

116TH CONGRESS
1ST SESSION

S. 1524

To provide for the overall health and well-being of young people, including the promotion of lifelong sexual health and healthy relationships, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 16, 2019

Mr. BOOKER (for himself, Ms. HIRONO, Mr. BROWN, Mr. MURPHY, Ms. SMITH, Mr. MENENDEZ, Mr. BLUMENTHAL, Ms. WARREN, Ms. BALDWIN, Mr. MARKEY, Ms. DUCKWORTH, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for the overall health and well-being of young people, including the promotion of lifelong sexual health and healthy relationships, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Real Education for
5 Healthy Youth Act of 2019”.

1 **SEC. 2. PURPOSES; FINDING; SENSE OF CONGRESS.**

2 (a) PURPOSES.—The purposes of this Act are to pro-
3 vide young people with comprehensive sex education pro-
4 grams that—

5 (1) promote and uphold the rights of young
6 people to information in order to make healthy deci-
7 sions about their sexual health;

8 (2) provide the information and skills all young
9 people need to make informed, responsible, and
10 healthy decisions in order to become sexually healthy
11 adults and have healthy relationships;

12 (3) provide information about the prevention of
13 unintended pregnancy, sexually transmitted infec-
14 tions, including HIV, dating violence, sexual assault,
15 bullying, and harassment; and

16 (4) provide resources and information on topics
17 ranging from gender stereotyping and gender roles
18 and stigma and socio-cultural influences surrounding
19 sex and sexuality.

20 (b) FINDING ON REQUIRED RESOURCES.—In order
21 to provide the comprehensive sex education described in
22 subsection (a), Congress finds that increased resources are
23 required for sex education programs that—

24 (1) substantially incorporate elements of evi-
25 dence-based programs or characteristics of effective
26 programs;

1 (2) cover a broad range of topics, including
 2 medically accurate and complete information that is
 3 age and developmentally appropriate about all the
 4 aspects of sex, sexual health, and sexuality;

5 (3) are gender and gender identity-sensitive,
 6 emphasizing the importance of equality and the so-
 7 cial environment for achieving sexual and reproduc-
 8 tive health and overall well-being;

9 (4) promote educational achievement, critical
 10 thinking, decision making, self-esteem, and self-effi-
 11 cacy;

12 (5) help develop healthy attitudes and insights
 13 necessary for understanding relationships between
 14 oneself and others and society;

15 (6) foster leadership skills and community en-
 16 gagement by—

17 (A) promoting principles of fairness,
 18 human dignity, and respect; and

19 (B) engaging young people as partners in
 20 their communities; and

21 (7) are culturally and linguistically appropriate,
 22 reflecting the diverse circumstances and realities of
 23 young people.

24 (c) SENSE OF CONGRESS.—It is the sense of Con-
 25 gress that—

- 1 (1) federally funded sex education programs
2 should aim to—
- 3 (A) provide information about a range of
4 human sexuality topics, including—
- 5 (i) human development, healthy rela-
6 tionships, personal skills;
- 7 (ii) sexual behavior including absti-
8 nence;
- 9 (iii) sexual health including preventing
10 unintended pregnancy;
- 11 (iv) sexually transmitted infections in-
12 cluding HIV; and
- 13 (v) society and culture;
- 14 (B) promote safe and healthy relation-
15 ships;
- 16 (C) promote gender equity;
- 17 (D) use, and be informed by, the best sci-
18 entific information available;
- 19 (E) be culturally appropriate and inclusive
20 of youth with varying gender identities, gender
21 expressions, and sexual orientations;
- 22 (F) be built on characteristics of effective
23 programs;

1 (G) expand the existing body of research
2 on comprehensive sex education programs
3 through program evaluation;

4 (H) expand training programs for teachers
5 of comprehensive sex education;

6 (I) build on programs funded under section
7 513 of the Social Security Act (42 U.S.C. 713)
8 and the Office of Adolescent Health's Teen
9 Pregnancy Prevention Program, funded under
10 title II of the Consolidated Appropriations Act,
11 2010 (Public Law 111–117; 123 Stat. 3253),
12 and on programs supported through the Cen-
13 ters for Disease Control and Prevention (CDC);
14 and

15 (J) promote and uphold the rights of
16 young people to information in order to make
17 healthy and autonomous decisions about their
18 sexual health; and

19 (2) no Federal funds should be used for health
20 education programs that—

21 (A) withhold health-promoting or life-sav-
22 ing information about sexuality-related topics,
23 including HIV;

24 (B) are medically inaccurate or have been
25 scientifically shown to be ineffective;

1 (C) promote gender or racial stereotypes;

2 (D) are insensitive and unresponsive to the
3 needs of sexually active young people;

4 (E) are insensitive and unresponsive to the
5 needs of survivors of sexual violence;

6 (F) are insensitive and unresponsive to the
7 needs of youth of all physical, developmental,
8 and mental abilities;

9 (G) are insensitive and unresponsive to the
10 needs of youth with varying gender identities,
11 gender expressions, and sexual orientations; or

12 (H) are inconsistent with the ethical im-
13 peratives of medicine and public health.

14 **SEC. 3. GRANTS FOR COMPREHENSIVE SEX EDUCATION**
15 **FOR ADOLESCENTS.**

16 (a) PROGRAM AUTHORIZED.—The Secretary, in co-
17 ordination with the Associate Commissioner of the Family
18 and Youth Services Bureau of the Administration on Chil-
19 dren, Youth, and Families of the Department of Health
20 and Human Services, the Director of the Office of Adoles-
21 cent Health, the Director of the Division of Adolescent
22 and School Health within the Centers for Disease Control
23 and Prevention and the Secretary of Education, shall
24 award grants, on a competitive basis, to eligible entities
25 to enable such eligible entities to carry out programs that

1 provide adolescents with comprehensive sex education, as
2 described in subsection (f).

3 (b) DURATION.—Grants awarded under this section
4 shall be for a period of 5 years.

5 (c) ELIGIBLE ENTITY.—In this section, the term “el-
6 igible entity” means a public or private entity that focuses
7 on adolescent health and education or has experience
8 working with adolescents.

9 (d) APPLICATIONS.—An eligible entity desiring a
10 grant under this section shall submit an application to the
11 Secretary at such time, in such manner, and containing
12 such information as the Secretary may require, including
13 an assurance to participate in the evaluation described in
14 section 6.

15 (e) PRIORITY.—In awarding grants under this sec-
16 tion, the Secretary shall give priority to eligible entities
17 that—

18 (1) are State or local public entities;

19 (2) are entities not currently receiving funds
20 under—

21 (A) section 513 of the Social Security Act
22 (42 U.S.C. 713);

23 (B) the Office of Adolescent Health’s Teen
24 Pregnancy Prevention Program, funded under
25 title II of the Consolidated Appropriations Act,

1 2010 (Public Law 111–117; 123 Stat. 3253),
 2 or any substantially similar successive program;
 3 or

4 (C) the Centers for Disease Control and
 5 Prevention’s Division of Adolescent and School
 6 Health; and

7 (3) address health inequities among young peo-
 8 ple that face systemic barriers resulting in dis-
 9 proportionate rates of not less than one of the fol-
 10 lowing:

11 (A) Unintended pregnancies.

12 (B) Sexually transmitted infections, includ-
 13 ing HIV.

14 (C) Dating violence and sexual violence.

15 (f) USE OF FUNDS.—

16 (1) IN GENERAL.—Each eligible entity that re-
 17 ceives a grant under this section shall use the grant
 18 funds to carry out an education program that pro-
 19 vides adolescents with comprehensive sex education
 20 that—

21 (A) is age and developmentally appro-
 22 priate;

23 (B) is medically accurate and complete;

24 (C) substantially incorporates elements of
 25 evidence-based sex education instruction; or

1 (D) creates a demonstration project based
 2 on characteristics of effective programs.

3 (2) CONTENTS OF COMPREHENSIVE SEX EDU-
 4 CATION PROGRAMS.—The comprehensive sex edu-
 5 cation programs funded under this section shall in-
 6 clude instruction and materials that address—

7 (A) the physical, social, and emotional
 8 changes of human development including,
 9 human anatomy, reproduction, and sexual de-
 10 velopment;

11 (B) healthy relationships, including friend-
 12 ships, within families, and society, that are
 13 based on mutual respect, and the ability to dis-
 14 tinguish between healthy and unhealthy rela-
 15 tionships, including—

16 (i) effective communication, negotia-
 17 tion and refusal skills, including the skills
 18 to recognize and report inappropriate or
 19 abusive sexual advances;

20 (ii) bodily autonomy, setting and re-
 21 specting personal boundaries, practicing
 22 personal safety, and consent; and

23 (iii) the limitations and harm of gen-
 24 der-role stereotypes, violence, coercion, bul-

1 lying, harassment, and intimidation in re-
2 lationships;

3 (C) healthy decision making skills about
4 sexuality and relationships that include—

5 (i) critical thinking, problem solving,
6 self-efficacy, stress-management, self-care,
7 and decision making;

8 (ii) individual values and attitudes;

9 (iii) the promotion of positive body
10 images;

11 (iv) developing an understanding that
12 there are a range of body types and en-
13 couraging positive feeling about students’
14 own body types;

15 (v) information on how to respect oth-
16 ers and ensure safety on the internet and
17 when using other forms of digital commu-
18 nication;

19 (vi) information on local services and
20 resources where students can obtain addi-
21 tional information related to bullying, har-
22 assment, dating violence and sexual as-
23 sault, suicide prevention, and other related
24 care;

1 (vii) encouragement for youth to com-
 2 municate with their parents or guardians,
 3 health and social service professionals, and
 4 other trusted adults about sexuality and
 5 intimate relationships;

6 (viii) information on how to create a
 7 safe environment for all students and oth-
 8 ers in society;

9 (ix) examples of varying types of rela-
 10 tionships, couples, and family structures;
 11 and

12 (x) affirmative representation of vary-
 13 ing gender identities, gender expressions,
 14 and sexual orientations, including individ-
 15 uals and relationships between same sex
 16 couples and their families;

17 (D) abstinence, delaying age of first sexual
 18 activity, the use of condoms, preventive medica-
 19 tion, vaccination, birth control, and other sexu-
 20 ally transmitted infection prevention measures,
 21 and the options for pregnancy, including par-
 22 enting, adoption, and abortion including—

23 (i) the importance of effectively using
 24 condoms, preventive medication, and appli-

- 1 cable vaccinations to protect against sexu-
- 2 ally transmitted infections, including HIV;
- 3 (ii) the benefits of effective contracep-
- 4 tive and condom use in avoiding unin-
- 5 tended pregnancy;
- 6 (iii) the relationship between sub-
- 7 stance use and sexual health and behav-
- 8 iors; and
- 9 (iv) information about local health
- 10 services where students can obtain addi-
- 11 tional information and services related to
- 12 sexual and reproductive health and other
- 13 related care;
- 14 (E) through affirmative recognition, the
- 15 roles that traditions, values, religion, norms,
- 16 gender roles, acculturation, family structure,
- 17 health beliefs, and political power play in how
- 18 students make decisions that affect their sexual
- 19 health, using examples of various types of races,
- 20 ethnicities, cultures, and families, including sin-
- 21 gle-parent households and young families;
- 22 (F) information about gender identity,
- 23 gender expression, and sexual orientation for all
- 24 students, including—

1 (i) affirmative recognition that people
 2 have different gender identities, gender ex-
 3 pressions, and sexual orientations; and

4 (ii) community resources that can pro-
 5 vide additional support for individuals with
 6 varying gender identities, gender expres-
 7 sions, and sexual orientations; and

8 (G) opportunities to explore the roles that
 9 race, ethnicity, immigration status, disability
 10 status, economic status, homelessness, foster
 11 care status, and language within different com-
 12 munities affect sexual attitudes in society and
 13 culture and how this may impact student sexual
 14 health.

15 **SEC. 4. GRANTS FOR COMPREHENSIVE SEX EDUCATION AT**
 16 **INSTITUTIONS OF HIGHER EDUCATION.**

17 (a) PROGRAM AUTHORIZED.—The Secretary, in co-
 18 ordination with the Secretary of Education, shall award
 19 grants, on a competitive basis, to institutions of higher
 20 education or consortia of such institutions to enable such
 21 institutions to provide young people with comprehensive
 22 sex education, described in subsection (e)(2).

23 (b) DURATION.—Grants awarded under this section
 24 shall be for a period of 5 years.

1 (c) APPLICATIONS.—An institution of higher edu-
2 cation or consortia of such institutions desiring a grant
3 under this section shall submit an application to the Sec-
4 retary at such time, in such manner, and containing such
5 information as the Secretary may require, including an as-
6 surance to participate in the evaluation described in sec-
7 tion 6.

8 (d) PRIORITY.—In awarding grants under this sec-
9 tion, the Secretary shall give priority to an institution of
10 higher education that—

11 (1) has an enrollment of needy students as de-
12 fined in section 318(b) of the Higher Education Act
13 of 1965 (20 U.S.C. 1059e(b));

14 (2) is a Hispanic-serving institution, as defined
15 in section 502(a) of such Act (20 U.S.C. 1101a(a));

16 (3) is a Tribal College or University, as defined
17 in section 316(b) of such Act (20 U.S.C. 1059c(b));

18 (4) is an Alaska Native-serving institution, as
19 defined in section 317(b) of such Act (20 U.S.C.
20 1059d(b));

21 (5) is a Native Hawaiian-serving institution, as
22 defined in section 317(b) of such Act (20 U.S.C.
23 1059d(b));

1 (6) is a Predominately Black Institution, as de-
 2 fined in section 318(b) of such Act (20 U.S.C.
 3 1059e(b));

4 (7) is a Native American-serving, nontribal in-
 5 stitution, as defined in section 319(b) of such Act
 6 (20 U.S.C. 1059f(b));

7 (8) is an Asian American and Native American
 8 Pacific Islander-serving institution, as defined in
 9 section 320(b) of such Act (20 U.S.C. 1059g(b)); or

10 (9) is a minority institution, as defined in sec-
 11 tion 365 of such Act (20 U.S.C. 1067k), with an en-
 12 rollment of needy students, as defined in section 312
 13 of such Act (20 U.S.C. 1058).

14 (e) USES OF FUNDS.—

15 (1) IN GENERAL.—An institution of higher edu-
 16 cation receiving a grant under this section shall use
 17 grant funds to integrate issues relating to com-
 18 prehensive sex education into institution of higher
 19 education in order to reach a large number of stu-
 20 dents, by carrying out one or more of the following
 21 activities:

22 (A) Developing or adopting educational
 23 content for issues relating to comprehensive sex
 24 education that will be incorporated into student
 25 orientation, general education, or core courses.

(B) Developing or adopting, and implementing schoolwide educational programming outside of class that delivers elements of comprehensive sex education programs to students, faculty, and staff.

(C) Developing or adopting innovative technology-based approaches to deliver sex education to students, faculty, and staff.

(D) Developing or adopting, and implementing peer-outreach and education programs to generate discussion, educate, and raise awareness among students about issues relating to comprehensive sex education.

(2) CONTENTS OF SEX EDUCATION PROGRAMS.—Each institution of higher education’s program of comprehensive sex education funded under this section shall include instruction and materials that address the requirements under section 3(f).

SEC. 5. GRANTS FOR PRE-SERVICE AND IN-SERVICE TEACHER TRAINING.

(a) PROGRAM AUTHORIZED.—The Secretary, in coordination with the Director of the Centers for Disease Control and Prevention and the Secretary of Education, shall award grants, on a competitive basis, to eligible enti-

1 ties to enable such eligible entities to carry out the activi-
 2 ties described in subsection (e).

3 (b) DURATION.—Grants awarded under this section
 4 shall be for a period of 5 years.

5 (c) ELIGIBLE ENTITY.—In this section, the term “el-
 6 igible entity” means—

7 (1) a State or local educational agency;

8 (2) a State or local department of health;

9 (3) a tribe or tribal organization, as defined in
 10 section 4 of the Indian Self-Determination and Edu-
 11 cation Assistance Act (25 U.S.C. 5304);

12 (4) an educational service agency;

13 (5) a nonprofit institution of higher education;

14 (6) a national or statewide nonprofit organiza-
 15 tion that has as its primary purpose the improve-
 16 ment of provision of comprehensive sex education
 17 through training and effective teaching of com-
 18 prehensive sex education; or

19 (7) a consortium of nonprofit organizations that
 20 has as its primary purpose the improvement of pro-
 21 vision of comprehensive sex education through train-
 22 ing and effective teaching of comprehensive sex edu-
 23 cation.

24 (d) APPLICATION.—An eligible entity desiring a
 25 grant under this section shall submit an application to the

1 Secretary at such time, in such manner, and containing
 2 such information as the Secretary may require, including
 3 an assurance to participate in the evaluation described in
 4 section 6.

5 (e) AUTHORIZED ACTIVITIES.—

6 (1) REQUIRED ACTIVITY.—Each eligible entity
 7 receiving a grant under this section shall use grant
 8 funds for professional development and training of
 9 relevant faculty, school administrators, teachers, and
 10 staff, in order to increase effective teaching of com-
 11 prehensive sex education students.

12 (2) PERMISSIBLE ACTIVITIES.—Each eligible
 13 entity receiving a grant under this section may use
 14 grant funds to—

15 (A) provide research-based training of
 16 teachers for comprehensive sex education for
 17 adolescents as a means of broadening student
 18 knowledge about issues related to human devel-
 19 opment, healthy relationships, personal skills,
 20 and sexual behavior, including abstinence, sex-
 21 ual health, and society and culture;

22 (B) support the dissemination of informa-
 23 tion on effective practices and research findings
 24 concerning the teaching of comprehensive sex
 25 education;

1 (C) support research on—

2 (i) effective comprehensive sex edu-
3 cation teaching practices; and

4 (ii) the development of assessment in-
5 struments and strategies to document—

6 (I) student understanding of
7 comprehensive sex education; and

8 (II) the effects of comprehensive
9 sex education;

10 (D) convene national conferences on com-
11 prehensive sex education, in order to effectively
12 train teachers in the provision of comprehensive
13 sex education; and

14 (E) develop and disseminate appropriate
15 research-based materials to foster comprehen-
16 sive sex education.

17 (3) SUBGRANTS.—Each eligible entity receiving
18 a grant under this section may award subgrants to
19 nonprofit organizations that possess a demonstrated
20 record of providing training to faculty, school admin-
21 istrators, teachers, and staff on comprehensive sex
22 education to—

23 (A) train teachers in comprehensive sex
24 education;

1 (B) support internet or distance learning
2 related to comprehensive sex education;

3 (C) promote rigorous academic standards
4 and assessment techniques to guide and meas-
5 ure student performance in comprehensive sex
6 education;

7 (D) encourage replication of best practices
8 and model programs to promote comprehensive
9 sex education;

10 (E) develop and disseminate effective, re-
11 search-based comprehensive sex education
12 learning materials;

13 (F) develop academic courses on the peda-
14 gogy of sex education at institutions of higher
15 education; or

16 (G) convene State-based conferences to
17 train teachers in comprehensive sex education
18 and to identify strategies for improvement.

19 **SEC. 6. IMPACT EVALUATION AND REPORTING.**

20 (a) **MULTI-YEAR EVALUATION.**—

21 (1) **IN GENERAL.**—Not later than 6 months
22 after the date of the enactment of this Act, the Sec-
23 retary shall enter into a contract with a nonprofit
24 organization with experience in conducting impact
25 evaluations, to conduct a multi-year evaluation on

1 the impact of the grants under sections 3, 4, and 5,
2 and to report to Congress and the Secretary on the
3 findings of such evaluation.

4 (2) EVALUATION.—The evaluation conducted
5 under this subsection shall—

6 (A) be conducted in a manner consistent
7 with relevant, nationally recognized professional
8 and technical evaluation standards;

9 (B) use sound statistical methods and
10 techniques relating to the behavioral sciences,
11 including quasi-experimental designs, inferential
12 statistics, and other methodologies and tech-
13 niques that allow for conclusions to be reached;

14 (C) be carried out by an independent orga-
15 nization that has not received a grant under
16 sections 3, 4, or 5; and

17 (D) be designed to provide information
18 on—

19 (i) output measures, such as the num-
20 ber of individuals served under the grant
21 and the number of hours of instruction;

22 (ii) outcome measures, including
23 measures relating to—

24 (I) the knowledge that individ-
25 uals participating in the grant pro-

1 gram have gained in each of the fol-
2 lowing age and developmentally appro-
3 priate areas—

4 (aa) growth and develop-
5 ment;

6 (bb) relationship dynamics;

7 (cc) ways to prevent unin-
8 tended pregnancy and sexually
9 transmitted infections, including
10 HIV; and

11 (dd) sexual health;

12 (II) the age and developmentally
13 appropriate skills that individuals par-
14 ticipating in the grant program have
15 gained regarding—

16 (aa) negotiation and commu-
17 nication;

18 (bb) decision making and
19 goal-setting;

20 (cc) interpersonal skills and
21 healthy relationships; and

22 (dd) condom use; and

23 (III) the behaviors of adolescents
24 participating in the grant program,
25 including data about—

- 1 (aa) age of first intercourse;
- 2 (bb) condom and contracep-
- 3 tive use at first intercourse;
- 4 (cc) recent condom and con-
- 5 traceptive use;
- 6 (dd) substance use;
- 7 (ee) dating abuse and life-
- 8 time history of sexual assault,
- 9 dating violence, bullying, harass-
- 10 ment, stalking; and
- 11 (ff) academic performance;
- 12 and

13 (iii) other measures necessary to
 14 evaluate the impact of the grant program.

15 (3) REPORT.—Not later than 6 years after the
 16 date of enactment of this Act, the organization con-
 17 ducting the evaluation under this subsection shall
 18 prepare and submit to the appropriate committees of
 19 Congress and the Secretary an evaluation report.
 20 Such report shall be made publicly available, includ-
 21 ing on the website of the Department of Health and
 22 Human Services.

23 (b) SECRETARY’S REPORT TO CONGRESS.—Not later
 24 than 1 year after the date of the enactment of this Act,
 25 and annually thereafter for a period of 5 years, the Sec-

1 retary shall prepare and submit to the appropriate com-
2 mittees of Congress a report on the activities to provide
3 adolescents and young people with comprehensive sex edu-
4 cation and pre-service and in-service teacher training
5 funded under this Act. The Secretary's report to Congress
6 shall include—

7 (1) a statement of how grants awarded by the
8 Secretary meet the purposes described in section
9 2(a); and

10 (2) information about—

11 (A) the number of eligible entities and in-
12 stitutions of higher education that are receiving
13 grant funds under sections 3, 4, and 5;

14 (B) the specific activities supported by
15 grant funds awarded under sections 3, 4, and
16 5;

17 (C) the number of adolescents served by
18 grant programs funded under section 3;

19 (D) the number of young people served by
20 grant programs funded under section 4;

21 (E) the number of faculty, school adminis-
22 trators, teachers, and staff trained under sec-
23 tion 5; and

24 (F) the status of the evaluation required
25 under subsection (a).

1 **SEC. 7. NONDISCRIMINATION.**

2 Programs funded under this Act shall not discrimi-
3 nate on the basis of actual or perceived sex, race, color,
4 ethnicity, national origin, disability, sexual orientation,
5 gender identity, or religion. Nothing in this Act shall be
6 construed to invalidate or limit rights, remedies, proce-
7 dures, or legal standards available under any other Fed-
8 eral law or any law of a State or a political subdivision
9 of a State, including the Civil Rights Act of 1964 (42
10 U.S.C. 2000a et seq.), title IX of the Education Amend-
11 ments of 1972 (20 U.S.C. 1681 et seq.), section 504 of
12 the Rehabilitation Act of 1973 (29 U.S.C. 794), the Amer-
13 icans with Disabilities Act of 1990 (42 U.S.C. 12101 et
14 seq.), and section 1557 of the Patient Protection and Af-
15 fordable Care Act (42 U.S.C. 18116).

16 **SEC. 8. LIMITATION.**

17 No Federal funds provided under this Act may be
18 used for health education programs that—

- 19 (1) withhold health-promoting or life-saving in-
20 formation about sexuality-related topics, including
21 HIV;
- 22 (2) are medically inaccurate or have been sci-
23 entifically shown to be ineffective;
- 24 (3) promote gender or racial stereotypes;
- 25 (4) are insensitive and unresponsive to the
26 needs of sexually active young people;

1 (5) are insensitive and unresponsive to the
2 needs of pregnant or parenting young people;

3 (6) are insensitive and unresponsive to the
4 needs of survivors of sexual abuse or assault;

5 (7) are insensitive and unresponsive to the
6 needs of youth of all physical, developmental, or
7 mental abilities;

8 (8) are insensitive and unresponsive to individ-
9 uals with varying gender identities, gender expres-
10 sions, and sexual orientations; or

11 (9) are inconsistent with the ethical imperatives
12 of medicine and public health.

13 **SEC. 9. AMENDMENTS TO OTHER LAWS.**

14 (a) AMENDMENT TO THE PUBLIC HEALTH SERVICE
15 ACT.—Section 2500 of the Public Health Service Act (42
16 U.S.C. 300ee) is amended by striking subsections (b)
17 through (d) and inserting the following:

18 “(b) CONTENTS OF PROGRAMS.—All programs of
19 education and information receiving funds under this sub-
20 chapter shall include information about the potential ef-
21 fects of intravenous substance abuse.”.

22 (b) AMENDMENTS TO THE ELEMENTARY AND SEC-
23 ONDARY EDUCATION ACT OF 1965.—Section 8526 of the
24 Elementary and Secondary Education Act of 1965 (20
25 U.S.C. 7906) is amended—

- 1 (1) by striking paragraph (3);
- 2 (2) by redesignating paragraphs (4) and (5) as
- 3 paragraphs (3) and (4), respectively;
- 4 (3) in paragraph (4), by inserting “or” after
- 5 the semicolon;
- 6 (4) in paragraph (5), by striking “; or” and in-
- 7 serting a period; and
- 8 (5) by striking paragraph (6).

9 **SEC. 10. DEFINITIONS.**

10 In this Act:

11 (1) **ADOLESCENTS.**—The term “adolescents”
 12 means individuals who are ages 10 through 19 at
 13 the time of commencement of participation in a pro-
 14 gram supported under this Act.

15 (2) **AGE AND DEVELOPMENTALLY APPRO-**
 16 **PRIATE.**—The term “age and developmentally appro-
 17 priate” means topics, messages, and teaching meth-
 18 ods suitable to particular age, age group of children
 19 and adolescents, or developmental levels, based on
 20 cognitive, emotional, social, and behavioral capacity
 21 of most students at that age level.

22 (3) **APPROPRIATE COMMITTEES OF CON-**
 23 **GRESS.**—The term “appropriate committees of Con-
 24 gress” means the Committee on Health, Education,
 25 Labor, and Pensions of the Senate, the Committee

on Appropriations of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Appropriations of the House of Representatives.

(4) CHARACTERISTICS OF EFFECTIVE PROGRAMS.—The term “characteristics of effective programs” means the aspects of evidence-based programs, including development, content, and implementation of such programs, that—

(A) have been shown to be effective in terms of increasing knowledge, clarifying values and attitudes, increasing skills, and impacting upon behavior; and

(B) are widely recognized by leading medical and public health agencies to be effective in changing sexual behaviors that lead to sexually transmitted infections, including HIV, unintended pregnancy, and dating violence and sexual assault among young people.

(5) COMPREHENSIVE SEX EDUCATION.—The term “comprehensive sex education” means instruction part of a comprehensive school health education approach which addresses the physical, mental, emo-

1 tional, and social dimensions of human sexuality; de-
 2 signed to motivate and assist students to maintain
 3 and improve their sexual health, prevent disease and
 4 reduce sexual health-related risk behaviors; and en-
 5 able and empower students to develop and dem-
 6 onstrate age and developmentally appropriate sexu-
 7 ality and sexual health-related knowledge, attitudes,
 8 skills, and practices.

9 (6) CONSENT.—The term “consent” means af-
 10 firmative, conscious, and voluntary agreement to en-
 11 gage in interpersonal, physical, or sexual activity.

12 (7) CULTURALLY APPROPRIATE.—The term
 13 “culturally appropriate” means materials and in-
 14 struction that respond to culturally diverse individ-
 15 uals, families and communities in an inclusive, re-
 16 spectful and effective manner; including materials
 17 and instruction that are inclusive of race, ethnicity,
 18 languages, cultural background, religion, sex, gender
 19 identity, sexual orientation, and different abilities.

20 (8) EVIDENCE-BASED.—The term “evidence-
 21 based”, when used with respect to sex education in-
 22 struction means a sex education program that has
 23 been proven through rigorous evaluation to be effec-
 24 tive in changing sexual behavior or incorporates ele-

1 ments of other programs that have been proven to
2 be effective in changing sexual behavior.

3 (9) GENDER EXPRESSION.—The term “gender
4 expression”, when used with respect to a sex edu-
5 cation program, means the expression of one’s gen-
6 der, such as through behavior, clothing, haircut, or
7 voice, and which may or may not conform to socially
8 defined behaviors and characteristics typically asso-
9 ciated with being either masculine or feminine.

10 (10) GENDER IDENTITY.—Except with respect
11 to section 7, the term “gender identity”, when used
12 with respect to a sex education program, means the
13 gender-related identity, appearance, mannerisms, or
14 other gender-related characteristics of an individual,
15 regardless of the individual’s designated sex at birth
16 including a person’s deeply held sense or knowledge
17 of their own gender; such as male, female, both or
18 neither.

19 (11) INCLUSIVE.—The term “inclusive”, when
20 used with respect to a sex education program, means
21 curriculum that ensures that students from histori-
22 cally marginalized communities are reflected in
23 classroom materials and lessons.

24 (12) INSTITUTION OF HIGHER EDUCATION.—
25 The term “institution of higher education” has the

1 meaning given the term in section 101 of the Higher
2 Education Act of 1965 (20 U.S.C. 1001).

3 (13) MEDICALLY ACCURATE AND COMPLETE.—

4 The term “medically accurate and complete”, when
5 used with respect to a sex education program, means
6 that—

7 (A) the information provided through the
8 program is verified or supported by the weight
9 of research conducted in compliance with ac-
10 cepted scientific methods and is published in
11 peer-reviewed journals, where applicable; or

12 (B)(i) the program contains information
13 that leading professional organizations and
14 agencies with relevant expertise in the field rec-
15 ognize as accurate, objective, and complete; and

16 (ii) the program does not withhold infor-
17 mation about the effectiveness and benefits of
18 correct and consistent use of condoms and
19 other contraceptives.

20 (14) SECRETARY.—The term “Secretary”
21 means the Secretary of Health and Human Services.

22 (15) SEXUAL DEVELOPMENT.—The term “sex-
23 ual development” means the lifelong process of phys-
24 ical, behavioral, cognitive, and emotional growth and
25 change as it relates to an individual’s sexuality and

1 sexual maturation, including puberty, identity devel-
 2 opment, socio-cultural influences, and sexual behav-
 3 iors.

4 (16) SEXUAL ORIENTATION.—Except with re-
 5 spect to section 7, the term “sexual orientation”,
 6 when used with respect to a sex education program,
 7 means an individual’s attraction, including physical
 8 or emotional, to the same or different gender.

9 (17) YOUNG PEOPLE.—The term “young peo-
 10 ple” means individuals who are ages 10 through 24
 11 at the time of commencement of participation in a
 12 program supported under this Act.

13 **SEC. 11. FUNDING.**

14 (a) APPROPRIATION.—For the purpose of carrying
 15 out Act, there is appropriated 75,000,000 for each fiscal
 16 years 2020 through 2025. Amounts appropriated under
 17 this subsection shall remain available until expended.

18 (b) RESERVATIONS OF FUNDS.—

19 (1) The Secretary shall reserve 50 percent of
 20 the amount appropriated under subsection (a) for
 21 the purposes of awarding grants for comprehensive
 22 sex education for adolescents under section 3.

23 (2) The Secretary shall reserve 25 percent of
 24 the amount appropriated under subsection (a) for
 25 the purposes of awarding grants for comprehensive

1 sex education at institutes of higher education under
2 section 4.

3 (3) The Secretary shall reserve 20 percent of
4 the amount appropriated under subsection (a) for
5 the purposes of awarding grants for pre-service and
6 in-service teacher training under section 5.

7 (4) The Secretary shall reserve 2 percent of the
8 amount appropriated under subsection (a) for the
9 purpose of carrying out the impact evaluation and
10 reporting required under section 6(a).

11 (c) SECRETARIAL RESPONSIBILITIES.—The Sec-
12 retary shall reserve 3 percent of amount appropriated
13 under subsection (a) for each fiscal year for expenditures
14 by the Secretary to provide, directly or through a competi-
15 tive grant process, research, training, and technical assist-
16 ance, including dissemination of research and information
17 regarding effective and promising practices, providing con-
18 sultation and resources, and developing resources and ma-
19 terials to support the activities of recipients of grants. In
20 carrying out such functions, the Secretary shall collabo-
21 rate with a variety of entities that have expertise in adoles-
22 cent sexual health development, education, and promotion.

23 (d) REPROGRAMMING OF ABSTINENCE ONLY UNTIL
24 MARRIAGE PROGRAM FUNDING.—The unobligated bal-
25 ance of funds made available to carry out section 510 of

1 the Social Security Act (42 U.S.C. 710) (as in effect on
2 the day before the date of enactment of this Act) are here-
3 by transferred and shall be used by the Secretary to carry
4 out this Act. The amounts transferred and made available
5 to carry out this Act shall remain available until expended.

6 (e) REPEAL OF ABSTINENCE ONLY UNTIL MAR-
7 RIAGE PROGRAM.—Section 510 of the Social Security Act
8 (42 U.S.C. 710 et seq.) is repealed.

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