

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

## SECTION 1. SHORT TITLE.

This Act may be cited as the “International Children with Disabilities Protection Act of 2022”.

## SEC. 2. FINDINGS.

Congress makes the following findings:

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

(2) Families and children with disabilities together make up nearly 2,000,000,000 people, or 25 percent of the world population.

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

(4) As described in the 2013 world report published by UNICEF, many parents who wish to keep their children with disabilities feel that they have no choice but to give up their child to a residential institution because of prejudice and stigma against disability, the lack of support and protection that families receive, and the fact that education and community services are often inaccessible or inappropriate for children with disabilities.

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

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

(7) The danger of family breakup and institutionalization has grown enormously as a result of the COVID–19 pandemic. According to a study published in The Lancet, as of February 2022, a minimum of 6,900,000 children globally have lost a parent or co-residing caregiver to COVID–19 and are now at increased risk of placement in a residential institution.

(8) The disability rights movement in the United States has been a world leader and an inspiration to the growth of a global disability rights movement. The United States has many models of practice that could be shared with countries around the world to support reform laws, policies, and services to promote the full inclusion of children with disabilities

1 in families around the world.

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

## 8 SEC. 3. SENSE OF CONGRESS.

9 It is the sense of Congress that—

10 (1) stigma and discrimination against children with disabilities and lack of support for  
11 community inclusion have left people with disabilities and their families economically and  
12 socially marginalized;

13 (2) organizations of persons with disabilities and family members of persons with  
14 disabilities are often too small to apply for funds from domestic or international sources or  
15 ineligible to receive funds from such sources;

16 (3) as a result of the factors described in paragraphs (1) and (2), key stakeholders have  
17 often been left out of public policymaking on matters that affect children with disabilities;  
18 and

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

## 22 SEC. 4. DEFINITIONS.

23 In this Act:

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

25 (2) FAMILY.—The term “family” includes married and unmarried parents, single parents,  
26 adoptive families, kinship care, extended family, and foster care.

27 (3) ORGANIZATION OF PERSONS WITH DISABILITIES.—The term “organization of persons  
28 with disabilities” means a nongovernmental civil society organization with staff leadership  
29 and a board of directors the majority of which consists of—

30 (A) people with disabilities;

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

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

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

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

36 (i) may be public or privately managed and staffed;

37 (ii) may be small or large; and

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

(B) includes an orphanage, a children's institution, a group home, an infant home, a children's village or cottage complex, a boarding school used primarily for care, and any other residential setting for children.

## SEC. 5. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to assist countries abroad in creating rights protection programs for people with disabilities and developing policies and social supports to ensure that children with disabilities can grow up as members of families and make the transition to independent living as adults;

(2) to promote the development of advocacy skills and leadership abilities of people with disabilities and family members of children and youth with disabilities so that such individuals can effectively participate in their local, regional, and national governments to promote policy reforms and programs to support full inclusion in families of children with disabilities;

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

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

(B) create opportunities for youth with disabilities to receive the resources and support needed to achieve their full potential;

(4) to promote participation by different groups of people with disabilities and their families in advocating for disability rights and reforms to legal frameworks; and

(5) to promote the sustainable action needed to bring about changes in law, policy, and programs to ensure full family inclusion of children with disabilities.

## SEC. 6. INTERNATIONAL CHILDREN WITH DISABILITIES PROTECTION PROGRAM AND CAPACITY BUILDING.

(a) International Children With Disabilities Protection Program.—

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

(2) PURPOSE.—The purpose of the Program is to assist organizations of persons with disabilities and family members of children with disabilities in communicating about and advocating for policies that ensure the family inclusion and transition to independent living of children with disabilities to advance the policy described in section 5.

(3) CRITERIA.—The Secretary of State, in consultation with leading civil society groups with expertise in global disability rights, shall establish criteria for—

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

(B) the selection of—

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

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

(iii) capacity-building needs of recipients of grants awarded under paragraph

(4).

(4) DISABILITY INCLUSION GRANTS.—

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

(B) ELIGIBLE IMPLEMENTING PARTNERS.—For purposes of this paragraph, an eligible implementing partner is a nongovernmental organization or other civil society organization that—

(i) has the capacity to administer grant amounts—

(I) directly; or

(II) through subgrants that can be effectively used by emerging new organizations of persons with disabilities; and

(ii) has expertise in global disability rights.

(C) PRIORITY.—The Secretary of State shall prioritize awarding grants under this paragraph to eligible implementing partners with experience operating or administering subgrants in countries for which the Assistant Secretary of State for Democracy, Human Rights, and Labor, in consultation with the United States Government Special Adviser and Senior Coordinator for the Administrator of the United States Agency for International Development on Children in Adversity, has determined that there are significant populations of children living in residential institutions.

(D) SUBGRANTS.—An eligible implementing partner that receives a grant under this paragraph should seek to—

(i) provide not less than 50 percent of the grant amount through subgrants to organizations of persons with disabilities and other nongovernmental organizations working in country to advance the policy described in section 5; and

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

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

(II) 25 percent to other nongovernmental organizations.

(b) Capacity-building Programs.—The Secretary of State shall provide funds to nongovernmental organizations with expertise in capacity building and technical assistance to develop capacity-building programs—

(1) to develop disability leaders, legislators, policymakers, and service providers to plan and implement programs to advance the policy described in section 5;

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

(3) to create online programs to train policymakers, activists, and other individuals on successful models of reform, services, and rights protection to ensure that children with disabilities can live and grow up with families and become full participants in society, which—

(A) shall be available globally;

(B) shall offer low cost or no-cost training accessible to persons with disabilities, family members of such persons, and other individuals with potential to offer future leadership in the advancement of the goals of family inclusion and rights protection for children with disabilities; and

(C) should be targeted to government policymakers, disability activists, and other potential allies and supporters among civil society groups; and

(4) to create study tours so that activists and policymakers from abroad can observe and better understand the operation of successful models of family and community inclusion and rights advocacy, including exposing such activists and policymakers to models of good practice in the United States.

(c) Authorization of Appropriations.—

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

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

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

(2) CAPACITY-BUILDING AND TECHNICAL ASSISTANCE PROGRAMS.—Of the amounts authorized to be appropriated by paragraph (1), not less than \$1,000,000 for fiscal year 2024 and not less than \$3,000,000 for each of fiscal years 2025 through 2029 shall be available for capacity-building and technical assistance programs to support disability rights leadership and to train and engage policymakers, professionals, and allies in civil society organizations in foreign countries.

## SEC. 7. BRIEFINGS AND REPORTS ON IMPLEMENTATION.

(a) Annual Briefing Required.—

(1) IN GENERAL.—Not less frequently than annually, the Secretary of State shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Foreign Relations of the Senate a briefing on—

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

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

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

(A) the rationale for the country and program selection;

(B) the goals and objectives of the program, and the kinds of participants in the activities and programs supported;

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

(D) an identification of any gaps in funding or support needed to ensure full participation of organizations of persons with disabilities or inclusion of children with disabilities in the program.

(b) Reports Required.—

(1) IN GENERAL.—Not less frequently than once every 3 years, the Secretary of State shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Foreign Relations of the Senate a report on the matters described in subsection (a)(1).

(2) ELEMENTS.—Each report required by paragraph (1) shall include the elements described in subsection (a)(2).

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

## SEC. 8. PROMOTING INTERNATIONAL PROTECTION AND ADVOCACY FOR CHILDREN WITH DISABILITIES.

(a) Sense of Congress on Programming and Programs.—It is the sense of Congress that—

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

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

(A) should—

(i) engage organizations of persons with disabilities in policymaking and program implementation; and

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

(B) should aim to avoid support for residential institutions for children with disabilities except in situations of conflict or emergency in a manner that protects family connections as described in subsection (b).

(b) Sense of Congress on Conflict and Emergencies.—It is the sense of Congress that—

(1) programs of the Department and the United States Agency for International Development serving children in situations of conflict or emergency, among displaced or

1 refugee populations, or in natural disasters should seek to ensure that children with and  
2 without disabilities can maintain family ties; and

3 (2) in situations of emergency, if children are separated from parents or have no family,  
4 every effort should be made to ensure that children are placed with extended family, in  
5 kinship care, or in a substitute family.

6 (c) Annual Country Reports on Human Rights Practices.—The Foreign Assistance Act of  
7 1961 (22 U.S.C. 2151 et seq.) is amended—

8 (1) in section 116 (22 U.S.C. 2151n), by adding at the end the following:

9 “(h) Placement of Children With Disabilities in Residential Institutions.—

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

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

14 “(B) treatment of those children, and conditions, in those institutions.

15 “(2) CONSULTATION.—In preparing the information required by paragraph (1), the  
16 Assistant Secretary of State for Democracy, Human Rights, and Labor shall consult with  
17 civil society and nongovernmental organizations with expertise in disability rights.”; and

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

19 (A) by redesignating the second subsection (i) (relating to child marriage status) as  
20 subsection (j); and

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

22 “(k) Placement of Children With Disabilities in Residential Institutions.—

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

25 “(A) the placement of children with disabilities in residential institutions, including  
26 adult psychiatric facilities, social care homes, orphanages, and nursing homes; and

27 “(B) treatment of those children, and conditions, in those institutions.

28 “(2) CONSULTATION.—In preparing the information required by paragraph (1), the  
29 Assistant Secretary of State for Democracy, Human Rights, and Labor shall consult with  
30 civil society and nongovernmental organizations with expertise in disability rights.”.