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INTERNATIONAL LIAISON OF LAY VOLUNTEERS IN MISSION

4121 HAREWOOD RD NE
WASHINGTON DC 20017-1593
1-800-543-5046 202-529-1100
FAX 202-526-1094

U.S. CATHOLIC NETWORK OF LAY MISSION PROGRAMS

MOST REV. JOSEPH A. FRANCIS, S.V.D., D.D.
EPISCOPAL ADVISOR

REV. BERNARD M. TRACEY, C.M.
BOARD CHAIRPERSON

SR. ELLEN CAVANAUGH
EXECUTIVE DIRECTOR

April 28, 1993

Mr. Eli Segal, Director
Office of National Service
The White House
Washington, D.C. 20500

Dear Mr. Segal:

On behalf of our membership of 160 religious voluntary programs, I am writing to object strenuously to language in the draft "section by section" analysis of the President's National Service Program, a copy of which has been made available to us to review, and to reiterate our interest in implementation of the Bumpers loan cancellation program.

With regard to the language in the draft, Section 132 is entitled "Ineligible Service Categories" and states that "benefits may be provided to religious organizations only if programs do not provide religious instruction, conduct worship services or proselytize. While we are happy that there is no flat prohibition against religious organizations receiving benefits, this formulation of the provision is objectionable on many different grounds.

First, it is totally inappropriate to include this provision in a section dealing with "ineligible" service programs. If programs sponsored by religious organizations are eligible, this fact should be noted in Section 122 which concerns "Types of service programs eligible for approval for program assistance," and Section 123 which concerns "Types of national service positions eligible for approval for national service educational awards." This back-handed reference to programs sponsored by religious organizations can only damage our standing with the agency that makes eligibility determinations.

Second, we do not have the actual text of Section 122 or Section 123 so we do not know if it includes programs such as those we represent. Our programs typically involve anywhere from 1-100 individual volunteers and we are concerned that the language of these two sections is drafted with other types of programs in mind, programs with many more volunteers working in much larger corps. You need to make clear in the legislation that small service programs, even those with only one or two volunteers, are eligible.

Third, Section 132 states that benefits "may" be provided to religious organizations. Section 122 states that a variety of national service programs "will" be eligible. Section 123 states that all programs receiving operating awards "will" be eligible and participants in certain other programs "will" be eligible. If the word "will" is not applied to programs sponsored by religious organizations, there is a clear implication that funding of programs or providing benefits to participants in these programs is discretionary, not mandatory.

Fourth, the provision states that the "programs" must not provide religious instruction, etc. It is our belief that the Church-State provisions should apply to the duties of the volunteer, not to the larger function and mission of the program. We are content with language that precludes volunteers, as part of their duties, from engaging in religious instruction, conducting worship services or proselytizing, but it would be extremely intrusive if the program itself could not engage in these activities. The National and Community Service Act provides simply that "no assistance made available under a grant under this title shall be used to provide religious instruction, conduct worship services or engage in proselytizing." The language in the regulations implementing the Higher Education Act provides that "the borrower, as a part of his or her duties, does not give religious instruction...." This latter language has been used since 1980 and is the most accurate and time-tested of the three formulations.

Fifth, what is urgently needed is an explicit statement barring the Corporation or Trust from discriminating against any program or participant who happens to serve in a program sponsored by a religious organization. Without such a provision, we are sure to see discrimination against our programs.

Finally, I would like to express our appreciation for the fact that in Section 138, permission is, in effect, given to programs who wish to select volunteers based on their religious affiliation. Any modification in this provision to require that no such criteria be allowed would, obviously, exclude almost all existing religious voluntary agencies who seek people of faith or of a particular faith to serve in their missions. We certainly hope that the White House will resist any attempt to include such a restriction in any later drafts.

Our concerns about the section-by-section language leads logically to our urgent appeal that the President implement the Bumpers loan cancellation incentive. The Bumpers incentive avoids all the problems with the

President's program. It is not bureaucratic; the forms needed to implement the Bumpers program are simple and easy to understand; there is little possibility of discrimination.

With the Bumpers incentive we are less concerned about the adverse competitive impact of the benefit proposed in the draft, \$6,500 per term of service. Without the Bumpers incentive, any program that is not eligible for the national service award will suffer real harm.

You seem not to understand how daunting it will be for a program with only a few volunteers and little sophistication in the ways of Washington to negotiate the maze to apply and fight for eligibility. The delay, bureaucracy and competition for such determinations is sure to work to the disadvantage of programs that have very few volunteers and little funding. The Bumpers incentive involves none of these problems.

We can improve the formulation of the Church-State provision for participants in the President's program, but no matter what you do in the draft we are sure to see discrimination against our programs. This is why the Bumpers incentive is so important to us.

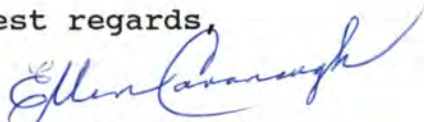
Our programs place thousands of full-time volunteers. We say to you that it is your obligation to ensure that the legislation does all that it can to avoid discrimination against us and to implement the Bumpers program which is less open to this discrimination.

I have to say that the current section-by-section reflects a real insensitivity to our concerns and we see no evidence that the Bumpers incentive will be implemented.

We ask for your urgent attention to these issues. We are free to consult with you at any time and in any place to work on these issues. We do not want to oppose the President's program. But, after we have made so much effort to communicate with the White House during the last three months, we are amazed that so few of our concerns have been addressed in the current draft.

I look forward to hearing from you.

Best regards,



Ellen Cavanaugh
Executive Director