



AMERICAN ATHEISTS

April 8, 2019

Naomi Goldstein
Deputy Assistant Secretary
Office of Planning, Research, and Evaluation
Administration for Children and Families
U.S. Department of Health and Human Services (HHS)
330 C Street SW
Washington, DC 20201
Attn: OPRE Reports Clearance Officer

Re: Comments regarding Notice of Proposed Information Collection Activity; Youth Empowerment Information, Data Collection, and Exploration on Avoidance of Sex (IDEAS) (New Collection) (84 FR 2874, Document Number 2019-01566)

Dear Ms. Goldstein:

American Atheists writes in response to the request for public comments regarding the Proposed Notice entitled “Information Collection Activity; Youth Empowerment Information, Data Collection, and Exploration on Avoidance of Sex (IDEAS) (New Collection),” published on February 8, 2019.¹ The Department proposes to collect data that will inform educational topics and strategies for a sexual risk avoidance (SRA) approach to reducing teen pregnancy and improving youth well-being. To achieve this goal, the Administration for Children and Families (ACF) presents a parent and youth survey. We believe these survey and approach is not only unnecessary but also inappropriate to fulfill ACF’s goals. Moreover, we agree with the many organizations advocating to defund SRA programs, which only increase stigma and creates unrealistic standards for LGBTQ young people. Therefore, we urge you to withdraw the Proposed Data Collection.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the “wall of separation” between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation’s communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. As advocates for the health, safety, and well-being of all Americans, American Atheists supports the fair and scientifically accurate education of young people, free from religious misinformation and coercion.

¹ Notice of Proposed Information Collection Activity; Youth Empowerment Information, Data Collection, and Exploration on Avoidance of Sex (IDEAS) (New Collection). 84 FR 2874, Document Number 2019-01566 (hereafter “proposed data collection”).

The ACF's data collection effort is repetitive and unnecessary to foster health and well-being among youth.

The Proposed Data Collection replicates several questions taken from more than 15 different surveys nationwide, including the Youth Risk Behavior Surveillance System (YRBSS), the National Survey of Family Growth (NSFG), the National Survey of Adolescents and Young Adults (NSAYA), and the National Household Education Survey Program (NHES). Replicated questions do not merely relate to topics such as demographics or personal information. To illustrate, Section D of the Youth Survey Draft took, adapted, and modified questions D5, D6, and D8, from the National Survey of Adolescents and Parents.² These questions are categorized under the title “Attitudes and Beliefs About Youth Sexual Behavior,” and they address the same information the Proposed Data Collection aims to gather. Specifically, they explore youth mindset regarding the appropriate age to have sex, the circumstances in which sexual intercourse are allowed, and how common sex is among teens. Surprisingly, eight out of ten questions in that section were taken from other surveys. This duplication contravenes the goal of the Paperwork Reduction Act of 1995 by imposing unnecessary paperwork burdens to individuals completing the survey.

Furthermore, this survey supports an SRA approach to sexual education that is widely rejected by healthcare professionals and adolescent health experts because it is harmful.³ Congress defines SRA as those programs that “exclusively” teach “voluntarily refraining from non-marital sexual activity.”⁴ The law specifies that SRA programs cannot include demonstrations, simulations, or distribution of contraceptive devices.⁵ Despite these severe deficits, proponents of abstinence education argue that solely teaching abstinence to youth will delay teens’ first sexual encounter and will reduce the number of partners they have, leading to a reduction in rates of teen pregnancy and STIs. These claims are contradicted by the lack of substantial evidence to support that abstinence-only programs meaningfully positively impact the sexual behavior of youth, and in some case, there has been a documented negative impact on pregnancy and birth rates.⁶ For instance, Mississippi, which requires its public schools to adopt either “abstinence-only” or “abstinence-plus” programs,⁷ had the third-highest reported teen birth rate in 2016.⁸ It is estimated that the US government has wasted more than 2 billion dollars on these ineffective and harmful programs over the past three decades.⁹

² Section D concerns “Attitudes and Beliefs About Youth Sexual Behavior.” Specifically, question D5 asks whether: “It is okay for people your age to have sex if both partners think they are ready.” Question D6 asks whether “At your age right now, having sex would be okay if you have been dating one person for a long time.” Question D8 asks “How common or typical do you think it is for teens to... [options relating to using alcohol, tobacco, drugs, and engaging in sex].” Youth Survey Draft, 25.

³ C.C. Breuner, “Sexuality Education for Children and Adolescents,” *Pediatrics* vol. 138, no. 2 (Aug. 2016). P. e7. Available at: <https://pediatrics.aappublications.org/content/pediatrics/138/2/e20161348.full.pdf>

⁴ Consolidated Appropriations Act of 2016, Pub. L. 114-113, 129 Stat. 2618.

⁵ 42 USC § 710(b)(4)(B)

⁶ HKFF. Fact Sheet. Abstinence Education Programs: Definition, Funding, and Impact on Teen Sexual Behavior. (June. 2018). Available at: <http://files.kff.org/attachment/Fact-Sheet-Abstinence-Education-Programs-Definition-Funding-and-Impact-on-Teen-Sexual-Behavior>

⁷ Miss. Code. Ann. § 3-13-171.

⁸ J.A. Martin, et al., “Births: Final data for 2016,” *National Vital Statistics Reports* vol. 67, no. 1. P.23 (Hyattsville, MD: 2018). Available at: https://www.cdc.gov/nchs/data/nvsr/nvsr67/nvsr67_01.pdf

⁹ J. Boyer. Guttmacher Policy Review. “New Name, Same Harm: Rebranding of Federal Abstinence-Only Programs.” (February 2018). Available at: <https://www.guttmacher.org/gpr/2018/02/new-name-same-harm-rebranding-federal-abstinence-only-programs>

Instead of concentrating on SRA programs, the ACF's should reinforce the Centers for Disease Control and Prevention's (CDC) approach by collecting data to support comprehensive sexuality education (CSE). The CDC identified 19 critical sexual education topics that should be taught at schools, including but not limited to how HIV and other STDs are transmitted and how to reduce their risks, pregnancy, the benefits of being sexually abstinent, the use of condoms, and negotiation and decision-making skills. Statistics show that only 38% of high schools in the country cover all of these topics¹⁰ while in grades 6, 7, and 8, the number of schools teaching these critical education topics drop to 14%.¹¹ Texas, for example, has received more federal abstinence-only money than any other state,¹² and 83% of Texas school districts teach abstinence-only – or don't teach human sexuality at all.¹³ However, in 2016, Texas had the fourth-highest reported teen birth rate in the United States.¹⁴

The language of the proposed survey instruments is biased and inappropriate and the scope is too narrow to support the mission of ASF.

The Proposed Data Collection employs a blinkered and ineffective approach that shames students and parents. Instead of breaking down dangerous stereotypes linked to gender roles and contraceptive use, the survey promotes them by using prejudicial and heteronormative language. This type of language reinforces bias by taking the heterosexual orientation of their readers for granted.¹⁵ For instance, Section G of the Youth Survey Draft addressing “sexual risk behaviors” provides several definitions of sex that must include a male penis. This definition overlooks the LGBTQ community, especially lesbians who under these definitions would be incapable of having sex. Furthermore, this approach stigmatizes the substantial percentage of young people who have sex before marriage. According to a 2015 study by the CDC, in 2011–2013, 44% of never-married female teenagers (4.3 million) and 47% of never-married male teenagers (4.8 million) had sexual intercourse at least once.¹⁶

Additionally, the Young and Parent surveys drafts accompanying the Proposed Data Collection inappropriately cluster public and charter schools under the same category.¹⁷ Although both types of schools are publicly funded, charter schools frequently are subject to different regulations than public school districts, which may allow them to use different types of sexual education or not provide sexual education at all. These types of schools are different enough that they should be categorized separately.

¹⁰ N.D. Brener, et al., *School Health Profiles 2016: Characteristics of Health Programs Among Secondary Schools* (Atlanta: Centers for Disease Control and Prevention, 2017). P. 17. Available at:

https://www.cdc.gov/healthyouth/data/profiles/pdf/2016/2016_Profiles_Report.pdf#page=25

¹¹ Id.

¹² *Sex Education in Texas Public Schools: Progress in the Lone Star State* (Austin, TX: Texas Freedom Network Education Fund, 2011).

¹³ *Conspiracy of Silence: Sexuality Education in Texas Public Schools* (Austin, TX: Texas Freedom Network Education Fund, 2017).

¹⁴ J.A. Martin, et al., “Births: Final data for 2016,” *National Vital Statistics Reports* vol. 67, no. 1. P.23 (Hyattsville, MD: 2018). Available at: https://www.cdc.gov/nchs/data/nvsr/nvsr67/nvsr67_01.pdf

¹⁵ American Psychologist Association. “Avoiding Heterosexual Bias in Language.” Volume 46, Issue No. 9, 973-974. (Sep. 1991). Available at: <https://www.apa.org/pi/lgbt/resources/language>

¹⁶ G.M. Martinez, et al., “Sexual Activity, Contraceptive Use, and Childbearing of Teenagers Aged 15–19 in the United States.” (July 2015). Available at: <https://www.cdc.gov/nchs/data/databriefs/db209.pdf>

¹⁷ Youth Survey Draft, Questions A20 and C10; Adult Survey Draft, Question B6.

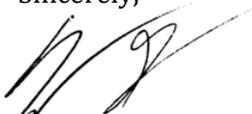
Finally, the Proposed Data Collection also fails to gather information about whether students learn about or discuss abortion, as well as how to use methods of contraception effectively. Sadly, this misguided approach is in line with SRA programs that highlights contraception's failure rates. These programs do not teach young people how to most effectively protect themselves and reduce their risks of unintended pregnancies and/or HIV and other STIs.¹⁸ We believe that withholding information on contraception and other family planning options in order to induce someone to become abstinent is inherently coercive and violates the "do no harm" principle.¹⁹ In fact, contrary to what SRA proponents believe, consensual sex between teenagers is not itself associated with physical or emotional harm – instead, it is social sanctions that derive from an abstinence-only approach that perpetuate gender disparities in and undermine adolescent sexual health.²⁰

We encourage ACF to support comprehensive sex education in schools, in alignment with the majority of Americans who support these programs. A 2018 survey sponsored by Planned Parenthood concluded that 89% of Americans think it is important to have sex education in middle schools and 98% think these programs are essential in high schools.²¹ CSE addresses the physical, mental, emotional, and social dimensions of human sexuality for all young people. CSE is also science-based, culturally appropriate, and includes information related to a range of topics including human development, healthy relationships, personal safety, pregnancy and reproduction, and sexual behavior, in addition to abstinence and refraining from sexual activity.

Conclusion

The Proposed Data Collection is not only repetitive and unnecessary but also inappropriate to foster health and well-being among youth in the US. By prioritizing SRA programs, the Administration fails to provide young people with the foundation of sexual health information and skills they need to live healthy lives. We urge your office to stop spending taxpayer money on failed programs that hurt young people. Moreover, we strongly urge the Department to immediately withdraw this pernicious Proposed Data Collection. If you should have any questions regarding American Atheists' comments on the Proposed Data Collection, please contact me at 908.276.7300 x309 or by email at agill@atheists.org.

Sincerely,



Alison Gill, Esq.
Vice President, Legal and Policy
American Atheists

¹⁸ 42 USC § 710(b)(4)(A)

¹⁹ J.S. Santelli, "Abstinence-Only-Until-Marriage: An Updated Review of U.S. Policies and Programs and Their Impact," *Journal of Adolescent Health* vol. 61, no. 3 (Sept. 2017) P. 273-280.

²⁰ *Id.*

²¹ Planned Parenthood. "Sex Education: A National Survey on Support Among Likely Voters." (Feb. 2018) Available at: https://www.plannedparenthood.org/uploads/filer_public/7a/ac/7aacf0ad-fd1c-4dcc-b65f-47e3c3754e0d/sex_education_-_a_national_survey_on_support_among_likely_voters_logo.pdf