

**Department of Health & Human Services
Administration for Children and Families**

Program Office: Office of Refugee Resettlement

Funding Opportunity Title: Rescue & Restore Victims of Human Trafficking Regional Program

Announcement Type: Initial

Funding Opportunity Number: HHS-2009-ACF-ORR-ZV-0027

CFDA Number: 93.598

Due Date for Letter of Intent: **11/19/2008**

Due Date for Applications: **12/22/2008**

Executive Summary:

Building on the work of the U.S. Department of Health and Human Services (HHS) *Rescue & Restore Victims of Human Trafficking* campaign, which began to establish local anti-trafficking coalitions, the Office of Refugee Resettlement (ORR), in the Administration for Children and Families (ACF) within HHS, seeks to continue and expand its efforts through regional grantees that will serve as focal points for an intensification of local outreach to and identification of victims of severe forms of trafficking in persons. Each successful applicant will be required to maintain a strong coalition designed to meet those goals, and to sub-award at least 60 percent of grant funds received to local organizations that identify and work with victims of human trafficking. A successful applicant must be the planner, fiscal agent, monitor, and technical assistance provider for the sub-awardees. The grant recipient may use no more than 20 percent of the grant award for administration and management of coalition efforts, and retain no more than 40 percent of the grant award. ORR seeks to award one cooperative agreement per geographic area for a period of two years. Applications will be screened and evaluated as indicated in this program announcement. Awards will be contingent on the outcomes of the competition and the availability of funds. The Director of ORR does not intend to award more than one grant per distinct geographic area. The Director of ORR may ensure that grants are awarded for

The U.S. Government is opposed to prostitution and related activities, which are inherently harmful and dehumanizing, and which contribute to the phenomenon of trafficking in persons. Reducing the incidence of prostitution is therefore an inseparable part of the larger strategy of the U.S. to combat trafficking.

As noted in *Section III*, the TVPRA has two provisions concerning restrictions on the use of trafficking funds that require from applicants a certification regarding prostitution: Restriction on Programs and Restriction on Organizations. Under the Restriction on Programs, no funds made available by ORR for the purpose of monitoring or combating trafficking in persons may be used to promote, support, or advocate the legalization or practice of prostitution. See 22 U.S.C. § 7110(g)(1). Nothing in the previous sentence shall be construed to preclude assistance designed to ameliorate the suffering of, or health risks to, victims while they are being trafficked, or after they are out of the situation that resulted from their being trafficked. Moreover, there is no prohibition on the provision of emergency medical care for an emergency medical condition, whenever provided. The HHS/ACF/ORR has determined the statutory prohibition on "support" for prostitution does not prohibit the provision of emergency medical care for an emergency medical condition, and thus recipients of funds may provide emergency medical care for an emergency medical condition to victims during the two time periods described above.

Under Restriction on Organizations, no funds made available for the purpose of monitoring or combating trafficking in persons may be used to implement any program that targets victims of severe forms of trafficking in persons through any organization that has not certified it does not promote, support, or advocate the legalization or practice of prostitution. However, the preceding sentence does not apply to organizations that provide services to individuals solely after they are no longer engaged in activities that resulted from such victims being trafficked. See 22 U.S.C. § 7110(g)(2).

To aid applicants' understanding of these requirements, ORR provides the following definitions:

"Ameliorative Assistance" means assistance intended to relieve the suffering of, or health risks to, victims of trafficking caused by their being trafficked or their engagement in activities resulting from such victims being trafficked, including incidental or limited assistance deemed necessary to develop a relationship and rapport with the victim as part of a strategy to help the victim escape his or her trafficked condition and cease those activities which result from their

being trafficked. It does not mean assistance that supports the trafficker or is not intended to facilitate the eventual rescue of the trafficking victim.

"Emergency medical care" means examination or other care appropriate to address an existing emergency medical condition, including transport for further care.

"Emergency medical condition" means a medical condition that manifests itself by acute symptoms of sufficient severity (including severe pain), such that the absence of immediate medical attention could reasonably be expected to result in a physical disorder, physical illness, or physical injury that: (a) is life threatening, (b) results in permanent impairment of a body function or permanent damage to a body structure, or (c) necessitates medical or surgical intervention to preclude permanent impairment of a body function or permanent damage to a body structure.

★ "To support the legalization or practice of prostitution" means to knowingly provide financial support, including the transfer of funds, services, or goods, to any individual or organization that engages in the practice of prostitution or that promotes or advocates the legalization or practice of prostitution, or that supports the legalization of prostitution; or to endorse a document or conference that supports the legalization of prostitution; or to endorse or sponsor or support a document or conference that supports the legalization of prostitution; or to provide assistance to trafficking victims that is not ameliorative assistance, as defined in this announcement. An organization or recipient shall not be deemed to have knowingly provided such support if that organization or recipient did not know, and by the exercise of reasonable diligence would not have known, that its financial or organizational support was being used for, or would be used for, such purposes. Further, providing trafficking victims with emergency medical care for an emergency medical condition does not constitute such support.

★ "To promote or to advocate the legalization or practice of prostitution" means to use financial, personal, in-kind, or other resources to further the legalization or practice of prostitution, including sponsoring or supporting conferences or publications that further the legalization or practice of prostitution. This includes, but is not limited to, engaging in lobbying activities or public information or advocacy campaigns to further the legalization or practice of prostitution.

HHS, as a member of the Senior Policy Operating Group (SPOG), a statutorily established inter-agency, U.S. Government coordinating

body, has decided that a statement in the form of a certification is the best means to ensure enforcement of these requirements. The required certification has three basic parts, each of which applicants must complete. A blank certification has also been reprinted in *Appendix A* for applicants' use.

The first part implements the statutory Restriction on Programs through a Use of Funds Certification, in which an applicant or a recipient that is seeking or receiving Federal anti-trafficking funds administered by the HHS/ACF/ORR certifies it will not use those funds to promote, support, or advocate the legalization or practice of prostitution.

The second part implements the Restriction on Organizations through three alternative certifications, of which applicants must sign at least one. Organizations implementing a program to target victims of severe forms of trafficking must provide the Primary Eligibility Certification, unless they serve only individuals who are no longer engaged in the activities that resulted from their being trafficked. In that case, they must provide Secondary Eligibility Certification A, stating they serve or provide services only to victims who are no longer engaged in the activities that resulted from their being trafficked. Other organizations that provide services to victims of non-severe forms of trafficking, or otherwise do not meet the criteria for organizations that must provide the other certifications, must provide Secondary Eligibility Certification B, to state that the organization does not implement a program that targets victims of severe forms of trafficking.

The third part of the certification contains Acknowledgement and Sub-recipient Certifications. These require each applicant to acknowledge that its provision of the certifications is a prerequisite to receiving Federal funds, that the Federal Government can stop or withdraw those funds if the HHS/ACF/ORR finds a certification to have been, or become, inaccurate; and that the applicant will ensure that all its sub-applicants also provide the required certifications. As detailed below, a sub-applicant must, at a minimum, provide the same certification as that provided by the original applicant.

The certification must be completed and signed by an officer or other person authorized to bind the applicant and must be submitted as part of the grant application.

All applicants must provide:

- Use of Funds Certification; and
- Acknowledgement and Sub-recipient Certifications.

at <http://www.acf.hhs.gov/trafficking/>.

Date: 09/02/2008

David H. Siegel

Acting Director

ACF/ORR

Appendix A

Information about the Certification Regarding Prostitution and Related Activities

The U.S. Government is opposed to prostitution and related activities, which are inherently harmful and dehumanizing, and which contribute to the phenomenon of trafficking in persons. Reducing the incidence of prostitution is therefore an inseparable part of the larger strategy of the U. S. to combat trafficking.

Section 7 of the Trafficking Victims Protection Reauthorization Act, 22 U.S.C. § 7110(g), provides that "No funds made available to carry out [the Act] may be used to promote, support, or advocate the legalization or practice of prostitution." It further provides that "No funds made available to carry out [the Act] may be used to implement any program . . . through any organization that has not stated in either a grant application, a grant agreement, or both, that it does not promote, support, or advocate the legalization or practice of prostitution." Therefore, applicants seeking ORR-administered Federal anti-trafficking funds must certify that they will not use the funds to promote, support or advocate the legalization or practice of prostitution.

The certification must be completed and signed by an officer or other person authorized to bind the applicant and must be submitted as part of the grant application.

All applicants must provide:

- Use of Funds Certification; and
- Acknowledgement and Sub-recipient Certifications.

Organizations that are applicants must provide at least one of the following:

- Primary Eligibility Certification; or

- Secondary Eligibility Certification A; or
- Secondary Eligibility Certification B.

Organizations that are listed in the application as sub-applicants of an organization providing the Primary Eligibility Certification must themselves provide the Primary Eligibility Certification. Likewise, organizations that are listed in the application as sub-applicants of an organization providing Secondary Eligibility Certification A must themselves provide Secondary Eligibility Certification A, and organizations that are listed in the application as sub-applicants of an organization providing Secondary Eligibility Certification B must provide Secondary Eligibility Certification B. Certifications by the sub-applicants must be included in the grant application.

Certification Regarding Prostitution and Related Activities

As an officer or other person authorized to bind the recipient organization of U.S. Government funds in connection with this grant award, I hereby make the following certification that is a prerequisite to the receipt of funds under this grant:

(1) Use of Funds Certification: "I hereby certify that the recipient of the funds made available through this grant will not use such funds to promote, support, or advocate the legalization or practice of prostitution."

(2) Eligibility Certifications (an organization must check at least one)

_____ (i) Primary Eligibility Certification: "I certify that the organization does not promote, support, or advocate the legalization or practice of prostitution and will not promote, support, or advocate the legalization or practice of prostitution during the term of this grant. I further certify that the organization does not operate through any other organization or individual that supports, promotes, or advocates the legalization or practice of prostitution."

_____ (ii) Secondary Eligibility Certification A: "I certify that the organization provides assistance to individuals only after they are no longer engaged in activities that resulted from their being trafficked, and that the organization does not operate through any organization that provides assistance to victims other than after those victims are no longer engaged in the activities that resulted from their being trafficked. I further certify that if, during the funding period, the organization or any sub-recipient begins to provide assistance to other victims, the organization and all its sub-recipients, prior to the time

such assistance is provided, will provide the Primary Eligibility Certification above."

_____ (iii) Secondary Eligibility Certification B: "I certify that the organization does not implement a program that serves victims of severe forms of trafficking, and that the applicant does not operate through any organization or individual that implements a program that serves victims of severe forms of trafficking. I further certify that if, during the funding period, the organization or any sub-recipient begins to implement such a program, the organization and all its sub-recipients, prior to implementation of such a program, will provide the Primary Eligibility Certification above."

(3) Acknowledgement and Sub-Recipient Certifications: "I further certify that the applicant acknowledges that these certifications are a prerequisite to receipt of U. S. Government funds in connection with this grant, and that any violation of these certifications shall be grounds for unilateral termination by the HHS/ACF/ORR of any grant prior to the end of its term and recovery of appropriated funds expended prior to termination. I further certify that the applicant will include this identical certification requirement in any grant to a sub-applicant of funds made available under this grant, and will require such sub-applicant to provide the same certification that the organization provided."

Name of Recipient Organization:

By:

Printed Name:

Title:

Date: