

118TH CONGRESS
1ST SESSION

S. _____

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

Mr. MENENDEZ (for himself, Mr. MORAN, Mr. DURBIN, Mrs. BLACKBURN, Mr. CARDIN, Mr. TILLIS, Mrs. SHAHEEN, Mr. KAINE, Ms. DUCKWORTH, Mr. MERKLEY, and Mr. MURPHY) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To establish the International Children with Disabilities Protection 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 2023”.

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

1 children and youth with disabilities in the world, in-
2 cluding approximately 53,000,000 children under
3 age 5.

4 (2) Families and children with disabilities to-
5 gether make up nearly 2,000,000,000 people, or 25
6 percent of the world's population.

7 (3) Millions of children, particularly children
8 with intellectual and other developmental disabilities,
9 are placed in large or small residential institutions
10 and most of those children are left to grow up with-
11 out the love, support, and guidance of a family. The
12 vast majority of children placed in residential insti-
13 tutions have at least one living parent or have ex-
14 tended family, many of whom would keep their chil-
15 dren at home if they had the support and legal pro-
16 tections necessary to do so.

17 (4) As described in the 2013 world report pub-
18 lished by UNICEF, many parents who wish to keep
19 their children with disabilities feel that they have no
20 choice but to give up their child to a residential in-
21 stitution because of prejudice and stigma against
22 disability, the lack of support and protection that
23 families receive, and the fact that education and
24 community services are often inaccessible or inap-
25 propriate for children with disabilities.

1 (5) Extensive scientific research demonstrates
2 that placing children in residential institutions may
3 lead to psychological harm, increased developmental
4 disabilities, stunted growth, rapid spread of infec-
5 tious diseases, and high rates of mortality.

6 (6) Leading child protection organizations have
7 documented that children and adolescents raised
8 without families in residential institutions face high
9 risk of violence, trafficking for forced labor or the
10 sex industry, forced abortion or sterilization, and
11 criminal detention.

12 (7) The danger of family breakup and institu-
13 tionalization has grown enormously as a result of the
14 COVID–19 pandemic. According to a study pub-
15 lished in *The Lancet*, as of September 2022, a min-
16 imum of 10,500,000 children globally have lost a
17 parent or co-residing caregiver to COVID–19 and
18 are now at increased risk of placement in a residen-
19 tial institution.

20 (8) The disability rights movement in the
21 United States has been a world leader and an inspi-
22 ration to the growth of a global disability rights
23 movement. The United States has many models of
24 practice that could be shared with countries around
25 the world to support laws, policies, and services to

1 promote the full inclusion of children with disabil-
2 ities in families around the world.

3 (9) The Advancing Protection and Care for
4 Children in Adversity strategy of the United States
5 Government (APCCA) and the Global Child Thrive
6 Act of 2020 (subtitle I of title XII of division A of
7 Public Law 116–283; 134 Stat. 3985) commit the
8 United States Government to investing in the devel-
9 opment, care, dignity, and safety of vulnerable chil-
10 dren and their families around the world, including
11 efforts to keep children with their families and re-
12 duce placement of children in residential institutions.

13 **SEC. 3. SENSE OF CONGRESS.**

14 It is the sense of Congress that—

15 (1) stigma and discrimination against children
16 with disabilities, particularly intellectual and other
17 developmental disabilities, and lack of support for
18 community inclusion have left people with disabilities
19 and their families economically and socially
20 marginalized;

21 (2) organizations of persons with disabilities
22 and family members of persons with disabilities are
23 often too small to apply for or obtain funds from do-
24 mestic or international sources or ineligible to re-
25 ceive funds from such sources;

1 (3) as a result of the factors described in para-
2 graphs (1) and (2), key stakeholders have often been
3 left out of public policymaking on matters that af-
4 fect children with disabilities; and

5 (4) financial support, technical assistance, and
6 active engagement of people with disabilities and
7 their families is needed to ensure the development of
8 effective policies that protect families, ensure the full
9 inclusion in society of children with disabilities, and
10 promote the transition of children with disabilities to
11 independent living as adults.

12 **SEC. 4. DEFINITIONS.**

13 In this Act:

14 (1) DEPARTMENT.—The term “Department”
15 means the Department of State.

16 (2) FAMILY.—The term “family” includes mar-
17 ried and unmarried parents, single parents, adoptive
18 families, kinship care, extended family, and foster
19 care.

20 (3) ORGANIZATION OF PERSONS WITH DISABIL-
21 ITIES.—The term “organization of persons with dis-
22 abilities” means a nongovernmental civil society or-
23 ganization with staff leadership and a board of di-
24 rectors the majority of which consists of—

25 (A) people with disabilities;

1 (B) individuals who were formerly placed
2 in a residential institution; or

3 (C) family members of children or youth
4 with disabilities.

5 (4) RESIDENTIAL INSTITUTION.—The term
6 “residential institution”—

7 (A) means a facility where children live in
8 a collective arrangement that is not family-
9 based and that—

10 (i) may be public or privately man-
11 aged and staffed;

12 (ii) may be small or large; and

13 (iii) may or may not be designated for
14 children with disabilities; and

15 (B) includes an orphanage, a children’s in-
16 stitution, a group home, an infant home, a chil-
17 dren’s village or cottage complex, a boarding
18 school used primarily for care, and any other
19 residential setting for children.

20 **SEC. 5. STATEMENT OF POLICY.**

21 It is the policy of the United States to—

22 (1) assist countries abroad in creating rights
23 protection programs for people with disabilities and
24 developing policies and social supports to ensure that
25 children with disabilities can grow up as members of

1 families and make the transition to independent liv-
2 ing as adults;

3 (2) promote the development of advocacy skills
4 and leadership abilities of people with disabilities
5 and family members of children and youth with dis-
6 abilities so that such individuals can effectively par-
7 ticipate in their local, regional, and national govern-
8 ments to promote policy reforms and programs to
9 support full inclusion in families of children with dis-
10 abilities;

11 (3) promote the development of laws and poli-
12 cies that—

13 (A) strengthen families and protect against
14 the unnecessary institutionalization of children
15 with disabilities; and

16 (B) create opportunities for youth with dis-
17 abilities to receive the resources and support
18 needed to achieve their full potential and transi-
19 tion to independent living as adults;

20 (4) promote participation by different groups of
21 people with disabilities and their families in advo-
22 cating for disability rights and reforms to legal
23 frameworks; and

24 (5) promote the sustainable action needed to
25 bring about changes in law, policy, and programs to

1 ensure full family inclusion of children with disabili-
2 ties and the transition of children with disabilities
3 to independent living as adults.

4 **SEC. 6. INTERNATIONAL CHILDREN WITH DISABILITIES**
5 **PROTECTION PROGRAM AND CAPACITY**
6 **BUILDING.**

7 (a) INTERNATIONAL CHILDREN WITH DISABILITIES
8 PROTECTION PROGRAM.—

9 (1) ESTABLISHMENT OF PROGRAM.—There is
10 established within the Bureau of Democracy,
11 Human Rights, and Labor of the Department a
12 grant and capacity-building program to be known as
13 the “International Children with Disabilities Protec-
14 tion Program” (in this section referred to as the
15 “Program”).

16 (2) PURPOSE.—The purpose of the Program is
17 to assist organizations of persons with disabilities
18 and family members of children with disabilities in
19 communicating about and advocating for policies
20 that ensure the family inclusion and transition to
21 independent living of children with disabilities to ad-
22 vance the policy described in section 5.

23 (3) CRITERIA.—The Secretary of State, in con-
24 sultation with leading civil society groups with exper-

1 tise in global disability rights, shall establish criteria
2 for—

3 (A) applications for grants awarded under
4 paragraph (4); and

5 (B) the selection of—

6 (i) the countries or regions targeted
7 under the Program;

8 (ii) priority activities funded through
9 grants awarded under paragraph (4); and

10 (iii) capacity-building needs of recipi-
11 ents of grants awarded under paragraph
12 (4).

13 (4) DISABILITY INCLUSION GRANTS.—

14 (A) IN GENERAL.—The Secretary of State
15 may award grants to eligible implementing
16 partners to administer grant amounts directly
17 or through subgrants.

18 (B) ELIGIBLE IMPLEMENTING PART-
19 NERS.—For purposes of this paragraph, an eli-
20 gible implementing partner is a nongovern-
21 mental organization or other civil society orga-
22 nization that—

23 (i) has the capacity to administer
24 grant amounts—

25 (I) directly; or

1 (II) through subgrants that can
2 be effectively used by emerging new
3 organizations of persons with disabili-
4 ties; and
5 (ii) has expertise in disability rights.

6 (C) PRIORITY.—The Secretary of State
7 shall prioritize awarding grants under this
8 paragraph to eligible implementing partners
9 with experience operating or administering sub-
10 grants in countries for which the Assistant Sec-
11 retary of State for Democracy, Human Rights,
12 and Labor, in consultation with the United
13 States Government Special Adviser and Senior
14 Coordinator for the Administrator of the United
15 States Agency for International Development
16 on Children in Adversity, has determined that
17 there are significant populations of children liv-
18 ing in residential institutions.

19 (D) SUBGRANTS.—An eligible imple-
20 menting partner that receives a grant under
21 this paragraph should seek to—

22 (i) provide not less than 50 percent of
23 the grant amount through subgrants to
24 local organizations of persons with disabili-
25 ties and other nongovernmental organiza-

1 tions working in country to advance the
2 policy described in section 5; and

3 (ii) provide, of any amount distributed
4 pursuant to clause (i)—

5 (I) 75 percent to organizations of
6 persons with disabilities; and

7 (II) 25 percent to other non-
8 governmental organizations.

9 (b) CAPACITY-BUILDING PROGRAMS.—The Secretary
10 of State is authorized to provide funds to nongovernmental
11 organizations with expertise in capacity building and tech-
12 nical assistance to develop capacity-building programs
13 to—

14 (1) develop disability leaders, legislators, policy-
15 makers, and service providers to plan and implement
16 programs to advance the policy described in section
17 5;

18 (2) build the advocacy capacity and knowledge
19 of successful models of rights enforcement, family
20 support, and disability inclusion among disability,
21 youth, and allied civil society advocates, attorneys,
22 and professionals to advance the policy described in
23 section 5;

24 (3) create online programs to train policy-
25 makers, activists, and other individuals on successful

1 models of reform, services, and rights protection to
2 ensure that children with disabilities can live and
3 grow up with families and become full participants
4 in society, which—

5 (A) are available globally;

6 (B) offer low-cost or no-cost training ac-
7 cessible to persons with disabilities, family
8 members of such persons, and other individuals
9 with potential to offer future leadership in the
10 advancement of the goals of family inclusion,
11 transition to independent living as adults, and
12 rights protection for children with disabilities;
13 and

14 (C) should be targeted to government pol-
15 icymakers, disability activists, and other poten-
16 tial allies and supporters among civil society
17 groups; and

18 (4) create study tours so activists and policy-
19 makers from abroad can observe and better under-
20 stand the operation of successful models of family
21 and community inclusion and rights advocacy, in-
22 cluding exposing such activists and policymakers to
23 models of good practice in the United States.

24 (c) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There are authorized to be
2 appropriated to carry out this section amounts as
3 follows:

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

5 (B) \$10,000,000 for each of fiscal years
6 2025 through 2029.

7 (2) CAPACITY-BUILDING AND TECHNICAL AS-
8 SISTANCE PROGRAMS.—Of the amounts authorized
9 to be appropriated by paragraph (1), not less than
10 \$1,000,000 for fiscal year 2024 and not less than
11 \$3,000,000 for each of fiscal years 2025 through
12 2029 are authorized to be available for capacity-
13 building and technical assistance programs to sup-
14 port disability rights leadership and to train and en-
15 gage policymakers, professionals, and allies in civil
16 society organizations in foreign countries.

17 **SEC. 7. BRIEFINGS AND REPORTS ON IMPLEMENTATION.**

18 (a) ANNUAL BRIEFING REQUIRED.—

19 (1) IN GENERAL.—Not less frequently than an-
20 nually through fiscal year 2029, the Secretary of
21 State shall submit to the Committee on Health,
22 Education, Labor, and Pensions, the Committee on
23 Foreign Relations, and the Committee on Appropria-
24 tions of the Senate a briefing on—

1 (A) the programs and activities carried out
2 to advance the policy described in section 5;
3 and

4 (B) any broader work of the Department
5 in advancing that policy.

6 (2) ELEMENTS.—Each briefing required by
7 paragraph (1) shall include, with respect to each
8 program carried out under section 6—

9 (A) the rationale for the country and pro-
10 gram selection;

11 (B) the goals and objectives of the pro-
12 gram, and the kinds of participants in the ac-
13 tivities and programs supported;

14 (C) a description of the types of technical
15 assistance and capacity building provided; and

16 (D) an identification of any gaps in fund-
17 ing or support needed to ensure full participa-
18 tion of organizations of persons with disabilities
19 or inclusion of children with disabilities in the
20 program.

21 (b) REPORTS REQUIRED.—

22 (1) IN GENERAL.—Not less frequently than
23 once every 3 years through fiscal year 2029, the
24 Secretary of State shall submit to the Committee on
25 Health, Education, Labor, and Pensions, the Com-

1 mittee on Foreign Relations, and the Committee on
2 Appropriations of the Senate a report on the mat-
3 ters described in subsection (a)(1).

4 (2) ELEMENTS.—Each report required by para-
5 graph (1) shall include the elements described in
6 subsection (a)(2).

7 (3) CONSULTATION.—In preparing each report
8 required by paragraph (1), the Secretary of State
9 shall consult with organizations of persons with dis-
10 abilities.

11 **SEC. 8. PROMOTING INTERNATIONAL PROTECTION AND**
12 **ADVOCACY FOR CHILDREN WITH DISABIL-**
13 **ITIES.**

14 (a) SENSE OF CONGRESS ON PROGRAMMING AND
15 PROGRAMS.—It is the sense of Congress that—

16 (1) all programming of the Department and the
17 United States Agency for International Development
18 related to childcare reform, improvement of health
19 care systems, primary and secondary education, dis-
20 ability rights, and human rights should seek to be
21 consistent with the policy described in section 5; and

22 (2) programs of the Department and the
23 United States Agency for International Development
24 related to children, health care, and education—

25 (A) should—

1 (i) engage organizations of persons
2 with disabilities in policymaking and pro-
3 gram implementation; and

4 (ii) support full inclusion of children
5 with disabilities in families; and

6 (B) should aim to avoid support for resi-
7 dential institutions for children with disabilities
8 except in situations of conflict or emergency in
9 a manner that protects family connections as
10 described in subsection (b).

11 (b) SENSE OF CONGRESS ON CONFLICT AND EMER-
12 GENCIES.—It is the sense of Congress that—

13 (1) programs of the Department and the
14 United States Agency for International Development
15 serving children in situations of conflict or emer-
16 gency, among displaced or refugee populations, or in
17 natural disasters should seek to ensure that children
18 with and without disabilities can maintain family
19 ties; and

20 (2) in situations of emergency, if children are
21 separated from parents or have no family, every ef-
22 fort should be made to ensure that children are
23 placed with extended family, in kinship care, or in
24 a substitute family.