



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

September 19, 2011

The Honorable John F. Kerry
Chairman
The Honorable Richard G. Lugar
Ranking Member
Committee on Foreign Affairs
Washington, D.C. 20510

Re: Convention on the Rights of Persons with Disabilities

Dear Chairman Kerry and Ranking Member Lugar:

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

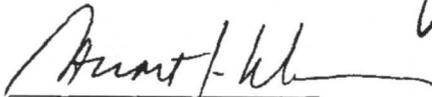
with disabilities who travel, conduct business, study, or reside overseas, including American veterans. Additionally, ratification will benefit American businesses by leveling the playing field and encouraging countries around the world to harmonize their standards with the Convention (U.S. standards 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.

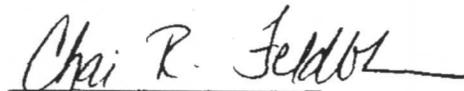
As the Executive Branch's transmittal package has concluded, the United States will rely on existing law to comply with the Convention, including its employment-related provisions, as modified by the recommended RUDs. The Commission therefore has no intention to change the way it currently enforces the 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 Affairs considers ratification.

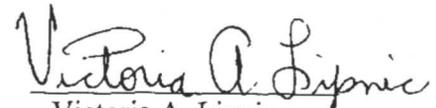
Sincerely,


Jacqueline A. Berrien
Chair


Stuart J. Ishimaru
Commissioner


Chai R. Feldblum
Commissioner


Constance S. Barker
Commissioner


Victoria A. Lipnic
Commissioner