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 lawsuit never had to prove that fishing is killing off sea lions. Nor did they need to show even that fishing is a more likely suspect than the other culprits that scientists are investigating. Those culprits include thoroughly documented changes in ocean climate and shifts in the available prey base for Stellers; they also include killer whales that have been videotaped devouring sea lions—a diet that one study calculates to account for most of the Stellers' recent rate of decline.

A WEAK HEART

In fact, the environmentalists' case is weakest at its heart. It depends upon the theory of ''localized depletion.'' This theory contends that trawl nets temporarily scoop out holes in schools of fish, or disperse them, for long enough so that Steller sea lions can't find enough food and thus are going extinct. No matter how it plays in court, in the harsh light of scientific inquiry the evidence and the logic behind this theory still are viewed as shaky, and other theories carry greater credence. For starters, the only field research to find evidence for localized depletion focused entirely on the Atka mackerel fishery, and even there the study's methodology and conclusions have been challenged by other scientists. Some scientists point to the complete absence, so far, of published field studies on whether pollock or cod fishing causes localized depletion. ''That's all basically a hypothesis,'' says Dr. Dayton Lee Alverson, a senior scientist who served on a federal panel investigating the Steller sea lion decline.

Scientists have many misgivings about the localized depletion hypothesis. For one, it appears that Stellers eat different fish than trawlers catch. Alverson points out that the Stellers' known foraging depths are much shallower than the waters where most pollock trawling occurs. Scientists also agree that the Stellers forage on smaller fish than trawlers target.

Another point of dispute is just how long any supposed ''hole'' or ''dispersal'' in schools may last. The assertion that ''depletion'' persists for long enough to strave sea lions relies on assumptions that few scientists or fishermen with any sea time can credit: that nearby fish don't swim into the gap left behind a trawl, and that fish don't migrate. (It's hard to show depletion after a fishing season when you know the fish would normally move on anyway.) If schools didn't ''in-fill,'' why would trawlers keep towing the same patch of water over and over? If migration didn't occur, why would fish seasonally pass through various fishing locations?

''CONJECTURES,'' NOT ''FACTS''

The National Marine Fisheries Service has drawn sharp criticism in the scientific community for allowing the tenuous hypothesis of localized depletion to drive fishery management. The North Pacific Fishery Management Council's Scientific and Statistical Committee, which includes scientists from universities and fisheries agencies around the country, has roundly condemned NMFS's new draft environmental assessment of cod fishery impacts on Stellers, which basically extends the depletion assumption to cod fisheries. The document relies on a ''flawed'' analysis to support that assumption, and it ''fails to clearly differentiate between conjectures and facts,'' the committee wrote in September. Calling for research to ''find out what works and what doesn't'' in protecting Stellers, the committee wrote: ''No one would object to the adoption of reasonable measures to arrest the decline if there was some assurance that they would lead to some improvement.'' But the scientists observed that the present lack of convincing evidence to balame fishing puts the council in a bind: ''If there is a connection between current fisheries and Steller sea lions and no action is taken, the council would be derelict in its responsibility to conserve resources under its domain. If other factors are responsible and the council imposes stringent measures, then the council would deprive individuals and even communities of their livelihoods with no justification.''

But the theory of localized depletion is crucial to the trawlers' foes, because it is clear that the U.S. fishery has not caused large-scale depletion of pollock stocks off Alaska. Between 1980 and 1990, when Steller numbers dwindled most rapidly, total pollock biomass in the Bearing Sea averaged 13.3 million metric tons, nearly twice the average of the previous decade. Catches averaged 1.1 million mt, representing a harvest