportunities. All people with disabilities, in every country, deserve equal protection of their human rights and an equal opportunity to contribute to society.

The United States must continue to set a strong example to the rest of the nations of the world in the area of protecting the rights of individuals with disabilities, just as we have through our own disability laws such as the ADA and the Individuals with Disabilities Education Act. We must also stand up for the human rights and dignity of people with disabilities who live in nations where they experience forms of isolation, stigmatization, and discrimination that are virtually unheard-of in our country today. While the journey of Americans with disabilities toward full equality in our society is not over, we are much further along than our disabled brothers and sisters in many other nations. It is imperative that we show leadership and remain engaged as other nations move towards more enlightened attitudes, laws, and policies toward their citizens with disabilities. The United States has a unique opportunity to provide and influence the implementation of the treaty around the world and to lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military service members and veterans, students, scientists, tourists, and business leaders, along

*Voice of the Nation's Blind*

with their families who live, work, do business, and travel abroad. American citizens with disabilities should have equal opportunities to benefit from a world economy that is fully accessible to all people.

The National Federation of the Blind is committed to U.S. leadership on behalf of the one billion people with disabilities, including those who are blind or have low vision, worldwide. We believe that swift U.S. ratification of the CRPD in a bipartisan fashion is in our nation's best interest and urge your support and leadership on this issue. If you have additional questions, please contact me at [jpare@nfb.org](mailto:jpare@nfb.org) or (410) 659-9314, extension 2218. Thank you for your consideration of this critically important matter.

Sincerely,



John G. Paré Jr.  
Executive Director for Advocacy and Policy  
NATIONAL FEDERATION OF THE BLIND

October 31, 2013

The Honorable Robert Menendez  
United States Senate  
528 Senate Hart Office Building  
Washington, DC 20510

The Honorable Bob Corker  
United States Senate  
425 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Menendez and Ranking Member Corker:

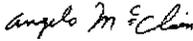
We are writing on behalf of National Association of Social Workers (NASW) and our 135,000 members and 55 Chapters in support of United States ratification of the Convention on the Rights of Persons with Disabilities (CRPD). We are pleased that the Senate Foreign Relations Committee is holding hearings on CRPD and submit this letter of support for the hearing record.

The CRPD is a non-discrimination treaty which seeks to ensure that countries across the globe provide people with disabilities with the same rights as everyone else, so that they can live full, satisfying and productive lives. This global treaty was inspired by and embodies the bedrock American ideals that form the basis of the American with Disabilities Act (ADA). These principles, so important to us as a civil and human rights organization devoted to protecting and advancing the rights of (add in appropriate constituency), include non-discrimination, equality, inclusion in society, accessibility and respect for the inherent dignity of all persons, including persons with disabilities.

According to the latest census data, 18.7 percent of all Americans have some type of disability. People of color experience disability at the following rates: According to the U.S. Census Bureau, in the 2011 American Community Survey 1-Year Estimates, American Indians/Alaskan Natives experience the highest rate of disability at 16.3%; Black or African American at 13.9%; White alone (not Hispanic or Latino) at 13.2%; Native Hawaiian and Other Pacific Islander alone at 8.8%; Hispanic or Latino (of any race) at 8.4%; and Asian alone at 6.4%. In addition, females experience a rate of disability at 12.4% and males at 11.9%. Furthermore, persons 65 years or older experience the highest rate of disability at 36.6%; persons 18 to 64 years at 10.2%; persons 5 to 17 years at 5.2%; and persons under 5 years at 0.8%.

The CRPD will benefit millions of individuals with disabilities around the world. U.S. ratification will also benefit Americans, particularly those veterans, business leaders, scientists, students and other disabled Americans who seek to live, work or travel abroad. NASW is committed to ensuring that our country maintains its leadership role in promoting the rights and dignity of all people with disabilities. We have a lot of experience—through the ADA, our technology and our creative know-how—to share with the rest of the world. But most importantly, by ratifying the Convention on the Rights of Persons with Disabilities we will demonstrate our respect to those Americans disabled through war and conflict and other incidents and can stand with the rest of the world in advancing the civil and human rights of disabled people around the world.

Sincerely,

A handwritten signature in cursive script that reads "Angelo McClain".

Angelo McClain, PhD, LICSW  
Chief Executive Officer



National Association of State Head Injury Administrators

P.O. Box 878  
 Waitsfield, VT 05673  
 802-496-3349  
[www.nashia.org](http://www.nashia.org)

October 31, 2013

The Honorable Robert Menendez, Chair  
 Senate Foreign Relations Committee  
 United States Senate  
 Washington, DC 20510

The Honorable Bob Corker, Ranking Member  
 Senate Foreign Relations Committee  
 United States Senate  
 Washington, DC 20510

Dear Senators Menendez and Corker:

On behalf of the National Association of State Head Injury Administrators (NASHIA), I am writing in support of the ratification of the Convention on the Rights of Persons with Disabilities (CRPD). Our Association is comprised of state, public and private administrators of traumatic brain injury (TBI) services, clinicians, families, consumers and advocates concerned with service delivery for individuals with TBI and their families. Since 1990, we have provided assistance to help states develop, expand and improve rehabilitative and community services and supports for the 2.4 million Americans with TBI.

NASHIA supports the CRPD, which is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in United States which empower all individuals with disabilities, including brain injury, to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The United States has long been a world leader in setting the standards for ensuring the human rights of individuals with disabilities through such legislation as the ADA, IDEA, and Sections 503/504 of the Rehab Act. States have similarly enacted non-discrimination legislation to increase accessibility to health care, education, employment, housing, transportation, and community living to empower individuals to live independently and lead productive lives within communities of their choice. It is only fitting that the United States joins other countries to ensure that these rights are afforded to all individuals with disabilities regardless of where they live or in which country they are visiting.

NASHIA asks that you support this treaty and help ensure that the United States joins other countries in addressing this critical issue. Thank you for your attention to this matter.

Sincerely,

Susan L. Vaughn  
 Director of Public Policy  
 E-mail: [publicpolicy@nashia.org](mailto:publicpolicy@nashia.org)

cc: Members, Senate Foreign Relations Committee

**nashia**

*giving states a voice*

National Association of State Head Injury Administrators

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P.O. Box 878  
Waitsfield, VT 05673  
802-498-3349  
[www.nashia.org](http://www.nashia.org)



October 29, 2013

Honorable Bob Menendez, Committee Chair  
Honorable Bob Corker, Ranking Member  
Foreign Relations Committee  
United States Senate  
Dirksen Senate Office Building  
Washington, D.C. 20520

Dear Chairman Menendez and Ranking Member Corker,

I am writing on behalf of the National Association of Councils on Developmental Disabilities (NACDD) to express support for ratification of the Convention on the Rights of Persons with Disabilities (CRPD). NACDD serves as the national voice of the 56 State and Territorial Councils on Developmental Disabilities. We support the DD Councils in implementing the Developmental Disabilities Assistance and Bill of Rights Act while promoting the interest and rights of people with developmental disabilities and their families.

The CRPD is important to all people with disabilities, including people with developmental disabilities, as it embodies the values of the DD Act including equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities. The treaty is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society.

NACDD is committed to US leadership on behalf of the 1 billion people with disabilities worldwide. We believe swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest and ask you for your support and leadership on this issue.

If you have additional questions, please contact me at [egrant@nacdd.org](mailto:egrant@nacdd.org) or 202-506-5813.

Sincerely,

Esmé Grant, Esq.  
Director of Public Policy



Senate Foreign Relations Committee  
 United States Senate  
 Washington, DC 20515

**Testimony on Behalf of the National Multiple Sclerosis (MS) Society**  
 November 21, 2013

Mr. Chairman and Members of the Committee, thank you for this opportunity to provide testimony regarding the United Nations Convention on the Rights of Persons with Disabilities (CRPD), a treaty that impacts those affected by multiple sclerosis, and to inform the Committee of the Society's strong support for ratification of this treaty.

Multiple sclerosis (MS) is an unpredictable, often disabling disease of the central nervous system that interrupts the flow of information within the brain, and between the brain and body. Symptoms range from numbness and tingling to blindness and paralysis. The progress, severity, and specific symptoms of MS in any one person cannot yet be predicted, but advances in research and treatment are moving us closer to a world free of MS. Most people with MS are diagnosed between the ages of 20 and 50, with at least two to three times more women than men being diagnosed with the disease. MS affects more than 400,000 people in the U.S. The Society addresses the challenges of each person affected by MS by funding cutting-edge research, driving change through advocacy, facilitating professional education, collaborating with MS organizations around the world, and providing programs and services designed to help people with MS and their families move their lives forward. The National MS Society is also an active member of the Multiple Sclerosis International Federation (MSIF) along with 80 other MS organizations from around the world and ratification of the CRPD is a top priority for the MSIF.

Support for the CRPD is vital for achieving the same goals internationally as we have been striving for with disability laws in the United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion in all aspects of society. These goals are critical for those whose MS has resulted in disability. The Senate failed to ratify the CRPD in 2012 with a vote of 61-38, a failure which disheartened many within the disability community. The National MS Society recommends that the Committee vote to pass the CRPD and bring the treaty to a vote on the full Senate floor, giving the treaty another chance.

According to the World Health Organization 15% of the world's population, 1 billion people, have a disability. The CRPD is the first international treaty to address disability on a global scale. This is the first cross-disability treaty and it obligates countries that ratify it to promote, protect, fulfill and ensure the rights of all persons with disabilities. This landmark treaty abandons the previous medical and charitable model of disability rights in favor of the social model that promotes independence and inclusion throughout society. The treaty is a paradigm shift in nation's approaches to people with



disabilities. The CRPD was adopted by the United Nations in 2006 and opened for signatures in March 2007. On May 3, 2008 the CRPD was "entered into force" became law for countries that had ratified it. The United States signed the treaty on July 30, 2009 becoming the 142<sup>nd</sup> country to sign the treaty. As of November 2013, 138 countries have ratified the treaty and a total of 158 countries have signed. Among the countries that have ratified the treaty are countries with high rates of MS including Canada, Germany, and the United Kingdom.

**How ratification will impact people with MS:** In 2005, the MS International Federation (MSIF) developed *Principles to Promote the Quality of Life of People with MS*. The document discusses the key principles and rights that are necessary to ensure the well-being of individuals with MS including access to employment, transportation, education and accessible housing. Many of these same values are incorporated within the CRPD. The CRPD promotes equality for all people with disabilities in areas of employment, housing, healthcare, transportation, and education—along with other human rights. Through the United Nations, the CRPD provides a legal backing to the principles of the MSIF in countries that ratify the treaty.

The CRPD will improve access for Americans with disabilities to be able to live, work, study or travel abroad, including veterans. The CRPD promotes the rights of our veterans and reduces barriers for our veterans and service members with disabilities who live and serve outside the borders of the United States. Currently, more than 23,000 veterans with MS receive care through the Veterans Health Administration.

**Connection to the Americans with Disabilities Act (ADA):** The Americans with Disabilities Act (ADA), which passed with strong bipartisan support in the Senate, has made America more accessible, just as the CRPD will make the world more accessible. When President George H. W. Bush signed the ADA on July 26, 1990, he established a national mandate for the elimination of discrimination against individuals with disabilities. Since its enactment, the ADA has expanded opportunities for Americans with disabilities, including those living with MS. For millions of Americans the ADA has reduced barriers and changed perceptions to lead to full participation in society.

The ADA Amendments Act of 2008, which passed with unanimous consent in the Senate, made it clear that the intention of the ADA was to be comprehensive and protect anyone facing unfair discrimination because of a disability. The National MS Society was a strong supporter of the ADA and of the ADA Amendments to preserve protections for all people with disabilities.

Over 20 years ago, America was a leader as it enacted the ADA. Today America has a chance to once again be a leader and essentially make the ADA the global standard. The principles seen within the ADA are similar to those in the CRPD. Both call for equal treatment and non-discrimination in politics and access to justice, health care, education, employment, and rehabilitation. Just like the ADA, the CRPD seeks to



ensure that people with all disabilities have the same rights as everyone else so that their lives can be full, satisfying, and productive.

**Benefits of Ratification:** Ratification of the CRPD allows the United States to reaffirm our commitment to disability rights. Ratification now will allow the United States an opportunity for a representative of the U.S. to be elected to the Committee on the Rights of Persons with Disabilities—the monitoring body established by the CRPD. The responsibility of the Committee is to make recommendations for the best implementation strategies from the treaty’s vision. Only countries that ratify the treaty can be elected to the Committee. The next Committee election occurs in September and then will not occur for another two years. With a seat on the Committee the U.S. can help guide other countries through the development of disability laws that can achieve similar successes to those in the U.S.—including the ADA.

In addition to access for individuals with disabilities, the CRPD creates a level playing field for U.S. business interests. The CRPD would require businesses abroad to create policies on accessibility that meet ADA standards. In addition, the implementation of the CRPD around the world will create demand for accessible goods that are produced by American businesses and required under the ADA.

**Conclusion:** The National MS Society thanks the Committee for the opportunity to provide this testimony. We believe that the CRPD is of vital importance to people living with MS and we look forward to continuing to working with the Committee and the full Senate toward ratification of this important treaty. Please don’t hesitate to contact our Vice President of Federal Government Relations, Ted Thompson, at 202-408-1500 or via e-mail at [ted.thompson@nmsc.org](mailto:ted.thompson@nmsc.org) with any questions.

Eli Rubenstein  
Chair, National Board of Directors  
National MS Society

Eli Rubenstein, Attorney at Law  
Goulston & Storrs  
400 Atlantic Ave  
Boston, MA 02110-3331



National Headquarters  
2025 E Street NW  
Washington, DC 20006

November 15, 2013

The Honorable Robert Menendez  
Chairman  
Senate Foreign Relations Committee  
United States Senate  
Washington, DC 20510

The Honorable Bob Corker  
Ranking Member  
Senate Foreign Relations Committee  
United States Senate  
Washington, DC 20510

Dear Chairman Menendez and Ranking Member Corker:

On behalf of the American Red Cross, we write to urge the Senate Foreign Relations Committee to once again advance the Convention on the Rights of Persons with Disabilities (CRPD). We believe the CRPD upholds the fundamental principle that all people be treated with respect for their rights and human dignity. Ratifying the Convention will show our country's commitment to championing the rights of the disabled, and allow the United States to join 138 other countries that have ratified it.

The American Red Cross knows that inclusive disaster planning and preparedness saves lives, alleviates suffering and increases individual and community resilience. During times of disaster, disabled people must have input into how their communities respond to challenges. Given the challenges they face on a daily basis, their rich and diverse perspectives are invaluable and can help save lives.

In countries affected by armed conflict and natural disasters, many vulnerable populations are difficult to reach. The CRPD recognizes this unfortunate reality. It also identifies women and children with disabilities as particularly vulnerable and deserving of protections to safeguard their rights. As an organization that meets pressing needs with compassion, the American Red Cross believes the CRPD is consistent with our core values and determination to access populations often overlooked during humanitarian emergencies.

The U.S. now has an opportunity to lead by example to ensure that all people with disabilities can access critical programs and services to preserve their health, further their education, and receive assistance and protection during humanitarian crises.

Chairman Menendez and Ranking Member Corker, we respectfully urge the Committee to ratify the CRPD and formalize our commitment to advancing the rights of people with disabilities and protecting their interests as they realize aspirations for their own lives, their families and communities. Thank you for your thoughtful consideration.

Sincerely,

  
Bonnie McElveen-Hunter  
Chairman  
Board of Governors

  
Gail J. McGovern  
President & CEO

CC: The Honorable Patrick Leahy  
Chairman, Senate Judiciary Committee  
  
The Honorable Charles Grassley  
Ranking Member, Senate Judiciary Committee

## American Academy of Pediatrics

DEDICATED TO THE HEALTH OF ALL CHILDREN®



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Homer Building, Suite 400 N  
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San Diego, CA

**District X**  
Sara H. Geza, MD, FAAP  
Fayetteville, GA

October 2, 2013

The Honorable Robert Menendez  
Chairman, Foreign Relations Committee  
United States Senate  
446 Dirksen Senate Office Building  
Washington, DC 20510-6225

The Honorable Bob Corker  
Ranking Member, Foreign Relations Committee  
United States Senate  
446 Dirksen Senate Office Building  
Washington, DC 20510-6225

Dear Senators Menendez and Corker:

On behalf of the American Academy of Pediatrics (AAP), a non-profit professional organization of 60,000 primary care pediatricians, pediatric medical subspecialists, and pediatric surgical specialists dedicated to the health, safety, and well-being of infants, children, adolescents, and young adults, I am writing to strongly urge the Senate Foreign Relations Committee to redouble its efforts to ratify the Convention on the Rights of Persons with Disabilities (CRPD).

AAP is deeply committed to improving the health and well-being of the world's children, especially for children with disabilities. It is estimated that 10 percent of the world's children—or approximately 200 million out of a global population of about 2 billion<sup>1</sup>—were born with disabilities or became disabled during childhood. Unfortunately, children with disabilities are often times not valued the same as other children and are marginalized in many parts of the world. In addition, children with disabilities are more likely to live in poverty<sup>2</sup>, are disproportionately vulnerable to physical and sexual abuse<sup>3</sup>, and are often times denied education<sup>4</sup>. Worse, mortality for children with disabilities may be as high as 80 percent in countries where under-five mortality has been reduced to under 20 percent.<sup>5</sup> For the reason listed above, the CRPD is of critical importance to children around the world.

The United States of America has been a world leader in championing the rights of people with disabilities, highlighted by the enactment of the Americans with Disabilities Act (ADA) over 21 years ago. America's children have benefited greatly from ADA, as well as other landmark legislation like the Individual with Disabilities Education Act (IDEA), and it is time to encourage these advances in disability rights to children throughout the world.

Like the concepts behind ADA and IDEA, the CRPD promotes individual dignity, equal opportunity, accessibility, and full inclusion and participation in society for all people with disabilities. In many ways the CRPD was directly inspired by and modeled after the ADA. As such, it is imperative that America reaffirm its commitment to human rights and dignity for all by ratifying the CRPD. Failure to do so would signal a retreat from our leadership on this issue and will diminish our capacity to lend our expertise as more countries develop their own disability rights laws.

Although we were greatly disappointed that the Senate fell five votes short of ratifying the CRPD last December, we are hopeful that the Senate can take up the treaty again in the 113<sup>th</sup> Congress and ratify it quickly. As the Chairman and Ranking Member of the Senate Foreign Relations Committee, we urge you to hold hearings on the treaty and continue the process of having the full Senate consider the CRPD.

AAP is joined by more than 650 organizations from the medical, disability, faith, business and veterans' community that support the United States ratification of the CRPD. It is crucial that America ratify the treaty so that we can continue to effectively work to promote human rights and dignity for children with disabilities throughout the world. We thank you for your consideration and hope we can count on your support for ratification of the treaty.

Sincerely,



Thomas K. McInerney, MD, FAAP  
President

TKM/pmj

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<sup>1</sup> UN Disability Fact Sheet, Convention on the Rights of Persons with Disabilities, UN, New York, 2006.

<sup>2</sup> *Disability, Poverty and Development*, DFID, London, 2000.

<sup>3</sup> Violence against Disabled Children, UN Secretary General's Report on Violence against Children Thematic Group on Violence against Disabled Children: Findings and Recommendations, convened by UNICEF at the United Nations, New York, July 28, 2005.

<sup>4</sup> *Disability, Poverty and Development*, DFID, London, 2000.

<sup>5</sup> Thomas P., *Disability, Poverty and the Millennium Development Goals*, DFID, June 2005.



Imagine a World Without Hate™

November 4, 2013.

The Honorable Robert Menendez, Chair
U.S. Senate Committee on Foreign Relations
444 Dirksen Senate Office Building
Washington, DC 20510-6225

The Honorable Bob Corker, Ranking Member
U.S. Senate Committee on Foreign Relations
444 Dirksen Senate Office Building
Washington, DC 20510-6225

Dear Chairman Menendez and Ranking Member Corker:

We are writing to provide the Senate Foreign Relations Committee with the views of the Anti-Defamation League (ADL) as part of the full Committee's November 5 hearing on the Convention on the Rights of Persons with Disabilities (CRPD), a treaty that can help ensure that people living with disabilities can enjoy equal opportunity and full participation in communities across the world. In advance of tomorrow's hearing, we would ask that this statement be included as part of the official hearing record.

The Anti-Defamation League (ADL) has advocated for fair and equal treatment of all persons since its founding in 1913. ADL fights anti-Semitism and all forms of bigotry, defends democratic ideals, and protects civil rights for all. ADL has supported laws like the Americans with Disabilities Act (ADA) and fights for robust protection against discrimination and hate crimes, and promotes a wide range of online education tools to raise awareness about the experiences of people with disabilities and the struggle for equal access and equal treatment.

The adoption of the ADA set an important standard against discrimination that is too rare in countries around the globe where people with disabilities are marginalized and denied basic protections. CRPD was inspired by U.S. leadership and is modeled on the ADA. This treaty simply aims to take our own model standard to countries around the world to empower and protect people where they live. Ratification will have no effect on current American law, nor would it have any cost. The benefits, however, are substantial and would provide increased accessibility and opportunity for Americans traveling and working abroad.

More than 1 billion people are living with disabilities – making them one of the largest minority groups in the world and, in developing countries, among the most marginalized populations. The treaty reinforces American values and law to promote, protect, and ensure the full enjoyment of human rights by people with disabilities and ensure that they enjoy full equality under the law.

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Dear Chairman Menendez and Ranking Member Corker:

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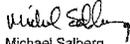
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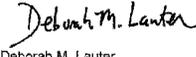
The United States signed the CRPD in 2009. On December 4, 2012 the United States Senate considered the ratification of the CRPD but fell 5 votes short of the super-majority vote required for ratification of a treaty. To date, over 130 countries have ratified the CRPD. ADL commends the Committee for holding this hearing today and we are hopeful that the United States will soon be added to the list of the CRPD-ratified countries.

We urge you to stand up for fairness and equal access for people with disabilities across the globe and lend your support for swift ratification of the CRPD. Now is the time to elevate America's leadership in advocating fair treatment and protection for people with disabilities around the world.

Sincerely,



Michael Salberg  
Associate National Director,  
Director of International Affairs



Deborah M. Lauter  
Director of Civil Rights





proclaims that all citizens, including our men and women in uniform and our disabled veterans, have the ability to live in dignity, safety and equality.

- Passage of this treaty will allow the U.S. to show leadership on disability policy based on our experiences with the ADA, and help other nations work toward equal opportunity, freedom, and dignity for people with disabilities.
- It is unacceptable that any American with a disability cannot leave the borders of the U.S. due to the fear of stigma, barriers, and denial of his or her rights.
- In 2012, the Senate passed a resolution that clarifies the U.S. would not compromise its sovereign authority by approving the convention.
- To further allay other concerns, the treaty has no power to modify or overrule U.S. law; nor would any recommendations emerging from it be binding on state or federal governments or in any state or federal court.

"We strongly urge the Senate to ratify the CRPD to position the United States as an example for leadership in advocating for people with disabilities" said AAPM&R president, Alberto Esquenazi, M.D.

In sum, we assert that voting for ratification of the treaty is an opportunity to reposition our country as a world leader, help eliminate barriers and make the world accessible for people with disabilities, including our veterans, Americans working abroad and others so affected. Please contact Suzanne Butler, AAPM&R Manager, Legislative Affairs at (847) 737-6022, or at [sbutler@aapm.org](mailto:sbutler@aapm.org) with any questions.

Sincerely,

Alberto Esquenazi, M.D.,  
President, American Academy of  
Physical Medicine and Rehabilitation

cc:  
Senator Robert Menendez, Chairman  
Senator Bob Corker, Ranking Member  
U.S. Senate Committee on Foreign Relations



October 31, 2013

Dear Senators Menendez and Corker:

Access Living is writing in support of ratification of the Convention on the Rights of Persons with Disabilities (CRPD). For more than thirty years, we have been part of the US disability rights movement at the local, state and national levels. Over the years, many of our staff have been involved in international disability rights and exchange programs. Most recently this year we have had guests with disabilities from Tunisia, Colombia, Ecuador and Tajikistan. The power of the CRPD, and the inequalities suffered by people with disabilities around the world, is very real to our staff, community and international friends.

Along with hundreds of our fellow American organizations working in disability issues, veterans issues and the business sector, we strongly believe that the US needs to ratify the CRPD so that we can take our rightful place as leaders at the world table on disability rights. The CRPD embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities. Access Living staff are right now working on these very issues and want to be able to share what we learn as best practices with the rest of the world.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare. These are vital issues in the work of Access Living.

Through ratifying the CRPD and thus entering the roundtable afforded to the countries who have also ratified the CRPD, the United States can provide and influence guidance on the implementation of the treaty around the world. We can lend our expertise as more countries develop their own disability rights laws. Disability knows no borders. Neither should freedom, equality and inclusion.

Access Living's staff members are, and have been for years, personally committed to US leadership on behalf of the more than one billion people with disabilities worldwide. We believe swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest and we thank you for your leadership in calling a hearing on this issue.

If you have further questions, please contact Amber Smock at (312) 640-2191 or [asmock@accessliving.org](mailto:asmock@accessliving.org)

Sincerely,

Marca Bristo  
President and CEO

Amber Smock  
Director of Advocacy



American  
Public Health  
Association

PROTECT, PREVENT, LIVE WELL

1000 17th Street, NW  
Washington, DC 20036  
Tel: 202-638-1000 | Fax: 202-638-1001

October 18, 2013

The Honorable Robert Menendez  
U.S. Senate  
Washington, DC 20510

The Honorable Bob Corker  
U.S. Senate  
Washington, DC 20510

Dear Senators Menendez and Corker:

On behalf of the American Public Health Association, a diverse community of public health professionals who have championed the health of all people and communities around the world for more than 140 years, I write in support of the United States' ratification of the Convention on the Rights of Persons with Disabilities. Last year the Senate Foreign Relations Committee held hearings that demonstrated strong bipartisan support for CRPD ratification and favorably reported the treaty out of committee. Unfortunately, the treaty fell five votes short of the super-majority required to pass the full Senate. We urge the Senate Foreign Relations Committee to once again move the treaty forward and allow the U.S. to join the other 138 nations that have ratified this important human rights treaty.

Ratifying the CRPD is more than a ritual of words. The U.S. has the ability to play a critical role in accelerating the progress of ensuring that all people with disabilities have access to health care, education, transportation and employment opportunities vital to fully participating in all aspects of life. This strategic action would benefit people with disabilities worldwide, their families and caregivers by contributing to equitable societal inclusion, human rights and economic growth. By ratifying the CRPD, the U.S. will have the opportunity to fully engage with other States Parties who have ratified the treaty to collaborate in the development and implementation of programs and policies to improve the lives of persons living with disabilities across the globe.

There are an estimated one billion people with disabilities around the world. With improved life-saving measures for infants and mothers, continued violence and armed conflict, increased prevalence of non-communicable chronic diseases, and aging of the global population, the number of people living with disabilities will continue to grow.

The Americans with Disabilities Act has transformed the lives of many people in the U.S., allowing people with disabilities to pursue inclusive, healthy and productive lives. The ability to work, learn, live and travel for Americans with disabilities should not be confined to the U.S. borders. Let us expand these opportunities by sharing our knowledge, experiences, and signal to the world that the U.S. continues to serve as a leader on these important issues.



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**Autism National Committee, Inc.**  
*23 years of advocacy for children and adults with autism*  
www.autcom.org  
Jess Butler, Congressional Affairs Coordinator, jessica [a]jnba.net

October 28, 2013

The Honorable Robert Menendez, Chairman  
Committee on Foreign Relations  
U.S. Senate  
Washington, DC 20510-6225

The Honorable Bob Corker, Ranking Member  
Committee on Foreign Relations  
U.S. Senate  
Washington, DC 20510-6225

***Re: Ratification of the CRPD; Enable People with Autism and Other Disabilities  
Worldwide to Have Protections like the Americans with Disabilities Act***

Dear Chairman Menendez and Ranking Member Corker:

The Autism National Committee (AutCom) writes to share our strong support for ratifying the Convention on the Rights of Persons with Disabilities (CRPD) and to thank you for scheduling hearings on this important treaty. AutCom is a 23-year-old national nonprofit organization of people with autism, advocates, and other professionals dedicated to protecting and advancing the human rights and civil rights of adults and children with Autism, Pervasive Developmental Disorder, and related differences of communication and behavior.

Ratifying the CRPD is very important for the world's 1 billion people with disabilities, 80% of whom live in developing countries. By ratifying the treaty, America will be able to lead the rest of the world to adopt legislation and policies that embrace the rights and dignity of all people with disabilities, just as we have in the United States. The CRPD was modeled on the Americans with Disabilities Act (ADA), and its role in empowering people with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society. Ratifying the CRPD will enable America to provide leadership in bringing the rest of the world up to ADA Standards. It will enable us to encourage other countries to fight disability discrimination, provide greater civic and political participation, self-sufficiency, and independent living for people with disabilities.

The CRPD will protect Americans with disabilities who work and travel abroad. Approximately 4 out of 10 American travelers are people with disabilities and their companions. Yet, they face constant barriers and discrimination abroad. By ratifying the CRPD, the U.S. will offer decades of honed technical expertise to reduce barriers globally and ensure that Americans who travel and study abroad have the same access they enjoy here. This will help American businesses grow.

The Judge David L.  
**BAZELON CENTER**  
 for Mental Health Law  
 www.bazelon.org

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*Affiliations for informational purposes only*

Nov. 8, 2013

Dear Senator Menendez:

The Bazelon Center for Mental Health Law urges you to support ratification of the Convention on the Rights of Persons with Disabilities (CRPD). The Bazelon Center is a national non-profit legal advocacy organization that promotes equal opportunities for individuals with mental disabilities in all aspects of society, including community living, housing, employment, health care, education, voting rights, parental and family rights, and other areas.

The CRPD is a non-discrimination treaty designed to achieve goals similar to those of the Americans with Disabilities Act (ADA), the Rehabilitation Act, and other federal disability rights laws in United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities, as it requires equal treatment and non-discrimination in access to health care, employment, educational and other opportunities.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, and other laws. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

Ratifying the CRPD will ensure that the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

The Bazelon Center is committed to US leadership on behalf of people with disabilities worldwide. We believe swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest and ask you for your support

and leadership on this issue.

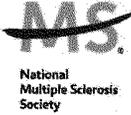
If you have additional questions, please contact me at [jenniferm@bazelon.org](mailto:jenniferm@bazelon.org) or 202-467-5730 ext. 313.

Sincerely yours,

A handwritten signature in cursive script that reads "Jennifer Mathis".

Jennifer Mathis  
Director of Programs





October 29, 2013

Honorable Robert Menendez  
Chair  
Senate Foreign Relations Committee  
444 Dirksen Senate Building  
Washington, DC 20510

Honorable Bob Corker  
Ranking Member  
Senate Foreign Relations Committee  
425 Dirksen Senate Building  
Washington, DC 20510

RE: The Convention on the Rights of Persons with Disabilities (CRPD)

Chairman Menendez and Ranking Member Corker:

The National Multiple Sclerosis (MS) Society urges you to support ratification of the U.N. Convention on the Rights of Persons with Disabilities (CRPD). Ratification of this treaty is a priority for the National MS Society, as well as the Multiple Sclerosis International Federation (MSIF) of which we are a member, along with more than 80 other MS organizations from around the world.

More than 20 years ago, the U.S. provided world leadership when it passed groundbreaking legislation, the Americans with Disabilities Act (ADA). The ADA has made America more accessible for millions of Americans and served as the inspiration for the CRPD. The CRPD aims to enhance the rights of persons with disabilities by asserting that persons with disabilities have the same rights as persons without disabilities. Ratification of the CRPD will benefit U.S. business interests, support global accessibility, and allow the U.S. to continue its leadership in an area of U.S. expertise.

The Chamber of Commerce, U.S. Business Leadership Network, and the Information Technology Industry Council each support the ratification of the CRPD. The CRPD will benefit American businesses by opening additional markets for American made goods which will spur new economic growth. Additionally, the CRPD will help create a level playing field between U.S. businesses that are ADA compliant and businesses in other countries that currently do not have comparable workplace standards.

The CRPD will move to create a more accessible world. Americans with disabilities—including veterans—will have increased independence to continue to work, serve, study, live, or travel abroad. The CRPD will help reduce the barriers for Americans with disabilities by changing attitudes and perceptions around the world, much like has happened in America over the past generation.

After ratifying the CRPD, the U.S. will have the opportunity to participate in the



National  
Multiple Sclerosis  
Society

CRPD Committee. This is a committee that was established through the CRPD and is responsible for providing non-binding advice and recommendations for countries that ratify the convention. Only after ratifying the treaty can the U.S., a leading international expert on disability rights and accessibility, participate in the Committee.

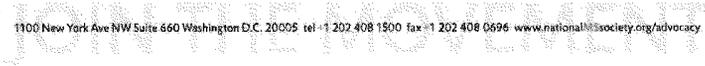
On behalf of those living with MS and other disabilities in the United States, we urge you to support ratification of the CRPD. Thank you for your consideration and if you or your staff has any questions, please contact our Vice President of Federal Government Relations, Ted Thompson, at 202-408-9484 or via email at [ted.thompson@nmss.org](mailto:ted.thompson@nmss.org).

Sincerely,

A handwritten signature in black ink that reads "Bari Talente".

**Bari Talente**  
Executive Vice President, Advocacy

CC: Senate Committee on Foreign Relations





October 30, 2013

Dear Senator:

Maryland Disability Law Center (MDLC) writes to urge ratification of the Convention on the Rights of Persons with Disabilities (CRPD). MDLC is Maryland's designated Protection & Advocacy (P&A) organization, providing free legal advocacy services to people with all types of disabilities, of all ages, statewide. For over 30 years, the national P&A Network has been mandated by Congress to protect the civil rights of all individuals with disabilities.

The CRPD is a non-discrimination treaty that seeks to achieve the same goals as the Americans with Disabilities Act (ADA) and other U.S. disability laws: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. It is the first international treaty to address the rights of persons with disabilities worldwide. The CRPD is important to all people with disabilities, including U.S. veterans, service members, overseas workers and travelers with disabilities. Ratification of the CRPD will reinforce America's global leadership and position the United States to advance disability rights worldwide with the 129 nations and the European Union that are already parties to the treaty. Ratification of the CRPD is required for the U.S. to participate in the CRPD Conference of States Parties and elections to the Committee on the Rights of Persons with Disabilities, both of which will guide the treaty's implementation.

Through these mechanisms, the United States can provide guidance and influence on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the U.S. such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

1500 Union Avenue, Suite 2000 • Baltimore, Maryland 21211  
Phone: 410-727-6352 • TTY: 443-285-5387 • Fax: 410-727-6389 •  
[www.mdclclaw.org](http://www.mdclclaw.org)

This treaty will have no impact on U.S. sovereignty. The United States has ratified a number of international human rights treaties, such as the International Covenant on Civil and Political Rights, and the Convention on the Elimination of All Forms of Racial Discrimination, and for decades has participated in international human rights bodies and committees. These previously ratified human rights treaties contain rights that Americans have long enjoyed, such as the right to equality under the law, the right to due process, and the right to be free from discrimination. The U.S. ratified these treaties because they adhere to long established American values. United States' ratification of the CRPD would demonstrate our nation's continued commitment to the norm that all individuals with disabilities shall be accorded equal rights as those without disabilities.

Ratification of the CRPD by the U.S. will open new markets for American products, technologies, and services that assist persons with disabilities, and will put the U.S. in the best position to export them worldwide. Many businesses and associations, such as IBM, Consumer Electronics Association, Adobe, AT&T and the U.S. Chamber of Commerce support the CRPD for this reason.

In addition, ratification of the CRPD will assist veterans and others with disabilities who want to work, travel or study abroad by improving physical, technological, and communication access outside the United States. Among the more than 600 organizations supporting ratification are over 20 veteran services organizations representing all generations of veterans, including: the American Legion, Veterans of Foreign Wars, Paralyzed Veterans of America, Iraq and Afghanistan Veterans of America, Vietnam Veterans of America, and Blinded Veterans Association.

The CRPD affirms America's leadership in protecting and promoting the human and civil rights of persons with disabilities. We thank you for considering our views.

Sincerely,



Virginia Knowlton Marcus  
Executive Director  
410-727-6352 ext. 2482



October 31, 2013

Dear Senator:

Metropolitan Community Churches, in partnership with our Global Justice Institute, is writing to support the ratification of the Convention on the Rights of Persons with Disabilities (CRPD). The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities, as it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities. In the U.S., people living with HIV and AIDS and who are unable to work are eligible for disability benefits. This is an area where our nation's global leadership needs to continue and expand.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, etc. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

Through these mechanisms, the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

Metropolitan Community Churches and the Global Justice Institute are committed to US leadership on behalf of the 1 billion people with disabilities worldwide. We believe swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest and we ask you for your support and leadership on this issue.

If you have additional questions, please contact us at [revnancywilson@mccchurch.net](mailto:revnancywilson@mccchurch.net) and [rpainmccny@aol.com](mailto:rpainmccny@aol.com) or (212) 629-7440.

Sincerely,

Rev. Elder Dr. Nancy Wilson  
Presiding Moderator  
Metropolitan Community Churches

Rev. Pat Bumgardner  
Executive Director  
The Global Justice Institute



647 W. Virginia St., Suite 300  
Milwaukee, WI 53204  
414-281-4400  
Fax 414-325-3124

November 5, 2013

The Honorable Ron Johnson  
328 Hart Senate Office Building  
Washington, D.C. 20210

Dear Senator Johnson,

Lutheran Social Services of Wisconsin and Upper Michigan writes to encourage your support of ratification of the Convention on the Rights of Persons with Disabilities (CRPD). Modeled after the Americans with Disabilities Act (ADA), the CRPD supports the American ideal of full inclusion for people with disabilities in society and their right to live a life of independence and dignity.

By ratifying the CRPD, the U.S. will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities. As a faith-based service provider, we believe that the CRPD reflects values of individual dignity, access to justice and the importance of family decision-making. The CRPD ensures American sovereignty as well as parental rights while allowing the U.S. to more fully engage in global leadership on this critical issue.

We believe that swift U.S. ratification of the CRPD in a bipartisan fashion is in the country's best interest and consistent with our values. We ask for your support and leadership on this issue.

Lutheran Social Services of Wisconsin and Upper Michigan, Inc. is a non-profit agency that offers a variety of community-based and residential services to people in 80-plus communities throughout Wisconsin and Upper Michigan. Our mission is "Motivated by the Compassion of Christ, we help people improve the quality of their lives." A social ministry expression of the Evangelical Lutheran Church in America (ELCA), Lutheran Social Services has approximately 1100 employees. Last year, over 100,000 people of all ages and faiths were served by LSS.

If you have additional questions, please contact Rita Wiersma, Executive Director of Program Services, at [rita.wiersma@lsswis.org](mailto:rita.wiersma@lsswis.org) or (715) 552-2409.

Sincerely,

David N. Larson  
President and CEO  
Lutheran Social Services of Wisconsin and Upper Michigan

*Motivated by the compassion of Christ, we help people improve the quality of their lives.*  
[www.lsswis.org](http://www.lsswis.org)



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 f 1 202.546.8000  
 w | www.lutheranservicesusa.org

### Disability Network

Senator Robert Menendez  
 528 Senate Hart Office Building  
 Washington, D.C. 20510

November 4, 2013

Dear Senator Menendez,

Lutheran Services in America Disability Network (LSA-DN) is writing to support ratification of the Convention on the Rights of Persons with Disabilities (CRPD). LSA-DN is committed to the humane and moral treatment of people with disabilities around the world. Modeled after the Americans with Disabilities Act (ADA), the CRPD supports the American ideal of full inclusion for people with disabilities in society and their right to live a life of independence and dignity.

LSA-DN is a nationwide association of Lutheran social ministry organizations, faith-based disability service providers and Lutheran professionals supporting the needs of people with intellectual and developmental disabilities and related conditions (I/DD). LSA-DN includes 21 organizational members that provide support to more than 23,000 individuals in 33 states and the U.S. Virgin Islands. Bethesda Lutheran Communities, one of our largest members, has been supporting New Jersey citizens with I/DD through state licensed group homes for many years.

As a network, LSA-DN continues to demonstrate our dedication to supporting individuals with I/DD, in the U.S. and abroad, through our own ongoing international outreach. Through IMPACT, Bethesda Lutheran Communities and Mosaic have partnered with Bethpage Great Britain, v. Bodelschwingsche Anstalten Bethel, Nord-Norges Diakonistiftelse and Motivation Romania to promote human rights, recognition and social inclusion of people with disabilities within their local communities. Furthermore, LSA-DN members have established numerous international partnerships, targeting countries and societies in which there is the greatest chance to make a positive impact on the supports and services for people with I/DD. Current locations of outreach include:

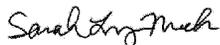
- Latin America – Dominican Republic, Brazil, Argentina
- Europe – Bulgaria, Latvia, Romania, Western Russia
- Africa – Madagascar, Kenya, Tanzania
- Asia – Kazakhstan, Cambodia, China, India, Malaysia, Indonesia, Singapore

By ratifying the CRPD, the U.S. will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities. As faith-based service providers, we believe that the CRPD reflects the core Biblical and American values of individual dignity, access to justice and the importance of family decision-making.

LSA-DN is committed to U.S. leadership on behalf of the one billion people with disabilities worldwide. We believe that swift U.S. ratification of the CRPD in a bipartisan fashion is in the country's best interest and consistent with our values. We ask for your support and leadership on this issue.

If you have additional questions, please contact me at [smeek@lutheranservices.org](mailto:smeek@lutheranservices.org) or (202) 499-5831.

Sincerely,



Sarah Meek, MSW  
Director of Public Policy and Advocacy  
Lutheran Services in America Disability Network



October 30, 2013

Senator Robert Menendez  
United States Senate  
Chair, Senate Foreign Relations Committee  
Washington, D.C. 20510

Dear Senator Menendez:

As a leader in the field of disability, Kessler Foundation is well aware of the many challenges faced by people with disabilities. Passage of the Americans with Disabilities Act (ADA) in 1990 has facilitated the Foundation's advances in disability research and supported our successful efforts to expand employment opportunities for the largest minority population in the United States. Extending the ADA standards to other nations will extend that level of support, aiding the efforts of organizations around the world that are dedicated to improving the lives of one billion people with disabilities.

To achieve this global standard, it is crucial for the United States Senate to ratify the Convention on the Rights of Persons with Disabilities (CRPD), the international treaty modeled on the ADA's values of independence, respect, and reasonable accommodation. Kessler Foundation is proud to be part of the broad coalition of American businesses, disability organizations, civil rights advocates, religious organizations and veterans groups that support ratification of the CRPD.

On behalf of Kessler Foundation, I submit this letter of support in advance of the upcoming November hearings on this topic of great importance to all who value the contributions of people with disabilities to our society and their right to lead independent and productive lives.

Sincerely,



Rodger DeRose  
President and CEO

Cc: Suzanne Richard, United States International Council on Disabilities

## JEWISH DISABILITY NETWORK

Members of the Senate Foreign Relations Committee,

On behalf of the Jewish Disability Network, a coalition of more than 25 Jewish organizations active in promoting the rights of and providing for the needs of people with disabilities, we urge you to ratify the Convention on the Rights of Persons with Disabilities (CRPD). The CRPD represents an international effort to bring the world closer to achieving the goals of equality of opportunity, full participation, independent living and economic self-sufficiency for people with disabilities.

Judaism stresses the obligation to ensure equal access for all people and to help facilitate the full participation of individuals with disabilities in religious and public life. Our tradition teaches: "Do not scorn any person, and do not discount the importance of any thing. For there is no person who does not have their hour, and there is no thing without its place" (*Pirkei Avot*, 4:3). We are inspired by the teaching that every person has dignity, having been created in the image of God, so it is our obligation to ensure that everyone has the opportunity to live as a self-sufficient, contributing member of society.

One billion people around the world live with a disability—making them the world's largest minority. In developing countries, 90% of children with disabilities do not attend school. The unemployment rates and poverty levels of people with disabilities are radically high, preventing millions of people from leading productive and dignified lives. More than 130 countries have already ratified this treaty, creating a significant opportunity to improve the lives of almost a billion people all over the world with a disability.

The Convention is based on the ideals of our own Americans with Disabilities Act. Ratifying the CRPD would have no effect on current American law, nor would it have any cost to the American people. Ratification and implementation of the CRPD, however, would have substantial benefits for American citizens and would ensure the United States can continue to lead the world in promoting the rights of persons with disabilities. Effective implementation of the CRPD abroad would provide increased accessibility and opportunity for Americans traveling and working abroad, including the many military veterans with disabilities from their service.

Jewish tradition teaches, "You shall not insult the deaf, or place a stumbling block before the blind" (Leviticus 19:14). Too often people with disability face stumbling blocks that prevent them from working and living independently. The CRPD would help us eliminate those barriers for people living with a disability all over the world.

We urge you to vote for swift ratification of the CRPD, so that the United States can continue its leadership role in promoting equality of opportunity, full participation, independent living and economic self-sufficiency for all people with disabilities.

Sincerely,

Anti-Defamation League	Jewish Federation of Metropolitan Chicago
Association of Jewish Family & Children's Agencies	The Jewish Federations of North America
B'nai B'rith International	Jewish Foundation for Group Homes
Friendship Circle of Baltimore	National Council of Jewish Women
International Association of Jewish Vocational Services	UJA-Federation of New York
Jewish Council for Public Affairs	Union for Reform Judaism
Jewish Family and Children's Service of Minneapolis	The United Synagogue of Conservative Judaism
Jewish Federation of Greater Washington	

# JCPA | JEWISH COUNCIL FOR PUBLIC AFFAIRS

NEW YORK OFFICE  
116 East 27th Street, 10th Floor  
New York, NY 10016  
(212) 684-6950

WASHINGTON OFFICE  
1775 K Street NW, Suite 520  
Washington, DC 20006  
(202) 212-6036

November 1, 2013

Dear Chairman Menendez and Ranking Member Corker,

On behalf of the Jewish Council for Public Affairs, I write to express strong support for ratification of the Convention on the Rights of Persons with Disabilities (CRPD). We are pleased that the Senate Foreign Relations Committee is holding hearings on the CRPD and submit this letter of support for the hearing record.

For seventy years, the JCPA has identified issues, formulated policy, developed strategies and programs, and given expression to a strongly united Jewish communal voice. JCPA has an unparalleled capacity to mobilize grassroots activism through our network of 15 national and 125 local member agencies. The JCPA serves as a catalyst that heightens community awareness, encourages civic and social involvement, and deliberates key issues of importance to the Jewish community. We work closely with other faith groups and civil society, business, labor, and civil rights organizations to advocate for social justice and expanded opportunity and equality throughout the United States. Our broad coalitions are designed to both demonstrate the breadth of support for our policy positions and to model productive civil discourse and inter-group cooperation that is core to our democratic and pluralistic society.

The Torah tells us that we are all created "b'Tselem Elohim" (Bereshit 1:26), or "in the image of G-d." This simple but profound idea guides us to see the humanity and dignity in all people. True inclusion of persons with disabilities is the logical outcome of this belief. The Jewish Council for Public Affairs is committed to ensuring that the most vulnerable members of society are looked after and protected. This obligation to creating access and opportunity for the disabled is why the JCPA brought an interfaith coalition to the Capitol Building last December to highlight the importance of Social Security Disability Insurance (SSDI).

The CRPD is a non-discrimination treaty seeking to ensure that nations across the globe provide persons with disabilities with equal rights, so they may live full, satisfying, and productive lives. This global treaty was inspired by and embodies the bedrock American ideals that form the basis of the American Disabilities Act (ADA), long supported by the JCPA (then the National Jewish Community Relations Advisory Council) prior to its passage in 1990.

**REPAIRING THE WORLD THROUGH JEWISH ACTIVISM**

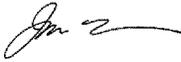
[www.jewishpublicaffairs.org](http://www.jewishpublicaffairs.org)

Our strong support for the CRPD, the ADA, SSDI and other important entitlement and protection measures is a reflection of JCPA's long history of advocacy to end poverty and hunger among America and the world's neediest people. Many Americans with disabilities face very specific social and economic challenges, and JCPA has consistently lobbied for amendments to the ADA and other laws to help remedy this inequality. The income poverty rate for persons with disabilities is between two and three times the rate for persons without disabilities. The rate might be even higher since many poverty measures do not take into account the added costs of having a disability. Equality in employment is a key piece of CRPD and the ADA that can assist in alleviating many of the economic hardships this population faces in terms of healthcare, housing, and hunger.

Our core principles as the public policy voice of the Jewish community, devoted to equal opportunity and social justice include non-discrimination, equal treatment in facilities, inclusion in society, and accessibility and respect for the inherent dignity of all persons, including persons with disabilities.

The CRPD will benefit millions of individuals with disabilities around the world. U.S. ratification will also benefit Americans, particularly those veterans, business leaders, scientists, students and other disabled Americans who seek to live, work or travel abroad. The Jewish Council for Public Affairs is committed to ensuring that our country maintains its leadership role in promoting the rights and dignity of all people with disabilities. We have a lot of experience—through the ADA, our technology and our creative know-how—to share with the rest of the world. But most importantly, by ratifying the Convention on the Rights of Persons with Disabilities, we will demonstrate our respect to those Americans disabled through war and conflict and other incidents and can stand with the rest of the world in advancing the civil and human rights of disabled people around the world.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jared', with a long, sweeping horizontal line extending to the right.

Jared Feldman  
Vice President and Washington Director

## INTERFAITH DISABILITY ADVOCACY COALITION

*c/o AAPD \* 2013 K Street, NW, 5<sup>th</sup> Floor \* Washington, DC 20006*

United States Senate  
Washington, DC 20510

October 30 2013

Dear Senator:

The undersigned members of the Interfaith Disability Advocacy Coalition (IDAC) and other national religious and religiously-affiliated organizations urge you to support the ratification of the Convention on the Rights of Persons with Disabilities (CRPD).

IDAC, a program of the American Association of People with Disabilities, is a nonpartisan coalition of 33 national religious organizations from the Christian, Jewish, Muslim, Hindu and Sikh traditions with a mission to mobilize the religious community to speak out and take action on disability policy issues with Congress, the President and Administration, and society at large. The core spiritual values of IDAC Members affirm the rights and dignity of people with disabilities.

We firmly support the ratification of the CRPD because it ensures the humane and moral treatment of people with disabilities around the world. The equal treatment of people with disabilities is enshrined in our own Americans with Disabilities Act (ADA), which served as a model for the Convention. Without laws like the ADA abroad, millions of children and adults with disabilities are denied the enrichment of a family life, community resources, or access to the most basic civil rights. The CRPD supports the full inclusion of people with disabilities in society and promotes their right to live independently and with dignity.

The CRPD would help remove the barriers frequently faced when U.S. citizens and military personnel with disabilities work, study, and travel abroad. In addition, ratification of the CRPD would open new markets to American companies that produce products for people with disabilities.

No new legislation would be required by U.S. ratification of the CRPD, nor would the Convention impose any new costs. Not ratifying the treaty, however, comes with significant costs. Without ratifying, the U.S. cannot have a seat on the CRPD Committee that serves as a guiding tool for the more than 130 parties to the treaty seeking to implement its values. Further, the U.S. will have a limited role in the annual convening of these parties to discuss innovative techniques, new technologies, and policy development to advance disability rights.

The U.S. must move quickly to ratify the treaty. One billion people with disabilities around the world are counting on us to continue to be a beacon of hope for their nations and communities.

Respectfully,

African Methodist Episcopal Church Connectional Health Commission  
American Baptist Churches USA

---

*The mission of the Interfaith Disability Advocacy Coalition (IDAC) is to mobilize the religious community to speak out and take action on disability policy issues with Congress, the President and Administration, and society at large.*

American Baptist Home Mission Societies  
American Muslim Health Professionals  
Baha'is of the United States  
Association of Jewish Family and Children's Agencies  
Central Conference of American Rabbis  
Council for Health and Human Service Ministries United Church of Christ  
Disability Concerns, Christian Reformed Church  
Disability Concerns, Reformed Church in America  
Disciples Home Missions  
Disciples Justice Action Network  
The Episcopal Church  
Evangelical Lutheran Church in America  
Friends Committee on National Legislation  
Hadassah, The Women's Zionist Organization of America, Inc.  
Hindu American Foundation  
Interfaith Network on Mental Illness  
Islamic Society of North America  
Jewish Council for Public Affairs  
The Jewish Federations of North America  
L'Arche USA  
Lutheran Services in America Disability Network  
Muslim Public Affairs Council  
National Benevolent Association of the Christian Church (Disciples of Christ)  
National Council of Churches USA  
National Council of Jewish Women  
NETWORK, A National Catholic Social Justice Lobby  
Presbyterian Church (U.S.A.)  
The Rabbinical Assembly  
The Reconstructionist Rabbinical Association  
Reconstructionist Rabbinical College  
Sikh American Legal Defense and Education Fund  
The Sikh Coalition  
Union for Reform Judaism  
Unitarian Universalist Association  
United Church of Christ Disabilities Ministries Board  
United Church of Christ, Justice and Witness Ministries  
United Church of Christ, Mental Health Network  
United Methodist Church – General Board of Church and Society  
Women's Rabbinic Network



**U.S. NGO AND CIVIL SOCIETY STATEMENT OF SUPPORT FOR THE  
CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)**

We welcome the re-introduction of the disability treaty, the Convention on the Rights of Persons with Disabilities (CRPD). This treaty has bipartisan support within the Senate, with Republican support from Senators Barrasso (WY), McCain (AZ), Ayotte (NH), and Kirk (IL) and Democratic support from Senators Menendez (NJ), Harkin (IA), and Durbin (IL).

With 138 ratifications around the world, the CRPD is making a real impact on the lives of over 1 billion people with disabilities. Over 80% of the world's disability population lives in the developing nations where InterAction member organizations work. The disability treaty is an important tool in order for these countries to enact their own disability rights legislation and policies to ensure the equality and inclusion of all people with disabilities.

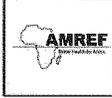
It is essential that the U.S. ratifies the CRPD in order to maintain our leadership on disability issues and to contribute to critical

policy and legislative developments aimed at eroding disability discrimination throughout the world.

Our mission is to achieve a peaceful, just and prosperous world of nations with inclusive and sustainable societies. We work to eliminate extreme poverty, uphold human rights, safeguard a sustainable planet and ensure human dignity for poor and vulnerable populations worldwide by elevating and advancing the goals of the U.S.-based international nonprofit community. U.S. participation in the implementation of the CRPD abroad will play an important role in the future of the world's disabled population.

We look forward to continuing to work with members of Congress and the Administration to support this treaty and disability rights around the world.

Photo: © UNICEF/NYHQ/2012-1940/Marco Dormino, Haiti, 2012: Two-year-old Diasline Joseph, seated in a wheelchair, laughs while playing with a caretaker at New Life Centre, a residential care facility in Port-au-Prince, the capital. Her mother died when Diasline was 16 months old, after which her father waived his custodial rights of her and left her at the centre; he has never visited her since.

 <p>Action Against Hunger</p> <p>✓</p>	 <p>American Jewish World Service</p> <p>✓</p>	 <p>American Red Cross</p> <p>✓</p>	 <p>AMREF</p> <p>✓</p>	 <p>Basic Education Coalition</p> <p>✓</p>
 <p>Bethesda Lutheran Communities</p> <p>✓</p>	 <p>Better World Campaign</p> <p>✓</p>	 <p>BRAC</p> <p>✓</p>	 <p>CARE USA</p> <p>✓</p>	 <p>CBM</p> <p>✓</p>
 <p>Disability Rights Education and Defense Fund</p> <p>✓</p>	 <p>EDC</p> <p>✓</p>	 <p>Feed the Children</p> <p>✓</p>	 <p>Good360</p> <p>✓</p>	 <p>Handicap International</p> <p>✓</p>
 <p>Heartland Alliance</p> <p>✓</p>	 <p>Helen Keller International</p> <p>✓</p>	 <p>HelpAge USA</p> <p>✓</p>	 <p>IES</p> <p>✓</p>	 <p>InterAction</p> <p>✓</p>
 <p>International Youth Foundation</p> <p>✓</p>	 <p>International Medical Corps</p> <p>✓</p>	 <p>Life for Relief &amp; Development USA</p> <p>✓</p>	 <p>Lutheran Services in America</p> <p>✓</p>	 <p>Management Sciences for Health</p> <p>✓</p>



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October 29, 2013

The Honorable Robert Menendez  
Chairman  
Committee on Foreign Relations  
United States Senate  
Washington D.C. 20510

Re: Ratification of Convention on the Rights of Persons with Disabilities

Dear Chairman Robert Menendez:

Human Rights Watch writes to urge you to support ratification of the Convention on the Rights of Persons with Disabilities (CRPD). Adoption of the treaty would build on the legacy of the United States of empowering people with disabilities while also enabling the US to increase its credibility as a global leader on this issue. In turn, ratification will give the US an important opportunity to further the implementation of best practices with the majority of governments that have already adopted the treaty, and consequently, provide stronger protections for the rights of US citizens with disabilities traveling and living abroad.

Human Rights Watch recently released *Barriers Everywhere: Lack of Accessibility for People with Disabilities in Russia*.<sup>1</sup> For this report we spoke with over 120 people with physical, sensory, and developmental disabilities in four regions across Russia, about the everyday challenges they face going to work and school, visiting private businesses, using public spaces, and obtaining health care.<sup>2</sup>

As a state party to the CRPD, the Russian government has made substantial, if inadequate, legislative and technical improvements in accessibility. However, during our research and since then, Russian activists and government officials sometimes questioned why Human Rights Watch, as a US-based organization, was focusing on disability rights in Russia when the United States was still not a party to the treaty. Some even took our recommendations to better

<sup>1</sup> Human Rights Watch, *Russia—Barriers Everywhere. Lack of Accessibility for People with Disabilities in Russia*, September 2013, <http://www.hrw.org/reports/2013/09/11/barriers-everywhere-1>.

<sup>2</sup> Accompanying our report, we produced two short documentary films: a snapshot of how inaccessibility limits the participation of people with disabilities in Russia (<http://www.hrw.org/news/2013/09/11/russia-and-hard-to-move-people-disabilities>); and a film documenting the commute of a blind man into central Moscow on various forms of public transportation (<http://www.hrw.org/news/2013/09/11/russia-and-hurdles-people-disabilities>).



HRW.org

implement the treaty as coming from the US government, and as such viewed them as hypocritical. Our interactions spoke to the difficulties that disability rights activists from the United States and US policymakers will face seeking to improve the rights of people with disabilities not only in Russia but in other CRPD member countries.

More than half of the world – 138 countries – have ratified the CRPD and are working on implementation. As a state party, the US would have greater opportunities to share and influence its own best practices and achievements in protecting disability rights. These can serve as a model for other nations and could gain more weight if the US subjected itself to the same standards as other countries. The legal standards and principles on behalf of human dignity and autonomy, non-discrimination, full social inclusion and participation, and accessibility that are central to the Americans with Disabilities Act are also largely aligned with the CRPD.

Ratification of the CRPD would also enable better protections for US citizens with disabilities and their families, including veterans and service members, who live and travel abroad.

Arguments that ratification would threaten United States sovereignty are unfounded. Ratification of the treaty would require no change to federal or state law. The US has already ratified a number of core human rights treaties: the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Elimination of All Forms of Racial Discrimination. The US has reported on its human rights records to related United Nations committees for almost two decades in a transparent and interactive process, with no limitations to its sovereignty.

We urge you to support ratification of the CRPD with the recognition that doing so would not only increase the US government's credibility and influence in multilateral human rights forums; it would provide political impetus for improving the rights of people with disabilities, including US citizens domestically and abroad.

Sincerely,



Kenneth Roth  
Executive Director

CC:

Senator Barbara Boxer  
Senator Benjamin L. Cardin  
Senator Jeanne Shaheen  
Senator Christopher Coons  
Senator Richard J. Durbin  
Senator Tom Udall  
Senator Christopher Murphy  
Senator Tim Kaine  
Senator Edward J. Markey

Ranking Member Bob Corker  
Senator James E. Risch  
Senator Marco Rubio  
Senator Ron Johnson  
Senator Jeff Flake  
Senator John McCain  
Senator John Barrasso  
Senator Rand Paul



November 4, 2013

Honorable Robert Menendez  
 Chairman, Senate Foreign Relations Committee  
 United States Senate  
 Washington, DC 20510

Re: Ratification of CRPD

Dear Senator Menendez:

Hearing Loss Association of America (HLAA) supports ratification of the Convention on the Rights of Persons with Disabilities (CRPD) and urges the Senate Foreign Relations Committee and the entire U.S. Senate to act quickly to ratify the CRPD.

HLAA is the nation's leading grassroots organization representing the rights of some 36 million Americans with hearing loss. The HLAA mission is to open the world of communication to people with hearing loss through information, education, advocacy, and support. HLAA impacts accessibility, public policy, research, public awareness, and service delivery related to hearing loss across America.

HLAA was honored to be present at the signing ceremony at the UN in July, 2009. The U.S. ratification of the CRPD will continue our country's distinguished tradition as a world leader for people with disabilities as evidenced by the Americans with Disabilities Act (ADA). Just as the ADA provides guarantees for full participation for all people with disabilities, including our wounded returning military personnel, the ratification of the CRPD treaty will open the doors to the world for individuals with disabilities.

The CRPD reflects core American values such as the dignity of the individual, access to justice, respect for the home and family, and access to education. Ratification of the CRPD will allow U.S. participation at the CRPD Conference of States Parties, providing the U.S. with influence and guidance on the implementation of the treaty and lend its expertise as more countries develop their own disability rights laws. No changes to U.S. law are required by ratification.

Ratification of the Convention understand CRPD will help protect Americans with disabilities who work and travel abroad from discrimination, including disabled American veterans, and help ensure that all Americans enjoy the same rights outside the U.S. as they enjoy at home. We urge you to support ratification of the CRPD.

Sincerely,

A handwritten signature in cursive script that reads "Anna Gilmore Hall".

Anna Gilmore Hall



---

Executive Director



**STATE OF HAWAII**  
**STATE COUNCIL**  
 ON DEVELOPMENTAL DISABILITIES  
 919 ALA MOANA BOULEVARD, ROOM 113  
 HONOLULU, HAWAII 96814  
 TELEPHONE: (808) 588-8100 FAX: (808) 588-7643  
**November 6, 2013**

The Honorable Robert Menendez, Chairman,  
 and Members  
 U.S. Senate Committee on Foreign Relations  
 444 Dirksen Senate Office Building  
 Washington, D.C. 20510-6225

Dear Senator Menendez and Members of the Committee:

The State Council on Developmental Disabilities **STRONGLY SUPPORTS** the Convention on the Rights of Persons with Disabilities. The Disability Treaty was inspired by the leadership of the United States and is the first treaty to address disability rights. The purpose of the Convention is to "promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity."

This is consistent with the mission, vision, and principles of the State Council on Developmental Disabilities "to support people with intellectual and developmental disabilities to control their own destiny and determine the quality of life they desire. People with disabilities are treated equally and enjoy fundamental human rights, among them life, liberty and the pursuit of happiness. They have choices about where they live, work and play, and they receive the supports they need to do so."

The Council supports that the Convention and the treaty package before the U.S. Senate:

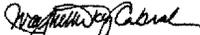
- 1) Recognizes and protects the rights of individuals with disabilities as reflected in our current American with Disabilities Act (ADA).
- 2) Supports the United States as a global movement leader of disability rights.
- 3) Requires no changes in United States laws and recognizes existing United States laws of equal access for persons with disabilities.
- 4) Ensures the rights of an individual with disability on an equal basis with others.
- 5) Recognizes the importance for individuals with disabilities of their autonomy, independence, and freedom to make their own choices.
- 6) Supports the rights of children with disabilities.

The Honorable Robert Menendez and Members  
Page 2  
November 6, 2013

- 7) Supports the role of the family and parental rights, including the right to make decisions for their children as reflected in the Individual with Disabilities Education Act and maintains that the "best interest of the child" will be interpreted according to United States law.
- 8) Recognizes and ensures that the obligations of the United States under the treaty do not limit or change areas that are under state and local government authority.
- 9) Recognizes that the United States maintains and follows its accessibility standards as mandated by the Constitution and the current laws, including ADA and the Fair Housing Amendments Acts.

Thank you for the opportunity to submit this letter **strongly supporting** the Disability Treaty.

Sincerely,

  
Wyanette K. Y. Cabral, MSW  
Executive Administrator

  
J. Curtis Tyler III  
Chair



November 5, 2013

Dear Senator Menendez,

Handicap International strongly supports the Convention of the Rights of Persons with Disabilities.

With projects in more than 60 low-income countries, our teams rely heavily on the legal framework provided by this human rights treaty to ensure that countries do not discriminate against people with disabilities, but instead include people with disabilities. In practice, this treaty is opening doors for more people to learn, to stay healthy, to work, to vote, and to live fuller, happier lives.

Every day, we witness the power of this treaty. While the opposition sometimes says that the treaty isn't strong enough, we see it as vital to removing barriers. In eastern Ethiopia, our inclusive education project, with is part-funded by USAID, has allowed children with disabilities to attend school for the first time—and they are thriving! In Tunisia, Handicap International supports disabled persons organizations that have worked hard to see disability rights included in Tunisia's newest draft constitution. In Bangladesh, it gives us another way to encourage villages to prepare inclusive plans for disasters—warning systems that alert the Deaf community, storm shelters that everyone can reach, and plans to ensure that people who cannot flee on their own are helped when danger approaches.

This treaty works, Senator Menendez. This treaty would become stronger still with the U.S. stamp of approval — ratification.

Thank you, Senator Menendez, for your leadership in supporting this life-saving, rights-protecting treaty. While it doesn't impact the laws on our own soil, it certainly adds heft to the good work the CRPD is starting to enable in other countries.

Sincerely,

Elizabeth MacNair  
Executive Director  
Handicap International US



P.O. Box 3995  
Atlanta GA 30302-3995

Phone: 404/413-1281  
Fax: 404/413-1259

October 30, 2013

Honorable Robert Menendez  
United States Senate Committee on Foreign Relations  
444 Dirksen Senate Office Building  
Washington, D.C. 20510

**Re: Please, Vote YES on Ratification of the Convention on the Rights of Persons with Disabilities**

Dear Chairman Menendez;

On behalf of the Center for Leadership in Disability, its faculty, staff, trainees, fellows and numerous advocates, I urge you to support the Convention on the Rights of Persons with Disabilities (CRPD). The Center for Leadership in Disability is a University Center for Excellence in Developmental Disabilities (UCEDD) at Georgia State University. We understand that consideration of this bill in the Foreign Relations Committee will take place in early November.

The CRPD seeks to achieve the same goals as the Americans with Disabilities Act and other laws against discrimination on the basis of disability status in United States. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities, as it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities.

The convention embraces our American ideal of empowerment, economic self-sufficiency, independent living, full inclusion and integration into all aspects of society for individuals with disabilities. Furthermore, the treaty holds up the laws of United States of America as a beacon to the world.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities. With ratification, the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

The Center for Leadership in Disability is committed to U.S. leadership on behalf of the more than one billion people with disabilities worldwide. I believe bipartisan ratification of the CRPD is in our country's best interest and ask for your support and leadership on this critical issue. If you have additional questions or comments, please contact me at [dcrimmins@gsu.edu](mailto:dcrimmins@gsu.edu) or 404-413-1286.

Respectfully,

Daniel Crimmins, Ph.D.  
Director, Center for Leadership in Disability  
Professor, School of Public Health

Georgia State University, a unit of the University System of Georgia, is an equal opportunity educational institution and is an equal opportunity/affirmative action employer.



October 31, 2013

Hon. Chairman Robert Menendez  
 Senate Foreign Relations Committee  
 528 Senate Hart Office Building  
 Washington, D.C. 20510

Hon. Ranking Member Bob Corker  
 Senate Foreign Relations Committee  
 425 Dirksen Senate Office Building  
 Washington, D.C., 20510

Dear Chairman Menendez and Ranking Member Corker:

I write on behalf of GlobalSolutions.org and our 58,000 members in support of United States ratification of the Convention on the Rights of Persons with Disabilities (CRPD). We are pleased that the Senate Foreign Relations Committee is holding hearings on CRPD and submit this letter of support for the hearing record.

The CRPD is a non-discrimination treaty that seeks to ensure countries across the globe provide people with disabilities with the same rights as everyone else, so that they can live full, satisfying and productive lives. This global treaty was inspired by and embodies the bedrock American ideals that form the basis of the American Disabilities Act (ADA) and other existing disability laws in the United States. These principles, so important to us as an organization dedicated to a more cooperative and responsible U.S. role in the world, include non-discrimination, equality, inclusion in society, accessibility and respect for the inherent dignity of all persons, including persons with disabilities.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA and other laws. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

CRPD ratification is not just the right thing to do; it is the smart thing to do. According to the latest census data, close to 60 million or 18.7 percent of all Americans have some type of disability. CRPD ratification will not only enable U.S. global leadership, it will help to empower these millions of Americans, particularly veterans, business leaders, scientists, students and other disabled Americans who seek to live, work or travel abroad to engage in global commerce more effectively throughout the world, benefiting their lives and the U.S. economy.

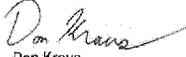
There is broad bipartisan support for the CRPD. Under President Bush, the U.S. government participated throughout the drafting process between 2002 and 2006, and in 2007 voted "yes" in the General Assembly to adopt the treaty. It was under President Obama's orders that Ambassador Susan Rice signed

the treaty in July 2009; a subsequent transmittal package for ratification was sent to the Senate in May 2012. The transmittal package includes an exhaustive review of U.S. law, applies standard treaty practices employed in past successful ratifications, and proposes that ratification require no change to U.S. law when accompanied by the nine reservations, understandings, and declarations (RUDs) contained in the package. The treaty received bipartisan support from such political stalwarts as former Senator John Kerry (D-MA), Senator Dick Durbin (D-IL), Senator Tom Harkin (D-IA), former Senator Bob Dole (R-KS), Senator John McCain (R-AZ), and Senator John Barrasso (R-WY). Despite this sizable and venerable group of CRPD supporters, the opposition launched a vitriolic, untruth-filled campaign that smeared, mischaracterized, and blatantly lied about the treaty and its effects on the United States.

GlobalSolutions.org is concerned that the United States' failure to accede to any multilateral treaties\* in recent years is a detriment to our nation's economy, security and global leadership. It is our hope that the deliberate gross distortions of the truth designed to enflame and confuse that characterized CRPD's defeat in 2012 will not be repeated in 2013. For more information on this I refer you to the attached white paper "[Birth Of A "Big Lie" How Misinformation Fuels Treaty Opposition: A Disability Treaty Case Study](#)", which I request be read into the hearing record.

If you have additional questions, please contact me at [dkraus@globalsolutions.org](mailto:dkraus@globalsolutions.org) , or 202-330-4103.

Sincerely,



Don Kraus  
President & CEO

CC: Senate Foreign Relations Committee Members

\*1997, Chemical Weapons Convention; 2001, Suppression of Terrorist Bombings; and 2002, Suppression of the Financing of Terrorism

October 24, 2013

Dear Senator:

East Texas Center for Independent Living (ETCIL) is writing to support ratification of the Convention on the Rights of Persons with Disabilities (CRPD). Our mission is to help people with disabilities achieve greater independence, self-sufficiency, and full participation in their communities.

The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities, as it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, etc. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

Through these mechanisms, the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

ETCIL is committed to US leadership on behalf of the 1 billion people with disabilities worldwide. We believe swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest and ask you for your support and leadership on this issue.

If you have additional questions, please contact me at [imattheis@etcil.org](mailto:imattheis@etcil.org) or 903-581-7542.

Sincerely,

Laura Mattheis





**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
 Washington, D.C. 20507

SEP 30 2013

The Honorable Robert Menendez  
 Chairman  
 The Honorable Bob Corker  
 Ranking Member  
 Committee on Foreign Relations  
 Washington, D.C. 20510

Re: Convention on the Rights of Persons with Disabilities

Dear Chairman Menendez and Ranking Member Corker:

We are writing to support the ratification of the Convention on the Rights of Persons with Disabilities ("Convention"), subject to the reservations, understandings, and declaration ("RUDs") described in the Executive Branch's transmittal package. We appreciate this opportunity to express our views concerning the Convention.

Created by the landmark Civil Rights Act of 1964, the Equal Employment Opportunity Commission ("EEOC" or "Commission") is a bipartisan body whose five members are appointed by the President and confirmed by the Senate. The EEOC is responsible for enforcing federal laws prohibiting employment discrimination on the basis of race, color, sex, religion, national origin, age, disability, and genetic information. The EEOC plays a central role in enforcing the employment provisions of the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), and the Rehabilitation Act, and has recently issued bi-partisan final regulations for the ADA Amendments Act of 2008. As the United States Congress recognized in enacting the ADA, anti-discrimination protection on the basis of disability benefits society as a whole by integrating people with disabilities into the workplace, and we believe that it works well for both people with disabilities and employers.

In requiring equal treatment for persons with disabilities, the Convention is anchored in the core concepts of U.S. civil rights law, which rejects stereotypes about the limitations of persons with disabilities and instead emphasizes the need for individualized assessment of a job applicant's or worker's qualifications and abilities. The Convention, like the federal disability laws, including those enforced by the EEOC, promotes inclusion, respect for human dignity, and accessibility.

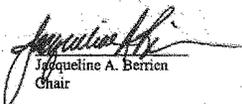
The EEOC does not usually take positions on international conventions. However, we believe that our assessment of the Convention and the RUDs may be of utility to the Committee on Foreign Affairs as it considers ratification. Ratification of the Convention will benefit persons with disabilities in the United States and worldwide by promoting the extension of the U.S.'s innovative and precedent-setting approach to accommodating persons with disabilities to foreign countries. It will help lead to greater protections and benefits for the millions of U.S. citizens

with disabilities who travel, conduct business, study, or reside overseas, including American veterans. Additionally, ratification will benefit American businesses by leveling the playing field and encouraging countries around the world to harmonize their standards with the Convention (U.S. standards meet or exceed those of the Convention). Finally, ratification will provide the United States—an historic leader on disability rights issues—with an enhanced opportunity to share its interpretations of disability law and its technical expertise regarding accommodations for persons with disabilities with foreign governments.

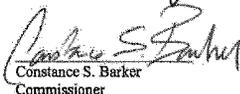
As the Executive Branch's transmittal package has concluded, the United States will rely on existing law to comply with the Convention, including its employment-related provisions, as modified by the recommended RUDs. The Commission therefore has no intention to change the way it currently enforces the ADA, GINA, and the Rehabilitation Act. Indeed, the Convention's employment-related provisions and accompanying RUDs are squarely anchored in the principles of U.S. disability law, including the statutes that EEOC enforces. Similarly, the treaty transmittal package recommends a federalism reservation to make clear that ratification would not require changes in the laws of the fifty states, including state employment non-discrimination laws, and would impose no burden on state legislatures.

Thank you for your attention to this important matter. We hope you find our assessment of the Convention and the RUDs to be useful as the Committee on Foreign Relations considers ratification.

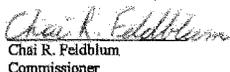
Sincerely,



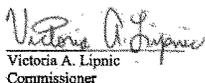
Jaqueline A. Berrien  
Chair



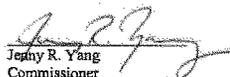
Constance S. Barker  
Commissioner



Chai R. Feldblum  
Commissioner



Victoria A. Lipnic  
Commissioner



Jethy R. Yang  
Commissioner



## Easter Seals

**Tennessee**  
 3011 Armory Drive, Suite 100  
 Nashville, TN 37204  
 615.292.6640  
 615.251.0994 Fax  
[www.eastersealstn.com](http://www.eastersealstn.com)

November 14, 2013

Dear Senator:

A couple of months ago I traveled to your office in Washington, DC to discuss the importance of the ratification of the United Nation's Convention on the Rights of Persons with Disabilities. As we discussed with your Aid, this treaty is necessary to further the rights of people with disabilities throughout the world. As a fellow Tennessean and advocate for the rights of individuals with disabilities, I am writing you today to once again ask for your support of this important initiative.

By voting to ratify this convention, you will advance the rights currently available to children and adults with disabilities in the United States through landmark civil rights law like the Americans with Disabilities Act and the Individuals with Disabilities Education Act to children and adults with disabilities across the globe. In addition, Americans with disabilities who work and travel abroad, including disabled American veterans and military family members, will be protected from discrimination.

Swift ratification of the Convention is necessary. If the Senate is able to ratify the Convention in the next few months, it will allow the United States of America (USA) to participate in the CRPD Conference of States Parties and permit our country to appoint a member to the CRPD Committee. Through these mechanisms, the USA can provide and influence guidance on the implementation of the treaty and lend its expertise as more countries develop their own disability rights laws.

Thank you for considering our views. If you have additional questions, please contact Jennifer Dexter, Assistant Vice President, Government Relations. She can be reached at [jdexter@easterseals.com](mailto:jdexter@easterseals.com), or 202.347.3066.

Sincerely,

Rita S. Baumgartner  
 President and CEO



Creating Solutions,  
Changing Lives,  
since 1948

Easter Seals

New Jersey  
25 Kennedy Boulevard - Suite 600  
East Brunswick, NJ 08816  
732.257.6662 phone  
732.257.7373 fax  
www.eastersealsnj.org

November 15, 2013

Dear Senator:

Easter Seals urges you to support the ratification of the United Nation's Convention on the Rights of Persons with Disabilities. This treaty is necessary to further the rights of people with disabilities throughout the world.

By voting to ratify this convention, you will advance the rights currently available to children and adults with disabilities in the United States through landmark civil rights law like the Americans with Disabilities Act and the Individuals with Disabilities Education Act to children and adults with disabilities across the globe. In addition, Americans with disabilities who work and travel abroad, including disabled American veterans and military family members, will be protected from discrimination.

Swift ratification of the Convention is necessary. If the Senate is able to ratify the Convention in the next few months, it will allow the United States of America (USA) to participate in the CRPD Conference of States Parties and permit the our country to appoint a member of the CRPD Committee. Through these mechanisms, the USA can provide and influence guidance on the implementation of the treaty and lend its expertise as more countries develop their own disability rights laws.

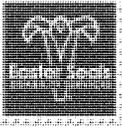
Thank you for considering our views. If you have additional questions, please contact Jennifer Dexter, Assistant Vice President, Government Relations. She can be reached at [jdexter@easterseals.com](mailto:jdexter@easterseals.com), or 202.347.3066.

Sincerely,

Brian Fitzgerald  
President-CEO

Helping individuals and families with disabilities or special needs to live, learn, work, and play in their communities with equality, dignity, and independence since 1948





**Easter Seals**

Office of Public Affairs  
1425 K Street, N.W.  
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202.737.7914 fax  
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October 22, 2013

The Honorable Robert Menendez  
United States Senate  
Washington, DC 20510

Dear Chairman Menendez:

Easter Seals urges you to support the ratification of the United Nation's Convention on the Rights of Persons with Disabilities. This treaty is necessary to further the rights of people with disabilities throughout the world.

By voting to ratify this convention, you will advance the rights currently available to children and adults with disabilities in the United States through landmark civil rights law like the Americans with Disabilities Act and the Individuals with Disabilities Education Act to children and adults with disabilities across the globe. In addition, Americans with disabilities who work and travel abroad, including disabled American veterans and military family members, will be protected from discrimination.

Swift ratification of the Convention is necessary. If the Senate is able to ratify the Convention in the next few months, it will allow the United States of America (USA) to participate in the CRPD Conference of States Parties and permit the our country to appoint a member of the CRPD Committee. Through these mechanisms, the USA can provide and influence guidance on the implementation of the treaty and lend its expertise as more countries develop their own disability rights laws.

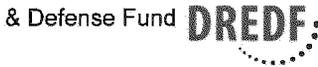
Thank you for considering our views. If you have additional questions, please contact Jennifer Dexter, Assistant Vice President, Government Relations. She can be reached at [jdexter@easterseals.com](mailto:jdexter@easterseals.com), or 202.347.3066.

Sincerely,

A handwritten signature in cursive script that reads "Katy Beh Neas".

Katy Beh Neas  
Senior Vice President, Government Relations

## Disability Rights Education



October 28, 2013

Foreign Relations Committee  
 United States Senate  
 446 Dirksen Senate Office Building  
 Washington, D.C. 20520

Re: Ratification of the Convention on the Rights of Persons with Disabilities

Dear Senator:

The Disability Rights Education and Defense Fund (DREDF) works to advance the civil and human rights of people with disabilities through legal advocacy, training, education and public policy and legislative development. As you know, the CRPD will be returning to the Senate Foreign Relations Committee soon for advice and consent. We look forward to open discussion and support out of committee and then movement to the Senate floor. We are writing in support ratification of the CRPD.

The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities as it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities.

The United States has always been a leader in setting the standards for ensuring the human rights of individuals with disabilities. The ADA was the first major piece of domestic legislation in the world to address the discrimination, legal challenges and physical and systemic barriers faced by individuals with disabilities, and to this day serves as a model for legislative development around the world. The US also has led the efforts in education through the 1975 Individuals with Disabilities Education Act (IDEA) and other legislations. These laws have always been enacted in a bi-partisan fashion and the CRPD will further that goal for guaranteeing such protections for US citizens, corporations and organizations throughout the world. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

One hundred and thirty eight nations have ratified the CRPD as of October 2013.

---

**MAIN OFFICE:** 3075 Adeline Street, Suite 210•Berkeley, CA  
 94703•510.644.2555•510.841.8645 fax/tty•www.dredf.org

**GOVERNMENT AFFAIRS OFFICE:** 1825 K Street, NW, Suite 600 • Washington, DC  
 20006

*justice*

| *Doing disability*

Page 2 of 2

including important allies of the United States, as well as the European Union. Ratification will allow U.S. participation on the CRPD Conference of States Parties, create U.S. eligibility to serve on the Committee on the Rights of Persons with Disabilities, and thus allow the U.S. to provide input into the implementation of the treaty and the development of disability rights globally. Such participation will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

The Disability Rights Education and Defense Fund (DREDF) is committed to our country's leadership for the rights and empowerment of the 1 billion people with disabilities worldwide. We believe the ratification of the CRPD will allow the U.S. continue in our global leadership in this area, therefore urge the Senate to quickly consider and ratify the Convention on the Rights of Persons with Disabilities. We appreciate your leadership on this issue and urge swift ratification of the CRPD to ensure global disability rights.

Sincerely,

A handwritten signature in cursive script that reads "Susan R. Henderson". The signature is written in dark ink and includes a horizontal line extending to the right.

Susan Henderson  
Executive Director



2900 Crystal Drive, Suite 1000 | Arlington, VA 22202-3557  
 (P) +1.703.620.3668 | (Toll Free) 866.509.0218 | (TTY) 866.915.5000 | (F) 703.243.3961  
 www.cec.sped.org

October 31, 2013

Dear Committee Member:

As you know, on May 17th the Obama Administration submitted the Convention on the Rights of Persons with Disabilities (CRPD) to the United States Senate for its advice and consent, and a week later a bipartisan group of seven Senators came out in support of the treaty. The Council for Exceptional Children (CEC), the largest professional organization of teachers, administrators, parents and others concerned with the education of children with disabilities, gifts and talents, or both, urges you to quickly consider and ratify the CRPD. This vital nondiscrimination treaty seeks to achieve the same goals as existing disability laws in the United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

With the passage of the landmark ADA in 1990, our nation established itself as a world leader in ensuring the human rights of individuals with disabilities. The ADA was the first major piece of domestic legislation in the world to address the discrimination, legal challenges, and physical and systemic barriers faced by individuals with disabilities. The ADA has served as a beacon to people around the world and a model legislation which other nations have emulated to protect and advance the rights of persons with disabilities. The United States has further led efforts in the education of children with disabilities, beginning in 1975 with the passage of the forerunner legislation to today's Individuals with Disabilities Education Act (IDEA). Congress took the critical steps in protecting the rights of citizens with disabilities by enacting in bi-partisan fashion the ADA, IDEA, and other legislation, but the CRPD will further the goal that these protections are guaranteed for United States citizens, corporations, and organizations throughout the world.

The CRPD establishes international standards regarding the rights and freedoms of people with disabilities, and creates a common basis for greater civic and political participation, self-sufficiency, and independent living. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making, and access to appropriate health care. The Convention is furthermore consistent with not only the ADA, but also with IDEA, the Rehabilitation Act of 1973, and numerous other U.S. laws.

The treaty package submitted by the Administration furthers the goal of disability laws in the United States of ensuring the equal rights and non-discrimination of persons with disabilities. The reservations, understandings, and declarations offered by the Administration allow the United States to meet the obligations of the treaty while remaining consistent with U.S. domestic law.

Over one hundred nations have ratified the CRPD to date, including important allies of the United States, as well as the European Union. We hope that the Senate again comes together in bipartisan fashion, as it did in passing the ADA and the more recent Americans with Disabilities Act Amendments Act (ADAAA), to ratify the CRPD and ensure our global leadership in disability and human rights.



2800 Crystal Drive, Suite 1000 | Arlington, VA 22202-3557  
 (P) +1.703.620.3660 | (Toll Free) 866.509.0218 | (TTY) 866.915.5000 | (F) 703.243.3961  
[www.cec.sped.org](http://www.cec.sped.org)

The standards in the CRPD carry moral authority, which lend weight and credibility to efforts in all parts of the world to achieve justice, equality and inclusion for individuals with disabilities. The United States' ratification of the treaty will continue our country's distinguished tradition as a world leader for people with disabilities as evidenced by the ADA and IDEA. Ratification will allow U.S. participation on the CRPD Conference of States Parties, create U.S. eligibility to serve on the Committee on the Rights of Persons with Disabilities, and thus allow the U.S. to provide input into the implementation of the treaty and the development of disability rights. Such participation will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

We are committed to our country's leadership for the rights and empowerment of the 650 million people with disabilities worldwide. We believe the ratification of the CRPD will allow the U.S. to continue in our global leadership in this area, and therefore urge you to quickly consider and ratify the Convention on the Rights of Persons with Disabilities.

Sincerely,

Deborah A. Ziegler

Associate Executive Director

Policy and Advocacy Services

Council for Exceptional Children

CC: Secretary of State John F. Kerry



Dr. Ronald J. Stern, *President*  
 New Mexico School for the Deaf  
 1860 Cerrillos Cir.  
 Santa Fe, NM 87505  
 Phone: 505-476-6302  
 Fax: 505-476-6313  
 VP: 505-216-2030  
 E-mail: ronald.stern@nmsd.k12.nm.us

Joseph P. Finnegan, Jr.  
*Executive Director*  
 P.O. Box 1778  
 St. Augustine, FL 32085-1778  
 Phone: (904) 810-5200 V/TTD  
 Fax: (904) 810-5523  
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 E-mail: nation@office@ceasd.org

October 31, 2013

The Honorable Robert Menendez, Chair  
 The Honorable Bob Corker, Ranking Member  
 Members of the Senate Committee on Foreign Relations  
 U.S. Senate  
 Washington, DC 20510

Dear Mr. Menendez, Mr. Corker, and Members of the Committee:

The Conference of Educational Administrators of Schools and Programs for the Deaf (CEASD), hereby writes in support of ratification of the Convention on the Rights of Persons with Disabilities (CRPD). The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, and full participation in all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities, as it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA and other laws. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making, and access to appropriate healthcare.

Through these mechanisms, the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will further our nation's vision for global human rights. It will assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad.

CEASD believes swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest and we ask you for your support and leadership on this issue. Thank you for your consideration.

Sincerely,

Ronald J. Stern



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

June 11, 2013

Honorable Robert Menendez, Committee Chair  
Honorable Bob Corker, Ranking Member  
Foreign Relations Committee  
United States Senate  
446 Dirksen Senate Office Building  
Washington, D.C. 20520

Re: Ratification of the Convention on the Rights of Persons with Disabilities

Dear Senators Menendez and Corker:

The undersigned members of the Consortium for Citizens with Disabilities (CCD), a coalition of national consumer, advocacy, provider and professional organizations, urges the United States Senate to ratify the Convention on the Rights of Persons with Disabilities (CRPD). This vital nondiscrimination treaty seeks to achieve the same goals as existing disability laws in the United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

On July 27, 2010, during the celebration of the twentieth anniversary of the passage of the Americans with Disabilities Act (ADA), CCD members encouraged the Senate to quickly act on the treaty package once submitted by the Administration. We renew this call for swift attention and ratification of the Convention.

With the passage of the landmark ADA in 1990, our nation established itself as a world leader in ensuring the human rights of individuals with disabilities. The ADA was the first major piece of domestic legislation in the world to address the discrimination, legal challenges, and physical and systemic barriers faced by individuals with disabilities. The ADA has served as a beacon to people around the world and a model legislation which other nations have emulated to protect and advance the rights of persons with disabilities. The United States has further led efforts in the education of children with disabilities, beginning in 1975 with the passage of the forerunner legislation to today's Individuals with Disabilities Education Act (IDEA). Congress took the critical steps in protecting the rights of

citizens with disabilities by enacting in bi-partisan fashion the ADA, IDEA, and other legislation, but the CRPD will further the goal that these protections are guaranteed for United States citizens, corporations, and organizations throughout the world.

The CRPD establishes international standards regarding the rights and freedoms of people with disabilities, and creates a common basis for greater civic and political participation, self-sufficiency, and independent living. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making, and access to appropriate health care. The Convention is furthermore consistent with not only the ADA, but also with IDEA, the Rehabilitation Act of 1973, and numerous other U.S. laws.

One hundred and twenty-nine nations as well as the European Union have ratified the CRPD as of May 2013, including important allies of the United States. We hope that the Senate again comes together in bipartisan fashion, as it did in passing the ADA and the more recent Americans with Disabilities Act Amendments Act (ADAAA), to ratify the CRPD and ensure our global leadership in disability and human rights.

The treaty package submitted by the Administration furthers the goal of disability laws in the United States of ensuring the equal rights and non-discrimination of persons with disabilities. The reservations, understandings, and declarations offered by the Administration allow the United States to meet the obligations of the treaty while remaining consistent with U.S. domestic law.

The standards in the CRPD carry moral authority, which lend weight and credibility to efforts in all parts of the world to achieve justice, equality and inclusion for individuals with disabilities. The United States' ratification of the treaty will continue our country's distinguished tradition as a world leader for people with disabilities as evidenced by the ADA. Ratification will allow U.S. participation on the CRPD Conference of States Parties, create U.S. eligibility to serve on the Committee on the Rights of Persons with Disabilities, and thus allow the U.S. to provide input into the implementation of the treaty and the development of disability rights. Such participation will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

We, the undersigned members of the Consortium for Citizens with Disabilities, are committed to our country's leadership for the rights and empowerment of the 650 million people with disabilities worldwide. We believe the ratification of the CRPD will allow the United States to continue in our global leadership in this area, and therefore urge the Senate to quickly consider and ratify the Convention on the Rights of Persons with Disabilities.

Sincerely,

## ACCSSES

American Association on Health Disability  
 American Association on Intellectual and Developmental Disabilities  
 American Association of People with Disabilities  
 American Council of the Blind  
 American Counseling Association  
 American Dance Therapy Association  
 American Foundation for the Blind  
 American Music Therapy Association  
 American Network of Community Options and Resources  
 American Occupational Therapy Association  
 American Speech-Language-Hearing Association  
 American Therapeutic Recreation Association  
 APSE  
 Association for Assistive Technology Act Programs  
 Association of Jewish Family & Children's Agencies  
 Association of University Centers on Disabilities  
 Autism National Committee  
 Autism Speaks  
 Bazelon Center for Mental Health Law  
 Board of the Attention Deficit Disorder Association  
 Brain Injury Association of America  
 Conference of Educational Administrators of Schools and Programs for the Deaf  
 Council of Parent Attorneys and Advocates  
 Council for Exceptional Children  
 Council of State Administrators of Vocational Rehabilitation  
 Daniel Jordan Fiddle Foundation  
 Disability Rights Education and Defense Fund  
 Division for Early Childhood of the Council for Exceptional Children  
 Easter Seals  
 Epilepsy Foundation  
 Family Voices  
 Goodwill Industries International  
 Higher Education Consortium for Special Education  
 Lupus Foundation of America  
 IDEA Infant Toddler Coordinators Association  
 Institute for Educational Leadership  
 Mental Health America  
 National Academy of Elder Law Attorneys  
 National Alliance on Mental Illness  
 National Association of Councils on Developmental Disabilities  
 National Association of School Psychologists  
 National Association of State Directors of Developmental Disabilities Services  
 National Association of State Directors of Special Education  
 National Association of State Head Injury Administrators  
 National Association of States United for Aging and Disabilities  
 National Center for Learning Disabilities

National Council on Independent Living  
National Disability Rights Network  
National Down Syndrome Congress  
National Down Syndrome Society  
National Health Law Program  
National Multiple Sclerosis Society  
National Rehabilitation Association  
National Respite Coalition  
Paralyzed Veterans of America  
RESNA, the Rehabilitation Engineering and Assistive Technology Society of  
North America  
School Social Work Association of America  
Spina Bifida Association  
TASH  
Teacher Education Division of the Council for Exceptional Children  
The Arc of the United States  
The Jewish Federations of North America  
United Cerebral Palsy  
United Spinal Association  
United States International Council on Disabilities  
VetsFirst, a program of United Spinal Association  
Vietnam Veterans of America  
World Institute on Disability

cc: Members of the Senate Foreign Relations Committee  
Secretary of State John Kerry  
Judith Heumann, Special Advisor for International Disability Rights



October 30, 2013

The Honorable Robert Menendez  
 Chairman  
 U.S. Senate Committee on Foreign Relations  
 444 Dirksen Senate Office Building  
 Washington, DC 20510

The Honorable Bob Corker  
 Ranking Member  
 U.S. Senate Committee on Foreign Relations  
 425 Dirksen Senate Office Building  
 Washington, DC 20510

Dear Chairman Menendez and Ranking Member Corker:

On behalf of the Better World Campaign (BWC), I would like to express support for U.S. ratification of the Convention on the Rights of Persons with Disabilities (CRPD). BWC is pleased that the Senate Committee on Foreign Relations has scheduled hearings to examine this critical issue, and would like to submit this letter of support for the hearing record.

The CRPD, which came into force in 2008 and was signed by the U.S. in 2009, is a groundbreaking human rights treaty that enshrines the fundamental rights of persons with disabilities in international law. It requires all countries to ensure equal treatment for the disabled, as well as take action to stamp out discrimination in access to justice, health care, education, and employment.

Since the Convention is inspired in large part by our nation's own cutting-edge disability rights statutes—particularly the landmark Americans with Disabilities Act (ADA)—ratification of the CRPD will not require the U.S. to change its own laws. Nevertheless, U.S. ratification would go a long way towards cementing America's reputation as a global leader on this issue, as well as give us a global platform to encourage other countries to follow suit in ensuring equality for persons with disabilities. As Richard Thornburgh, who served as U.S. Attorney General under President George H.W. Bush, noted, the CRPD provides us with "a remarkable opportunity to share America's national experience with our global partners -- to export the innovative concepts of the ADA through the United Nations and to offer our expertise in an area of the law where we excel in legal precept and in practical application."

To date, 138 countries, including many of our nation's key allies—such as the UK, Canada, Germany, Australia, Italy, Israel, and South Korea—have already ratified the Convention. It is long past time that America reaffirms its well-deserved position as a world leader on disability rights by doing the same. Thank you for your consideration and continued work on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Yeo".

Peter Yeo  
 Executive Director  
 Better World Campaign



November 4, 2013

The Honorable Robert Menendez  
United States Senate  
Washington, D.C. 20510

Dear Chairman Menendez:

On behalf of the 70,000 Best Buddies participants around the world, I write urging that you vote to ratify the UN Convention on the Rights of Persons with Disabilities (CRPD).

Best Buddies<sup>®</sup> is a nonprofit 501(c)(3) organization dedicated to establishing a global volunteer movement that creates opportunities for one-to-one friendships, integrated employment, and leadership development for people with intellectual and developmental disabilities.

Best Buddies has programs in over 50 countries, and I know from my global travels how vital U.S. leadership is in the disability arena. The CRPD seeks to achieve, on a global level, the same goals as the Americans with Disabilities Act and other existing disability laws in the United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion, and integration into all aspects of society.

Our core American values such as equality of opportunity, access to justice, the importance of family-decision making, and access to healthcare are all represented in the CRPD.

American leadership and guidance on implementation of the treaty will further human rights around the world, as well as ensure that American citizens who live, work, or travel abroad have access to the same accommodations they have at home.

Best Buddies is committed to U.S. leadership on behalf of the one billion people with disabilities worldwide. We believe swift Senate ratification of the CRPD in a bipartisan fashion is in this country's best interest and ask you for your support and leadership on this issue.

If you have additional questions, please contact me at [AnthonyShriver@bestbuddies.org](mailto:AnthonyShriver@bestbuddies.org) or (305) 374-2233.

All the best,

A handwritten signature in black ink, appearing to read "AKS", written over a white background.

Anthony K. Shriver  
Founder and Chairman



August 30, 2013

The Honorable Robert Menendez  
Chair, Senate Foreign Relations Committee  
United States Senate  
Washington, D.C. 20510

Dear Chairman Menendez,

On behalf of the Association of University Centers on Disabilities, I am writing to urge you to schedule a hearing and markup on the ratification of the Convention on the Rights of Persons with Disabilities (CRPD) in the Foreign Relations Committee as soon as Congress returns from recess. As you know, this treaty is a critical to helping advance the civil rights of people with disabilities both within the U.S. and across the globe.

The Convention reaffirms the principles of the Americans with Disabilities Act (ADA), including equality, non-discrimination, inclusion in society, accessibility, and respect for inherent dignity. It seeks to ensure that countries across the globe provide people with disabilities the same rights as everyone else in order to live full, satisfying and productive lives. To this end, the CRPD will create greater access for Americans serving, working, traveling, and studying abroad.

The disability community has been working hard over the course of the summer to educate other Senators and the public about the importance of ratifying this important international disability rights treaty. We look forward to your leadership in taking the next steps, scheduling a hearing and markup in the Foreign Relations Committee as soon as possible.

Senate ratification will show our nation's serious commitment to disability rights both in America and across the globe, and allow the U.S. to continue its leadership on this issue.

Thank you for taking our views into consideration. If you have any additional questions, please contact Kim Musheno, Director of Legislative Affairs. She can be reached at [kmusheno@aucd.org](mailto:kmusheno@aucd.org) or 301-588-8252.

Sincerely,

Julie Anne Fodor, PhD  
President, AUCD

George Jesien, PhD  
Executive Director, AUCD

1100 Wayne Avenue  
Suite 1000  
Silver Spring, MD 20910  
t: 301-588-8252  
f: 301-588-2842  
[www.aucd.org](http://www.aucd.org)

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Daniel B. Crimmins, PhD  
Past-Past President

Karen Edwards, MD, MPH  
Secretary

Olivia Raynor, PhD  
Treasurer

Brent Askvig, PhD  
Member at Large

Celia Feinstein, MA  
Member at Large

Sandra Friedman, MD  
Member at Large

Bruce Keating, PhD  
Member at Large

Harold Klebaner, EdD  
Member at Large

Shannon Cathwell  
Council on Community Advocacy

Dawn Olson, BS  
Council on Community Advocacy

Amy Hewitt, PhD, MSW  
Council for Interscholastic  
Service

Kelly Roberts, PhD  
Council on Research and Evaluation

Thomas Uno, EdS  
Multicultural Council

Amy Sharp, PhD  
National Community  
Education Directors Council

Toby Long, PhD  
National Training Directors Council

George S. Jesien, PhD  
Executive Director



Pennsylvania University Center for  
Excellence in Developmental Disabilities  
1745 N. 13th Street  
Student Center, Room #115  
Philadelphia, PA 19122

phone: 215-204-1396 (ext60177)  
fax: 215-204-6336  
email: i2d@panze.edu  
web: www.disabilities.temple.edu

October 24, 2013

Dear Honorable Members of the Senate Foreign Relations Committee:

The Institute on Disabilities is writing to support ratification of the Convention on the Rights of Persons with Disabilities (CRPD). The Institute on Disabilities at Temple University is Pennsylvania's University Center for Excellence in Developmental Disabilities (UCEDD) Education, Research, and Service, established under the federal Developmental Disabilities Act.

The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities, as it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, etc. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

Through these mechanisms, the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

The Institute on Disabilities is committed to US leadership on behalf of the 1 billion people with disabilities worldwide. We believe swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest and ask you for your support and leadership on this issue.

Please contact us with additional questions.

Sincerely,

Celia S. Feinstein  
Co-Executive Director

Amy S. Goldman  
Co-Executive Director

**Loretta Claiborne**  
**Special Olympics Athlete & International Board Director**

**23 September 2013**  
**UN Assembly High Level Meeting on Disability**

**Official Statement**

My name is Loretta Claiborne, and I am here today to represent 200 million people worldwide who – like me – have an intellectual disability.

You may not see my disability, and that is part of the challenge. Because in far too many places around the world, those of us with intellectual disabilities are not seen at all.

When I was born, my mother was told to send me to an institution. She was told that I would not be able to walk, or talk, that I would be a burden on her, on my family, and on my community.

Today, in countries and communities around the world, such attitudes persist. People with intellectual disabilities are labeled and defined not by what they can do, but by what people think they can't. And so all over the world, stigma and stereotype and fear and misunderstanding keeps us in institutionalized or hidden away from the communities in which we live. We are in the shadows, our needs invisible.

And what are our needs? They are no different than any other human being. We want clean water and adequate nutrition, we want to be healthy, we want to be educated, we want housing, we want the chance to work and be safe and contribute to our communities.

But far too often, strategies designed to provide those things by government and civil society and business fail to recognize the world's 200 million people with intellectual disabilities. Even strategies designed to reach those with disabilities target those with physical disabilities – those we can see.

I am here before you to ask you to SEE ME. Recognize me, and those like me, when goals and strategies are set. See not our disability, but what we can contribute if we have access to basic services. And recognize that in many ways, the greatest disability we face is external, and it is one of stigma and falsely low expectations that society has about what we can achieve.

I found my confidence and my calling through Special Olympics, which gave me a chance to provide that I could compete on the field of play. Special Olympics

founder, Eunice Kennedy Shriver, once challenged me: "Don't tell me what you can't do... show me what you can."

I'd challenge each of you the same way. Show me what you can do to include those with intellectual disabilities in your communities. Show me what you can do to remove the stigma that faces them and their families. Show me what you can do to bring them out of the shadows and provide them access to services in health, education, housing and employment. Show the world we can create a place where all people are valued and recognized and given the chance to reach their full potential.

The next Development Goals will fall far short if they don't set their sights this high. But to paraphrase Eunice Kennedy Shriver – "Let's not let them tell us what we can't do. Let's show them what we can."

Thank you.

**I. King Jordan, Ph.D**  
**President Emeritus, Gallaudet University**  
**1825 K Street, NW**  
**Suite 600**  
**Washington, DC 20006**

October 29, 2013

Senator Robert Menendez  
Senate Foreign Relations Committee

Dear Senator Menendez:

Among my fondest memories is the time that I was able to work with a cross-disability advocacy group in the effort to see passed the Americans with Disabilities Act. There is no other legislation that has had such a direct impact on my life and I am proud to have played a small part in working for its passage.

I am trying to play a part in supporting a similar, international effort. I write today in support of ratification of the Convention on the Rights of Persons with Disabilities (CRPD). I know that you support this effort and want to be on record thanking you for that. I also want to be on record urging the Committee to quickly ratify the CRPD in a bipartisan way.

The CRPD is a non-discrimination treaty aimed at providing the same rights around the world that we enjoy in the United States thanks to the ADA. Its goals include empowering individuals with disabilities to be self sufficient, live independently and be integrated and included in all aspects of society.

Through such laws as the ADA, the United States has long been a leader in recognizing the rights and abilities of people with disabilities and by ratifying the CRPD will continue to be recognized as such around the world.

American citizens with disabilities who live, work or travel abroad will have the same opportunities to benefit from a world economy as will those Americans who are not disabled.

In my mind, nothing is more American than recognizing equal opportunity for all citizens. The CRPD will extend that recognition to include individuals with disabilities world wide.

Thank you for your leadership on this important issue. I eagerly look forward to ratification.

Sincerely

GENERAL COLIN L. POWELL, USA (RET)

October 16, 2013

Dear Chairman Menendez and Ranking Member Corker:

I am writing to urge you and your fellow members of the Senate Foreign Relations Committee to report favorably and promptly to the Senate a resolution supporting U.S. ratification of the Convention on the Rights of Persons with Disabilities.

The disabilities treaty is a crucial tool for recognizing and upholding the rights of one billion people – including our own disabled veterans -- with disabilities around the world. This is why the American Legion, VFW, and many other prominent veteran's organizations have called upon your committee to support the treaty. Seven hundred disability, faith, and business organizations across the United States support it, as well as veterans on your committee. I join them in endorsing the treaty – and, in so doing, rejecting claims that U.S. ratification will somehow compromise our nation's sovereignty.

The treaty promotes fairness and equality in education, work, and recreation. It calls for the inclusion of people with disabilities in the mainstream of society. It also recognizes the importance of keeping families, including family members with disabilities, together at home in their own communities. Many of these concepts were enshrined in U.S. law through passage of the Americans with Disabilities Act in 1990. The United States has always been at the forefront of the global movement for disability rights. Disability organizations and governments abroad look to our disability rights legislation as a model for their countries' nascent laws. If the Senate does not approve this treaty, the United States will continue to be excluded from the most important global platform for the implementation of best practices in disability rights abroad.

To date, 137 countries have ratified the disabilities treaty. In New York each September, delegates from these nations participate in the annual Conference of States Parties and share new ideas for strengthening the rights of people with disabilities around the world. The United States should not be missing this vital opportunity to sit and play a leadership role at the world's largest table for countries trying to improve the lives of their citizens with disabilities.

I therefore urge the Senate to provide its advice and consent for the United States to ratify the disabilities treaty at the earliest possible date. Thank you for consideration.

Sincerely,  


The Honorable Robert Menendez  
 Chairman  
 Senate Foreign Relations Committee  
 United States Senate  
 Washington, DC 20510

The Honorable Bob Corker  
 Ranking Member  
 Senate Foreign Relations Committee  
 United States Senate  
 Washington, DC 20510

November 2, 2013

Dear Chairman Robert Menendez of the Senate Foreign Relations Committee,  
Ranking Member Bob Corker, Senators and Friends,

I am sorry that I cannot personally attend this hearing on the Convention on the Rights of Persons with Disabilities (CRPD), but I am still writing you this letter to ask for your support for the CRPD. As you know, my work on civil rights in my home country of China began with advocating the rights of persons with disabilities. Today, the ideas of the CRPD have gradually become a reality around the world in significant ways. Worldwide, there are over 1 billion people with disabilities – and 80% of them live in developing countries. Disability rights is an issue that the world cannot afford to overlook, and the quality of the disability protection work directly signals the extent of civilization of a society.

When the United States enacted the Americans with Disabilities Act in 1990, it encouraged and empowered Americans with disabilities, making the idea of true equality for people with disabilities a reality. This also had set a good example for many other nations and they have followed in America's footsteps, and now are coming together under shared principles of equality, respect, and dignity. The U.S. was instrumental in negotiating the CRPD. For the U.S. to take its rightful place of leadership in the area of human rights for persons with disabilities and all people through the ratification of this treaty will be of great significance. However, if the U.S. considers some provisions not consistent with the interest of Americans with disabilities and American people, it certainly may seek to enter a reservation regarding a particular provision.

I came to the U.S. in 2003 and learned some conditions of Americans with disabilities, such as those relating to their study and daily life. When I came to the U.S. last year, it is a great pleasure to learn firsthand how the U.S. developed such a comprehensive and strong system of protection for its citizens with disabilities. Therefore, I am so hopeful that you will support ratification and allow others to benefit from U.S. leadership. Thank you.

Sincerely,

Chen Guangcheng

尊敬的参议院外交关系委员会的主席 Robert Menendez, 副主席 Bob Corker, 议员, 朋友们, 大家好!

非常抱歉这次的关于《残疾人权利公约》的听证会我不能参加, 但我仍然热切希望大家希望对此公约予以支持。就如大家所了解的, 在我自己的国家中国从事维权的事情也是从争取残疾人的权利开始的。如今, 残疾人权利公约的理念已经很大程度上在世界各地慢慢变为现实。世界范围内有超过 10 亿的残疾人, 他们中的 80% 都生活在发展中国家, 残疾人的权利是世界不可忽视的重要问题, 残疾人工作做的好坏直接标志着一个社会的文明程度。

当美国在 1990 年颁布《美国残疾人保障法》的时候, 给了美国残疾人极大的鼓舞和力量, 使残疾人真实平等的理念变成了现实。也给了很多国家很好的

榜样，使他们纷纷仿效，并在普世的公平，尊重和尊严的原则下达成了共识。美国，在《残疾人权利公约》的谈判过程中发挥了重要的作用。如果能通过批准该条约，起到美国在残疾人及所有人人权法领域的领导作用将是非常重要的。但是，如果觉得某些条款不符合美国残疾人和美国人民的利益，当然可以提出某条款保留的意见。

我 03 年来美国了解了一些美国残疾人的生活，学习等状况。去年我来到美国，就更荣幸地亲身体验美国是如何发展出一个全面，强有力地对残疾人权利地保护系统的。因而，我非常希望大家能支持《残疾人权利公约》的批准，并允许别国人民从美国的领导作用中获益。

谢谢！

陈光诚

2013, 11, 02



## American Statistical Association

*Promoting the Practice and Profession of Statistics*

### **ASA Statement Urging Ratification of the Convention on the Rights of Persons with Disabilities**

June 20, 2014

The American Statistical Association (ASA) is the world's largest community of statisticians, representing members in more than 90 countries and striving to "increase the contribution of statistics to human welfare without prejudice toward any person or group." It is with this objective in mind that the ASA supports the people with disabilities who engage in the profession or practice of statistics and the study of disability as a topic of research. Through activities of promoting the education of statistics in schools, increasing the public awareness of statistics, and supporting the use of statistics in making sound public policy, the ASA seeks to help make education, employment, and other opportunities available to all people regardless of disability status. The ASA Committee on Statistics and Disability, established in 1991, is tasked with advancing the study of disability within the field of statistics and promoting the study of statistics among people with disabilities.

The Convention on the Rights of Persons with Disabilities, which was adopted by the United Nations General Assembly in 2006, provides a framework for nations to address the rights of persons with disabilities. The Convention recognizes that those with disabilities have the right to live independently, move freely, and participate in the community, and calls on nations to make education, healthcare, and employment available to all those who seek it. The Convention also explicitly calls on parties to "collect appropriate information, including statistical and research data, to enable them to formulate and implement policies" to realize the rights listed.

The United States played a key role in the development of the Convention, modeling it after the Americans with Disabilities Act, which already provides rights to more than 56 million people with disabilities. The majority of the world's nations, representing about 1 billion people with disabilities, have become party to the Convention, sharing in the common purpose of providing dignity and equal opportunity to all people with disabilities.

The ASA Board of Directors calls on the United States to ratify the Convention on the Rights of Persons with Disabilities.

October 29, 2013

Dear Senator:

VSA Kentucky is writing in support of ratification of the Convention on the Rights of Persons with Disabilities (CRPD). The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities, as it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, etc. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

Through these mechanisms, the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

VSA Kentucky is committed to US leadership on behalf of the 1 billion people with disabilities worldwide. We believe swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest and we ask you for your support and leadership on this issue.

Sincerely,

*Delaire Rowe*

Executive Director  
270-904-7019  
vsartsky@icloud.com  
VSA KENTUCKY  
P.O. Box 3320  
Bowling Green, KY 42012

Vision of an inclusive society  
Strength in shared resources  
Artistic expression that unites us all



**VSA Kentucky is an Affiliate of VSA, program of the John F. Kennedy Center for the Performing Arts.**

November 1, 2013

Dear Senator:

The IMAGE Center for People with Disabilities is writing in support of ratification of the Convention on the Rights of Persons with Disabilities (CRPD). The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in the United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including veterans and service members with disabilities, because it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities.

By ratifying the CRPD, the United States will continue to be a leader in setting standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, and other landmark legislation. The Convention reflects core American values, including: the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

Through these mechanisms, the United States can influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States and their families who travel and do business abroad, such as military veterans, students, scientists, tourists and business leaders. American citizens with disabilities should have equal opportunity to benefit from a world economy that is fully accessible to all people.

The IMAGE Center is committed to US leadership on behalf of the 1 billion people with disabilities worldwide. We believe swift US ratification of the CRPD in a bipartisan manner is in this country's best interest and we ask you for your support and leadership on this issue.

If you have additional questions, please contact me at [mbullis@imagemd.org](mailto:mbullis@imagemd.org) or [443-275-9194](tel:443-275-9194).

Sincerely,



Michael Bullis

Executive Director,

The IMAGE Center for People with Disabilities

October 25, 2013

Dear Senator Menendez

Disabled Citizens Alliance for Independence is writing in support of ratification of the Convention on the Rights of Persons with Disabilities (CRPD). The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities, as it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, etc. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

Through these mechanisms, the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

Disabled Citizens Alliance for Independence is committed to US leadership on behalf of the 1 billion people with disabilities worldwide. We believe swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest and we ask you for your support and leadership on this issue.

If you have additional questions, please contact me at [merryberry@misn.com](mailto:merryberry@misn.com) or 573-244-3315 ext 108

Sincerely,

Paulette Berry

October 30, 2013

Dear Senator:

Not Dead Yet is writing to support ratification of the Convention on the Rights of Persons with Disabilities (CRPD). Not Dead Yet is a national disability rights organization that addresses health care policies pertaining to life-sustaining treatment and "end-of-life" care. Our organization often works in coalition with conservative organizations in opposing state bills to legalize assisted suicide.

There's been a lot of misinformation out there about the CRPD, so let me point to some specific Articles of the CRPD that are relevant to [Not Dead Yet's goals](#).

First, there is Article 10, entitled "Right to life," which does not carry exactly the same connotation and meaning that the phrase does in U.S.culture-war politics. [Article 10](#) simply states:

*States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.*

Not Dead Yet's concerns about futility policies, surrogate decision-making and assisted suicide all pertain to the notion that persons with disabilities have the same inherent right to live as everyone else.

CRPD [Article 16](#) addresses "Freedom from exploitation, violence and abuse." Article 16 begins by stating,

*1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects. . . .*

The Article goes on to call for related efforts toward abuse prevention, public education, reporting, victim support services, protection services, investigation of abuse and appropriate prosecution of abusers.

As we also know, persons with disabilities are more likely to experience abuse than their non-disabled peers. This reality has a direct bearing on Not Dead Yet's goals of ensuring that the civil rights of disabled people are protected from inappropriate surrogate decisions to withhold life-sustaining treatment, and of ensuring the equal protection of the law when disabled people are the victims of violence and even homicide.

Finally, CRPD [Article 25](#) addresses "Health." The most relevant portions affirm essential principles of nondiscrimination in health care:

*States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to . . .*

*d) Require health professionals to provide care of the same quality to persons with disabilities as to others, . . . through training and the promulgation of ethical standards for public and private health care;*

*e) Prohibit discrimination against persons with disabilities in the provision of health insurance, . . . ;*

*f) Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.*

Subsection "f" directly states Not Dead Yet's goal to prevent the withholding of health care, and even food and fluids, on the basis of disability. Sadly, we know that this happens in the U.S. and elsewhere. Not Dead Yet has been talking about it for years, and last year our concerns were substantiated in [a major Report from the National Disability Rights Network](#). The CRPD won't cure this injustice, but it will affirm that it is an injustice, and help establish that it is an international human rights issue.

The U.S. should ratify the CRPD, which has already been ratified by 117 other nations as of July 2012. It won't change U.S. law, given that disability rights consistent with the CRPD are already on the books here. But it will provide global leadership on disability rights and help protect our disabled citizens abroad. Moreover, it will affirm our nation's commitment to our stated ideals of equality and justice for *all*.

If you have any questions, please contact me at [dcoleman@notdeadyet.org](mailto:dcoleman@notdeadyet.org) or 708-420-0539.

Sincerely,

Diane Coleman, JD, MBA  
 President/CFO  
 Not Dead Yet  
 497 State Street  
 Rochester, NY 14608  
 708-420-0539 C  
[www.notdeadyet.org](http://www.notdeadyet.org)

October 29, 2013

Dear Senator Menendez:

I am writing on behalf of the non-profit Institute on Disability Culture, which is an educational and charitable organization that educates people about disability issues. I write today to encourage you to support ratification of the Convention on the Rights of Persons with Disabilities (CRPD).

I have had a chance to travel internationally as well as throughout the United States and I have yet to encounter a town, transportation venue, or building that is completely accessible to someone with a disability. In the U.S., this is despite over 30 years since the passage and implementation of Section 504 of the Rehabilitation Act and 20 years of the Americans with Disabilities Act (ADA). I understand great strides have been made, but I also know we have a long way to go. In classes I teach I am constantly asked questions like why aren't more people with disabilities integrated into the educational and employment systems. Perhaps even more telling I am constantly hearing someone has never met a person with a disability. Since, as you know, we are everywhere, what this means is that they are not aware of meeting someone with a disability and this is in large part because of the stigma that still exists in identifying oneself, as I just did, as a person with a disability.

The CRPD is a non-discrimination treaty seeking to achieve the same goals as the ADA and other existing disability laws in United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities, as it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities.

By ratifying the CRPD, the US will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, etc. By not ratifying it, we will do the opposite. By ratifying the CRPD and providing valuable leadership to the world, the US will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the US such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

The Institute on Disability Culture is committed to US leadership on behalf of the 1 billion people with disabilities worldwide. We believe swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest and ask you for your support and leadership on this issue.

If you have additional questions, please contact me at [disculture@gmail.com](mailto:disculture@gmail.com) or (808) 291-8858.

Sincerely,

Steven E. Brown,  
Co-Founder, Institute on Disability Culture

Calls for proposals now open: Pac Rim 2014: [www.pacrim.hawaii.edu](http://www.pacrim.hawaii.edu)

*Surprised to be Standing: A Spiritual Journey* (<http://www.healinglighthawaii.com/>)

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Michael Bailey

"Steve Brown is turning over new ground  
in disability literature."  
Janine Bertram Kemp

E-book formats available at: <http://www.smashwords.com/books/view/108864>

Steven E. Brown, Ph.D.  
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808-956-0996  
808-956-7878 (fax)  
Skype: stevenbrown  
Twitter: disculture  
Co-Founder: Institute on Disability Culture  
Website: [www.instituteondisabilityculture.org](http://www.instituteondisabilityculture.org)

Ryan Donnelly  
21 Chenell Drive  
Concord, NH 03301

October 30, 2013

Dear Senator Robert Menendez,

Dear Senator:

Granite State Independent Living is writing to support ratification of the Convention on the Rights of Persons with Disabilities (CRPD). We are a state-wide non-profit organization based in the state of New Hampshire that advocates for and provides services to the elderly and people with disabilities who strive to live independently within their own communities.

The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities, as it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, etc. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

Through these mechanisms, the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

GSIL is committed to US leadership on behalf of the 1 billion people with disabilities worldwide. We believe swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest and ask you for your support and leadership on this issue.

If you have additional questions, please contact me at [rdonnelly@gsil.org](mailto:rdonnelly@gsil.org), or 1-800-826-3700.

Sincerely,  
Ryan J. Donnelly, Regional Advocacy

Ryan Donnelly  
21 Chenell Drive  
Concord, NH 03301

October 30, 2013

Dear Senator Robert Menendez,

Dear Senator:

Granite State Independent Living is writing to support ratification of the Convention on the Rights of Persons with Disabilities (CRPD). We are a state-wide non-profit organization based in the state of New Hampshire that advocates for and provides services to the elderly and people with disabilities who strive to live independently within their own communities.

The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities, as it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, etc. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

Through these mechanisms, the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

October 14, 2013

Dear Representative:

The Disability Help Center is writing to support ratification of the Convention on the Rights of Persons with Disabilities (CRPD). We assist those who have a mental or physical disability obtain their SSI/SSDI benefits. Navigating this system is quite difficult and those with disabilities tend to encounter road blocks throughout the lives.

The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities, as it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, etc. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

Through these mechanisms, the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

The Disability Help Center is committed to US leadership on behalf of the 1 billion people with disabilities worldwide. We believe swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest and ask you for your support and leadership on this issue.

If you have additional questions, please contact me at [Charlene@ssdhelpcenter.org](mailto:Charlene@ssdhelpcenter.org) or 619-282-1761.

Sincerely,

Charlene Autolino  
Director, Disability Help Center

Dear Senator:

Boston Center for Independent Living is writing in support of ratification of the Convention on the Rights of Persons with Disabilities (CRPD). The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities, as it embodies equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, etc. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

Through these mechanisms, the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do the business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

Boston Center for Independent Living is committed to US leadership on behalf of the 1 billion people with disabilities worldwide. We believe swift US ratification of the CRPD in a bipartisan fashion is in this country's best interest and we ask you for your support and leadership on this issue.

If you have additional questions, please contact Allegra Stout at 617-338-6665 or [astout@bostoncouncil.org](mailto:astout@bostoncouncil.org).

Sincerely,

Bill Henning, Executive Director

Karen Schneiderman, Senior Advocacy Specialist

Allegra Stout, Community Organizer

October 30, 2013

Dear Senator:

On behalf of the 1,500 consumers served by Center for Independent Living of South Florida, Inc. (CILSF), I am writing to support ratification of the Convention on the Rights of Persons with Disabilities (CRPD). In addition, I am a person with a disability and the CRPD has a very personal meaning for me.

The CRPD is a non-discrimination treaty seeking to achieve the same goals as the Americans with Disabilities Act (ADA) and other existing disability laws in the United States: to empower individuals with disabilities to achieve economic self-sufficiency, independent living, inclusion and integration into all aspects of society. The CRPD is important to all people with disabilities, including our veterans and service members with disabilities, as it embodies equal treatment and non-discrimination in access to rehabilitation, transportation, housing, employment, educational and recreational opportunities.

By ratifying the CRPD, the United States will continue to be a leader in setting the standards for ensuring the human rights of individuals with disabilities, as we have under the ADA, IDEA, Fair Housing Act, and other civil rights laws. The Convention reflects core American values such as the dignity of the individual, access to justice, the importance of family decision-making and access to appropriate healthcare.

Through these mechanisms, the United States can provide and influence guidance on the implementation of the treaty around the world and lend our expertise as more countries develop their own disability rights laws. Such leadership will not only further our nation's vision for global human rights, but assist the millions of people with disabilities from the United States such as military veterans, students, scientists, tourists and business leaders, and their families who live, do business, and travel abroad. American citizens with disabilities should have the same opportunity to benefit from a world economy that is fully accessible to all people.

CILSF is committed to US leadership on behalf of the 1 billion people with disabilities worldwide, the 57 million Americans with disabilities, and the 5.5 million disabled American veterans. We believe swift US bipartisan

ratification of the CRPD is in our country's best interest and ask you for your support and leadership on this issue.

Additionally, the treaty will not cost the federal government any additional funds. The treaty has been reviewed by both Republican and Democratic Attorneys General and by past Counsel to Presidents. They confirm that it does not threaten the sovereignty of the U.S. nor does it require any new legislation to comply with the treaty.

Center for Independent Living of South Florida, Inc., located in and serving Miami-Dade County, Florida, is one of more than 400 Centers for Independent Living (CILS) in the United States that is managed, controlled and staffed by people with disabilities, for people with disabilities, of all ages. Each CIL develops in ways that uniquely reflect its population to be served. As a representative of the disability population in Miami-Dade, we are extremely concerned about passage of the CRPD and the influence it will have on spreading our vision of global human rights and ensuring that a world economy is fully accessible to all.

If you have additional questions, don't hesitate to contact me at [kelly@soflacil.org](mailto:kelly@soflacil.org), or 305-751-8025.

Sincerely,

*Kelly Greene*

Executive Director  
Center for Independent Living of South Florida, Inc.  
6660 Biscayne Blvd.  
Miami, FL 33138  
Voice: 305-751-8025  
TDD: 305-751-8891  
Fax: 305-751-8944  
[kelly@soflacil.org](mailto:kelly@soflacil.org)  
[www.soflacil.org](http://www.soflacil.org)  
[www.ADAAdvocacyblog.com](http://www.ADAAdvocacyblog.com)

The Center for Independent Living of South Florida is asking for your support on November 20th for the annual Give Miami Day. Find our listing under non profits.  
<http://miamifoundation.org/givemiamiday#sthash.bGud7KK0.dpuf>

What is a Center for Independent Living? Sign up for our monthly newsletter and learn more!

<http://www.soflacil.org/ways-you-can-help/newsletter/>

## TRANSCRIBED PETITION SUBMITTED FOR THE RECORD

In addition to the many letters submitted in support of the Convention, the committee received a transcribed version of a petition signed by individuals supporting the Convention. That document will be maintained in the committee's permanent files.