

**\*\*\*\*\*SPECIAL REPORT\*\*\*\*\*****IT GETS WORSE: A REVAMPED FEDERAL ABSTINENCE-ONLY PROGRAM GOES EXTREME**

On January 26, 2006, the Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services (HHS) released a new funding announcement for Community-Based Abstinence Education (CBAE) programs. With this call for new proposals, ACF is promulgating a series of new assaults on logic, science, and individual dignity and liberty. The new funding announcement—which adds an entirely new section and 3,000 additional words—represents a significant departure from previous announcements and in the process, seems to have checked both evidence and reality at the door.

The new funding announcement views sexual abstinence prior to marriage as the magic elixir to a more perfect life. Sexual abstinence before marriage is credited with leading to a happier life, including having a healthier marriage, having more money, having healthier future children, being more “responsible” parents, being honorable and having integrity, attaining a better education, having fewer psychological disorders, avoiding drug, alcohol, and tobacco use, committing fewer crimes and staying out of prison, and having a longer life span.

The problem with ACF’s proclamations, however, is that they have no basis in sound evidence and very little grasp on the reality endured by the vast majority of America’s youth. In fact, after more than 1 billion dollars in federal taxpayer money going to these types of programs, not a single, sound evaluation—including HHS’ own—has determined that abstinence-only-until-marriage programs work to help young people protect their health in the long term. In fact, the opposite is true. Research shows instead that virginity pledges, a nearly universal component of these programs, undermine the use of condoms and contraception when young people become sexually active. Additional evidence has also shown that youth who take virginity pledges are more likely to participate in riskier experimentation with sex.<sup>1</sup>

ACF’s call for proposals emerges not from logic or evidence, instead it reflects the ideological view of far right organizations like the Heritage Foundation, Concerned Women for America, and Focus on the Family.

This report provides an analysis of the new call for proposals from ACF and how it compares with previous CBAE announcements. It makes clear the gross misuse of taxpayer funds and forces us to question the extent to which evidence-based prevention will survive during the remaining years of the Bush Administration.

## HISTORY AND BACKGROUND

Beginning in 2001, the federal government significantly boosted funding for abstinence-only-until-marriage programs by creating the Community-Based Abstinence Education funding stream. The new money, championed and ushered through Congress by Representative Ernest Istook (R-OK), was an attempt to create tighter restrictions around what these programs could and could not do. Specifically, the Congressman, with the stalwarts of the abstinence-only-until-marriage industry at his hip, wanted more emphasis on marriage promotion and moral purity, both of which were dismissed by many public health officials involved in the administration of the over \$60 million dollars in abstinence-only money that was already available at that time. In other words, a desire to tighten restrictions on the use of the money was the driving force and public health was the barrier. Istook got \$20 million for CBAE in 2001.

Yet, clearly, HHS wanted to clamp down further. The most public indication of this was the 2005 switch of agencies within HHS that administered all abstinence-only-until-marriage money. The money was entirely taken out of the hands of public health professionals and handed to the ACF, a social service entity at its core. Along with fatherhood and marriage promotion, and under the leadership of anti-sex education advocate Wade Horn, ACF let the first year of its administration of the dollars go by without a single outward change.

Behind the scenes, however, SIECUS learned in September of 2005 that ACF's Reverend Jeff Trimbath, Director of Abstinence Education, was working on what were characterized by a source as "new guidelines" for the abstinence-only-until-marriage programs.

On January 26, 2006, ACF's new vision in administering the CBAE program became clear when it issued the new funding announcement for Fiscal Year 2006. This new funding announcement is beneficial in only a single way: any notion or pretense that abstinence-only-until-marriage programs are about promoting public health has been thrown out the window. ACF has set forth a series of guidelines and themes in the funding announcement that pronounce the benefits of marriage and abstinence, and at the same time, preclude any discussion of risk-reduction, a hallmark of behavioral interventions that have reduced the number of pregnancies, abortions, sexually transmitted diseases (STDs), and HIV infections in this country. This new funding announcement turns its back on public health and fails to treat America's youth with the dignity and respect they deserve or provide them with the full range of information they need to protect themselves throughout their lives.

ACF does not cite any sources as the basis of this new funding announcement and most of the messages included remain unsupported by legitimate research. ACF's contention that "teen sexual abstinence improves preparation for stable marriage" appears to have come solely from two papers issued by The Heritage Foundation. Both papers were co-authored by Heritage's resident abstinence-only guru, Robert Rector, also the chief architect of the expansion of abstinence-only-until-marriage programs in 1996. Neither of the papers has been published in reputable, peer-reviewed journals and one, "Teenage Sexual Abstinence and Academic Achievement," is based simply on an inaccurate analysis of data from the National Longitudinal Survey of Adolescent Health which Rector seems to have cobbled together for a presentation at the 9<sup>th</sup> Annual Meeting of the Abstinence Clearinghouse in 2005.<sup>2</sup>

Setting evidence, logic, and the reality of our young people's lives aside, the federal government will be allocating \$115 million dollars under the revamped CBAE program for Fiscal Year 2006. We hope that the summary of our key concerns below will draw attention

to this waste of taxpayer dollars and the extremism of CBAE's administration under ACF, and that it will ultimately help us find our way back, as a country, to evidence-based prevention.

## **A CLOSER LOOK**

### **A New Approach**

The previous funding announcement encouraged grantees to follow a positive youth development approach; it stated “the best way to prevent young people’s involvement in risky behaviors is to help them achieve their full potential.”<sup>3</sup> This approach is widely supported by all sides of the ideological spectrum. Unfortunately, this positive approach has disappeared from the new program guidelines adopted by ACF and appears to have been supplanted with a simplistic and unproven “no sex, no touching, get married” approach delivered via abstinence-only-until-marriage programs. In fact, reading the funding announcement illustrates fully that the new guiding assumption for funded programs is that “teen sexual abstinence improves preparation for stable marriage.”<sup>4</sup>

### **Definition of Abstinence**

Many abstinence-only-until-marriage programs fail to define abstinence, often leading young people to assume that they are being abstinent provided that they are not engaging in vaginal intercourse. In fact, there has been a documented rise in alternative activities, such as oral and anal sex, among youth who take virginity pledges. In other places, HHS defines abstinence as “a decision not to have sex (vaginal, oral, or anal).”<sup>5</sup> This clear cut definition could help young people make sexual decisions, particularly if it was made clear that programs were required to use that definition as part of their instruction.

Unfortunately, the new funding announcement includes a much more restrictive definition: “voluntarily choosing not to engage in sexual activity until marriage. Sexual activity refers to any type of genital contact or sexual stimulation between two persons including, but not limited to, sexual intercourse.” All grantees are required to use “a definition of abstinence” that is “consistent” with this definition.

Under this definition, however, activities such as holding hands, looking into someone’s eyes, or kissing—anything that might provoke a physiological response—could be construed as going against the tenets of premarital abstinence. Such a definition is both unclear and unrealistic for today’s teens.

The funding announcement also offers potential grantees guidance on how young people might be instructed to avoid sexual activity. Suggestions include not watching television for fear of pornographic material being displayed, not staying out too late, and avoiding parties where sexually active peers are likely to attend. Given that over 60% of high school seniors are sexually active<sup>6</sup>, ACF seems to be suggesting that abstinent teens need to avoid all school events such as football games and the senior prom. According to ACF, “abstinence reflects qualities of personal integrity and is honorable” and apparently, needs to be protected by isolating oneself from the contagion of those who may be sexually active.

### **Medical Accuracy Remains Unaddressed**

In December of 2004, Representative Henry Waxman (D-CA) released a report documenting serious problems with abstinence-only-until-marriage curricula used in CBAE-funded programs. The report reveals an utter disregard for basic public health data that resulted in gross medical inaccuracies being taught to youth. For example, several curriculum repeatedly reference a discredited study on condom effectiveness that said condoms fail approximately 30% of the time. Others told young people that HIV could be

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transmitted through tears and sweat. Despite this report, HHS has failed to remedy the situation thereby jeopardizing the health of young people and violating their right to accurate information

The new funding announcement makes an embarrassing attempt to remedy the situation by requiring grantees to provide references for all data related to contraceptive efficacy and STD information. While citing data is a step in the right direction, ACF falls far short of requiring that these sources be legitimate or that the information provided be medically accurate.

This new citation requirement appears to be a ruse on the part of ACF so that the agency can argue that it is taking steps to regulate the accuracy of medical data. However, until HHS or Congress forces ACF to provide proper oversight of medical accuracy in abstinence-only-until-marriage curricula, the pattern of giving young people half truths and lies is likely to continue.

### **More Years = More Money**

The new funding announcement also marks a significant shift in the structure of the CBAE program beginning with the next fiscal year. When the CBAE program was initiated, two types of abstinence-only-until-marriage grants were offered: planning (which lasted one year) and implementation (which lasted three years). In Fiscal Year 2005, only implementation grants lasting three years were given. Beginning in Fiscal Year 2006, however, grants will be given to fund all types of programs and all grants will run for a period of five years. The new funding announcement explains that this change in the structure of grants has been made to “give grantees more time to enhance their sustainability.”

In addition, there will be significantly fewer grantees in the coming year, dropping from 60–70 grants in 2005 to 45–55 grants to be given in 2006. The dollar amounts have changed little—from \$250,000–\$600,000 in 2005 to \$200,000–\$800,000 in 2006. However, because the grants are virtually guaranteed for five years, it means more money over a longer period of time.

We have long argued that one of the real intents behind the promotion of abstinence-only-until-marriage programs has been to undermine existing, comprehensive sexuality education providers and build-up of a new cadre of providers—those focusing only on abstinence and censoring information about contraception. This new funding announcement supports this contention by not only guaranteeing funds for 2006, but if continued unchanged, guaranteeing funds for new grantees through Fiscal Year 2010. That translates into a commitment of hundreds of millions of federal tax dollars supporting these organizations into the next decade and, not by coincidence, well beyond the next Presidential election.

### **Assurances**

The federal law that guides CBAE is very clear in its prohibition that most groups cannot provide any other type of sexuality education programs if they are funded to provide abstinence-only-until-marriage programs with CBAE funds. In the past, HHS sought to ensure compliance with this rule by asking grantees to voluntarily submit a signed assurance that they will provide nothing other than the abstinence-only-until-marriage approach. However, the 2006 funding announcement goes beyond the voluntary encouragement and requires grantees to submit a signed assurance statement as part of their application.

Compliance with the law should always be paramount. We do not take exception to this point. But the redundancy of this requirement is puzzling in light of the flagrant violations of higher law, such as the Constitution, by federally funded abstinence-only-until-

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marriage programs. In the last several years, several law suits have been filed against abstinence-only-until-marriage programs for violating the First Amendment and spending taxpayer funds to promote religion. The latest case, against the Silver Ring Thing, was serious enough that HHS, on its own volition, prevented the program from drawing down any more money from the federal treasury until the problems were fixed. However, it took a lawsuit to bring this matter to HHS' attention and force a remedy. It is also worth noting that no CBAE program has ever been defunded for having been found to be in violation of the prohibition against providing any real sexuality education.

Given this, why are grantees, instead of being required to provide double assurances that amounts to a gag rule on their programmatic activities, not asked to sign an assurance that they will not violate the U.S. Constitution by promoting religion with taxpayer dollars? At one point, as part of an earlier settlement arising from a similar lawsuit more than twenty years ago, abstinence-only-until-marriage grantees were required to provide just such an assurance. HHS has since abandoned this practice because the law no longer compels it to do so. The practice should be reinstated immediately.

### **Evaluation**

There has never been any real will within HHS to soundly evaluate abstinence-only-until-marriage programs. At every turn, there have been loopholes and worse, sloppy process evaluations that yield little but are championed by ideologues as proof beyond belief that abstinence-only-until-marriage programs work. Under the new funding announcement, ACF has attempted to address the politics of this issue. It now requires grantees to use 15 percent of their grant money to evaluate their programs. However, they are only required to document "the number of youth served; the hours of service provided to each youth; and the number of youth that complete the program." While there is some discussion of grantees having the option to evaluate program participants' behaviors and attitudes, the ideal outputs are described to "calculate program efficiency and answer such questions as, 'What is the overall cost of providing services per program graduate?' or 'What is the overall cost per student per hour of abstinence education?'"

Twenty-five years, more than \$1 billion of federal tax money, and repeated calls from researchers and advocates to remedy the poor quality of evaluations of abstinence-only-until-marriage programs, and ACF requires only the most rudimentary process evaluations that will never measure the impact of programs on behavior. Instead, the absurd emphasis on "program efficiency" once again proves that the true purpose of abstinence-only-until-marriage programming is not to promote public health, but to force an ideology that is in conflict with reality and unfriendly to scientific inquiry.

### **Curriculum Requirements**

Apart from laying out the 8-point definition of "abstinence education," the old funding announcement said little about the curriculum that funded programs might create or use. The new guidelines, however, dedicate 8 pages to expanding on the existing definition by enumerating themes and possible messages that should be included in curriculum. Like many existing fear-based, abstinence-only-until-marriage curricula, these messages rely on fear and shame, discourage contraceptive use, promote marriage, and violate the dignity and rights of sexually active students, LGBTQ individuals, and young people who have been or are being sexually abused.

According to these new guidelines, curricula should:

### **Use Scare Tactics**

The new guidelines consistently emphasize negative consequences of premarital sexual activity and suggest that such consequences are inevitable. It is clear that the goal is to scare students rather than educate them as many of the suggested consequences, such as suicide and decreased school completion, have no basis in sound research.

- Teaches that teen sexual activity is associated with decreased school completion, decreased education attainment, and decreased income potential.
- Teaches the potential psychological effect (e.g. depression and suicide) associated with adolescent sexual activity.
- Teaches that non-marital sex in teen years may reduce the probability of a stable, happy marriage as an adult.

### **Rely on Messages of Shame**

The new guidelines dismiss the 60% of today's high school students who are sexually active by suggesting that they are less worthy than their abstinent peers and should feel ashamed of their sexual behavior.<sup>7</sup> The guidelines go as far as to suggest that abstinent teens should avoid those who are sexually active.

- Teaches that premarital sexual activity can create a pattern of relationship instability.
- Teaches that abstinence reflects qualities of personal integrity and is honorable.
- Teaches that non-marital sex can undermine the capacity for healthy marriage, commitment and love.
- Teaches that the lack of commitment associated with non-marital sex may increase the potential for emotional harm.
- Teaches that pursuing the expected standard of abstinence serves to establish an understanding and respect for others.

### **Discourage Contraceptive Use**

Sexuality education programs that promote the use of contraceptives are not eligible for funding under CBAE. The new guidelines go beyond this, however, and provide numerous messages that will serve to discourage sexually active young people from using contraception, thereby putting these youth at risk for STDs and pregnancy.

- Teaches that contraception may fail to prevent teen pregnancy and that sexually active teens using contraception may become pregnant.
- Teaches the published failure rates associated with contraceptives relative to pregnancy prevention, including the 'real use' versus 'laboratory use,' human error, product defect, teen use and possible side effects of contraceptives.
- Teaches the limitations of contraception to consistently prevent STDs.
- Does not promote or encourage the use or combining of any contraceptives in order to make sex "safer."

### **Suggest Premarital Abstinence is a Cure-All**

The new guidelines suggest that teens who practice abstinence-until-marriage will never experience an STD or unintended pregnancy, will be financially secure, will be ensured a happy marriage, and will be good parents. While abstinence has benefits to teenagers, there is no evidence to suggest that premarital abstinence is the key to a happy and healthy life. In fact, the vast majority of Americans have sex before they marry and many of them go on to live “happily ever after.”<sup>8</sup>

- Teaches that the delay of initiation of sexual activity until marriage can significantly improve life outcomes, financial well-being and marital stability.
- Teaches that abstinence increases the potential of avoiding other high-risk behaviors, e.g. drug abuse, alcohol abuse, tobacco use and sexual violence.
- Teaches that abstinence is a means of developing discipline, self-awareness, and goal setting.
- Teaches the relationship of abstinence before marriage and fidelity in marriage to responsible parenthood.

### **Promote Marriage as the Only Acceptable Family Structure**

The new guidelines make it clear that funded programs must teach “abstinence in preparation for marriage.” They go beyond prescribing marriage, however, and suggest that only married people have happy, successful lives. In addition, by focusing on the importance of raising children in a two-parent, heterosexual marriage, the guidelines may alienate young people who have single, divorced, widowed, or gay and lesbian parents.

- Teaches that adults who are married are less likely to be involved in illegal activity, abuse substances or spend time in prison.
- Teaches that bearing children out-of-wedlock increases the likelihood that a mother will live in poverty, become dependent on welfare, and/or experience significant delays in or interference with achieving desired life goals.
- Teaches the multi-faceted benefits of healthy marriage to our society (e.g. increased life span; higher standards of living; higher levels of sexual satisfaction).

### **Violates the Dignity of LGBTQ Young People**

The new guidelines mandate that “throughout the entire curriculum, the term ‘marriage’ must be defined ‘only as a legal union between one man and one woman as a husband and wife, and the word ‘spouse’ refers to only a person of the opposite sex who is a husband or a wife.’” This stipulation is straight out of the controversial 1996 Defense of Marriage Act. By excluding lesbian and gay people from this definition, and therefore from the “expected standard of sexual activity,” the guidelines are unabashedly admitting that abstinence-only-until-marriage programs are intended only for heterosexual students.

- Teaches that the expected standard for sexual activity is within the context of a mutually monogamous relationship between a man and a woman.

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- Teaches that healthy human sexuality involves enduring fidelity, love, and commitment; human happiness and well-being are associated with a stable, loving marriage.

### **Retraumatizes Survivors of Sexual Abuse, Rape, and/or Molestation**

Throughout the funding announcement, abstinence from sexual activity is portrayed as a conscious choice over which a young person has total control. In reality, many young people do not have the choice to remain abstinent due to sexual abuse, rape, and/ or molestation. The new guidelines associate sexual abstinence with all things virtuous and sexual activity with a life doomed to failure. Not only is this untrue, but it serves to inflict greater harm upon those who have had survived coerced sexual behavior.

- Teaches that sexual desires are natural and controllable and that individuals are capable of making choices to abstain from sexual activity.
- Teaches the importance of personal character in deciding to remain sexually abstinent.

The full funding announcement reviewed in this report can be found at:

<http://www.acf.hhs.gov/grants/pdf/HHS-2006-ACF-ACYF-AE-0099.pdf>

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<sup>1</sup> Peter Bearman and Hanah Brückner, “Promising the Future: Virginity Pledges and the Transition to First Intercourse,” *American Journal of Sociology* 106.4 (2001): 859-912; Peter Bearman and Hanah Brückner, “After the promise: The STD consequences of adolescent virginity pledges,” *Journal of Adolescent Health* 36.4 (2005): 271-278.

<sup>2</sup> Patrick F. Fagan, Robert E. Rector, Kirk A. Johnson, and America Peterson, *The Positive Effects of Marriage: A Book of Charts* (Washington, DC: the Heritage Foundation, April 2002) accessed 15 February 2006 <<http://www.heritage.org/Research/Features/Marriage/loader.cfm?url=/commonspot/security/getfile.cfm&PageID=48119>>; Robert Rector and Kirk A. Johnson *Teenage Sexual Abstinence and Academic Achievement* (Washington, DC: the Heritage Foundation, Conference Paper, 27 October 2005), accessed online at <http://www.heritage.org/Research/Welfare/whitepaper10272005-1.cfm>.

<sup>3</sup> Funding Opportunity no.HHS-2005-ACF-ACYF-AE-0099, “Community-Based Abstinence Education,” *Federal Register* 70, no.97 (May 2005): 29319.

<sup>4</sup> Unless otherwise cited all quotes come from: Funding Opportunity no HHS-2005-ACF-ACYF-AE-0099. “Community-Based Abstinence Education,” *Administration for Children and Families* (January 2006),4, accessed 15 February 2006 <<http://www.acf.hhs.gov/grants/pdf/HHS-2006-ACF-ACYF-AE-0099.pdf>>.

<sup>5</sup> Continuous Abstinence, 4women.gov, Department of Health and Human Services, accessed 15 February, 2006 <<http://www.4woman.gov/faq/birthcont.htm>>.

<sup>6</sup> Jo Anne Grunbaum, et. al., “Youth Risk Behavior Surveillance-United States, 2003,” *Surveillance Summaries, Morbidity and Mortality Weekly Report* 53.SS-2 (21 May 2004): 1-95, accessed 28 January 2005, <<http://www.cdc.gov/nccdphp/dash/yrbbs/>>.

<sup>7</sup> Ibid.

<sup>8</sup> Edward Laumann, et. al., *The Social Organization of Sexuality—Sexual Practices in the United States* (Chicago: The University of Chicago Press, 1994).