

## Substitute Amendment

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.****S. 847**

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

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. MENENDEZ

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

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. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) stigma and discrimination against children  
9 with disabilities, particularly intellectual and other  
10 developmental disabilities, and lack of support for  
11 community inclusion have left people with disabilities

1 and their families economically and socially  
2 marginalized;

3 (2) organizations of persons with disabilities  
4 and family members of persons with disabilities are  
5 often too small to apply for or obtain funds from do-  
6 mestic or international sources or ineligible to re-  
7 ceive funds from such sources;

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

12 (4) financial support, technical assistance, and  
13 active engagement of persons with disabilities and  
14 their families is needed to ensure the development of  
15 effective policies that protect families, ensure the full  
16 inclusion in society of children with disabilities, and  
17 promote the ability of persons with disabilities to live  
18 in the community with choices equal to others.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) DEPARTMENT.—The term “Department”  
22 means the Department of State.

23 (2) ELIGIBLE IMPLEMENTING PARTNER.—The  
24 term “eligible implementing partner” means a non-

1 governmental organization or other civil society or-  
2 ganization that—

3 (A) has the capacity to administer grants  
4 directly or through subgrants that can be effec-  
5 tively used by local organizations of persons  
6 with disabilities; and

7 (B) has international expertise in the  
8 rights of persons with disabilities, including  
9 children with disabilities and their families.

10 (3) ORGANIZATION OF PERSONS WITH DISABIL-  
11 ITIES.—The term “organization of persons with dis-  
12 abilities” means a nongovernmental civil society or-  
13 ganization run by and for persons with disabilities  
14 and families of children with disabilities.

15 **SEC. 4. STATEMENT OF POLICY.**

16 It is the policy of the United States to—

17 (1) assist partner countries in developing poli-  
18 cies and programs that recognize, support, and pro-  
19 tect the civil and political rights of and enjoyment  
20 of fundamental freedoms by persons with disabilities,  
21 including children, such that the latter may grow  
22 and thrive in supportive family environments and  
23 make the transition to independent living as adults;

24 (2) promote the development of advocacy and  
25 leadership skills among persons with disabilities and

1 their families in a manner that enables effective civic  
2 engagement, including at the local, national, and re-  
3 gional levels, and promote policy reforms and pro-  
4 grams that support full economic and civic inclusion  
5 of persons with disabilities and their families;

6 (3) promote the development of laws and poli-  
7 cies that—

8 (A) strengthen families and protect against  
9 the unnecessary institutionalization of children  
10 with disabilities; and

11 (B) create opportunities for children and  
12 youth with disabilities to access the resources  
13 and support needed to achieve their full poten-  
14 tial to live independently in the community with  
15 choices equal to others;

16 (4) promote the participation of persons with  
17 disabilities and their families in advocacy efforts and  
18 legal frameworks to recognize, support, and protect  
19 the civil and political rights of and enjoyment of fun-  
20 damental freedoms by persons with disabilities; and

21 (5) promote the sustainable action needed to  
22 bring about changes in law, policy, and programs to  
23 ensure full family inclusion of children with disabil-  
24 ities and the transition of children with disabilities  
25 to independent living as adults.

1 **SEC. 5. INTERNATIONAL CHILDREN WITH DISABILITIES**  
2 **PROTECTION PROGRAM AND CAPACITY**  
3 **BUILDING.**

4 (a) INTERNATIONAL CHILDREN WITH DISABILITIES  
5 PROTECTION PROGRAM.—

6 (1) IN GENERAL.—There is authorized to be es-  
7 tablished within the Department of State a program  
8 to be known as the “International Children with  
9 Disabilities Protection Program” (in this section re-  
10 ferred to as the “Program”) to carry out the policy  
11 described in section 4.

12 (2) CRITERIA.—In carrying out the Program  
13 under this section, the Secretary of State, in con-  
14 sultation with leading civil society groups with exper-  
15 tise in the protection of civil and political rights of  
16 and enjoyment of fundamental freedoms by persons  
17 with disabilities, may establish criteria for priority  
18 activities under the Program in selected countries.

19 (3) DISABILITY INCLUSION GRANTS.—The Sec-  
20 retary of State may award grants to eligible imple-  
21 menting partners to administer grant amounts di-  
22 rectly or through subgrants.

23 (4) SUBGRANTS.—An eligible implementing  
24 partner that receives a grant under paragraph (3)  
25 should provide subgrants and, in doing so, shall  
26 prioritize local organizations of persons with disabil-

1       ities working within a focus country or region to ad-  
2       vance the policy described in section 4.

3       (b) AUTHORIZATION OF APPROPRIATIONS.—

4             (1) IN GENERAL.—Of funds made available in  
5       fiscal years 2024 through 2029 to carry out the pur-  
6       poses of the Foreign Assistance Act of 1961 (22  
7       U.S.C. 2151 et seq), there are authorized to be ap-  
8       propriated to carry out this Act amounts as follows:

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

10            (B) \$5,000,000 for each of fiscal years  
11       2025 through 2029.

12            (2) CAPACITY-BUILDING AND TECHNICAL AS-  
13       SISTANCE PROGRAMS.—Of the amounts authorized  
14       to be appropriated by paragraph (1), not less than  
15       \$1,000,000 for each of fiscal years 2024 through  
16       2029 should be available for capacity-building and  
17       technical assistance programs to—

18            (A) develop the leadership skills of persons  
19       with disabilities, legislators, policymakers, and  
20       service providers in the planning and implemen-  
21       tation of programs to advance the policy de-  
22       scribed in section 4;

23            (B) increase awareness of successful mod-  
24       els of the promotion of civil and political rights  
25       and fundamental freedoms, family support, and

1 economic and civic inclusion among organiza-  
2 tions of persons with disabilities and allied civil  
3 society advocates, attorneys, and professionals  
4 to advance the policy described in section 4;  
5 and

6 (C) create online programs to train policy-  
7 makers, advocates, and other individuals on  
8 successful models to advance reforms, services,  
9 and protection measures that enable children  
10 with disabilities to live within supportive family  
11 environments and become full participants in  
12 society, which—

13 (i) are available globally;

14 (ii) offer low-cost or no-cost training  
15 accessible to persons with disabilities, fam-  
16 ily members of such persons, and other in-  
17 dividuals with potential to offer future  
18 leadership in the advancement of the goals  
19 of family inclusion, transition to inde-  
20 pendent living as adults, and protection  
21 measures for children with disabilities; and

22 (iii) should be targeted to government  
23 policymakers, advocates, and other poten-  
24 tial allies and supporters among civil soci-  
25 ety groups.

1 **SEC. 6. ANNUAL REPORT ON IMPLEMENTATION.**

2 (a) ANNUAL REPORT REQUIRED.—

3 (1) IN GENERAL.—Not less frequently than an-  
4 nually through fiscal year 2029, the Secretary of  
5 State shall submit to the Committee on Foreign Re-  
6 lations and the Committee on Appropriations of the  
7 Senate and the Committee on Foreign Affairs and  
8 the Committee on Appropriations of the House of  
9 Representatives a report on—

10 (A) the programs and activities carried out  
11 to advance the policy described in section 4;  
12 and

13 (B) any broader work of the Department  
14 in advancing that policy.

15 (2) ELEMENTS.—Each report required by para-  
16 graph (1) shall include, with respect to each pro-  
17 gram carried out under section 5—

18 (A) the rationale for the country and pro-  
19 gram selection;

20 (B) the goals and objectives of the pro-  
21 gram, and the kinds of participants in the ac-  
22 tivities and programs supported;

23 (C) a description of the types of technical  
24 assistance and capacity building provided; and

25 (D) an identification of any gaps in fund-  
26 ing or support needed to ensure full participa-

1           tion of organizations of persons with disabilities  
2           or inclusion of children with disabilities in the  
3           program.

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. 7. 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 health systems strengthening, primary and  
16           secondary education, and the protection of civil and  
17           political rights of persons with disabilities should  
18           seek to be consistent with the policy described in  
19           section 4; and

20           (2) programs of the Department and the  
21           United States Agency for International Development  
22           related to children, global health, and education—

23                                   (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 an adoptive or foster family.