

117TH CONGRESS
2D SESSION

S. 4982

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

SEPTEMBER 28, 2022

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 Foreign Relations

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 2022”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) According to the United Nations Children’s
2 Fund (UNICEF), there are at least 240,000,000
3 children and youth with disabilities in the world, in-
4 cluding approximately 53,000,000 children under
5 age 5.

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

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

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

1 community services are often inaccessible or inap-
2 propriate for children with disabilities.

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

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

14 (7) The danger of family breakup and institu-
15 tionalization has grown enormously as a result of the
16 COVID-19 pandemic. According to a study pub-
17 lished in *The Lancet*, as of February 2022, a min-
18 imum of 6,900,000 children globally have lost a par-
19 ent or co-residing caregiver to COVID-19 and are
20 now at increased risk of placement in a residential
21 institution.

22 (8) The disability rights movement in the
23 United States has been a world leader and an inspi-
24 ration to the growth of a global disability rights
25 movement. The United States has many models of

1 practice that could be shared with countries around
2 the world to support laws, policies, and services to
3 promote the full inclusion of children with disabili-
4 ties in families around the world.

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

15 **SEC. 3. SENSE OF CONGRESS.**

16 It is the sense of Congress that—

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

23 (2) organizations of persons with disabilities
24 and family members of persons with disabilities are
25 often too small to apply for or obtain funds from do-

1 mestic or international sources or ineligible to re-
2 ceive funds from such sources;

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

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

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;

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

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

1 ensure full family inclusion of children with disabili-
2 ties.

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

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

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

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

22 (3) CRITERIA.—The Secretary of State, in con-
23 sultation with leading civil society groups with exper-
24 tise in global disability rights, shall establish criteria
25 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
14 partners to administer grant amounts directly
15 or through subgrants.

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

21 (i) has the capacity to administer
22 grant amounts—

23 (I) directly; or

24 (II) through subgrants that can
25 be effectively used by emerging new

1 organizations of persons with disabil-
2 ities; and

3 (ii) has expertise in disability rights.

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

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

20 (i) provide not less than 50 percent of
21 the grant amount through subgrants to
22 local organizations of persons with disabil-
23 ities and other nongovernmental organiza-
24 tions working in country to advance the
25 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

1 grow up with families and become full participants
2 in society, which—

3 (A) are available globally;

4 (B) offer low cost or no-cost training ac-
5 cessible to persons with disabilities, family
6 members of such persons, and other individuals
7 with potential to offer future leadership in the
8 advancement of the goals of family inclusion
9 and rights protection for children with disabil-
10 ities; and

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

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

21 (c) AUTHORIZATION OF APPROPRIATIONS.—

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

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

1 (B) \$10,000,000 for each of fiscal years
2 2025 through 2029.

3 (2) CAPACITY-BUILDING AND TECHNICAL AS-
4 SISTANCE PROGRAMS.—Of the amounts authorized
5 to be appropriated by paragraph (1), not less than
6 \$1,000,000 for fiscal year 2024 and not less than
7 \$3,000,000 for each of fiscal years 2025 through
8 2029 are authorized to be available for capacity-
9 building and technical assistance programs to sup-
10 port disability rights leadership and to train and en-
11 gage policymakers, professionals, and allies in civil
12 society organizations in foreign countries.

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

14 (a) ANNUAL BRIEFING REQUIRED.—

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

21 (A) the programs and activities carried out
22 to advance the policy described in section 5;
23 and

24 (B) any broader work of the Department
25 in advancing that policy.

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

4 (A) the rationale for the country and pro-
5 gram selection;

6 (B) the goals and objectives of the pro-
7 gram, and the kinds of participants in the ac-
8 tivities and programs supported;

9 (C) a description of the types of technical
10 assistance and capacity building provided; and

11 (D) an identification of any gaps in fund-
12 ing or support needed to ensure full participa-
13 tion of organizations of persons with disabilities
14 or inclusion of children with disabilities in the
15 program.

16 (b) REPORTS REQUIRED.—

17 (1) IN GENERAL.—Not less frequently than
18 once every 3 years through fiscal year 2029, the
19 Secretary of State shall submit to the Committee on
20 Health, Education, Labor, and Pensions, the Com-
21 mittee on Foreign Relations, and the Committee on
22 Appropriations of the Senate a report on the mat-
23 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.

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