have them—we have a Federal role to play in helping the people who have been hurt, whether it is physically or whether it is their property or with the public roads or bridges, infrastructure.

There is a Federal role to play in assisting an area, a community, that has been hit. So the question is, how do we pay for it? How do we budget for it? And what we do right now is we do not budget for it, and we pay for it by putting it on the next generation's credit card, so to speak. The difference with the next generation's credit card is that unlike most credit cards we have to pay after 30 days—we get charged interest, but eventually we pay it back—this credit card, we never pay it back, we just keep paying interest on it forever, and the future generations pay forever and ever and ever.

So what we ask is, look at a long-term solution. How can we, within the budget, allocate resources as disasters come up, to make sure we can be fiscally responsible, and at the same time provide the needed assistance for disasters as they occur across this country? That is the last leg or last subject area that I am trying to address with these amendments that I have on the floor.

I am hopeful we can get support for all three subjects, fixing the Senate bill, getting a bill out of conference and to the President's desk that does not add to the deficit, and No. 3, coming up with a suggestion to the Congress that the relevant committees do some good work and determine how we can begin to pay for disasters within the budget.

Senator GRAMM and I mentioned last week when we were debating his amendment that over the past 7 years, we have added $100 billion to the deficit—$100 billion to the deficit—in disaster declarations. They have been things from very serious, as I said before—floods, earthquakes, hurricanes, tornadoes, et cetera—to things such as declaring an emergency because we had a 6-percent rate of unemployment and we wanted to pay extended unemployment compensation benefits.

There really is a very loose standard of what is an emergency. In fact, there is no standard of what an emergency is. It is whatever the President declares, whatever the Congress declares. I think we need to do a little better than that. I think we have to have some guidelines and we have to have some procedures by which we are going to declare emergencies and which would cause us to increase the deficit. That is an appropriate standard.

That is something, frankly, we should have done when we put together the emergency provisions in the 1990 Budget Act in the first place, but we did not. Those who argued for some sort of parameters to define an emergency hearkened back then that we were going to see everything that was politically popular for the moment declared an emergency and thrown on the deficit. I think their fears have been brought to fruition. We have, as I said before, $100 billion of such spending.

I want to make it very clear that we have an obligation here to provide emergency disaster relief for communities in States that are hit. I am for that. I want to make sure that we can do that and we do it properly, but I think we have to make sure we do it within the confines of trying to get to a much more responsible fiscal policy here in Washington, to a balanced budget, to a better America and, again, avoiding this knee-jerk reaction we have had in this town for a long, long time, that if we have a problem, and we do not want to take money from some area of the budget that may have your name attached to a program, or whatever the case may be, and put it to where the emergency is, that instead we just add it to the deficit.

I think that is irresponsible behavior, and it is certainly not in keeping with the changes that have occurred since the 1994 election. We focused so much of our time and energy on trying to balance this budget, but when an emergency comes along that we frankly should have budgeted for but did not budget for, we are the first to run, even now, and talk about, well, we have just got to put it on the deficit. I think it is talking out of both sides of your mouth and is not what we should be doing here, or what the public expects us to be doing.

We are talking $1.2 billion out of $1.6 trillion that we will spend this year. Somewhere around we can find some money in a lot of areas of Government to put where it should go, which is to pay for this emergency. The three things I am hoping to accomplish tomorrow, whether we can do it, and I hope we can, by agreement or consent on both sides of the aisle, is something frankly that both Democrats and Republicans should be for: Fiscal responsibility, a long-term solution, and more of a structure to funding emergencies and standing up for the Senate not to be fiscally irresponsible and adding to the deficit in this appropriations process.

I yield the floor.

AMENDMENT NO. 3551

Mrs. FEINSTEIN. Mr. President, not to belabor the point, but earlier I made the point about the duplicative costs of the ninth circuit split proposal, the inordinate costs of the proposal, the unnecessary costs of the proposal, the unfair division that the Burns bill presents.

I would like to just clarify what I said. What I said was that California, Hawaii, Guam, and Northern Marianas have currently 62 percent of the caseload; Alaska, Arizona, Nevada, Washington, Oregon, Idaho, and Montana have 38 percent. In the Burns proposal, the group of States with 62 percent of the cases get 15 judges, and the States with only 38 percent of the caseload get 13 judges. The States with 62 percent of the cases end up getting proportionately fewer judges relative to caseload. According to ninth circuit statistics for 1995, the proposed new twelfth circuit would have only 765 filings per three-judge panel, whereas the ninth circuit would have 1,065 filings per three-judge panel. How this huge caseload is going to be handled with a disproportionately low number of judges should cause some concern because this will still remain a very large circuit. It will be unable to function due to a heavy backlog of cases.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE AGREEMENT FOR COOPERATION BETWEEN THE UNITED STATES AND THE ARGENTINE REPUBLIC CONCERNING THE PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT—PM 132

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153 (b), (d)), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Argentine Republic Concerning Peaceful Uses of Nuclear Energy with accompanying annex and agreed minute. I am also pleased to transmit my written approval, authorization, and determination concerning

the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and various other attachments, including agency views, is also enclosed.

The proposed agreement with the Argentine Republic has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 (NNPA) and as otherwise amended. In my judgment, the proposed agreement meets all statutory requirements and will advance the non-proliferation and other foreign policy interests of the United States. The agreement provides a comprehensive framework for peaceful nuclear cooperation between the United States and Argentina under appropriate conditions and controls reflecting a strong common commitment to nuclear non-proliferation goals.

The proposed new agreement will replace an existing U.S.-Argentina agreement for peaceful nuclear cooperation that entered into force on July 25, 1969, and by its terms would expire on July 25, 1999. The United States suspended cooperation with Argentina under the 1969 agreement in the late 1970s because Argentina did not satisfy a provision of section 128 of the Atomic Energy Act (added by the NNPA) that required full-scope International Atomic Energy Agency (IAEA) safeguards in nonnuclear weapon states such as Argentina as a condition for continued significant U.S. nuclear exports.

On December 13, 1991, Argentina, together with Brazil, the Argentine-Brazilian Agency for Accounting and Control of Nuclear Materials (ABACC) and the IAEA signed a quadrilateral agreement calling for the application of full-scope IAEA safeguards in Argentina and Brazil. This safeguards agreement was brought into force in March 1994. Resumption of cooperation would be possible under the 1969 U.S.-Argentina agreement for cooperation. However, both the United States and Argentina believe it is preferable to launch a new era of cooperation with a new agreement that reflect among other things:

—An updating of terms and conditions to take account of intervening changes in the respective domestic legal and regulatory frameworks of the parties in the area of peaceful nuclear cooperation:

—Reciprocity in the application of the terms and conditions of cooperation between the parties; and

—Additional international non-proliferation commitments entered into by the parties since 1969.

Over the past several years Argentina has made a definitive break with earlier ambivalent nuclear policies and has embraced wholeheartedly a series of important steps demonstrating its firm commitment to the exclusively peaceful uses of nuclear energy. In addition to its full-scope safeguards agreement with the IAEA, Argentina has made the following major non-proliferation commitments:

—It brought the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) into force for itself on January 18, 1994;

—It became a full member of the Nuclear Suppliers Group in April 1994; and

—It acceded to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) on February 10, 1995.

Once Argentina's commitment to full-scope IAEA safeguards was clear, and in anticipation of the additional steps subsequently taken by Argentina to adopt responsible policies on nuclear non-proliferation, the United States entered into negotiations with Argentina on a new agreement for peaceful nuclear cooperation and reached ad referendum agreement on a text on September 3, 1992. Further steps to conclude the agreement were interrupted, however, by delays (not all of them attributable to Argentina) in bringing the full-scope IAEA safeguards agreement into force, and by steps, recently completed, to resolve issues relating to Argentina's eligibility under section 129 of the U.S. Atomic Energy Act to receive U.S. nuclear exports. As the agreement text initialed with Argentina in 1992 continues to satisfy current U.S. legal and policy requirements, no revision has been necessary.

The proposed new agreement with Argentina permits the transfer of technology, material, equipment (including reactors), and components for nuclear research and nuclear power production. It provides for U.S. consent rights to retransfers, enrichment, and reprocessing as required by U.S. law. It does not permit transfers of any sensitive nuclear technology, restricted data, or sensitive nuclear facilities or major critical components thereof. In the event of termination, key conditions and controls continue with respect to material and equipment subject to the agreement.

From the U.S. perspective the proposed new agreement improves on the 1969 agreement by the addition of a number of important provisions. These include the provisions for full-scope safeguards; perpetuity of safeguards; a ban on ''peaceful'' nuclear explosives; a right to require the return of exported nuclear items in certain circumstances; a guarantee of adequate physical protection; and a consent right to enrichment of nuclear material subject to the agreement.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. The Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House International Relations Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 18, 1996.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2150. A communication from the Assistant Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule under the Federal Insecticide, Fungicide, and Rodenticide Act; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 258

At the request of Mr. PRYOR, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 258, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 553

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 553, a bill to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers, and for other purposes.

S. 704

At the request of Mr. SIMON, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 704, a bill to establish the Gambling Impact Study Commission.

S. 814

At the request of Mr. MCCAIN, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 814, a bill to provide for the reorganization of the Bureau of Indian Affairs, and for other purposes.

S. 942

At the request of Mr. BOND, the name of the Senator from Iowa [Mr. HARKIN]