

**Resolution of Advice and Consent to Ratification
of the Convention on the Rights of Persons
with Disabilities**

1 *Resolved, (two-thirds of the Senators present concur-*
2 *ring therein),*

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

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

14 **SEC. 2. RESERVATIONS.**

15 The advice and consent of the Senate to the ratifica-
16 tion of the Convention is subject to the following reserva-
17 tions, which shall be included in the instrument of ratifica-
18 tion:

19 (1) The Convention shall be implemented by the
20 Federal Government of the United States of Amer-
21 ica to the extent that it exercises legislative and ju-

1 dicial jurisdiction over the matters covered therein,
2 and otherwise by the State and local governments.
3 To the extent that State and local governments exer-
4 cise jurisdiction over such matters, the obligations of
5 the United States of America under the Convention
6 are limited to the Federal Government's taking
7 measures appropriate to the Federal system, which
8 may include enforcement action against State and
9 local actions that are inconsistent with the Constitu-
10 tion, the Americans with Disabilities Act (42 U.S.C.
11 12101 et seq.), or other Federal laws, with the ulti-
12 mate objective of fully implementing the Convention.

13 (2) The Constitution and laws of the United
14 States of America establish extensive protections
15 against discrimination, reaching all forms of govern-
16 mental activity as well as significant areas of non-
17 governmental activity. Individual privacy and free-
18 dom from governmental interference in certain pri-
19 vate conduct are also recognized as among the fun-
20 damental values of our free and democratic society.
21 The United States of America understands that by
22 its terms the Convention can be read to require
23 broad regulation of private conduct. To the extent it
24 does, the United States of America does not accept
25 any obligation under the Convention to enact legisla-

1 tion or take other measures with respect to private
2 conduct except as mandated by the Constitution and
3 laws of the United States of America.

4 (3) Article 15 of the Convention memorializes
5 existing prohibitions on torture and other cruel, in-
6 human, or degrading treatment or punishment con-
7 tained in Articles 2 and 16 of the United Nations
8 Convention Against Torture and other Cruel, Inhu-
9 man or Degrading Treatment or Punishment, adopt-
10 ed by the United Nations General Assembly Decem-
11 ber 10, 1984, and entered into force June 26, 1987
12 (the “CAT”) and in Article 7 of the International
13 Covenant on Civil and Political Rights, adopted by
14 the United Nations General Assembly December 16,
15 1966, and entered into force March 23, 1976 (the
16 “ICCPR”), and further provides that such protec-
17 tions shall be extended on an equal basis with re-
18 spect to persons with disabilities. To ensure consist-
19 ency of application, the obligations of the United
20 States of America under Article 15 of the Conven-
21 tion shall be subject to the same reservations and
22 understandings that apply for the United States of
23 America with respect to Articles 1 and 16 of the
24 CAT and Article 7 of the ICCPR.

1 **SEC. 3. UNDERSTANDINGS.**

2 The advice and consent of the Senate to the ratifica-
3 tion of the Convention is subject to the following under-
4 standings, which shall be included in the instrument of
5 ratification:

6 (1) The United States of America understands
7 that this Convention, including Article 8 thereof,
8 does not authorize or require legislation or other ac-
9 tion that would restrict the right of free speech, ex-
10 pression, and association protected by the Constitu-
11 tion and laws of the United States of America.

12 (2) Given that under Article 1 of the Conven-
13 tion “[t]he purpose of the present Convention is to
14 promote, protect, and ensure the full and equal en-
15 joyment of all human rights and fundamental free-
16 doms by all persons with disabilities,” with respect
17 to the application of the Convention to matters re-
18 lated to economic, social, and cultural rights, includ-
19 ing in Articles 4(2), 24, 25, 27, 28, and 30, the
20 United States of America understands that its obli-
21 gations in this respect are to prevent discrimination
22 on the basis of disability in the provision of any such
23 rights insofar as they are recognized and imple-
24 mented under United States law.

25 (3) Current United States law provides strong
26 protections for persons with disabilities against un-

1 equal pay, including the right to equal pay for equal
2 work. The United States of America understands the
3 Convention to require the protection of rights of in-
4 dividuals with disabilities on an equal basis with oth-
5 ers, including individuals in other protected groups,
6 and does not require adoption of a comparable worth
7 framework for persons with disabilities.

8 (4) Article 27 of the Convention provides that
9 States Parties shall take appropriate steps to afford
10 to individuals with disabilities the right to equal ac-
11 cess to equal work, including nondiscrimination in
12 hiring and promotion of employment of persons with
13 disabilities in the public sector. Current interpreta-
14 tion of Section 501 of the Rehabilitation Act of 1973
15 (29 U.S.C. 791) exempts United States military de-
16 partments charged with defense of the national secu-
17 rity from liability with regard to members of the
18 uniformed services. The United States of America
19 understands the obligations of Article 27 to take ap-
20 propriate steps as not affecting hiring, promotion, or
21 other terms or conditions of employment of uni-
22 formed employees in the United States military de-
23 partments, and that Article 27 does not recognize
24 rights in this regard that exceed those rights avail-
25 able under United States law.

1 (5) The United States of America understands
2 that the terms “disability”, “persons with disabili-
3 ties”, and “undue burden” (terms that are not de-
4 fined in the Convention), “discrimination on the
5 basis of disability”, and “reasonable accommoda-
6 tion” are defined for the United States of America
7 coextensively with the definitions of such terms pur-
8 suant to relevant United States law.

9 (6) The United States of America understands
10 that the Committee on the Rights of Persons with
11 Disabilities, established under Article 34 of the Con-
12 vention, is authorized under Article 36 to “consider”
13 State Party Reports and to “make such suggestions
14 and general recommendations on the report as it
15 may consider appropriate.” Under Article 37, the
16 Committee “shall give due consideration to ways and
17 means of enhancing national capacities for the im-
18 plementation of the present Convention”. The
19 United States of America understands that the
20 Committee on the Rights of Persons with Disabil-
21 ities has no authority to compel actions by states
22 parties, and the United States of America does not
23 consider conclusions, recommendations, or general
24 comments issued by the Committee as constituting

1 customary international law or to be legally binding
2 on the United States in any manner.

3 (7) The United States of America understands
4 that the Convention is a nondiscrimination instru-
5 ment. Therefore, nothing in the Convention, includ-
6 ing Article 25, addresses the provision of any par-
7 ticular health program or procedure. Rather, the
8 Convention requires that health programs and proce-
9 dures are provided to individuals with disabilities on
10 a nondiscriminatory basis.

11 (8) The United States of America understands
12 that, for the United States of America, the term or
13 principle of the “best interests of the child” as used
14 in Article 7(2), will be applied and interpreted to be
15 coextensive with its application and interpretation
16 under United States law. Consistent with this under-
17 standing, nothing in Article 7 requires a change to
18 existing United States law.

19 **SEC. 4. DECLARATIONS.**

20 The advice and consent of the Senate to the ratifica-
21 tion of the Convention is subject to the following declara-
22 tions:

23 (1) The United States of America declares that
24 the provisions of the Convention are not self-exe-
25 cuting.

1 (2) The Senate declares that, in view of the res-
2 ervations to be included in the instrument of ratifi-
3 cation, current United States law fulfills or exceeds
4 the obligations of the Convention for the United
5 States of America.