

3 years, to get an agreement on the budget. For 3 years we have been fighting about how can we restrain Federal spending, get it in line with receipts so we could get to a balanced budget agreement. We have been struggling for 3 years on that, yet now, less than 7 months after the agreement, the President is walking away. This is in gross violation of this agreement. We cannot let the administration mortgage away our children's future in order to help satisfy this insatiable appetite for big Government spending. We must be able to deal with these problems within the framework that we have already agreed to.

I just want to point out a few things, and I know some people have already done this but in case we get carried away with the idea that now we have these surpluses and everything is rosy, we can spend to our heart's content, I don't know how many people realize, I hope most do, that once we get to a balanced budget it has nothing to do with the mortgage we already have on the country, which is \$5.4 trillion, over \$20,000 per American. It has nothing to do with the unfunded obligations that we are on the hook for when the baby boomers and others start retiring, that extend to about \$14 trillion in addition to the \$5.4 trillion.

Here we are talking about being responsible for Medicare payments for when the baby boomers start retiring. We are talking about other entitlement programs that people have paid into, that there is an obligation by the Government, but we do not have funds set aside to take care of these obligations.

So you are looking at taxing future generations more and more and more to be able to meet those obligations at a time when, if we would exercise a minimum amount of fiscal discipline, just do the budget agreement we have already agreed to, we can start to deal with some of these unfunded obligations.

In case people think this is a long way off in the future, the baby boomers start retiring in less than 15 years, and they are going to be, instead of pulling the wagon, in the wagon saying, "You obligated yourself, I paid into these funds, now I am calling on these."

The percentage of the Federal Government, as a percentage of the overall economy, is at historically high levels, nearly 20 percent of the economy. If the President wants all these new spending programs, why doesn't he propose equal cuts to other Government programs? Does anybody in this body allege that we don't have significant amounts of Government waste in spending? Let's cut those programs if he wants the new spending programs, rather than adding more and more taxes and fees and burdens on the American public. That would be the way to deal with this, is to try to get at some of the wasteful spending programs that we already have.

I look forward to working with the administration on this budget, but we

cannot break this hard-fought bipartisan budget agreement on the altar of just more and more taxing and spending that keeps driving up the cost of Government, keeps taking more and more from taxpayers, keeps making it harder and harder for the average family to make a living and to be able to support their own children like they would like to do.

So I have great disappointment with what the administration has put forward in growing and in getting back to the era of bigger Government. I am afraid we are just going to have to push to maintain what our agreement was this past year. I think it is regretful that we are at that point. Madam President, it seems as if we are. Thank you very much. I yield the floor.

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#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

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#### EXECUTIVE SESSION

NOMINATIONS OF CARLOS R. MORENO, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA AND CHRISTINE O. C. MILLER, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider two nominations which the clerk will report.

The assistant legislative clerk read the nominations of Carlos R. Moreno, of California, to be United States District Judge for the Central District of California and Christine O. C. Miller, of the District of Columbia, to be a judge of the United States Court of Federal Claims.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I rise today to support the nominations of Carlos Moreno to the Federal district bench in the Central District of California and Christine O. Miller to the Court of Federal Claims.

I plan to discuss in greater detail why I intend to support these judges' nominations, but first I would like to address some of the concerns that have been expressed with respect to the Senate's role in the confirmation of Federal judges.

As chairman of the Senate Judiciary Committee, one of the most important duties I hold or fulfill is in screening judicial nominees. Indeed, the Constitution itself obligates the Senate to provide the President with advice concerning his nominees and to consent to their ultimate confirmation. Although

some have complained about the pace at which the Senate has moved on judicial nominees, I would note that this body has undertaken its constitutional obligation in a wholly appropriate fashion.

Indeed, the first matter to come before the Senate this session was confirmation of three of President Clinton's judicial nominees. Senator LOTT is to be commended for giving these nominees early attention. As well, the Judiciary Committee has announced judicial confirmation hearings for February 4 and February 25.

In 1997, the first session of the 105th Congress, the Senate confirmed 36 judges. This is only slightly behind the historical average of 41 judges confirmed during the first sessions in each of the last five Congresses. And I would note the Judiciary Committee itself processed 47 nominees, including the two judges we are considering today.

Currently, there are 88 judicial vacancies in the judiciary, 85 if the three nominees confirmed last week are included. In May 1992, however, when a Republican occupied the White House and the Democrats controlled the Senate, there were 117 vacancies on the Federal bench.

In fact, there are more sitting Federal judges today than there were through virtually all of the Reagan and Bush administrations. As of today, there are 756 active Federal judges. In addition, there are 432 senior judges who must, by law, hear cases, albeit with a reduced load. Ordinarily, when a judge decides to leave the bench, he or she does not completely retire, but instead takes senior status. A judge who takes senior status, as opposed to a judge who completely retires, must hear a certain number of cases each year. Thus, when a judge leaves the bench, he or she does not stop working altogether, he or she merely takes a somewhat reduced caseload.

Even in the ninth circuit, which has 10 vacancies, only one judge has actually stopped hearing cases. The others have all taken senior status and are still hearing cases. The total pool of Federal judges available to hear cases is 1,188, a record number of Federal judges.

The Republican Senate has confirmed the vast majority of President Clinton's judicial nominees, and if the President continues to send us qualified nominees, I am sure that trend will continue. Let me say, however, that I will not vote to confirm judges who refuse to abide by the rule of law. In my view, that is the absolute minimal qualification an individual must have to serve as one of our lifetime-appointed Federal judges.

Last year, I sought to steer the confirmation process in a way that kept it a fair and principled one, and exercised what I felt was the appropriate degree of deference to the President's judicial nominees. It is in this spirit of fairness that I will vote to confirm Judge Miller and Judge Moreno.