



USBLN[®] Joins Disability Advocates in Calling for Senate Action on Treaty Following Supreme Court Ruling in Bond Case

For Immediate Release
June 2, 2014

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WASHINGTON, DC (June 2, 2014) – Today, the United States Supreme Court issued its ruling in the case of *Bond v. United States*. The unanimous judgment supports what disability advocates and legal scholars had long contended: that the *Bond* case is not an obstacle to ratifying the Disability Treaty. The coalition of American businesses alongside over 800 disability, veteran, and faith organizations working in support of the Treaty today call on the Senate to proceed promptly to ratification of the Disability Treaty.

Opponents of the Disability Treaty have claimed that the Senate should not take up ratification until the Supreme Court had announced a decision in the *Bond* case. “As evidenced by today’s unanimous judgment by the US Supreme Court that *Bond* is not a hindrance to the ratification of the Disability Treaty, it is time to focus on issues related to the removal of barriers to create an inclusive and accessible society that would benefit all. As the voice of businesses across the nation, we stand united in support for the U.S. ratification of the 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,” said **Jill Houghton**, USBLN[®] Executive Director.

The *Bond* case involved a challenge to a federal statute implementing the Chemical Weapons Convention, which was enacted after that Convention was ratified.

However, the disability treaty is modeled on the Americans with Disabilities Act, which was passed by Congress long before the Disability Treaty was even ratified, and no new legislation is necessary for the US to comply with the treaty. This was confirmed in a declaration the Senate Foreign Relations Committee inserted into its proposed resolution of advice and consent in 2012, which states, "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."

In a November 2013 hearing on the disability treaty in the Senate Foreign Relations Committee, former Attorney General Dick Thornburgh and former White House Counsel Boyden Gray, testified that maintain the Federal-State balance could be addressed through appropriate Senate reservations. Also conservative international law scholars, Timothy Meyer of the University of Georgia and Curtis A. Bradley of Duke Law School agreed that appropriate reservations, understandings and declarations (RUDs) to the Treaty could achieve this goal. Such RUDs have been adopted for treaties ratified by Presidents of both parties throughout history and have never been challenged.

The Supreme Court’s *Bond* opinion highlights that when Congress is silent regarding the Federal – State balance, Federal Courts will resolve any ambiguities by assuming that the statute does not intrude upon traditional state jurisdiction – including a statute that implements a treaty. For the CRPD, the Senate will explicitly enact a reservation that maintains the Federal-State balance, which will reinforce this principle. It is obvious from today’s decision that such a reservation will have the binding force of law and will be upheld by the Courts.

The Senate can take this Supreme Court decision, and confidently draft Reservations that will uphold (as the Court put it) the “basic principles of federalism embodied in the Constitution.”

Visit the United States International Council on Disabilities (USICD) action center at www.disabilitytreaty.org now to see the text of the treaty and related materials.

About the US Business Leadership Network® (USBLN®)

The US Business Leadership Network (USBLN) is a national non-profit that helps business drive performance by leveraging disability inclusion in the workplace, supply chain, and marketplace. The USBLN serves as the collective voice of nearly 50 Business Leadership Network affiliates across the United States, representing over 5,000 businesses. Additionally, the USBLN® Disability Supplier Diversity Program® (DSDP) is the nation’s leading third party certification program for disability-owned businesses, including businesses owned by service-disabled veterans. www.usbln.org

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