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Senate

The Senate met at 4 p.m. and was called to order by the Honorable BLANCHE L. LINCOLN, a Senator from the State of Arkansas.

The PRESIDING OFFICER. The prayer will be offered today by the guest Chaplain, Rev. Daniel P. Coughlin, the Chaplain of the House of Representatives.

PRAYER

The guest Chaplain offered the following prayer:

In the main reading room of the Library of Congress there are eight large statues standing aloft giant marble columns. The statues represent eight categories of knowledge symbolic of civilized life and thought. Above the figure of Religion there are these words of Micah: "What doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God."

Lord God, as the Senate of these United States gathers today for its deliberations so we pray for each and every Senator. As lawmakers elected by the people of this great land, may their motive be solely justice. As leaders of this Nation who know many people and have deep and abiding relationships, as well as friendships, may they always love mercy when it comes to dealing with other humans so like themselves. But above all, Lord, may these women and men called to greatness know themselves so thoroughly that they will always walk humbly with You, now and forever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BLANCHE L. LINCOLN 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 4, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BLANCHE L. LINCOLN, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. LINCOLN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, the Chair will shortly announce we will be in a period of morning business until 6 p.m. tonight, with Senators permitted to speak for up to 10 minutes each. It is my understanding the Senator from Arizona wishes to speak for 30 minutes, which is certainly appropriate.

At 6 p.m. the Senate will resume consideration of the election reform bill with 15 minutes of debate prior to the 6:15 rollcall vote on cloture on the bill. Senators are reminded they have until 5:15 p.m. today to file second-degree amendments to the election reform bill.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 6 p.m., with Senators permitted to speak for up to 10 minutes each, with the time to be equally divided between the two leaders or their designees.

The Senator from Arizona.

Mr. KYL. Madam President, I ask unanimous consent to speak for 30 minutes in morning business.

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

COSTS OF NATIONAL MISSILE DEFENSE

Mr. KYL. Madam President, on January 28, I addressed the reasons why I believe the President is correct to move this nation forward in the deployment of a national missile defense. I pointed out then that the threat is too great not to proceed when the technical means are at hand.

Today, I wish to address the issue of the costs of defending America against the threat of ballistic missile attack. At the end of January, the Congressional Budget Office released yet another of its reports purporting to show the costs to the American taxpayer of a system to defend the United States against such an attack. Opponents of missile defense rushed to use the study to bolster their arguments. For reasons I will discuss, portions of the CBO report are seriously flawed, and opponents' cost arguments are fallacious. Today, I intend to set the record straight, and to demonstrate that we can afford missile defense.

The first problem with the CBO report is that it was prepared at the request of national missile defense skeptics various Senators who carefully defined the options they wanted analyzed in their letter to the CBO. As a result,

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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CBO, as with its April 2000 report, provides a selection of options, with high and low estimates for each option, none of which necessarily reflects the actual system that will be built. Each is representative only of possibilities, and many are not being contemplated. As such, CBO's estimates tend to range from around \$40 billion over 14 or 15 years to around \$187 billion. The high-end numbers, however, are derived from options that exceed anything the Department of Defense is considering. Options that can be used to inflate the cost of missile defenses include increasing the number of land-based interceptor sites, the number of X-band radars on land and at sea, the number of satellites in constellations, the number of ships that will have to be built versus modifying existing ships for sea-based assets, and so on.

Also, CBO's cost estimates vary widely, depending upon which of its scenarios and assumptions one wishes to use. For example, its April 2000 report includes cost estimates for one and two ground-based sites with varying numbers of interceptors and X-Band radars and associated space-based sensors, ranging from \$29 billion to \$60 billion. This wide variance in estimates—a factor of 100—renders its analysis virtually meaningless, except for the rhetorical use of opponents.

The high range of the new study—\$187 billion—is CBO's estimate of the cost of a 3-site national missile defense system and a full constellation of space-based lasers—an option not planned by either the Clinton or Bush Administrations. This tactic of inflating the cost of national missile defense was similarly employed in the 2000 study.

At least part of the reason for this methodology again can be laid at the feet of the report's sponsors. CBO has estimated the cost of a national missile defense employing the artificially derived assumptions required by the letter from the Senators. It was their letter, not any Department of Defense plan, that required the CBO study to include the cost of the nonexistent third site. The same letter also requested cost estimates for a stand-alone sea-based midcourse system, despite the fact that no such system is envisioned by the Administration. It should, therefore, be no surprise that CBO came up with a high estimate in the neighborhood of \$187 billion to build the national missile defense system defined by its skeptics rather than the Defense Department.

To CBO's credit, it denied the request of the sponsors' letter to include in its estimate Brilliant Pebbles—canceled in 1993—and appropriately treated as "conceptual" the sea-based boost-phase kinetic energy idea. CBO explained its reluctance to factor into its study cost estimates for Brilliant Pebbles by noting that:

the most recent complete technical description of [Brilliant Pebbles] dates from 1992 [and] little additional work has been done on

space-based interceptors since Brilliant Pebbles was terminated early in the Clinton Administration.

With regard to a sea-based boost phase kinetic energy, it writes that:

sea-based boost-phase defenses are . . . currently in the very early stages of conceptual development [and] there are substantial uncertainties regarding the needed capabilities, system architecture, technologies, and schedule for developing and deploying such defenses.

I should note that I remain a strong supporter of Brilliant Pebbles and hope that it is seriously pursued at some point in the future. That the program's revival would entail financial costs is, of course, a given, if it were ever actually considered.

CBO did include an estimated cost of \$68 billion for a 24-satellite constellation of Space-Based Lasers, despite the Appropriations Committees having killed the long-range program, the Administration's budget request reflecting little emphasis on that program, and despite the fact that very little is known about the characteristics of any such satellites that may eventually be built. CBO also included in its estimate the construction of nine new AEGIS ships, each outfitted with 35 advanced interceptors, while omitting consideration of the possibility of converting existing AEGIS ships for the new mission.

At the request of the Senators who requested the study, CBO also priced options as though they will all develop and deploy concurrently, and without regard for the relationships between programs. In other words, it estimated program costs in what we call a "stovepipe" fashion: programs exist parallel to and independent of each other. Deliberately ignored by the report's congressional sponsors is the common base from which these programs develop and from which they will operate, for example, feeding off of common sensor and processors. Once again, CBO warned against using such an approach. To quote again from its cover letter to Senators:

(A)s you requested, CBO's assumptions about the architecture and components of the sea-based system reflect its use as a stand-alone system, not as an adjunct to a ground-based system.

To summarize, then, CBO's high-end estimates are derived from the following questionable practices requested by Senators:

No. 1, use of exaggerated scenarios, for example, the third ground-based site and the construction of new ships;

No. 2, inclusion of drawing board programs that may or may not be included in some distant architecture, but certainly won't be developed concurrent with other covered programs; and

No. 3, use of pricing and inventory requirement methodologies that may bear little or no relationship to a national missile defense system.

The second problem with the analysis is the context.

It assumes circumstances similar to other weapon acquisition programs.

But the development of missile defenses, does not easily allow for such analysis. Unlike a new aircraft, for example, there is no existing national missile defense system from which to draw comparisons to programs under development. A decade of lost opportunity has left us with no alternatives but to field the systems currently under development.

Yet, look at some of CBO's assumptions from its April 2000 report, which attempt to redefine a missile defense program to some hypothetical norm:

Differing estimates for procurement arise for two reasons. First, CBO believes that in addition to the 100 deployed interceptors, the system would need 82 additional interceptors to use in testing and to replace ones lost in accidents or engagements. The Administration puts the number of additional interceptors at 47. However, CBO's larger figure is more consistent with the experience of previous missile programs. It includes 20 additional interceptors for operational testing and evaluation because CBO assumes that the system will need a total of 30 tests over its first five years of operations. (The Peacekeeper missile program conducted about 20 tests during its initial five years of operations, and the Navy's Trident missile program conducted about 40 tests in its first five years.) In addition, CBO projects that a greater number of spare interceptors (20 instead of five) will be necessary to replace ones that are destroyed during engagement or tests and to allow for unforeseen events such as damage during maintenance.

The problem with this approach is that it estimates the cost of a make-believe program. It devises a program it thinks will be necessary and runs the numbers on that. With regard to the number of additional interceptors required for testing and spares, for example, CBO relies on the histories of ballistic missile programs that have no bearing on or relationship to the air defense interceptors being contemplated.

To summarize, then, the CBO report includes a very wide variance of costs, depending upon a number of variables, many of which may bear no relationship to the eventual system architecture, and it derives assumptions based upon the experience of programs that have little or no relationship to the components of a missile defense system.

The second point relates to the tactics of missile defense opponents.

Missile defense opponents, such as the sponsors of the CBO report, invariably employ a series of misleading arguments to advance their case against missile defense. One is the misuse of total program life-cycle costs. Another involves the use of improperly derived cost estimates by adding together numbers that even CBO clearly states should not be added. A third argument used by missile defense opponents is that money spent on missile defense programs comes at the expense of other programs.

With regard to argument number one, it is not fair to evaluate the cost of a program without spreading it out over the life of the program. But many

missile defense opponents do precisely that. CBO's estimates are for a 14-year time span. To cavalierly throw total program life-cycle costs around without regard to annual expenditures is to distort the debate over the program's value. As one analyst exposed the problem:

Estimating the cost of missile defenses over a 14-year period would have been akin to devising a similar cost estimate in 1958 for the cost of five generations of intercontinental ballistic missiles (the Titan I, the Titan II, the Minuteman I, II, and III) through 1972. If the procurement cost of these systems—likely more than \$200 billion—had been debated prior to the decision to develop ballistic missiles, perhaps Congress would have been equally shocked by the “sticker price” of deploying a nuclear deterrent for the next 14 years.

The second argument or tactic of missile defense opponents involves a misuse of data contained in the CBO report despite CBO warnings. For example, if one simply adds the various high-end estimates, ignoring the lower estimates and CBO's own caveats against taking such an approach, it could appear as though the cost of a National Missile Defense system would exceed \$180 billion. And it turns out that is exactly the conclusion the report's congressional sponsors emphasize. In their prepared statement issued upon release of the report, the three senators wrote the following: “The report . . . shows that developing, deploying, and maintaining a modest layered system that includes ground, sea and space-based elements could easily cost well over \$150 billion.” Yet, the CBO stated in its cover letter to the Senate sponsors, “The cost estimates that CBO has prepared for individual systems should not be added together to yield an estimate of the total potential costs of national missile defense.” But that is precisely what Senate opponents of missile defense are doing.

Missile defense opponents use the high-end CBO estimate as a baseline from which the rhetoric escalates to even higher cost estimates. Some examples:

One of our esteemed colleagues, in a floor statement on June 25, stated the following:

The Congressional Budget Office in an April 2000 report concluded that the most limited national missile defense system would cost \$30 billion . . . If we hope to defend against the accidental launch of numerous highly sophisticated missiles of the type that are now in Russia's arsenal, the Congressional Budget Office estimated that the cost will almost double, to \$60 billion . . . This is what the Congressional Budget Office had to say in March 2001: Those estimates from April 2000 may now be too low . . . Is it any wonder that some critics believe that a workable national missile defense system will cost more than \$120 billion?

From \$30 billion to \$120 billion.

Another Senator was described in the New York Times on September 11 as saying that:

“The cheapest system proposed by the Bush Administration . . . would cost \$60 billion over 20 years, but could rise to as much

as \$120 billion . . . A more complicated system that would combat decoys or munitions that carry biological weapons—known as a layered defense would cost between one-quarter trillion and half a trillion dollars,” Mr. BIDEN said.

This Senator is reported to have said, that quickly, the estimated cost to defend the American public from ballistic missile attack, in the eyes of those who oppose any such defenses, went from CBO's lowest number of \$40 billion to “one-quarter trillion.” Exaggeration? Yes.

Inevitably, cost estimates for missile defense are used out of context. The use of exaggerated lump-sum figures to portray national missile defense in the most negative light is intellectually dishonest. Even many critics of national missile defense claim to support the components to defend against shorter range missiles, like Iraqi Scuds.

Taking such support for theater missile defense programs into account, the remaining portion of the overall missile defense budget allocated for defense of American cities usually represents less than two percent of the defense budget. That's right: less than two percent. The fiscal year defense appropriations bill included \$331 billion. Of the \$8.2 billion in that bill authorized for missile defense, only \$3.8 billion is directed toward the so-called midcourse segment, which includes the ground and sea-based systems capable of intercepting intercontinental-range missiles. That amounts to one percent of the fiscal year 2002 defense budget for national missile defense. I will repeat that.

That amounts to one percent of the fiscal year 2002 defense budget for national missile defense.

For fiscal year 2003, the defense budget request is \$379 billion. The amount requested for missile defenses is \$7.8 billion. Of that amount, again, around \$3 billion will go for systems designed to defend the United States. Again, that is only one percent for National Missile Defense programs. The Department of Defense's budget documents show that the annual expenditure for all missile defense programs will rise to \$11 billion in 2007, a time when total defense spending is expected to be around \$450 billion. So, in 2007, when national missile defense programs will be in or near the operational stage of development, and assuming they represent as much as half of all missile defense programs, they will still represent only one to two percent of defense spending, while all missile defense programs constitute two to three percent.

A third argument is that missile defense will rob other needy programs of necessary funding.

Some folks try to portray the missile defense programs as robbing from other more important things, more pressing national security requirements, and other needs more close to the heart of the American people.

For example—and I will just quote one or two of these—the Senators, in their statement accompanying the release of the new CBO report, write:

If the Administration decides to pursue such a costly program, it could draw resources away from programs to counter other, more likely and more immediate threats we know we face: terrorism, attacks with anthrax or other biological and chemical agents, the proliferation of weapons of mass destruction, and delivery systems that are far more likely to be used than are ballistic missiles, such as trucks, ships, airplanes, and suitcases.

One of the Senators involved here is the majority leader. It is my understanding that the distinguished majority leader has proposed to pay for the approximately \$15 billion in energy subsidies in the energy bill that we are going to be taking up perhaps this week by offsetting that with the user fees that are collected by the Customs Agency.

U.S. Customs has a responsibility in this war on terror, a very serious responsibility. As these Senators pointed out, one of the likely possibilities, anyway, of threat to the United States is the delivery of a weapon of mass destruction in the cargo hold of a ship. That, of course, is exactly the kind of thing for which Customs is supposed to check.

So on the one hand the distinguished majority leader is at least recorded as having suggested that we take money away from the Customs Service, money which could be spent to check this kind of thing, and pay for subsidies in the energy bill with that funding. It is my belief that we should do both. We have to leave the Customs fees with the Customs Service which has a massive responsibility. They need more money, not less, to do what we want them to do with their regular job as well as fighting the war on terror.

We also need to spend the kind of money that is required to ensure that we do not have a threat from ballistic missile attack. We can and should do both.

Other Senators made similar comments, but I believe these arguments are demonstrably wrong. I will illustrate why with discussion on three brief points: First of all, spending to protect our Nation from another terrorist attack; secondly, costs of other weapons programs; and, third, what I would call porkbarrel spending.

According to the Office of Management and Budget, the United States had budgeted \$10.3 billion to combat terrorism for fiscal year 2002. That was before September 11. Back in August, once again, the Congressional Research Service had provided my office estimated federal expenditures for border security of \$14 billion for the current fiscal year. Taking into account some degree of overlap, we can reasonably surmise that between \$15 billion and \$20 billion was budgeted by the Bush administration for what we now call “homeland defense” before the attacks on the World Trade Center and the

Pentagon. And this omits the \$20 billion from the emergency supplemental and the cost of ongoing military operations intended to eliminate the terrorist threat emanating from Afghanistan, as well as a supplemental appropriations request we will soon receive in the range of \$10 to \$20 billion.

The budget request for fiscal year 2003 includes \$38 billion for homeland security, double the amount for 2002. In addition, the amount budgeted for national defense will be \$379 billion, almost all for conventional and special forces. Compare that with the \$3 billion we are spending on national missile defense. Clearly, the opponents' claims that other defense and domestic security projects, especially our efforts to deal with terrorism, are suffering because of missile defense are just plain wrong.

How about other weapons programs?

The total costs of any major procurement program can appear daunting. Tactical fighter modernization—the development and acquisition of the F/A-18E/F, the F-22, and Joint Strike Fighter—is anticipated, if we accept CBO's numbers, to cost \$350 billion through the year 2020.

To date, we have spent over \$10 billion on the V-22 Osprey program, which continues to prove a developmental headache and accidents of which have cost the lives of 30 Marines. The Department of Defense calculates that the V-22 program will cost a total of \$38 billion.

These are all high total costs. Taken out of context, they can be exploited by opponents of individual programs. The \$350 billion figure for tactical fighter modernization, in particular, has been used to buttress arguments against these aircraft, given the absence of a serious threat to U.S. air superiority.

Such arguments, however, would be misleading. They ignore the imponderables, such as the need to ensure air superiority throughout much of the 21st century, and the fact that procurement costs are spread out over many years. They ignore cost-benefit analyses that demonstrate fewer units required to accomplish missions that require far greater numbers of older, less capable models. They ignore missions assigned to platforms that may not be readily apparent because they do not fit into conventional images of how such platforms are used.

So, it is not persuasive to argue against missile defense based on the seemingly large total cost spent over time.

Finally, what about the argument that other needs go unmet because of what we would be spending on missile defenses? We rarely hear many of these same critics decrying the expenditure of considerable amounts of taxpayer money for porkbarrel projects that contribute neither to national security nor to our economic well-being. I direct my colleagues attention, for example, to the February 6 column by Robert

Samuelson in the Washington Post. Samuelson notes that, "since 1978, federal outlays to support farmers' incomes have exceeded \$300 billion." Samuelson goes on to write: "But wait: Congress is about to expand the subsidies. The Congressional Budget Office estimates that new farm legislation would increase costs by \$65 billion over a 10-year period, on top of the \$128.5 billion of existing programs."

These figures make what we are spending on national missile defense pale by comparison.

Samuelson's column argues persuasively that the \$300 billion in farm subsidies have had no—repeat, no—discernable impact on agricultural production in the United States, on farmer incomes, or on the contraction in the number of small family farms.

My colleague Senator McCain regularly produces lists of items added to spending bills for purely parochial reasons. For example, he identified \$3.6 billion worth of pure pork in the current year's defense appropriations bill—an amount exceeding our expenditure for national missile defense. And this is an annual phenomenon and represents just one of the 13 annual appropriations bills, all of which are loaded up with pork every year. Senator McCain estimated that the total spent on pork for fiscal year 2002 equals \$15 billion three times the amount historically spent on missile defense programs per year.

As a final thought, when discussing the cost of a national missile defense system, we should attempt to inject a little integrity into the process. The liberal public policy organization, The Center for Defense Information, recently published a report concluding that, since 1983, the United States has spent "roughly \$44 billion" on national missile defense. The implication is intended to be that we have nothing to show for all that money, and should not spend more. The center further concludes that the cost of a three-site national missile defense system—the nonexistent third site that I mentioned earlier—would "likely" cost more than \$60 billion.

The \$44 billion spent since 1983 on national missile defense amounts to \$2.3 billion per year—less than 1 percent of defense spending. The suggestion that we have little or nothing to show for the money spent ignores two very important facts: No. 1, the research and development effort has given us a strong base of knowledge for what is technically feasible; has contributed to the development of the theater and short-range systems such as the Patriot PAC-3 that most of us agree are needed; and has generated a large number of technological spinoffs, for example, in the areas of cancer screening, computer chip production, and laser eye surgery; and, second, to the extent not all of the money was spent to produce a deployable system, we must recognize that, for 8 years, we had an administration vehemently opposed to

actually developing and building a system to defend this country against missile attack.

To the extent we did not make as much progress as could have been accomplished, the 8 years that were "lost" was because the Clinton administration was committed to the notion that we didn't need missile defenses, that arms control and deterrence would protect us against those who would do us harm. While money was spent on research, there was no commitment to actually deploy a national missile defense system. Adherence to the ABM Treaty, which was considered "the cornerstone of strategic stability," was sacrosanct. As Deputy Defense Secretary Wolfowitz, in response to an inquiry regarding the eventual cost of the Bush administration's missile defense plans, said in his July 12 statement before the Armed Services Committee:

... we have not yet chosen a systems architecture to deploy. We are not in a position to do so because so many promising technologies were not pursued in the past. The program we inherited was designed not for maximum effectiveness, but to remain within the constraints of the ABM Treaty.

That is the real problem.

So in conclusion, there is no question that the cost to build a national missile defense system will be high. Freedom is not free. We do not know the exact cost, both because we are struggling to make up for lost time and we were constrained by an outdated treaty from which President Bush is wisely extricating us. We do not know how many satellites we will need, because political decisions are still to be made regarding the scale of the threat against which a defensive system will be deployed. And we are only now getting a handle on questions that should have been answered years ago, for example, the feasibility of various technologies for interceptors and sensors.

While we don't know precisely how much it will cost to build a national missile defense system, we do have some sense of what it could cost if we don't build one. A nuclear-armed missile targeted against New York City would do far more damage than did the aircraft that struck the World Trade Center. It would, in fact, destroy the city. The ramifications for the people, the whole country, and our national economy would, obviously, be enormous.

Just to try to quantify the fiscal costs, the Congressional Research Service states that most credible projections of the cost to the insurance industry from the September 11 attacks range from \$40 to \$70 billion. And that's just the impact on the insurance industry. Arnaud de Borchgrave discussed the impact on the economy in a recent column in the Washington Times, stating, "... the accumulated damage to the U.S. and world economies is now thought to be almost \$700 billion." Obviously, the cost in human lives is incalculable.

The cost of a system to defend against that attack would be minuscule in comparison. In fact, as pointed out, the cost of defending against terrorist attacks employing weapons of mass destruction, or even conventional weapons, far exceeds what we spend on missile defenses.

The missile threat develops faster than does the means to counter it. We are neither spending extravagantly, nor inappropriately. We are seeking to deploy a layered defense that optimizes technologies that have been developed over the past two decades, and that are continuing to evolve.

Opponents of national missile defense are free to continue to oppose the President's plan. That is their right. There is an old saying, though. Everyone is entitled to his or her own opinion; no one is entitled to his or her own facts. Missile defense programs should be discussed with the same respect for context and intellectual honesty that we afford the programs on which the other 98 percent of the defense budget is allocated. Only then, can we make the informed decisions we were sent here to make.

That concludes my remarks on this matter of the cost of national ballistic missile defense. I spoke before on the need for national missile defense, and I will speak in the future on the question of the legal authority of the President to withdraw the United States from the 1972 ABM Treaty.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. COLLINS. Are we in morning business?

The ACTING PRESIDENT pro tempore. The Senator is correct.

THE MAINE ANNUAL FISHERMAN'S FORUM

Ms. COLLINS. Madam President, last Friday night, I attended the Maine Annual Fisherman's Forum in Rockport, ME. This is a wonderful event that brings leaders from the industry together to talk about problems that the fishing industry is experiencing. We have a wonderful fresh fish dinner and then there is an auction held which annually raises thousands of dollars in scholarship money.

But this year, a shadow was cast over the entire forum. We arrived at the forum only to learn that earlier that day, the National Marine Fisheries Service had unveiled a Draconian response to a Federal lawsuit that had been filed that affects the ground fishing industry. The response proposed by the National Marine Fisheries Service would have a devastating impact on our fishermen in Maine.

The life of a fisherman is already a difficult one. He or she encounters rough weather, and we have suffered devastating losses of life in the fishing industry in Maine. It is a difficult life. They are proud, independent people who ask only that they be given a fair chance to earn a living.

The fishermen of my State have been leaders in pioneering conservation efforts. They understand it is necessary to have some restrictions to preserve the fish stocks for future generations, but when we get into a situation where lawsuits are being filed and Federal regulators respond in a way that is completely indifferent to the needs of the fishing industry, we make the life of Maine's fishermen virtually impossible.

Already we have seen years and years of escalating restrictions that have driven many fishermen out of business, cut the incumbent processors, suppliers, and fish auctions, and strained coastal communities that are the heart of Maine. In fact, 1,200 fishermen have participated in retraining programs, and the Coastal Workforce Board, which runs these programs, estimates that represents only a third of the total number of displaced fishermen.

Since 1995, the ground fishing industry has been limited to only 88 days at sea, a restriction that has been extremely difficult for those in the industry to bear. Nevertheless, they have coped, they have managed to endure, even under the restrictions of only 88 days at sea. Imagine the shock of Maine fishermen when they learned that Federal regulators were proposing to cut in half the number of days they can be at sea.

Furthermore, they have restricted the number of days that can occur during the peak season for fishing. Only 22 of the days can occur during the peak season. This is devastating. Imagine that, our fishermen are being told they can only go to sea for 44 days a year in the Gulf of Maine.

Some Federal regulators in the regulatory community have pointed out that the fishermen would still be allowed to use their full allowance of days during the nonseason months. Those are the months between October and May. Again, I wonder to whom these regulators are talking. Surely they know those months are not practical for a sustained fishing effort. Fishermen encounter low stocks, low prices, and, most of all, hazardous weather.

The restrictions in the proposals put forth by the National Marine Fisheries Service go even further. Each day that a fisherman goes out to sea, no matter how short the trip, even if the fisherman is only out for a few hours, will be counted as a full 24 hours at sea. The proposal also calls for restricted fishing areas.

In short, these restrictions will have a devastating impact on the ground fishing industry in Maine, an industry made up of small, independently owned

businesses, an industry made up of proud, independent men and women. They are already struggling to make a living, given all the other restrictions that have been imposed. The NMFS proposal would now make it virtually impossible for many ground fishermen to survive.

It comes as a particular disappointment to me that Federal regulators did not consult with members of the fishing community when they were confronted with this Federal lawsuit. It is so frustrating that the National Marine Fisheries Service ignored the letter I sent them asking that they bring all the stakeholders to the table to work out a response to this lawsuit. Instead, Federal regulators essentially shut our fishermen out of the process, and that is one reason they came up with such an ill-conceived proposal that does not reflect the reality of earning a living as a fisherman in the State of Maine.

The proposal put forth by Federal regulators is even more surprising because it comes at a time when both scientists and fishermen agree that ground fish stocks are rebounding, that the conservation efforts already underway, that the regulatory restrictions already in place are having a beneficial impact.

Again I stress, our fishermen are in the forefront of conservation efforts. They are keenly aware of the importance of rebuilding the fishing stocks. After all, fewer fish mean fewer activities and fewer opportunities for our fishermen to make a living.

In fact, Maine's fishing industry, working together with marine scientists, have been pioneers in the use of conservation techniques and self-regulation in fishing management, but our efforts to rebuild our ground fish stocks are only useful if a ground fish industry remains. Any effort to rebound ground fish stocks must guarantee the survival not only of the fish but of the fishermen.

When I think of the amount of money that has been squandered in costly lawsuits, it is so unfortunate because those are funds that could have been put into research. Those are funds that could have been used to bring everybody to the table to work out and devise a commonsense solution to the problems of rebuilding the fishing stocks.

Let me give an example of what the impact will be on one fisherman in Maine. I heard from a fisherman named Sam Viola about this issue. Sam is a fisherman from Portland, ME, who owns two 70-foot draggers and fishes for haddock, hake, and cod. His brother is a fisherman, as was Sam's dad. That is typical in Maine. Families, generation after generation, will go to the sea to earn a living.

Sam said that finally, after years of scraping by due to catch restrictions and limits on fishing days per year designed to restore the ground fishery, he