



January 9, 2009

Michael O. Leavitt  
Secretary of Health and Human Services  
The U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Re: Misuse of Healthy Marriage and Responsible Fatherhood  
Initiative Funds

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LIBERTIES UNION  
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Dear Secretary Leavitt:

We write to express our concern about the usage of Healthy Marriage and Responsible Fatherhood Initiative funds to support abstinence-only-until marriage programs. As you know, a 2008 Government Accountability Office (“GAO”) report revealed that some Healthy Marriage grantees are using these funds for abstinence-only programs. This occurred despite HHS having made clear that using Healthy Marriage funds for this purpose is inconsistent with the Deficit Reduction Act, the statute that authorizes the Healthy Marriage program. In addition to the GAO report, the ACLU’s own investigation through the Freedom of Information Act (“FOIA”) revealed that a number of Healthy Marriage grantees explicitly asked for these funds to implement abstinence-only programs. This utter lack of oversight is troubling, and we would like to know HHS’s plan for guaranteeing that this funding stream isn’t used for abstinence-only programs.

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The ACLU is a nationwide, nonpartisan public interest organization of almost 600,000 members dedicated to protecting the principles of freedom and equality set forth in the Constitution and in our nation’s civil rights laws. The ACLU has a long, proud history of vigorously defending religious liberty, reproductive freedom, and principles of non-discrimination. The ACLU is particularly committed to ensuring that individuals’ access to reproductive health services is not compromised because of their race, youth, or economic status; we are a leader in the fight against discrimination against those segments of the American population that have traditionally been denied their rights, including people of color, lesbians, gay men, bisexuals and transgender people, women, mental-health patients, prisoners, people with disabilities, and the poor.

As you are aware, the GAO report, which was released to the public on October 27, 2008, found that HHS lacked oversight of the Healthy Marriage program. One example of this lack of oversight involves

abstinence-only programs. The GAO report revealed that, “HHS officials told us that abstinence education was not allowable under the Healthy Marriage program, but we observed during our site visits and review of grantee data several Healthy Marriage grantees operating programs that focused on abstinence education.”<sup>1</sup> Indeed, during a site visit to a Healthy Marriage grantee, the grantee told the GAO that it used this funding for abstinence-only programs and abstinence-only programs were “not provided as a single lesson, but was the focus of the entire curriculum.”<sup>2</sup>

The GAO’s findings are consistent with the information the ACLU obtained through a FOIA request: a number of organizations explicitly asked HHS for, and received, funding for their abstinence-only programs. For example, WAIT (“Why Am I Tempted”) Training, located in Denver, Colorado, is an organization that produces an abstinence-only-until marriage curriculum by the same name. WAIT Training received more than a million dollars for fiscal years 2006 and 2007 from the Healthy Marriage Program, in part to teach its abstinence-only-until-marriage program. The WAIT Training program *is* an abstinence-only-until-marriage program. For example, as indicated in the WAIT Training materials, the “specific goals” of the program are: “increase the age of onset of sexual debut; reduce the number of sexual partners, reduce sexual activity; increase the number of teens who are willing to commit to abstinence; increase the number of previously sexually active teens who are now choosing abstinence.”<sup>3</sup> In their proposed budget for Fiscal Year 07, WAIT Training indicated that it would use \$30,000 to conduct trainings for individuals to become certified to teach the WAIT Training program, and it would spend \$37,500 to duplicate and distribute the program materials at these or other trainings.

Moreover, a crisis pregnancy center called Elizabeth New Life Center in Dayton, Ohio was awarded \$1,754,872 in Fiscal Year 2006. In its grant application, Elizabeth New Life Center indicated it would use some of the funds to teach the WAIT Training program. HHS renewed Elizabeth New Life Center’s grant – without asking them to compete for it – for Fiscal Year 2007. The renewal application again indicated that they would teach WAIT Training in high schools.

As HHS has properly determined, abstinence-only-until-marriage programming is not an allowable activity under the Healthy Marriages funding stream, as authorized by the Deficit Reduction Act. As you know, abstinence-only-until-marriage programs already benefit from multiple dedicated funding streams, and the federal government has already spent more than \$1.5 billion on these programs. Funding for these programs has increased, despite studies, including those commissioned by the federal government, which show that these programs are ineffective.<sup>4</sup>

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<sup>1</sup> Government Accountability Office, “Healthy Marriage and Responsible Fatherhood Initiative: Further Progress Is Needed in Developing a Risk-Based Monitoring Approach to Help HHS Improve Program Oversight,” GAO-08-1002, at 25 (September 2008).

<sup>2</sup> *Id.* at 32.

<sup>3</sup> WAIT Training, 2d Edition, at 31.

<sup>4</sup> *See, e.g.*, Christopher Trenholm et al., *Impacts of Four Title V, Section 510 Abstinence Education Programs*, Princeton: Mathematica Policy Research, Inc., April 2007; Douglas Kirby, Ph.D., *Emerging Answers 2007: Research Findings on Programs to Reduce Teen Pregnancy and Sexually Transmitted Diseases*, National Campaign to Prevent Teen Pregnancy at 15 (Nov. 2007).

We look forward to working with the Department to ensure that Healthy Marriage funds are not used for abstinence-only-until-marriage programs. Thank you for your time and attention to this matter.

Sincerely,



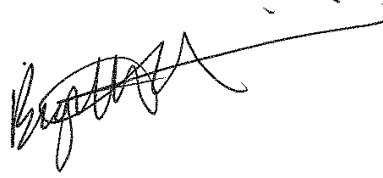
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