

**Hearing on the Disabilities Convention
July 12, 2012
Opening Statement
Senator Richard G. Lugar**

I join Chairman Kerry in welcoming our distinguished witnesses.

On May 17, 2012, the President transmitted the Convention on the Rights of Persons with Disabilities to the Senate for its advice and consent. The United States has been a leader in advancing the rights and opportunities of persons with disabilities

through our domestic law. Our country should be proud of this legacy.

Most Senators have some knowledge and experience with the Americans with Disabilities Act. However, few have encountered the Disabilities Convention prior to this inquiry. The Foreign Relations Committee is tasked with establishing a complete record that will inform the entire Senate as it considers the merits of a treaty. To supplement our hearing today, I have

**submitted 29 questions for the record
pertaining to the Disabilities Convention and
the Reservations, Declarations, and
Understandings proposed by the
Administration.**

**I also have written to the Chairmen and
Ranking Members of the Senate Judiciary
and Health, Education, Labor, and Pensions
Committees asking for their views on the
Disabilities Convention. Many of the
Convention's provisions would be**

implemented by agencies and through programs under the jurisdiction of these Committees. I believe members of the Foreign Relations Committee would benefit from the views of these Committees on whether current U.S. laws and policies with respect to the rights of persons with disabilities are consistent with the obligations that the United States would assume under the Convention. They also can provide insights on current funding levels for relevant programs and whether any additional

reservations or understandings beyond those proposed by the Administration may be necessary.

I would highlight several points that I am hopeful will receive extensive treatment by the Administration.

Although the Administration has proposed a Federalism exception to the Disabilities Convention, the President's message also observes that in some cases state

and local disabilities standards “are less rigorous than the convention would require.”

It is important for the Senate to understand the particular instances in which the

Administration believes that relevant state

and local standards or laws fall short and

what measures the Administration would

intend to take consistent with the proposed

Federalism reservation to give effect to the

Convention’s requirements.

There also are a number of terms in the Convention that the Administration has not fully defined or explained in the President's message. For example, the Convention refers on several occasions to guarantees or protections that should be extended "in accordance with international human rights law." But the sources and particular rules of this law are not defined.

We also would benefit from a more thorough understanding of the potential legal

**effects, if any, of the recommendations of the
Committee on the Rights of Persons with
Disabilities.**

**I appreciate the efforts of all those
involved in preparing the Disabilities
Convention for consideration by the Foreign
Relations Committee. I look forward to the
insights of each of our witnesses as the
Committee begins its examination of this
Convention.**

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