

**SENATE—Thursday, November 2, 2000***(Legislative day of Friday, September 22, 2000)*

The Senate met at 8:30 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Reverend Daniel P. Coughlin, Chaplain, U.S. House of Representatives, Washington, DC.

We are pleased to have you with us.

## PRAYER

The guest Chaplain, Reverend Daniel P. Coughlin, offered the following prayer:

God ever faithful and lasting in love, Your word speaks wisdom to our minds and brings peace to our hearts. Be with us this evening.

Grant perseverance to the Members of the Senate as they endeavor to bring their work to completion. By Your holy inspiration, You have begun this good work in them. Through Your spirit, You continue to guide them; and by Your grace You will bring this work to fulfillment.

Our hope and our prayer is that in all things Your holy will may be accomplished and all honor, glory, and power be given to You now and forever. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable FRANK MURKOWSKI, a Senator from the State of Alaska, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. MURKOWSKI. Mr. President, I take this opportunity to welcome the President pro tempore, the senior Senator in this body, Senator THURMOND. I also thank the guest Chaplain for the prayer.

## SCHEDULE

Mr. MURKOWSKI. On behalf of the leader, I wish to announce that today the Senate will immediately proceed to an adjournment resolution calling for a conditional adjournment of the Congress; that is, a 1-day continuing resolution and a consent governing the next few Senate session days.

The session is expected to last only a few minutes and obviously no votes will occur. However, Members are reminded that a rollcall vote is expected to occur the first day back, on November 14. Senators will be notified as to the exact time of the vote via the hotline system.

## MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of H.J. Res. 123, the continuing resolution; that the resolution be read three times and passed, and the motion to reconsider be laid upon the table, all without any intervening action or debate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (H.J. Res. 123) was read three times and passed.

## PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that a resolution I send to the desk calling for a conditional adjournment of the Congress, the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table, all without any intervening action or debate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Con. Res. 160) was agreed to, as follows:

S. CON. RES. 160

*Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, November 2, 2000, or on Monday, November 6, 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, November 14, 2000, or until such time on that 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, November 2, 2000, Friday, November 3, 2000, Saturday, November 4, 2000, Sunday, November 5, 2000, Monday, November 6, 2000, Tuesday, November 7, 2000, Wednesday, November 8, 2000, or Thursday, November 9, 2000, on a motion offered*

pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, November 13, 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.

## ADDITIONAL STATEMENTS

## STELLAR SEA LION

● Mr. STEVENS. Mr. President, after my remarks yesterday on the Steller sea lion decline, members of the press corps asked me for proof. This article provides a good summary of the research behind the sea lions' decline. I would also point out that the burden should be on the plaintiffs and the agency to prove that fishing has caused the sea lions' decline.

I ask that an article from the Pacific Fishing magazine be printed in the RECORD.

The article follows.

[From Pacific Fishing, Nov. 2000]

## THE WRONG CURE?

*Now that an unproven hypothesis has beached the North Pacific trawl fleet, environmental litigators have what they want. Are they honest enough to support research on whether their "reasonable and precautionary" solution really helps sea lions?*

(By Jeb Wyman and Brad Warren)

When Judge Thomas S. Zilly banned trawling in 50,000 square miles of water designated as critical habitat for Steller sea lions, he issued a legal finding that groundfish fisheries off Alaska posed "a reasonably certain threat of imminent harm" to the endangered animals.

That phrase means plenty in court, but it doesn't carry much weight in the world of science, where evidence of the supposed threat from fishing has been repeatedly characterized as "tenuous." Significantly, even the judges stopped short of endorsing any particular theory about what's shrinking the sea lion population. Instead, he focused on a legal principle established by prior courts' interpretations of the Endangered Species Act: If government and industry can't demolish the contention that fishing threatens the Stellers, then they must assume it does and restrain fisheries accordingly. (See "Who Killed the Stellers?" Pacific Fishing, October 2000, page 20.)

This converts a merely plausible threat to the Stellers into a legal mandate. Thus the three environmental groups that filed the