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CENTER FOR LAW AND SOCIAL POLICY

To Have and To Hold: Congressional Vows on Marriage and Sex¹

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Despite some history together, *Marriage First* and *Then Sex* were divorced in 1960, the year the Pill went to market. Traditional marriage has not been the same since. In some measure this is because the effective use of contraceptive technology put women on a more level playing field with men—that is, they could participate in sex without the risk of getting pregnant. The technology trumped, but did not dump, the marriage tradition. Along with other cultural changes, the new contraceptive technology helped transform the institution. Marriage now occurs later (the average age of first marriage has risen significantly), is shorter (divorce is commonplace), and frequently does not happen (cohabiting couples, including those with children, have increased dramatically).

Recently, marriage has moved into the political arena. In 1996, Congress passed a law, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), which created welfare block grants for states. PRWORA promotes traditional marriage in two ways. The block grants allow states to choose to spend welfare funds on marriage-related programs for welfare and non-welfare recipients alike. PRWORA also includes separate funding for states for abstinence-unless-married programs that teach *marriage first* and *then sex*.

The 1996 law was scheduled to be reauthorized in 2002, but reauthorization has not yet occurred. Since 2002, the program has been repeatedly extended through a series of stop-gap measures called continuing resolutions. In the first months of 2005, Congress has begun to take up reauthorization, so it has a chance to debate these marriage and abstinence education provisions. It will also consider a third way to promote marriage: a set-aside of significant welfare funds for federally defined marriage promotion activities, augmenting what states are already allowed to spend.

Professionals in sexuality education, family planning, reproductive health, family life, and other related fields face challenges with the politicization of marriage. Increasingly, research is demonstrating that the well-being of children who grow up with two biological parents who are not in conflict exceeds that of children in other living arrangements. Professionals engaged with families should be interested in promoting these benefits.

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However, marriage is not necessarily a benefit for everyone, including those who are too young or too immature. Some married couples are better off divorced, particularly those in an abusive or high-conflict relationship. There is a risk, too, that some politicians who are wedded to their ideas of marriage will pass laws that are far from ideal and actually undercut the development of healthy couples and families.

With reauthorization, Congress has an opportunity to pass a law that better recognizes both the benefits and risks of marriage promotion. For many people, the magic of marriage is that it reflects an inherent irrationality; that is, it is serendipity that typically determines who one meets and might marry. Congress, in promoting the behavior to marry, should not legislate with a wand but rather should foster rational policies and programs for which there is evidence of clear benefit. Further, a fiscally responsible Congress should spend with constraint, particularly in an era when essential services are in competition for diminishing dollars.

This article discusses what the government has already done to promote abstinence-unless-married programs and marriage, and what it proposes to do with the reauthorization of the welfare law. The article then discusses the relationship between marriage and pregnancy prevention, including research findings on the influence of childbearing on marriage. It then concludes with some recommendations on what Congress could do in the reauthorization of PRWORA to ensure that funding for abstinence-unless-married programs and marriage promotion truly meet the needs of the populations for which it is intended.

A Portrait of American Couples: Marriage and Cohabitation

90 percent of women are estimated by Census to marry at some time in their lives; Vital Health Statistics finds that for first marriages:¹

8 percent occur by age 18
25 percent occur by age 20
76 percent occur by age 30

20 percent are disrupted after 5 years
33 percent are disrupted after 10 years

50 percent of women by age 30 are estimated to cohabit²; Vital Health Statistics finds that for first premarital cohabiters:³

58 percent of those that last 3 years marry
70 percent of those that last 5 years marry

39 percent are disrupted within 3 years
49 percent are disrupted with 5 years

[Note that cohabitation “disruption” includes cohabitations that made the transition to marriage and then disrupted.]

WHAT’S GOVERNMENT GOT TO DO WITH IT?

The vow “to have and to hold” is often part of religious wedding services. Even with traditional marriages, however, government has played a role. But government’s role has largely been in the arena of issuing licenses and granting divorces (typically the domain of local and state entities, such as marriage license bureaus and family court) and establishing how married couples are

treated under government programs (e.g., the tax and benefits systems). Only recently has government undertaken a broader role that seeks to increase the marriage rate more directly. And, this role is generally being led by the federal government, not the states.

As described above, PRWORA contained two ways that marriage may be promoted—and funded. In addition, when Congress takes up reauthorization, it will consider a set-aside of significant funds that could only be used for the promotion of marriage. The following briefly highlights these three marriage provisions.

Abstinence: Marriage First and Then Sex

PRWORA created a new funding stream for abstinence-unless-married programs; technically, section 510 of the Social Security Act, the program is an expansion of the state block grant for maternal and child health. Often called “abstinence-only” or “abstinence-unless-married” programs, the funding stream authorizes \$50 million annually. To receive its allocation, a state must match every four federal dollars with three state dollars. The impetus for the law was a desire to restrict sexual activity outside of marriage. Congressional staff released a paper noting that the program “...was intended to put Congress on the side of social tradition—never mind that some observers now think the tradition outdated—that sex should be confined to married couples. That both the practices and standards in many communities across the country clash with the standard required by the law is precisely the point.”⁴

In order to “confine” sex to the matrimonial state, proponents of abstinence-unless-married education decided to confine learning. The program is limited to teaching the benefits of abstinence; the benefits of contraception are outside the parameter of the program. Thus, abstinence-unless-married educators face a choice between not discussing contraception at all or focusing on the failure rate of different methods. In contrast, opponents of abstinence-unless-married education stress the need for knowledge about contraception along with lessons about abstinence. They recognize that even when they teach that the consistent practice of abstinence is the only 100 percent effective way to avoid pregnancy and sexually transmitted illnesses, there will be failures to practice abstinence. If that happens, it is important to know about the contraceptive options to help avoid pregnancy and/or disease.

The federal law stipulates eight points that define what can and cannot be taught in an abstinence-unless-married education program⁵ (see sidebar on next page). Broadly, the funds are for programs that teach that abstinence is the only correct sexual behavior outside of marriage. A program using these funds may not teach about other methods of effective contraception or how to use contraceptives to avoid sexually transmitted diseases, even in preparation for marriage.

The eight-point definition does *not* require that funded abstinence programs must be medically accurate. Nor is there a legislated mechanism for federal review of curricula utilized by local programs. As shown by Congressman Henry Waxman’s (D-CA) recent review of the 13 most utilized curricula, this makes it more likely that federal dollars are used to fund medical inaccuracies (and other inappropriate messages).⁶ In fact, the Waxman report found that 11 of the 13 curricula contained inaccuracies and misleading information. For example, one curriculum conveyed that HIV could be transmitted through tears and sweat. Another erroneously teaches

that a pregnancy occurs one out of every seven times that a couple uses condoms; yet another falsely asserts that 5-10 percent of women who have legal abortions will become sterile.

Curricula utilized in abstinence-unless-married programs also perpetuate relationship stereotypes. In one textbook story, a knight saves a princess from a dragon. When the dragon returns, the princess advises on methods of slaying the creature; this prompts the prince to reject the princess. The text offers a the moral to this story: “occasional suggestions and assistance may be alright, but too much of it will lessen a man’s confidence or even turn him away from his princess.”⁷

**Separate Program for Abstinence Education
Sec. 510**

For purposes of this section, the term ‘abstinence education’ means an educational or motivational program which

(A) has as its exclusive purpose, teaching the social, psychological, and health gains to be realized by abstaining from sexual activity;

(B) teaches abstinence from sexual activity outside marriage as the expected standard for all school age children;

(C) teaches that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases, and other associated health problems;

(D) teaches that a mutually faithful monogamous relationship in the context of marriage is the expected standard of human sexual activity;

(E) teaches that sexual activity outside of the context of marriage is likely to have harmful psychological and physical effects;

(F) teaches that bearing children out-of-wedlock is likely to have harmful consequences for the child, the child’s parents, and society;

(G) teaches young people how to reject sexual advances and how alcohol and drug use increases vulnerability to sexual advances; and

(H) teaches the importance of attaining self-sufficiency before engaging in sexual activity.

The federal abstinence-unless-married focus is not limited to school-age children. Rather, it is about the sexual behavior of all individuals at any age. The statute asserts “*that sexual activity outside of the context of marriage is likely to have harmful psychological and physical effects.*” Thus, an unmarried 16-year-old or a 60-year-old divorced grandparent are each behaving in a harmful manner if either engages in sexual activity. Indeed, a 1999 survey found that nearly one-third of states provide programs that encourage adults to be chaste until marriage.⁸

The federal program’s influence extends beyond its own funding. First, as noted, it requires a state match. This means that state monies that might have been spent on comprehensive sexuality education or in other ways are devoted to the abstinence-unless-married program. In addition, the 1996 law has had an impact on other federally

funded programs. Specifically, an earlier program, the Adolescent Family Life Act (AFLA), which is primarily focused on funding services for pregnant and parenting teens, includes a prevention component to address non-marital births. After the 1996 law passed, the AFLA

prevention provision was made to conform with the eight-point definition through Congressional action. Until that point AFLA permitted abstinence programs that included lessons on effective contraception.

Most importantly, a federal competitive grants program called SPRANS–CBAE began to award abstinence-unless-married monies targeted at 12- to 18-year-olds, using the same eight-point definition.⁹ The federal executive branch, not a state, makes all of the decisions about which applicant community groups (or states) will be awarded SPRANS funds. In addition, those SPRANS grantees who receive abstinence-unless-married funds are barred from using their own funds for other messages or education, including information about contraception or safe sex.

More than \$1 billion has been spent in federal and state matching funds through Section 510, AFLA, and SPRANS between 1996 and 2005. The growth in SPRANS grants has been particularly dramatic: rising from \$20 million in its first year, FY 2001 to \$105 million in FY 2005.

The notion that marriage is a central interest of abstinence proponents was recently underscored when responsibility for the abstinence competitive grants program was shifted to a different agency within the Department of Health and Human Services. In 2004 the program was moved from the agency that manages the maternal and child health programs into the Administration for Children and Families (ACF). The ACF Assistant Secretary for Children and Families, Wade Horn, is the Bush Administration’s point-person on marriage promotion.

TANF: State Option

The “findings” section of a law sets forth its rationale. The findings section of the 1996 overhaul of the welfare program, Temporary Assistance for Needy Families (TANF), included 10 findings—all of which address teen pregnancy, marriage, and “out-of-wedlock” births, including how these issues relate to government programs, such as welfare and child support. It concluded that the new law was needed to address a “crisis in our Nation,” the out-of-wedlock births problem.

The “purpose” section of the welfare law determines the ways in which states may spend the \$16.5 billion available each year. TANF funds may be spent to help needy families with welfare cash grants, job training and education, job placement, child care, and other supports designed to help parents obtain and sustain employment. Of the four purposes of TANF, three are about or refer to family formation. As a result, it is permissible for states to spend welfare funds on marriage promotion for welfare recipients as well for families who never have or never will receive welfare.

While few states have chosen to spend funds on explicit marriage promotion programs, six states have dedicated significant amounts of welfare funds specifically to strengthen and promote marriage and couple relationships.¹⁰ Each of the six, Arizona, Louisiana, Michigan, Oklahoma, Utah, and Virginia approaches marriage promotion differently. For example, The Oklahoma Marriage Initiative (OMI), launched in 1999 has used \$10 million in TANF funds for a statewide initiative to strengthen marriage and reduce divorce. Among its funded activities,

OMI has trained state employees to offer relationship skills workshops, conducted a statewide survey on service needs, and piloted a married couples mentoring program. In 2002-2003, Louisiana tapped \$1.4 million in TANF funds for marriage promotion among “fragile families”—unmarried young couples experiencing the birth of their first child. The monies were used to develop handbooks, curricula, a survey, and other resources on marriage and healthy relationships.¹¹ Michigan’s \$250,000 TANF-funded initiative was primarily focused on parenting skills for custodial parents but included discussion on healthy relationships and marriage. In Virginia, two different initiatives were funded through TANF. The state developed a \$4 million (over 4 years) out-of-wedlock birth reduction effort for 20-year-olds, which focuses on marriage. Virginia also instituted a \$400,000 effort for fathers that is focused on improved parenting and includes a marriage section. In total, the six states have chosen to tap \$18.5 million in TANF funds for explicit marriage promotion.¹²

More typically, states have chosen to spend TANF funds on programs which, while not explicitly about marriage, can influence marriage and non-marital childbearing. HHS’ report to Congress on TANF expenditures notes that about \$1 billion in federal and state TANF funds were spent in FY 2002 (the most recent year for which data are available) on pregnancy prevention and two-parent family formation programs. TANF spending on pregnancy prevention is mostly directed at teens. This spending includes programs, such as after-school youth development initiatives and community service programs, which might or might not provide information related to pregnancy prevention. It may also include TANF spending on abstinence-unless-married programs. The report notes that most of the two-parent family formation funds were dedicated to engaging absent fathers in the lives of their children.¹³ Some local programs may seek to engage such fathers by improving their financial capacity to support their children through job training-related activities. It is important to note that an increase in TANF spending may or may not represent an increased investment in pregnancy prevention or two-parent family formation programs. To the extent that a state merely replaces its own dollars with federal dollars, the investment has not grown, only the source of funding has changed (i.e., state funding has been supplanted not supplemented).

Proponents of explicit marriage promotion have been disappointed that most states have chosen not to spend more of the available welfare dollars on such programs. For this reason, the Administration and Congressional reauthorization proposals have sought to set aside TANF funds for marriage promotion.

TANF: Proposed Federal Set-Aside

The Administration’s welfare reauthorization agenda in early 2002 highlighted its concern that TANF implementation in the states had focused on getting recipients to work but failed to adequately address marriage. By May 2002, the Republican House of Representatives passed a welfare reauthorization measure that included a set of “healthy marriage” promotion initiatives. While the welfare bill was not reauthorized by Congress that year, in February 2003, the House passed a bill that would have set aside \$1.8 billion over six years for marriage promotion and research.

This bill would have established a new \$200 million annual competitive “Healthy Marriage Promotion Grants” program (this includes \$100 million in federal funds to be matched dollar for dollar with state funds; the state could use federal TANF funds as its “state match”). To get funded, an applicant (state, territory, or tribe) must have a program (not necessarily statewide) that explicitly promotes marriage in accordance with the federal definition of eight allowable activities. (This is distinct from the 8-point abstinence definition. See sidebar.)¹⁴ For example, a state applying to fund a high school teen pregnancy prevention program focusing on community service could not get funded unless it incorporated a marriage education component. In addition, the bill would provide a \$100 million annually for federally directed research, primarily in relation to “healthy marriage” promotion. Further, it would authorize, but not fund, \$20 million annually for a responsible fatherhood initiative.

Healthy Marriage Promotion Grants

Funds shall be used to support any of the following activities:

- (1) Public advertising campaigns on the value of marriage and the skills needed to increase marital stability and health.
- (2) Education in high schools on the value of marriage, relationship skills, and budgeting.
- (3) Marriage education, marriage skills, and relationship skills programs, which may include parenting skills, financial management, conflict resolution, and job and career advancement, for non-married pregnant women and non-married expectant fathers.
- (4) Pre-marital education and marriage skills training for engaged couples and for couples or individuals interested in marriage.
- (5) Marriage enhancement and marriage skills training programs for married couples.
- (6) Divorce reduction programs that teach relationship skills.
- (7) Marriage mentoring programs, which use married couples as role models and mentors in at-risk communities.
- (8) Programs to reduce the disincentives to marriage in means-tested aid programs, if offered in conjunction with any activity described in this subparagraph.

This definition of allowable activities is from the 2003 House-passed bill, H.R. 4. The Senate Finance Committee passed a bill with just a few differences.¹⁵ Activities that are not on the list would not be eligible to be funded through the grants. For example, item number 3 establishes that funds may be spent for marriage education, marriage skills, and relationship skills programs; however, job and career advancement could only be provided as a component of such programs and only offered to unmarried, expectant parents.

The Senate Finance Committee passed a similar bill in 2003. Differences with the House bill included that the Senate version would have provided five years of marriage promotion (rather than six) and would have made explicit that participation in marriage promotion activities must be voluntary. In addition, this bill specifically addressed domestic violence, including a requirement that domestic violence experts be consulted in the design of activities.¹⁶

The federal funding for the marriage effort would come from reducing or eliminating two TANF bonuses to states. The proposal would repeal an annual \$100 million out-of-wedlock birth bonus (awarded each year to the five states with the greatest percentage reduction in out-of-wedlock births—without an increase in abortion rates). It would also cut in half the TANF high performance bonus (awarded annually to states for the highest achievements in various measures intended to further the goals of TANF).

The 109th Congress has begun to take up welfare reauthorization, since action was never completed during the 108th Congress.¹⁷ While the outcome remains unclear, what is clear is that for the Administration, and for many in the Republican-controlled Congress, the marriage proposals are a driving interest.

Administration-Funded Grants

Marriage is “the architecture of families, the basic unit of civilization and the natural means by which the human species creates, protects and instills values in its children.”

Representative Tom DeLay (R-TX)
New York Times, July 23, 2004¹⁸

While Congress has not yet passed a measure to set aside welfare funds for marriage promotion, the Administration in 2002-2004 awarded grants of at least \$95 million for marriage initiatives over a number of years.¹⁹ Specifically, ACF has identified funds from a variety of programs within its domain to spend on a range of marriage promotion activities. For example, the Office of Child Support, the Office of Refugee Resettlement, the Office of Community Services, and the Children’s Bureau have each awarded grants related to marriage. In addition, ACF has awarded research and evaluation grants to a number of research organizations, including \$19 million over nine years to Mathematica Policy Research Inc. for analysis directed at “fragile families,” and \$38.5 million over nine years to MDRC, a social policy research organization, for an eight-site demonstration project for low-income couples who are married or plan to marry. In addition, ACF recently awarded up to \$4.5 million over five years to the National Council on Family Relations to manage, along with a number of partners, The Healthy Marriage Resource Center.²⁰ Further, ACF’s Capitol Compassion Fund, the Administration’s initiative to help faith-based and community organizations increase their effectiveness, recently announced it will award nearly \$5 million to groups involved in “priority issues,” including healthy marriages.²¹

WHAT’S PREGNANCY PREVENTION GOT TO DO WITH MARRIAGE?

Marriage can mean better outcomes for children. According to available research, children growing up with their biological, married parents fare better in a number of ways compared to those growing up in a single-parent household. Growing up in a single-parent family roughly doubles the risk that a child will drop out of school, have difficulty finding a job, or become a teen parent. About half of these effects appear to be attributable to the reduced income available to single parents, but the other half appears to be due to non-economic factors, such as less parental time and attention given to children.²²

Marriage establishes legal rights and responsibilities between couples and any children they may have together. Whether marriage itself influences child well-being can be understood by examining whether children living with cohabiting biological parents have different outcomes than those living with married biological parents. Unfortunately, there is limited research on children in cohabiting families and even less that distinguishes between children living with both biological parents and those living with one parent and that parent's new partner. In addition, little of the research considers the age of the child, the family's economic status, or the role of certain parental issues, such as psychological well-being. However, a new study has sought to disentangle these factors. The analysis found that, controlling for economic and parental resources, children (ages 6-11) with married biological parents share similar outcomes, in terms of behavior and emotional well-being, with those whose biological parents are cohabiting. However, children in the cohabiting families are less engaged in school. The reverse is true for adolescents: adolescents (ages 12-17) residing with their cohabiting, biological parents exhibit more behavioral and emotional problems on average than their counterparts in married families, but there is no difference in school engagement.²³

Divorce can have problematic outcomes for children. This may reflect not only a loss of income but also the family stress before and after a divorce when parents are in conflict (about 30 to 40 percent of divorces among couples with children are preceded by chronic discord, and in these situations children do better when their parents divorce).²⁴ As noted by some researchers, "transitions *per se* may be the riskiest factor for child development."²⁵ Indeed, children in divorced single-parent families show poorer developmental outcomes than children in never-married households, once the effects of family income are controlled.²⁶

Remarriage does not necessarily mean better outcomes for children. Roughly half of all marriages are projected to end in divorce and 60 percent of these couples have children. Many of these parents remarry. Estimates suggest that about one-third of children today may live with step-parents before reaching adulthood. However, children in step-families face many of the same risks as children in single-parent households and fare no better, on average, than children in single-parent families.²⁷ They also tend to have more negative behavioral, health, and educational outcomes than children who grow up with married biological parents. The effect sizes are small for some of these differences.²⁸ Step-parents face hurdles not only in negotiating relationships with children but also with strengthening the couple relationship, and sometimes these are simultaneous tasks. When an unwanted child is brought to the remarriage, such a marriage dissolves most frequently when compared to a remarriage without children or one with children who are all viewed as wanted.²⁹

These facts suggest that marriage, *per se*, is not necessarily what sets the stage for more positive child outcomes. If married parents divorce, or a parent remarries, outcomes are not as positive. What really sets the stage for the best child outcomes is a first-marriage, then children, all in healthy relationships that last.

A range of policies could increase the rate of lasting first-marriages.³⁰ An important consideration is how children (including their timing, spacing, and number) can influence getting and staying married and the related role of family planning and sexuality education.³¹

Non-marital Childbearing Decreases the Likelihood of Ever Marrying

Women who bear a child without marrying *have a 40 percent lower likelihood of ever marrying*.³² About one-third of all U.S. births are to unmarried women.³³ Reducing the incidence of non-marital births³⁴ is clearly an important strategy in increasing the likelihood of marriage.

For unmarried couples who are sexually active, contraception is necessary to avoid a non-marital pregnancy. Fully 90 percent of women 15-44 years of age have had premarital intercourse. Recent research indicates great strides in contraceptive use have been made, yet more needs to be done to increase its use. The National Center for Health Statistics reports that in 1980 only 43 percent of women (or their partners) used some method of contraception at first premarital intercourse; by 1999-2002, this rose to 79 percent. Much of this improvement is attributed to the use of condoms.³⁵ Despite the dramatic improvement, the data also reveal that about one out of every five such couples did not use contraception at first premarital intercourse.

For teenagers, the implications of the failure to use contraception at intercourse, including first intercourse is notable. Girls who do not use birth control at first intercourse are about twice as likely to become teen mothers as teens who do use a method.³⁶ About 80 percent of all teen births are non-marital. Preventing teen births would reduce the likelihood of non-marital births and could improve the likelihood of marriage.

Mothers Who Marry Can Face Special Challenges

A return to the days when pregnant women married their partners, whether they were prepared for marriage or not, does not seem to be a viable or desirable long-term solution to premarital pregnancy. The key is to reduce unmarried childbearing in the first place.

Daniel Lichter (The Ohio State University)
Marriage as Public Policy

For those confronting a non-marital pregnancy, one option is a shotgun marriage. This would ensure the birth is marital but it might not ensure the marriage is long lasting. Shotgun marriages have declined in all age categories. Among pregnant teens, the marriage rate fell from 69 to 19 percent for whites and 36 to 7 percent for blacks, between the first half of the 1960s and the first half of the 1990s.³⁷

Marrying as a teen mother can improve immediate economic status, and teen marriages can sometimes be long lasting; however, marriage followed by divorce correlates with higher risks of poverty than never marrying.³⁸ And, those who marry younger are more likely to find themselves divorced. For instance, about one-half of older teen marriages (18 and 19 years of age) end in divorce within 15 years, compared to about one-third of marriages for women over age 20.³⁹

Young mothers who marry face other, immediate concerns. Married teen mothers are more likely to have a closely spaced second or subsequent birth, which is linked to worse

economic and social outcomes for both the mother and her children. For example, a repeat birth and other factors may contribute to married teen mothers' lower likelihood of school return, compared to teen mothers who did not marry between conception and birth.

Having a child before marriage occurs in all income groups and at all ages but it is more common among couples with lower education. A study that divided the population into three educational tiers found that among couples of all ages who married in 1990, one-tenth of those in the top education category had their first child before marriage, compared with one-third of those in the bottom education category. Further, for more than half of the couples in the bottom education category, the child in the family preceded the marriage by a number of years. With this amount of time between childbirth and marriage, there is an increased likelihood that the father of the child is not the spouse of the wife. This contributes to a more complex family dynamic.⁴⁰

Teen Pregnancy Prevention Reduces Single-Parent Households and Poverty

As previously noted, Congressional findings in the 1996 law identify non-marital births as a crisis for the United States and a root cause of poverty and single parenting. Whether one agrees or disagrees with the Congressional characterization of non-marital births, it is clear that a reduction in teen births can significantly address both poverty and single parenting.

Since 1991 the U.S. teen birth rate has declined by 30 percent. A recent Congressional study found that the drop in the teen birth rate in the 1990s accounts for key improvements in well-being, particularly among young children (under age 6). Between 1995 and 2002, the teen birth rate decline of the 1990s led to:

- 26 percent of the decrease in the number of young children living in poverty; and,
- 80 percent of the decline in the number of young children living with a single mother.

According to the analysts, “the downward trend in teen birth rates predates welfare reform and any major federal funding of abstinence education initiatives by at least five years, and cannot be attributed to those efforts. These findings suggest that lawmakers should identify and pursue policies and programs that effectively lower teen birth rates in order to reduce child poverty and single-parent households.”⁴¹

Another reason to pursue policies that lower the teen birth rate is to help lower family size, and in turn, family poverty. The longer the period of fertility, the greater the possibility of having more children over time. The larger a family's size, the greater the likelihood it will be in poverty. The poverty rate for a family with two children is 12 percent; the rate more than doubles for families with four children. If a woman starts out as a teen parent, she runs a greater risk of having more children than if she delays parenting.⁴²

Abstinence-Unless-Married Education Can Delay Sex But Creates a Set of Risks

While abstinence is 100 percent effective when it is practiced consistently, education programs to foster its practice may or may not work. Only through research can we learn if a program that teaches chastity achieves it—and if it does work, how well it works, and finally, how well it

works compared to other approaches that seek to prevent pregnancy and sexually transmitted illnesses.

Notably, research on virginity pledges has begun to reveal that pledgers delay sexual activity under certain circumstances. However, along with this positive finding is a negative one—those who break the pledge are at greater risk of health harms due to unprotected sex. Virginity pledge programs require participants to pledge to abstain from sex until marriage and are wholly consistent with the goals of abstinence-unless-married programs.

Virginity pledgers have been found to delay first intercourse nearly 18 months on average. However, pledging had no effect among teens who were 18 or older. It also had no effect in locations where taking virginity pledges was common. The researchers, Peter Bearman and Hannah Brückner note that “[o]nce the pledge becomes normative, it ceases to have an effect.” Thus “policy makers should recognize that the pledge works because not everyone is pledging.”⁴³

Pledgers who break their pledge run the risk of unprotected intercourse. According to Bearman and Brückner, who tracked those pledgers who had intercourse during the study period, “the estimated odds for contraceptive use for pledgers are about one-third lower than for others.” The researchers noted that “pledgers are *less* likely to be prepared for an experience that they have promised to forego.”⁴⁴ Indeed, in looking at pledgers as young adults age 18-24, Bearman and Brückner found that among those who became sexually active, nearly 9 out of 10 failed to marry before or in the same year as when they first had sex.⁴⁵

One way individuals can adhere to the message of “wait until you’re married” is to move up a wedding date.⁴⁶ Recent research shows that pledgers marry at younger ages than non-pledgers.⁴⁷ And while this does not mean that pledgers marry as teens, earlier marriages raise the possibility of less mature marriages. The average age of marriage is now 26.8 for men and 25.1 for women.⁴⁸

Even though pledgers tend to both delay sex and marry sooner than non-pledgers, they have sexually transmitted illness (STI) rates that are similar. This surprising finding is somewhat explained by the lower use of condoms by pledgers. Another critical factor is that pledgers who have STIs are less likely to seek medical treatment—even though their rate of infection is similar—contributing to its spread among sexual partners.⁴⁹

Contraceptives can offer clear health benefits for those who are sexually active—including pledgers who break their vow to remain virgins until marriage. New research indicates that sexually experienced teens with positive attitudes toward contraception are more likely than others to use contraceptives; the more positive their attitudes, the more likely they are to use them, further reducing their risk of pregnancy and of STIs.⁵⁰

Is Abstinence-Unless-Married Education the Best Investment of Federal Dollars?

The fundamental question of which is the better dollar-for-dollar investment—abstinence-unless-married or comprehensive sexuality education—is unasked.

A multi-year study by Mathematica Inc. of programs funded through Section 510 has not yet been released by HHS. While long-awaited, the findings of the interim report will not assess the programs' impact on behaviors, just on attitudes of 5th-8th graders. Further, even a subsequent final study that does expect to measure behaviors will not seek to answer the fundamental question.

Some had feared that lessons about contraception would encourage sexual risk taking. However, a clear body of research summarized in a Surgeon General's report demonstrates that this worry is unfounded. In fact, a meta analysis of experimental studies of pregnancy prevention programs has found models that delay sexual activity as well as models that prevent teen pregnancy.⁵¹

Thus, while no credible abstinence-unless-married programs have been demonstrated to offer benefits without risks, comprehensive sexuality education programs have.

WHAT SHOULD HAPPEN IN REAUTHORIZATION?

The research informs us that with respect to child outcomes it is not marriage as much as lasting first marriages (and perhaps, to some degree, lasting cohabitation) that best sets the stage. The sequencing of birth and marriage, birth and remarriage, the spacing of birth, and the number of births can all contribute to the likelihood of lasting marriages. Thus, fertility and family planning should go hand-in-hand with the promotion of lasting relationships.

Reauthorization represents a chance to consider these findings and to identify gaps in knowledge. CLASP supports appropriate investments in comprehensive sexuality education and in healthy, stable couples and marriage policies. This includes some level of investment to study what has not been assessed; it also means ensuring that we utilize evidence-based research to inform funding and policy decisions.

If PRWORA is reauthorized in 2005, it would happen in the context of a budget reality different from when the bill came up for reauthorization in 2002.⁵² For both abstinence and marriage promotion, CLASP believes funding levels are too high⁵³ in light of the restrictions on the kinds of activities that can be funded. Further, with respect to marriage promotion, the high funding level does not take into account the limited field capacity to design and implement effective programs.

Thus, in the reauthorization of abstinence-unless-married education, CLASP recommends that Congress:

- Allow states to define abstinence education under section 510 so that it can include education about contraception for those who may become sexually active. Under this approach, states could chose to implement the current definition or they could choose to reflect the concerns raised by the virginity pledge research and improve awareness of the benefits of contraception.

- ❑ Ensure that abstinence education be medically accurate and not perpetuate stereotypes.
- ❑ Require a report to Congress on a comparative evaluation of an abstinence-unless-married education program to a similar abstinence program that includes education about contraception.
- ❑ Freeze future funding of SPRANS grants unless results of funded projects or other research can demonstrate that abstinence-unless-married programs can provide benefits without health risks; this action is independent of reauthorization but could occur in 2005.

For any new set-aside of TANF funds for marriage-related activities that may occur in reauthorization, CLASP has developed a set of detailed suggestions⁵⁴ and broadly recommends that Congress:

- ❑ Reduce the amount set aside for such activities.⁵⁵
- ❑ Allow the funds that are made available to be spent on a greater range of activities that could positively influence child outcomes through strengthening couples' relationships and enhancing marriage. This would be in keeping with a "Marriage-Plus" approach (see sidebar). A more flexible set of allowable activities would better incorporate fertility issues, as well as other "marriage-plus" issues for unmarried couples with children, such as parent cooperation and parenting skills. Among the possible expanded activities:
 - teen pregnancy prevention programs, those that incorporate and those that do not include specific marriage education components;
 - family planning counseling, those that incorporate and those that do not include specific marriage education components; and
 - fatherhood services, such as employment and training and parenting, that better enable fathers, inside and outside of marriage, to support their children.
- ❑ Ensure that participation in any marriage promotion activity is wholly voluntary.

Marriage-Plus

CLASP is guided by a Marriage-Plus approach. This approach is based on a desire to improve the well-being of all low-income children. To this end, government policies and programs should aim to help more children grow up in healthy, stable families with two biological, married parents. However, for many parents marriage is not a feasible or desirable option. Thus, government policies and programs should also help these parents—whether never-married, cohabiting, separated, divorced, or remarried—to financially support their children and to cooperate in parenting, whenever appropriate. To improve the lives of the maximum number of children, we need to pursue both strategies.

- Ensure that grantees are trained and collaborate closely with domestic violence programs to assist and protect domestic violence victims.

Congress may take action in 2005 on reauthorization. However, there is little that Congress has done to date on abstinence education or in marriage promotion that adequately recognizes the role of fertility—except to decry non-marital births. Fertility matters. The presence, prospect, or plan for a child can influence decisions about whether or not to marry. Children can also influence the couple or marriage relationship. As Congress seeks to promote marriage, it should realize that helping couples address fertility is a vital piece of that effort.

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- ¹³ The spending represents an increase of \$623 million over the previous year. The report states that “most pregnancy prevention efforts have focused on teenagers. State approaches to preventing teen pregnancy can be divided into several categories: education curricula on sex, abstinence, and relationships; reproductive health services; youth development programs; media campaigns; efforts to prevent repeat teen births; and multiple component interventions. State initiatives directed toward family formation tend to focus on involvement of non-custodial parents in their children’s lives. Other initiatives include parenting education, family crisis counseling, marriage counseling, mentoring, and eliminating eligibility criteria that discourage two-parent families from applying for assistance.” *Temporary Assistance for Needy Families Program (TANF) Sixth Annual Report to Congress. Expenditures and Balances*. (Washington, DC: U.S. Department of Health and Human Services, November 2004), accessed online at <<http://www.acf.hhs.gov/programs/ofa/annualreport6/chapter02/chap02.htm#other>>.
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