117TH CONGRESS

2d Session

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To establish the International Children with Disabilities Protection Program within the Department of State, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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Mr. MENENDEZ (for himself, Mr. MORAN, Mr. DURBIN, Ms. MURKOWSKI, Mr. LEAHY, Mrs. BLACKBURN, Mrs. SHAHEEN, Mr. TILLIS, Mr. KAINE, Ms.

DUCKWORTH, Mr. MERKLEY, and Mr. MURPHY) introduced the following bill; which was read twice and referred to the Committee on llllllllll

A BILL

To establish the International Children with Disabilities Pro- tection Program within the Department of State, and for other purposes.

1. *Be it enacted by the Senate and House of Representa-*
2. *tives of the United States of America in Congress assembled,*
3. **SECTION 1. SHORT TITLE.**
4. This Act may be cited as the ‘‘International Children
5. with Disabilities Protection Act of 2022’’.
6. **SEC. 2. FINDINGS.**
7. Congress makes the following findings:
8. (1) According to the United Nations Children’s
9. Fund (UNICEF), there are at least 240,000,000
10. children and youth with disabilities in the world, in-
11. cluding approximately 53,000,000 children under
12. age 5.
13. (2) Families and children with disabilities to-
14. gether make up nearly 2,000,000,000 people, or 25
15. percent of the world’s population.
16. (3) Millions of children, particularly children
17. with intellectual and other developmental disabilities,
18. are placed in large or small residential institutions
19. and most of those children are left to grow up with-
20. out the love, support, and guidance of a family. The
21. vast majority of children placed in residential insti-
22. tutions have at least one living parent or have ex-
23. tended family, many of whom would keep their chil-
24. dren at home if they had the support and legal pro-
25. tections necessary to do so.
26. (4) As described in the 2013 world report pub-
27. lished by UNICEF, many parents who wish to keep
28. their children with disabilities feel that they have no
29. choice but to give up their child to a residential in-
30. stitution because of prejudice and stigma against
31. disability, the lack of support and protection that
32. families receive, and the fact that education and
33. community services are often inaccessible or inap-
34. propriate for children with disabilities.
35. (5) Extensive scientific research demonstrates
36. that placing children in residential institutions may
37. lead to psychological harm, increased developmental
38. disabilities, stunted growth, rapid spread of infec-
39. tious diseases, and high rates of mortality.
40. (6) Leading child protection organizations have
41. documented that children and adolescents raised
42. without families in residential institutions face high
43. risk of violence, trafficking for forced labor or the
44. sex industry, forced abortion or sterilization, and
45. criminal detention.
46. (7) The danger of family breakup and institu-
47. tionalization has grown enormously as a result of the
48. COVID–19 pandemic. According to a study pub-
49. lished in The Lancet, as of February 2022, a min-
50. imum of 6,900,000 children globally have lost a par-
51. ent or co-residing caregiver to COVID–19 and are
52. now at increased risk of placement in a residential
53. institution.
54. (8) The disability rights movement in the
55. United States has been a world leader and an inspi-
56. ration to the growth of a global disability rights
57. movement. The United States has many models of
58. practice that could be shared with countries around
59. the world to support laws, policies, and services to
60. promote the full inclusion of children with disabil-
61. ities in families around the world.
62. (9) The Advancing Protection and Care for
63. Children in Adversity strategy of the United States
64. Government (APCCA) and the Global Child Thrive
65. Act of 2020 (subtitle I of title XII of division A of
66. Public Law 116–283; 134 Stat. 3985) commit the
67. United States Government to investing in the devel-
68. opment, care, dignity, and safety of vulnerable chil-
69. dren and their families around the world, including
70. efforts to keep children with their families and re-
71. duce placement of children in residential institutions.
72. **SEC. 3. SENSE OF CONGRESS.**
73. It is the sense of Congress that—
74. (1) stigma and discrimination against children
75. with disabilities, particularly intellectual and other
76. developmental disabilities, and lack of support for
77. community inclusion have left people with disabilities
78. and their families economically and socially
79. marginalized;
80. (2) organizations of persons with disabilities
81. and family members of persons with disabilities are
82. often too small to apply for or obtain funds from do-
83. mestic or international sources or ineligible to re-
84. ceive funds from such sources;
85. (3) as a result of the factors described in para-
86. graphs (1) and (2), key stakeholders have often been
87. left out of public policymaking on matters that af-
88. fect children with disabilities; and
89. (4) financial support, technical assistance, and
90. active engagement of people with disabilities and
91. their families is needed to ensure the development of
92. effective policies that protect families and ensure the
93. full inclusion in society of children with disabilities.
94. **SEC. 4. DEFINITIONS.**
95. In this Act:
96. (1) DEPARTMENT.—The term ‘‘Department’’
97. means the Department of State.
98. (2) FAMILY.—The term ‘‘family’’ includes mar-
99. ried and unmarried parents, single parents, adoptive
100. families, kinship care, extended family, and foster
101. care.
102. (3) Organization of persons with disabil-
103. ITIES.—The term ‘‘organization of persons with dis-
104. abilities’’ means a nongovernmental civil society or-
105. ganization with staff leadership and a board of di-
106. rectors the majority of which consists of—
107. (A) people with disabilities;
108. (B) individuals who were formerly placed
109. in a residential institution; or
110. (C) family members of children or youth
111. with disabilities.
112. (4) RESIDENTIAL INSTITUTION.—The term
113. ‘‘residential institution’’—
114. (A) means a facility where children live in
115. a collective arrangement that is not family-
116. based and that—
117. (i) may be public or privately man-
118. aged and staffed;
119. (ii) may be small or large; and
120. (iii) may or may not be designated for
121. children with disabilities; and
122. (B) includes an orphanage, a children’s in-
123. stitution, a group home, an infant home, a chil-
124. dren’s village or cottage complex, a boarding
125. school used primarily for care, and any other
126. residential setting for children.
127. **SEC. 5. STATEMENT OF POLICY.**
128. It is the policy of the United States to—
129. (1) assist countries abroad in creating rights
130. protection programs for people with disabilities and
131. developing policies and social supports to ensure that
132. children with disabilities can grow up as members of
133. families and make the transition to independent liv-
134. ing as adults;
135. (2) promote the development of advocacy skills
136. and leadership abilities of people with disabilities
137. and family members of children and youth with dis-
138. abilities so that such individuals can effectively par-
139. ticipate in their local, regional, and national govern-
140. ments to promote policy reforms and programs to
141. support full inclusion in families of children with dis-
142. abilities;
143. (3) promote the development of laws and poli-
144. cies that—
145. (A) strengthen families and protect against
146. the unnecessary institutionalization of children
147. with disabilities; and
148. (B) create opportunities for youth with dis-
149. abilities to receive the resources and support
150. needed to achieve their full potential;
151. (4) promote participation by different groups of
152. people with disabilities and their families in advo-
153. cating for disability rights and reforms to legal
154. frameworks; and
155. (5) promote the sustainable action needed to
156. bring about changes in law, policy, and programs to
157. ensure full family inclusion of children with disabil-
158. ities.
159. **SEC. 6. INTERNATIONAL CHILDREN WITH DISABILITIES**
160. **PROTECTION PROGRAM AND CAPACITY**
161. **BUILDING.**
162. (a) INTERNATIONAL CHILDREN WITH DISABILITIES
163. Protection Program.—
164. (1) ESTABLISHMENT OF PROGRAM.—There is
165. established within the Bureau of Democracy,
166. Human Rights, and Labor of the Department a
167. grant and capacity-building program to be known as
168. the ‘‘International Children with Disabilities Protec-
169. tion Program’’ (in this section referred to as the
170. ‘‘Program’’).
171. (2) PURPOSE.—The purpose of the Program is
172. to assist organizations of persons with disabilities
173. and family members of children with disabilities in
174. communicating about and advocating for policies
175. that ensure the family inclusion and transition to
176. independent living of children with disabilities to ad-
177. vance the policy described in section 5.
178. (3) CRITERIA.—The Secretary of State, in con-
179. sultation with leading civil society groups with exper-
180. tise in global disability rights, shall establish criteria
181. for—
     1. (A) applications for grants awarded under
     2. paragraph (4); and
     3. (B) the selection of—
     4. (i) the countries or regions targeted
     5. under the Program;
     6. (ii) priority activities funded through
     7. grants awarded under paragraph (4); and
     8. (iii) capacity-building needs of recipi-
     9. ents of grants awarded under paragraph
     10. (4).
     11. (4) Disability inclusion grants.—
     12. (A) IN GENERAL.—The Secretary of State

13 may award grants to eligible implementing

1. partners to administer grant amounts directly
2. or through subgrants.
3. (B) Eligible implementing part-
4. NERS.—For purposes of this paragraph, an eli-
5. gible implementing partner is a nongovern-
6. mental organization or other civil society orga-
7. nization that—
8. (i) has the capacity to administer
9. grant amounts—
10. (I) directly; or
11. (II) through subgrants that can
12. be effectively used by emerging new
13. organizations of persons with disabil-
14. ities; and
15. (ii) has expertise in disability rights.
16. (C) PRIORITY.—The Secretary of State
17. shall prioritize awarding grants under this
18. paragraph to eligible implementing partners
19. with experience operating or administering sub-
20. grants in countries for which the Assistant Sec-
21. retary of State for Democracy, Human Rights,
22. and Labor, in consultation with the United
23. States Government Special Adviser and Senior
24. Coordinator for the Administrator of the United
25. States Agency for International Development
26. on Children in Adversity, has determined that
27. there are significant populations of children liv-
28. ing in residential institutions.
29. (D) SUBGRANTS.—An eligible imple-
30. menting partner that receives a grant under
31. this paragraph should seek to—
32. (i) provide not less than 50 percent of
33. the grant amount through subgrants to
34. local organizations of persons with disabil-
35. ities and other nongovernmental organiza-
36. tions working in country to advance the
37. policy described in section 5; and
    1. (ii) provide, of any amount distributed
    2. pursuant to clause (i)—
    3. (I) 75 percent to organizations of
    4. persons with disabilities; and
    5. (II) 25 percent to other non-
    6. governmental organizations.
    7. (b) CAPACITY-BUILDING PROGRAMS.—The Secretary
    8. of State is authorized to provide funds to nongovernmental
    9. organizations with expertise in capacity building and tech-
    10. nical assistance to develop capacity-building programs
    11. to—
    12. (1) develop disability leaders, legislators, policy-
    13. makers, and service providers to plan and implement
    14. programs to advance the policy described in section
    15. 5;
    16. (2) build the advocacy capacity and knowledge
    17. of successful models of rights enforcement, family
    18. support, and disability inclusion among disability,
    19. youth, and allied civil society advocates, attorneys,
    20. and professionals to advance the policy described in
    21. section 5;
    22. (3) create online programs to train policy-
    23. makers, activists, and other individuals on successful
    24. models of reform, services, and rights protection to
    25. ensure that children with disabilities can live and
38. grow up with families and become full participants
39. in society, which—
40. (A) are available globally;
41. (B) offer low cost or no-cost training ac-
42. cessible to persons with disabilities, family
43. members of such persons, and other individuals
44. with potential to offer future leadership in the
45. advancement of the goals of family inclusion
46. and rights protection for children with disabil-
47. ities; and
48. (C) should be targeted to government pol-
49. icymakers, disability activists, and other poten-
50. tial allies and supporters among civil society
51. groups; and
52. (4) create study tours so activists and policy-
53. makers from abroad can observe and better under-
54. stand the operation of successful models of family
55. and community inclusion and rights advocacy, in-
56. cluding exposing such activists and policymakers to
57. models of good practice in the United States.
58. (c) AUTHORIZATION OF APPROPRIATIONS.—
59. (1) IN GENERAL.—There are authorized to be
60. appropriated to carry out this section amounts as
61. follows:

25 (A) $2,000,000 for fiscal year 2024.

1 (B) $10,000,000 for each of fiscal years

2 2025 through 2029.

1. (2) Capacity-building and technical as-
2. SISTANCE PROGRAMS.—Of the amounts authorized
3. to be appropriated by paragraph (1), not less than
4. $1,000,000 for fiscal year 2024 and not less than
5. $3,000,000 for each of fiscal years 2025 through
6. 2029 are authorized to be available for capacity-
7. building and technical assistance programs to sup-
8. port disability rights leadership and to train and en-
9. gage policymakers, professionals, and allies in civil
10. society organizations in foreign countries.
11. **SEC. 7. BRIEFINGS AND REPORTS ON IMPLEMENTATION.**
12. (a) ANNUAL BRIEFING REQUIRED.—
13. (1) IN GENERAL.—Not less frequently than an-
14. nually through fiscal year 2029, the Secretary of
15. State shall submit to the Committee on Health,
16. Education, Labor, and Pensions, the Committee on
17. Foreign Relations, and the Committee on Appropria-
18. tions of the Senate a briefing on—
19. (A) the programs and activities carried out
20. to advance the policy described in section 5;
21. and
22. (B) any broader work of the Department
23. in advancing that policy.
24. (2) ELEMENTS.—Each briefing required by
25. paragraph (1) shall include, with respect to each
26. program carried out under section 6—
27. (A) the rationale for the country and pro-
28. gram selection;
29. (B) the goals and objectives of the pro-
30. gram, and the kinds of participants in the ac-
31. tivities and programs supported;
32. (C) a description of the types of technical
33. assistance and capacity building provided; and
34. (D) an identification of any gaps in fund-
35. ing or support needed to ensure full participa-
36. tion of organizations of persons with disabilities
37. or inclusion of children with disabilities in the
38. program.
39. (b) REPORTS REQUIRED.—
40. (1) IN GENERAL.—Not less frequently than
41. once every 3 years through fiscal year 2029, the
42. Secretary of State shall submit to the Committee on
43. Health, Education, Labor, and Pensions, the Com-
44. mittee on Foreign Relations, and the Committee on
45. Appropriations of the Senate a report on the mat-
46. ters described in subsection (a)(1).
    1. (2) ELEMENTS.—Each report required by para-
    2. graph (1) shall include the elements described in
    3. subsection (a)(2).
    4. (3) CONSULTATION.—In preparing each report
    5. required by paragraph (1), the Secretary of State
    6. shall consult with organizations of persons with dis-
    7. abilities.
    8. **SEC. 8. PROMOTING INTERNATIONAL PROTECTION AND**
    9. **ADVOCACY FOR CHILDREN WITH DISABIL-**
    10. **ITIES.**
    11. (a) SENSE OF CONGRESS ON PROGRAMMING AND
    12. PROGRAMS.—It is the sense of Congress that—
    13. (1) all programming of the Department and the
    14. United States Agency for International Development
    15. related to childcare reform, improvement of health
    16. care systems, primary and secondary education, dis-
    17. ability rights, and human rights should seek to be
    18. consistent with the policy described in section 5; and
    19. (2) programs of the Department and the
    20. United States Agency for International Development
    21. related to children, health care, and education—
    22. (A) should—
    23. (i) engage organizations of persons
    24. with disabilities in policymaking and pro-
    25. gram implementation; and
        1. (ii) support full inclusion of children
        2. with disabilities in families; and
        3. (B) should aim to avoid support for resi-
        4. dential institutions for children with disabilities
        5. except in situations of conflict or emergency in
        6. a manner that protects family connections as
        7. described in subsection (b).
        8. (b) SENSE OF CONGRESS ON CONFLICT AND EMER-
        9. GENCIES.—It is the sense of Congress that—
        10. (1) programs of the Department and the
        11. United States Agency for International Development
        12. serving children in situations of conflict or emer-
        13. gency, among displaced or refugee populations, or in
        14. natural disasters should seek to ensure that children
        15. with and without disabilities can maintain family
        16. ties; and
        17. (2) in situations of emergency, if children are
        18. separated from parents or have no family, every ef-
        19. fort should be made to ensure that children are
        20. placed with extended family, in kinship care, or in
        21. a substitute family.