

people to save and make sure it is a wise thing for them to do financially. If we can achieve that, I think it would be good. As far as I understand, there is only one person in this who has an objection. I would be delighted to know who that was. Senator GRAHAM and I would like to talk to them to see if the problem they have can be worked out. I think it is good public policy. Both Vice President GORE and Governor Bush have made statements that clearly indicate their support for this kind of public policy. I am working with Senator DASCHLE, the Democratic leader, and I thank him for his assistance on this legislation, dealing with an issue he thought important to his State.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

#### BANKRUPTCY REFORM

Mr. REID. Mr. President, I know my friend from Illinois wishes to speak at some length. First, I have a couple of comments. On the recently completed vote on cloture regarding bankruptcy, I think that is an example of why we need to follow Senate procedures the way we have for 200-plus years. Here is the bankruptcy bill brought up on a bill under the jurisdiction of the Foreign Relations Committee. Some Members who should have been weren't in that conference. I just think it is a very poor way to do business.

I think that we in the minority have been treated unfairly on a number of occasions this year. In an effort to show my displeasure—and that is a real soft, cool word because I feel more strongly than that—I voted against invoking cloture.

There comes a time when we have to work as legislators, and as Senators. If things don't change here, there are going to be other unfortunate procedures such as this, even though there is support for the substance of the legislation.

Also, Senator SCHUMER had a very strong point in this legislation. He and I cosponsored an amendment that is very simple. It said that these people—these very, in my opinion, evil people, who go to clinics where women come to get advice—some people may not like the advice they get in these clinics because some of the advice results in obtaining an abortion. But we live in a free country; people have the right to go where they want to go and talk about what they want. What these women are doing is lawful, not illegal. People spray chemicals into those facilities, and they can't get rid of the stench for up to 1 year, and many times they have to simply tear the insides of the facility down so it can be reused. In this legislation, Senator SCHUMER and I said if you do that, you cannot discharge that debt in bankruptcy as a result of the damages incurred, whether to the facilities or those women who use those facilities.

That provision should be in this legislation. For it not to be is wrong, and I understand that the chief advocate of the legislation—I don't know this to be a fact—Senator GRASSLEY, was willing to accept the provision. However, it was not in there. This is wrong and, as a matter of procedure and as a result of the substantive issue that I just talked about, I am satisfied with my vote. I have no second thoughts. I did the right thing. Unless there is a different method of approaching this bankruptcy reform, which I agree is badly needed, there are going to be roadblocks all along the way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

#### IN MEMORY OF MARLENE CALDWELL CARLS

Mr. DURBIN. Mr. President, I rise today to pay tribute to Marlene Carls, a very special person who worked in my Springfield office for nearly 20 years. Marlene passed away on October 24.

My wife Loretta first introduced me to Marlene almost 20 years ago when I was running for a seat in the U.S. House of Representatives. Loretta told me Marlene was an excellent worker and she hoped that she would join my campaign. So I sat down with Marlene and offered her a deal she could not refuse. I offered her a beat-up old desk, a run-down office, and not much pay, if she was willing to work for a candidate who had lost three straight elections. In a moment of weakness, she accepted. Marlene was part of our family from that day forward.

Marlene was born to be a caseworker and she was the best. She had a heart of gold. She cared so much for the people she was helping. She would take on immigration cases, foreign adoptions, and so many difficult and complicated matters. She would help constituents get the answers they needed. It wasn't just professional assistance to people in time of need; it was much more. Marlene Carls treated people asking for help as members of the family. She did her job so well that I used to get fan mail from constituents who could not thank me enough for the wonderful work that Marlene did.

With the immigration cases, we would continue to see the fruit of her work for many years. Marlene and I would go to naturalization ceremonies in Springfield twice a year. And as they would call out the name of a new citizen she would nudge me and say, "Boss"—she always called me "Boss"—"Boss, that's one of ours." It was the same kind of pride a mother has when her son or daughter crosses the stage at a graduation ceremony. She knew the people she had helped; she cared about them; she rejoiced in their success and happiness.

She showed the same caring for our military cases: mothers and fathers desperate to reach their sons and

daughters in uniform—to bring them home for an emergency—to get them out of a scrape—or just to learn if they were alive in a crisis.

Marlene learned the military lingo and reached the point where she could charm the stripes off a sergeant or the stars off a general. Many families in Illinois found peace of mind because of Marlene Carls' hard work.

And she took such delight in knowing that someone's life had been made a little better off because of her efforts.

Marlene, or "Mo" as we came to call her, was proud of her family. Her son Kelly Carls, her daughter Cathleen Stock, and her two grandchildren, Kayla Lynn and Julia Anne Stock, were the apples of her eye. I was pleased to watch their progress through her eyes.

Marlene also had so many friends. At her memorial service last Friday in Springfield, the chapel was packed with family, fellow staffers, and friends from other governmental offices. The group from the National Park Service where we have our senatorial office came out in uniform to be there for Marlene—clergy from many different religions and many ordinary people who had the good luck of asking Marlene for a helping hand.

Mo was active as a volunteer for the Alzheimer's Association and the American Cancer Society. In everything she did, people and a concern for people took first place. In our office, her care for others and wise advice led people to call her "Mama Mo."

A lesser known fact is that Marlene was an amazing writer. I remember she had written a piece in a contest and won a free trip to Hollywood. She was just so proud of that.

She had a long-time dream to visit Ireland. Over her desk was a picture of herself and "Tip" O'Neill. She really valued that photograph as a reminder of her Irish heritage. She and Kathy Anderson of my staff had the trip to Ireland planned. But they weren't able to make the journey because of Marlene's illness. At her wake, I closed with an Irish blessing from all of us to a wonderful person and great public servant.

May the road rise up to meet you.  
May the wind be always at your back.  
May the sun shine warm upon your face,  
The rain fall soft upon your fields.  
And until we meet again,  
May God hold you in the hollow of His hand.

We will dearly miss Marlene Carls.

(The remarks of Mr. DURBIN pertaining to the introduction of S.J. Res. 56 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### STELLER SEA LION

Mr. STEVENS. Mr. President, I have been criticized in the national media and many of the local media here about the Steller sea lion rider that is on the Labor, Health and Human Services appropriations bill. Riders are really

emergency items of legislation that are necessary because of the time of year. We are about ready to end our deliberations and this is the only piece of legislation to which we could attach this provision.

I want to take time now to explain why this is necessary. The Labor, Health and Human Services appropriations bill still contains this provision.

The difficulty is that the National Marine Fisheries Service has shut down the Nation's largest fishery, and it does not even know why. In response to a lawsuit filed by extreme environmental groups, the National Marine Fisheries Service has failed to show any relationship between fishing and the Steller sea lion, which it considers to be endangered.

These procedural failures have led a Federal judge to shut down all fishing in the 100,000 square miles which encompass the prime fishing grounds for pollock off Alaska. This is an area larger than the State of Oregon and twice the size of New York. It is a coastline which would stretch from the District of Columbia to Florida.

The National Marine Fisheries Service continues to blame fishermen for the sea lion decline. Right now, Alaska fishermen and Alaska coastal communities are losing \$1 million a day. If fishing does not resume in January, Alaska coastal communities will be ghost towns by the end of the year.

The Alaska groundfish fishery accounts for 40 percent of America's commercial fish harvest. Alaskan cod, pollock, and other species are sold in grocery stores and restaurants throughout our Nation.

Besides fishermen, the injunction that is in place impacts airlines, shipping companies, regional ports, and transportation labor. Alaska seafood exports contribute almost \$1 billion towards our annual trade deficit. Most of that is exports to Asia. Incidentally, that is where we get most of our imports.

Alaska's annual seafood processing payroll is about \$240 million. That is the processing of this product alone. Seafood exports offset the transportation cost of consumer goods imported by at least 15 percent. Dutch Harbor and Kodiak, two large seaports in my State, are the No. 1 and No. 4 fishing ports of the United States. Fishing in those communities pays the cost of teachers, police, firemen, and other public servants. The fishing industry is the only industry in those areas.

This was all brought about because of biological opinions that have been issued by the Fisheries Service. The National Marine Fisheries Service found that fishing did not harm sea lions on five separate occasions in the last decade: Twice in 1991, twice in 1996, and again in March of 1998. In April of 1998, extreme environmental groups filed suit to shut down these fisheries. The National Marine Fisheries Service's next biological opinion reversed the position of that agency 180 degrees.

It reversed the prior five decisions and found that fishing had caused jeopardy to these sea lions.

There was no scientific breakthrough that led to that decision. In fact, what happened was they changed the person who wrote the decision. The Federal judge rejected the scientific analysis in that biological opinion as inadequate.

Today, the agency has still not justified the sea lion mitigation measures it wants to impose. Because of the agency's repeated failure to justify its own proposals, the judge shut down all fishing for pollock in this critical area. The new biological opinion is based upon a concept called "localized depletion." This is the hypothesis of the biologist who put together the last biological opinion that the judge refused to accept.

This is based on the idea that fishing vessels take food away from sea lions. There is no science to support that conclusion or that theory. In fact, the trawling that takes place for pollock occurs at depths below which the sea lions forage for food. Pollock schools are much larger than the entire fleet. They cover an area far beyond what a fleet could cover.

I have a chart that shows the concentrated fishing efforts of the pollock fleet in a period of 4 weeks in 1995. The total efforts of this fleet failed to disperse the massive school of pollock. Beginning the 26th of January, the pollock was concentrated. The next week it was still concentrated. The third week it was concentrated. The fourth week it was concentrated. Despite the fact the fleet was there on top of that pollock the whole time, the pollock did not move. In fact, the fishing effort did not disperse the pollock.

The concept the biologist used was the fishing effort in an area is localized, and it depletes the pollock locally and, therefore, there is no food for the sea lions after the trawling takes place. That is absolutely not true. Pollock move around in natural migration patterns, not as a result of fishing effort.

Few people realize this is the largest biological mass of fish in the world. It is an enormous fishery, and it has grown because of our fishing practices—it has not been depleted because of fishing practices.

The National Marine Fisheries Service has failed to study the impact of predators on the sea lion population. We now see in Alaska soaring numbers of killer whales and falling numbers of sea lions and other species upon which the killer whale preys. Science shows that killer whales feed on juvenile sea lions, the same age class of sea lions that is causing the overall decline in that species.

Recently, a killer whale washed up on a beach in Alaska. When it was examined, there were 14 Steller sea lion tags in its stomach. One killer whale had eaten 14 sea lions.

In addition, I hope Members have seen video footage of killer whales in

our State that take sea lions right off the beach. It is a monstrous video that shows how these enormous killer whales come right up on the beach and take the sea lions off the beach. The National Marine Fisheries Service admits the killer whale is a predator and is a major cause of the declining sea otter population in our State, but it is unwilling to accept the fact that killer whales are involved in the decline of the sea lion.

This is hard for us to understand, very frankly. There has been a shift in this decision, as I said, 180 degrees. We fail to understand why this monstrous agency, which I normally support, could be swayed by the decision of one man because of a lawsuit that was filed by extreme environmentalists.

Most scientists now believe that sea lions are declining as part of their natural population cycle. I have another chart that shows this cycle. As the temperature and other conditions in the North Pacific have changed, the sea lions have declined and the pollock have increased. One of the things that has happened in the North Pacific is the abundance of high oil content fish, such as herring, has fallen while the low oil content species, such as pollock and cod, have increased. Published research shows that sea lions need to eat high oil content fish to survive.

For instance, in southeastern Alaska where high oil content fish are still plentiful, a different subpopulation of Steller sea lions is increasing in size while its western cousins are decreasing. We believe it is a problem of diet, as far as the sea lions' decline is concerned, and that those who assert that sea lions can survive on pollock alone are absolutely wrong.

Some scientists believe pollock fishing in critical habitats actually helps sea lions. This is because the pollock off my State are highly cannibalistic. Adult pollock eat juveniles in very large numbers. Trawlers target adult pollock which are over 3 years of age, whereas sea lions eat the smaller juvenile fish that would otherwise be eaten by the cannibalistic adult pollock population.

The net result of these ocean changes is that as our pollock population has increased, the sea lion population has decreased. Yet the decision of the biologist was that the reason for the sea lion population decline was the lack of availability of pollock. The National Marine Fisheries Service should know better than to shut down the largest private sector employer in Alaska without a good reason.

Right now they do not have a reason based upon science. Their conclusion is based entirely upon a lawsuit filed by an extreme environmental group, which also has no science behind it. This is absolutely wrong. That is why I have insisted on keeping this rider in place which will allow the fishery to continue on the basis of the protections that were already in place to protect the sea lions.

We have agreed not to invade the sea lion rookeries. In fact, we have set up protection areas around them. Our industry has contributed \$1 million toward sea lion research to help find out some of the reasons for their decline.

We have appropriated a sizable amount of money to the National Marine Fisheries Service and the Alaska SeaLife Center to continue the research to find out why sea lions are declining. For myself and most of us who have spent our adult lives on the oceans around our State, I believe it is the overabundance of orcas, the killer whale population, that is causing the decline in the sea lions of the western population.

I repeat. Under the rider, fishing will continue until July 1, 2001 under all the restrictions that were in effect. These protective measures include restrictions on trawl fishing near sea lion rookeries, haul-outs, and foraging areas.

There are no-entry zones for fishing vessels near sea lion rookeries and haul-outs.

We have limitations on the harvest levels inside critical habitat.

We have split the pollock season into four different seasons to reduce the impact on the areas where the sea lions are.

We have reduced the daily catch rate through cooperative fishing. We have a very conservative process for setting the total allowable catch level, which actually is 13 percent lower than what would have been projected in 2001.

We require Federal observers to monitor harvest levels, including harvests inside any critical habitat area. And there are additional sea lion mitigation measures that are in effect.

We do not, however, believe there should be a complete cessation of this enormous fishery. This is an enormous fishery. Two and a half billion pounds of fish are brought ashore from this massive population every year. Yet as we show, as we take mature pollock, the pollock biomass continues to grow. If we do not take that mature pollock from this biomass, it will once again go back to eating its own young and decrease.

So this rider is absolutely necessary to preserve the most massive and valuable fishery off our shores. I do hope those who criticize it will take time to read the opinions I am going to place in the RECORD.

Mr. President, I ask unanimous consent to have printed in the RECORD summaries of the opinions that were written, the conclusions and opinions written before the extreme environmentalists entered this issue, and the summary of the one that has been filed now by those who came on the scene after that lawsuit was filed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, NATIONAL MARINE FISHERIES SERVICE, SILVER SPRING, MD, MARCH 2, 1998.

Memorandum for: Dr. Gary Matlock, Director, Office of Sustainable Fisheries.

From: Hilda Diaz-Soltero, Director, Office of Protected Resources.

Subject: Endangered Species Act Section 7 Biological Opinion on the Fishery Management Plan for the Gulf of Alaska Groundfish Fishery, the 1998 Total Allowable Catch Specifications, and the effects on Steller Sea Lions (*Eumetopias jubatus*).

Attached is the Biological Opinion on the effects of the Fishery Management Plan (FMP) for the Gulf of Alaska groundfish fishery, the 1998 Total Allowable Catch specifications and its effects on the endangered western population of Steller sea lions (*Eumetopias jubatus*). The biological opinion concludes that the 1998 fishery is not likely to jeopardize the continued existence and recovery of Steller sea lions or to adversely modify critical habitat. Please note that the biological opinion only addresses the 1998 fishery, not the continued implementation of the GAO FMP for groundfish beyond 1998. The Alaska Region will need to reinstitute Section 7 consultation for the fishery in 1999 and beyond.

DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, NATIONAL MARINE FISHERIES SERVICE, SILVER SPRING, MD, APRIL 19, 1991.

Memorandum for: The Record.

From: William W. Fox, Jr.

Subject: Endangered Species Act Section 7 Consultation Concerning the Bering Sea and Aleutian Islands Groundfish Fishery Management Plan and its Impacts on Endangered and Threatened Species.

Based on the attached Biological Opinion, we conclude that the Bering Sea and Aleutian Islands (BSAI) groundfish fishery, as currently managed and conducted, is not likely to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of the National Marine Fisheries Service.

This opinion considers all aspects of the fishery including the Total Allowable Catch (TAC) specifications for 1991. Steller sea lion research efforts to assess the status of the population and the factors involved in the population decline will also continue. The available results will be used during the 1992 specification process.

The Steller sea lion final rule (November 26, 1990, 55 FR 49204) established 3-national-mile buffer zones around major sea lion rookeries in the Gulf of Alaska and the Bering Sea. As outlined in the final rule, NMFS intends to undertake further rulemaking after considering additional protective regulations and the need for critical habitat designation for Steller sea lions. NMFS will solicit comments from the Steller Sea Lion Recovery Team, other experts, and the general public on the need to modify the existing buffer zones or to create additional buffer zones.

An Incidental Take Statement is not included with this Biological Opinion because a limited incidental take is already authorized for Steller sea lions under Section 114 of the Marine Mammal Protection Act (50 CFR 229.8). In addition, the quota established in the regulations at 50 CFR 227.12(a)(4) has not been exceeded.

DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, NATIONAL MARINE FISHERIES SERVICE, SILVER SPRING, MD, APRIL 19, 1991.

Memorandum for: The Record.

From: William W. Fox, Jr.

Subject: Endangered Species Act Section 7 Consultation Concerning the Gulf of Alaska Groundfish Fishery Management Plan and Its Impacts on Endangered and Threatened Species.

Based on the attached Biological Opinion, we conclude that the Gulf of Alaska (GOA) groundfish fishery, as currently managed and conducted, is not likely to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of the National Marine Fisheries Service.

This opinion considers all aspects of the fishery including the Total Allowable Catch (TAC) specifications for 1991. Currently, this includes only an interim TAC of 17,500 metric tons (mt) for walleye pollock in the Western/Central Regulatory Area and 850 mt in the Eastern GOA Regulatory Area. The final pollock TAC specification for 1991 is still under review. Steller sea lion research efforts to assess the status of the population and the factors involved in the population decline will also continue. The available results will be used during the continuing 1991 TAC consultation and during the 1992 specification process.

The Steller sea lion final rule (November 26, 1990, 55 FR 49204) established 3-national-mile buffer zones around major sea lion rookeries in the Gulf of Alaska and the Bering Sea. As outlined in the final rule, NMFS intends to undertake further rulemaking after considering additional protective regulations and the need for critical habitat designation for Steller sea lions. NMFS will solicit comments from the Steller Sea Lion Recovery Team, other experts, and the general public on the need to modify the existing buffer zones or to create additional buffer zones.

An Incidental Take Statement is not included with this Biological Opinion because a limited incidental take is already authorized for Steller sea lions under Section 114 of the Marine Mammal Protection Act (50 CFR 229.8). In addition, the quota established in the regulations at 50 CFR 227.12(a)(4) has not been exceeded.

DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, NATIONAL MARINE FISHERIES SERVICE, SILVER SPRING, MD, SEPTEMBER 20, 1991.

Memorandum for: The Record.

From: William W. Fox, Jr.

Subject: Endangered Species Act Section 7 Consultation Concerning the 1991 Gulf of Alaska Groundfish Fishery Walleye Pollock Total Allowable Catch Specification.

Based on the attached Biological Opinion, we conclude that the fourth quarter 1991 Gulf of Alaska walleye pollock fishery, as herein described, is not likely to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of the National Marine Fisheries Service.

The management measures implemented with the 1991 GOA walleye pollock total allowable catch (TAC) remain in effect. To minimize the likelihood that the fourth quarter harvest will exceed the 1991 TAC, NMFS will open the fishery for only a predetermined period of time. Daily reporting of all processors will be required, as well as 100 percent observer coverage on vessels over 60 feet in length.

An Incidental Take Statement is not included with this Biological Opinion because

a limited incidental take is already authorized for Steller sea lions under Section 114 of the Marine Mammal Protection Act (50 CFR 229.8). In addition, the quota established in the regulations at 50 CFR 227.12(a)(4) has not been exceeded.

[Excerpts From Biological Opinion on 2000 TAC Specifications for BSAI and GOA Groundfish Fisheries, and the AFA]

#### REINITIATION—CLOSING STATEMENT

This concludes formal consultation on the 2000 TAC specifications for the BSAI and GOA groundfish fisheries, and the American Fisheries Act. As provided in 50 CFR 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or designated critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or designated critical habitat not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation of consultation.

The conclusions of this Biological Opinion were based on the best scientific and commercial data available during this consultation. NMFS recognizes the uncertainty in these data with respect to potential competition between the western population of Steller sea lions and the BSAI and GOA fisheries for Pacific cod. NMFS also recognizes that it has a continuing responsibility to make a reasonable effort to develop additional data (51 FR 19952). To fulfill this responsibility, NMFS has identified crucial information necessary to address this question again in one year. That information will result from analyses listed in the Conservation Recommendations. NMFS will consider the results of these studies as new information that reveals effects of the agency action that may affect listed species or designated critical habitat in a manner or to an extent not considered in this opinion.

\* \* \* \* \*

#### CONCLUSION

After reviewing the current status of the Steller sea lion, the environmental baseline for the action area, the effects of the proposed 1999–2002 Atka mackerel fishery, the cumulative effects, and the conservation measures that will result from recommendations of the NPFMC, it is NMFS's biological opinion that the action, as proposed, is not likely to jeopardize the continued existence of the Steller sea lion or adversely modify its critical habitat. Barring any need for reinitiation prior to implementation of the fishery in 2003, this opinion will remain in effect until the end of calendar year 2002.

After reviewing the current status of the Steller sea lion, the environmental baseline for the action area, the effects of the proposed 1999–2002 BSAI pollock fishery, and the cumulative effects, it is NMFS' biological opinion that the action, as proposed, is likely

ly to jeopardize the continued existence of the western population of Steller sea lions and adversely modify its critical habitat.

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After reviewing the current status of the Steller sea lion, the environmental baseline for the action area, the effects of the 1999 BSAI and GOA groundfish fisheries with the TAC levels proposed, the cumulative effects, and the conservation measures that will result from recommendations of the NPFMC, it is NMFS' biological opinion that the action, as proposed, is not likely to jeopardize the continued existence of the Steller sea lion or adversely modify its critical habitat. This opinion is contingent upon development and implementation of a reasonable and prudent alternative to avoid jeopardy and adverse modification as found in the December 3, 1998 Biological Opinion on the BSAI and GOA pollock fisheries.

This opinion will remain in effect until the end of calendar year 1999, at which time the issue of competition between these fisheries and Steller sea lions should be re-examined. The conservation recommendations provided below include recommendations for studies to be completed in the interim period. The results of those studies should facilitate re-examination of the question of competition between these groundfish fisheries and the Steller sea lion.

Mr. STEVENS. Mr. President, there is no reason to interrupt this fishery. There is great reason to try to find out why the steller sea lion is declining. We have a massive effort to try to determine that. We will cooperate in any way we can to save this population. But we do not want to lose this massive biomass in the process.

If this trawl fishery does not continue, it will decline back to where it was before the trawl fishery was started. I think those who criticize us would do well to study the science and talk to people who know something about these steller sea lions and the fisheries, and quit listening to these extremist political people who are involved in this process, as far as the environmental groups are concerned.

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

Mr. STEVENS. Mr. President, on behalf of the leader, I send a concurrent resolution to the desk providing for a conditional adjournment of Congress until November 14, 2000, and I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table. I ask that the clerk read the resolution.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will report the resolution.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 159) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives:

*Resolved by the Senate (the House of Representatives concurring).* That when the Senate recesses or adjourns at the close of business on Wednesday, November 1, 2000, or Thursday, November 2, 2000, on a motion of-

ferred 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 Wednesday, November 1, 2000, or Thursday, November 2, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until noon on Monday, November 13, 2000, at 2 p.m., 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.

There being no objection, the concurrent resolution (S. Con. Res. 159) was considered and agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### PHYSICIAN-ASSISTED SUICIDE LAW

Mr. WYDEN. Mr. President, I am pleased this morning that the Senate thus far is functioning the way it should when it comes to new controversial matters such as my State's physician-assisted suicide law. I have been forced to filibuster the tax bill since late last week because at that time there was an effort to stuff the Nickles legislation into that package in the dead of night. This legislation troubles me greatly because I believe it will cause unnecessary suffering for patients in every corner of the country. It involves law enforcement—specifically, the Drug Enforcement Administration—in a process that is so sensitive with respect to helping patients who are suffering around our country.

This legislation has never been marked up by the committee of jurisdiction in the Senate. It has never been open to amendment by the Senate. It has not cleared even one of the traditional hurdles to which important legislation is subjected when it is introduced in the Senate.

This is legislation that has over 50 leading health organizations, including the American Cancer Society, stating that it is going to hurt pain care for the dying. It is also fair to say that the senior Senator from Oklahoma, Mr. NICKLES, has a number of organizations that support his efforts. When we have