

117TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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:

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-

1 including approximately 53,000,000 children under  
2 age 5.

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

6 (3) Millions of children are placed in large or  
7 small residential institutions and most of those chil-  
8 dren are left to grow up without the love, support,  
9 and guidance of a family. The vast majority of chil-  
10 dren placed in residential institutions have at least  
11 one living parent or have extended family, many of  
12 whom would keep their children at home if they had  
13 the support and legal protections necessary to do so.

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

23 (5) Extensive scientific research demonstrates  
24 that placing children in residential institutions may  
25 lead to psychological harm, increased developmental

1 disabilities, stunted growth, rapid spread of infec-  
2 tious diseases, and high rates of mortality.

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

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

17 (8) The disability rights movement in the  
18 United States has been a world leader and an inspi-  
19 ration to the growth of a global disability rights  
20 movement. The United States has many models of  
21 practice that could be shared with countries around  
22 the world to support reform laws, policies, and serv-  
23 ices to promote the full inclusion of children with  
24 disabilities in families around the world.

1           (9) The Advancing Protection and Care for  
2 Children in Adversity strategy of the United States  
3 Government (APCCA) and the Global Child Thrive  
4 Act of 2020 (subtitle I of title XII of division A of  
5 Public Law 116–283; 134 Stat. 3985) commit the  
6 United States Government to invest in the develop-  
7 ment, care, dignity, and safety of vulnerable children  
8 and their families around the world, including ef-  
9 forts to keep children with their families and reduce  
10 placement of children in residential institutions.

11 **SEC. 3. SENSE OF CONGRESS.**

12 It is the sense of Congress that—

13           (1) stigma and discrimination against children  
14 with disabilities and lack of support for community  
15 inclusion have left people with disabilities and their  
16 families economically and socially marginalized;

17           (2) organizations of persons with disabilities  
18 and family members of persons with disabilities are  
19 often too small to apply for funds from domestic or  
20 international sources or ineligible to receive funds  
21 from such sources;

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

1           (4) financial support, technical assistance, and  
2           active engagement of people with disabilities and  
3           their families is needed to ensure the development of  
4           effective policies that protect families and ensure the  
5           full inclusion in society of children with disabilities.

6 **SEC. 4. DEFINITIONS.**

7           In this Act:

8           (1) DEPARTMENT.—The term “Department”  
9           means the Department of State.

10          (2) FAMILY.—The term “family” includes mar-  
11          ried and unmarried parents, single parents, adoptive  
12          families, kinship care, extended family, and foster  
13          care.

14          (3) ORGANIZATION OF PERSONS WITH DISABIL-  
15          ITIES.—The term “organization of persons with dis-  
16          abilities” means a nongovernmental civil society or-  
17          ganization with staff leadership and a board of di-  
18          rectors the majority of which consists of—

19                 (A) people with disabilities;

20                 (B) individuals who were formerly placed  
21                 in a residential institution; or

22                 (C) family members of children or youth  
23                 with disabilities.

24          (4) RESIDENTIAL INSTITUTION.—The term  
25          “residential institution”—

1 (A) means a facility where children live in  
2 a collective arrangement that is not family-  
3 based and that—

4 (i) may be public or privately man-  
5 aged and staffed;

6 (ii) may be small or large; and

7 (iii) may or may not be designated for  
8 children with disabilities; and

9 (B) includes an orphanage, a children's in-  
10 stitution, a group home, an infant home, a chil-  
11 dren's village or cottage complex, a boarding  
12 school used primarily for care, and any other  
13 residential setting for children.

14 **SEC. 5. STATEMENT OF POLICY.**

15 It is the policy of the United States—

16 (1) to assist countries abroad in creating rights  
17 protection programs for people with disabilities and  
18 developing policies and social supports to ensure that  
19 children with disabilities can grow up as members of  
20 families and make the transition to independent liv-  
21 ing as adults;

22 (2) to promote the development of advocacy  
23 skills and leadership abilities of people with disabil-  
24 ities and family members of children and youth with  
25 disabilities so that such individuals can effectively

1 participate in their local, regional, and national gov-  
2 ernments to promote policy reforms and programs to  
3 support full inclusion in families of children with dis-  
4 abilities;

5 (3) to promote the development of laws and  
6 policies that—

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

10 (B) create opportunities for youth with dis-  
11 abilities to receive the resources and support  
12 needed to achieve their full potential;

13 (4) to promote participation by different groups  
14 of people with disabilities and their families in advo-  
15 cating for disability rights and reforms to legal  
16 frameworks; and

17 (5) to promote the sustainable action needed to  
18 bring about changes in law, policy, and programs to  
19 ensure full family inclusion of children with disabil-  
20 ities.

21 **SEC. 6. INTERNATIONAL CHILDREN WITH DISABILITIES**

22 **PROTECTION PROGRAM.**

23 (a) ESTABLISHMENT OF PROGRAM.—There is estab-  
24 lished within the Bureau of Democracy, Human Rights,  
25 and Labor of the Department a grant and capacity-build-

1 ing program to be known as the “International Children  
2 with Disabilities Protection Program” (in this section re-  
3 ferred to as the “Program”).

4 (b) PURPOSE.—The purpose of the Program is to as-  
5 sist organizations of persons with disabilities and family  
6 members of children with disabilities in communicating  
7 about and advocating for policies that ensure the family  
8 inclusion and transition to independent living of children  
9 with disabilities to advance the policy described in section  
10 5.

11 (c) CRITERIA.—The Secretary of State, in consulta-  
12 tion with leading civil society groups with expertise in  
13 global disability rights, shall establish criteria for—

14 (1) applications for grants awarded under sub-  
15 section (d); and

16 (2) the selection of—

17 (A) the countries or regions targeted under  
18 the Program;

19 (B) priority activities funded through  
20 grants awarded under subsection (d); and

21 (C) capacity-building needs of recipients of  
22 grants awarded under subsection (d).

23 (d) DISABILITY INCLUSION GRANTS.—

24 (1) IN GENERAL.—The Secretary of State may  
25 award grants to eligible implementing partners to



1 administer grant amounts directly or through sub-  
2 grants.

3 (2) ELIGIBLE IMPLEMENTING PARTNERS.—For  
4 purposes of this subsection, an eligible implementing  
5 partner is a nongovernmental organization or other  
6 civil society organization that—

7 (A) has the capacity to administer grant  
8 amounts—

9 (i) directly; or

10 (ii) through subgrants that can be ef-  
11 fectively used by emerging new organiza-  
12 tions of persons with disabilities; and

13 (B) has expertise in global disability rights.

14 (3) PRIORITY.—The Secretary of State shall  
15 prioritize awarding grants under this subsection to  
16 eligible implementing partners with experience oper-  
17 ating or administering subgrants in countries for  
18 which the Assistant Secretary of State for Democ-  
19 racy, Human Rights, and Labor, in consultation  
20 with the United States Government Special Adviser  
21 and Senior Coordinator for the Administrator of the  
22 United States Agency for International Development  
23 on Children in Adversity, has determined that there  
24 are significant populations of children living in resi-  
25 dential institutions.

1           (4) SUBGRANTS.—An eligible implementing  
2 partner that receives a grant under this subsection  
3 should seek to—

4           (A) provide not less than 50 percent of the  
5 grant amount through subgrants to organiza-  
6 tions of persons with disabilities and other non-  
7 governmental organizations working in country  
8 to advance the policy described in section 5;  
9 and

10           (B) provide, of any amount distributed  
11 pursuant to subparagraph (A)—

12           (i) 75 percent to organizations of per-  
13 sons with disabilities; and

14           (ii) 25 percent to other nongovern-  
15 mental organizations.

16       (e) AUTHORIZATION OF APPROPRIATIONS.—There  
17 are authorized to be appropriated to carry out this section  
18 amounts as follows:

19           (1) \$2,000,000 for fiscal year 2023.

20           (2) \$25,000,000 for each of fiscal years 2024  
21 through 2033.

22 **SEC. 7. GLOBAL ENGAGEMENT OF POLICYMAKERS, ALLIES,**  
23 **AND DISABILITY LEADERS.**

24       (a) IN GENERAL.—Of the amounts authorized to be  
25 appropriated by section 6(e), not less than \$1,000,000 for

1 fiscal year 2023 and not less than \$3,000,000 for each  
2 of fiscal years 2024 through 2033 shall be available for  
3 capacity building and technical assistance to support dis-  
4 ability rights leadership and to train and engage policy-  
5 makers, professionals, and allies in civil society organiza-  
6 tions in foreign countries.

7 (b) CAPACITY-BUILDING PROGRAMS.—Using  
8 amounts available as described in subsection (a), the Sec-  
9 retary of State shall provide funds to nongovernmental or-  
10 ganizations with expertise in capacity building and tech-  
11 nical assistance to develop capacity-building programs—

12 (1) to develop disability leaders, legislators, pol-  
13 icymakers, and service providers to plan and imple-  
14 ment programs to advance the policy described in  
15 section 5;

16 (2) to build the advocacy capacity and knowl-  
17 edge of successful models of rights enforcement,  
18 family support, and disability inclusion among dis-  
19 ability, youth, and allied civil society advocates, at-  
20 torneys, and professionals to advance the policy de-  
21 scribed in section 5;

22 (3) to 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) shall be available globally;

4 (B) shall offer low cost or no-cost training  
5 accessible 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 disabili-  
10 ties; 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) to create study tours so that activists and  
16 policymakers from abroad can observe and better  
17 understand the operation of successful models of  
18 family and community inclusion and rights advocacy,  
19 including exposing such activists and policymakers  
20 to models of good practice in the United States.

21 **SEC. 8. BRIEFINGS AND REPORTS ON IMPLEMENTATION.**

22 (a) ANNUAL BRIEFING REQUIRED.—

23 (1) IN GENERAL.—Not less frequently than an-  
24 nually, the Secretary of State shall submit to the  
25 Committee on Health, Education, Labor, and Pen-

1 sions and the Committee on Foreign Relations of the  
2 Senate a briefing on—

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

6 (B) any broader work of the Department  
7 in advancing that policy.

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

11 (A) the rationale for the country and pro-  
12 gram selection;

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

16 (C) a description of the types of technical  
17 assistance and capacity building provided; and

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

23 (b) REPORTS REQUIRED.—

24 (1) IN GENERAL.—Not less frequently than  
25 once every 3 years, the Secretary of State shall sub-

1 mit to the Committee on Health, Education, Labor,  
2 and Pensions and the Committee on Foreign Rela-  
3 tions of the Senate a report on the matters described  
4 in subsection (a)(1).

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

8 (3) CONSULTATION AND CONTRACTING.—In  
9 preparing each report required by paragraph (1), the  
10 Secretary of State shall consult or contract with or-  
11 ganizations of persons with disabilities.

12 **SEC. 9. PROMOTING INTERNATIONAL PROTECTION AND**  
13 **ADVOCACY FOR CHILDREN WITH DISABIL-**  
14 **ITIES.**

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

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

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

- 1 (A) should—
- 2 (i) engage organizations of persons
- 3 with disabilities in policymaking and pro-
- 4 gram implementation; and
- 5 (ii) support full inclusion of children
- 6 with disabilities in families; and
- 7 (B) should aim to avoid support for resi-
- 8 dential institutions for children with disabilities
- 9 except in situations of conflict or emergency in
- 10 a manner that protects family connections as
- 11 described in subsection (b).

12 (b) SENSE OF CONGRESS ON CONFLICT AND EMER-

13 GENCIES.—It is the sense of Congress that—

14 (1) programs of the Department and the

15 United States Agency for International Development

16 serving children in situations of conflict or emer-

17 gency, among displaced or refugee populations, or in

18 natural disasters should seek to ensure that children

19 with and without disabilities can maintain family

20 ties; and

21 (2) in situations of emergency, if children are

22 separated from parents or have no family, every ef-

23 fort should be made to ensure that children are

24 placed with extended family, in kinship care, or in

25 a substitute family.

1 (c) ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS  
2 PRACTICES.—The Foreign Assistance Act of 1961 (22  
3 U.S.C. 2151 et seq.) is amended—

4 (1) in section 116 (22 U.S.C. 2151n), by add-  
5 ing at the end the following:

6 “(h) PLACEMENT OF CHILDREN WITH DISABILITIES  
7 IN RESIDENTIAL INSTITUTIONS.—

8 “(1) IN GENERAL.—The report required by  
9 subsection (d) shall include information for each  
10 country on—

11 “(A) the placement of children with dis-  
12 abilities in residential institutions, including  
13 adult psychiatric facilities, social care homes,  
14 orphanages, and nursing homes; and

15 “(B) treatment of those children, and con-  
16 ditions, in those institutions.

17 “(2) CONSULTATION.—In preparing the infor-  
18 mation required by paragraph (1), the Assistant  
19 Secretary of State for Democracy, Human Rights,  
20 and Labor shall consult with civil society and non-  
21 governmental organizations with expertise in dis-  
22 ability rights.”; and

23 (2) in section 502B (22 U.S.C. 2304)—



1 (A) by redesignating the second subsection  
2 (i) (relating to child marriage status) as sub-  
3 section (j); and

4 (B) by adding at the end the following:

5 “(k) PLACEMENT OF CHILDREN WITH DISABILITIES  
6 IN RESIDENTIAL INSTITUTIONS.—

7 “(1) IN GENERAL.—The report required by  
8 subsection (b) shall include information for each  
9 country on—

10 “(A) the placement of children with dis-  
11 abilities in residential institutions, including  
12 adult psychiatric facilities, social care homes,  
13 orphanages, and nursing homes; and

14 “(B) treatment of those children, and con-  
15 ditions, in those institutions.

16 “(2) CONSULTATION.—In preparing the infor-  
17 mation required by paragraph (1), the Assistant  
18 Secretary of State for Democracy, Human Rights,  
19 and Labor shall consult with civil society and non-  
20 governmental organizations with expertise in dis-  
21 ability rights.”.