the economy? And why do we want to stimulate an economy that is perking along so well that Alan Greenspan keeps Wall Street on edge every day saying, ''If this economy gets any hotter, I'm going to raise interest rates''? That is the constant threat every time the Federal Reserve Board meets, the threat of higher interest rates.

You cut capital gains taxes, and I promise you it will not be long until you will have an interest rate increase from the Fed. You cut these other taxes to the tune of $200 billion over the next 5 years, and I promise you interest rates will go up. Alan Greenspan will see to it. And if interest rates go up, the market will drop and economic activity will drop. So why would we insist on making a crazy economic decision to stimulate an economy which is moving along sharply?

I see statements in the press every morning of some politician saying, ''Well, people know how to handle their money a lot better than Washington. It's a lot better to leave it in their pocket than send it to Washington.'' I understand that, and I understand that if you are looking for applause, that statement is a good way to get it. But I also understand that we have a golden opportunity that does not present itself often, and that is to honestly balance the budget and give the people of this Nation a night's sleep like they have never had before.

The Senator from New Mexico offered two budgets this afternoon. One was the President's. I said many times on this floor, I am not enamored with the President's budget. I am not enamored with any budget which does not reduce the deficit this year and next. The Senator from New Mexico is getting very close to singing my song. You like bipartisanship? You like for Republicans and Democrats to agree? The Senator from New Mexico probably is not trying to curry my favor, but he is getting awfully close to doing it with his resolution which says no tax cuts until we get to a balanced budget using CBO's figures.

Mr. President, the Budget Committee has been deliberating, and I think they have been making some progress, incidentally. They even think they have the deficit down to $111 billion now, and if they are that close, I think it is absolutely imperative that we improve over the 1996 deficit by cutting it below $107 billion this year and below that next year.

One of the things about the proposal of the Senator from New Mexico is that when we reach that happy day—when we are in balance—then half of any surplus will go to reduce the cuts made in nondefense discretionary spending. That is education, law enforcement, environment, health care, medical research. It is all the things that make us a great nation. But the Senator from New Mexico very carefully has focused on making cuts in nondefense discretionary spending. Well, what is wrong with asking the Defense Depart-

ment to help out? Why in the name of all that is good and holy would we, in 1996, insist that the Defense Department take $9 billion more than they even asked for?

I sit on the Defense Appropriations Committee, and I am telling you, I get absolutely nauseated at times. You take the F–22 fighter plane, which we do not need, I promise you—and I am going to stand at this desk and maybe lose another battle on the F–22—but when you start talking to me about building 438 airplanes at $180 million each to compete with a Russian airplane that is not even on the drawing board, let alone being off the drawing board, and at a time when we are building 1,000 advance F–18's which will be as good, or better, than any plane that could possibly challenge us for the next 20 years, and then follow that in 2015 with a joint strike fighter—no, they want to fill in what they say is a gap with a plane, Mr. President, that costs $180 million a copy, 438 of them.

Would you like to know how much the estimated cost of the F–22 has gone up in the past year compared to what we were told in 1996? $15 billion. $15 billion in 1 year. God knows what it will be by the year 2006 or 2007 when we start building these airplanes. We will not be able to afford them, I can tell you that.

I am simply saying that we should look at what we are going to cut. The Senator from New Mexico has a $100 billion cut in Medicare. And what about Medicaid? I do not know whether we are cutting Medicaid $9 billion or $22 billion. You hear conflicting numbers on that, but bear in mind what these programs are. Medicare is health care for our elderly; Medicaid is health care for the poor, the most vulnerable of all our children.

Last year, we cut welfare recipients' food stamps, everything, for the poorest people in the country, $55 billion. Mr. President, I am not going to go home and tell my constituents that I voted to savage the most vulnerable people in our population, the children and the elderly and the poor, and that I voted to give the money to the wealthiest 5 percent of the people in America. And I promise you, if I were running against somebody that had done that, I could make that case in spades and be absolutely certain of my ground.

I did not vote for the welfare bill last year. I was one of the 21 people that did not. You can call me a bleeding heart liberal. You can call my anything you want to. But when this body starts saying the only way we can balance the budget is by giving the Pentagon billions they did not even ask for and cutting Medicare by $100 billion, and depriving the poorest children in the country of Medicaid to the tune of $22 billion, and making $55 billion in welfare cuts—you see, I would have to say I never went to Methodist Sunday school as a boy, but I did. I believed those Methodist Sunday school stories

about my obligation to my fellow man. You hurt your fellow man, you insult God.

So I am not going to do it, whether you want to talk about religion or whether you want to talk about common sense, whether you want to talk about what has made this country great. One thing that has made this country great is our commitment to the elderly. We reduced the poverty rate among them from 25 percent to 12 percent since 1950. We ought to keep doing it. We ought to come to our senses.

I intend to sit down and visit with the Senator from New Mexico and talk seriously with him about this. I am not negotiating on behalf of the President or anybody else. But I want to applaud the Senator from New Mexico this afternoon because he has made a very important statement that a lot of people on that side will disagree with. But I think he is on the right track. I think NEWT GINGRICH made a very important statement earlier this week, and I applaud him for it.

Mr. President, I appreciate having the opportunity to make these statements. I have been intending to do this all week and had such a schedule I could not do it. But I am feeling better tonight about the direction we are headed than I have in some time.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the executive calendar: Calendar Nos. 39, 40, 61, and 62.

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

Mr. LOTT. Mr. President, for the information of all Senators, this involves two appointments to the Federal Mine Safety and Health Review Commission, a nominee to be a U.S. district judge for the District Court in DC, Colleen Kollar-Kotelly, and Rose Ochi to be Director, Community Relations Service, Department of Justice.

NOMINATION OF JUDGE COLLEEN KOLLAR-KOTELLY

Mr. LEAHY. Mr. President, last night we finally broke through the stall and the Senate confirmed the nomination of Merrick Garland to be a judge on the United States Court of appeals for the District of Columbia Circuit. During that extended debate on a nomination that had been delayed too long, I urged the Republican leadership to take up the nomination of Judge Colleen Kollar-Kotelly to the U.S. District Court for the District of Columbia.

I am encouraged that those who schedule matters in the Senate have

heard our plea and are finally willing to consider this nomination, as well. When we confirm Judge Kollar-Kotelly, we as a Senate will literally double the number of judges we have confirmed this year—from one to two. Unfortunately, there will still be 68 vacancies on the district courts around the country and a record 24 vacancies on the Federal courts of appeals.

Judge Colleen Kollar-Kotelly's nomination was first received from the President in March 1996 and was previously reported to the Senate in September 1996. This nomination was not acted upon before the adjournment of the 104th Congress. She was renominated on the first day of this Congress. her nomination was re-reported again without a single dissent from the Judiciary Committee 2 weeks ago. During that time there has been an anonymous Republican with an unspecified concern that has prevented this nomination from being considered. In other words, there is an unspecified hold.

Over the last 5 years, the District Court for the District of Columbia has been at full strength with 15 active judges for only about 6 months. The court has been operating with three vacancies for over a year and another judge is currently absent due to illness. I understand that the vacancies have been contributing to a rise in the backlog of civil and criminal cases pending before the court.

The criminal case backlog increased by 37 percent in 1996. So much for getting tough on criminals. We are fortunate to have senior judges who were willing and able to pitch in during these vacancy periods. Indeed, senior judges recorded one-third of the total court time spent by all judges in this district from July 1995 to June 1996. In the words of the court's chief judge: ''The Court cannot continue to rely on senior judges to bear this much of the caseload.'' I agree.

I thank the majority leader for agreeing to proceed to Senate consideration of Judge Kollar-Kotelly's nomination. And I thank Chairman HATCH of the Judiciary Committee for pressing forward with this important nomination.

The Senate has not been doing its job when it comes to considering and confirming nominations for judicial vacancies. I asked last night what justified the unconscionable delay in taking up Judge Garland's nomination, what fatal flaw in his character or fairness the Republicans had uncovered? I ask those questions again with respect to this nominee, a hard-working woman who has been serving on the superior court bench here in the District of Columbia for the last 13 years, having been appointed by President Ronald Reagan. The answer is the same: There is no explanation why she was not confirmed before now. She is another of the unlucky victims of the majority's shutdown of the confirmation process last year.

With respect to this nominee, I note that the ABA Standing Committee unanimously found her well qualified for this position, thereby giving her the ABA's highest rating. She has been an associate judge of the Superior Court of the District of Columbia since 1984 and has served as the deputy presiding judge of the Criminal Division.

Before that she was the chief legal counsel at Saint Elizabeths Hospital here in the District. She served as an attorney in the appellate section of the Criminal Division of the Department of Justice for almost 3 years.

She is a distinguished graduate of Catholic University and its Columbus School of Law. She clerked for the Honorable Catherine B. Kelly on the District of Columbia Court of Appeals. She has been active in bar associations and on numerous committees of the Superior Court.

I thank all Senators for confirming this nominee as a judge on the United States District Court for the District of Columbia.

Mr. FAIRCLOTH. Mr. President, I am not going to object to the unanimous consent for the confirmation of the nomination of Colleen Kollar-Kotelly to be U.S. district judge for the District of Columbia, but I would like it recorded that if we had conducted a rollcall vote on the nominee, I would have voted in the negative.

Mr. LOTT. Mr. President, I ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were confirmed as follows:

THE JUDICIARY

Colleen Kollar-Kotelly, of the District of Columbia, to be U.S. District Judge for the District of Columbia.

DEPARTMENT OF JUSTICE

Rose Ochi, of California, to be Director, Community Relations Service, for a term of 4 years.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Mary Lucille Jordan, of Maryland, to be a Member of the Federal Mine Safety and Health Review Commission for a term of 6 years expiring August 30, 2002. (Reappointment)

Theodore Francis Verheggen, of the District of Columbia, to be a Member of the Federal Mine Safety and Health Review Commission for a term expiring August 30, 2002.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Mr. LOTT. I yield the floor, Mr. President.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senate from Montana.

(The remarks of Mr. BURNS pertaining to the introduction of S. 509 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

PARTIAL-BIRTH ABORTIONS

Mr. SANTORUM. Mr. President, I rise to talk about an issue that was talked about at great length today in the House of Representatives and voted on. That is the issue of partial-birth abortions, or as the Congressman who led the debate on the floor of the House, Congressman HENRY HYDE, refers to it as partial-birth infanticide where, in fact, you have a baby that is at or near viability in the fifth and sixth month of pregnancy when most of these abortions are performed, delivered completely out of the mother, and all that is left in the mother is the head—what we are talking about here is not an abortion. What we are talking about is killing a child.

I think, incredibly, frankly, given the results of the last election where the Republicans lost seats in the House, and getting a sufficient number of House votes to override a—hopefully not, but probably—Presidential veto of this bill—we needed 290 votes. We thought going in we would be assured of that number. In fact, we thought we would be well assured of that number, given the results of the election and what we thought was the intention of the Members.

It turned out that the House passed the partial-birth abortion ban by a vote of 295 to, I believe, 136. That is five votes more than the required constitutional majority of 67 percent of the House. So they do have enough votes in the House of Representatives to override a Presidential veto.

The action now shifts here to the U.S. Senate. We are going into recess and will be for the next couple of weeks, but I have had conversations with the majority leader, and we anticipate bringing that bill up sometime shortly after we reconvene here in the Senate in April and hope for a full debate on this issue.

As to what happened in the House, when we saw the number of votes change, resulting in a sufficient number to override the President's veto, I hope that same kind of dynamic occurs here in the Senate. Those votes changed because of new information that has been brought to light about what actually is going on out in America on this issue of partial-birth abortions. We were originally told by the advocates of the procedure, the industry and those who support the procedure, the abortion rights groups, that