Lemonade from Lemons: The Obama Administration's Plan for Implementing the Title V Abstinence Education Program

On July 30, the Administration for Children and Families (ACF) of the Department of Health and Human Services issued guidelines for the highly controversial and largely discredited program, long championed by social conservatives, that makes available $50 million annually for grants to the states to promote sexual abstinence outside of marriage. Originally enacted in 1996 during a major overhaul of the nation's welfare system, the program—a part of Title V of the Social Security Act—technically expired in June 2009, only to be quietly resuscitated for another five years as part of the massive health care reform law enacted in March.

Issued in the form of a funding announcement, the guidelines make clear that the administration has tried to make the best of a program that it is on record opposing. However, it was constrained to a considerable extent by a detailed, eight-point definition of abstinence education enshrined in the statute itself. Some of the more controversial components of the definition include teaching that "a mutually faithful monogamous relationship in context of marriage is the expected standard of human sexual activity" and that "sexual activity outside of the context of marriage is likely to have harmful psychological and physical effects." But whereas the Bush administration required state programs to "meaningfully represent" each element of the definition, the new ACF guidance returns to a Clinton administration interpretation allowing states to decide the relative emphasis to place on each of the eight points, so as to give them latitude to design "flexible, medically accurate and effective abstinence-based plans"—just so long as programs do not contradict any of the eight points.

Forthrightly acknowledging that the Title V statute (and the eight-point definition, in particular) allows a state to teach "values-based" perspectives, the ACF guidance nonetheless makes clear a state may not present information as factual when it reflects a value or opinion rather than fact. With specific regard to contraceptives, states must give assurances that, if any information is to be provided at all, it will be medically accurate and balanced. In contrast, programs under the Bush administration effectively had a choice between not discussing contraceptive methods at all or emphasizing their failure rates, so as to guard against promoting contraceptive use and maintaining abstinence promotion as their "exclusive purpose."

Significantly, ACF says states can bypass the eight-point definition entirely by choosing to implement programs under a separate, hitherto little-noticed provision of the law authorizing "mentoring, counseling and adult supervision" as a means of promoting abstinence. States, moreover, are invited to focus on youth in foster care, who are at especially high risk of nonmarital childbearing, and to be "inclusive" in meeting the needs of lesbian, gay, bisexual, transgender (LGBT) and questioning youth. Finally, ACF encourages states to take a holistic approach to reducing teen pregnancies and sexually transmitted infections, in which abstinence programming is just one intervention in a continuum of services. States are invited to use Title V abstinence funds in combination with funds from other sources—such as the $114.5 million teen pregnancy prevention initiative, whose funding announcement was published in April (related article, Spring 2010, page 27), and the similarly focused $75 million "personal responsibility education" program (PREP)—allowing them to create age-appropriate programs that focus on abstinence for the very young and provide more balanced information about abstinence and contraception as teens grow older and start to have sex.

Even so, the fact remains that there is nothing the Obama administration can do administratively to block socially conservative states from using Title V abstinence funds to implement rigid, abstinence-only-until-marriage programs that have been discredited by a wide body of evidence. Indeed, a congressionally mandated study conducted over nine years at a cost of almost $8 million concluded that these programs are not effective in stopping or even delaying teen sex and have no beneficial impact on young people's sexual behavior. Accordingly, advocates for more comprehensive approaches, while acknowledging the administration's efforts to make "lemonade from lemons," are continuing to call on Congress to repeal the Title V abstinence education program. Meanwhile, states will have until August 30 to indicate their interest in applying for a Title V grant and until December 10 to complete their application.—*Heather D. Boonstra*