

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.