

"Whereas, through the efforts of Senator Robert C. Byrd and other members of our congressional delegation appropriations have been made for numerous projects in West Virginia, including completion of the Appalachian corridor highway system, relocation of the federal bureau of investigation center to West Virginia and a myriad of other projects; and

"Whereas, these benefits and projects are vital to the economic development and well being of the people of our state and deserve to be protected if the constitution is amended to require a balanced budget; and

"Whereas, West Virginia receives \$1.45 in federal benefits for each dollar in federal taxes; and

"Whereas, on a per capita basis, each man, woman and child receives approximately \$2,000 more in benefits from the federal government than he or she pays in federal taxes; and

"Whereas, a proposal to balance the federal budget by returning the programs to the states would mean that West Virginia would be required to either raise its taxes by \$2,000 dollars for each man, woman and child or eliminate the programs and services currently provided to our citizens by federal funds; and

"Whereas, the balanced budget amendment would be submitted to the Legislature for ratification if approved by the congress; and

"Whereas, this Legislature will be unable to establish its own budget without knowing what reductions will be made by the congress to effect the balanced budget amendment; and

"Whereas, this Legislature therefore has a right to know what effect the proposed balanced budget amendment would have on state government, but more importantly, on the people of our state; Now, therefore, be it

*Resolved by the Legislature of West Virginia,* That the Legislature recognize that a balanced federal budget is a desirable objective; and, be it

*Further resolved,* That the Legislature commends the president and the congress for their efforts toward this objective by supporting and enacting legislation that will result in the reduction of the federal deficit for three years in a row; and, be it

*Further resolved,* That the Legislature will be asked to vote for ratification of a balanced budget amendment to the constitution if such a measure is submitted to the states by the congress; and, be it

*Further resolved,* That the Legislature, acting on behalf of the citizens of West Virginia in deciding whether to ratify such an amendment, is entitled to be fully informed of its consequences on our people; and, be it

*Further resolved,* That the congress is hereby urged to submit such an amendment to the states for ratification only if congress provides a detailed projection of what reductions will be made in the federal budget and how these will affect the government and people of West Virginia, including but not limited to, the effect on social security benefits, veterans benefits, medicare, medicaid, education, highway moneys, including completion of the Appalachian corridor system, and other programs necessary for the health and well-being of the people of our state; and, be it

*Further resolved,* That the Clerk of the Senate is hereby requested to forward a copy of this resolution to the president of the United States Senate, the Speaker of the House of Representatives and each member of the West Virginia congressional delegation."

POM—36. A resolution adopted by the Cooperative Agricultural Bargaining and Marketing Associations relative to the USDA; to

the Committee on Agriculture, Nutrition, and Forestry.

POM—37. A resolution adopted by the Agricultural Bargaining Council relative to the USDA; to the Committee on Agriculture, Nutrition, and Forestry.

POM—38. a resolution adopted by the Senate of the Legislature of the State of California; to the Committee on Agriculture, Nutrition, and Forestry.

#### SENATE RESOLUTION NO. 9

"Whereas, the United States Department of Agriculture (USDA) announced in the Federal Register on November 15, 1994, that the government of Mexico has requested that the Animal and Plant Health Inspection Service (APHIS) allows the importation into certain areas of the United States of fresh Hass avocado fruit grown in approved orchards in approved municipalities in Michoacan, Mexico; and

"Whereas, in response, APHIS has held two public meetings, one in Florida and one in California, for the purpose of receiving public comment prior to deciding whether to publish a proposed rule in the Federal Register that would allow the importation of avocados as requested by the Mexican government; and

"Whereas, the request of the Mexican government would require that the USDA substantially modify its current policy relating to pest quarantine, which has served to protect United States agriculture from the threat of pest infestation by the full array of injurious pest species known to exist in Mexico; and

"Whereas, the negative economic impact resulting from the presence of these exotic pests in California would be devastating to a wide spectrum of California agriculture, including apples, apricots, avocados, citrus, and pears; and

"Whereas, a programmatic environmental impact report prepared by the California Department of Food and Agriculture in June 1993, states that a Mexican fruitfly infestation in California would cause increased cost to the private sector totaling \$124.4 million and lead to the use of as much as 5,560,000 pounds of pesticide; and

"Whereas, an eradication of a fruitfly infestation often requires intensive ground and aerial spraying of urban areas; and

"Whereas, in 1989, Mediterranean fruitfly, melon fruitfly, and oriental fruitfly cost the agricultural industry \$300 million in lost markets and \$5.4 million in damaged produce and postharvest treatments; and

"Whereas, California and the federal government have spent more than \$500 million since 1975 in their continuing effort to eradicate exotic pests in California; and

"Whereas, California has recently announced that pest discoveries increased 195 percent over 1993, and there is a significant increase in prohibited fruit discoveries in violation of domestic quarantines; and

"Whereas, the USDA announced in July 1994, that it had imposed a hiring freeze; and

"Whereas, the scientific data submitted by Mexico—a research study and pest survey data—to support its request—lacks scientific integrity and ignores the fact that virtually every quarantine pest known to infest Hass avocados has been detected during border interceptions at El Paso, Texas; and

"Whereas, these quarantine pests are the same species that Mexico claims to have eradicated in Michoacan and are the very ones upon which the current USDA pest quarantine is based; and

"Whereas, the proposed modification of the USDA pest quarantine makes no provision for costs incurred by federal and state governments and by the California agricultural industry if a pest infestation occurs as a re-

sult of a modified quarantine; now, therefore, be it

*Resolved by the Senate of the State of California,* That the request by the Mexican government that the United States permit the importation of fresh Hass avocado fruit grown in Michoacan, Mexico into this country be denied due to a lack of valid scientific data; and be it further

*Resolved,* That the USDA consider no further proposals of this nature unless the request contains all of the following: (1) baseline information on the seasonal abundance, geographical distribution, and biology of all of the quarantine pests known to infest Mexican avocados, and a declaration that that information has been collected and analyzed by scientists representing the USDA and Mexican and Californian agricultural interests; (2) laboratory and field studies that conclusively establish the host susceptibility of Hass avocados to fruitfly infestation through scientifically credible and reproducible data; (3) an identification of definite areas and districts free from injurious, quarantined pests known to attack Hass avocados; (4) a showing that scientifically valid pest surveys have been conducted in these definite areas over a minimum period of 12 months with oversight by the USDA, the Mexican government, and private sector entomologists and that those survey results are negative; and (5) proof that the Mexican government has adopted and enforced regulations that will prevent the introduction of quarantined pests into any of the designated areas that form the pest-free zones; and be it further

*Resolved,* That the burden of alleviating risks associated with the shipment of pest infested Mexican avocados into the United States should remain with Mexico and the United States should not assume this burden; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California, Arizona, Florida, and Texas in the Congress of the United States, and to the Secretary of the United States Department of Agriculture."

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive report of a committee was reported on March 22, 1995:

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 103-25 Treaty Convention on Conventional Weapons (Exec. Rept. 104-1).

#### TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

*Resolved (two-thirds of the Senators present concurring therein),* That (a) the Senate advise and consent to the ratification of the following Convention and two accompanying Protocols, concluded at Geneva on October 10, 1980 (contained in Treaty Document 103-25), subject to the conditions of subsections (b) and (c):

(1) The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects (in this resolution referred to as the "Convention").

(2) The Protocol on Non-Detectable Fragments (in this resolution referred to as "Protocol I").

(3) The Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps

and Other Devices, together with its technical annex (in this resolution referred to as "Protocol II").

(b) The advice and consent of the Senate under subsection (a) is given subject to the following conditions, which shall be included in the instrument of ratification of the Convention:

(1) RESERVATION.—Article 7(4)(b) of the Convention shall not apply with respect to the United States.

(2) DECLARATION.—The United States declares, with reference to the scope of application defined in Article 1 of the Convention, that the United States will apply the provisions of the Convention, Protocol I, and Protocol II to all armed conflicts referred to in Articles 2 and 3 common to the Geneva Conventions for the Protection of War Victims of August 12, 1949.

(3) UNDERSTANDING.—The United States understands that Article 6(1) of Protocol II does not prohibit the adaptation for use as booby-traps of portable objects created for a purpose other than as a booby-trap if the adaptation does not violate paragraph (1)(b) of the Article.

(4) UNDERSTANDING.—The United States considers that the fourth paragraph of the preamble to the Convention, which refers to the substance of provisions of Article 35(3) and Article 55(1) of Additional Protocol I to the Geneva Conventions for the Protection of War Victims of August 12, 1949, applies only to States which have accepted those provisions.

(c) The advice and consent of the Senate under subsection (a) is given subject to the following conditions, which are not required to be included in the instrument of ratification of the Convention:

(1) DECLARATION.—Any amendment to the Convention, Protocol I, or Protocol II (including any amendment establishing a commission to implement or verify compliance with the Convention, Protocol I, or Protocol II), any adherence by the United States to Protocol III to the Convention, or the adoption of any additional protocol to the Convention, will enter into force with respect to the United States only pursuant to the treaty-making power of the President, by and with the advice and consent of the Senate, as set forth in Article II, Section 2, Clause 2 of the Constitution of the United States.

(2) DECLARATION.—The Senate notes the statements by the President and the Secretary of State in the letters accompanying transmittal of the Convention to the Senate that there are concerns about the acceptability of Protocol III to the Convention from a military point of view that require further examination and that Protocol III should be given further study by the United States Government on an interagency basis. Accordingly, the Senate urges the President to complete the process of review with respect to Protocol III and to report the results to the Senate on the date of submission to the Senate of any amendments which may be concluded at the 1995 international conference for review of the Convention.

(3) STATEMENT.—The Senate recognizes the expressed intention of the President to negotiate amendments or protocols to the Convention to carry out the following objectives:

(A) An expansion of the scope of Protocol II to include internal armed conflicts.

(B) A requirement that all remotely delivered mines shall be equipped with self-destruct devices.

(C) A requirement that manually emplaced antipersonnel mines without self-destruct devices or backup self-deactivation features shall be used only within controlled, marked, and monitored minefields.

(D) A requirement that all mines shall be detectable using commonly available technology.

(E) A requirement that the party laying mines assumes responsibility for them.

(F) The establishment of an effective mechanism to verify compliance with Protocol II.

The following executive reports of committees were submitted on March 23, 1995:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:

Robert Pitofsky, of Maryland, to be a Federal Trade Commissioner for the term of seven years from September 26, 1994.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PRESSLER, Mr. President, for the Committee on Commerce, Science, and Transportation, I also report favorably five nomination lists in the Coast Guard, which were printed in full in the CONGRESSIONAL RECORDS of January 6, February 3 and 16, 1995, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of January 6, February 3 and 16, 1995, at the end of the Senate proceedings.)

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry:

Daniel Robert Glickman, of Kansas, to be Secretary of Agriculture.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. BOXER:

S. 600. A bill to require the Secretary of Agriculture to issue regulations concerning use of the term "fresh" in the labeling of poultry, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CHAFEE (for himself, Mr. KENNEDY, Mr. PELL, and Mr. KERRY):

S. 601. A bill to revise the boundaries of the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWN (for himself, Mr. SIMON, Mr. DOLE, Ms. MIKULSKI, Mr. ROTH, Mr. MCCONNELL, and Mr. MCCAIN):

S. 602. A bill to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic

Treaty Organization of European countries emerging from communist domination; to the Committee on Foreign Relations.

By Mr. FAIRCLOTH:

S. 603. A bill to nullify an executive order that prohibits Federal contracts with companies that hire permanent replacements for striking employees, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PRESSLER:

S. 604. A bill to amend title 49, United States Code, to relieve farmers and retail farm suppliers from limitations on maximum driving and on-duty time in the transportation of agricultural commodities or farm supplies if such transportation occurs within 100-air mile radius of the source of the commodities or the distribution point for the farm supplies; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE (for himself, Mr. HATCH, Mr. HEFLIN, Mr. LOTT, Mr. GRAMM, Mr. BROWN, Mr. CRAIG, Mr. SHELBY, Mr. NICKLES, Mr. KYL, Mr. ABRAHAM, Mr. THURMOND, Mr. INHOFE, Mr. PACKWOOD, Mr. WARNER, Mr. COATS, Mr. BURNS, Mr. THOMAS, Mr. PRESSLER, Mrs. HUTCHISON, Mr. HATFIELD, Mr. GRAMS, Mr. FRIST, Mr. MCCONNELL, Mr. ASHCROFT, Mr. MACK, Mr. MURKOWSKI, Mr. BENNETT, Mr. KEMPTHORNE, Mr. GRASSLEY, Mr. BOND, and Mr. STEVENS):

S. 605. A bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment; to the Committee on the Judiciary.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 606. A bill to make improvements in pipeline safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WARNER (for himself and Mr. REID):

S. 607. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 608. A bill to establish the New Bedford Whaling National Historical Park in New Bedford, Massachusetts, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WELLSTONE:

S. 609. A bill to assure fairness and choice to patients and health care providers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LOTT:

S. 610. A bill to provide for an interpretive center at the Civil War Battlefield of Corinth, Mississippi, and for other purposes; to the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PELL (for himself, Mr. KERRY, Mr. FEINGOLD, and Ms. SNOWE):

S. Res. 91. A resolution to condemn Turkey's illegal invasion of Northern Iraq; to the Committee on Foreign Relations.