C-Fam | Center for Family & Human Rights
New York · Washington, DC

ANALYSIS: Keeping Girls in School Act (S.1071/H.R.2153)

The Senate and House texts are nearly identical – the biggest difference is that the House version stipulates that process of updating and submitting the global strategy must be done every five years "for not less than 10 years," while the Senate version only says every five years.

A BAD DEAL FOR GIRLS

1. **As with most bureaucratic laws, the Keeping Girls in School Act does a lot more than it seems on the surface.**

   The Act would not fund new educational projects. The act imposes a series of onerous bureaucratic controls on U.S. foreign aid policy on education with the aim of using U.S. foreign assistance for social and cultural engineering. These will be permanent changes in how foreign aid is administered that will make it harder for the executive branch to make improvements to how foreign assistance is administered when a Republican is in the White House.

2. **The act would codify the Obama Administration's *Global Strategy for Adolescent Girls (Global Strategy.)* The Strategy is mentioned repeatedly in the act including in the findings and the operative section.**

   Aside from referring to the Global Strategy in the findings [Subsection 3(10)], requiring USAID and the State Department to update it [Subsection 5(c)(3)], and calling for its application in the making of grants [Subsection 5(c)(2)], the bill requires implementation through "existing United States strategies and frameworks relevant to international basic education and gender equality" [Subsection 5(a)(2)]. This essentially codifies the Obama administration's Strategy on Adolescent Girls and other Obama-era gender strategies that are still operative within USAID and the State Department.

   The Global Strategy is the most explicitly pro-abortion of all the gender policies launched by the Obama administration. It refers not only to "sexual and reproductive health," a euphemistic term understood to refer to abortion, but also "sexual and reproductive health and rights" (SRHR), which is even more contentious as it has never been defined by or accepted in the UN General Assembly. You can glean from the way it was implemented during the Obama administration (link) how controversial

the strategy is, essentially making "sexual and reproductive health" a focus of all policies having to do with girls.

Aside from the obvious pro-life implications, for the U.S. to use "SRHR" in a strategy document implies that the U.S. endorses the concept of "sexual rights," which had never enjoyed international consensus. The strategy also contains references to other controversial issues, including "comprehensive sexuality education," LGBT issues, and the false assertion that the over 225 million women in the developing world characterized as having an "unmet need" for family planning lack access to contraceptives, which is untrue in all but 5% of cases, as the Guttmacher Institute points out.

3. **The Act would introduce into federal law the PEPFAR "DREAMS (Determined, Resilient, Empowered, AIDS-free, Mentored, and Safe) Initiative." Legislatively recognizing DREAMS is very problematic, as it would permanently mandate the integration of family planning and HIV/AIDS programs, providing a permanent funding conduit of millions of dollars annually to global abortion groups.**

   The DREAMS initiative is a public-private partnership that involves multiple U.S. agencies, including USAID, which is a leading implementer, supporting (among other things) "[i]mproved access to youth-friendly sexual and reproductive health care and a full range of contraceptive methods," "Pre-Exposure Prophylaxis (PrEP)," and "Condom promotion and provision for adolescent girls and young women and their partners." While abortion referrals are technically not part of DREAMS policies, abortion groups are seizing on the adolescents and girls' policy space to avoid the Helms Amendment and to promote abortion.

   C-Fam has learned that pro-abortion activity is systemic in this policy space. It has been described as a funding scheme for global abortion groups by personnel in the State Department. Site visits in Africa found huge problems with implementing organizations, including corruption. Some contracts had to be terminated. The PEPFAR data that Ambassador Birx reported on the DREAMs initiative was not substantiated.

   Also, this strategy would be codified within "existing United States strategies and frameworks relevant to international basic education and gender equality" that should guide the implementation of the act under Subsection 5(a)(2).

4. **The Act requires the federal government to depend on UN programs for data and the achievement of policy goals, which is highly problematic in and of itself.**

   The bill specifically requires federal agencies to design U.S. policy and measure progress "according to data collected by the UNESCO Institute for Statistics" [Subsection 5(a)].

   The Global Strategy that would be codified by this law through Subsection 5(a)(2) fully integrates USAID foreign policy with international agreements like the UN Sustainable Development Goals, the Beijing Declaration and Platform for Action, and the agreements of the annual Commission on the Status of Women. It also requires USAID and the State Department to work through and in partnership with UN agencies and other parts of the UN system. Among the agencies specifically listed in the strategy are UNFPA and UN Women, which routinely promote abortion and partner with organizations that would be ineligible for direct U.S. funding under the Mexico City Policy/Protecting Life in Global Health Assistance.

Codifying this requirement and strategy will result in making U.S. foreign policy indistinguishable from UN policy and many "partnerships" of the UN agencies with governments and the philanthropic sector. This is not how U.S. foreign assistance should be administered. U.S. foreign assistance should not be melded together with other international programs so that recipient countries no longer even know how programs are funded and who is ultimately responsible and accountable for success and failure.

5. **The Act implicates abortion policy. It refers to early pregnancy and motherhood as a barrier to education that must be addressed. The *Global Strategy for Adolescent Girls* includes the controversial term "sexual and reproductive health and rights" specifically.**

   Unless abortion is excluded from the measures to address early pregnancy and motherhood, access to reproductive health services, including abortion for adolescent girls, will be promoted through this act. This alone should be a deal-breaker for pro-life groups.

LINE-BY-LINE ANALYSIS

SECTION 3. Findings

- Subsection 3(2)(A), (B), and (C) addresses HIV/AIDS, child, early and forced marriage, and other forms of violence. These cannot be addressed holistically through more funding for education internationally, and require different health policies, legal changes, and social engineering interventions to change cultures, habits, and health policies. It is highly questionable that this focus should be included in this act.
  - » *NOTE on child marriage: Child marriage and teenage motherhood are tightly linked: in the developing world, 90% of births to girls under 18, of whom over a quarter are under 14, occur within marriage. But education policy is not the right place to address this. And Congress already has enacted laws to address this. A stand-alone policy on this would avoid any possible implication of abortion and contraception policy for girls.*
  - » *NOTE on HIV/AIDS among girls: Current PEPFAR HIV/AIDS programming is failing to prevent the spread of HIV/AIDS among teenage girls. It is a question that must be asked in the context of evaluating PEPFAR programs before adding this focus in other programing areas.*
  - » Subsection 3(8)(A) includes dubious economic speculation, stating that, "investing in holistic programming that ensures all girls complete secondary education could lift gross domestic product (GDP) in developing economies by an average of 10% and every $1 spent on such programming would generate a $2.80 return - equivalent to billions of dollars in extra GDP." The assumption is that social policies should be dictated by whatever is good for the economy, and that what drives U.S. foreign policy is whatever results in more economic productivity. But such economic speculation should not eclipse the fact that educating girls should be an end in itself, based in their human rights.
  - » Subsection 3(10) mentions the ***Global Strategy for Adolescent Girls.*** This is the most explicitly pro-abortion of all the gender policies launched by the Obama administration. It should not be mentioned anywhere in the bill.
  - » Subsection 3(11) makes the UN's 2030 Agenda for Sustainable Development a focus of the bill. It is generally not a good thing to align U.S. foreign aid policy with international goals that are

designed, implemented, and measured by foreign governments and international agencies that do not necessarily share the same interests and priorities as the American people.

» Subsection 3(12) refers to the PEPFAR "DREAMS (Determined, Resilient, Empowered, AIDS-free, Mentored, and Safe) Initiative." Legislatively codifying DREAMS is hugely problematic for its funding to abortion groups. Additionally, site visits found huge problems in Africa with implementing organizations including corruption. Some contracts had to be terminated. The PEPFAR data that Ambassador Birx reported has not been substantiated. Congress should ask for a thorough audit of the DREAMS initiative before it is legislatively codified.

SECTION 4. Sense of Congress

- Subsection 4 (3) identifies "progress in gender equality and women's rights" as a "stated priority of United States foreign policy and national security," but it is not clear what is meant by this. These exact terms are not defined in U.S. federal law, but are borrowed from UN policy. Conservatives should be cautious about uncritically adopting terms like "gender equality" into federal law. For example, what is meant by "progress in gender equality and women's rights"? How should such progress be measure—through UN agencies and their metrics? Is "gender equality" different than "women's rights"? If so, does this include promoting an open definition of gender as a U.S. foreign policy priority?
- Subsection 4(4) states that "achieving gender parity in both access to and quality of educational opportunity contributes significantly to economic growth and development, thereby lowering the risk for violence and instability." It would be better to avoid an instrumental approach to equal access to education in favor of a basic human rights justification, namely, that girls should have access to education on an equal basis with boys.

SECTION 5. Secondary education for adolescent girls.

(a) Authority

- Subsection 5(a) identifies the subsection (b) as the main substantive focus of the agreements USAID should enter into to implement this bill. Firstly, it should be noted that subsection (b) is more about social engineering than school and education policy (more on this below). Secondly, this subsection specifically requires federal agencies to design U.S. policy and measure progress "according to data collected by the UNESCO Institute for Statistics." As an absolute threshold matter, U.S. policy should not be required by law to depend on UN data.
- Subsection 5(a)(1) makes the bill about much more than education. It speaks of holistically addressing "needs" and "life outcomes." This is overly broad and encourages the social engineering approach of UN policy and Obama-era global strategy documents. U.S. taxpayers should not have to foot the bill for changing the cultures and lifestyles of every country on earth.
- Subsection 5(a)(2) requires the act to be implemented through "existing United States strategies and frameworks relevant to international basic education and gender equality," essentially codifying the Obama administration's **Strategy on Adolescent Girls** and other Obama-era gender strategies that are still operative within USAID and the State Department.
- Subsection 5(a)(2)(A) creates an open-ended mandate to work on "multi-sectoral approaches" to education. This can be used to give money to International Planned Parenthood Federation and other abortion groups to educate girls through out-of-school programs, internet websites, social media, and phone apps. This strays too far from the goal of ensuring equal access to secondary education as a

human rights matter. It is vital to focus this sub-section on "multi-sectoral approaches" and technology that is exclusively dedicated to secondary school attainment, to avoid diluting and fragmenting U.S. foreign aid and abortion creep.

- Subsection 5(a)(2)(B) refers to undefined terms like "evidence-based approaches."
- Subsection 5(a)(2)(C) requires USAID "to promote inclusive, equitable and sustainable educational achievement." This is taken verbatim from SDG 4 of the UN's Sustainable Development Goals. It would essentially put the United Nations in charge of our foreign aid education policies.
    - » "Inclusive" – This is an overly broad term coined in UN policy to promote "woke" social engineering, including cancel culture, socialism, LGBT issues, and any other issue that is politically fashionable.
    - » "Equitable" – According to the Obama-era Global Strategy for Adolescent Girls this means integrating education and health services, including sexual and reproductive health services (p. 23, 25).
    - » "Sustainable" – This means making climate change a staple of U.S. education policy abroad.
- Subsection 5(a)(2)(D) refers to "create empowering environments" and "to make healthy transitions into adulthood." These terms essentially mean anything the bureaucrats at the State Department or the United Nations want them to mean. The law should avoid vague and overly-broad policy goals and outcomes like these to avoid giving a broad social engineering mandate.

(b) Specific Barriers

- Subsection 5(b) on specific barriers includes several problematic elements.
    - » Subsection 5(b)(1): Who decides what is a "harmful social and cultural norm?" According to UN experts, for example, Jewish circumcision is a violation of the bodily autonomy of children. Similarly, UN experts have said that Catholic teaching on abortion and the family promotes harmful norms.
    - » Subsection 5(b)(1)(3) and (4) refer to child, early and forced marriage and to female genital mutilation. These cannot be addressed through more funding for education internationally, and require different health policies, legal changes, and social engineering interventions to change cultures, habits, and health policies. It is highly questionable that this focus should be included in this act.
    - » Subsection 5(b)(1)(10) refers to "early pregnancy and motherhood." This could implicate abortion policy, which must be excluded. It may be helpful to exclude abortion implication to make early pregnancy and motherhood a focus of USAID programing only in so far as the availability of educational opportunities is concerned, without a broad focus that might implicate health policies best addressed through other laws and policies.

(c) Coordination and oversight

- Subsection 5(c)(1) requires "coordination with the United States Agency for International Development Senior Coordinator for Gender Equality and Women's Empowerment and the Ambassador-at-Large for Global Women's Issues at the Department of State." This should be avoided to ensure the bureaucratic apparatus implementing this act is nimbler and more responsive to the executive branch. It is better to keep this entire programming area in the hands of the education bureaucracy of USAID, and not the gender bureaucracy. It also makes sense to have a single office

responsible and accountable for monitoring progress and gaps. The section also gives a role to the Ambassador-at-Large for Global Women's Issues at the Department of State, which has historically promoted abortion. This role should be avoided.

- Subsection 5(c)(2) similarly makes the requirement that "the Senior Coordinators shall consult with representatives across departments and agencies implementing the Adolescent Girl Strategy." The reference to the Adolescent and Girls Strategy should be removed. And the language should be changed from "should" to "may." Other agencies may be consulted but should not have a final decision.
- Subsection 5(c)(3) on consultation with "other strategies", for the same reason, should be deleted entirely. Consultations should not be required. Conservatives should always be on the side of less bureaucracy and simpler, more transparent, and more accountable processes. Furthermore, this section would be redundant, since any synergy with other strategies will transpire in consultations under subsection €(2).

(e) Monitoring and Evaluation

- Subsection(e)(2) refers to data disaggregation by "gender." How can this actually take place? Does this mean an open definition of gender? It should be replaced with "sex."

SECTION 6. Global strategy requirement

- This section should be deleted in its entirety. If a strategy is required it should be renamed as the strategy for "keeping girls in school" and should be the responsibility of the USAID education bureaucracy, not the gender bureaucracy, like the rest of the implementation of this act. It should be designed from scratch. The section also gives a role to the Ambassador-at-Large for Global Women's Issues at the Department of State, which has historically promoted abortion.

RECOMMENDATIONS

- Remove all references to the **U.S. Global Strategy to Empower Adolescent Girls** and other global strategies.
- Remove all references to the Ambassador-at-Large for Global Women's Issues at the Department of State. This office has been behind the push to sneak abortion in U.S. programming and to reinterpret Helms in gender based violence programming. It can be expected that any competence they will have in this bill will also be misused to promote abortion.
- Focus the act on access to secondary education for girls on an equal basis with boys. The act should not delve into other legal, health policy, and social engineering goals, which are best addressed through diplomacy and other policy areas.
- The bill should address basic human rights and not social engineering goals or "gender equality" as a social policy outcome. Rather, the focus of the act should be on ensuring girls have access to education on an equal basis with boys, based on human rights ratified by the U.S. government in the International Covenant on Civil and Political Rights.

- The term "gender equality" must be clarified to refer specifically to equality between men and women/boys and girls. Gender terminology is frequently used to include LGBTQ+ programming in foreign aid otherwise tailored to help women and girls. The phrase appears multiple times in the bill, so it must be defined to avoid an open definition of gender or replaced throughout the bill with "women and girls."
- The bill should include a requirement for U.S. programming to respect parental authority. Adolescent girls do not exist in isolation, and their schooling cannot be addressed independently of the family context. Since most adolescent girls are in the care of their parents, and since when harmful norms promote female genital mutilation and child marriage, the adolescent girl's parents are often involved, it is surprising that this bill does not include one mention of parents.
- Require an annual report to Congress with a mandatory list of all foreign sub-primes, funding amounts and program description.
- Require the Siljander Amendment text in the authorization. As shown with the abuses under the DREAMS program, it is essential to shield any money appropriated to implement this act from being misused to promote abortion in any circumstance.