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USCCB seeks answers to why plan to help trafficking victims was denied

Dennis Sadowski Catholic News Service | Dec. 13, 2011

The headquarters of the U.S. Department of Health and Human Services is seen in Washington Nov. 4. Staff with the U.S. bishops' Migration and Refugee Services said they were shocked and mystified in September when HHS notified MRS it had denied a federal grant for the MRS program aiding foreign-born victims of human trafficking. (CNS photo/Nancy Phelan Wiechec)

This story is the first in a series on the decision by federal officials to discontinue funding the U.S. bishops' Migration and Refugee Services program to assist foreign-born victims of human trafficking.

WASHINGTON -- The letter arrived after business hours at the end of the workweek the last Friday of September in an email message to the U.S. bishops' Migration and Refugee Services.

"Thank you for submitting an application for the National Human Trafficking Victim Assistance Program," began the correspondence from George H. Sheldon, acting assistant secretary in the Administration for Children and Families at the Department of Health and Human Services. "I regret to inform you that your organization's application was not approved for funding."

Sheldon's letter contained little information other than an encouraging word to try again in the future.

It gave no explanation as to why MRS was denied funding to continue a five-and-a-half-year-long government-funded program respected for its compassionate and professional service to foreign-born victims of human trafficking. Missing were details on which agencies were funded to serve those whom advocates and social workers describe as victims of modern-day slavery.

The brief letter offered no word of thanks and no acknowledgment of how MRS had aided 2,783 men and women victims of labor and sex trafficking and their family members under what became a $19 million contract administered by the Office of Refugee Resettlement within HHS.

And that shocked and irritated MRS staff.

"It was a very generic message. They could have sent it to anyone," Johnny Young, executive director of MRS, told Catholic News Service.

"It's not the way you deal with an institution that has been in partnership with you for over five years," Young said.

Sheldon's decision not to fund MRS has led to an outcry from Catholic advocates for victims and triggered an investigation by Republicans on the House Committee on Oversight and Government Reform into the decision-making process at HHS. Both parties have accused HHS officials of religious discrimination against the church and say conscience protections as prescribed in federal law and two presidential executive orders were ignored.

The acting assistant secretary's action also has focused the spotlight on policymaking at HHS and whether the federal agency is attempting to broaden access to abortion and other reproductive services to which religious organizations, social workers and health care providers might object for reasons of faith or conscience.

The criticisms arose soon after it was learned that the $2.5 million MRS proposal to provide services for at least another year scored second among six applications reviewed by an impartial panel within ORR. Three other applications were disqualified by ORR staff.

Sheldon, a Democrat who ran Florida's Department of Children and Families under two Republican governors until last June, saw things differently. He decided, after talking with the four nonprofits being considered for funding, that all but MRS would receive grants worth $4.7 million to provide case management services to trafficking victims during fiscal year 2012.

Under the program, the grantees work with local partner agencies in specific geographic areas to assist victims with housing, counseling, nutrition, health care and employment needs. Award amounts for an additional two years under the program will be negotiated annually.

Sheldon's decision rankled the interested parties because two of the agencies that were funded scored significantly lower than MRS in the independent reviewers' initial assessment of proposals.

Heartland Human Care Services Inc. of Chicago had the highest scoring proposal with 90 out of a possible 110 points while the MRS proposal received 89 points, according to HHS documents made available by the House committee. Heartland received a grant worth a little more than $1 million for its first year of operation.

The documents also show that they were the only agencies recommended for funding by ORR staff acting on the information received from the reviewers.

Two other agencies, Tapestri Inc. of Tucker, Ga., and the U.S. Committee for Refugees and Immigrants of Arlington, Va., known as USCRI, received scores of 74 points and 69 points, respectively, the documents revealed, and were not recommended for funding by ORR staff. In the end, however, Sheldon decided to fund both, with Tapestri receiving nearly $1.1 million to cover the southeastern U.S. and USCRI getting nearly $2.6 million for coverage of the Midwest, Southwest and West.

Joseph Antolin, vice president and executive director of Heartland Human Care Services, said his agency was prepared to mobilize quickly to serve trafficking victims in Puerto Rico and the northern tier of states, from New England to the Great Lakes, shortly after receiving word about the grant award.

"We run a refugee resettlement program and our sub-grantees also run programs so we had staff with capacity," he said. "We were able to immediately post (job openings) and hire."

At the end of November, he said, the agency's caseload stood at 66 and was growing. He said some of the agencies being contracted for services were part of the nationwide network of agencies MRS had assembled.

Lavinia Limon, USCRI president and CEO, declined a CNS request for an interview through a spokeswoman.

After initially agreeing Nov. 22 to be interviewed, Vanisa Karic, Tapestri's executive director, did not return multiple calls seeking comment.

Complicating the issue is the relationship between USCRI and ORR. Limon was director of ORR during President Bill Clinton's administration in the 1990s. Eskinder Negash, current ORR director, was USCRI vice president and chief operating officer before joining the government.

Negash recused himself from the process after USCRI submitted its application, said HHS spokesman Jesse Moore, so the final funding decision was left to Sheldon.

Another consideration that may have affected Sheldon's decision is a lawsuit pending in U.S. District Court in Massachusetts filed by the American Civil Liberties Union challenging the original contract HHS had with MRS.

The suit, filed in January 2009 against HHS, contends that it is a violation of the separation of church and state to allow a religious entity to set the terms of a federal contract by allowing the government to include an exemption to provide abortion and contraception services.

As an intervenor in the case, the USCCB has argued that the exemption is permissible because of the religious freedom enshrined in the First Amendment and the conscience exemption allowed under U.S. law.

U.S. Department of Justice attorneys, representing HHS, have attempted to get the case dismissed. They have argued that not only is the case moot because the contract between HHS and MRS expired Oct. 10, but that the ACLU has no standing to challenge the contract. Judge Richard G. Stearns disagreed. He is expected to issue his decision early in 2012.

A spokesman at the Justice Department declined to comment on the case.

For his part, Sheldon maintained under withering questioning during a House oversight committee hearing Dec. 1 that his decision was based on how HHS could best meet the needs of victims "to assist them in remaining free and retaking control of their lives." He said restrictions on the services available to female victims amounted to them being victimized again because decisions on what services they could or could not receive was being left to others.

After the hearing, Sheldon told CNS that before making his decision he had asked MRS officials for ideas on how the agency could meet the guidelines without violating religious principles.

"I knew they could not come back and say they will perform abortions," Sheldon said.

"The difficulty with the bishops is they would be the grantee and could they -- this is where I really was saying (to them), 'Give me some answers' -- could they as the main grantee authorize a sub-grantee to do that which they couldn't do themselves?"

Young told CNS that his agency declined to offer any alternatives to Sheldon.

"We just said we wouldn't do anything that would violate church teaching," Young said.

Sheldon, who at one time worked as associate dean for student and alumni services at St. Thomas University School of Law in Miami, denied having a bias against faith-based agencies in the decision-making process.

The acting assistant secretary repeated to CNS what he said several times to the House oversight committee: that he felt the three funded agencies could best meet the needs of all trafficking victims -- including females, many of whom have been raped.

Sheldon's response about the needs of victims hardly consoled MRS officials, who said clients rarely if ever asked about abortion or contraception services.

"I can count on one hand the number of cases over the years where these kinds of things have maybe been an issue," Beth Englander, director of special programs at MRS, told CNS.

Females made up 56.5 percent, while males accounted for 43.5 percent of the agency's caseload under the contract.

Data provided by Chester showed that labor trafficking victims accounted for 72.5 percent of clients while sex trafficking involved 19.2 percent of clients. About 8.2 percent of victims were involved in both types of trafficking.

Minors made up 3.8 percent of clients, according to the data.

More:

- Part two: HHS announcement made MRS plan to help trafficking victims a tough sell [1]
- Part three: Lawsuit challenging HHS contract with USCCB awaits judge's decision [2]
- Part four: Advocates say reproductive services 'important' for trafficking victims [3]

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