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HHS announcement made MRS plan to help trafficking victims a tough sell

Dennis Sadowski Catholic News Service | Dec. 14, 2011

George Sheldon, acting assistant secretary of the Administration for Children and Families in the Department of Health and Human Services, left, and Eskinder Negash, director of the Office of Refugee Resettlement for HHS, raise their hands to take an oath before testifying at hearing on Capitol Hill in Washington Dec. 1. The hearing was titled "HHS and the Catholic Church: Examining the Politicization of Grants." (CNS photo/Bob Roller)

This story is the second 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 -- After weeks of waiting, the federal announcement that staff members of the U.S. bishops' Migration and Refugee Services had been anticipating became public.

But the Department of Health and Human Services document released May 27 was not exactly what MRS's Hilary Chester, associate director with the Anti-Trafficking Services Program, and Beth Englander, director of special programs, had expected.

The document, called a funding opportunity announcement, was soliciting proposals from qualified nonprofit agencies to operate the National Human Trafficking Victim Assistance Program, under which MRS had provided case management services to foreign-born trafficking victims since April 2006.

This time the announcement included a stipulation that "preference will be given to grantees ... that will offer all victims referral to medical providers who can provide or refer for provision of treatment for sexually transmitted infections, family planning services and the full range of legally permissible gynecological and obstetric care."

It omitted abortion from the list, but Chester and Englander knew that's what the program was looking to offer female trafficking victims if needed.

The announcement welcomed proposals from organizations that would be unable to meet all of the guidelines, but required an explanation of services "the applicant is unwilling to provide and the projected impact on clients."

Chester and Englander privately questioned why such a preference was inserted into the announcement given it was omitted in the original five-year contract MRS signed with HHS for such services in 2006. The contract was set to end Oct. 10.

But MRS staff decided it was worth the effort to submit an application to continue its work under the program given the praise it had received from administrators in the Office of Refugee Resettlement, which handles programs for human trafficking victims within HHS.

The MRS proposal was submitted July 25, the day before the deadline. It included one paragraph explaining its commitment to "acting in accordance with Catholic teaching in administering the program, including the determination of allowable and unallowable costs."

"In carrying out the program, sub-recipients will not provide or refer for abortion, sterilization or artificial contraceptives and no projects funds will be used for that purpose. Based on historical client data, USCCB/MRS does not believe this will have an impact on client outcomes. USCCB/MRS is willing to consider alternative ways for the DHHS/ORR to address this issue that would not violate Catholic teaching as applied to USCCB/MRS programs," the proposal said.

In its application, MRS focused on new services it would provide, referenced its decade of experience in serving trafficking victims and pointed to the network of more than 100 social service agencies in 43 states and three territories that had been built since 2006. Prior to MRS involvement in serving trafficking victims' needs, no such network had existed.

All of that was not enough, however.

MRS learned that its proposal was denied funding Sept. 30, a Friday, after normal business hours. George H. Sheldon, acting assistant secretary in the Administration for Children and Families at HHS, decided women who are trafficked must have access to all available health services, including abortion, sterilization and contraception -- which MRS said it would not provide.

Grants worth $4.7 million were awarded to three other agencies: Heartland Human Care Services Inc. of Chicago, Tapestri Inc. of Tucker, Ga., and the U.S. Committee for Refugees and Immigrants, of Arlington, Va., known as USCRI. Each would cover a particular region of the country. Previously, under its contract, MRS covered the entire country and three territories.

MRS officials quickly learned that Tapestri and USCRI had scored too low in the initial assessment of applications to earn a recommendation for funding.

By the following Monday, Oct. 3, Johnny Young, MRS executive director, was on the phone with Sheldon's office. He wanted a meeting to learn why his agency was shut out of the awards and why two other agencies initially not recommended for funding received grants.

Young said he felt the church's right to practice its faith and conscience rights under federal law were being violated.

Young, Chester, Englander, Gregory Scott, associate director for grants and programs administration, and Jeffrey Moon, USCCB solicitor, met with Sheldon four days later. Young described the meeting as cordial but said Sheldon offered no information, instead encouraging him to submit any questions in writing.

Young sent Sheldon a letter Oct. 13 and had received no response as of Dec. 12.

The USCCB subsequently filed a Freedom of Information request seeking a slew of documents regarding the victim assistance program and the application review process Oct. 27.

Carlos Ortiz-Miranda, USCCB associate general counsel, said that as of Dec. 12 no response to the request had been received. Under the law, the agency had until Nov. 28 to respond.

On Nov. 9, 27 Republican senators also sent a request to HHS Secretary Kathleen Sebelius seeking documents surrounding the grant awards. HHS spokesman Jesse Moore said information the senators wanted was still being assembled Dec. 7.

Chester and Englander said it remains a mystery as to why their proposal went unfunded.

"Yes, we felt pretty positive," Englander said about the MRS proposal. "We knew that it was a competitive process. We certainly understood that. Frankly, we knew there could always be the chance that we could not have submitted a strong proposal, a competitive proposal, not knowing who else was going to be out there."

Both MRS administrators also said they knew that ORR staff members were in their corner, having praised the MRS operation and the positive outcomes that resulted from the victims being served over the years.

In March 2009, Jay Womack, deputy director of the Anti-Trafficking in Persons Division within ORR, submitted a report based on a weeklong visit to MRS offices four months earlier to assess how the program was performing. Womack said the program was in "general compliance" with terms of the contract and that the staff "has a high level of program competence and they are responsive to the needs of the subcontractors, clients and other entities."

Still, by last spring as the Oct. 10 end date of the contract loomed on the horizon, Chester said she saw that the release for the funding opportunity announcement kept being pushed forward. She was told it was still being reviewed "upstairs."

Upstairs, she was told by unnamed ORR officials, meant it was with Sharon Parrott, counselor to Sebelius for human services policy. Chester said her agency's inquiries to the officials went on for weeks with the same response.

When the announcement was finally issued May 27, they were disappointed to see the guideline giving preference to proposals offering the full range of family planning and gynecological and obstetric services.

Parrott did not return phone calls seeking comment.

Maggie Wynne and Womack, the two top officials in ORR's Anti-Trafficking in Persons Division, which processed the grant applications, declined requests for interviews on the process.

During the review process in August, MRS officials learned that Wynne was "detailed" to the staff of the House Africa, Global Health and Human Rights Subcommittee. They considered the move unusual for a key person in the middle of a grant review.

Womack, who Englander described as passionate for trafficking victims' needs, also has changed positions within HHS, according to a Nov. 17 email he sent to MRS staff. His last day in ORR was Dec. 2.

After Sheldon reached his decision, Chester's primary concern was for trafficking victims already in the pipeline and what would happen to them in the changeover of grantees. She also wondered how any new victims discovered in the interim would be helped.

She said she repeatedly raised the issue to ORR officials about the need to ensure that any agency receiving funding be ready to step up immediately. She added that she felt there would be a gap in services as the new agencies opened their programs on or about Oct. 10 and ramped up their efforts.

Sheldon did not directly address the issue of clients being served in the interim period when asked by members of the House Committee on Oversight and Government Reform during a Dec. 1 hearing, saying only that he believed the three newly funded agencies were performing as expected. When asked to provide data to support his claim, Sheldon said he would forward it as soon as possible.

MRS won't end its work on behalf of trafficking victims. It recently unveiled an 18-month plan that calls for advocating for trafficking victims; developing a national public education and awareness campaign; providing technical assistance to government and nonprofit entities; and publishing research on the nature of trafficking based on information gathered from the clients the organization served.

"We believe it's important that we continue the work and commitment of the bishops' Committee on Migration and the bishops as a whole fighting global human trafficking," Englander said.

"We think it's important we remain as viable as possible so that we frankly can go bid on future contracts," she added.

Approved by the bishops' Committee on Migration, the plan will utilize nearly $762,000, money from the savings MRS realized under the federal contract when program costs came in lower than original projections, Scott explained.

Because HHS contracted with MRS for services, the bishops' agency was able to pocket the savings, but if the program had received a grant to assist trafficking victims, the money would have had to be refunded to the government, Scott said.

More:

- Part one: USCCB seeks answers to why plan to help trafficking victims was denied [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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