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

After reviewing the current status of the Steller sea lion, the environmental baseline for the action area, the effects of the proposed 1999–2002 GOA pollock fishery, and the cumulative effects, it is NMFS' biological opinion that the action, as proposed, is likely to jeopardize the continued existence of the western population of Steller sea lions and adversely modify its critical habitat.

* * * * *

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 Option 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 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 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

a number of organizations, respected organizations, that disagree about a very sensitive, totally new issue before the Congress, the Senate certainly should move carefully to evaluate the consequences of its actions.

I spoke with the President of the United States about this matter twice on Monday. I was pleased to read the comments of the President expressing concern about the bill's impact on pain care and on physicians. I am absolutely convinced that if this legislation were to become law, there would be many health care providers in this country who are opposed to physician-assisted suicide, as I am, who would be very fearful about treating pain aggressively because the Nickles legislation criminalizes decisions with respect to pain management.

The people of Oregon, who have a ballot in their hand such as this one right now, want to know that this ballot really counts. The people of Oregon, in coffee shops and beauty parlors all over the State, when they are considering how to vote right now, are asking themselves: Does this ballot really count? When we vote on a matter that is critical to us, particularly on a measure that has historically been left to the States, we want to make sure that people 3,000 miles away won't substitute their personal moral and religious beliefs for ours on a matter that has historically been left to us to decide.

I can tell the people of Oregon now that their vote still counts. As of today, whether you vote for my party or the party of Senator NICKLES, it doesn't matter. This ballot, as of this morning in the State of Oregon, still counts, regardless of whether you are a Democrat or a Republican, a Liberal, a Conservative, Independent. Regardless of your political persuasion, as of now in the State of Oregon, this ballot still counts.

Your vote is important. I hope folks at home exercise that right. Their vote still means something. I am going to do my best to see that it continues to count when Congress reconvenes after the election.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

## COMMUNITY SCHOOL DISTRICT DEPENDENCE

Mr. CRAIG. Mr. President, as the Senator from Oregon is leaving the floor, I thank him for the cooperation and bipartisan work he and I were able to accomplish this year, through the Forests and Public Land Management Subcommittee that I chair on the Energy and Natural Resources Committee, by passing and yesterday having the President sign the community school district dependent bill that goes a long way toward stabilizing our schools and our county governances within the rural resource dependent communities of the western public land States.

Mr. WYDEN. Will the Senator yield briefly?

Mr. CRAIG. I am happy to yield.

Mr. WYDEN. I appreciate my colleague yielding. I thank him for the extraordinary bipartisan approach he has taken throughout this session.

I think 18 months ago, when the session began and we were tackling the county payments question, particularly rural schools and roads, nobody thought we could put together a bipartisan coalition. Two sides were completely dug in. One side said we should totally divorce these payments from any connection to the land; others went the other way and said let's try to incentivize a higher cut. I believe the Senator from Idaho, in giving me the opportunity that he has as the ranking Democrat on the forestry subcommittee, has shown that we can take a fresh approach on these natural resources issues—in particular, timber.

I appreciate my colleague yielding me the time. I am looking forward to working with him again next session because it was an exhilarating moment to have the first major natural resources bill in decades come to the floor of the Senate, as our legislation did.

I thank my colleague for letting me intrude on his time. I have had a chance to be part of a historic effort with my friend from Idaho, and it has been a special part of my public service. I thank him for that.

Mr. CRAIG. I thank the Senator from Oregon. Both he and I have learned that when you try to change a law that is actually 92 years old, or adjust it a little bit, it is difficult to do. We were able to do that. Next year, there will be a good number of challenges on public lands and natural resource issues. I look forward to working with Senator WYDEN.

## ELECTRICITY PRICE SPIKES

Mr. CRAIG. Mr. President, I very recently came to the floor and expressed my grave concern about the reliability of affordable electricity. I am not alone in my concerns about this issue. Indeed, some of the loudest voices expressing similar concerns about energy prices are coming from not just Idaho but California, and specifically from my distinguished colleagues from California here in the Senate.

By my comments today, I do not diminish or in any way cast doubt about the substantial hardships experienced by the ratepayers in California, particularly southern California. Indeed, I have great empathy for them, primarily because Pacific Northwest ratepayers are bracing for power shortages in the near future that will cause energy prices to soar and hurt large and small businesses alike and put some residential customers in danger, especially during the cold and hot periods of the year in our region of the Pacific Northwest. I share equal concerns with the citizens of California.

We must confront the obvious facts facing all energy consumers today.

There is an energy supply crisis in the United States. It is clear that the administration didn't see it coming, or at least ignored it. We in the Congress heard no alarms from the Department of Energy and were given not enough warning during the last 8 years that an energy supply crisis was about to threaten the electrical industry of our country.

One of the very few pieces of energy legislation that was sent to Congress for review and passage was the administration's Comprehensive Electrical Competition Act in April 1999. This legislation was purported to result in $20 billion in savings a year to America's energy consumers. However, this legislation would not have precluded the crisis in California, the kind that Californians experienced this summer. Indeed, the legislation was full of mandates and rules that didn't offer any economic incentives or investments in new supplies.

Moreover, the legislation included a renewable portfolio mandate that did not include cheap hydropower as a renewable. I know the Presiding Officer and I talked about it at that time—that all of a sudden we had an administration that was not going to include hydropower as a renewable. This renewable portfolio requirement would have made electricity more expensive and more scarce to the consumer. Part of the problem in California appears to be that it is unwilling to accept the tradeoff of high prices required by environmental regulations. Either the tough environmental standards that currently exist in California are an acceptable cost of energy consumption or California must make necessary environmental adjustments for more abundant supplies at a cheaper price.

In addition, the administration must reexamine the use of the price caps that apparently have caused the supply problems in California.

Mr. President, these are some of the reasons why the legislation failed to get the desired support in Congress from a majority of the Members which included many Democrats as well as Republicans. We recognized you simply can't just go out and say here is the energy, what it is going to cost, cap it at prices, and put all these environmental restrictions on it. It is going to ultimately get to the consumer and, boy, did it get to them in California this summer. Many of us were justifiably concerned about the impact such legislation would have on the current electrical supply network that supports the most reliable electric service found anywhere in the world.

The administration did not adequately explain how the legislation would prevent energy supply problems from occurring if its legislation was passed—perhaps because it simply didn't have an adequate explanation or, if it knew the facts, it certainly wasn't willing to have them known publicly.