

knees, the conqueror, the victor was brought to its knees by the vanquished. That is exactly what is happening to the United States of America. We are going the way of England.

They told the Brits at the end of World War II, they said: Don't worry, instead of a nation of brawn, you will be a nation of brains; instead of producing products, you will provide services, a service economy; instead of creating wealth, you will handle it and be a financial center. England has gone to hell in an economic hand basket. London is nothing more than an amusement park. Their army is not as big as our Marines, and they have lost their clout in world affairs. Money talks.

So not only are we losing our middle class—as Henry Ford said, “I want to pay that worker enough to buy what he is producing,” which helped begin not only the wonderful development of a middle class in America, the strength of our democracy—but our clout in international and foreign policy.

I thank the Chair for its indulgence. We will continue in September to try to get everyone's attention, so we can compete.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Maine.

Ms. COLLINS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I think Senator BRYAN is going to speak so I will take only 2 minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I may take more time later on tonight, but since it is not clear exactly how the schedule is going to proceed, let me thank Senator LOTT for his commitment to a good, thorough, substantive debate on whether or not we should or should not enter into a review of normal trade relations with China.

I could speak for many hours about this, but I will have a number of amendments. One of them will reflect the work of a very important religious group, the U.S. Commission on Religious Rights and Religious Freedom, which we will talk about, criteria that should be met, and focus on the right of people in China to practice their religion without persecution. Another will be a human rights amendment. Another will deal with prison labor conditions in China. Another will deal with the right of people to form unions in China. Finally, there will be a very important amendment for people to organize in our own country.

Part of what is going on here is the concern within this sort of broad international framework that quite often the message for people in this country is, if you organize, we are gone. We will go to China or another country and pay 12 cents an hour or 3 cents an hour. The message to people in these countries is, if you should dare to form a union, then you don't get the investment. I want to focus on the right to organize and labor law reform in our own country.

I am an internationalist. We are in an international economy. I do not want to see an embargo with China. We will trade with China. I do not want to have a cold war with China. I want to see better relations. I think the real question is what the terms of the trade will be, who will decide, who will benefit, and who will be asked to sacrifice. I hope this new global economy will be an economy that works, not only for large multinationals but for human rights, for religious rights, for the right of people to organize, for the environment, and for our wage earners. My amendments will be within that framework.

I yield the floor.

Mr. JEFFORDS. Mr. President, as we consider preceding to legislation to grant permanent normal trade relations to China, I would like to alert my Colleagues to an important development. It is my understanding that a frail, elderly Tibetan woman will soon see her only son, who is in prison in Tibet. My colleagues on the Finance Committee may remember my raising my deep concern over the case of Ngawang Choephel, a former Fulbright student at Middlebury College in Vermont who is serving an 18 year sentence in Tibet on charges of espionage. As we debate entering a new relationship with China, based on mutual commitments to adhere to an international set of principles and regulations, I was increasingly angered by the refusal of the Chinese government to grant Ngawang's mother, Sonam Dekyi, permission to visit him in prison, a right guaranteed her by Chinese law. I spoke out about this case during the Finance Committee's mark-up of this legislation.

I am pleased to inform my colleagues that thanks to the skillful intervention of the Chinese Ambassador, the Honorable Ambassador Li, Sonam Dekyi will soon be in Tibet for a rendezvous with her son. Many of my colleagues have expressed their support for Sonam Dekyi's request, and I want to make sure they are aware of the Chinese government's decision to allow this meeting. Sonam will be in Lhasa all next week, and we are hoping that she will be allowed several lengthy visits with her son. Because Sonam is in poor health and travel to Tibet is very difficult for her, we are hoping that her visits will be of appropriate length and

quality. I will be happy to share with my colleagues Sonam's report of her visit upon her return to India.

I continue to be worried about the health of Ngawang Choephel, and I will continue my efforts to obtain his release. But at this moment I wish to express my appreciation to the Chinese Ambassador for helping to make this humanitarian mission happen. I know that many Vermonters share my joy at this development and my hope that this is indicative of further progress in matters of great concern to our two countries.

The PRESIDING OFFICER. The Senator from Nevada.

(The remarks of Mr. BRYAN pertaining to the introduction of S. 2963 are printed in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

The PRESIDING OFFICER. The Senator from Utah.

ADJOURNMENT OF THE TWO HOUSES OVER THE LABOR DAY HOLIDAY

Mr. HATCH. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 132, the adjournment resolution, which is at the desk, which will provide for returning Tuesday, September 5, 2000.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 132) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. HATCH. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Con. Res. 132) was agreed to, as follows:

S. CON. RES. 132

Resolved by the Senate (the House of Representatives concurring). That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the Senate recesses or adjourns at the close of business on Thursday, July 27, 2000, Friday, July 28, 2000, or on Saturday, July 29, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 5, 2000, or until noon on Wednesday, September 6, 2000, or until such time on either day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, July 27, 2000, or Friday, July 28, 2000, on a motion offered

pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Wednesday, September 6, 2000, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 684, S. 2869.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2869) to protect religious liberty, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, I rise today to thank the Senate in anticipation of its action in passing the Religious Land Use and Institutionalized Persons Act of 2000. I want to express my appreciation specifically to the lead sponsor of this bill, Senator KENNEDY. He and I worked together almost 10 years ago in enacting the Religious Freedom Restoration Act. He has once again demonstrated his commitment to religious liberty by his leadership and effort on this measure.

I also express my appreciation to Senators THURMOND and REID. Both of these Senators had strong and serious concerns about portions of this bill but were willing to work with us to secure passage of this legislation because of their overriding commitment to religious freedom.

Our bill deals with just two areas where religious freedom has been threatened—land use regulation and persons in prisons, mental hospitals, nursing homes and similar institutions. Our bill will ensure that if a government action substantially burdens the exercise of religion in these two areas, the government must demonstrate that imposing the burden serves a compelling public interest and does so by the least restrictive means. In addition, with respect to land use regulation, the bill specifically prohibits various forms of religious discrimination and exclusion.

It is no secret that I would have preferred a broader bill than the one before us today. Recognizing, however, the hurdles facing passage of such a bill, supporters have correctly, in my view, agreed to move forward on this more limited, albeit critical, effort.

The willingness of many serious and well-intentioned persons has brought us to this successful conclusion in the Senate today and likely swift action in the House of Representatives this fall.

I thank all persons involved in this effort. Numerous religious denominations have come together with other groups in the spirit of cooperation to form the Coalition for the Free Exercise of Religion. They have joined forces and concentrated their energy on this vital issue—I am grateful to all of them.

In conclusion, I thank the staff members who devoted so much of their time and who worked so hard to ensure the success of this bill. In particular, I would like to thank Eric George, my former counsel, Manus Cooney, my Chief Counsel, Sharon Prost, my Deputy Chief Counsel, and Sam Harkness, a law clerk for the Judiciary Committee. Their collective work has brought us to where we are today. Furthermore, I would like to express my gratitude to the staff of Senator KENNEDY; specifically, Melanie Barnes and David Sutphen, who were a pleasure to work with. Eddie Ayoob, from the office of Senator REID, also provided valuable assistance. Finally, I would like to thank the dedicated professionals at the Department of Justice who helped in the effort.

I ask unanimous consent that following my statement and that of Senator KENNEDY the following items be printed in the RECORD: A manager's statement consisting of a joint statement by myself and Senator KENNEDY; a letter received today from the administration in support of the bill; and several other letters of support.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. President, I commend Chairman CANADY of the House Judiciary Committee. I am hopeful that the other body can promptly—even this evening is a possibility—pass this bill. I know Congressman CANADY has and will continue to do everything he can do to enact this important legislation.

Cathy Cleaver of Chairman CANADY's staff has also been indispensable. I acknowledge her for her efforts.

I also thank Senators KENNEDY, REID, and THURMOND for their yeoman work on this bill. This is one of the most important bills of this new century, and it is one I am so pleased to be a part of in passing.

EXHIBIT 1

JOINT STATEMENT OF SENATOR HATCH AND SENATOR KENNEDY ON THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000

SUMMARY AND PURPOSE

The Religious Land Use and Institutionalized Persons Act of 2000 ("This Act") is a targeted bill that addresses the two frequently occurring burdens on religious liberty. The bill is based on three years of hearings—

three hearings before the Senate Committee on the Judiciary and six before the House Subcommittee on the Constitution—that addressed in great detail both the need for legislation and the scope of Congressional power to enact such legislation.

The bill targets two areas: land use regulation, and persons in prisons, mental hospitals, and similar state institutions. Within those two target areas, the bill applies only to the extent that Congress has power to regulate under the Commerce Clause, the Spending Clause, or Section 5 of the Fourteenth Amendment. Within this scope of application, the bill applies the standard of the Religious Freedom Restoration Act, 42 U.S.C. §2000bb-1 (1994): if government substantially burdens the exercise of religion, it must demonstrate that imposing that burden on the claimant serves a compelling interest by the least restrictive means. In addition, with respect to land use regulation, the bill specifically prohibits various forms of religious discrimination and exclusion. Finally, the bill provides generally that when a claimant offers prima facie proof of a violation of the Free Exercise Clause, the burden of persuasion on most issues shifts to the government.

NEED FOR LEGISLATION

Land Use. The right to assemble for worship is at the very core of the free exercise of religion. Churches and synagogues cannot function without a physical space adequate to their needs and consistent with their theological requirements. The right to build, buy, or rent such a space is an indispensable adjunct of the core First Amendment right to assemble for religious purposes.

The hearing record compiled massive evidence that this right is frequently violated. Churches in general, and new, small, or unfamiliar churches in particular, are frequently discriminated against on the face of zoning codes and also in the highly individualized and discretionary processes of land use regulation. Zoning codes frequently exclude churches in places where they permit theaters, meeting halls, and other places where large groups of people assemble for secular purposes. Or the codes permit churches only with individualized permission from the zoning board, and zoning boards use that authority in discriminatory ways.

Sometimes, zoning board members or neighborhood residents explicitly offer race or religion as the reason to exclude a proposed church, especially in cases of black churches and Jewish shuls and synagogues. More often, discrimination lurks behind such vague and universally applicable reasons as traffic, aesthetics, or "not consistent with the city's land use plan." Churches have been excluded from residential zones because they generate too much traffic, and from commercial zones because they don't generate enough traffic. Churches have been denied the right to meet in rented storefronts, in abandoned schools, in converted funeral homes, theaters, and skating rinks—in all sorts of buildings that were permitted when they generated traffic for secular purposes.

The hearing record contains much evidence that these forms of discrimination are very widespread. Some of this evidence is statistical—from national surveys of cases, churches, zoning codes, and public attitudes. Some of it is anecdotal, with examples from all over the country. Some of it is testimony by witnesses with wide experience who say that the anecdotes are representative. This cumulative and mutually reinforcing evidence is summarized in the report of the House Committee on the Judiciary (House