

"community-based conservation" groups, they include the Friends of the Cheat River, a West Virginia coalition working to restore a waterway damaged by mining runoff; the Applegate Partnership, which hopes to restore a watershed in southwestern Oregon while keeping timber jobs alive, and Envision Utah, which tries to foster consensus about how to manage growth in and around Salt Lake City.

Like many similar organizations, the Quincy Library Group was born of frustration. In the 1980s, Quincy-based environmental advocates, led by local attorney Michael B. Jackson, attempted with varying success to block more than a dozen U.S. Forest Service timber sales in the surrounding Plumas, Lassen and Tahoe national forests. The constant battles tied the federal agency in knots and almost shut down Sierra Pacific Industries, the biggest timber company there, imperiling many jobs. The atmosphere was "openly hostile, with agitators on both sides," says Linda Blum, a local activist who joined forces with Jackson in 1990 and aroused so much opprobrium that Quincy radio hosts denounced her on the air for taking food from the mouths of the town's children.

Worn down and dismayed by the hostility in his community, Jackson was ready to try something different. He got a chance to do so late in 1992, when Bill Coates, a Plumas County supervisor, invited the factions to talk to each other, face to face. Coates suggested that the group work from forest-management plans proposed by several local environmental organizations in the mid-1980s. By early 1993, they were meeting at the library and soon put together a new proposal. (The Forest Service eventually had to drop out because the Federal Advisory Committee Act, which places cumbersome requirements on groups who meet with federal agencies.) Under this proposal, timber companies could continue thinning and selectively logging in up to 70,000 acres per year, about the same area being logged in 1993 but drastically lower than the 1990 level. Riverbanks and roadless areas, almost half the area covered by the plan, would be off-limits.

The Quincy group asked the Forest Service to incorporate its proposal into the official plans for the three national forests, but never got a definite answer. Convinced that the agency was too dysfunctional to respond, in 1996 the group took its plan to their congressman, Wally Herger, a conservative Republican. Herger introduced the Quincy proposal in the House, hoping to instruct the agency to heed the wishes of local communities. It passed overwhelmingly—perhaps the only time that Reps. Helen Chenoweth (R-Idaho), a vehement property-rights advocate, and George Miller (D-Calif.) one of the greenest legislators on Capitol Hill, have agreed on an environmental law. Then the bill went to the Senate—and slammed into resistance from big environmental lobbies.

From the start, the Quincy group had kept in touch with the Wilderness Society, the Natural Resources Defense Council and the Sierra Club. The three organizations offered comments, and the Quincy group incorporated some. Still, the national groups continued to balk, instead submitting detailed criteria necessary to "merit" their support. When the Quincy plan became proposed legislation, the national groups stepped up their attacks. The Quincy approach, said Sierra Club legal director Debbie Sease, had a "basic underlying flaw" using a cooperative, local decision-making process to manage national assets. Jay Watson, regional director of the Wilderness Society, said: "Just because a group of local people can come to agreement doesn't mean that it is good public policy." And because such parochial ef-

forts are inevitably ill-informed and always risk domination by rich, sophisticated industry representatives, the Audubon Society warned, they are "not necessarily equipped to view the bigger picture." Considering this bigger picture, it continued, "is the job of Congress, and of watchdog groups like the National Audubon Society."

Many local groups regard national organizations as more interested in protecting their turf than in achieving solutions that advance conservation. "It's interesting to me that it has to be top-down," said Jack Shipley, a member of the Applegate Partnership. "It's a power issue, a control issue." The big groups' insistence on veto power over local decision-making "sounds like the old rhetoric—either their way or no way," Shipley says. "No way" may be the fate of the Quincy bill. Pressured by environmental lobbies, Sen. Barbara Boxer (D-Calif.) placed a hold on it in the Senate.

Despite the group's setback, community-based conservation efforts like Quincy provide a glimpse of the future. Under the traditional approach to environmental management, decisions have been delegated to impartial bureaucracies—the Forest Service, for example, for national forests. Based on the scientific evaluations of ecologists and economists, the agencies then formulate the "right" policies, preventing what James Madison called "the mischief of faction."

But today, according to Mark Sagoff of the University of Maryland Institute for Philosophy and Public Policy, it is the bureaucrats who are beset by factions; big business and environmental lobbies. For these special-interest groups, he argues, "deliberating with others to resolve problems undermines the group's mission, which is to press its purpose or concern as far as it can in a zero-sum game with its political adversaries." The system "benefits the lawyers, lobbyists and expert witnesses who serve in various causes as mercenaries," he says, "but it produces no policy worth a damn."

In contrast, community-based conservation depends on all sides acknowledging the legitimacy of each other's values. Participants are not guaranteed to get exactly what they want; no one has the power to stand by and judge the "merit" of the results. Although ecology and economics play central roles, ecologists and economists have no special place. Like everyone else, they must sit at the table as citizens, striving to make their community and its environment a better place to live.

In short, Quincy's efforts and those like it represent a new type of environmentalism: republican environmentalism, with a small "r." This new approach cannot address global problems like climate change. Nor should it be routinely accepted if a local group decides on irrevocable changes in areas of paramount national interest—filling in the Grand Canyon, say. But even if some small town would be foolish enough to decide to do something destructive, there's a whole framework of national environment laws that would prevent it from happening. And, despite the resistance of the national organizations, the environmental movement should not reject this new approach out of hand. Efforts to protect the environment over the past 25 years have produced substantial gains, but have lately degenerated into a morass of litigation and lobbying. Community-based conservation has the potential to change things on the ground, where it matters most. ●

THE INTERNATIONAL RELIGIOUS FREEDOM ACT

● Mr. NICKLES. Mr. President, on October 9, 1998, the Senate, by a vote of

98-0, passed the International Religious Freedom Act. As the sponsor of the International Religious Freedom Act, I am providing this statement which gives some guidance as to what I tried to accomplish in crafting this Act.

BACKGROUND

With enactment of the International Religious Freedom Act, there will be a major increase in the amount of information on the nature and extent of violations of religious freedom in foreign countries, in the actions taken by the U.S. government in response to those violations and in the scrutiny of the steps taken by the U.S. government to combat them. Sadly, events around the world demonstrate the need for the International Religious Freedom Act.

It has been reported that more than half of the world's population lives under governments that place restrictions or outright prohibitions on the ability to practice one's religion. While the end of the Cold War saw a significant increase in religious freedom in many countries, in others there has been no change. Totalitarian governments either continue to stamp out religion or subject it to state controls through arrest, torture, beatings, imprisonment and unemployment.

One such government has used massacre, starvation, and forced resettlement as a tool in the effort to crush resistance in its mostly Christian region. There have been reports of the crucifixion of Christians, although these reports cannot be confirmed. What has been confirmed is the revival of slavery, abduction and mutilation. Displaced refugees have been confronted with forced conversion or starvation.

In other countries, reports abound of attacks by extremists or by government forces on Christians, and on their homes, businesses, and churches. Converts to Christianity are imprisoned and tortured. In several countries no overt practice of any religion but the state religion is permitted, and conversion is illegal. These prohibitions affect virtually every religion around the world.

THE INTERNATIONAL RELIGIOUS FREEDOM ACT

This is the backdrop which led to the International Religious Freedom Act. The International Religious Freedom Act was crafted with four core principles. First, the International Religious Freedom Act is comprehensive both in the scope of covered violations, and in the full range of tools it provides to address the violations. By crafting a definition of violations of religious freedom that focuses on the most common types of violations as well as the most egregious, the Act attempts to resolve the problem before these violations escalate into torture, imprisonment and even death.

Second, the International Religious Freedom Act was crafted to require action while preserving necessary flexibility for the President. The International Religious Freedom Act contains a menu of options, including eight diplomatic and seven economic measures, from which the President must choose for each country that engages in violations of religious freedom. The Act also allows the President to calibrate any economic measure. The President can, for instance, suspend or limit foreign assistance, rather than cut it off entirely. The Act gives the President an additional option of taking commensurate action for any of the 15 options if the President determines that by doing so he can further the policy of the United States set forth in this Act. Finally, the President can exercise a waiver if important national interests require it, or if it would be harmful to those the Act seeks to help.

The provisions of the International Religious Freedom Act give the President economic and diplomatic tools to use that will

best fit the situation and most appropriately deal with the problem. These tools can be modified based on the level of persecution in the country, the country engaging in the persecution and our relationship with that country. This flexibility ensures that the International Religious Freedom Act will be more effective. The goal of the International Religious Freedom Act is not to punish countries but to change behavior.

Third, the International Religious Freedom Act promotes long-term change through several means, including comprehensive human rights and religious freedom training for U.S. officials and representatives, both in the Foreign Service and in the Immigration and Naturalization Service. The Act authorizes U.S. assistance for the development of legal protections abroad, broadcasting and scholarly exchanges to promote religious freedom, and awards for meritorious Foreign Service Officers.

Fourth, the International Religious Freedom Act establishes several positions to ensure a permanent profile on and attention to religious freedom. It establishes an Ambassador at Large for International Religious Freedom which is a permanent diplomatic position to spearhead U.S. advocacy for religious freedom internationally. The Act also establishes a Commission for International Religious Freedom to ensure accountability, and to provide independent policy recommendations as the Act is implemented. The Annual Report further provides accountability by reporting the actions of the U.S. government.

The following is a commentary on several sections of the International Religious Freedom Act.

Section 101. Ambassador-at-Large for Religious Liberty: This section creates a high-profile diplomat under the Secretary of State, vested with the authority to continually and forcefully raise the issue of religious persecution in bilateral and multilateral forums. The Ambassador is responsible for ensuring advocacy for, and high-quality reporting on, religious freedom by American Embassies around the world. The Ambassador also is to make policy recommendations to the President and the Secretary of State to advance the right to religious freedom abroad.

Section 102. Reporting: This section strengthens existing reporting requirements. The Ambassador is to assist in the preparation of the sections on religious freedom in the State Department Human Rights Country Reports, and embassy personnel are directed to seek out and investigate reports of violations of religious freedom.

This section also creates an Annual Report on International Religious Freedom. This report details the status of religious freedom in each country around the world, and provides a comprehensive accounting of the violations of religious freedom, how severe they are and where they occur. The report is to give an indication of trends towards improvements in protecting religious liberty, and trends toward the deterioration of that protection. The report will also include information regarding U.S. government actions taken to promote religious freedom abroad. The U.S. government, when compiling this report, must work with non-governmental organizations (NGOs), when appropriate, to ensure that each report contains the most accurate information.

The Annual Report must also include information on the forced conversion of minor U.S. citizens living abroad. It has come to my attention that our government has done little to resolve cases of the victimization of minors who have been taken to a foreign land, subjected to forced religious conver-

sion, and prevented under the laws of those nations from returning to the United States where they would enjoy religious freedom.

In some cases, especially for girls, this amounts to a life sentence of living abroad. In some countries, women may not travel abroad without the permission of their father or husband. The State Department should work to secure the rights of its citizens—including those living abroad, and the Commission on International Religious Freedom should monitor these cases.

Each year, the Secretary of State, working with the Ambassador, must present this report to Congress by September 1. An Executive Summary highlighting the countries of greatest concern with regard to religious freedom and countries demonstrating significant improvement in the protection of that right is to accompany the report. A classified, more detailed addendum may be provided to Congress.

Section 103. Internet Site for Religious Liberty: To assist NGOs around the world, the Act establishes a State Department Internet site posting the Annual Report, the Executive Summary and other international documents on religious freedom.

Section 104. Religious Freedom Training: To ensure awareness by Foreign Service officers of the nature and scope of violations of religious freedom, the Act amends the Foreign Service Act of 1980 to require training in human rights, including violations of religious freedom, as standard training for Foreign Service officers. Training is mandatory for officers with reporting responsibilities and for Chiefs of Mission.

Section 105 & 106. Contacts with NGOs: Embassies are required to seek out religious NGOs and meet with imprisoned religious leaders where appropriate and beneficial. These contacts will not only help our government gather the facts accurately as it prepares the Annual Report, but also will prove valuable as our government seeks to formulate policies to promote religious freedom around the world, as described in section 403. A Sense of the Congress directs embassies to craft a strategy for the promotion of religious liberty.

Section 107. Equal Access to U.S. Embassies: The Act grants access to U.S. citizens (and, at the embassy's discretion, to nationals) to U.S. missions abroad for religious activities on a basis no less favorable than for other nongovernmental activities unrelated to the conduct of the diplomatic mission. For instance, it is inconsistent that permission be granted by U.S. missions to allow the dispensing and social consumption of alcoholic beverages and the serving of pork products, contrary to local law, while discouraging such permission for holding religious services. The fact that several other foreign consulates afford access to worship for their citizens disproves the suggestion that diplomatic interests preclude similar provision for Americans by the State Department. Many other social and American community activities without discernable diplomatic purpose will no doubt continue, and in most cases should continue. Religious service access requests under section 107 may receive no less consideration than these other activities occurring on U.S. mission premises.

Section 108. Prisoner Database and Issue Briefs: To prompt advocacy at every possible opportunity, the bill directs the State Department to maintain country-specific lists of religious prisoners and issue briefs on policies restricting religious liberty, to be provided to executive branch and Congressional leaders for use in meetings with foreign dignitaries. In compiling these lists, the Act gives the Secretary of State the discretion to decide whether including a name on the list harms or helps the prisoner.

Sections 201 to 206. The International Religious Freedom Act establishes a United States Commission on International Religious Freedom. This Commission, which is bipartisan in composition and will include both presidential and Congressional appointees, will ensure that the President and the Congress receive independent recommendations—and where necessary, criticism—of American policy in support of international religious freedom.

The Commission consists of 10 persons (including the Ambassador at Large, who sits as an ex officio, non-voting member), chosen for a period of two years; the Commission sunsets in four years unless reauthorized. The innovative appointment structure established in this Act ensures that five commissioners will be selected by the President's political party and four commissioners by the other political party, no matter which political party controls the White House or either house of Congress. While this Act appropriately defers to the President's constitutional authority in conducting policy toward foreign states, it is the intent of Congress that the Commission hold policy makers accountable to the purposes of this Act, and, thus, ensure the Act's effectiveness.

The Commission will review the ongoing facts and circumstances of violations of religious freedom (both from government reports and from other sources) and make policy recommendations. While the Commission's annual report on May 1 will stand as its main formal duty under the sequence of requirements established by the Act, it is the intent of Congress that the Commission be diligent in monitoring violations of religious freedom on an ongoing basis and make its policy recommendations on a timely basis and with an urgency and specificity appropriate to circumstances.

Section 301. This section is a Sense of the Congress that there should be at the National Security Council a Special Advisor on International Religious Freedom, who monitors persecution and serves as a resource and policy advisor for executive branch officials.

TITLE IV

This title requires that the President take action to address violations of religious freedom each year in each country around the world where these violations take place.

Section 401. If a country engages in violations of religious freedom as defined in the bill, then the President must, at least once a year, choose one or more of the options listed in the menu of options found in section 405. If the President decides to take one of options 9 through 15, then the President must fulfill the requirements of section 403 and 404, which provide appropriate scrutiny and review of potential sanctions.

Section 402. The President must, at least once a year, make a determination as to which countries around the world are engaged in particularly severe violations of religious freedom. The President may make those determinations any time during the year, providing the flexibility to respond quickly and appropriately to occurrences of religious persecution.

If the President finds a country to be engaged in particularly severe violations of religious freedom, then the President is required to select one or more of options 9 through 15 or take commensurate action as found in section 405.

Once the President makes such a determination, the President is to identify the government agency or instrumentality and the specific officials responsible for the persecution so that sanctions are as narrowly targeted as possible to those entities responsible for the persecution.

Any economic action taken pursuant to a determination made under this section cannot be taken until the provisions of section 403 and 404 have been satisfied. However, in keeping with the Act's purpose of changing behavior, the President must first make every reasonable effort to conclude a binding agreement with the foreign country to cease the violations. If such an agreement is concluded, the President is not required to impose a sanction on that particular country for that particular year.

The Congress also recognizes that once sanctions are imposed under the International Religious Freedom Act, implementing sanctions the following year could be counterproductive. Accordingly, the Act provides that in such cases, or if a comprehensive sanctions regime is already in place in significant part because of human rights abuses, the President may designate those sanctions as fulfilling the purposes of the Act.

It is the intent of Congress that this Act require action abroad specifically and recognizably in response to violations of religious freedom, and that no provisions of the Act exempt the Department of State from recognizing that violations of religious freedom have occurred and taking action in response to those violations.

This section includes a provision that any determination made under this Act, or any amendment to this Act, shall not trigger any termination of assistance or activities as outlined in sections 116 and 502B of the Foreign Assistance Act of 1961.

Section 403. The consultations outlined in this section are necessary to achieve a coordinated international policy, to adequately ensure the safety of persecuted individuals or communities and to ensure that the economic interests of the United States are considered before our government takes economic action.

Many NGOs have operations in the very countries where persecution is ongoing and these organizations can provide valuable insight as to how the problem of violations of religious freedom can best be alleviated, and can help our government better understand specific situations in the country of concern or the potential harm any punitive action might have on their organization or persecuted communities. It is the intent of the Congress that these consultations be the norm.

TITLE V

This title seeks to promote religious freedom through authorizing assistance for legal protections of religious freedom abroad, international exchanges, international broadcasting to promote religious freedom and through incentives and awards to our diplomatic community to promote religious freedom.

Section 601. Use of Annual Report: This section provides that the Annual Report on International Religious Freedom serve as a resource for U.S. officials adjudicating asylum and refugee applications involving claims of religious persecution. U.S. officials may not deny a claim solely because conditions described by an applicant are not referenced by the Annual Report.

Section 602. Reform of Refugee Policy: U.S. officials are assisted in processing potential refugees around the world by personnel hired abroad. Unfortunately, such personnel are sometimes influenced by unfairly prejudicial biases that affect their screening and processing of potential refugees. United States refugee policy should not be compromised by local prejudices based on religion, race, nationality, membership in a particular social group, or political opinion. To lessen the possibility of unfair discrimination by personnel

hired abroad, and to provide greater oversight of U.S. hiring policies, section 602 requires the Attorney General and the Secretary of State to develop and implement anti-bias guidelines, and to develop guidelines for entering into agreement with local refugee processing organizations.

The Act also requires all U.S. refugee-processing officers to receive the same level of training as U.S. asylum officers, who currently receive more comprehensive training. This training includes instruction on the nature and extent of religious persecution abroad. The Act also requires Foreign Service officers who might have refugee-processing responsibilities to receive adequate training in refugee law and in the nature of religious persecution abroad.

Section 603. Reform of Asylum Policy: U.S. officials are assisted in processing potential asylees by interpreters, and other non-U.S. personnel who may be influenced by unfairly prejudicial biases that may affect such processing. To lessen the possibility of unfair discrimination by such personnel, section 603 requires the Attorney General and the Secretary of State to develop and implement anti-bias guidelines. Personnel of airlines owned by foreign governments known to engage in persecution are prohibited from employment as interpreters. The Act requires training for all immigration inspectors, asylum officers and immigration judges in the nature and extent of religious persecution abroad.

Section 604. Inadmissibility of Foreign Government Officials Who Have Been Engaged in Severe Violations of Religious Freedom: Section 604 provides that foreign government officials responsible for particularly severe violations of religious freedom in the last two years, and their families, shall not be admitted to the United States.

Section 605. Studies on the Effect of Expedited Removal for Asylum Claims: Under section 605, the Commission on International Religious Freedom may invite outside experts to cooperate with the U.S. General Accounting Office in studying and reporting on the effect of the expedited removal process on potential asylees.

Section 701. The Act recognizes that transnational corporations play an increasing role as agents for change around the world and have a great potential for positive leadership abroad in human rights. The Act states the sense of the Congress that U.S. transnational corporations should adopt codes of conduct upholding the religious rights of their employees.●

AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT

● Mr. KENNEDY. Mr. President, I commend Senator ABRAHAM, the Chairman of the Senate Immigration Subcommittee, for his leadership in reaching this acceptable compromise that addresses the needs of our high-tech industry and is fair to U.S. workers. I also commend the White House for its strong commitment to protecting the U.S. labor force. This is an issue of major importance to the high-tech industry and U.S. workers. High-tech jobs are growing at three times the rate of other jobs. Over the next ten years, high-tech computer companies will need 1.3 million additional employees.

Few dispute the fact that today, U.S. high-tech companies are unable to find enough skilled workers to meet the

mushrooms demands of their rapidly growing industry. Universities are also unable to obtain enough talented faculty members and researchers to fill critical high-tech academic positions. If these shortages persist, the growth and vitality of U.S. high-tech companies will be undermined and our role as a leader in technology and research will be diminished.

The obvious solution to this current crisis is to increase the number of temporary visas available to skilled foreign workers. But the increase should not be permanent. Our immigration laws should not jeopardize opportunities for young Americans, downsized defense workers, and others who wish to enter the dynamic field of high-tech industries.

The current compromise reaches a fair balance—by temporarily increasing the number of high-tech visas over the next three years, and then reinstating the current annual cap of 65,000 visas after the third year.

Many of the foreign workers who will benefit from this compromise are exceptionally talented. They represent the "best and brightest" the world has to offer. We welcome these accomplished individuals and the unique skills they will bring to strengthen and diversify our economy.

However, most of the positions that will be filled by these additional foreign workers are simply good middle class jobs. Most of the jobs are lower level computer programmers. Many are physical therapists, occupational therapists, or nurses. It is shameful that U.S. workers do not have the skills to compete for these jobs. The fact that American workers lack the training skills to compete for these good jobs is an incident of our educational system. Clearly, we need to do more to find a long-term solution to this festering problem. And this bill gives three years to address this failure.

I have long insisted that any legislation increasing these visas should substantially invest in improved job training for U.S. workers and better education for U.S. students. We must give the U.S. workers the skills they need to qualify for these jobs. It makes no sense to throw in the towel by increasing quotas—even temporarily—without also investing in our own labor force. As a nation, we have an obligation to invest in our own workers and students.

Many firms are doing the right thing. Many of the large computer companies spend millions of dollars each year training their workers, and encouraging young men and women to choose high-tech careers. The compromise before us today enhances that commitment.

Earlier this year, Senator FEINSTEIN and I proposed a way to provide genuine training for American workers, without costing the taxpayer a single penny. I am pleased that the legislation before the Senate today incorporates our idea and achieves this goal.