

LEGISLATIVE *Analysis*

Center for Family and Human Rights

Keeping Girls in School Act (ANS to H.R. 4134)

The *Keeping Girls in School Act* is a bipartisan bill ostensibly about access to education for girls internationally. The goal of the legislation—to keep girls in school and empower them through learning—is one shared wholeheartedly by all members of Congress. How the U.S. Agency for International Development (USAID) will implement the bill in the absence of effective pro-life and pro-family guardrails remains highly concerning.

The substitute version of the bill proposed in the House Committee on Foreign Affairs has addressed some of the pro-life concerns with the initial text of the Act, including explicitly tying U.S. policy to United Nations goals and metrics, as well as other controversial language relating to PEPFAR, language about “barriers” widely understood to refer to abortion restrictions, and the codification of the Global Women’s Issues office at the U.S. State Department. In addition, and highly significantly, the term “gender parity” is defined in the bill as eliminating disparity between boys and girls, and elsewhere the words “girls” and “women” are used throughout, thus avoiding any confusion relating to transgender issues.

These improvements however are not enough to allay pro-life and pro-family concerns because of the overall thrust of the legislation, which is to give the federal bureaucracy complete control over how to implement the bill, including defining its own goals, objectives and metrics. Below are the principal remaining areas of concern in the legislation:

1. **The Keeping Girls in School Act gives too much power to the federal bureaucracy and erodes the ability of Congress to set the priorities of U.S. foreign assistance.** The Keeping Girls in School Act does not specifically address how to keep girls in school in any detail or establish any set of policy objectives, goals, or metrics. It only lays out the roadmap whereby federal and international bureaucrats will decide how to implement the legislation. Because of this, the bill will allow for interventions that reach far beyond mere educational goals. Democratic Congresswoman Chrissy Houlahan of Pennsylvania was candid about the wide latitude that the bill gives the federal bureaucracy when she introduced the amended version of the bill in this session of Congress in August 2022.¹
2. **The Keeping Girls in School Act will require USAID to work with pro-abortion international organizations and non-governmental groups.** The bill requires federal bureaucrats to define the priorities for implementing the act, including objectives, goals, and metrics in partnership with “relevant U.S. government and congressional authorities” as well as the United Nations agencies and international civil society “that have expertise in women’s empowerment and gender equality.” This includes pro-abortion groups such as International Planned Parenthood Federation and the UN Agency for Women. With such implementing partners, keeping girls in school will necessarily involve promoting abortion and long-acting hormonal contraceptives, as well as promoting sexual autonomy and gender ideology in schools. Notably, parents, faith-based groups, or religious leaders are not included among those

required to be consulted about what it means to “empower” girls.” Moreover, given that this bill requires an inter-agency wide effort, drawing on multiple sources of funding, and that its primary mechanism for implementation will be through agreements of the U.S. Government with foreign governments and non-governmental organizations, there is nothing to stop those agreements from including a focus on abortion. The absence of Mexico City Policy language in the bill, and the fact that past iterations of the policy have had a loophole for multilateral organizations, contribute to this problem.

3. **The pro-abortion U.S. Global Strategy to Empower Adolescent Girls will be the starting point for implementing the Keeping Girls in School Act.** The bill requires an updated U.S. Global Strategy to Empower Adolescent Girls, the most controversial one of the aggressively pro-abortion strategies published during the Obama administration. This existing document will remain the starting point for implementing this legislation. This global strategy includes references to “sexual and reproductive health and rights” as well as “comprehensive sexuality education” as normative and programming areas for U.S. foreign aid and foreign policy².
4. **The Keeping Girls in School Act broadly authorizes the federal bureaucracy to set goals and objectives in policy areas that are not directly tied to educational attainment for girls.** Rather than listing education as a form of or a principal form of empowerment for women and girls, the bill lists “empowerment” as a separate goal from education. The term “empowerment”, which is nowhere defined in the act, is often used to promote controversial “comprehensive sexuality education,” and it is seized by pro-abortion groups to promote policies that stray far beyond education, including transgender empowerment policies.³
5. **The Keeping Girls in School Act can direct funds to international pro-abortion groups that are barred from receiving U.S. funds by Republican administrations under the Mexico City Policy.** The legislation will likely direct funding toward implementing partners that are known to promote or provide abortion, as well as UN agencies over which the U.S. government has little to no oversight. While the organizations may not perform or promote abortions under the Helms amendment, because funds are fungible, this implies directing U.S. taxpayer resources to abortion.
6. **The Keeping Girls in School Act can be used to fund abortion overseas if the Biden Administration carries through with the promise to reinterpret the Helms Amendment to allow funding for abortions in limited cases.** The Helms amendment has been interpreted since its adoption in 1973 to bar the use of U.S. taxpayer funds for abortion or the promotion of abortion in all circumstances. The reasoning behind this consistent blanket application of the Helms amendment by both Democrat and Republican presidents is that it has always been deemed impractical and unfeasible to bar the use of funds for abortion in certain cases while banning funding for abortion in others. The Biden administration has told the United Nations Human Rights Council that the U.S. Government is committed to reinterpret the Helms Amendment to allow funding for abortions as a matter of human rights law.⁴ This has been a long-time goal of the abortion lobby.
7. **The Keeping Girls in School Act can be used to fund abortion overseas if the Helms rider is removed or not included in appropriations to fund the implementation of this act.** The only defense against the use of this law to fund abortion is the Helms amendment. But the Helms amendment’s applicability to this law is contingent on the appropriations process in Congress. There is no guarantee that a Helms rider can be included in future appropriations to implement this bill, and it is a stated goal of the Democratic party to repeal the Helms Amendment. Demo-

crat lawmakers routinely seek to remove any and all pro-life riders, including the Helms Amendment in annual Budget requests.

RECOMMENDATIONS

- Define education as a form of empowerment and exclude “empowerment” as a separate goal in the bill.
- Re-cast the objective of the legislation as achieving basic human rights and not social engineering goals or “empowerment” as a social policy outcome. The sole focus of the act should be on ensuring girls have access to education, based on human rights ratified by the U.S. government in the International Covenant on Civil and Political Rights.
- Include a requirement for U.S. programming to respect parental authority as well as religious and cultural norms in so far as consistent with internationally agreed human rights. Adolescent girls do not exist in isolation, and their schooling cannot be addressed independently of the family context and their wider culture. Though most adolescent girls are in the care of their parents—and harmful norms promote female genital mutilation and child marriage—it is surprising that this bill does not mention parents or guardians anywhere.
- Require an annual report to Congress with a mandatory list of all foreign prime and sub-primes, funding amounts, and program descriptions. Failure to satisfy this reporting requirement would bar prime funding recipients from eligibility to receive funds in the future.
- Add abortion neutrality language to prevent abortion groups from using the legislation to promote abortion in educational initiatives funded by the law.

Endnotes

- 1 https://c-fam.org/friday_fax/analysis-keeping-girls-in-school-act-has-little-to-do-with-keeping-girls-in-school/.
- 2 C-Fam, Legislative Analysis: Keeping Girls in School Act (S.2276/H.R.4134)
- 3 <https://c-fam.org/definitions/the-gender-agenda-how-the-lgbt-movement-is-hijacking-womens-rights/>
- 4 https://c-fam.org/friday_fax/biden-administration-signals-intention-to-overturn-helms-amendment-to-un-human-rights-review/



757 3rd Avenue, Suite 2119
New York, New York 10017
(212) 754-5948
info@c-fam.org
www.c-fam.org

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