National Council on Disability

US Foreign Policy and Disability 2017: Progress and Promise

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March 8, 2018

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Letter of Transmittal

March 8, 2018

The President
The White House
Washington, DC 20500

Dear Mr. President:

On behalf of the National Council on Disability (NCD), I am pleased to submit this report titled *US Foreign Policy and Disability: Progress and Promise 2017*.

One billion people, or 15 percent of the world's population, experience some form of disability, and an estimated 80% of people with disabilities live in developing countries, post-conflict societies, among refugee populations, and in countries with histories of political violence. People with disabilities and their families are subject to economic and social marginalization, segregation, discrimination, and a broad range of other civil and human rights violations around the world. The lack of protection against discrimination and exclusion leads to economic hardship and a loss of productive capacity. The World Bank has reported the enormous cost of excluding people with disabilities—estimating the global Gross Domestic Product loss due to disability to be between $1.71 trillion to $2.23 trillion annually.

The US government maintains thousands of international programs administered by agencies at a cost of billions annually. Because people with disabilities are a significant portion of the developing world's population, any sizable US government program overseas has the potential to attract participants and employees with disabilities and impact the quality of life of people with disabilities in those countries through its policies and activities.

In previous studies on US foreign policy, NCD sought to advance understanding and to promote accessibility and inclusion of people with disabilities in foreign assistance programs funded by the United States by examining the extent to which US disability rights laws were extended in international settings through the activities of the Department of State (DOS), the United States Agency for International Development (USAID), the Department of Defense (DOD), and the Peace Corps. The studies examined the employment, accessibility, and outreach policies and programs of these agencies. *US Foreign Policy and Disability: Progress and Promise 2017* follows-up on NCD's previous foreign policy studies by providing a current assessment of the application of federal disability laws in US foreign aid programs administered by DOS, USAID, and the Peace Corps, detailing the extent to which these agencies have developed new planning or programs to ensure the inclusion of people with disabilities and removed the barriers to access to people with disabilities identified in NCD's prior reports. It also provides NCD's first examination of the policies and practices of the Millennial Challenge Corporation regarding disability inclusion.

Unfortunately, while mainstreamed inclusion of disability in development has the potential to improve social and economic inclusion; findings from this study suggest that improvements still need to be made to ensure that people with disabilities are not left behind in US foreign aid programs. This report finds across all agencies examined: nonexistent or outdated formal disability policies; significant underrepresentation of employees with disabilities; unclear recruitment and retention policies and supports for employees with disabilities; inadequate human and fiscal resources dedicated to the institutionalization of system-wide inclusion; absence of accountability due to inadequate monitoring of the number of people with disabilities included in foreign aid programs from design to implementation and evaluation; unclear public information related to disability access and inclusion on agency webpages; inconsistent physical accessibility to structures and programs overseas, and disparate implementation of international standards. There is still work to be done.

This report makes recommendations aimed at strengthening the inclusion and accessibility of US foreign aid programs that are grounded in a basic premise: that overseas economic development will not be successful unless people with disabilities are included in US programs overseas.

NCD looks forward to working with you in ensuring that the goals of US foreign aid programs are inclusive of and accessible to people with disabilities, and that the recommendations in this report are implemented.

Clyde E. Terry
Chairperson

US Foreign Policy and Disability **6**

Executive Summary **8**

1. Disability and Development: Background and Literature **17**
1.1. Disability Prevalence and Demographics *17*
1.2. Social and Economic Exclusion and Discrimination *18*
1.3. US Foreign Assistance and Accessibility *19*
1.4. Global Development and Disability Frameworks *19*

2. Right to Inclusion and Participation in Foreign Policy and Assistance: Legal Overview **22**
2.1. Federal Disability Rights Laws *23*
2.2. Executive Orders and Implementing Regulations *25*
2.3. Foreign Assistance and Respect for Human Rights *26*

3. Disability Policy and Practice: Agency Implementation **28**
3.1. ***Department of State:*** *Disability Policy and Practice* *28*
3.1.1. Policies and Guidance 29
3.1.2. Responsibility and Resources 29
3.2. ***USAID:*** *Disability Policy and Practice* *31*
3.2.1. Oversight and Staffing 32
3.3. ***Peace Corps:*** *Disability Policy and Practice* *35*
3.3.1. Agency Reporting and Disability 35
3.4. ***Millennium Challenge Corporation:*** *Disability Policy and Practice* *38*
3.4.1. Gender and Social Inclusion 38

4. Employment and Participation: Agency Implementation **42**
4.1. ***Department of State:*** *Employment and Participation* *46*
4.2. ***USAID:*** *Employment and Participation* *48*
4.2.1. Office of Civil Rights and Diversity 49
4.2.2. Careers 49
4.2.3. Advancing Disability Inclusive Development 50
4.3. ***Peace Corps:*** *Employment and Participation* *51*
4.3.1. Compliance 52
4.3.2. Diversity and Inclusion 53
4.4. ***Millennium Challenge Corporation:*** *Employment and Participation* *56*

5. Accessibility and Inclusion: Agency Implementation **61**
5.1. ***Department of State:*** *Physical Accessibility* *61*
5.1.1. The Bureau of Overseas Building Operations 61
5.1.2. Accessibility Guidelines 63
5.2. ***USAID:*** *Physical Accessibility* *65*
5.2.1. USAID Construction Assessment 65
5.2.2. Wheelchair Program 67
5.3. ***Peace Corps:*** *Accessibility and Accommodations for Peace Corps Volunteers* *68*
5.3.1. Health and Physical Accessibility 68
5.3.2. Accessible Projects 69
5.4. ***Millennium Challenge Corporation:*** *Physical Accessibility* *70*

6. Foreign Assistance Programs: Agency Implementation 75
*6.1. **Department of State:** Foreign Assistance Programs..... 75*
*6.2. **USAID:** Foreign Assistance Programs 80*
6.2.1. USAID: Disability Inclusive Development 80
6.2.2. USAID: Funding Policies and Guidance 81
*6.3. **Peace Corps:** Foreign Assistance Programs 84*
6.3.1. Underrepresented Groups: Peace Corps Volunteer Recruitment 84
*6.4. **Millennium Challenge Corporation:** Foreign Assistance Programs 87*

7. Recommendations and Action Steps 89
7.1. Vision and Practice 90
7.1.1. Systems Change and Collaboration 90
7.2. Recommendations: Law & Cross-Agency Policies 91
*7.3. Recommendations: **Department of State** 94*
*7.4. Recommendations: **USAID** 95*
*7.5. Recommendations: **Peace Corps** 96*
*7.6. Recommendations: **Millennium Challenge Corporation** 98*
7.7. Conclusions and Limitations 99
7.7.1. Methodology and Sources of Information 100

Appendix A. Summary of Previous NCD Foreign Policy and Disability Recommendations 101

Appendix B. Disabled People's Organization Survey Summary 105

Appendix C. Detailed Review of Human Rights Reporting 105

Endnotes 112

US Foreign Policy and Disability

"There is no escaping our obligations: our moral obligations as a wise leader and good neighbor in the interdependent community of free nations—our economic obligations as the wealthiest people in a world of largely poor people, as a nation no longer dependent upon the loans from abroad that once helped us develop our own economy—and our political obligations as the single largest counter to the adversaries of freedom."

—John F. Kennedy

In the five decades since President Kennedy categorized US foreign assistance as a moral, political and economic obligation, we have seen progress; thanks to the support of the United States, individuals across the globe are living longer, healthier, and fuller lives. For 50 years, US-foreign-aid-funded projects and programs have helped to increase access to education, promote justice and improve social and economic outcomes, *for most*.

Unfortunately, despite emerging inclusive development efforts, people with disabilities, the world's largest minority group, remain marginalized. Rendered vulnerable by the physical, social and cultural barriers encountered by having a disability, this sector of the population relies on the support of foreign aid and assistance to access basic human rights. Yet, as you will see in the chapter that follows, disproportionate exclusion of people with disabilities and resulting inequities exist and, in fact, are an ongoing, global crisis.

Approximately 800 million people with disabilities living in developing countries[1] look to the United States through a cautiously optimistic lens, hopeful that the world's largest contributor to foreign aid[2] will remain steadfast in its long-standing commitment to inclusion. The release of this report at the start of a new Administration is intended to offer a resource for implementing fresh perspectives and achieving the limitless promise of sustainable development for all.

As the next installment in a series of National Council on Disability Foreign Policy Reports[3,4,5], **US Foreign Policy and Disability: *Progress and Promise 2017*** includes:

- an executive summary, outlining core concepts and key findings;
- a brief history of US foreign policy and introduction to four of the United States' primary agencies responsible for providing foreign assistance;
- background and supporting literature on disability and disability inclusive development;
- an updated overview of US laws and policy related to disability inclusion;
- findings related to agency implementation of disability policy, disability inclusive employment and volunteer participation, physical and web accessibility and disability inclusive foreign assistance programs and projects including agency specific examples of promising practices and/or missed opportunities;
- progress reporting on previous NCD recommendations for the US Department of State (DOS) and the US Agency for International Development (USAID); and
- targeted recommendations and action steps for improved disability inclusion.

The report is organized into chapters by topic, each with an agency-specific sub-section focused on policy and program implementation. The appendices that follow summarize findings by agency, and, in some instances, provide further detail, examples, and context.

Findings from previous reports have helped policymakers, including the White House and Congress, to make policy decisions that have improved the inclusion of people with disabilities in US foreign aid programs and operations overseas. The goal of this report is to highlight that progress, while at the same time calling attention to the ways in which agencies responsible for managing and executing US foreign assistance can promote inclusive development as part of a shared commitment to achieving greatness for all people.

Executive Summary

This report provides an up-to-date review of the inclusion of people with disabilities in US foreign policy efforts. This includes a current analysis of federal disability rights law, executive orders and implementing regulations, and foreign assistance and human rights related to disability inclusion. In addition, the policies and practices of four federal agencies responsible for either funding or executing US foreign assistance activities, were reviewed for inclusion of disability. The agencies of interest were the Department of State (DOS), the United States Agency for International Development (USAID), the Peace Corps and the Millennium Challenge Corporation (MCC).

Evaluation methods included an extensive desk review of each agency and applicable legal and policy documents, key informant interviews with agency staff members and program participants, and a survey assessing the accessibility of agency programs and facilities, including informational, attitudinal, and physical access. Core areas of investigation were:

1. **employment** of people with disabilities within federal agencies;
2. **access to information** and **physical accessibility** of federal agencies; and
3. the inclusion of people with disabilities in **foreign assistance programs**.

Results of the data analysis show that some progress has been made in regard to the inclusion of people with disabilities (e.g., establishing and appointing a Special Advisor for International Disability Rights at the DOS), yet efforts often suffer from the “silo effect” and lack sustained and coordinated engagement. In addition, a persistent lack of accountability—through data collection, monitoring, and evaluation—diffuses responsibility for ensuring the inclusion of people with disabilities in programs and policies agency-wide.

Key findings relevant to all agencies (the DOS, USAID, the Peace Corps, and MCC) include:

- nonexistent or outdated formal disability policies;
- significant underrepresentation of employees with disabilities;
- unclear recruitment and retention policies and supports for employees with disabilities;
- inadequate human and fiscal resources dedicated to the institutionalization of system-wide inclusion (i.e., the progress made within some programs is not universally applied);
- absence of accountability through disability-disaggregated data and monitoring and evaluation practices (e.g., adequately monitoring the number of persons with disabilities (PWDs) included in foreign aid programs from design to implementation and evaluation);
- public information related to disability access and inclusion lacking in clarity (i.e., agency webpages are difficult to navigate, and information relating to disability is difficult to find); and
- physical accessibility is inconsistently achieved overseas, and the implementation of international standards is disparate.

Moving forward, agencies should focus their attention on developing inclusive policies and programs that are:

Collaborative	Participatory, engaging, and inclusive of diverse stakeholders, especially those with disabilities
Operationalized	Systematized across all programs, projects, and sectors, and which include supporting policies and guidance
Resourced	Equipped with fiscal and human resources to meet the needs of the population
Equitable	Accessible, measurable, and transparent

General recommendations for action can be applied across the agencies (for a full list of agency-specific recommendations see Chapter 7) and outlined below using the CORE framework:

Collaborative

- Ratify the Convention on the Rights of Persons with Disabilities
- Model and promote disability inclusion among government and program partners
- Develop consultative global advisory boards/committees
- Explore public/private partnerships
- Implement iterative beneficiary feedback
- Build capacity in employees and partners

Operationalized

- Develop, implement, or update formal disability policies and guidance
- Mainstream disability inclusion across programs and sectors
- Standardize program monitoring and evaluation, data collection, and reporting

Resourced

- Prioritize disability inclusive development funding
- Establish, appoint, and fill disability coordinator positions
- Provide funding for awareness building

Equitable

- Clarify current legislation
- Improve accessibility and representation
- Consistently report progress and results
- Continue efforts and programs that promote a disability inclusive workforce

To effectively translate these recommendations into action, agency leadership and stakeholders must proactively map strategies that go beyond avoiding discrimination and instead create new pathways to economic, physical, and social inclusion. As the world's largest foreign aid contributor, the United States has a responsibility to lead by example. Prioritizing people with disabilities is a move in the right direction

Agency Missions

U.S. Department of State

Create a more secure, democratic, and prosperous world for the benefit of the American people and the international community.

U.S. Agency for International Development

We partner to end extreme poverty and promote resilient, democratic societies while advancing our security and prosperity.

Peace Corps

To promote world peace and friendship by fulfilling three goals: To help the people of interested countries in meeting their need for trained men and women. To help promote a better understanding of Americans on the part of the people served. To help promote a better understanding of other peoples on the part of Americans.

Millennium Challenge Corporation

Reduce poverty through economic growth.

Department of State: Mission and Values

The mission of the Department of State (DOS) "is to shape and sustain a peaceful, prosperous, just, and democratic world and foster conditions for stability and progress for the benefit of the American people and people everywhere".[6] The DOS is the diplomatic face of the nation and the main agent of American foreign policy. From its beginnings as the first federal agency created under the Constitution, the DOS has grown into an agency that now maintains a diplomatic presence in over 180 countries, employs over 75,000 individuals, and oversees an annual budget of over 27 billion US dollars)

The State Department's diplomatic role is highly visible and carries with it the need to set an example of democratic freedoms, respect for human rights at home and abroad, and advocacy for the same freedoms and respect in other countries. The DOS does this through: (a) foreign assistance; (b) direct consular services to Americans and foreign nationals at home and abroad; and (c) cultural and educational exchange programs between the United States and other countries.

The US Agency for International Development (USAID): Mission and Values

For more than 70 years, the United States has provided development assistance to countries in need, with priorities ranging from basic human needs, financial stabilization, and economic growth, to sustainability, democracy, and post-war rebuilding. In 2013, USAID adopted a new mission statement, committing to "partner to end extreme poverty and promote resilient, democratic societies while advancing our security and prosperity."[7] To support societies in reaching their full potential, the organization prioritizes promotion of "free, peaceful, and self-reliant societies with effective, legitimate governments; building human capital and creating social safety nets that reach the poorest and most vulnerable."[8] USAID's core values include individual and collective passion for its mission and commitment to achieving excellence. The organization believes that demonstrating integrity and respect is critical to empowering others, and works to build an inclusive culture that promotes continued learning and improvement at the individual and organizational level.

USAID's organizational structure is comprised of individualized bureaus and offices that have independent areas of focus but shared responsibilities. Led by a team of administrators and senior executives and funded by Congress, the organization awards the majority of their funds through competitive contracts, grants, and cooperative agreements. With missions (offices and staff) in more than 80 countries, and programs in more than 100, staff and program teams spend less than one percent of the federal budget to carry out work in areas including: agriculture, economic growth, education, democracy, and human rights and governance.

Peace Corps: Mission and Values

Volunteers serving on behalf of the Peace Corps have worked for more than 50 years to address critical issues in 140 countries. As an independent agency within the executive branch of the United States Government, the Peace Corps is overseen by the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs. With a general annual budget of approximately one percent of the US foreign operations budget, the agency provides service opportunities "for motivated change-makers to immerse themselves in a community abroad, working side by side with local leaders to tackle the most pressing challenges of our generation".[9]

The Peace Corps mission of promoting world peace and friendship is achieved by providing trained men and women to interested countries and improving understanding of Americans by those in the countries they serve, and vice versa. Their mission of promoting inclusion and diversity of people in some of the most excluded and economically challenged areas of the world is driven by change makers who seek reform through a variety of global initiatives. The agency strives to provide marginalized populations and disadvantaged groups—such as women and girls, people with disabilities, ethnic and religious minorities, and others—with programming and assistance in order to foster improvements in access to health care, education, infrastructure, agriculture, and community economic development.

Currently, the Peace Corps works in 65 countries and engages in community-led projects that support sustainable growth through programming in agriculture, business, community growth, education, environment, health, female empowerment, gender equality, technology, water and sanitation, and youth.

Millennium Challenge Corporation (MCC): Mission and Values

The Mission and Congressional mandate of the Millennium Challenge Corporation is poverty reduction through economic growth. With a strong belief that gender and social inequality are significant constraints to economic growth and poverty reduction, MCC's mission is executed with a focus on inclusion, striving to reach the poorest, most disadvantaged and potentially excluded groups. This includes but is not limited to women, youth, ethnic and religious minorities, people with disabilities, and more generally, the poorest of the poor. MCC's projects are designed to provide these groups with improved access to infrastructure, land, health care, education, and productive roles within the economy.

MCC's emphasis on catalyzing inclusive economic growth, evidence-based decision making, and transparency is helping to drive international efforts to achieve the 17 interconnected Sustainable Development Goals that make up the United Nations 2030 Agenda for Sustainable Development. MCC's approach is unique in that it carefully selects the "best governed" developing countries to enable them to lift themselves out of poverty. With a core belief that aid is more effective in a country with a strong commitment to accountable and democratic governance, MCC contributes to strengthening democratic institutions and processes.[10]

US Foreign Assistance: At a Glance

$25.8 Billion

Planned for FY 2018

The U.S. is the largest provider of official development assistance by volume, and the 20th largest Development Assistance Committee (DAC) provider in terms of percentage of gross national income (2017).

The US provides foreign assistance to more than 100 countries around the world.

20+ U.S. government agencies are responsible for funding or executing U.S. foreign assistance activities.

Department of Defense - Department of Energy - Department of Health and Human Services - Department of Homeland Security - Department of Interior - Department of Justice - Department of Labor - Department of Transportation - Inter-American Foundation - Millennium Challenge Corporation - Overseas Private Investment Corporation - Peace Corps - U.S. African Development Foundation - U.S. Agency for International Development - U.S. Department of Agriculture - U.S. Department of State - U.S. Department of the Treasury - Export Import Bank

1914: U.S. foreign assistance begins at the onset of World War I when President Hoover created the Commission for the Relief of Belgium to combat a severe food shortage in German-Occupied Belgium.

1948: The Marshall Plan, which diverted $13Billion in aid, introduced International Development as a tool for foreign policy.

1949: President Harry S. Truman proposes an international development assistance program that sought to reduce poverty, increase production in developing countries and combat communism.

1961: President Kennedy signs the Foreign Assistance Act into law creating USAID. The same year, President Kennedy established the Peace Corps to spread America's goodwill across the globe.

2004: President Bush, with bipartisan Congressional support establishes the Millennium Challenge Corporation; illustrating a shift in how the United States provides economic assistance.

2011: In November 2011, the United States became a signatory to the International Aid Transparency Initiative (IATI). IATI is a voluntary, multi-stakeholder initiative that includes donors, partner countries, and civil society organizations whose aim is to make information about aid spending easier to access, use, and understand.

Democracy, Human Rights and Governance | Economic Development | Education | Health | Humanitarian Assistance

Multi-Sector | Peace and Security | Environment | Program Management

U.S. Foreign Assistance is classified into 9 categories.

Funding is further detailed into 52 sectors and are uniquely aligned to one category and sector.

Source(s): ForeignAssistance.gov; Obamawhitehouse.archives.gov

1. Disability and Development: Background and Literature

This chapter presents disability as a complex, global issue and includes prevalence and demographic information, an overview of the history and evolution of disability inclusive development, and evidence to support claims of economic and social disparities. This section also highlights relevant global agendas, including the United Nations' *Transforming our World: The 2030 Agenda for Sustainable Development* and The Convention on the Rights of People with Disabilities (CRPD).

"Marginalization is the most dangerous form of oppression"

- Iris Young, 2004

1.1. Disability Prevalence and Demographics

According to the World Health Organization Report on Disability,[11] approximately fifteen percent of the world's population, more than one billion people, live with some form of a disability. To understand disability in context, it is important to note that disability is part of the human condition, and that much of the human population will experience disability at some point throughout life, whether temporarily or permanently. There have been many different models developed to define disability; however, for the purpose of this report, disability is understood based on the International Classification of Functioning, Disability, and Health (ICF), developed by the World Health Organization (WHO) in 2011 and the UN Convention on the Rights of People with Disabilities (CRPD). WHO defines disability as a complex umbrella term that includes impairments (problems in body function or structure), activity limitations (difficulty encountered by an individual in executing a task or action), and participation restrictions (problems experienced by an individual in involvement in life situations). The term "disability" involves not only the individuals themselves, but also the interaction between their bodies and the features of society in which they live. This interaction dovetails with the CRPD, which adopts a social model of disability and defines disability as including "those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others."[12]

As many as eighty percent of people with disabilities in developing countries live in isolated rural areas, where necessary medical resources and other related services are rare.[13] A previous NCD foreign policy report indicates that of that eighty percent, only about two percent have access to rehabilitation and appropriate basic services. In both developed and developing countries, research suggests that people with disabilities are at a disadvantage in many aspects of life, including educational attainment, labor market outcomes, financial stability, housing and standard of living conditions, and more.

1.2. Social and Economic Exclusion and Discrimination

Due its bidirectional link to poverty, disability is identified as a developmental issue, since disability may increase the risk of poverty and vice versa. This dynamic and intricately linked phenomenon is documented in empirical literature that indicates a higher level of economic and social exclusion for people with disabilities and their families in developed and developing countries.[14] Both poverty and social exclusion have been linked to other disadvantages and discrimination including employment, housing, and participation in community life.

While many people with disabilities have broken barriers to inclusion, shattered stereotypes about limitations, and contributed to the economic, cultural, and political welfare of their communities, there are still many issues that stand in the way of full inclusion and access for these individuals. In most areas of the developing world, people with disabilities and their families are not only socially stigmatized, but also politically marginalized and economically disadvantaged. Exclusion and marginalization increase the risk of poverty and limit their access to necessary medical, educational, and financial support services. In addition, the majority of people with disabilities in the developing world do not have access to the statutes, regulations, and legal protections that US citizens have (see Chapter 3). Lack of access to justice increases vulnerability and limits their ability to advocate for social, economic and physical inclusion. There is also a lack of infrastructure in developing areas, which makes it difficult for people with disabilities who live, work, or visit those countries to access basic human rights.

1.3. US Foreign Assistance and Accessibility

According to the 2013 report issued by the National Council on Disability, "the situation of people with disabilities in developing countries underscores the critical need to ensure that foreign assistance programming is directed toward advancing disability rights and eliminating barriers to inclusion for people with disabilities."[15] The United States is well positioned to model strategies for increasing and building on the human potential of people with disabilities; assistance efforts abroad would improve greatly if the principles established in US civil rights law, under the Rehabilitation Act and the Americans with Disabilities Act, were applied to all foreign operations abroad. Application of the aforementioned laws and other disability rights laws would not only provide essential guidance for US government agencies when implementing foreign assistance programs, but would also ensure that US citizens and contractors with disabilities, who are living outside of the US, would be protected against discrimination in the implementation of US program abroad. Specific examples focused on employment and volunteer programs are included in the chapters that follow.

US citizens seeking to provide assistance abroad, through volunteering or cultural and educational exchanges, often face a number of barriers including inaccessible buildings, transportation, information and communication technology, and others. To echo the findings of the NCD 2013 report, the US is the world's largest bilateral development donor, and therefore should ensure that the taxpayer dollars not only support foreign assistance programs, but are inclusive of and accessible to all, including people with disabilities.

1.4. Global Development and Disability Frameworks

The United States is widely recognized as a leader in disability rights and, as such, has a moral obligation to lead and participate in international movements and global frameworks impacting people with disabilities. Two such frameworks are the UN Convention on the Rights of People with Disabilities (CRPD), which incorporates many aspects of US legislation and policy, and the 2030 Agenda for Sustainable Development.

Article 32 of the Convention on the Rights of Persons with Disabilities[16] (CRPD), of which the United States is a signatory, clearly highlights the role of international cooperation in ensuring that people with disabilities are not excluded from development initiatives. This includes the role of international cooperation in supporting national efforts for realizing the objectives of the Convention, while promoting the inclusion and accessibility of people with disabilities in international development programs. Others aspect of international cooperation include capacity building, training programs and best practices, sharing of technical knowledge, and partnership with regional organizations and civil society.

The 2030 Agenda for Sustainable Development and its commitment to *leaving no one behind* has gone ahead of the Millennium Development Goals[17] (MDGs) to explicitly include people with disabilities, thereby opening doors for their participation and recognition as active contributing members of society who should not be discriminated against in any way or left behind (IDDC 2016). US foreign aid aims to fight poverty and enhance lives in developing regions through implementing initiatives to advance global health, improve education, contribute to food security, and more.[18] These frameworks are integral to advancing rights and opportunities for people with disabilities and apply to both developing and developed nations. Alignment between these global frameworks and the mandate of our agencies of interest (the DOS, USAID, Peace Corps, and MCC) is outlined in the agency sections that follow.

U.S. Disability Law and Policy: At a Glance

1961: Foreign Assistance Act

An Act to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world in their efforts toward economic and social development and internal and external security, and for other purposes.

1968: Architectural Barriers Act

The ABA requires that facilities designed, built, altered, or leased with funds supplied by the United States Federal Government be accessible to people with disabilities.

1973: Rehabilitation Act

An Act to replace the Vocational Rehabilitation Act, to extend and revise the authorization of grants to States for vocational rehabilitation services, with special emphasis on services to those with the most severe disabilities, to expand special Federal responsibilities and research and training programs with respect to individuals with disabilities, to establish special responsibilities in the Secretary of Health, Education, and Welfare for coordination of all programs with respect to individuals with disabilities within the Department of Health, Education, and Welfare, and for other purposes.

1990: Americans with Disabilities Act

The Americans with Disabilities Act of 1990 (42 U.S.C. § 12101) is a civil rights law that prohibits discrimination based on disability. It affords similar protections against discrimination to Americans with disabilities as the Civil Rights Act of 1964,[1]which made discrimination based on race, religion, sex, national origin, and other characteristics illegal.

1991: Civil Rights Act of 1991

The Civil Rights Act of 1991 is a United States labor law, passed in response to United States Supreme Court decisions that limited the rights of employees who had sued their employers for discrimination.

2000: Executive Orders 13163 and 13164

U.S. foreign assistance begins at the onset of World War I when President Hoover created the Commission for the Relief of Belgium to combat a severe food shortage in German-Occupied Belgium

2008: ADA Amendments Act

U.S. foreign assistance begins at the onset of World War I when President Hoover created the Commission for the Relief of Belgium to combat a severe food shortage in German-Occupied Belgium

2010: Executive Order 13548

Executive Order 13548, Increasing Federal Employment of Individuals with Disabilities,[1] reaffirms that it is US government policy to reduce discrimination against people with disabilities and encourage these people to seek employment in the Federal Government. The Order recognizes that it is essential for the Federal Government "to become a model for the employment of people with disabilities" and to improve efforts to recruit, retain, and promote people with disabilities.

Source(s): ForeignAssistance.gov; Obamawhitehouse.archives.gov

2. Right to Inclusion and Participation in Foreign Policy and Assistance: Legal Overview

This chapter identifies key pieces of legislation related to disability inclusion as it applies to US citizens living abroad as well as those participating in programs and projects that are funded or executed by one or more of the four agencies that are the focus of this report. Agency implementation of the laws and legislation referenced in this section is discussed in detail in the chapters that follow.

> *"Many people depend on the United States' strong voice as an advocate for equality under the law and individual rights. They look to this country to continue to prioritize populations which face discrimination in their daily lives."*
>
> *InterAction, 2016*[19]

US law has recognized the rights of people with disabilities to live free from discrimination and enjoy full inclusion in social and economic life for decades. Beginning with the Architectural Barriers Act (ABA), 42 U.S.C. §§ 4151 et seq., signed in 1968, followed shortly after by the Rehabilitation Act, 29 U.S.C. §§ 791 et seq. in 1973, and continuing with the landmark Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12111 et seq., signed in 1990, the United States has developed a legislative framework that mandates respect for the rights of people with disabilities by public and private entities alike.[20] This includes recognition of the rights of people with disabilities outside the United States through their inclusion in foreign policy.

The following is a brief survey of US anti-discrimination laws and their applicability to federal agencies in their domestic and international operations, particularly in the areas of employment, program design, and facility construction.

2.1. Federal Disability Rights Laws

The primary source of protections for people with disabilities with respect to the conduct of the Federal Government is the Rehabilitation Act, 29 U.S.C. §§ 791 et seq. (Pub. L. No. 93-112 (1973)). The Rehabilitation Act prohibits discrimination against people with disabilities in the employment practices of federal agencies,[21] (Section 501), including with respect to the treatment of independent contractors[22]; in access to facilities (Section 502) [23]; in federal contracting (Section 503)[24]; in any federal program or activity (Section 504)[25]; and in access to information (Section 508).[26] Section 501 requires federal agencies to take affirmative steps to promote the hiring, placement, and advancement of persons with disabilities within each agency and submit annual reports on their progress. Section 503 prohibits discrimination against people with disabilities by federal contractors and similarly requires such contractors to take affirmative actions to employ and promote people with disabilities.[27]

Section 504 of the Rehabilitation Act prohibits discrimination against people with disabilities in any program or activity receiving federal financial assistance or under any program or activity conducted by any federal agency.[28] "Program or activity" is defined broadly, applying to operations of state and local governments that receive federal assistance, including their sub-agencies; colleges, universities, and other postsecondary institutions, whether public or private; and private organizations like corporations and partnerships that receive assistance or are "principally engaged in the business of providing education, health care, housing, social services, or parks and recreation."[29]

Section 508 of the Rehabilitation Act (29 U.S.C. § 794 (d)) requires federal agencies to make their electronic and information technologies accessible to people with disabilities, including employees of the Federal Government and members of the public. It applies to all federal agencies and covers the development, procurement, maintenance, and use of electronic, information, and communication technology (ICT).[30] It requires the full range of every federal agency's "public-facing" content, as well as specified non-public-facing content, to be accessible.

While the Rehabilitation Act applies to the Federal Government, the Americans with Disabilities Act (ADA)[31] extends ADA protections to the public at large and regulates private conduct. The ADA prohibits discrimination across several different spheres, including employment (Title I), public services offered by state and local governments (Title II), public accommodations (Title III), and telecommunications (Title IV), as well as other miscellaneous areas (Title V). Title I is especially important because protects employees working both domestically and abroad. In its foreign operation, Title I it is limited to the protection of US citizens working for US employers.[32] This means that US citizens who work for international companies or corporations that were established outside of the US, protections are limited to those laws and policies mandated by the organization's home base of record.

In addition to the Rehabilitation Act and the ADA, the Architectural Barriers Act (ABA) supports accessibility for people with disabilities by requiring that, with two exceptions,[33] all buildings and facilities designed, constructed, amended, or leased with federal funds be accessible to people with physical disabilities.[34] It also requires certain federal agencies to set standards to ensure compliance of those facilities covered by the law, including those operated by the Department of Housing and Urban Development, the Department of Defense[35], the US Postal Service, and the General Services Administration, which prescribes standards for all facilities outside the purview of the other listed agencies, including those with overseas operations.[36]

In addition to these landmark laws, people with disabilities in federal employment are also entitled to the protections against discrimination contained in the Civil Service Reform Act of 1978 (Pub. L. No. 95-454) and protection from retaliation under the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2003 (NO FEAR; Pub. L. No. 107-174). The former prohibits any "personnel action" that discriminates against a federal employee or applicant on the basis of disability (Section 2302(b)(1)(D)), while the latter prohibits retaliation against federal employees for claims of discrimination and requires all federal agencies to submit annual reports documenting claims of discrimination made against them, as well as

any disciplinary actions taken as a result (Section 203(a)). As will be evident below, the reporting requirements of the NO FEAR Act have been effective in promoting greater attention to the rights of people with disabilities within the agencies of interest.

2.2. Executive Orders and Implementing Regulations

The statutory framework outlined above is supplemented by a series of Executive Orders that establish guidelines for federal agencies to eliminate discrimination against people with disabilities and encourage their inclusion in federal employment. Executive Order 13163, *Increasing the Opportunity for Individuals with Disabilities to be Employed in the Federal Government*[37] and its companion, Executive Order 13164[38], *Establishing Procedures to Facilitate the Provision of Reasonable Accommodation*, call on federal agencies to expand their outreach efforts to recruit more people with disabilities and increase efforts to promote their accommodation in federal employment.

Executive Order 13548, *Increasing Federal Employment of Individuals with Disabilities*,[39] reaffirms that it is US government policy to reduce discrimination against people with disabilities and encourage these people to seek employment in the Federal Government. The Order recognizes that it is essential for the Federal Government "to become a model for the employment of people with disabilities" and to improve efforts to recruit, retain, and promote people with disabilities.

In January 2017, the EEOC adopted a final rule to codify these guidelines and specify the steps agencies must take to increase the number of federal employees with disabilities.[40] Among other things, the rule requires agencies to provide personal assistance services for employees with certain disabilities so that they can fully participate in work and work-related travel. Chapter 4 provides supplemental information and highlights progress and challenges related to implementation.

2.3. Foreign Assistance and Respect for Human Rights

The legal frameworks surveyed above reflect a commitment to advance the rights of people with disabilities living within the United States and those US citizens living and working abroad for US employers. With the passage of the Foreign Assistance Act in 1961 (Pub. L. No. 87-195), Congress extended these efforts, establishing that respect for individual rights and an equitable distribution of the benefits of development should be among the primary goals of US foreign policy (Section 101.3). Sections 116 and 502(b) of the Act condition the provision of assistance to any government on respect for internationally recognized human rights, and call for assessments of the human rights records of all potential recipients of assistance.[41] The Act is unequivocal that "[n]o assistance may be provided" to any government that commits gross violations of human rights. This is a critical piece of legislation for people with disabilities who are more vulnerable to social and economic exclusion, violence and unsafe conditions.

The combined force of this broad legal framework—which covers the inclusion of people with disabilities in federal and federally-financed programs and employment, accessibility of public facilities and electronic and information technologies, and conditions under which foreign assistance may be provided offers a powerful base from which federal agencies must act to meaningfully include people with disabilities in their activities, including their activities abroad. How the agencies of interest are implementing this framework in their respective policies and practices will be the subject of the following sections.

"Free Me": An Indonesian Childhood in Chains

In 2017, Human Rights Watch published a story about 15-year-old Subetki, who spent six years immobile, chained to the floor by his ankles in his home in Serang, Indonesia. Prompted by a neighbor's attempt to use the media to bring attention to the young man's living conditions, members from the National Commission for Child Protection (Komnas Anak) intervened and were told by the family that he was chained to protect the community. Sadly, Subetki is not alone and his story is not uncommon.

As a result of absence of knowledge of mental health issues, and dangerous misconceptions and false beliefs attributing mental illness to possession by evil spirits, sinning or partaking in immoral behavior, more than 57,000 people in Indonesia have been subjected to *pasung*—shackled or locked up in confined space—at least once in their lives. In 1977, the Government banned such practices, but according to families interviewed by Human Rights Watch, lack of government support and services for individuals with mental health issues leave many families feeling like chains and shackling are their only options.

Unfortunately, despite his pleas to "free me", eight days later Subetki remained chained in his home- just one kilometer from the local government office.[42]

3. Disability Policy and Practice: Agency Implementation

As federal agencies responsible for either funding or executing US foreign assistance activities, the Department of State (DOS), the United States Agency for International Development (USAID), the Peace Corps, and the Millennium Challenge Corporation (MCC) are governed by the laws and regulations explained in Chapter 2 however, internal policies guide each agency's approach to disability inclusion.

I believe that the defining challenge of our era is to shift to a new model of development—one that is more inclusive and more attuned to the world we live in, one that is more visionary, depicting the world we want; one in which we are all valued, respected and afforded opportunities to reach our highest potential.

- Charlotte McClain-Nhlapo,
Global Disability Advisor, World Bank and
former USAID Global Advisor on Disability and Inclusive Development
(USAID 2014)[43]

This chapter identifies core disability inclusion policies within each agency and provides examples that illustrate their approach to implementation. The chapters that follow focus specifically on programs and policies related to: employment (Chapter 4), access to information and physical accessibility (Chapter 5), and foreign assistance programs (Chapter 6). In addition to the programs and policies themselves, these chapters contain case examples that address missed opportunities. Then, Chapter 7 presents recommendations and proposed action steps to address these missed opportunities.

3.1. Department of State: Disability Policy and Practice

According to the US Department of State's International Disability Rights webpage, the Department is dedicated to facilitating the inclusion of people with disabilities as part of its foreign policy approach. Noting that "discrimination against people with disabilities is not simply unjust", but "hinders economic development, limits democracy, and erodes societies," the agency presents a brief but clear overview of their opposition to discrimination and commitment to partnering with governments and civil society to promote inclusion across sectors.

3.1.1. Policies and Guidance

Interestingly, although the Department has clear, publically available messaging that outlines its stance on "pursuing diplomacy that is inclusive and empowering of persons with disabilities,"[44] the content has not been expanded upon and translated into a formal disability policy. This lack of publically available agency guidance was noted in previous NCD reports, and recommendations were made that the Department adopt a formal disability policy as well as issue policy statements on its compliance with the Rehabilitation Act, with specific emphasis on Sections 501, 503, and 504, clarifying its application in the United States and abroad. Communications with DOS staff reveal that in 2013 the State Department issued a policy on disability inclusion through an ALDAC Cable 13-STATE-7082 entitled, *Advancing Disability-Inclusive Diplomacy as a Global Policy Priority*. Unfortunately, this cable is not a publically available document; which limits visibility of the agency's concerted efforts to increase inclusion of people with disabilities in as a "Global Policy Priority".

Policy and Perception

The Department of State's prominent global presence among agencies that provide U.S. foreign assistance presents a unique opportunity to position itself as a leader in disability inclusion. In this instance, the lack of a formal disability policy and failure to follow the lead of more visibly inclusive bureaus within the Department itself, whose mission and policy statements include disability-specific language, exemplifies the power of perception. Despite its website's inclusive sentiment, the agency's failure to act in response to NCD's recommendations may be viewed as silence on the issue—a silence that is deafening for the 800,000,000 people with disabilities living in developing countries that look to the United States to help their voices be heard.

3.1.2. Responsibility and Resources

Following the U.S. signing of the Convention on the Rights of Persons with Disabilities, the Special Advisor for International Disability Rights (SADR) was appointed. The position, housed in the Bureau of Democracy, Human Rights and Labor, is the most senior-level disability human rights position at the State Department. The person filling it "coordinates the interagency process for the ratification of the Disabilities Treaty; ensures that foreign assistance incorporates persons with disabilities; leads on disability

human rights issues; ensures that the needs of persons with disabilities are addressed in international emergency situations; and conducts public diplomacy, including with civil society, on disability issues".

Based on interviews with employees of several bureaus, the visibility of people with disabilities in DOS policies and programs has been raised within the department through the public presence of the SADR, increased interagency cooperation, affinity groups, and a greater number of bureaus with someone designated to address disability rights[45]. Unfortunately, while staff reporting suggests significant improvement, the dearth of disability disaggregated data on program investments and outcomes (fiscal and human resources) makes it difficult to effectively analyze or report out on the return on investment.

Visibility, Data and Decision Making

The ability to measure effective progress is directly correlated to the presence and accessibility of data and information. By no means is the absence of disability-disaggregated data relegated exclusively to the Department of State; rather it is a persistent issue impacting the majority of bi-lateral and multi-lateral development agencies. Despite the presence of US laws that address the inclusion of people with disabilities abroad (Sections 501, 504 and 508 of the Rehabilitation Act), the Department falls short in its noted absence of a publically available, formal, agency-directed policy for the inclusion of people with disabilities in US foreign assistance. While the agency reports that internal cables exist, it remains unclear why such efforts to improve inclusion of people with disabilities are not visible to the public. This type of gap in accessible information makes it challenging to obtain disability disaggregated data and reporting. This is a major issue because of the widespread disparities in the inclusion of people with disabilities in mainstream development programming and the number of programs and projects that are funded or overseen by the DOS. Additionally, public-facing disability inclusive policies help to measure performance of programs and ensure accountability of partners abroad; making it easier to track investment and advocate for critical funding that supports the physical, economic and social wellbeing of people with disabilities across the globe.

3.2. USAID: Disability Policy and Practice

Nearly a decade before the adoption of The Convention on the Rights of Persons with Disabilities, USAID was leading the way for disability inclusive development. Following a recommendation from NCD in 1996, the agency published its first disability policy paper. Published in September 1997, by the Bureau for Policy and Program Coordination, the policy served as evidence of the agency's investment in people with physical and cognitive disabilities and those who advocate on their behalf. Citing a commitment to avoiding discrimination and a desire to stimulate engagement with in-country counterparts and governments, the policy extends from program and project design to implementation, with the simple goal of promoting "the inclusion of people with disabilities both within USAID programs and in host countries where USAID has programs".[46]

Twenty years later, the agency has established a number of programs and invested in projects that respond to the unique needs of people with disabilities, but the policy has remained unchanged. NCD has addressed the value of the policy and the need for revisions that respond to the changing needs of people with disabilities in each of its previous Foreign Policy and Disability reports, and similar recommendations have been made by other stakeholder agencies.[47,48] Unfortunately, while key informant interviews acknowledge that the existing policy is outdated, USAID's Bureau of Policy, Planning and Learning (PLL), USAID reports via key informant interview, that there is "not a current effort in place to update the policy". It is unclear why policy updates have not been made over the past two decades; the agency cites changing Administration as the current, primary barrier to policy revision, and expressed plans to revisit the topic with new leadership.[49]

Monitoring and Evaluation

Typically, in the development sector, monitoring and evaluation refers to the ways in which funding agencies track the progress of their partners and grantees. However, in this instance, USAID is lacking an internal process for measuring its own progress. This has not always been the case. From 1997 to 2008, USAID published five reports on the implementation of its disability policy. The publications, produced bi-annually, highlighted inclusive practices and presented recommendations. It is unclear why the agency discontinued this practice, because doing so not only leaves a gap in its disability-specific program monitoring and evaluation, but also sets a negative precedent for holding partner agencies accountable for tracking similar results.

3.2.1. Oversight and Staffing

In addition to the Disability Policy recommendations, previous NCD reports have identified the need for adequate staffing and resources to support implementation of disability inclusive programming. According to communications with USAID staff, the agency "has made a deliberate and concerted effort to move coordinator positions into the related technical bureaus," resulting in the Disability Coordinator position moving to the Center of Excellence on Democracy, Human Rights and Governance (DRG), which is housed within the larger Democracy, Conflict and Humanitarian Affairs (DCHA) Bureau. Unfortunately, the position of Disability Coordinator is currently vacant, and disability-related work is managed by the DRG/DCHA staff.

The role appears to have been vacant since the departure of the former Disability Coordinator in 2014. Communications with USAID staff and leadership reveal that the Agency did attempt to fill this position under the Obama Administration but were unsuccessful. It is unclear whether the Disability Coordinator position was ever posted as a job vacancy using the USAID careers portal, but at this time, the position is not posted.

In the absence of a Disability Coordinator, USAID has made reported efforts to decentralize disability work, with the goal of increasing disability inclusion across sectors. This includes appointing a full-time staff member in their Education Office in the Bureau for Economic Growth, Environment and Education (E3) who is dedicated to

disability inclusion. Yet despite the addition of this new role, it remains to be seen how USAID will measure the impact of their cross-sector efforts given the absence of an agency-wide coordinator. The recommendations presented in Chapter 7 expand on the need for a more systematized, agency-wide approach to disability inclusion.

In addition to the need for human capital devoted to disability, previous NCD recommendations from 2013 also note the need for "ample resources…and finances" for this work. At this time, USAID reports that funding for targeted disability programming (through the agency's Empowerment and Inclusion Division) has been fairly consistent over the past 10 fiscal years, with a budget of approximately 25 million US dollars per year.[50]

The majority of disability programming is housed within the Programs for Vulnerable Populations (within The Center of Excellence on Democracy, Human Rights and Governance). Unfortunately, a lack of disability-disaggregated data makes tracking disability specific budgets and investments extremely challenging. Therefore, the following findings are based on financial information specific to the strategic objective, *Investing in People* (which includes social and economic services and protection for vulnerable populations).[51]

- **Investment in Disability Programs**: The 2016 total net cost of operations for USAID was approximately $12.5 billion (usd). Of that, 3.2 billion was allocated to *Investing in People* and $281.5 million went to *Social and Economic Services and Protection for Vulnerable Populations*. Using the $25 million figure provided by USAID, this means that only eight percent of the total budget for vulnerable populations is allocated to disability. This is extremely concerning given the magnitude of marginalization and exclusion experienced by people with disabilities.
- **Stagnant Budget:** The net cost/budget for Investing in People has increased by more than $430 million since 2013. However, according to USAID key informant interviews, the budget for disability programs has remained consistent.

The Invisible Billion

According to USAID's own Advancing Disability Inclusive Development[52] webpage, in spite of disabilities link to poverty, and evidence of disproportionate marginalization and exclusion, people with disabilities remain "invisible" in the global development agenda. Unfortunately, despite the agency's reported commitment to improving disability inclusive development, its financial investments tell a different, contradictory story. If USAID's 2016 investment in disability was 25 million dollars (as reported in key informant interviews), that equates to just .002% of it's nearly 12.5 billion total net cost of operations.

In addition to disability specific programs, USAID's twin tracked approach to inclusive development seeks to integrate disability into all of its programs. Noting a commitment to ensuring that all USAID programming should be accessible to all individuals, including people with disabilities, the agency reports concerted efforts to shift away from appropriated funding and to promote disability inclusion in other sectors of their work. Unfortunately, while mainstreamed inclusion of disability in development has the potential to improve social and economic inclusion; findings from this study suggest that USAID currently lacks the infrastructure and tools for monitoring and evaluation necessary to ensure that people with disabilities are not left behind.

Tracking Investment

USAID considers itself a "business focused development agency focused on results" and has a number of tools in place to help track and monitor its investments and progress. From the illustrative Dollars to Results[53] platform to the Development Experience Clearinghouse,[54] the agency has worked tirelessly to make their data publically available and transparent. Disappointingly, despite the plethora of digital resources and consistent agency self-evaluations and reporting, tracking resources and investment in disability is incredibly arduous. Unlike other population-based areas of work, none of the available resources include disability as a targeted topic or keyword. This not only makes it difficult to evaluate dissemination of resources earmarked for disability-specific work, but it also brings to the surface a larger question: why, with everything USAID knows about the marginalization and exclusion of people with disabilities, are they yet again not included?

Additional information related to USAID's disability policies is included throughout this report. Please see the following chapters and appendices for further detail and targeted topical content: **Employment–**Chapter 4, **Access to Information**, Physical **Accessibility–**Chapter 5, **Foreign Assistance Programs** (including resource allocation and monitoring and evaluation)**–**Chapter 6. A summary of detailed recommendations can be found in Chapter 7.

3.3. Peace Corps: Disability Policy and Practice

For five decades, the Peace Corps has brought the United States' spirit of volunteerism to 141 countries across the globe. During this time, more than 225,000 individuals have contributed to the agency's mission of promoting peace and friendship by bringing their unique experience and knowledge to partner countries to help tackle projects across multiple sectors including agriculture, environment, community economic development, health, education, and youth in development.

Until now, the Peace Corps has not been included in National Council on Disability and Foreign Assistance evaluations. Therefore, unlike the Department of State and USAID, which had previous recommendations to build upon, researchers analyzing agency policy on disability inclusion relied heavily on publically available information on the Peace Corps website,[55] including strategic plans and annual reports. Unfortunately, while there is evidence of disability inclusion in Peace Corps-funded projects abroad (see Chapter 6–Foreign Assistance), the lack of public-facing disability-specific policies (with the exception of non-discrimination in employment- see Chapter 4), combined with limited disability-related information on the agency's website make it more challenging to evaluate the agency's investment in disability inclusion.

3.3.1. Agency Reporting and Disability

In an effort to better understand the Peace Corps' approach to disability inclusion, the team responsible for collecting data for this report reviewed the agency's Performance and Accountability Report[56] Congressional Budget Justification[57] and Strategic Plan (2014–2018)[58]. Despite the comprehensive nature of each of the documents, a key

word search ("disability", "disabilities", "disabled") found only eight total mentions among all three publications. Of those, five briefly mentioned disability as part of compensation and insurance documentation, one referenced a project in Mongolia focused on Special Olympics, and one alluded to the agency's diversity and inclusion program (additional detail in Chapter 4–Employment).

Clearly, the documents referenced above are not an exhaustive sample; however, as the primary reporting of the Peace Corps' initiatives and priorities, the visible absence of disability throughout is concerning and should be remedied.

Note: In response to initial reporting, the Peace Corps provided researchers with the agency's FY 2016 Annual Performance Report & FY 2018 Annual Performance Plan[59]*. Using the same search terms listed above, "disability", "disabilities", "disabled", produced only one result.*

The agency's performance goal **6.2: Build an Open and Inclusive Organizational Culture** is intended to, "Increase the percentage of Peace Corps Volunteers, U.S. direct hire staff, and host country staff who agree that the agency has an inclusive organizational culture to 90 percent and maintain that level of performance through FY 2018" [60]. Among the target populations, are individuals with disabilities.

> **Overview:** This performance goal measures the openness and inclusion of the Peace Corps as perceived by post staff, headquarters staff, and Volunteers with respect to race, ethnicity, age, sex, disability, religion, sexual orientation, veteran status, family status, and gender identity or expression. This direct outcome measure can be used to evaluate how all groups perceive the agency's culture of inclusion and to what extent employees and Volunteers feel valued.

While it is encouraging to see that the agency is explicitly focusing on creating a culture of inclusion, they continue to report that the goal was met among host

country staff, but not among U.S. direct hire staff or volunteers. See chapter 4 for additional information about efforts to increase staff training on intercultural competence, diversity, and inclusion (ICD&I).

In conclusion, even with the updated information provided by the Peace Corps, the agency is still lacking a public-facing policy that explicitly responds to the need to increase the number of staff and volunteers with disabilities. It is strongly recommended that leadership consider mirroring efforts like those focused on same-sex couples as a way to increase disability awareness and inclusion.

Access to Information: FOIA

The Peace Corps is subject to the Freedom of Information Act (FOIA), including provisions of the act providing individuals with the right to request records created by the Peace Corps and other federal agencies. Given the absence of publically available, disability-specific information accessible via the Peace Corps website, the research team attempted to use the FOIA process to collect additional data for analysis. While the FOIA is designed to support transparency and accessibility, in this instance the process was time consuming and yielded a very limited amount of usable information. Researchers attempted to contact multiple staff members but were consistently redirected to the FOIA process, thus negatively impacting access to information.

Note: Follow up communications with the Peace Corps (November 2017) reveal that delays in accessing information via FOIA were delayed as "FOIA requests for information were under review outside of the FOIA office". This points to a need for increased, public-facing, accessible information related to disability inclusion in the Peace Corps.

Additional evidence of where disability is and is not included amongst Peace Corps activities is included throughout the report: specific examples focused on employees and volunteers with disabilities are given in Chapter 4, access to information and physical accessibility are covered in Chapter 5, and case studies that highlight inclusive projects abroad can be found in Chapter 6. Chapter 7 then summarizes missed opportunities and provides recommendations.

Disability Inclusion: Stories and News

Initial review of the Peace Corps public-facing content revealed a disproportionate lack of disability specific stories and news (as compared to other marginalized groups (LGBTQ & Over 50). However, with the support of Peace Corps staff, several of stories and examples were brought to researchers' attention, including a 2014 profile of a volunteer with hearing loss, a 2010 video highlighting the placement process for a volunteer with a visual impairment, a 2011 video highlighting experiences of Deaf volunteers at the 2011 Smithsonian Folk Festival, and a 2011 video sharing the experience of a volunteer with a physical disability supporting Special Olympics in Paraguay.[61–64]

While these examples certainly highlight disability inclusion, they are dated and far and few between. The majority are more than five years old and considering that there are hundreds of videos on the agency's YouTube channel,[65] and close to 1,000 stories on the Peace Corps website, there is certainly room for improvement with regards to sharing information and experiences related to disability.

The Peace Corps would benefit from targeted outreach to volunteers with disabilities and should establish a centralized web page that reflects the agency's commitment to disability inclusion.

3.4. Millennium Challenge Corporation: Disability Policy and Practice

This is the first examination made by the National Council on Disability of the Millennium Challenge Corporation (MCC); therefore, no previous recommendations for the inclusion of people with disabilities have been made. Information specific to MCC's breadth of disability specific work is extremely limited; therefore, this chapter highlights other agency programs targeted at including vulnerable groups. The goal is to highlight the need for disability policies and programs and to identify areas where disability can be added to existing programs.

3.4.1. Gender and Social Inclusion

In an effort to reduce gender disparities in their programs, MCC has developed a policy that applies to all of its programs. According to MCC's webpage on gender and social inclusion, "gender and social inequality are known constraints to economic growth, and research shows that the benefits from poverty reduction initiatives are unequally shared

with women and marginalized populations;" therefore, inclusion of these people is a core component of their work. MCC regards disability as a cross-cutting issue that is included in the definition of marginalized populations.[66]

It is important to note that while marginalized populations are referred to on the Gender and Social Inclusion webpage, MCC's only official policy related to inclusion, entitled "Gender Policy"—which appears Chapter 4 of the organization's Compact Development Guidance document and was referenced throughout interviews with MCC staff members—is explicit to gender equality. The Gender Integration Guidelines, however, do make broader statements regarding gender and social inclusion, stressing that "gender integration is the incorporation of social and gender analyses throughout development processes and institutions in order to have more sustainable and equitable outcomes". With some revision (i.e.—specifying people with disabilities) this analyses provides an opportunity for disability to be included under the umbrella of social inclusion.

The integration process outlined by MCC proactively requires, through the support of the Social and Gender Assessment (SGA) staff, partner countries to participate in designing and integrating gender throughout the compact agreement process (i.e., from project inception and implementation to monitoring and evaluation). Partner countries are also required to have a person with social and gender analytical, design, and management skills on their core team to ensure social and gender equality are incorporated from inception to implementation of projects. In addition, once the compact officially begins, MCC and the partner country hold an implementation workshop that explicitly includes the topic of gender integration to ensure that all team members have a similar understanding of gender integration throughout the project. Communications with staff at MCC reveal that while there is not a formal disability policy, implementation workshops also include a focus on social inclusion topics; including the exclusion of groups based on income level, age, geographic location, ethnicity and disability.
To ensure equal and consistent representation of people with disabilities, MCC would benefit from formalizing its curriculum and making the contents of the implementation workshops publically available.

Interviews with MCC staff and a review of the eligibility criteria for MCC country partners show that disability is also considered as one of the social and political factors that could affect compact or threshold program development and implementation, as well as one of the factors that is of specific concern to the US Government. Specifically, the review board considers the "state of democratic and human rights (especially of vulnerable groups)", which includes mention of people with disabilities when assessing MCC compact proposals. As such, disability is considered as supplemental information to be considered when selecting countries for threshold or compact programs. Although it is unclear what weight is given to these social and political factors, the treatment of people with disabilities is assessed through the State Department Human Rights Report and Freedom House's *Countries at the Crossroads* Report[67].

In addition to considering people with disabilities when establishing threshold or compact programs, MCC has several informal processes for including people with disabilities, related to accessibility guidelines in overseas construction and the beneficiary consultation process; these processes will be expanded upon in Chapters 5 and 6.

Closing the Gap

It is no surprise that MCC has detailed policies and guidance related to gender inclusion. The marginalization of women and girls is a prominent issue not only in development, but also in organizations, classrooms, and communities across the globe. As one of the primary agencies responsible for managing and facilitating US foreign assistance, MCC is well placed to emerge as a leader in disability inclusion by extending their comprehensive social and gender policy to include people with disabilities. Similar findings for the other agencies profiled in this report show that making small semantic changes to explicitly include disability has the potential to create big results in areas of data collection and investment tracking, workplace diversity and inclusion, and access to programs and projects.

At a Glance: Law, Policy and the Global Agenda
Disability Inclusive Employment

US Legislation and Guidance:
(1961) Foreign Assistance Act
(1973) Rehabilitation Act
(1978) Civil Service Reform Act
(1990) Americans with Disabilities Act
(2003) Notification and Federal Employee Antidiscrimination and Retaliation Act (NO FEAR)
(2000) Executive Orders 13163 and 13164
(2010) Executive Order 13548

The Convention on the Rights of Persons with Disabilities (2007)

Article 5: Countries are to recognize that all persons are equal before the law, to prohibit discrimination on the basis of disability and guarantee equal legal protection.

Article 26: Countries are to provide comprehensive habilitation services in the areas of health, employment and education to enable persons with disabilities to attain maximum independence and ability.

Article 27: Countries are to prohibit discrimination in job-related matters, promote self-employment and entrepreneurship, employee people with disabilities in the public sector and promote employment in the private sector and ensure that they receive reasonable accommodations in the workplace.

The 2030 Agenda for Sustainable Development

Goal 8: Promotes inclusive economic growth, full and productive employment allowing persons with disabilities to fully access the job market

4. Employment and Participation: Agency Implementation

As the nation's largest employer and party to more than $400 billion annually in federal contracts with private employers, the US government has both a responsibility and opportunity to model best practices in inclusive hiring, retention, and training for people with disabilities. This is especially critical to ensure that our US presence overseas is demonstrative of a diverse and inclusive workforce. The United States has long been a global leader in promoting inclusive employment opportunities for people with disabilities. These practices and initiatives are overseen by the US Department of Labor's Offices of Disability Employment Policy (ODEP) and Federal Contract Compliance Programs (OFCCP), the Equal Employment Opportunity Commission (EEOC), and the Office of Personnel Management (OPM).

> *In the conduct of diplomacy and development, people are critical. Indeed, the success of the Department of State and USAID is directly tied to the knowledge, skills, integrity, and creativity of our dedicated employees. Their principles, talents, and diversity—reflecting the America they represent—strengthen their ability to move the world in the direction of greater democracy, security, and prosperity.*
>
> *-Bureau of Resource Management, 2007*[68]

On, July 26, 2010, with the goal of hiring 100,000 people with disabilities in 5 years, the previous Administration issued EO13548 on *Increasing Federal Employment of Individuals with Disabilities*. As part of this effort, specific guidelines were introduced to support agency implementation, including recruitment, retention, and reporting. See Disability and Employment Policies and Directives below for an overview of Standard Form (SF) 256-Self-Identification of Disability, Schedule A Hiring Authority for People with Intellectual Disabilities, Severe Physical Disabilities, or Psychiatric Disabilities (5 CFR 213.3102(u)), and the statutory hiring authority for Veterans who are thirty percent or more disabled (5 U.S.C. 3112; 5 C.F.R. §§ 316.302, 316.402, and 315.707) and Management Directive 715.

Disability and Employment Policies and Directives

SF 256 is the primary tool for employee self-identification of disability, developed for use by the Federal workforce.
Schedule A: A special authority, noncompetitive hiring process that allows for people with disabilities to be hired for specific positions within the Federal Government.
Schedule A, 5 CFR 213.3102(u), for hiring people with severe physical disabilities, psychiatric disabilities, and intellectual disabilities: This excepted authority is used to appoint people with severe physical disabilities, psychiatric disabilities, and intellectual disabilities.
Management Directive 715: Published by the EEOC, gives guidance to federal agencies on reporting under Section 501 of the Rehabilitation Act and further outlines agency leadership responsibility to demonstrate a commitment to disability inclusive employment, thus embedding the premise into agency culture.

In September 2016, OPM published their Report on the Employment of People with Disabilities in the Federal Executive Branch[69], which highlights the tremendous progress resulting from EO13548 on *Increasing Federal Employment of Individuals with Disabilities*. The tables below present an overview of OPM findings and highlights key data points from USAID, the DOS, and the Peace Corps. The table focuses on two areas of measurement, **On Board Employees** and **New Hires,** with comparisons between 2010 and 2015 to show progress over time. *Note: Due to the agency sizes of the Peace Corps and Millennium Challenge Corporation, specific agency reporting could not be included within the larger OPM publication; however, employment-related information for these agencies is included in the agency subsections below.*

Table 4a: All Career Employees

On Board: All Career Employees Nonseasonal, Full-time Career Employees			
	All Employees	**Targeted Disability**[70]	**All Disability**
Federal Executive Branch			
2010	1,831,719	17,445/0.95%	129,546/7.07%
2015	1,838, 352	20,274/1.10%	173,997/9.46%
USAID			
2010	2,130	14/0.66%	88/4.13%
2015	2,930	23/0.78%	140/4.78%
DOS			
2010	8,959	48/0.54%	476/5.31%
2015	10,068	49/0.49%	573/5.69%
Peace Corps			
2010	943	1/.11%	21/2.23%
2015	1002	4/.4%	43/4.29%

**NOTE: The information reported by the EEOC in the above mentioned sources was suspected as being inaccurate. The Peace Corps provided updated numbers to researchers that are reflected in the table*[71]*. However, it should be noted that the FY 2010 and FY2015 MD715 reports cited as the source of information is not publicly available for verification.*

Table 4b. New Hires

New Hires Nonseasonal Full-time Career (Including Transfers)					
	All Employees	**Targeted Disability**	**All Disability**	**All Disability Including 30% or more Veterans**	**Schedule A**
Federal Executive Branch					
2010	151,999	1,178/0.78%	9,712/6.39%	18,926/12.45%	902/0.59%
2015	139,159	1,768/1.27%	14,519/10.43%	26,466/19.02%	2,403/1.73%
USAID					
2010	217	1/0.46%	17/7.83%	22/10.14%	0/0.00%
2015	151	1/0.66%	11/7.28%	19/12.58%	10/6.62%
DOS					
2010	557	3/0.54%	17/3.05%	44/7.90%	3/0.54%
2015	491	1/0.20%	31/6.31%	82/16.70%	6/1.22%
Peace Corps					
2010	NO DATA				
2015	448	1/.22%	23/5.13%	n/a	n/a

The data shows that currently, the Executive Branch of the Federal Government employs more people with disabilities, both by percentage and real number, than at any time in the past 35 years. Unfortunately, comparing data from USAID and DOS, which have the most comparable available data points, with that from the executive branch as a whole demonstrates that the foreign service agencies fall below government averages in almost every category[72].

"The reality is, unless you go in and you look at hiring practices, employment practices, promotions, separation - unless you actively recruit candidates for your position, and not only give them equal access but provide them mentoring support before they get into your organization so they can compete for the position - then you're failing."

Don Steinberg, CEO, World Learning (2016)[73]

4.1. Department of State: Employment and Participation

The Department of State (DOS) employs approximately 14,000 Foreign Service employees, 11,000 civil service employees, and another 50,000 local employees at overseas posts. It considers its workforce its most valuable asset in its effort to communicate and further U.S. foreign policy objectives and American values abroad.[74] Employees provide expertise and knowledge that serve a broad variety of purposes, ranging from document storage and passport processing to research for treaty negotiations. Charged with "represent[ing] the United States to the world," the DOS promotes its commitment to diversity and inclusion as a way to visibly represent American values and policy goals around the globe. The DOS views its role as an employer as a form of leadership by example, and seeks to model diversity and inclusiveness in its human resource practices.

Looking only at the hiring data presented above, the Department of State's employment of people with disabilities is consistently below the Federal average. The DOS reports via key informant interviews that efforts to increase the employment of people with disabilities were hampered first by budgetary constraints caused by the economic downturn of 2008, and then by budget sequestration in 2011. In its' 2016 Workforce Succession plan[75], the DOS considers its overall hiring climate as "uncertain". Additionally the DOS has several active measures in place to promote the inclusion of people with disabilities in their workforce, including:

- the Disability/Reasonable Accommodation Division (DRAD);
- presence of a Special Personnel Placement Coordinator; and
- ongoing recruitment, hiring, and retention efforts, including non-competitive Schedule A hiring, disability inclusive internships and ongoing partnerships with wounded warrior organizations and disabled veterans.

As of FY 2016, the DRAD has been placed within the newly created Office of Accessibility and Accommodation (HR/OAA) in an effort to centralize accessibility and accommodation issues. Expanded recruitment, continued use of Schedule A hiring

authority, and staff training in the utilization of that authority are among the efforts planned to increase the hiring of people with disabilities. In addition to hiring and recruitment initiatives, efforts to retain and promote employees with disabilities include better tracking of employees, encouraging employees to self-identify disabilities, increased availability of assistive technologies, and the establishment of a Disability Affinity Group within the Department. Communications with DOS staff also reveal that the in addition to creating a new office to centralize (internal) disability programs, they also created and SES position to oversee these efforts.[76]

Each of these developments have raised the overall profile of people with disabilities within the DOS and increased the visibility of disability rights in its work globally. According to key informant interviews, in recent years, there are more employees than ever before who have experience and expertise in disability rights, and additional numbers of staff are focused on disability in sections of the Department such as grant-making, cultural exchanges, and disability rights and labor. Increasing staff awareness of disability issues has also been improved by way of staff training, which now includes a week-long human rights course that is held twice per year. Additionally, there are internal working groups in sections whose purpose is to help recruitment efforts and support current staff with disabilities.

Additional information about ways disability inclusive hiring practices are improving inclusion in other program areas, including through DOS-managed volunteer programs, can be found in **Chapter 6–Foreign Assistance Programs**.

The Representative Workforce

Despite encouraging "U.S. businesses operating overseas as well as domestic host country businesses to take into consideration persons with disabilities in relation to employment practices and local stakeholder engagement, including in their labor and human rights corporate social responsibility policies, programs, and practices."[77] Both OPM data and communications with stakeholders suggest that the DOS is struggling to follow its own lead. Having a workforce that is representative of the principles of diversity that the United States promotes to their partners abroad not only demonstrates a public commitment to inclusion, but also brings the lived experiences of the disability community to the table. A lack of consistent, participatory engagement of people with disabilities in developing policies and programs that impact their lives is a historical and persistent problem that extends far beyond the scope of work of the DOS; however, a strengthened focus and renewed commitment to developing a disability inclusive workplace would send a strong global message.

4.2. USAID: Employment and Participation

In addition to complying with the legal mandates outlined in Chapter 3, USAID seeks to "promote and foster a diverse and inclusive workplace, free of discrimination, where all employees are valued and can contribute to their fullest potential". Unfortunately, despite agency efforts, the OPM data above shows that with just fewer than five percent of their employees identified as having a disability, USAID consistently falls below federal averages.

Key informant interviews did not uncover a clear reasoning behind the below average employment rates of people with disabilities at USAID. However, findings from this study suggest that navigating USAID's approach to disability inclusive employment is made somewhat difficult by the way information is organized on their website. For example, careers information and logistics (vacancies, application instructions etc.), including information about the Disabilities Employment Program (guided by EO13548 on *Increasing Federal Employment of Individuals with Disabilities*), is nested under the "Work with Us" link on the homepage; however, information about the agency's diversity and inclusion practices, including reasonable accommodations, demographic reporting, and dispute resolution, is not linked and is found several clicks away under the "Independent Offices" link. Moreover, neither is represented on the agency's core disability webpage, "Advancing Disability Inclusive Development."

Information on disability inclusive employment is disbursed among multiple web pages; the following subsections highlight the information available.

4.2.1. Office of Civil Rights and Diversity[78]

Disability is part of USAID's larger workforce diversity and inclusion agenda. Tasked with overseeing these efforts, The Office of Civil Rights and Diversity (OCRD), an independent office reporting to USAID's administrator, has two main areas of focus: Dispute, Intake, and Resolution (DIR) and Diversity Management and Outreach (DMO). For current and prospective employees with disabilities at USAID, the works of both sections of the office are equally important.

Roles and Responsibilities

DIR manages the EEO complaint process, the Alternative Dispute Resolution Program, the Reasonable Accommodation process, and the Anti-harassment Program, while DMO provides diversity and inclusion training, manages special emphasis programs and reviews and analyzes race, sex, national origin, and disability workforce demographics.

4.2.2. Careers[79]

The careers page, which serves as the home of logistical information for those interested in direct-hire or contract positions located in the United States or abroad in USAID missions around the world, includes a link to the types of jobs available within the agency. This link including the Disabilities Employment Program and access to the Federal Employee Viewpoint Survey, which also touches upon issues related to employees with disabilities.

Disabilities Employment Program

In response to Executive Order 13458, USAID adopted its Disabilities Employment Program in 2010 in an effort to "improve their efforts to employ Federal workers with disabilities and targeted disabilities through increased recruitment, hiring, and retention of these individuals".[80] The Disabilities Employment Program webpage provides very basic information about the program, including instructions for applying and a contact person; however, all details are linked to other agency websites.[81–83]

Employee Viewpoint Survey

As part of its commitment to transparency, USAID also published findings from the 2015 Federal Employee Viewpoint Survey, conducted by the Office of Personnel Management. The survey, which evaluates several job satisfaction-related metrics, includes one question specifically targeted at assessing employees' opinions of diversity efforts. The question reads: "Policies and programs promote diversity in the workplace (for example, recruiting minorities and women, training in awareness of diversity issues, mentoring)"[84]. Employee responses were primarily positive, with 62.26 percent of respondents (n = 1,819) reporting that they "strongly agree" (n = 294) or "agree" (n = 849). However, 267 employees had a negative response, reporting that they either "disagree" (n = 164) or "strongly disagree" (n = 103). There is no additional information on how this information was used, if at all, at the agency level.

4.2.3. Advancing Disability Inclusive Development[85]

While there is no mention of employment on the agency's Disability Inclusive Development webpage, this page is the home of the agency's related training for employees and partners. The 2013 NCD report included a recommendation that federal agencies, including USAID, introduce mandatory training in disability rights and disability inclusion in development. This recommendation was based on findings from previous reports indicating that personnel around the world are unfamiliar with strategies for disability inclusion in facilities, programs, and employment opportunities.

USAID is making progress in this area and reports that hiring managers and HR professionals now must undergo mandatory disability training. These trainings occur every two years and are part of both new hire orientation and existing employee professional development. While the agency has yet to implement position-specific trainings for other staff, such as technical and budget officers, as was recommended in the NCD report, efforts are underway to develop a "Disability 102" training specifically targeted towards USAID personnel and focused on inclusion mandates within the agency's automated directive system. The training serves as a follow-up to their current Disability 101 course, which is required for any USAID office or Mission that wants to receive disability funding.

Trainings like Disability 101 are updated annually to reflect the evolving needs of the disability community and are developed in collaboration with relevant technical offices (i.e., Office of Education, Office of Gender Equality etc.), with the relevant disability technical specialist from the agency, and, at times, with relevant outside experts such as disabled peoples' organizations.

User Experience

Unfortunately, for current and/or prospective employees (with or without a disability), or even just for those interested in understanding the agency's approach to disability inclusive employment, navigating multiple landing pages may prove difficult. While there is a plethora of information available for those willing and able to conduct a thorough web search, diversity and inclusion information (including reporting and policies and procedures) is not represented on the agency's careers page, nor is there a link to the OCRD page, which contains additional links to demographic data and EEO reporting. Additionally, the Disability Inclusive Development webpage makes no mention of the agency's having a diverse (disability inclusive) workforce as part of its overall agency strategy.

4.3. Peace Corps: Employment and Participation

In addition to the more than 7,000 volunteers serving in 65 countries, the Peace Corps also employs 1,093 direct hire staff and 3,007 locally-hired personnel (including short-term language and cross-cultural training staff). In an effort to ensure that their workforce mirrors the diversity of the communities they serve, the Peace Corps follows standard operating procedures to comply with legal mandates and has a comprehensive diversity and inclusion policy aimed at promoting a "culture of inclusion."

Volunteers or Employees?

The research team responsible for compiling the data for this report raised the question of whether under US law, given Peace Corps volunteers' direct oversight by the agency and receipt of a stipend and benefits, those volunteers should be categorized as employees. However, the Peace Corps Act (22 U.S.C. Sec. 2504(a)),[86] expressly defines volunteers as nonemployees: "[E]xcept as otherwise provided in this chapter, volunteers shall not be deemed officers or employees or otherwise in the service or employment of, or holding office under, the United States for any purpose." Cases raising discrimination claims by volunteers (or potential volunteers) have been brought under Section 504 of the Rehabilitation Act (on programs) and not 501 (on employees). The agency regulations cite to anti-discrimination provisions elsewhere, including 42 U.S.C. Sec. 5057(a)(1), that prohibit discrimination on grounds of disability by "an individual with responsibility for the operation of a program that receives [federal financial] assistance," including under Section 504, for its mandate against disability discrimination against volunteers.

4.3.1. Compliance

The Peace Corps provides an overall policy of equal opportunity employment for all people, and they provide affirmative employment action for people with disabilities through their Office of Civil Rights and Diversity (OCRD). Their policy statement related to equal opportunity is consistent with US laws and legal requirements for all federal agencies to establish Equal Employment Opportunity Programs (29 CFR Part 1614),[87] with specific affirmative requirements in the areas of disabled veterans, members of underrepresented groups, people with disabilities, and additional authorities. Additionally, the Peace Corps follows a standard operating procedure for providing reasonable accommodations to people with disabilities, which is administered by the OCRD. From the time reasonable accommodations are requested, OCRD is available to offer guidance and assistance throughout the process. Information on accommodations can be accessed through the intranet, and trainings are offered in every New Employee Orientation (NEO). These trainings make new and existing employees aware of their rights and responsibilities, and can also be accessed from office staff on an as-needed basis.

The OCRD is responsible for facilitating the reasonable accommodation request process throughout the agency, and all requests are monitored and evaluated for analysis and trending. In FY 2016, the OCRD offered at least six additional training opportunities in addition to the NEO trainings, and also disseminated educational resources and materials at National Disability Employment Awareness Month event. According to key informant interviews, in FY 2017, OCRD will finalize training materials, which will consist of an online training platform aimed at conveying the importance of providing reasonable accommodations for employees and volunteers[88].

4.3.2. Diversity and Inclusion

Beyond compliance with legal mandates, the "Peace Corps believes that having a diverse and inclusive agency is necessary to achieve its mission."[89] As detailed in the agency's FY 2015 Performance and Accountability Report, the Peace Corps actively seeks to build a *culture of inclusion* by:

1. building an organizational culture that connects each staff member to the Peace Corps mission;

2. encouraging collaboration, flexibility, and fairness; and

3. leveraging the diversity of skill sets throughout the agency so that all individuals are able to participate and contribute to their full potential.

Data Collection and Reporting

Of the agencies targeted in this report, the Peace Corps' commitment to "building a culture of inclusion" is the most clearly stated, and their efforts to measure progress in this area should be highlighted. However, while the Peace Corps has clearly invested institutional resources in improving diversity and inclusion efforts, there is room for improvement in the way they report data to the public.

For example, the agency set a goal for achieving a ninety percent rating on having an "open and inclusive organizational culture" by FY 2016 (Performance goal 6.2), which would be assessed by asking the Peace Corps volunteers to rate of the organization's "level of inclusivity and openness with respect to race, ethnicity, age, sex, disability, religion, sexual orientation, veteran status, family status, and gender identity or expression." In its 2015 Peace Corps Performance and Accountability Report, the agency states that this goal was met among host country staff, but not United States direct hires or volunteers. Further probing into the data shows that while the question posed to the staff allows for reporting specifically on the demographic sub-categories noted above, the public-facing content does not distinguish between demographic groups. This makes it more challenging to evaluate agency progress with regards to specific, underrepresented populations.

Note: As mentioned in Chapter 3, the Peace Corps provided researchers with additional documentation following the agency's technical review of the report contents. Among new sources of information was the FY 2016 Annual Performance Report & FY 2018 Annual Performance Plan.[90] The updated report is consistent with the above information related to the agency's failure to meet Goal 6.2, but does offer additional insight into the ways the agency is responding to this issue. One notable area is the mention of newly developed staff trainings. The Peace Corps reports that "by August of 2016, staff at 19 posts had been trained on the same-sex couples initiative, and 13 posts had received the revised training on intercultural competence, diversity, and inclusion (ICD&I). Five posts received both of these trainings, and an additional five posts were scheduled to receive one or both trainings by the end of the year". The contents of the updated ICD&I training are not publically available, making it impossible to measure the explicit inclusion disability inclusion. However, the agency's explicit focus on same-sex couples as a training area is an example of a promising practice that can be adapted for disability inclusion.

Interestingly, despite its institutional investment in building a diverse workforce, the Peace Corps rarely mentions disability inclusion in its reporting and publications. As previously noted in Chapter 2, a review of the agency's Performance and Accountability Report[91], Congressional Budget Justification[92] and Strategic Plans[93] revealed a combined total of eight mentions of disability, none of which reference hiring, recruitment, or retention practices. *Note: The addition of the FY 2016 Annual*

Performance Report & FY 2018 Annual Performance Plan[90] *as a source of information (October 2017) discovered just one key word ("disability"; "disabilities"; "disabled") mention of disability.*

The lack of public facing documentation presenting a commitment to disability is not necessarily reflective of institutional practices. A review of the OPM progress reports containing measurable evidence (on board members, employees, new hires, etc.) was inconclusive[94]; however, key informant interviews and data provided by Peace Corps staff (October 2017) revealed behind-the-scenes efforts to comply with Executive Order 13548, including support for Schedule A hiring and a commitment to offering noncompetitive hiring options for people with disabilities and those who support them such as readers, interpreters, and personal assistants.

In an effort to increase recruitment and retention of employees with disabilities, the agency reports that there is employee oversight by the Office of Human Resources Management (HRM), the Office of Diversity and National Outreach (ODNO), and the Office of Civil Rights and Diversity (OCRD). Additionally, Peace Corps reports that they have developed a marketing and recruitment plan that focuses on training and accountability for hiring managers; unfortunately, due to lack of publically available information, at this time it is unclear how this plan has translated into practice within the agency.

Transparency and Inclusion

As noted in other areas of the report, disability disaggregated data is often absent from the majority of publically available documentation and reporting across the agencies of focus; unfortunately, this is especially true for the Peace Corps. Despite being subject to the Freedom of Information Act (FOIA) and having detailed instructions on their website for making requests for information, attempts to find Peace Corps-specific OPM data, EEOC Reporting, Employee Viewpoint Surveys, or other sources of demographic information were unsuccessful. Additionally, if the experience of the researchers compiling data for this report is at all representative of that of the general public, accessing information from, or about, the Peace Corps is no easy feat. Of all of the agencies of focus, the Peace Corps has the most limited pool of public data, and the FOIA request process, in addition to being time consuming, rarely produced answers to pointed questions without multiple attempts and follow-up outreach.

4.4. Millennium Challenge Corporation: Employment and Participation

Hiring and promotion of people with disabilities within MCC is overseen by the Human Resources Management Division within the Department of Administration and Finance (AF), however, recruitment of employees with disabilities is also the responsibility of each MCC department and is overseen by the Departmental Vice President, Deputy Vice President, Managing Directors, and Senior Directors.

MCC has a policy statement pertaining to equal employment opportunity that is consistent with US laws and a policy promoting diversity in the workplace. The policy is designed to prevent discrimination against people with disabilities in areas of employment, hiring and promotion both inside, and outside of the United States. The policy also helps to ensure compliance with the No FEAR act. As part of efforts to increase the hiring of people with disabilities at MCC, the agency reports having used the Schedule A hiring authority to non-competitively hire people with disabilities and reports that approximately eight percent of MCC's workforce are people with disabilities. These individuals reportedly work in a variety of positions and departments, including positions in the HR department that are involved in recruiting, hiring, and promoting people with disabilities.

Communications with staff at MCC reveal that efforts to recruit, retain and promote people with disabilities are guided by the agency's newly created Diversity and Inclusion Strategic Plan and progress towards the plans goals are tracked through annual reporting to the Equal Opportunity Employment Commission through the Equal Employment Opportunity Management Directive 715 (EEO MD 715) report[95]. Unfortunately, reporting specific to MCC is not included in the OPM agency reporting cited above (likely because of agency size and number of employees) and information is not reported via the agency's website. This makes measuring the effectiveness of disability inclusive employment efforts difficult to track for those outside of the agency.

Agency Reporting: Transparency and Visibility

Unlike the DOS and USAID, MCC is not represented in the individual OPM agency reporting cited above, and while the agency complied with requests for information, accessing recent, measurable data proved more challenging. At the time of this research, communications with staff at MCC reveal that they are in compliance with reporting standards and do submit agency information as required; however unlike other agency's MCC does not make this information publically available on their website. The same lack of visibility is true for the agency's above referenced Diversity and Inclusion Strategic Plan. MCC can easily increase its transparency, and demonstrate reported progress in disability inclusive employment practices, by uploading EEOC and hiring information in an accessible format to the web.

Additionally, while MCC staff was responsive when asked for supplementary information or clarifications; communications with multiple staff in the agency suggest a lack of consistent, institutional knowledge of programs and practices related to disability inclusion and employment. This suggests room for improvement related not only to external sharing of information, but internal communications as well.

Table 4c. No Fear

NO FEAR

On May 15, 2002, then-President Bush signed into law the Notification and Federal Employee Anti-Discrimination and Retaliation (No FEAR) Act to increase federal agency accountability for acts of discrimination or reprisal against employees. The No FEAR Act became effective on October 1, 2003 (Public Law 107-174).

Table 4c illustrates the total number of NO FEAR complaints by agency between 2013–2015 and highlights those related to "reasonable accommodations" for employees with disabilities.

The Department of State				
Year	2013	2014	2015	2016
Total	153	130	164	181
Disability	**41**	**32**	**47**	**46**
Discrimination Findings: 1 (2015)				

USAID				
Year	2012	2013	2014	2015*
Total	14	18	21	31
Disability	**3**	**2**	**7**	**9**
Discrimination Findings: 0				

*2015 Through 9/30

Peace Corps				
Year	2013	2014	2015	2016
Total	2	4	4	4
Disability	**0**	**1**	**0**	**0**
Discrimination Findings: 0				

MCC
No Public Reporting Available

Key Findings:

- Despite EEOC requirements that every Federal agency "must post quarterly on its public website summary statistical data pertaining to EEO complaints filed with the agency" (EEOC 2017), USAID's available data was last updated in 2015 and MCC has no reporting available on their site.

- Of the four agencies of interest, the DOS is the only agency to report an actual finding of discrimination related to disability. Although on the surface this may suggest that these agencies have been successful at reducing or eliminating discriminatory conduct, the numbers alone are not conclusive. Complaints are often resolved before a formal finding is reached with no admission of responsibility. This makes tracking outcomes difficult. Claimants may choose to accept a settlement or accommodation, or they may drop a complaint out of fear of retaliation or because they have found a different job, among other reasons. Many others may choose not to raise a complaint at all.
  Discriminatory harassment, retaliation, and other abuses are often underreported and are thus left out of the agency statistics altogether. Employees experiencing discrimination often worry that they will lose their jobs or suffer professional consequences like being denied promotions if they make a complaint, and many others simply lack the time and resources to raise a complaint and gather necessary evidence. As a result, while increasing transparency is an important step in holding agencies accountable, agencies must still take preemptory steps to reduce discriminatory conduct by their employees.

At a Glance: Law, Policy, and the Global Agenda
Physical Accessibility and Access to Information

US Legislation and Guidance:
(1961) Foreign Assistance Act
(1968) Architectural Barriers Act
(1973) Rehabilitation Act—Sections 502 and 508
(1990) Americans with Disabilities Act—Title III

The Convention on the Rights of Persons with Disabilities (2007)

Article 5: Countries are to recognize that all persons are equal before the law, to prohibit discrimination on the basis of disability and guarantee equal legal protection.

Article 9: On the fundamental issue of accessibility, the Convention requires countries to identify and eliminate obstacles and barriers and ensure that persons with disabilities can access their environment, transportation, public facilities and services and information and communications technologies.

Article 19: Persons with disabilities must be able to live independently, to be included in the community, to choose where and with whom to live and to have access to in-home, residential and community support services.

Article 20: Personal mobility and independence are to be fostered by facilitating affordable personal mobility, training in mobility skills and access to mobility aids, devices, assistive technologies and live assistance.

Article 21: Countries are to promote access to information by providing information intended for the general public in accessible formats and technologies, by facilitating the use of Braille, sign language and other forms of communication and by encouraging the media and Internet providers to make on-line information available in accessible formats.

The 2030 Agenda for Sustainable Development

Goal 11: Creates accessible cities and water resources, affordable, accessible and sustainable transport systems, providing universal access to safe, inclusive, accessible and green public spaces

5. Accessibility and Inclusion: Agency Implementation

In order for people with disabilities to actively participate in the programs funded and facilitated by the agencies of focus, they must have physical access to the environments where the agencies conduct their work, and access to related information.

> *With today's signing of the landmark Americans for Disabilities Act, every man, woman, and child with a disability can now pass through once-closed doors into a bright new era of equality, independence, and freedom.*
>
> *-Former President George Bush, 1990*[96]

The Architectural Barriers Act and Sections 502 and 508 of the Rehabilitation Act collectively require that federal facilities, and electronic and information technology be made accessible to people with disabilities, including both people within federal employment and members of the public. Each of the agencies of focus has legal responsibilities to ensure that their programs and projects are accessible to people with disabilities. The following sections provide explanations of the implementation of federal law and include agency-specific policies and programs aimed at improving accessibility.

5.1. Department of State: Physical Accessibility

The DOS, as part of its presence in other countries and in fulfillment of its role as the representative of the United States government, has a property portfolio[97] that includes "over 89,000,000 square feet of functioning property, and over $7 billion in projects". These properties include not only embassies and consulates, but also office, living, and recreational spaces for employees of the U.S. government and, in many cases, their families.

5.1.1. The Bureau of Overseas Building Operations

The Bureau of Overseas Building Operations (OBO) is charged with the overall management of the DOS property portfolio, and pursuant to that charge must not only ensure the safety and functionality of DOS properties, but must also represent

the United States government and the American people in a highly visible manner. The Bureau of Overseas Buildings Operations (OBO's) mission is:

> To provide safe, secure and functional facilities that represent the U.S. government to the host nation and support our staff in the achievement of U.S. foreign policy objectives. These facilities should represent American values and the best in American architecture, design, engineering, technology, sustainability, art, culture and construction execution.[98]

OBO is charged with the overall management of the DOS overseas real property portfolio, and pursuant to that charge must not only ensure the safety and functionality of properties managed under Chief of Mission Authority, but must also represent the United States government and the American people in a highly visible manner. Part of OBO's charge includes ensuring that DOS properties are accessible. The Architectural Barriers Act (ABA) of 1968 sets the legal framework for building, renovation, and operation, and requires that buildings built, altered or leased by the U.S. government meet guidelines for accessibility established by the United States Access Board (ABA). This mandate includes compliance with the ABA Accessibility Standards, and Reasonable Accommodation under the Rehabilitation Act of 1973. OBO manages that compliance via design principles whose purpose is to balance the needs for accessibility, functionality, and security. OBO's policy is formalized in Design PD 04: Barrier-Free Accessibility, (current revision 5/22/2017).

OBO balances the need for the built environment of the DOS from site selection to long-term facility management. This encompasses a variety of structures used for a number of purposes extending from embassy offices to staff housing to Marine Security Guard Residences. All construction goes through a rigorous process that involves approvals at each stage, from site selection to occupancy, all of which are guided by a barrier-free accessibility policy designed to ensure that construction and renovation projects comply with the ABA. As projects are nominated, they undergo a review process that considers the viability of the project in light of critical needs of the post, severity of barriers, and cost.

5.1.2. Accessibility Guidelines

Accessibility guidelines apply to all public areas of DOS properties, to all portions of buildings used as office space, and to many (though not all) residential spaces. OBO manages diplomatic dwelling units in 3 sub-categories, each with differing requirements. There is a waiver process that can be invoked to generate exceptions to these guidelines, but it "exists for exceptional circumstances only" [99] and is narrowly construed. Such requests go through the OBO Director, and then to the General Services Administration (GSA) for approval. Examples of exceptions would be historic buildings or properties leased for 12 months or less. In general, however, the barrier-free policy is meant to ensure compliance with the ABA to the fullest extent possible. All new construction must be accessible, and renovation proposals must include accessibility improvements to existing structures in project-affected areas. Even historic buildings must be reviewed to determine whether or not accessibility improvements would threaten their historic or cultural value. Historic buildings are not exempt from accessibility, but OBO has greater leeway in applying accessibility to avoid damaging historic integrity.

Another way DOS properties may come to be altered is if overseas mission personnel with disabilities ask for reasonable accommodations under the Rehabilitation Act of 1973 when they involve building accessibility. In such cases, "OBO will fund and execute those alterations". However, the alteration project is not necessarily undertaken immediately. With 276 overseas missions to manage, projects are initiated on an ongoing, rolling basis. The number and turnover of properties present obstacles to ensuring accessibility of all properties, as does the time it takes to see a project through from start to finish in a host country. OBO keeps track of project progress through periodic worldwide surveys of DOS properties. One such survey, conducted in 2002, estimated that about forty percent of all properties (including residences) were substantially accessible; by 2013 that percentage had risen to about sixty percent[100]. A new survey is currently underway and will afford an up-to-date look at accessibility. OBO will be revising the survey at the end of this calendar year.

Accessibility and Security

The 2013 NCD report observed that where security and accessibility concerns come into conflict, the prevailing DOS opinion was that "security concerns trump accessibility". This conclusion was based on information gathered at US Embassies in 14 developing countries by local advocates, citing inaccessible spaces and inoperable doors reported to have been closed because of security concerns. OBO staff maintains that there is no conflict between accessibility and security, that the information gathered was misinterpreted, and that what were procedural security and access issues were viewed instead as physical barriers.

With safety and security among the primary focuses for the new Administration, the DOS is presented with an opportunity to publically clarify its approach and highlight its commitment to accessibility for all.

In the case of the procedures to access consulates and embassies, security does trump access in the sense that any person who attempts to enter a secure building goes through a process of gaining access, rather than being able to simply enter at will. However, this is different from a physical barrier. In terms of physical inaccessibility, OBO believes that lack of accessibility is not commonplace, but is rather a design issue that may sometimes require creativity—particularly in the case of older buildings or those in closed, urban settings—but can almost always be overcome. In the case of the closed doors cited in 2013, the solution was procedural and involved actuators administered by guards. OBO maintains that, while the process of access may be rigid, it should not be assumed that physical access to an embassy poses an insurmountable security versus accessibility tradeoff. Accessible security doors are required at the location of all primary accessible routes for both ingress and egress. The implementation and maintenance of these systems is an ongoing concern due to the complexity of the system.

OBO's charge of maximizing accessibility requires being responsive to the needs of a variety of settings. In the case of an embassy, protocol requires entering by way of a secure room that can endure a blast before proceeding further into the facility.

In a historic building, maintaining the cultural value of the structure—and by extension, the goodwill of the host country—is an additional concern. OBO's policies guide the way in which it balances these sorts of concerns, and physical accessibility remains a fundamental part of its charge.

Staff Training and User Experience

Previous NCD reports noted the need for increased staff training and awareness on topics and issues related to disability. The DOS can mitigate potential accessibility issues by ensuring that the breadth of their workforce is aware of the unique needs of people with disabilities and has strategies and tools for creating and maintaining inclusive environments. This is especially important for those working overseas, where Human Resources personnel, or related staff with existing knowledge, may not be present to provide guidance.

5.2. USAID: Physical Accessibility

Evaluating the accessibility of environments and information is not only critical to ensuring the inclusion of the agency's employees with disabilities in the United States and abroad, but it also plays a large role in ensuring that USAID's disability inclusive development efforts on the ground are accessible to all. Two of USAID's programs that focus primarily on physical accessibility are profiled below. Additional information about accessibility and accommodations can be found in Chapter 4–Employment and Participation, while a detailed overview of how USAID approaches nondiscrimination and access in their foreign aid policies is the presented in Chapter 6–Foreign Assistance.

5.2.1. USAID Construction Assessment

The 2014 USAID Construction Assessment[101] details findings from a worldwide survey of USAID's construction portfolio that took place between July 1, 2011, and June 30, 2013. Designed to provide details of the character, scope, value, and management of construction activities supported by USAID, the report includes limited mention of accessibility for people with disabilities. In the 346-page report, which includes

information on 758 projects or prime awards (including 3,304 sub-awards) totaling 5.6 billion US dollars, a keyword search (for "disability," "disabilities," and "disabled") produced just six results. The agency's description of the infrastructure design process briefly mentions accommodation of disabilities, with a follow-up paragraph stating, "disability accessibility standards are required for construction contracts". However, of the 572 sub-awards (sub- awards are projects that are contracted to primary agency that then hires secondary agency to facilitate the project) that responded to the survey's accessibility question, just fifty-five percent reported including such standards. Furthermore, the report indicates that of 995 buildings serviced by the respondents (schools, hospitals/clinics, other buildings), the more than half (423) were unaware of the requirement for accessibility standards, while only 316 respondents indicated that they were aware of them.

Despite the fact that survey results indicate that the requirements of the agency's policy on accessibility have not been adhered to, the recommendations from the *Construction Assessment* fail to include accessibility as an issue to be addressed. It should be noted that the assessment lists the Agency Coordinator for Disability as a partner in improving "appropriate design standards and technology for construction"[102], however, at the time of this study, USAID did not employ anyone in that role, and there were no current efforts in place to fill the position.

In an effort to supplement information in the Construction Assessment, key informant interviews revealed that leased and owned office spaces overseas are initially renovated before occupancy to the fullest extent possible to follow guidelines and standards detailed in the International Building Code (IBC), Americans with Disabilities Act (ADA), Architectural Barriers Act (ABA), and any other country-specific laws or statutes dealing with accessibility and life safety. When USAID offices are located on embassy compounds, the OBO uses the same standards and is responsible for incorporating them in the building and compound designs. Regardless of whether USAID is located on or off the embassy compound, the country designated Post Occupational Safety and Health Officer (typically the Embassy Facility Management

Officer), is responsible for monitoring and enforcing accessibility standards for all agencies.

5.2.2. Wheelchair Program

USAID's most prominent disability accessibility program takes a collaborative, systematic approach to improving the inclusion of people with disabilities. As part of the agency's Programs for Vulnerable Populations sector that also includes the Displaced Children and Orphans Fund, the Leahy War Victims Fund, the Victims of Torture Program, and the Disability Program, the Wheelchair Program[103] was developed in response to a finding by the World Health Organization in its 2011 World Report on Disabilities that an estimated 20 million individuals require a wheelchair to be mobile. In collaboration with WHO, USAID applies the following fundamental principles to the production, provision and distribution of wheelchairs:

1. *Environmental and Individual Appropriateness*: In opposition to a "one size fits all" approach, the program focuses on ensuring that wheelchairs are fit to the individual and are able to respond to often rough, rural physical environments.
2. *Sustainable Local Services*: This principle highlights the need for long-term production and repair solutions that take into consideration local resources and capacity.
3. *Training for Service Providers and Wheelchair Riders*: Recognizing that the usefulness of a wheelchair is directly related to its ability to meet users' complex, individualized needs, USAID collaborated with WHO to develop basic and intermediate training materials that support knowledge and skill development in this area. These trainings are a core component of the programs ongoing efforts.
4. *Quality of Life for Wheelchair Riders*: The focus of this principle is to simultaneously invest in local Disabled Peoples Organizations (DPOs) and self-help groups that can support translating mobility into opportunity for improved community inclusion, economic self-sufficiency, and advocacy.

Access to Information and Progress Reporting

There is no shortage of descriptive information related to USAID's physical accessibility-focused programming and projects. However, when access to information is included in overall accessibility efforts, the web content specific to physical accessibility is segmented and disbursed among multiple webpages; making navigating the site difficult.

Additionally, while the agency invests considerable time and effort in its initial development and dissemination of information about its accessibility programming, there appears to be a lack of progress reporting on results from the program.[104–107]

5.3. Peace Corps: Accessibility and Accommodations for Peace Corps Volunteers

This section evaluates accessibility in the Peace Corps via two tracks: (1) accessible volunteer opportunities and (2) accessible Peace Corps-funded projects. Additional project examples can also be found in Chapter 6–Foreign Assistance.

5.3.1. Health and Physical Accessibility

Due to the nature of the circumstances in which all potential volunteers serve, all applications are examined on a case-by-case basis to ensure that each volunteer is placed in an environment conducive to their ability level. Volunteers can only serve in programs and countries that support their medical needs, which is determined by the Health History Form, which they complete with their application.

As part of the application process, prospective volunteers receive an individual assessment based on the medical records they provide and the resources available in host countries. The Peace Corps application explicitly states, that "an applicant must have the physical and mental capacity, with or without medical accommodation, to perform the essential functions of a volunteer for a full tour of duty without unreasonable disruption due to health concerns." The Peace Corps also offers a list of health conditions[108] typically not supported in Peace Corps service.

Note: The Peace Corps reported the existence of additional policies surrounding the providing of reasonable accommodations in e-mail communications with researchers in October, 2017. However, the link to the file was corrupted and thus inaccessible.

Individualized Approaches to Inclusion

While the Peace Corps' approach to evaluating volunteers' ability to safely serve in a variety of countries has the right intention, its' lack of targeted disability recruitment and/or supplementary information preceding the health assessments is problematic. For volunteers with a disability, completing the application process is an arduous task as it is, and not knowing whether your disability will exclude you from service until after you've completed all of the steps could be incredibly frustrating. Therefore, Peace Corps would benefit from altering their current setup, which requires applicants to search each country's profile for accessibility information, and instead developing a list of countries and/or projects where people with disabilities would be most likely to have success.

5.3.2. Accessible Projects

The Peace Corps website has a specific section on its' website that contains information on what volunteers do and in what types of projects they may be engaged. Projects are developed across six sectors, including agriculture, environment, health, community economic development, education, and youth in development, and the agency reports that many have translated to positive change for communities in need. While the Peace Corps sponsors many projects in areas such as infrastructure, education, and sanitation, it does not appear to have specific policies or procedures that mandate inclusion of people with disabilities, and therefore, no accommodations seem to exist that would make the projects more accessible to this population.

For example, the Peace Corps website describes initiatives, such as those in Moldova and Senegal, to construct functioning latrines and improve hygiene education of students and educators. However, there is no mention of any accommodations that would help make these projects more accessible to people with disabilities.

Perception and Inclusion

Communications with Peace Corps staff as part of this report's technical review (October 2017) highlighted the following projects as examples of disability inclusion in action:

- Leadership Camp for the Deaf - Our Talking Hands - Peace Corps Ghana[109]
- Peace Corps & HIV/AIDS (Spotlight on Kenya and Deaf and Hearing Impaired)[110]
- Peace Corps and Special Olympics[111]

Unfortunately, despite the small sampling of projects noted above and the Peace Corps' investment in "building a culture of inclusion," its publicly available information would seem to indicate that people with disabilities are rarely—if ever—considered in the development and implementation of internal and external policies and programs. For example, Food Security, one of four global programs highlighted on the Peace Corps website, lists accessibility as one of four pillars of the work they do, but its examples focus on improving access for women. Similarly, work done in Mozambique is described as striving to meet the needs of the most vulnerable communities, but while it highlights children and individuals with HIV/AIDS, the site again fails to include disability. These are just two examples of areas where the Peace Corps has missed opportunities to share how their work is inclusive of the world's largest minority population.

The Peace Corps would benefit from a formal review of its' policies and practices related to including individuals with disabilities as target beneficiaries in its work abroad. In doing so, the agency has the opportunity to address other issues surrounding the need to reduce disparities in the amount of public-facing disability inclusive media and content.

5.4. Millennium Challenge Corporation: Physical Accessibility

Since their adoption in 2012, MCC has applied the International Finance Corporation's Environmental and Social Performance Standards[112] (IFC PSs) as well as the IFC Environment, Health and Safety Guidelines[113] to its' program investments. Prior to that, MCC had required under due diligence to screen and integrate handicap access into its project design. As part of its due diligence analysis under the IFC Performance Standards since 2012, MCC must go further by demonstrating how each construction project it undertakes has integrated relevant handicap access design features and must document how those features were determined.

IFC PSs' Performance Standard 1, Assessment and Management of Environment and Social Risks and Impacts, lays out a systematic approach to "identify individuals and groups that may be directly and differentially or disproportionately affected by the project." The same standard explicitly includes a focus on vulnerable groups, considering such factors as "mental and physical disability" and stating that "where individuals or groups are identified as disadvantaged or vulnerable, the client will propose and implement differentiated measures so that adverse impacts do not fall disproportionately on them and they are not disadvantaged in sharing development benefits and opportunities".

The EHS Guidelines state that "facilities also should be designed and built taking into account the needs of disabled people" and explicitly require facilities to provide an accessible means of egress for PWDs. The EHS recommends that the International Code Council (ICC) guidelines be followed, as appropriate, with respect to accessibility and means of egress[114].

In spite of all of these official policies, data collected through key informants suggests a more nuanced approach to ensuring physical accessibility. While new construction and renovation projects are reported to include accessibility for PWDs, "the procedures for the design and implementation vary by country, project, and overall site conditions." At a minimum, MCC applies national regulation requirements and standards to ensure accessibility. The IFC Performance Standards state that national regulations and standards must be met, but if deficiencies exist in those standards (as many countries do not have rigorous accessibility standards), international guidelines are to be used to ensure accessibility is integrated. Again, this is subject to "appropriateness" and "overall site conditions." Accessibility provisions are enforced through contractual mechanisms entered into by the local government-implementing entities (Millennium Challenge Accounts or MCAs) that are in place to implement and administer the compact between their country and MCC. How consistently these are applied and/or reviewed is unclear.

MCC and MCA maintain a robust focus on stakeholder engagement in their assessment, design, and implementation processes. Stakeholders include entities from the public and private sector, as well as nongovernmental and civil society members. This includes stakeholder engagement during Compact design as well as during implementation, especially through environment and social impact assessment and resettlement action plans. MCC also reports that it conducts public outreach to the disability community during design and construction. To take one example, in Cabo Verde, this consultation resulted in the addition of ramps being placed over trenches that had been dug near the homes of PWDs for a water and sanitation project. In addition, ramps were provided in key community areas, such as near schools, post offices, and markets, to assure that PWDs were able to access key services. In the Philippines, participatory monitoring groups were created and remained actively involved as advocates for vulnerable groups to ensure that accessibility was designed into the Philippine Compact Agreement. In another project in the Philippines, this one related to road rehabilitation, MCC and country-level staff addressed accessibility during the analysis and design components of the project and provided additional compensation to vulnerable groups, including those with disabilities, during the resettlement process[115].

Accessibility in Action

Throughout the interview process, MCC staff members referenced a number of disability inclusive accessibility projects. Some of these projects include wheelchair ramp access into facilities, sanitary conveniences, space requirements, reach ranges, and other design features. Specific examples include the following:

- In MCC's current program in **Georgia,** school rehabilitation efforts are re-equipping schools with handicap access including ramps, accessible restrooms, and widened walkways.
- MCC funded the design and construction of a water utility headquarters building in **Jordan** which includes access ramps at the entrance and elevators to reach the second floor.
- In MCC's first compact in **Benin**, the MCC-sponsored renovation of courthouses there included installation of access ramps in addition to stairs.
- In MCC's first compact in **Lesotho**, all 152 health facilities were designed to be physically accessible, including healthcare equipment, even in remote rural areas.
- As part of an MCC effort to increase access to land titling in **Mongolia,** land offices were built with wheelchair accessible ramps and entrances.

These projects provide solid examples of how agencies can ensure that mainstream development projects are inclusive of people with disabilities. With more formal strategies for systematizing and scaling-up these practices, it can be assumed that MCC would expand their inclusion of people with disabilities and set the bar for other agencies.

Web Accessibility

The Internet has become a primary source of information for people around the world, including those with disabilities. In 1998, Congress amended the Rehabilitation Act of 1973 to require Federal agencies to make their electronic and information technology (EIT) accessible to people with disabilities. The law (29 U.S.C. § 794 (d)) applies to all Federal agencies when they develop, procure, maintain, or use electronic and information technology. Under Section 508, agencies must give employees and members of the public with disabilities access to information that is comparable to that accessible by individuals without a disability.

To evaluate website accessibility, a Mac with VoiceOver was used to navigate through the web pages, review content, jump to links, review headings on pages, and find images. Findings show that while each of the agency's sites meets minimum accessibility requirements, there are a number of small changes that, if made, help to ensure that people with disabilities can consistently access information and resources provided by each agency. These include:

- ensuring that links are consistently organized in the same manner across landing pages,
- limiting the number of clicks and redirects to access information (especially content specific to disability),
- verifying accessibility of PDFs and/or including accessible Word documents, and
- captioning all images, graphics, and visual representations of information using specific captioning features that differentiate between captions and general text.

6. Foreign Assistance Programs: Agency Implementation

As the world's largest foreign aid donor (by volume), the United States provides nearly a quarter of official development assistance[116]. With this role comes responsibility.

"If development is to be truly sustainable and inclusive it must benefit all citizens - in particular the poorest, most marginalized and vulnerable."
-OECD, 2016

This chapter builds on each agency's disability policy, focusing specifically on the inclusion of people with disabilities in its programs and projects abroad. The Department of State, USAID, the Peace Corps, and the Millennium Challenge Corporation each have diverse mandates and missions, but share a common commitment to promoting peace, security, and economic and physical wellbeing of all people, including those with disabilities.

In addition to information on agency policy and program implementation, this chapter also provides the majority of in-country case examples and beneficiary and project partner feedback. Data was collected via desk review and key informant interviews.

6.1. Department of State: Foreign Assistance Programs

As the National Council on Disability has previously noted, the promotion of human rights has long played a formative role in US foreign policy. Since its passage in 1961, the Foreign Assistance Act has helped to ensure that the human rights of all recipients of aid are respected. Agencies like the DOS have played an essential role in investigating of human rights abuses and implementing human rights protections in foreign assistance decision-making. The following sections describe the steps the DOS takes to ensure that the objectives of the Act are met.

The DOS compiles country reports on human rights annually, using information gathered from embassy and consular staff. Since 2003, that report has incorporated information on the treatment of people with disabilities. When this information was first included, it varied tremendously, with some reports constituting little more than a line or two about PWDs. However, over time, and with help from the office of the Special

Advisor for Disability Rights, the reports now have a designated section in which the treatment of people with disabilities is specifically reported, and many country reports contain coverage in other sections, as well.

Human Rights Reporting

Despite progress in human rights reporting, there is still wide variation in the overall length and depth of reportage about people with disabilities. Instituting standardized formatting would help to streamline information, measure progress, and fill gaps in disability-disaggregated data collection.

Appendix c presents a detailed review of 2015 Disability Coverage in Human Rights Reporting.

The Office for Democracy, Human Rights, and Labor (DLR) has compiled reports on the human rights practices of other countries for over 60 years, and since 2003 has included a section specifically focused on countries' human rights records with respect to people with disabilities. The 2013 NCD Report used this information to assess countries' reportage as of 2009 by examining information in the section specific to people with disabilities (Section 6: Discrimination, Societal Abuses, and Trafficking in People). The analysis took the form of: 1) a country-by-country survey of the reports that tracked responses in nine areas, and 2) a more qualitative analysis of reports filed by a select group of nine countries. It is important to note that the survey information was not designed to evaluate countries' human rights records per se, but rather it was designed to determine the inclusion or omission of information specific to people with disabilities in the reports themselves.

In an effort to follow up on the 2013 NCD report's survey of 2009 data[117], researchers examined the Country Reports on Human Rights Practices for 2015[118]. In general, reportage would seem to have significantly improved between 2009 and 2015. However, there are several caveats to take into consideration:

- The data only indicates whether or not the described information appears somewhere in a given country. No qualitative analysis of that information was available for the 2009 data, and so if a report met the threshold for the descriptor of a given category, then it was noted as such.

- This comparison avoided making assumptions about various aspects of the data, which affected the overall percentages. For instance, when examining "additional information on women or children with disabilities," the existence of educational opportunities was often a factor in determining whether or not the report in question met the threshold for that descriptor. However, numerous reports contained information about the existence of educational programs but did not specify the level of schooling or the age of the students. Unless some other reference made it clear that the program was for children, the existence of an educational program was not assumed to serve children. Conversely, anything in a report that specified children would have qualified as a "specific mention."
- In comparing the 2009 and 2015 reports, only information outside the People with Disabilities section of the reports was analyzed.

The data indicates a significant improvement in countries' reports between 2009 and 2015. All nine categories show an increase, and several are dramatic. Perhaps most telling, however, is the improvement in final category, "additional information" located outside the "People with Disabilities" category. In 2009, twenty-four percent of the reports incorporated information about people with disabilities somewhere outside of the specified subsection. As of 2015, that figure has risen to over ninety-seven percent. Many reports mention disabilities in the Executive Summary, but that alone did not qualify a country report as having met the threshold for this category. Thus, while the qualitative treatment of human rights and disability contained in the country reports varies significantly, disability is far more incorporated into all aspects of human rights reportage today than was the case in 2009. DOS attributes this to an effort to provide instruction and review the individual country reports to expand reportage and work with the language used in the human rights reports. This does not go as far as to meet NCD's 2013 recommendation to standardize the reporting, but represents a significant improvement.

Specific methodology and detailed findings, including in-depth reviews of the nine countries' reports (Ghana, Uganda, Russia, Armenia, India, Namibia, Zambia, Nepal, and Colombia) are presented included in Appendix c.

The Bureau of Educational and Cultural Affairs Volunteer Programs

The Bureau of Educational and Cultural Affairs (ECA)[119] works as a public affairs arm of the Department of State. Its legislative mandate originates in the Mutual Educational and Cultural Exchange Act of 1961, more commonly known as the Fulbright Hays Act, and its mission is "to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchange that assist in the development of peaceful relations."

The ECA sponsors a wide variety of academic, professional, sports, and cultural exchanges to further the diplomatic goal of friendly and peaceful relations with other countries. This includes activities such as academic research, professional exchanges, foreign language study, lecture sponsorship and other public programs, and educational institution assistance overseas. Among the more prominent programs are the Fulbright Programs, the Humphrey Fellowship Program, the Muskie Internship Program, and the Kennedy-Lugar Youth Exchange and Study (YES) Program. Inclusion of people with disabilities is integral to ECA's overall purpose and has been a key component of its overall diplomatic mission. In 1995, ECA created the National Clearinghouse on Disability and Exchange, and since then has widened its scope to include people with disabilities in the full range of academic, professional, sports, and artistic exchanges it sponsors in an effort to "prove diversity is our strength, and that everyone provides important contributions." The ECA Diversity Statement,[120] which covers ECA's internal operations as well as its educational and cultural programs, commits firmly to "fairness, equity, and inclusion" and seeks the involvement of underrepresented populations, including people with disabilities.

DOS Sponsored Educational and Cultural Programs

The Fulbright Program[121] is ECA's flagship program. It covers an array of academic activities and exchanges for US citizens who wish to study abroad. Sponsored research, overseas study, and professional exchanges that encourage scholarly interactions are among the multiple types of fellowships and scholarships this program offers. The Humphrey Fellowship Program[122] brings professionals from developing countries to the United States for non-degree study. It is a type of Fulbright program, but has acquired an identity of its own since its institution in 1978.

The Edmund Muskie Internship Program[123] is a summer internship program that brings graduate students to the United States from eastern Europe, the Caucasus, and Central Asia. It is intended to give emerging leaders meaningful work experience while exposing them to American culture and values, while the Kennedy-Lugar Youth Exchange (YES) Program[124] is a cultural exchange program for high school students intended to promote lasting relationships between exchange students and their host families, and is focused on countries with significant Muslim populations.

The Bureau of Educational and Cultural Affairs Volunteer Programs (cont.)

Among the programs supported through the ECA, there are also youth, sports, and art programs that are characterized by the inclusion of people with disabilities. ECA works with Special Olympics, Paralympics, the Kennedy Center's Very Special Arts (VSA) program for arts and disabilities, and other such organizations to foster inclusion (Ruth 2016). ECA funds tens of thousands of programs each year[125] that reach a variety of participants, and its cultural programs reach millions more. Most programs exist as partnerships under ECA oversight and are generally aligned with American foreign policy goals.

Visible, Tangible Commitment to Inclusion

ECA's commitment to inclusion is highly visible. Its website features content pages that are specific to disabilities, such as the "Disabilities in Exchange Programs" webpage, which links to the Mobility International (MIUSA) "National Clearinghouse on Disability in Exchange" website. The site offers detailed information, advising, and training to individuals and organizations seeking to explore how people with disabilities may take advantage of foreign exchange programs, including numerous stories of inclusion under the heading of "Disability is Diversity,"[126] and links to an additional page for its "Lives Without Limits" campaign.

In addition to its outreach activities, ECA policies seek to live up to the inclusiveness of its diversity statement. Applications to exchange programs do not require applicants with disabilities to identify themselves as such, allowing them to be considered for programs on an equal basis with all other applicants. Additionally, program budgets allocate funding to fulfill requests for reasonable accommodations made by exchange participants with disabilities. Finally, the Bureau conducts programs on disability issues, for disability rights advocates to ensure that all of its programs are open to individuals with disabilities. The Bureau's commitment to programmatic inclusion is both tangible and visible, and is the result of direct efforts to highlight American leadership in disability rights.

Internal Operations

In addition to being a mainstay of its programs, inclusion is an integral part of ECA's internal operations, as well. The Bureau works specifically with the DOS's central Human Resources Bureau on hiring individuals with disabilities and maintaining reasonable accommodations in the workplace. Furthermore, the ECA has an internal working group that meets on a regular basis to examine what needs to be done to recruit people with disabilities into its programs and find support. This group increases the focus on disability in a substantial way, and enables ECA to identify and address any problems that may arise.

Conclusion

Budgets, outreach, and problem solving are ongoing challenges, but ECA staff suggest that the commitment to inclusivity is deeply ingrained in the culture of the Bureau and transcends challenges from without. ECA's commitment to disability rights is visible in its policies, programs, and internal operation.

6.2. USAID: Foreign Assistance Programs

As the lead US agency responsible for providing development assistance, USAID's foreign assistance programs play a critical part in shaping how other US agencies and development stakeholders, both at home and abroad, approach disability inclusion. Unfortunately, despite its pioneering role in calling attention to disability as a cross-cutting development issue, and its efforts to systemize inclusion via policy and directives, the agency has consistently come under scrutiny for failing to adequately monitor, evaluate and document the inclusivity of its assistance programs.

This section begins with an introduction to disability inclusive development at USAID, including current agency guidance for employees and partners, initiatives, and focus areas. A review of previous NCD and stakeholder recommendations will follow, with a focus on evaluating the agency's efforts to better serve people with disabilities. Throughout this section references will be made to the agency's disability policy (the focus of Chapter 3), and case examples will be used to provide context and identify best practices and missed opportunities. Recommendations and action steps are presented in **Chapter 7**.

6.2.1. USAID: Disability Inclusive Development

On its website, USAID highlights a twin-track approach to disability inclusive development that includes support for disability-specific programs to address targeted needs and a quest to integrate disability into all of its programs. The agency asserts that there are legal, social, and economic reasons to support people with disabilities in development and that this work necessarily extends into education, political inclusion, economic empowerment, vocational training, and health and emergency response.

Specific disability inclusive USAID projects and programs include: accessible education and increasing access to assistive technology; national awareness campaigns and accessible polling initiatives that promote compliance with CRPD; organizational capacity-building in disabled peoples' organizations (DPOs) and advocacy program for people with disabilities; microcredit grant programs focused on women with disabilities

to promote economic independence; workforce development initiatives for youth and adults; and health programs constructed using principles of universal design.

As an area of focus that intersects multiple sectors of work, USAID reports that currently the majority of work on disability is overseen by the Center of Excellence on Democracy, Human Rights and Governance, and the larger Democracy, Conflict and Humanitarian Affairs Bureau (DCHA). Additionally, the agency categorizes the Disability Program as one of five Congressionally directed Programs for Vulnerable Populations managed by the agency. This portfolio also includes the Displaced Children and Orphans Fund, the Leahy War Victims Fund, the Victims of Torture Program and the Wheel Chair Program.

Intersectionality and Disability

The intersectionality of disability with other agency priority areas has the potential to strengthen inclusive programs and policies. However, at this time, the absence of a systemic approach to disability inclusive development at USAID makes tracking investments and outcomes extremely difficult. The lack of a disability coordinator, existence of multiple funding sources and presence of an outdated agency policy combined, create a perfect storm that fuels unintended exclusion. For disability to effectively be mainstreamed across all sectors of USAID work, there must be a clear systemic approach to identifying the actors and streamlining their work.

6.2.2. USAID: Funding Policies and Guidance

A number of previous NCD report recommendations focused on improving inclusion of people with disabilities via USAID's funding process. The following shortcomings—and therefore areas of opportunity—were identified: (1) lack of disability inclusive guidance in statements of work; (2) failure to incorporate disability inclusion in technical evaluation criteria in USAID solicitations; and (3) absence of disability indicators in monitoring and evaluation.

A recent review of USAID's policy on nondiscrimination for beneficiaries and associated documentation shows a strong institutional commitment to preventing discrimination of marginalized groups, including people with disabilities. Updated in December of 2016,

policy statements focus on nondiscrimination for end-users and beneficiaries and provide internal guidance and information on acquisitions and assistance awards. The following is a summary of the policy statements; full text and frequently asked questions can be viewed on the USAID website.

- **Internal Guidance–***ADS Chapter 200*: Announced in March 2016, asserts that all USAID programs must be accessible to all beneficiaries, and discrimination is prohibited on the basis of nonmerit factors (e.g., disability, age, gender).
- **Acquisitions/Contracts–***AIDAR 48 CFR 752.7038:* Announced in October 2016, applies to all contracts and "explicitly articulates an inherent principle that all beneficiaries should be able to participate in USAID programs without discrimination." This policy requires that contractors not discriminate against any end-user/beneficiary and mandates that language of the clause be included in all subcontracts.[127]
- **Assistance Awards/Grants/Cooperative Agreements–***ADS Chapter 303*: Announced in November 2016, approves and implements changes to policies of nondiscrimination for beneficiaries and requires recipients to include language from the provision in all sub-awards and contracts.

None of the above is intended to limit the contractors' or recipients' ability to pursue activities that focus on addressing the needs of targeted populations. In the related documentation, USAID asserts that the policy changes do not represent a shift in the agency's approach to development; instead, the updated policies on nondiscrimination provide clarification and critical language, reaffirming a commitment to development that is inclusive of all[128]. It should be noted that the policies apply to the above-mentioned acquisition and assistance awards to for-profit and nongovernment organizations, but further negotiations would be required to apply these policy statements to instruments involving government-to-government assistance, public international organizations (PIOs), or interagency agreements.

Unfortunately, despite the adoption of the above-mentioned guidance and policy, efforts to better include people with disabilities in programs abroad appear to have been, for the most part, unsuccessful. Detailed below, findings from a 2015 study found that the absence of clear, explicit language in USAID solicitations for funding is directly correlated with whether or not people with disabilities are reported as having been included in the project as a whole.[129]

Disability Inclusive Solicitations

At the request of the USAID Disability Team, InterAction, led by researchers from the Perkins School for the Blind, completed a two-phase study that reviewed 85 public USAID solicitations (available within a six-month period during 2012–2013) to assess (1) how disability inclusive language is used in solicitations, and (2) correlations between the presence of said language and reported disability inclusive programming in the sectors of education, health, and democracy and human rights and governance.

Key findings:

- Of the 85 solicitations reviewed, forty-eight percent do not mention disability within the scope of work
- Ten percent had zero mention and failed to meet USAID's minimal requirement for including disability in clausal language
- Of those that did include a mention of disability, only fourteen percent had what the study's expert review panel considered to be "significant" language
- In the second phase of the project, accessing follow-up reporting proved especially challenging because only thirteen percent of those contracted to implement the projects were in compliance with USAID's reporting mandates

Despite the findings presented in the InterAction study described above, and previous NCD recommendations that noted the need for additional policy directives aimed at improving "meaningful disability inclusion", USAID has not made any modifications to their solicitations process, nor has the agency added disability to the evaluation criteria for potential collaborations. This is especially concerning because, as previously noted in the 2013 NCD report, the agency's gender requirements (ADS 2005) provide a template for designing modifications and provide justification for the value of this metric.

Accessible Data and Inclusion

The section above not only reiterates recommendations from previous reports, but also points to additional areas for improvement, in particular open data and disability disaggregated data. The research team responsible for the 2015 study referenced in *above 30* reported multiple challenges associated with obtaining publically available documentation (solicitations and progress monitoring and reporting). This mirrors the experience of the authors of this report, who note availability and data transparency as major barriers to accessing information.

Additionally, while the absence of disability-disaggregated data was not a primary focus for this report, it is consistently identified as a critical issue among development actors. Small changes to USAID's solicitation and reporting processes could easily translate to improved inclusion of people with disabilities in the breadth of USAID's work.

6.3. Peace Corps: Foreign Assistance Programs

As noted in previous chapters, the Peace Corps does not have formal policies in place to guide the inclusion of people with disabilities in any of its programs, including Foreign Assistance. However, there is evidence to suggest that the agency is committed to diversity and inclusion. The following sections explore current policies and practices for recruiting underrepresented groups, highlight an example of a volunteer with a disability and note ways in which current and former volunteers have interacted with people with disabilities in their work.

6.3.1. Underrepresented Groups: Peace Corps Volunteer Recruitment

Improving the recruitment of underrepresented applicant groups[130] is a priority for the Peace Corps; while they do not currently have efforts in place that target prospective volunteers with disabilities, its approaches for the LGBTQ and age 50 and over communities demonstrate a commitment to diversity. For example, under the previous Administration, the percentage of Volunteers who self-identified as members of an underrepresented LGBTQ group increased by ten percent—from eighteen percent in 2009 to twenty-eight percent in 2015. This is in part due to the Peace Corps' collaboration with multiple agencies, organizations, and universities in order to advance the 2011 Presidential Memorandum on International Initiative to Advance the Human

Rights of Lesbian, Gay, Bisexual, and Transgender People.[131] Together, these institutions' worked to include same-sex volunteer couples in their host communities, actively support LGBTQ volunteers and staff, and strengthen training and resources in order to provide an inclusive and supportive agency culture and environment for trainees, volunteers, and staff members.

The Peace Corps has also similar recruitment guidance for prospective applicants who are over the age of fifty.[132] The agency encourages those who are in the later years of their lives to consider volunteering, and provide validation of how their services can positively affect their host communities. Prospective volunteers may choose the length of their service (three months to two years), and can even choose the country where they serve. Because older adults may have different medical and life choices to consider, the agency encourages prospective volunteers to speak to a recruiter to learn more about which countries may be able to best support the needs they have.

In addition to recruitment efforts becoming more inclusive, the Peace Corps has also implemented intercultural competency, diversity, and inclusion training and support for staff and volunteers. In their Building Capacity, Building Peace Report for 2009–2017,[133] the Peace Corps reported that they have expanded intercultural competency, diversity, and inclusion trainings to educate staff and volunteers on equity and inclusion, and launched the same-sex couple initiative to prepare host countries and sites to support the LGBTQ community.

Spotlight on Inclusion

Lauren Engle served a 27-month tour in Armenia. During her service, she worked with two nongovernmental organizations (NGOs), Good Hope NGO and Armenia Caritas, in a first-of-its-kind program that gave families the educational tools and resources needed to provide care for children and adults with both mental and physical disabilities, while also trying to remove the social stigma associated with having disabilities. Engel stated, “Having an intellectual disability remains a stigma in Armenia, and there is a misunderstanding among the general community of what having a disability means.”

Engel, along with other volunteers, participated in this project, which was supported by a USAID–Peace Corps Small Projects Assistance grant, to assist these families in learning effective, hands-on ways to decrease isolation and increase support for people with disabilities. They learned from local specialists trained in the native language (Yerevan), including a speech pathologist, psychologist, cognitive specialist, and part-time medical doctor. Both NGOs and volunteers worked toward the goals of empowering children with disabilities and their families on health, social, and educational issues facing children with disabilities, and also improving the living and educational conditions and public health of this population.

Training efforts were supported by the US Ambassador to Armenia, John Heffern, who made a personal visit to show his support. Through the initiation of this project, parents and families in the community have been able to form a network of social support groups that have led to an increase in confidence for all. While there is still a large gap in understanding about people with disabilities, there has been some positive movement through this project.

6.4. Millennium Challenge Corporation: Foreign Assistance Programs

MCC's overarching objective is to reduce poverty through economic growth for all. A key aspect of this commitment is ensuring that all individuals have an opportunity to benefit from MCC programs. As stated in previous sections, MCC undergoes an extensive economic and social assessment prior to project implementation. This assessment includes identifying the most marginalized and potentially excluded groups, including but not limited to women, youth, ethnic and religious minorities, and PWDs. MCC does not maintain a discretionary budget for gender and social inclusion, or specific funding for PWDs; instead, the intentional commitment to the inclusion of vulnerable groups throughout the planning process allows for PWDs to be included within larger projects as needed. Tracking requirements for the inclusion of PWDs vary across compacts based on identified needs and local/site-specific factors.

If someone with a disability is interested in gaining more information about an MCC project or has encountered barriers to participation, he or she will be directed to the MCA (the partner country entity responsible for implementing the compact agreement) (the country team responsible for implementing the compact agreement) or to the relevant practice group at MCC headquarters. An example of this flexible process, provided by MCC, is as follows:

> For instance, someone may be referred to the Infrastructure group to discuss accessibility; the Environmental and Social Performance group for information on the IFC Performance Standards; the Human and Community Development group for programs related to special education; or the Gender and Social Inclusion group, which focuses on ensuring that marginalized groups are included in program design and benefits.

Inclusive Development in Action

The following examples of projects funded by MCC briefly illustrate best practices in disability inclusion focused on accessibility, employment, and education:

- During implementation of the first compact in **Mongolia**, it was observed that people with disabilities were taking advantage of the health screenings at much lower rates than the general population. The MCA team formed a partnership with national organizations active in disability issues to identify problems and solutions. An outreach campaign dedicated to reaching PWDs was launched to increase awareness in that community, and transportation was provided to health facilities. As a result of the campaign, an estimated 10,362 additional people with disabilities went through preventive health check-ups.
- In its current program in **Georgia**, the MCA asked bidders for the Technical Vocational Education and Training (TVET) program to address how they would reach out to disadvantaged groups, including those with disabilities. Education training modules for principals and teachers included components on how to proactively identify needs and develop strategies to support inclusion efforts. These modules covered topics such as barriers faced by socially disadvantaged students and students with special needs in pursuing STEM careers; identification of discrimination in schools (teachers' attitudes, preconceived notions of intelligence, etc.); and skills to address the needs of students with learning disabilities.
- In the education portion of the current **Morocco** compact, students with disabilities have been identified as a disadvantaged group, and infrastructure design and school improvement plans will consider their needs. This project is ongoing and there is no publically available information available to monitor progress or outcomes.

7. Recommendations and Action Steps

While mindful of the lessons of history, we must never fear to innovate and challenge current thinking to achieve our country's ambitious goals.
-US Bureau of Resource Management, 2007[134]

When former President Kennedy signed the Foreign Assistance Act into law, he spoke of the United States' moral, ethical, and political responsibilities to share our nation's wealth of resources with those who need it most. In order to continue to fulfill our obligations and promote the same sense of inclusion that has richened this country with diversity, the system of agencies entrusted to manage and implement US foreign aid must have a shared vision that not only sees the **value** in including people with disabilities, but positions inclusion as a **CORE value** in our work at home and abroad.

Valuing Disability Inclusion

In 2007, the DOS and USAID published a joint strategic plan that included a focus on core values and diversity. The authoring Bureau of Resource Management asserted that while "goals and priorities may change to keep pace with the dynamic international environment, our core values [*Loyalty, Character, Service, Accountability, Community, and Diversity]* will remain constant."

Mirroring this approach and commitment, the following CORE approaches are intended to guide the DOS, USAID, the Peace Corps, and MCC as they work towards improving the inclusion of people with disabilities.

Moving forward, these agencies should focus their attention on developing inclusive policies, programs, and projects that are:

Collaborative	Participatory, engaging, and inclusive of diverse stakeholders, especially those with disabilities
Operationalized	Systematized across all programs, projects, and sectors, and include supporting policies and guidance
Resourced	Equipped with fiscal and human resources to meet the needs of the population
Equitable	Accessible, measurable, and transparent

7.1. Vision and Practice

Translating this vision to practices begins with ensuring that people with disabilities are accounted for in every project, program, and priority. Findings from this report show that for the most part, agency discourse around disability inclusive development programming is encouraging. Thanks in part to US foreign aid and assistance programs, people with disabilities are making **progress**, digging in, and applying the same strength of character and determination that they use daily to break down attitudinal and environmental barriers to advocate for positive change. However, as is the case for the majority of institutions working to solve the world's most complex social and economic problems, critical issues remain that require attention and a commitment to action—a **promise**. Findings show that in most cases, despite agency rhetoric promoting disability inclusion, the reality is often far less favorable. Across agencies, lack of coordinated efforts, limited fiscal and human resources, and the absence of tools for measuring progress limit the ability to evaluate progress.

7.1.1. Systems Change and Collaboration

Effective change takes teamwork and collaboration. Executive leadership, foreign assistance agencies, and community stakeholders will need to work together to address the following overarching, systemic issues that are highlighted throughout this report:

- Dearth of opportunities for people with disabilities to actively participate in decision making, policy and program development, and projects funded by US foreign aid
- Lack of current, explicit agency disability policy and guidance
- Shortage of fiscal and human resources dedicated to disability inclusion
- Absence of transparent, publically accessible data and information related to the inclusion of people with disabilities

While the details differ based on the agency's scope of work and current approaches, the findings show that the majority of missed opportunities fall into one of the above categories. This suggests that in addition to each agency individually working to improve current policies and practices, the US as a whole must recognize that a shift to a truly disability inclusive foreign assistance strategy is a shared responsibility.

Knowledge Exchange

Given the need for improvement across agencies and sectors, agencies would do well to model particular aspects of their programs and policies after one another and learn from each other. For example:

- Of all of the agencies covered in this report, the Peace Corps has the most work to do to ensure that people with disabilities are included throughout its work. Nevertheless, it is the only agency that has made "building a culture of inclusion" a core component of its strategic planning.
- While USAID must make updating its disability policy a priority, it is the only agency with a formal disability policy guiding the agency's disability inclusive work; thus, its sister agencies can build from this foundation.
- With regard to building an inclusive workforce, the DOS will need to focus attention and resources on hiring, recruitment, and retention—a task made easier by the presence and oversight of the Special Advisor for International Disability Rights (SADR). This type of position is nonexistent or vacant in the other agencies, making coordinating efforts more difficult.
- Findings point to MCC's need to scale up its data collection and reporting efforts related to inclusion of people with disabilities; however, requests for information were met with willingness to comply and what appears to be genuine enthusiasm and willingness to improve. Other agencies would benefit from this approach to cooperation.

The sub-sections that follow expand on the examples above, as well as those referenced in the previous chapters, and include targeted recommendations and measurable action steps for each of the four agencies profiled in this report.

7.2. Recommendations: Law & Cross-Agency Policies

NCD recognizes that changing federal laws and policies will require a concerted effort that goes beyond the scope and reach of this report. However, the recommendations and action steps outlined below are the result of comprehensive data collection and analysis. They have merit and will help to promote improved inclusion of people with disabilities in the United States and abroad.

Collaborative		
7.2.1	Ratify CRPD	As a global leader in disability inclusive development, the US Senate should act promptly to provide its advice and consent to ratification of the Convention on the Rights of Persons with Disabilities.
7.2.2	Model and Promote Disability Inclusion Among Government and Program Partners	The DOS, USAID, the Peace Corps, and MCC should model best practices and further encourage their foreign counterparts to include persons with disabilities in shared initiatives.
7.2.3	Develop Global Advisory Boards/ Committees	The DOS, USAID, the Peace Corps, and MCC should consider developing diverse, global advisory boards and committees to help support their disability inclusive work. Such groups must include people with disabilities and contribute to the "nothing about us, without us" approach.
7.2.4	Improve Public/Private Partnerships	Improve public/private partnerships between US foreign assistance agencies and Disabled Peoples Organizations Abroad.
7.2.5	Implement Iterative Processes	To ensure active participation and effective program implementation, the DOS, USAID, the Peace Corps, and MCC should implement iterative beneficiary feedback processes that promote formative progress evaluations and program revisions.
7.2.6	Build Capacity in Partner Organizations	Active participation by people with disabilities and Disabled Peoples Organizations is critical to developing programs and projects that effectively meet the needs of beneficiaries. By supporting capacity-building initiatives in partner organizations and funding recipients, US foreign aid agencies can help boost inclusion through knowledge sharing and skill building.
Operationalized		
7.2.7	Develop, Implement, and/or Update Formal Disability Policies and Guidance	The DOS, the Peace Corps, and MCC should adopt formal policies for disability inclusion. Policies should include information and guidance on the agency's approach to disability inclusion including, but not limited to: employment, accessibility, foreign assistance, program monitoring and evaluation, and reporting.
7.2.8	Promote Mainstream Disability Inclusion Across Programs and Sectors	The DOS, USAID, the Peace Corps, and MCC should take active steps to ensure that persons with disabilities are included in all programs conducted abroad, without regard to whether such

		programs are specifically directed toward those with disabilities, and are encouraged to hold positions of leadership within such programs.
7.2.9	Standardize Program Monitoring and Evaluation, Data Collection, and Reporting	The DOS, USAID, the Peace Corps, and MCC must standardize program monitoring and evaluation, disability disaggregated data collection, and reporting to ensure transparency and program efficiency.
Resourced		
7.2.10	Prioritize Disability Inclusive Development Funding	Congress should consider the promotion of disability inclusive development a priority for foreign assistance funding.
7.2.11	Establish, Appoint, and Fill Disability Coordinator Positions	USAID, the Peace Corps, and MCC would benefit from having a full-time staff person and/or team to manage issues related to disability inclusion. This individual should have decision making power, support from leadership (both fiscal and programmatic), and a strong understanding of the unique needs of individuals with disabilities in the United States and abroad.
7.2.12	Funding for Building Awareness	Agency leadership must recognize that stigma is a major barrier to disability inclusion and ensure that agency projects have funding to build awareness.
Equitable		
7.2.13	Uphold Current Legislation	Agency leadership should ensure that US laws and policies designed to protect the rights of citizens at home and abroad are consistently applied and implemented in settings outside of the US.
7.2.14	Improve Accessibility and Representation	Those federal agencies working internationally should ensure that all public-facing content of websites and social media platforms are accessible and that they include and accurately represent persons with disabilities in substantive content, so that campaigns to promote democratic institutions or women's empowerment, for example, include visual and other representations of persons with disabilities as citizens entitled to the benefits of such programs or campaigns.
7.2.15	Consistently Report Progress and Results	The DOS, USAID, the Peace Corps, and MCC must ensure that programs focused on disability and those inclusive of persons with disabilities have consistent reporting and results monitoring to assure equitable inclusion across program sectors.

7.2.16	Continue Efforts and Programs that Promote a Disability Inclusive Workforce	Despite changing Administration, the DOS, USAID, the Peace Corps, and MCC must remain committed to disability inclusive hiring, training, and recruitment practices.

7.3. Recommendations: Department of State

The following targeted recommendations build upon the general agency recommendations above and respond to findings described in the text of this report.

Collaborative		
7.3.1	Ensure Stakeholder Engagement	The DOS should ensure that decision making related to disability inclusive programming is participatory and includes diverse stakeholders.
7.3.2	Continue to Actively Participate in Global Disability Inclusion Efforts	The DOS should maintain its standing as a global leader in disability inclusion through ongoing sharing of expertise, coordination of actions and commitments to raising the profile of disability across a broader range of organizations contributing to international development efforts.
Operationalized		
7.3.3	Develop Clear Policies and Guidance	The DOS should establish a public-facing, accessible policy that underscores U.S. commitment to including people with disabilities in U.S. Foreign Assistance Programming that highlights the roles and responsibilities of agency staff and implementing partners.
7.3.4	Incorporate Disability Inclusion into Bureau Outreach	Bureaus within the DOS should incorporate disability inclusion in their mission statements and descriptions of initiatives.
7.3.5	Improve and Expand Staff Training	Foreign service staff training should continue to include a focus on disability rights, and trainings should be expanded to include country-specific and cultural considerations. Additionally, trainings should be updated annually to reflect shifts in U.S. foreign policy goals and priorities.
7.3.6	Ensure Equitable Hiring Practices	Staff with hiring authority should be fully trained and knowledgeable on the Schedule A Hiring Authority for persons with disabilities and reasonable accommodations.
7.3.7	Create an Action Plan for Inclusion	The Department should create actionable steps for including persons with disabilities in all aspects of its U.S. foreign assistance and workforce development programs.

7.3.8	Standardize Reporting	The Department should develop a universal template for annual human rights reports and train embassy staff in its use for data collection and reportage.
Resourced		
7.3.9	Continue Efforts to Promote Diverse Workplaces	The Office of Personnel Management should develop guidance on assessing the DOS's recruitment, retention and promotion of employees with disabilities following the completion of reporting requirements under EO13458.
Equitable		
7.3.10	Ensure Accessibility for Visa Applications	Processes such as visa applications should be reviewed for accessibility and user friendliness, both online and at embassies and consulates.
7.3.11	Provide Clear, Accessible, Public Information	Operating policies for all bureaus within the DOS should be publicly available and easily located online.
7.3.12	Standardize Accessibility Measures	Evaluation of DOS development projects should include accessibility measures.
7.3.13	Highlight Best Practices and Progress	The Bureau of Overseas Buildings Operations (OBO) should highlight accessibility efforts in its building and renovation projects. Embassy staff should be trained and held accountable for the procedural accessibility of DOS properties. Complaints should be centralized and solutions monitored.

7.4. Recommendations: USAID

The following targeted recommendations build upon the general agency recommendations above and respond to findings described in the text of this report.

Collaborative		
7.4.1	Promote Intersectionality	Promote the intersectionality of disability among other mainstream development initiatives by developing working groups and advisory committees.
7.4.2	Improve Cross-Sector Communication	Improve communication between disability-related projects/activities (i.e., wheel chair program and construction assessment/accessibility)
7.4.3	Engage Diverse Employees	Develop strategies for engaging employees with disabilities in cross-sector decision making and program development

7.4.4	Develop Best Practices	Use knowledge of successes and challenges to develop best practices for disability inclusion that can be shared with partners and stakeholders
Operationalized		
7.4.5	Update Disability Policy	Prioritize updating the agency's disability policy
7.4.6	Clarify Roles and Responsibilities	Clarify disability-related roles and responsibilities among divisions and bureaus
7.4.7	Standardize Data Collection/Reporting	Standardize data collection and reporting; provide sources of information for publically shared documents
7.4.8	Add Disability "Key Words"	Prioritize disability inclusion by adding disability keywords to all searchable databases
Resourced		
7.4.9	Fill Disabilities Coordinator Role	Prioritize filling the vacant Disabilities Coordinator Role
7.4.10	Track and Report Investment	Improve transparency related to measuring investment in disability inclusive development to ensure equitable distribution of resources
7.4.11	Improve Transparency	Use improved transparency measures to advocate for greater resources and investment for disability inclusive programs and projects
Equitable		
7.4.12	Improve Web Accessibility	Promote accessible resources (web and print) by limiting redirection and multiple landing pages
7.4.13	Feature Employees with Disabilities in Outreach Materials	Highlight employees with disabilities on career pages and diversity and inclusion materials
7.4.14	Reinstate Progress Reporting	Reinstate bi-annual/quarterly reporting on disability policy

7.5. Recommendations: Peace Corps

The following targeted recommendations build upon the general agency recommendations above and respond to findings described in the text of this report.

Collaborative		
7.5.1	Increase Employee Training	Increase employee training and knowledge of disability-related issues
7.5.2	Improve Access to Information	Prioritize communications with stakeholders, including improving access to public-facing information
7.5.3	Map Intersectionality	Map intersectionality of disability across agency sectors of work
7.5.4	Offer Peer Support	Provide peer support for volunteers with disabilities
7.5.5	Promote Diverse Working Groups	Engage diverse stakeholders in advisory committees and groups

Operationalized		
7.5.6	Develop Disability Policy	Develop formal disability policy and guidance that includes internal Peace Corps strategies and mandates the inclusion of people with disabilities across all sectors of work
7.5.7	Improve Disability Inclusion in Strategic Planning	Prioritize inclusion of disability in "culture of inclusion" planning and reporting
7.5.8	Include Disability Keywords	Ensure that disability is included as a keyword for all searchable reporting and databases
Resourced		
7.5.9	Mirror Current Best Practices	Develop a disability program that mirrors LGBT and 50+ initiatives, including fiscal and human resources to support programming
7.5.10	Provide Staff Contact	Designate staff and provide their contact information to respond to disability-related inquiries
7.5.11	Market Inclusive Opportunities	Consider developing disability-specific marketing materials and content
Equitable		
7.5.12	Prioritize Human-Centered Eligibility Reviews	Re-envision approach to eligibility, including prioritizing human-centered, consistent, individualized reviews
7.5.13	Improve Reporting	Improve reporting on EEOC and workforce diversity issues
7.5.14	Focus on Transparent Data	Ensure that data and reporting are transparent and accurate and consistently include demographic information related to disability
7.5.15	Include Disability Inclusive Stories and Experiences	Focus on better representation of people with disabilities in current volunteer stories and videos and outreach materials
7.5.16	Promote Accessibility	Promote web accessibility and disability representation on website and landing pages and ensure that links to content and material are current and working
7.5.17	Standardize Data Collection	Standardize data collection and reporting on the inclusion of people with disabilities in projects and the inclusion of volunteers with disabilities in programs
7.5.18	Disaggregate Data by Disability	Ensure that all surveys and outreach materials for staff and volunteers have specific criteria and indicators for disability data collection
7.5.19	Build Partnerships and Opportunities	Consider partnering with host countries and programs that are specifically designed to accommodate people with disabilities and increase collaboration with Disabled Peoples Organizations

7.6. Recommendations: Millennium Challenge Corporation

The following targeted recommendations build upon the general agency recommendations above and respond to findings described in the text of this report.

Collaborative		
7.6.1	Ensure Stakeholder Engagement	Improve public/private partnerships with Disabled Peoples Organizations and ensure decision making related to MCC programs includes people with disabilities
7.6.2	Develop Best Practices	Use lessons learned from successes and challenges to develop best practices for disability inclusion that can be shared with partners and stakeholders when designing compact and threshold agreements
Operationalized		
7.6.3	Clarify Policies and Develop Guidance	Explicitly include disability as part of the Gender and Social Inclusion Policy and develop guidance notes for ensuring inclusion of disability in compacts and threshold agreements
7.6.4	Ensure Equitable Hiring Practices and Trainings	Improve the hiring and retention of people with disabilities through human resource trainings on disability inclusion and reasonable accommodation; ensure hiring of people with disabilities is reported according to EEOC guidelines and that information is publically available
7.6.5	Standardize Data Collection/Reporting	Standardize data collection and reporting related to disability inclusion; provide sources of information for publically shared documents
Resourced		
7.6.6	Continue Efforts to Promote Diverse Workplaces	Focus efforts on the recruitment and retention of employees with disabilities
7.6.7	Improve Data Transparency and Awareness	Use improved transparency and awareness measures to advocate for greater resources and investment for disability inclusive programs and projects

Equitable		
7.6.8	Improve Monitoring and Evaluation	Develop and implement interactive beneficiary feedback loops to evaluate progress towards disability inclusive goals
7.6.9	Improve Web Accessibility	Ensure all web content is not only accessible, but is representative of people with disabilities
7.6.10	Improve Accountability	Develop accountability measures to support improved tracking of investment in disability inclusive development
7.6.11	Standardize Accessibility Measures	Evaluate all MCC agreements for physical and informational accessibility to ensure consistency; consider adopting international accessibility guidelines, as national guidelines can be ineffective

7.7. Conclusions and Limitations

Findings from this report show that, for the most part, agency discourse around disability inclusive development programming is encouraging, but inclusive policies and practices are inconsistently applied. Agencies are aware of the need to explicitly include people with disabilities in foreign assistance, but most lack systemic processes and procedures. To ensure that people with disabilities are consistently and effectively included across all sectors of work, agency leadership must promote a culture of inclusion that begins within its own walls. This will not only support US commitments to diversity and inclusion in the executive branch, but also creates opportunities for individuals with disabilities to actively engage in the change process, bringing valuable lived experiences and knowledge to the proverbial table.

While this report followed strict evidence-based methodology for data collection and analysis, there are limitations. Researchers were unable to connect with every employee at the federal agencies and, despite a thorough investigation into agency programs, may have missed some inclusive activities. In addition, data collection approval efforts were limited and/or delayed in some instances. Researchers were directed to only one source of information for the Peace Corps in particular, and the amount of data obtained was lacking in depth and breadth. Consistent agency reporting, program monitoring and evaluation, and data collection are recommended to promote transparency and ensure comprehensive program and policy reviews.

7.7.1. Methodology and Sources of Information

The development of this report would not have been possible without agency cooperation and transparency. During initial data collection, individuals from multiple departments and programs provided researchers with documentation, clarification and individual expertise. Additionally, prior to publication, this report underwent a thorough agency-directed technical review. NCD granted DOS with extensions of time to conduct a technical review, however DOS provided only a partial technical review by the final date of the extended review period. All print and web sources are identified in the endnotes (and in many cases hyperlinked in digital versions). Communications (in-person, e-mail and telephone) are designated as “key informant interviews”. The lack of individualized referencing of interviewees is a reflection of the team approach and reflects the collaborative nature of the data collection and reporting.

A Full Text, accessible (Word) version of this report is also available at https://www.ncd.gov.

Appendix A.
Summary of Previous NCD Foreign Policy and Disability Recommendations

National Council on Disability (1996). *Foreign Policy and Disability*. (https://ncd.gov/publications/1996_Publications/08011996)

General Recommendations:

- creating a comprehensive foreign policy on disability to advocate for people with disabilities through activities on international levels
- extending U.S. disability law by legislation or executive order to include unambiguously the international operations of the U.S. government;
- employing domestic standards of nondiscrimination in U.S.-sponsored international activities
- training U.S. foreign affairs agencies and their contractors to plan for programmatic accessibility
- establishing the principle that no U.S. international activity should have a lower standard of inclusion than its domestic correlate.

Specific Recommendations:

- The Rehabilitation Act protections should be extended by legislation or executive order to include unambiguously the international operations of the U.S. government
- All U.S. government agencies active abroad should carry out Rehabilitation Act self-evaluations to identify barriers to participation and to establish transition plans to eliminate these barriers
- Medical requirements for participants in U.S. Foreign Service or other international activities should be developed more clearly to prevent discrimination against people with disabilities.
- Prominent disability organizations and community representatives in cooperation with governmental bodies should formulate and carry out a program to train senior foreign affairs officials and their contractors in planning for programmatic accessibility.
- U.S. international activities should be evaluated to ensure that no program has a lower standard of inclusion than its domestic correlate. For example, activities supporting education in developing countries should provide opportunities consistent with those of the Individuals with Disabilities Education Act.
- In keeping with its role as the world's democratic leader, the United States should promote international disability policy in international organizations; provide disability foreign assistance; and set a high standard for accessibility and nondiscriminatory employment by U.S. government agencies abroad.
- AID should create a disability development policy with measurable goals and timelines. Such a policy would:
- develop goals and timelines in close cooperation with U.S. and other disability organizations;
- develop mission strategic objectives that are disability-specific in conjunction with indigenous organizations of people with disabilities

- broadly increase participation by people with disabilities in all aspects of the development process
- identify and incorporate the successful strategies of other nations into U.S.-sponsored development projects; routinely evaluate the agencies progress in achieving goals and time lines.
- U.S. foreign policy-making should be modified to include a mechanism for including disability objectives
- Create disability policy standards to guide U.S. delegations and permanent representatives to international organizations in effectively and consistently advocating for positions and policy that bring the spirit of ADA into international relations;
- Coordinate with U.S. disability leaders, policymakers, and relevant domestic agencies to identify the disability implications of U.S. overseas activities;
- Ensure consistency between U.S. national goals toward people with disabilities and the government's activities abroad; and
- Enable the United States to assume its rightful role as the world's leading proponent of equality for all people, including people with disabilities
- Medical requirements for participants in U.S. Foreign Service or other international activities should be developed more clearly to prevent discrimination against people with disabilities.
- Prominent disability organizations and community representatives in cooperation with governmental bodies should formulate and carry out a program to train senior foreign affairs officials and their contractors in planning for programmatic accessibility.
- U.S. international activities should be evaluated to ensure that no program has a lower standard of inclusion than its domestic correlate. For example, activities supporting education in developing countries should provide opportunities consistent with those of the Individuals with Disabilities Education Act.
- In keeping with its role as the world's democratic leader, the United States should promote international disability policy in international organizations; provide disability foreign assistance; and set a high standard for accessibility and nondiscriminatory employment by U.S. government agencies abroad.
- AID should create a disability development policy with measurable goals and timelines. Such a policy would:
- develop goals and timelines in close cooperation with U.S. and other disability organizations;
- develop mission strategic objectives that are disability-specific in conjunction with indigenous organizations of people with disabilities
- broadly increase participation by people with disabilities in all aspects of the development process
- identify and incorporate the successful strategies of other nations into U.S.-sponsored development projects;
- routinely evaluate the agencies progress in achieving goals and time lines.
- U.S. foreign policy-making should be modified to include a mechanism for including disability objectives
- Create disability policy standards to guide U.S. delegations and permanent representatives to international organizations in effectively and consistently

advocating for positions and policy that bring the spirit of ADA into international relations;
- Coordinate with U.S. disability leaders, policymakers, and relevant domestic agencies to identify the disability implications of U.S. overseas activities;
- Ensure consistency between U.S. national goals toward people with disabilities and the government's activities abroad; and
- Enable the United States to assume its rightful role as the world's leading proponent of equality for all people, including people with disabilities

National Council on Disability (2003). *Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections To Ensure Inclusion of People with Disabilities* (https://ncd.gov/publications/2003/Sept92003)
Recommendations:
- GAO should conduct a study of current practices
  - Determine whether agencies have developed programs have developed disability inclusion in FA
  - Overcome specific barriers to access by PWD as identified in NCD Report
  - New investigation to see whether there is barriers in policy marking, program development, and implementation abroad
- Amend Foreign Aid Assistance Act to ensure full inclusion of PWD in foreign assistance programs
  - Create a disability advisor at State Department to ensure disability rights is a priority in programs and programs and to coordinate inter-agency work on disability task force on foreign policy and disability
  - Require documentation of disability rights in State Department Country Report including specific information like human rights violations. Provide support for human right groups for PWD through Funds for Inclusion
- Ensure inclusion in foreign assistance programs
  - Amending 22 U,SC, 2151 23404 to include disability following race, sex, language, and inclusion
- Create Office on Disability in Development at USAID
  - Provide technical assistance on accommodations, workshops, data collection and long term reform and implementation of inclusion in all USAID proposals, contracts, agreements, etc
  - Create regional mission level disability program officers
  - Include PWD in post conflict societies
  - Inclusion should be required as part of Millennium Challenge Account
- Establish fund for inclusion, leadership, and human rights for PWD
  - Support creation of NGO and strengthen existing ones
  - Promote educational exchanges, technical assistance, and collaboration
  - Provide technical assistance to foreign governments and NGOs
  - Assist governments in creating human rights oversight or ombudsman programs
- Enforce the Application of Rehabilitation Act of 1973 to US government programs overseas

National Council on Disability (2013). *Toward the Full Inclusion of People with Disabilities: Examining the Accessibility of Overseas Facilities and Programs Funded by the United States* (https://ncd.gov/publications/2013/032013)

Recommendations for Congress:

- Apply Federal Disability Standards to Overseas Programs and Employment NCD recommends that Congress instruct USAID, DOS, DOD, and other U.S. Government agencies operating overseas that Sections 501, 503, and 504 of the Rehabilitation Act of 1973 apply to overseas programs and employment opportunities operated by the U.S. Government.
- Ensure respect for domestic disability laws in implementation of host countries
- Limit disability waivers and exception in infrastructure to avoid future redevelopment projects
- Ratify Convention on the Rights of Persons with Disabilities

USAID, DOS, DOD

- Promote inclusion and employment of PWD in overseas offices and programs

USAID:

- Revise the USAID Disability Policy
- Provide adequate resources for Coordinator for Disability Rights and Inclusion in Developments
- Require disability inclusive guidance in statements of work
- Incorporate Disability Inclusion in Technical Evaluation Criteria in USAID solicitations
- Develop Disability Indicators and Strengthening monitors of inclusion
- Provide specifications of costing reasonable recommendations
- Strengthen capacities of DPOs

State Department:

- Issue Policy Statement on Rehabilitation Act Compliance
- Provide adequate resources for Office of Special Advisor on International Disability Rights
- Improve Embassy Accessibility
- Deepen Disability Rights coverage in country human rights reports
- Enhance access to information on cultural exchange programs, encourage them to adopt disability specific policies

Appendix B.
Disabled People's Organization Survey Summary

A survey was sent out to existing research contacts in Disabled People's Organization's (DPOs) in 10 countries in the Global South. The goal was to source information on their input, knowledge and experience with disability inclusive development through participation and/or involvement in projects funded by the agency's of interest. Participation in the survey (conducted via web) was poor and the results were inconclusive and not suitable for publication.

Information obtained from participants in Malawi and Rwanda indicates that majority of the DPOs do not have any form of involvement in development projects implemented in their respective countries. Respondents also reports of limited accommodation, lack of assistance, lack of information in accessible formats, for persons living with disability participating in a development project. There is some indication that embassy locations in these countries are accessible, however, extent was unable to be measured with the information provided.

Continued engagement with DPO's is a critical aspect of disability inclusive foreign assistance and the need for participatory engagement is explored throughout the report and in the recommendations.

Appendix C.
Detailed Review of Human Rights Reporting

The Department of State compiles country reports on human rights annually, using information gathered embassy and consular staff. Since 2003, that report has incorporated information on the treatment of people with disabilities. Early in this time period, the reports varied tremendously, with some reports constituting little more than a line or two. However, since that time, and with help from the office of the Special Advisor for Disability Rights, the reports now have a section in which the treatment of people with disabilities is specifically reported, and many country reports contain coverage in other sections as well. However, there is still wide variation in the overall length and depth of reportage about people with disabilities.

Progress and Findings

The Office for Democracy, Human Rights, and Labor (DLR) has compiled reports on the human rights practices of other countries for over 60 years, and since 2003 has included a section specifically focused on countries' human rights records with respect to people with disabilities.[118] The 2013 NDC Report used this information to assess countries' reportage as of 2009 by examining information in Section 6 (Discrimination, Societal Abuses, and Trafficking in People) specific to people with disabilities. The analysis took the form of: 1) A country-by-country survey of the reports that tracked responses in nine areas; and, 2) A more qualitative analysis of reports filed by a selected group of nine countries. It is important to note that the survey information was not designed to evaluate countries' human rights records per se, but rather the inclusion or omission of information specific to people with disabilities in the reports themselves.[118]

This report follows-up the 2013 NCD report's survey of 2009's data by examining the Country Reports on Human Rights Practices for 2015. As was done in 2013, each of the 197 country reports was tracked in nine areas: 1) concrete statistics on employment, education, and health care; 2) the rights of workers with disabilities; 3) laws that prohibit discrimination or require accommodations for people with disabilities; 4) specific government agencies or departments; 5) specific international and domestic NGOs and DPOs; 6) specific examples of human rights violations; 7) political/civic participation; additional information on women or children with disabilities; and 9) additional information located outside the "People with Disabilities" subsection.[118] Using the table from the 2013 NCD report as a baseline, similar information from the 2015 human rights reports will be added in an effort to assess changes in the reportage between 2009 and 2015.

The more qualitative, "Selected Country Analysis" conducted on nine reports (Ghana, Uganda, Russia, Armenia, India, Namibia, Zambia, Nepal, and Colombia) will be evaluated according to recommendations made in 2013. These countries were originally selected on the basis of being, "both good models for reporting on the rights of people with disabilities and examples of human rights reporting on people with disabilities that could be improved."[118] Using the 2013 recommendations for each country to evaluate the 2015 reports will reveal whether or not any improvement in the reporting has in fact occurred since 2009.

Disability Rights Coverage, 2015

Category	% in 2013	% in 2017
Concrete statistics on employment, education, and health care	23.20%	28.93%
The rights of workers with disabilities	22.70%	70.56%
Laws that prohibit discrimination or require accommodations for people with disabilities	98.50%	98.98%
Specific government agencies or departments	67.50%	81.73%
Specific international and domestic DPOs and NGOs	34.50%	40.10%
Specific examples of human rights violations	13.90%	18.27%
Political/civic participation	10.80%	29.95%
Additional information on women or children with disabilities	20.10%	68.02%
Additional information located outside "People with Disabilities" section	24.70%	97.95%

In general, reportage seems to have improved between 2009 and 2015. However, there are several caveats to take into consideration:

- The data only indicates whether or not the described information appears somewhere in a given country. No qualitative analysis of that information was available for the 2009 data, and so if a report met the threshold for the descriptor of a given category, then it was noted as such.
- This comparison avoided making assumptions about various aspects of the data, which affected the overall percentages. For instance, in the area of "Additional information on women or children with disabilities", the existence of educational opportunities was often a factor in determining whether or not the report in question met the threshold for that descriptor. However, numerous reports contained information about the existence of educational programs, but did not specify the level of schooling or the age of the students. Unless some other reference made it clear that the program was for children, the existence of an educational program was not taken to mean that it was meant to serve children. Conversely, anything in a report that specified children would have qualified as "specific mention".
- The comparison of the 2009 and 2015 reports only looked for information outside the People with Disabilities section of the reports where it was specifically mentioned in the description of the category.

The data indicates a significant improvement in countries' reports between 2009 and 2015. All nine categories show an increase, and several are dramatic. Perhaps most telling, however, is the improvement in final category, "Additional information located outside the "People with Disabilities" category. In 2009, 24% of the reports incorporated information about people with disabilities somewhere outside of the specified subsection. As of 2015 that figure has risen to 97.95%. Many reports include mention of disabilities in the Executive Summary, but that alone did not qualify a country report as having met the threshold for this category. Thus, while the qualitative treatment of human rights and disability contained in the country reports varies significantly, disability is far more incorporated into all aspects of human rights reportage than was the case in 2009. The Department attributes this to an effort to provide instruction and review the individual country reports to expand reportage and work with the language used in those reports. This does meet the 2013 recommendation to standardize the reporting, but represents a significant improvement.

In addition to the full survey of countries contained in the Country Reports on Human Rights Practices for 2009, nine countries were selected for further analysis based on the overall quality of its reporting around disability. Five countries (Ghana, Uganda, Russia, Armenia, and India) are held up as exemplars of good human rights reporting on the basis of their detail, documentation, and willingness to address shortcomings. The other four countries—Namibia, Zambia, Nepal, and Colombia are included for the purpose of highlighting areas where reporting could be improved by way of,[118] "deeper research garnering detail from additional sources; going into greater detail and depth; and eliciting information directly from in-country DPOs or international organizations working in country or having knowledge of the local disability community". The following

table takes stock of the four countries cited in the 2013 NCD report for their relative shortcomings, and highlights that country's 2015 report in an effort to determine whether or not there has been any improvement. Nominally, such improvement would be indicated on the basis of whether or not the country in question implemented at least one of the 2013 NCD suggestions.

Country	2013 NCD Commentary	2015 Report Highlights
Namibia	"[W]hile the embassy's report did reference the previous year's report, the report only mentioned the role of one government agency and included mostly generalized statements. More depth into legal mechanisms of action and specific examples of discrimination would be helpful."	· A constitutional ban on discrimination (p. 2359) · Prohibition on infanticide and enforcement (p. 2362) · The People With Disabilities section cites general and employment discrimination, building accessibility, student mainstreaming, voting, and the naming of a deputy minister for disability working through the National Disability Council of Namibia (p. 2362) · Employment discrimination (p. 2365)

Zambia	"Zambia's 2009 Country Report was extremely brief and provided little useful information on the status of people with disabilities. The report only referenced one news source and one government agency. The embassy did not reach out to local DPOs and thus did not properly address the human rights of people with disabilities in its research."	· Disability is included in the Executive Summary (p. 3725) · Treatment of PWDs in the Prisons as assessed by a Zambian NGO (p. 3727) · The People With Disabilities section cites a 2012 PWD Act, and the responsibility of the Minister of Gender and Child development for better inclusion via the Zambia Agency for PWDs. A second NGO, the Zambian Federated Disability Organization is mentioned, as is a 2014 Human Rights Watch report that finds a lack of data about even number of PWDs in Zambia. In the area of education, five schools for children with disabilities are cited, while other students are in mainstream schools (p. 3740) · The employment sections says that antidiscrimination laws and reality are not the same (p. 3744)

Nepal	"The sparseness of the disability section in Nepal's 2009 Country Report was…one paragraph… More specific examples of discrimination, an in-depth review of disability law, and the use of additional sources would very likely have… made for a more enlightening read."	· Disability rights are in the Exec Summary (p. 2375) · Discussion of Internally Displaced People includes disabled people (p. 2384) · The section on political participation cites a constitutional requirement for representation in the upper house of Parliament (p. 2387). There is also a constitutional prohibition of discrimination against PWDs (p. 2390) · A mandatory five year (additional) penalty for rape of a PWD (p. 2390) · The People With Disabilities section reports a 2012 Supreme Court decision to demand that the government provide more benefits, with the Ministry of Women, Children and Social Welfare in charge. Additional commentary covers work, statistics, education, a local development aid earmark (1-2% of funds targeted), and NGO involvement (p. 2396). · Section 7 on employment states that discrimination against PWDs is prohibited, but persists. It also highlights a 5% public jobs quota for PWDs. (p.2401)

Colombia	"The "People with Disabilities" section only mentioned the government agency designated to protect the rights of people with disabilities and that some disability law preventing discrimination existed. There was no mention of communication with DPOs or NGOs…[C]ommunication between the Human Rights Officer at the embassy and the democracy and governance staff at USAID might foster the kind of information flow that is essential to meaningful human rights reporting.	· There is mention of PWDs in the Executive Summary (p. 761. · The section on PWDs cites protections under law and a Presidential Advisor for Human Rights. NGOs are reported unsatisfied with law enforcement. The right to education for PWDs is stated, as is their later entry into and dropout rate from school. Also reported is the legality of some forced sterilizations of people with cognitive and psychosocial disabilities. Accessibility in public buildings has been mandates, but there is no data on compliance (p. 763) · The employment section states that 85% of PWDs are unemployed (p. 771).

All four countries substantially addressed the overall criticisms leveled at them in 2013, and at least in part addressed the NCDs concerns. Namibia did not delve into legal mechanisms as such in dealing on the state of disability rights, but did invoke specific laws and protections for people with disabilities. The report also highlighted areas of concern in the area of disability rights. Zambia significantly expanded its reportage, and answered the concern that it did not take advantage of the information and perspective NGOs could have offered by including both domestic and international organizations' input into the report. Nepal also went beyond the sparse information it gave in 2009; and while it seems to have relied fairly exclusively on government sources of information, more areas of concern were given attention in 2015. Colombia's information is more descriptive, but does not appear to have taken up the advice that better communication with USAID would benefit its reportage on disability rights; but to a lesser degree than the other countries, Colombia did report more information than was the case in 2009.

The survey and qualitative data suggest that countries have expanded and deepened their coverage of people with disabilities in their human rights reports since 2009, and while that breadth and depth varies from country to country, there is little doubt that it has improved overall.

EndNotes

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[21] 29 U.S.C. § 791 (1973); 29 C.F.R. 1614.101(a): "It is the policy of the Government of the United States to provide equal opportunity in employment for all people, to prohibit discrimination in employment because of...disability...and to promote the full realization of equal employment opportunity through a continuing affirmative program in each agency"; see also, e.g., Redd v. Summers, 232 F.3d 933 (D.C. Cir. 2000).
[22] See, e.g., Flynn v. Distinctive Home Care Inc., 812 F.3d 422 (5th Cir. 2016)

[23] 29 U.S.C. § 792. Section 502 created the Architectural and Transportation Barriers Compliance Board tasked in part with ensuring compliance with standards set under the Architectural Barriers Act, 42 U.S.C. § 4151 et seq.
[24] 29 U.S.C. § 793
[25] 29 U.S.C. § 794
[26] 29 U.S.C. § 794 (d)
[27] 29 U.S.C. § 793 (applicable to any contract in excess of $10,000 entered into by any federal department or agency). Although the Department of Labor's implementing regulations specify that Section 503 applies only to employment activities within the United States, such activities extend to the decisions made by federal contractors within the United States even if these pertain to employment opportunities abroad. 41 C.F.R. § 60-741.4 (current as of March 30, 2017).
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[31] *Americans with Disabilities Act*, US Code 42 (1990), §§ 12101 et seq.
[32] 42 U.S.C. § 12111, 12112(c)
[33] The Act excepts buildings and facilities on military installations "designed and constructed primarily for use by able-bodied military personnel," and privately owned residential structures that are not being leased by the government for subsidized housing. 42 U.S.C. § 4151.
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[36] 42 U.S.C. § 4151
[37] 65 Fed. Reg. 146 (2000)
[38] 65 Fed. Reg. 146 (2000)
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provision allows Congress to "condition the receipt of federal moneys upon compliance with federal statutory and administrative directives." *Alliance for Open Society Intern. Inc. v. US Agency for Intern. Development*, 651 F.3d 218, 230 (2d Cir. 2011). It is well settled that Congress is entitled to further policy goals indirectly through its spending power that it might not be able to achieve through direct regulation, and that the power to do so is broad. *Id.*

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