

It is the kind of politics that created the fiscal mess which now confronts us and undermined the American people's faith in their Government.

By resisting calls for tax cuts, we not only help alleviate pressure on the deficit, we also can begin to restore the lost confidence of the American people in their elected officials.

I hope other members will join Senator BUMPERS and me in persuading a majority of the Senate that it is irresponsible to cut taxes as we are trying to reduce the deficit and balance the Federal budget.

SENATE RESOLUTION 84—RELATIVE TO THE 150TH ANNIVERSARY OF FLORIDA STATEHOOD

Mr. MACK (for himself and Mr. GRAHAM) submitted the following resolution; which was considered and agreed to:

S. RES. 84

Whereas Florida became the first State explored by Europeans when Ponce de Leon led a Spanish expedition that made landfall along the east coast in the year 1513;

Whereas Pedro Menendez de Aviles, captain-general of an invading fleet, ousted the French settlement, Fort Caroline, at the mouth of the St. Johns River, proclaimed Spanish sovereignty over Florida, and on September 8, 1565, established St. Augustine, the oldest city in the United States;

Whereas Spain, France, and England played a significant role in the development and exploration of early Florida;

Whereas President James Monroe proclaimed the Adams-Onís Treaty in which Spain ceded Florida to the United States on February 22, 1821, and appointed General Andrew Jackson as the first provisional governor of Florida;

Whereas on March 30, 1822, the United States Congress created a territorial government for Florida, following the pattern set in the Northwest Ordinance of 1787 by providing for public education and orderly political steps toward greater self-government and eventual statehood as population increased;

Whereas 56 delegates representing the 30 counties of Florida assembled in 1838 in the Panhandle town of St. Joseph to frame the first constitution of the territory in preparation for Florida statehood, who were mainly planters and lawyers, were from 13 of the 26 States then in the United States and 4 foreign countries, included only 3 natives from Florida, included 3 delegates who would later become United States Senators, included 2 governors, and included 5 members of the Florida Supreme Court;

Whereas a bill to admit Florida as a State passed the House of Representatives on February 13, 1845, and the Senate on March 1, 1845;

Whereas President John Tyler signed a bill making Florida a State on March 3, 1845, making Florida the 27th State to be admitted into the United States;

Whereas Friday, March 3, 1995, marks the 150th anniversary of Florida becoming a State;

Whereas the admission of Florida to the United States has proved to be of immense benefit both to the United States and to the State of Florida;

Whereas 96 citizens of Florida have served the United States and Florida in the House of Representatives;

Whereas 30 citizens of Florida have served the United States and Florida in the United States Senate;

Whereas numerous citizens of Florida have served in the executive, judicial, and legislative branches of the Federal Government;

Whereas citizens of Florida have fought and died in service to the United States, and 22 citizens of Florida have won the United States highest award for bravery, the Congressional Medal of Honor, protecting freedom in the United States;

Whereas Florida is the fourth largest State and is rich in natural resources and talented people;

Whereas Florida, home of the Everglades National Park, is blessed with great natural beauty, clean waters, pure air, and extraordinary scenery;

Whereas Florida is a world leader in agriculture, commercial fishing, education, financial services, horse breeding, high technology, manufacturing, phosphate production, and tourism;

Whereas Cape Canaveral, location of the first United States satellite launch and the first manned spaceship flight to the Moon, continues to play a vital and leading role in the exploration and discovery of outer space by the United States;

Whereas a special postage stamp saluting the Sesquicentennial of Florida will be circulated throughout the United States during 1995; and

Whereas Florida is proud of its heritage and looks forward to its future: Now, therefore, be it

Resolved,

SECTION 1. SALUTE BY THE SENATE.

The United States Senate salutes the State of Florida on the sesquicentennial anniversary of Florida becoming a State Friday, March 3, 1995.

SEC. 2. COMMEMORATION BY CONGRESS.

The Senate calls on the joint Congressional leadership of Congress to agree on an appropriate time and manner to honor the State of Florida, in recognition of the achievements of all the men and women who have worked hard to develop Florida into a great State, from pioneer days to modern times.

SEC. 3. COMMEMORATION BY THE PRESIDENT.

The Senate calls on the President to issue a Presidential message calling on the people of the United States and all Federal, State, and local governments to commemorate the sesquicentennial anniversary of Florida becoming a State with appropriate ceremonies and activities.

SEC. 4. COPIES OF RESOLUTION.

The Secretary of the Senate shall send this resolution to the Florida Congressional delegation, the Governor of Florida, the National Archives, and the Florida Archives.

Mr. MACK. Mr. President, this week marks the anniversary of a very special event in the history of my State.

One hundred and fifty years ago on the 1st of March 1845, the U.S. Senate passed a bill admitting Florida to the Union as the 27th State. President John Tyler signed the bill into law on March 3, 1845.

Tomorrow, March 3, 1995, the State of Florida will celebrate its sesquicentennial.

Florida has a rich history stretching nearly five centuries.

The search for gold and glory brought Spanish explorer Juan Ponce de Leon to Florida during the Easter season of 1513.

He and his crew disembarked between present-day St. Augustine and Cape Canaveral to claim the land in the name of the King of Spain. Ponce de Leon called this new land Florida—a Spanish word meaning “full of flowers.”

From discovery in 1513 to early 1821, Spain, France, and England played significant roles in Florida's exploration and development.

During the territorial period—1821 through 1845—Florida became one of the major cotton producing areas of the region. The struggle for statehood was a major political issue in Washington and throughout the territory of Florida.

David Levy (Yulee), who later became Florida's first U.S. Senator, led the fight to bring Florida into the Union.

Florida's admission to the Union and the contributions of its citizens have proven to be of immense benefit both to the United States and to the State of Florida.

As the United States has grown and prospered Florida has become a world leader in agriculture, commercial fishing, education, financial services, horse breeding, high technology, manufacturing, phosphate production, and tourism.

More than 20 million tourists visit Florida each year to experience the Sunshine State's great natural beauty, her pristine beaches, clean waters, pure air, and extraordinary scenery.

Each region of Florida has its own unique identity. There are vivid contrasts between the excitement of Cape Canaveral and Disney World, the cosmopolitan feel of south Florida, the tropical world of the Florida Keys, the natural beauty of the west coast, the mystery that is the Everglades, the citrus and cattle country of central Florida, and the deep South culture of north Florida and the panhandle.

The marvelous diversity of those who have migrated to Florida seeking a better life for themselves and their families have made the State a microcosm of America itself.

The dedication and innovation of Floridians, both past and present, inspire all of us in Florida as we prepare our State for the challenges of the 21st century.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF ENERGY RISK MANAGEMENT ACT

LOTT AMENDMENT NO. 316

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. LOTT submitted an amendment intended to be proposed by him to the bill (S. 333) to direct the Secretary of Energy to institute certain procedures in the performance of risk assessments

in connection with environmental restoration activities, and for other purposes; as follows:

At the end of the bill add the following:

SEC. 8. JUDICIAL REVIEW.

Any decision, regulatory analysis, risk assessment, hazard identification, risk characterization, or certification provided for under this Act is subject to judicial review in the same manner and at the same time as the underlying final action to which it pertains, in accordance with chapter 7 of title 5, United States Code. All data, estimates, information, reports, studies, explanations, and similar materials upon which any decision, regulatory analysis, risk assessment, hazard identification, risk characterization, certification, or peer review is based shall be made part of the administrative record for purposes of judicial review.

Sec. 12. Peer Review.

(1) PEER REVIEW BY INDEPENDENT EXTERNAL PEER REVIEW PANELS.

a. **INITIATION OF PEER REVIEW.**—The head of the Office of information and regulatory Affairs of the Office of management and Budget may initiate a peer review under this section if he or she determines that such peer review is advisable because the assessments or analyses to be reviewed are matters of major importance due to their potential for direct or indirect health, safety, or environmental or economic impacts or because they would establish an important precedent.

b. **ESTABLISHMENT AND MEMBERSHIP OF PANELS.**—Peer reviews shall be conducted by panels consisting of members appointed by the head of the agency which conducted the risk assessment and cost-benefit analysis, in consultation with the head of the Office of Information and Regulatory Affairs of the Office of management and Budget, the head of the Office of Science and Technology Policy, and other concerned Federal agencies, and officials of any affected state and local governments. Separate panels shall be established to review the benefits portion of the cost-benefit analysis; the cost-benefit review panel shall review the benefits portion of the cost-benefit analysis in consultation with the risk assessment review panel. Peer review panels shall be established within 90 days after a determination under subsection (a). Members of the panels shall—

1. be recognized and credentialed experts in the appropriate disciplines;
2. have recent professional experience conducting a risk assessment, an assessment of the cost of a regulation, or an assessment of the benefits of a regulation, as applicable to the panel for which they are selected;
3. have filed and made publicly available financial disclosure forms; and
4. have not been involved in a recent comprehensive analysis of the substance, condition, or activity under review, and have not recently taken a public position on the risks or costs to be reviewed.

c. **TERMINATION.**—A peer review panel shall terminate upon submission of the report with respect to the risk assessment or cost-benefit analysis for which the panel was established.

d. **STANDARDS APPLICABLE TO PEER REVIEW.**—

1. all peer reviews of the risk assessments conducted pursuant to this section shall have the purpose of determining whether the agency's risk assessment complies with the principles set out in this Act;

2. all peer reviews of cost-benefit analyses conducted pursuant to this section shall have the purpose of determining whether the cost-benefit analysis meets the standards set out in this Act.

e. **COMPLETION PRIOR TO JUDICIAL REVIEW.**—If the head of the Office of informa-

tion and Regulatory Affairs has initiated the peer review process pursuant to subsection a, or states in writing that initiation of the process is under consideration by that office, no suit for judicial review of a risk assessment or cost-benefits analysis or related agency action may be brought until after the peer review process has concluded or such official determines not to initiate the process; provided, however, that if such official does not indicate a determination within 30 days after stating that such matter is under consideration, a judicial review suit may be brought and the official will not thereafter have the authority to issue a determination to initiate the process.

(2) **Procedures for Peer Review.**

a. **SUBMISSION TO PANEL.**—Within 30 days after the establishment of a peer review panel, the head of the Federal agency shall submit to the panel all data and testing (including the details of the methodology) used by the agency for the assessment and analysis.

b. **REPORT AND RECOMMENDATIONS.**—

1. **IN GENERAL.**—Within 180 days after the date on which the head of the Federal agency submits data and testing under subsection a, each peer review panel shall transmit to the head of the agency a report and recommendations on whether the agency's risk assessment or cost-benefit analysis meets the applicable standards and principles specified in this Act.

2. **CONTENTS.**—A report and recommendations under this subsection shall either conclude that the agency's assessment or analysis meets the applicable standards, or shall set out its views on any significant deficiencies and its recommendations on how those deficiencies should be corrected.

3. **COMMENTS AND APPENDIX.**—Each peer review report and recommendations under this subsection shall include—

(A) all conclusions and recommendations supported by a majority of the members of the peer review panel submitting the report; and

(B) an appendix which sets forth the dissenting opinions that any peer review panel member wants to express.

c. **OPENNESS OF PROCESS.**—The proceedings of peer review panels under this section shall be subject to the relevant provisions of the Federal Advisory Committee Act 5 USC App. (1988), PL 92-463.

(3) **Consideration and Incorporation of Peer Review Recommendations.**

If a majority of a peer review panel established under this subtitle concludes that a risk assessment or cost-benefit analysis does not meet the applicable standards, the assessment, analysis or proposed major rule shall not be issued in final form unless the head of the agency either revises the risk assessment to include the findings and recommendations of the peer review panel and makes the recommended revisions or explains clearly the scientific basis for disagreeing with any of the panel's recommendations and not revising the assessment.

(4) **Matters Requiring Peer Review.**—At a minimum, there shall be submitted for peer review—

- a. all major rules
- b. all entries in the Integrated Risk Information System (IRIS), and the Toxic Release Inventory.
- c. any risk assessment which has been used as a scientific rationale for regulatory actions by local or state governments.

SEC. 13. ADDITIONAL DEFINITION.

In this Act:

(11) **SCIENTIFICALLY OBJECTIVE AND UNBIASED.**—The term "scientifically objective and unbiased" means that the risk assessment, risk characterization or communica-

tion have not been significantly influenced by policy or value judgments or preferences, and that it clearly and accurately relates its descriptions and conclusions regarding risk (or absence of risk) to data or knowledge, including negative data, that are based on empirical observations, measurements, or testing that meet generally accepted scientific standards, and are substantially reproducible by similarly experienced scientists analyzing the same data independently.

SEC. 14. TOXIC RELEASE INVENTORY (TRI).

(1) Notwithstanding any other provision of Chapter 116, of Title 42, United States Code, the Administrator, Environmental Protection Agency may by rule add a chemical to the list described in Section 11023(c) only after the Administrator makes a risk assessment determination that the chemical causes significant adverse human health effects at concentration levels that are reasonably likely to exist beyond the facility site boundaries, the probability of exposure and potential harm to local residents.

(2) a. In making the risk assessment determination, the Administrator shall take into account the nature and frequency of the releases, the actual concentration, and the frequency of use of the chemical in general commerce.

b. The principles for risk assessment within this act should be applied to future listings on the Toxic Release Inventory.

(3) A chemical shall be deleted if the Administrator determines no later than 60 days after the enactment of this provision that based on the record there is insufficient evidence to establish the criteria described in this section.

(4) A chemical shall be deleted if the Administration, within 180 days of receipt of a petition described in Section 5, does not prepare a risk assessment as described in Section 5 which determines that the chemical causes significant adverse human health effects at concentration levels that are reasonably likely to exist beyond the facility site boundaries, the probability of exposure and potential harm to local residents.

SEC. 15. USE OF APPROVED RISK ASSESSMENTS.

The Administrator, Environmental Protection Agency shall not conduct or perform, or require any person to conduct or perform, as a condition for issuance of any permit, license, or any other form of approval (or condition to operate), any type of risk assessment that is not explicitly required as a condition for the issuance of such a permit, license, or approval by existing statutory or final regulatory provisions. The Administrator, Environmental Protection Agency shall not implement or enforce such a condition in any way nor deny or condition a permit, license, or approval based upon the results of such a risk assessment or the failure to conduct or perform such a risk assessment.

SEC. 16. "SEC 627. OF AMENDMENT 230—REGULATIONS; PLANS FOR ASSESSING NEW INFORMATION."

Change paragraph (b)(1) to read:

Review of the risk assessment, risk characterization, or risk communication for any major rule or issuance used by states or local governments as a scientific basis for regulatory action promulgated or prepared prior to enactment or prior to issuance of a final regulatory requirement by subsection (a) of this section shall be conducted by the head of the agency on the written petition of a person showing a reasonable likelihood that—

(A) the risk assessment is inconsistent with the principles set forth in section 625 and 626;

(B) the risk assessment produces substantially different results;

(C) the risk assessment is inconsistent with a rule issued under subsection (a);

(D) the risk assessment does not take into account material significant new scientific data or scientific understanding.

Mr. LOTT. Mr. President, I rise today to speak for the purpose of submitting an amendment to the Department of Energy Risk Management Act which was referred to the Senate Committee on the Energy and Natural Resources for consideration.

Mr. President, I send to the desk an amendment to the Department of Energy Risk Management Act (S. 333), and ask unanimous consent that it be printed in the RECORD.

First, let me say this is the year and this is the Congress that will establish a genuine link between real risks, as defined by sound science, and responsible public policy to address risk.

This will be done by including scientific data and an openness in the regulatory process. My solution is based on citizen involvement. So why do we hear all of these distortions and exaggerations reporting that America's health and safety will be placed in jeopardy and sacrificed. These emotional and often irrational overstatements are just not true.

What is so threatening about requiring knowledgeable scientists, who are independent of the Government, to participate in a peer review of the science? It makes sense to me to ensure that science-based rules are supported by scientist. But clearly, opponents of this provision believe that scientists are the problem. I find this curious. Peer review will certify the Government's practices. It replaces an unchecked monopoly over risk assessment methodologies with participation of scientists from academia.

What is so threatening about requiring the science to be unbiased and objective? I guess opponents of this legislation really want rules to have a bias which supports their political agenda. Accurate science must get in their way. How distressing. I said it last month on the Senate floor when S. 333 was introduced, but it is important to repeat the thought. Maybe those who like the flawed status quo really can be characterized as backing regulations which indeed are cavalier and arbitrary.

What is so threatening about requiring products listed on the Toxic Release Inventory [TRI] to actually be dangerous or, for that matter, even toxic? Presently, chemicals are listed simply because they appear frequently in the environment. In fact, many chemicals on the list are not toxic. EPA knows they are not. EPA has let the TRI misrepresent the toxicity of chemicals and permitted unnecessary anxiety within local communities. This is terrible public policy. Also, what is the problem in requiring a Federal agency to act promptly? To list or delist needs a fixed public schedule.

Maybe it is too much to ask an agency to be responsive to American citizens.

What is so threatening about judicial review? Opponents complain that risk assessments would not be constructed by the courts. OK. That is better than what America has now. Currently, risks are set by arrogant bureaucrats who are invisible and not accountable to the public. At least in a court room risk decisions will be made in a public forum. The American people hold their courts in high esteem, and perhaps public participation is necessary to save risk assessment.

What is so threatening about emphasizing the need of State and municipal participation in setting priorities for addressing their health and safety risks? Providing a structured methodology for making difficult budgetary choices regarding health and safety matters would be helpful. Both the officials and the citizens can understand the risks they face together. And jointly they will be involved in selecting the risks to address. Cost benefit provisions will be a useful rational for public policy goal setting and in allocating funding.

What is so threatening about preventing abuse through indirect risk assessments? In the words of EPA's own Science Advisory Board, indirect risk assessment suffers from a general lack of measured input and very little validation of the models. By requiring that only approved risk assessments, we are saying that Federal agencies will only use assessments subjected to the rigors of this legislation. In fact, EPA has no legal basis to proceed with indirect risk assessments. Does it make scientific sense to let EPA hold permits and licenses hostage without the marketplace having its due process? Does it make sense for EPA to first demand and then use data which is short on scientific validation? Both are legally and scientifically reprehensible. We are a land governed by laws—not by bureaucrats who are not accountable to the public. Besides, Federal agencies must not regulate by press release.

The cost-benefit provisions of this legislation are important to evaluate regulatory effectiveness. This is especially useful since public funds are scarce and finite. And, because governmental intrusion into our private lives must be minimized to only genuine risk. But the sad truth is the Government's decisions and actions are rarely cost effective. In fact, I recently read an article where an EPA official said that regulatory "efficiency is not of great importance." For him, his colleagues and this administration it may not be; but to millions of American taxpayers who pay the bills it is a big deal.

The importance of risk assessment and risk communication with public participation can not be underscored. This is especially true when we consider that billions and billions of taxpayer dollars are spent annually by all levels of government to deal with risk.

I believe the public has lost confidence in the Government's science. I further believe this has hurt the credibility of existing environmental and health rules. Saving an owl which is endangered in two States by destroying 30,000 jobs; only to discover this bird is thriving in a number of other States is not good science—it is an agenda. Ruining an entire apple harvest with a rush to judge without science on alar is not good science—it is regulatory abuse. Both illustrate a Government unchecked. That is what this legislation is about—provide an opportunity to challenge the Government.

Nothing in this amendment or the basic bill is excessively prescriptive. On the contrary, my legislative purpose is to ensure consistency and technical value when risk assessments are prepared. I firmly believe my legislative efforts will improve both the quality and visibility of risk assessment.

It is time to deal with scientific controversies surrounding the extrapolations of maximum tolerated dose to minuscule doses, animal to human etc. Many of the Government's regulatory actions will not stand up to public scrutiny—this is not the fault of this legislation. No, this is an error caused by Government's arrogant false science. I am for environmental, health and safety rules which address real problems, not regulatory abuse supporting a nonscientific agenda.

Risk assessment is a powerful tool which has been abused for years by a political agenda. No—it has been exploited. Both public confidence and public funds have been squandered chasing nonscientific solutions and nonrisks. Now is the time to transform our environmental and health policies with accountable scientific judgment.

Risk assessment reforms will help settle environmental and health decisions with science and technology, not with a political agenda. It will not eliminate controversies but it will open up the process to public participation. It will not end environmental laws, as we now know them. What it will do is make sure that the right information is on the table in the right form and at the right times to best incorporate both economic and ecological consequences in the decision making process.

My approach, through the basic bill (S. 333) and with this amendment, is to demand rigorous, consistent and continuous inclusion of the public in the development of health and safety public policy. Using a deliberative and transparent process has merits which exceed all the complaints I have heard from opponents who say it would create burdens.

My approach will strengthen our public policies, not destroy them. All I am mandating is sound science. I am not mandating bureaucratic burdens. If sound science principles are followed there will be no hassles or problems.

However, I am not terribly sympathetic for a Federal agency which misbehaved and manipulated the public trust. They have placed burdens and expenses on Americans through false risks and unnecessary anxiety. This type of regulatory zeal must be stopped.

Plain and simple; this legislation will identify the underlying scientific assumptions used in the risk assessments so that all concerned parties can evaluate the judgments and conclusions. This process allows for full and open public debate which will neither threaten our democracy nor the health and safety of the American public who we all serve.

Opponents want to dismiss any risk assessment legislation as a form of technospeak to justify the destruction of the environment and health rules. But this "sky-is-falling" complaint strategy is spurious and disingenuous. This legislation will not remove one environmental or safety rule. It will, however, require the assumptions, methodologies and extrapolations to be part of the public record. Only if science supports different conclusions can the foundation for the rules be challenged.

I urge my colleagues to look at S. 333, the basic legislation which was introduced by Senators MURKOWSKI and JOHNSTON last month and this amendment. Both focus on removing risk misinformation and restoring public confidence in our rulemaking process. I believe it deserves your support.

It is time to get past partisan bickering and exaggerations.

It is time to end the false debate on the value of risk assessment and cost benefit analysis.

It is time to focus our health and safety policies with sound risk assessment methodologies.

It is time for Congress to act.

I thank my colleagues for their consideration.

NOTICE OF HEARING

COMMITTEE ON VETERANS' AFFAIRS

Mr. SIMPSON. Mr. President, I wish to announce publicly that the Committee on Veterans' Affairs will hold a hearing on Thursday, March 9, 1995, at 10 a.m. in SR-418, Russell Senate Office Building.

The committee has two purposes for holding this hearing. First, we will receive testimony on the nomination of Mr. Dennis M. Duffy to be the Department of Veterans Affairs' Assistant Secretary for Policy and Planning. Mr. Duffy currently serves as VA's Deputy Assistant Secretary for Congressional Liaison.

Second, the committee will hear testimony from officials of three Federal entities—the Department of Veterans Affairs; the Department of Labor, Veterans Employment and Training Service; and the Court of Veterans Appeals—on those entities' proposed budgets for fiscal year 1996. We also in-

tend to receive testimony from representatives of veterans' service organizations concerning the fiscal year 1996 budget for veterans programs.

The committee would be pleased to receive written statements from members of the public concerning these matters. Such statements may be submitted to the Committee's offices. Members of the public may also contact Mr. William F. Tuerk, the committee's general counsel, if they have questions or need information concerning the subject matter of this hearing.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet immediately after the vote on the balanced budget amendment on Thursday, March 2, 1995, to consider the following nominations:

Sheila Cheston to be the general counsel of the Air Force;

Josue Robles, Jr. to be a Commissioner on the BRAC;

Herschelle Challenor to be a member of the National Security Education Board; and

Vincent Ryan to be a member of the board of directors on the Panama Canal Commission.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 2, 1995, at 3:30 p.m. to hold a hearing regarding United States Policy toward Iran and Iraq.

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

ADDITIONAL STATEMENTS

F-22 ELECTRONIC COMBAT EFFECTIVENESS TESTING

• Mr. D'AMATO. Mr. President, what is it about F-22 electronic combat effectiveness testing that terrifies Air Force?

The fiscal year 1995 Senate Defense Appropriations Report 103-321 included the following language:

The Committee is concerned that the F-22 test and evaluation master plan [TEMP] may not include sufficient electronic combat effectiveness testing before the onset of production. The Committee believes that it is important for the F-22 to demonstrate its capabilities in an offensive air superiority mission against a full array of likely threats. Those threats should include a modern integration air defense system, at a minimum on a simulated basis to the extent practicable, affordable, and cost effective.

Therefore, the Committee directs that no more than 65 percent of the funds provided for the F-22 program for fiscal year 1995 may be obligated until the Assistant Secretary of the Air Force (acquisition) submits to the congressional defense committees a report

outlining the cost and schedule impacts on the F-22 program, and the technical and operational advantages and disadvantages, of revising the TEMP to include significantly more thorough electronic combat effectiveness testing before initiation of: (1) pre-production vehicle procurement; (2) commitment to low-rate initial operational test and evaluation.

This report shall include, as a baseline, thorough electronic combat testing at the real-time electromagnetic digitally controlled analyzer and processor [REDCAP] and the Air Force electronic warfare evaluation simulator [AFEWES], and an installed system test facility with a capable wide-spectrum radio frequency generator that is interfaced for real-time control from remote facilities and a high capability dome, visual system cockpit simulator.

The report also shall identify the funding required between fiscal years 1996-99 to allow the electronic combat test facilities cited in the preceding paragraph to thoroughly undertake effectiveness testing on integrated avionics suites.

This report requirement was retained in Conference, though, as a courtesy of the House colleagues, the fence was dropped.

Well, March 1, 1995 has come and gone, but no report; however, there has been an interesting development. On February 28, 1995, the Air Force base closure and realignment recommendations were made public. The Air Force operates 10 major test and evaluation [T&E] facilities with a combined budget in fiscal year 1995 of \$1.722 billion. Not one was recommended for closure; but two very small T&E facilities with a combined fiscal year 1995 budget of less than \$20 million were recommended for closure: the Real-time Electromagnetic Digitally-Controlled Analyzer and Processor [REDCAP] and the Air Force Electronic Warfare Evaluation Simulator [AFEWES], the very facilities where Congress directed the Air Force to consider conducting F-22 electronic combat effectiveness testing. What is the Air Force afraid of?

The one facility mentioned in the Senate report that was not closed, the installation system test facility, belongs to the Navy. Apparently, the Air Force could not get at it.

The most perplexing thing about the aversion of the Air Force to proper testing of the F-22 is that the B-2 program is about to undertake tests at the REDCAP very similar to those being avoided by the F-22. The B-2 test program has been thorough to the point of exhaustive. Is the B-2 successful because it was thoroughly tested, or was it successful so it is being thoroughly tested? Either way, what lesson can we draw about the F-22?

When our needs are so many, and money so short, Congress can ill-afford to buy a pig in a poke. Congress gave the Air Force the opportunity to prove its claims regarding the F-22. The Air Force responded by trying to eliminate the facilities that could have rendered a judgment on the effectiveness of the F-22. Obviously, the Air Force has something to hide. If they will not test it, we will not buy it. Come budget