

perfect but because it is the responsible course of action for Congress to bring some fiscal sanity back to our Federal budget. The alternative, letting Government come to a screeching halt and blocking services to millions of Americans, is unacceptable.

The resolution we vote on today was drafted under the guidance of a Republican Congress and Republican President. Yet that same Congress, the 109th, refused to make difficult fiscal decisions and instead simply passed the buck to the current 110th Congress. So today we meet our constitutional responsibility to determine the Nation's budget and provide funding for programs that millions of hard-working Americans rely on to make ends meet.

Perhaps most unfortunate, today we are voting for appropriating funds for fiscal year 2007 that for most agencies are the same as fiscal year 2006 levels. In addition, it concerns me that this resolution gives too much power to Federal agencies. Under the formula prescribed in this resolution, each agency seemingly has wide discretion to determine which specific programs get slashed and which receive additional funds. I fear this widespread Federal discretion could have a negative impact on programs critical to Maryland, like the Chesapeake Bay Gateways and Small Watersheds Programs, the consolidation of the FDA Headquarters at White Oak, and the Ocean City hurricane protection project, to name only a few. I encourage the agencies to do the right thing and allocate appropriate funds for programs with track records of success because Congress will be watching.

Despite the shortcomings in this resolution, it does include some modest increases for important programs. In Maryland, scientists at the National Institutes of Health are on the cutting edge of unlocking some of our most complicated and devastating diseases. The additional \$620 million that this resolution allocates to NIH may lead to a groundbreaking cure or vaccine.

We must continue to do more to make a college education a reality for all families, and I am pleased to see that Pell grants will be expanded to help students afford college. In Maryland, the cost of receiving a public education has increased by nearly 40 percent at some State universities. A college education is key to achieving the American dream, and we must continue to make sure all children regardless of what zip code they live in or how much money their parents make have that opportunity.

Although some of Maryland's environmental programs might be affected, the increased funding in the Clean Water State Revolving Fund will enable Maryland communities to continue upgrading sewage treatment plants to help cleanup the Chesapeake Bay. This is a step in the right direction.

Maryland's transportation systems will also receive a much-needed boost,

with an additional \$86 million in highway funds and \$14 million more for transit funds. Amtrak will also receive much-needed funding so it can continue to help thousands of Marylanders get to work each day.

Again, this continuing resolution is far from perfect, and the circumstances under which we are passing it are far from ideal. It is unfortunate that this Congress was forced to finish the work of the prior Congress, but it is our responsibility to do so. Therefore, I support the continuing resolution and encourage my colleagues to do the same.

#### EXECUTIVE SESSION

#### NOMINATION OF NORA BARRY FISCHER TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Nora Barry Fischer, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Mr. LEAHY. Madam President, Nora Barry Fischer is an accomplished and well-respected attorney with over 30 years of legal experience. She is nominated to a seat on the United States District Court for the Western District of Pennsylvania. She received her law degree from Notre Dame University Law School, and graduated magna cum laude from St. Mary's College, Notre Dame, with a B.A. in history and humanistic studies. She has been an attorney with the law firm of Meyer, Darragh, Buckler, Bebenek & Eck, where she quickly rose through the ranks. She is currently a partner with the Pittsburgh law firm of Pietragallo, Bosick & Gordon, cochairing the firm's Defense Litigation Group. Ms. Fischer brings courtroom experience to the bench, having tried over 55 cases in State and Federal courts across the country. She has also served as a special master in state court and an arbitrator in Federal court on pro bono cases. She has been president of the Academy of Trial Lawyers of Allegheny County, served on the Executive Women's Council of Pittsburgh, and worked with the Allegheny County Bar Association to provide legal services to the underserved.

I thank Senator CASEY for expediting his consideration of this nomination. As a courtesy to Senator SPECTER, I asked the former majority leader to proceed to this nomination in December last year. Regrettably, Senator FRIST chose not to do so and Senator SPECTER's chairmanship of the Judiciary Committee ended without this nomination having been confirmed. I am glad that, at long last, the Senate

has turned its attention to this nomination and is granting its consent. I thank Majority Leader REID for acting promptly.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I have sought recognition to speak in favor of the pending nomination of a distinguished Pennsylvania lawyer, Mrs. Nora Barry Fischer, who is to be considered for the position of a U.S. district judge for the Western District of Pennsylvania.

Senator CASEY and I strongly endorse her confirmation. She is a Pennsylvania native with a distinguished academic record. She graduated magna cum laude from St. Mary's College with a B.A. degree in 1973 and received a law degree from Notre Dame Law School in 1976. She has had a distinguished law practice with the Pittsburgh firm of Meyer, Darragh, Buckler, Bebenek & Eck and later at Pietragallo, Bosick & Gordon. She served as an administrative partner in charge of recruitment and training and served as co-chair of the Defense Litigation Practice, which is Pietragallo Bosick's largest practice group. As Special Master for the Court of Common Pleas of Allegheny County, she handled conciliations, nonjury and jury trials by consent of the parties, which gives her a leg up on analogous judicial duties.

Mrs. Fischer is the recipient of a number of awards. The Pennsylvania Bar Association's Commission on Women in the Profession awarded her the Anne X. Alpern Award for her efforts to promote women in the law. The Pennsylvania Bar Association also recognized Mrs. Fischer for her work as co-chair of the Task Force on Health Care Delivery in Pennsylvania. She was named the recipient of the 2006 Professionalism Award by the Civil Litigation Section of the Allegheny County Bar Association for her faithful adherence to the highest standards of legal professionalism. She has been recognized as a Pennsylvania Super Lawyer and as one of the Top 50 Women Super Lawyers in Pennsylvania.

The American Bar Association has unanimously rated Mrs. Fischer "well qualified" to serve as a federal district court judge.

She is precisely the type of nominee we are looking for, and I believe she will do very well in this very important position.

Madam President, in the absence of any other Senator seeking recognition, 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. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DORGAN. Madam President, am I correct that there is a vote ordered at 4:45 p.m.?

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. And is the time between now and 4:45 p.m. allocated?

The PRESIDING OFFICER. It is divided between the chairman and ranking member of the Judiciary Committee.

Mr. DORGAN. Madam President, if the chairman of the Judiciary Committee is not here to take the time, let me take a moment. If he shows up, I certainly will yield to him.

Mr. SPECTER. Madam President, I will be glad to yield to the Senator from North Dakota, especially since he called me the chairman.

Mr. DORGAN. I was talking about the chairman who was about to show up, Senator LEAHY.

Mr. SPECTER. I withdraw my consent.

## BRAC

Mr. DORGAN. Madam President, I wish to make a point. My colleague from Oklahoma was talking about the BRAC funding. I think everybody here supports the BRAC funding. I certainly do. It is not a part of this agreement, but it is not, as the Senator from Oklahoma suggested, the Democrats' fault.

Just so people understand, we inherited a heck of a mess. We inherited a huge mess. What was the mess? The fact is, last year, 10 of the appropriations bills never got to the floor of the Senate. We never got here. They never had any discussion on them. Had that happened, we would have had those appropriations bills passed and signed into law, and we wouldn't be discussing these issues.

As a result of inheriting an unbelievable mess, we had to put together something between the House and the Senate. Let me make this point: That which was done between the House and the Senate included discussions with Republicans and Democrats on every single subcommittee. We engaged the staff of the Republicans and the Democrats as this was put together.

I wanted to make that point. We inherited a mess. We have tried to make the most of it.

This BRAC issue is going to get resolved. I support resolving it. The President is going to ask us for, apparently, \$100 billion in the coming couple of weeks.

Mr. INHOFE. Will the Senator yield?

Mr. DORGAN. Let me finish my thought.

He is going to ask for \$150 billion above that next year with respect to Iraq and Afghanistan.

The point I am making is this: I understand that not just the Senator from Oklahoma but any number of Senators might come and say: I wish this had been in it, I wish that had been in it. I personally wish a number of items had happened that didn't happen in this continuing resolution. But I was involved in working on it as chairman of the Appropriations Energy and Water Subcommittee. Last year, I was ranking member of the Appropriations

Interior Subcommittee. That bill didn't get to the floor of the Senate. The Energy and water bill didn't get to the floor of the Senate. The bill that would have carried the BRAC funding didn't get to the floor of the Senate. Why not? Don't blame that on Democrats. We didn't control this Chamber last year.

But I don't come to blame one side or the other. I only come to say we have tried to make the best of a bad situation. We were left with quite a mess. How did we make the best of this? We worked with the House and the Senate—bicameral; we worked with the staff of the Republicans and the staff of the Democrats, bipartisan—to try to see if we could put together something that would allow us to put the fiscal year 2007 appropriations bills behind us and move ahead, because we need to move immediately now to begin to put together the fiscal year 2008 appropriations bills. We need to do that now.

So I only make the point that that is why we are here. No one likes it. We have done the best we could to make the best out of a bad situation.

Mr. INHOFE. Madam President, will the Senator yield for a very friendly question?

Mr. DORGAN. I will be happy to yield.

Mr. INHOFE. We had authorized \$5.7 billion to be spent this year on the BRAC process and \$4.1 billion was taken out, with \$1 billion put back. My question to you is: Can we have that made up without taking it out of a supplemental that would be pulling it out of other wartime activities? I would say that probably would work. That is my concern.

Mr. DORGAN. Madam President, reclaiming my time, it is not going to be taken out of other funding in a supplemental. It will be added to a supplemental, I presume. The President has proposed sending us \$250 billion in emergency funding in two tranches, the first for this fiscal year and the second for the next fiscal year. My assumption is that everyone here believes those BRAC funds need to be dealt with and will be dealt with in a supplemental, not by taking it away from other military expenditures.

Madam President, I yield the floor.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the nomination of Nora Barry Fischer, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Mr. DORGAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Hawaii (Mr. INOUE),

and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Wyoming (Mr. THOMAS).

The PRESIDING OFFICER (Mr. OBAMA). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 47 Ex.]

## YEAS—96

Akaka	Domenici	McConnell
Alexander	Dorgan	Menendez
Allard	Durbin	Mikulski
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Graham	Obama
Boxer	Grassley	Pryor
Brown	Gregg	Reed
Brownback	Hagel	Reid
Bunning	Harkin	Roberts
Burr	Hatch	Rockefeller
Byrd	Hutchison	Salazar
Cantwell	Inhofe	Sanders
Cardin	Isakson	Schumer
Carper	Kennedy	Sessions
Casey	Kerry	Shelby
Chambliss	Klobuchar	Smith
Clinton	Kohl	Snowe
Coburn	Kyl	Specter
Cochran	Landrieu	Stabenow
Coleman	Lautenberg	Stevens
Collins	Leahy	Sununu
Conrad	Levin	Tester
Corker	Lieberman	Thune
Cornyn	Lincoln	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	Webb
Dodd	McCain	Whitehouse
Dole	McCaskill	Wyden

## NOT VOTING—4

Biden	Johnson
Inouye	Thomas

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table.

The President will be immediately notified of the Senate's action.

Mr. CASEY. Mr. President, I was pleased that today a fellow Pennsylvanian, Nora Barry Fischer, was confirmed by the U.S. Senate to serve on the U.S. District Court for the Western District of Pennsylvania. I was also happy to help expedite her nomination before the Judiciary Committee to help ensure a speedy consideration by the full Senate.

Ms. Fischer is a native of Homestead, PA, and a graduate of Notre Dame Law School. In private practice, she has gained extensive experience in litigation and mediation. Ms. Fischer will bring a wealth of knowledge to the bench, and I am confident that she will serve western Pennsylvania and the Nation well.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.