

116TH CONGRESS
2D SESSION

S. 3880

To establish the Office of International Disability Rights, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 3, 2020

Mr. CASEY (for himself, Ms. DUCKWORTH, Mr. COONS, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To establish the Office of International Disability Rights, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Office of International
5 Disability Rights Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The United States has shown leadership do-
9 mesticly on disability rights with the Americans
10 with Disabilities Act of 1990 (42 U.S.C. 12101 et

1 seq.), as well as section 504 of the Rehabilitation
2 Act (29 U.S.C. 794), and this leadership should be
3 leveraged to support international disability rights.

4 (2) The United Nations (UN) Sustainable De-
5 velopment Goals 4 (No Poverty), 8 (Decent Work
6 and Economic Growth), 10 (Reduced Inequality), 11
7 (Sustainable Cities and Communities), 16 (Peaceful
8 and Inclusive Societies), and 17 (Partnerships) ex-
9 plicitly mention persons with disabilities, while 13
10 other Goals are particularly related to persons with
11 disabilities, and countries are required to report dis-
12 ability disaggregated data for each.

13 (3) There are more than 1,000,000,000 people
14 with disabilities around the world, and 80 percent
15 live in developing countries.

16 (4) Sixty percent of people with disabilities are
17 women, according to the United Nations.

18 (5) Women with disabilities are more likely to
19 experience violence and sexual violence than women
20 without disabilities.

21 (6) There are more than 90,000,000 children
22 with disabilities worldwide according to the United
23 Nations Children's Fund (UNICEF).

24 (7) Children with disabilities are more likely to
25 be malnourished, subject to violence, isolation, and

1 abuse, and less likely to attend school than children
2 without disabilities.

3 (8) People with disabilities are subject to eco-
4 nomic and social marginalization. The International
5 Labor Organization has estimated that the cost of
6 excluding people with disabilities from the world of
7 work could be up to 7 percent of Gross Domestic
8 Product (GDP) in some low- and middle-income
9 countries.

10 (9) The inclusion of people with disabilities is
11 a fundamental part of democracy and essential to
12 the full realization of human rights.

13 (10) The political participation and leadership
14 of people with disabilities, including those who ac-
15 quired a disability through conflict, is crucial to sus-
16 taining democratic institutions.

17 (11) People with disabilities can face disadvan-
18 tages in all areas of life, including educational at-
19 tainment, labor market outcomes, financial stability,
20 housing, standard of living conditions, political par-
21 ticipation, access to health care, arts and culture,
22 sports, transportation, and access to justice and citi-
23 zenship.

24 (12) Issues related to disability rights cut
25 across all sectors of foreign assistance, including de-

1 mocracy, voting and elections, human rights, civil
2 rights, labor, global health, education, economic
3 growth and trade, gender equality and women’s em-
4 powerment, agriculture and food security, water and
5 sanitation, conflict transformation, disaster risk re-
6 duction, and humanitarian recovery and relief.

7 (13) People with disabilities are members of all
8 marginalized groups, including women, young peo-
9 ple, older adults, the LGBTI community, ethnic and
10 religious minorities, indigenous people, internally
11 displaced people, and refugees.

12 (14) The public presence of the Special Advisor
13 for International Disability Rights at the Depart-
14 ment of State, first appointed in 2010, helped raise
15 the visibility of people with disabilities in Depart-
16 ment policies and programs, and improved the inclu-
17 sion of disability in the Department’s annual Coun-
18 try Reports on Human Rights Practices and Traf-
19 ficking in Persons reports.

20 (15) There is currently no mandate that De-
21 partment of State programming be disability inclu-
22 sive where relevant, and the Department does not
23 have a formal, publicly available disability policy.

1 **SEC. 3. DISABILITY INCLUSION IN FOREIGN POLICY.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-
3 gress that, since international disability rights is
4 foundational to development, national security, and eco-
5 nomic outcomes, disability inclusion should be
6 mainstreamed through all foreign assistance and program-
7 ming.

8 (b) FORMAL POLICY FOR DISABILITY INCLUSION IN
9 FOREIGN POLICY.—

10 (1) IN GENERAL.—Not later than one year
11 after the date of the enactment of this Act, the Sec-
12 retary of State shall develop and adopt a formal pol-
13 icy for disability inclusion in United States foreign
14 assistance programming and ensure that such policy
15 is implemented in the Foreign Affairs Manual.

16 (2) MATTERS TO BE INCLUDED.—The policy
17 required under subsection (a) should include infor-
18 mation and guidance on the Department’s approach
19 to disability inclusion in United States foreign as-
20 sistance and disaster response programming.

21 (3) CONSULTATION.—In developing and adopt-
22 ing the policy, the Secretary shall consult with—

23 (A) individuals with disabilities, organiza-
24 tions of people with disabilities and inter-
25 national nongovernmental organizations work-
26 ing on disability rights; and

1 (B) the Administrator of the United States
2 Agency for International Development (USAID)
3 to promote coherence of such policy with
4 USAID’s formal disability policy.

5 (4) PUBLIC AVAILABILITY.—The Secretary
6 shall publish such policy on a publicly available
7 website of the Department.

8 **SEC. 4. OFFICE OF INTERNATIONAL DISABILITY RIGHTS.**

9 (a) IN GENERAL.—The Secretary of State shall es-
10 tablish an Office of International Disability Rights (re-
11 ferred to in this section as the “Office”), which should
12 be placed at the Under Secretary level and which shall
13 be headed by an Ambassador-at-Large.

14 (b) PURPOSE.—The Office shall coordinate efforts of
15 the United States Government, as directed by the Sec-
16 retary, regarding human rights for people with disabilities
17 and advancing the status of people with disabilities in
18 United States foreign policy.

19 (c) DUTIES.—The Office shall carry out the following
20 duties:

21 (1) Serve as the principal advisor to the Sec-
22 retary on all matters related to disability inclusive
23 foreign policy, including ensuring that when the De-
24 partment awards grants or contracts, the award of
25 grants or contracts is consistent with United States

1 law and practice on disability rights, including non-
2 discrimination and the ability to use such funds for
3 the provision or reasonable accommodations to peo-
4 ple with disabilities.

5 (2) Represent the United States in diplomatic
6 and multilateral fora on matters relevant to the
7 rights of people with disabilities and work to raise
8 the profile of disability across a broader range of or-
9 ganizations contributing to international develop-
10 ment efforts, including donor engagement and mobi-
11 lization of resources, capacity building, account-
12 ability mechanisms, advocacy, and implementation of
13 international guidelines and standards.

14 (3) Work to ensure that disability inclusive
15 practices and empowerment of people with disabili-
16 ties are fully integrated into all United States for-
17 eign operations.

18 (4) Conduct regular consultation with civil soci-
19 ety organizations working to advance international
20 disability rights and empower people with disabilities
21 internationally.

22 (5) Consult with other relevant offices at the
23 Department of State that are responsible for draft-
24 ing annual reports to include information on people
25 with disabilities wherever applicable, which may in-

1 include instances of discrimination, prejudice, abuses
2 of people with disabilities, disabilities caused as a re-
3 sult of conflict involving the United States, or explo-
4 sive remnants of war sourced in the United States.

5 (d) SUPERVISION.—The Office shall be headed by an
6 Ambassador-at-Large for International Disability Rights.
7 The Ambassador-at-Large should be a person of recog-
8 nized distinction in the field of disability rights. The Am-
9 bassador-at-Large shall be provided with appropriate
10 funding and staff consistent with the duties of the Office
11 and with Department of State guidance on the status of
12 an Office.

13 (e) CONSULTATION.—The Secretary shall direct of-
14 fices and employees of the Department, Ambassadors at
15 Large, Representatives, Special Envoys, Special Advisors,
16 and coordinators to consult with the Office to promote the
17 human rights and full participation of people with disabil-
18 ities in United States foreign policy.

19 **SEC. 5. DEPARTMENTAL HIRING AND FACILITIES ACCESSI-**
20 **BILITY.**

21 (a) IN GENERAL.—The Under Secretary of State for
22 Management shall, in consultation with the Ambassador-
23 at-Large, the appointed pursuant to section 4(a),
24 prioritize in the hiring and recruitment and overseas as-
25 signments, the accessibility practices of civil service em-

1 ployees and foreign service officers with disabilities and
2 their family members with chronic medical conditions or
3 disabilities.

4 (b) DUTIES.—The Under Secretary shall—

5 (1) ensure that facilities used to carry out the
6 mission of the United States at embassies, con-
7 sulates, leased facilities, or any other facilities are in
8 compliance with United States Access Board stand-
9 ards, including accessibility to people with disabil-
10 ities, including by—

11 (A) making websites and other forms of
12 communication accessible to people with disabil-
13 ities and providing reasonable accommodations
14 to program participants;

15 (B) ensuring accessibility of United States
16 Government facilities by contracting with local
17 contractors and subcontractors that meet the
18 requirements of section 503 of the Rehabilita-
19 tion Act of 1973 (29 U.S.C. 793) to affirma-
20 tively hire workers with disabilities; and

21 (C) consulting with the Department of La-
22 bor’s Office of Federal Contracts Compliance to
23 ensure all Department of State contractors are
24 compliant with the Americans with Disabilities
25 Act of 1990;

1 (2) ensure that the policies and practices for
2 the recruitment and placement of foreign service of-
3 ficers and their families encourage the hiring and
4 placement of people with disabilities in compliance
5 with the Rehabilitation Act of 1973 (29 U.S.C. 701
6 et seq.);

7 (3) consult with the Disability Rights Section of
8 the Civil Rights Division of the Department of Jus-
9 tice to ensure that Department of State hiring is
10 compliant with the Americans with Disabilities Act
11 of 1990; and

12 (4) ensure that policies are in place for hiring
13 locally employed staff in embassies and consulates
14 outside the United States to ensure that accom-
15 modations are offered, provided, and funded from
16 the Department's centralized reasonable accommoda-
17 tion fund.

18 (c) FACILITY ACCESSIBILITY.—The Under Secretary
19 for Management shall, in consultation with the Amba-
20 sador-at-Large appointed pursuant to section 4(a), ensure
21 that embassies and consulates and their services are acces-
22 sible to people with disabilities, including with respect to—

23 (1) the physical accessibility of facilities housing
24 embassies and consulates;

1 (2) websites of United States embassies and
2 consulates;

3 (3) public internet and telecommunications; and

4 (4) other means of communication with United
5 States residents and the general public.

6 **SEC. 6. TRAINING.**

7 (a) IN GENERAL.—The Secretary of State shall re-
8 quire online or in-person mandatory disability inclusion
9 training for all civil service and foreign service personnel
10 of the Department of State and chiefs of mission, includ-
11 ing on—

12 (1) how to develop solicitations, programming,
13 budgets, and policies that are inclusive;

14 (2) how to ensure a disability-inclusive work en-
15 vironment;

16 (3) how to conduct disability-inclusive analyses
17 of laws and programming;

18 (4) how to empower and support local organiza-
19 tions of people with disabilities;

20 (5) how to ensure implementing partners that
21 receive funding from the Department hire and in-
22 clude people with disabilities throughout all Depart-
23 ment programs, as applicable by using international
24 monitoring frameworks that address inclusive pro-
25 gramming and integrating inclusion indicators; and

1 (6) inclusive humanitarian action for people
2 with disabilities, in line with established inter-
3 national frameworks including the Inter-Agency
4 Standing Committee (IASC) guidelines and the
5 Charter on Inclusion of Persons with Disabilities in
6 Humanitarian Action.

7 (b) COUNTRY-SPECIFIC AND CULTURAL CONSIDER-
8 ATIONS.—The Secretary shall ensure that training for for-
9 eign service officers under subsection (a) should include
10 country-specific and cultural considerations.

11 (c) FOREIGN SERVICE OFFICERS.—Section
12 708(a)(1) of the Foreign Service Act of 1980 (22 U.S.C.
13 4028(a)(1)) is amended—

14 (1) in subparagraph (C), by striking “; and”
15 and inserting a semicolon;

16 (2) by redesignating subparagraph (D) as sub-
17 paragraph (E); and

18 (3) by inserting after subparagraph (C) the fol-
19 lowing new subparagraph:

20 “(D) instruction on recognizing risks and
21 vulnerabilities of individuals with disabilities in
22 specific country contexts, disability inclusion in
23 policymaking and outreach at United States
24 embassies and analysis of disability-inclusive

1 laws and programming in local country con-
2 texts; and”.

3 **SEC. 7. REPORT AND BRIEFING REQUIREMENTS.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act, and annually thereafter,
6 the Secretary of State shall provide to the Committee on
7 Foreign Relations of the Senate and the Committee on
8 Foreign Affairs of the House of Representatives a report
9 and briefing on the steps taken to implement this Act.

10 (b) MATTERS TO BE INCLUDED.—The report and
11 briefing required under subsection (a) shall include—

12 (1) an explanation of policies and programs to
13 fulfill—

14 (A) the duties of the Office of Inter-
15 national Disability Rights established under
16 section 4; and

17 (B) the training requirements under sec-
18 tion 6;

19 (2) a description of the status of efforts to
20 mainstream disability rights throughout Department
21 of State programming without regard to whether
22 such programming is specifically directed toward
23 people with disabilities;

24 (3) an explanation of disability-specific pro-
25 gramming across the Department;

1 (4) a description of the status of accessible fa-
2 cilities in all foreign missions, as required under sec-
3 tion 5(c);

4 (5) a description of any policy, programming, or
5 human resources gaps to mainstreaming disability
6 rights policy throughout the Department, and plans
7 to address gaps through appropriate mechanisms;

8 (6) a description of progress made on the real-
9 ization of the rights of people with disabilities as a
10 result of Department policies and programming;

11 (7) an explanation of the current status of the
12 Department's evidence gathering and improved sys-
13 tematic disability data collection, including the use
14 of disaggregated data, in order to ensure that pro-
15 gramming, monitoring, and reporting reflect and ad-
16 dress the risks and needs of people with disabilities;
17 and

18 (8) recommendations for legislative actions to
19 fully implement the matters described in paragraphs
20 (1) through (7).

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