

Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Virginia (Mr. WARNER).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. JOHNSON), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Ms. STABENOW) would vote "yea."

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

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 31 Ex.]

#### YEAS—88

Akaka	Dodd	Menendez
Alexander	Dole	Mikulski
Allard	Domenici	Murray
Allen	Dorgan	Nelson (FL)
Baucus	Durbin	Nelson (NE)
Bayh	Ensign	Obama
Bennett	Enzi	Pryor
Bingaman	Feingold	Reed
Bond	Feinstein	Reid
Boxer	Frist	Roberts
Brownback	Graham	Rockefeller
Bunning	Grassley	Salazar
Burns	Gregg	Santorum
Burr	Hagel	Sarbanes
Byrd	Harkin	Schumer
Cantwell	Hatch	Sessions
Carper	Inhofe	Shelby
Chafee	Inouye	Smith
Chambliss	Isakson	Snowe
Coburn	Kennedy	Specter
Cochran	Kerry	Stevens
Coleman	Kohl	Sununu
Collins	Kyl	Talent
Conrad	Leahy	Thomas
Cornyn	Levin	Thune
Craig	Lieberman	Vitter
Crapo	Lincoln	Voinovich
Dayton	Lott	Wyden
DeMint	Lugar	
DeWine	McConnell	

#### NOT VOTING—12

Biden	Johnson	McCain
Clinton	Landrieu	Murkowski
Hutchison	Lautenberg	Stabenow
Jeffords	Martinez	Warner

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a vote on the confirmation of Thomas E. Johnston, of West Virginia, to be United States District Court Judge for the Southern District of West Virginia.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the nomination of Thomas E. Johnston, of West Virginia, to be United States District Judge for the Southern District of West Virginia?

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Texas (Mrs. HUTCHISON), the Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Virginia (Mr. WARNER).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. JEFFORDS), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Michigan (Ms. STABENOW), are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Ms. STABENOW), would vote "yea."

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

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 32 Ex.]

#### YEAS—89

Akaka	Dodd	McConnell
Alexander	Dole	Menendez
Allard	Domenici	Mikulski
Allen	Dorgan	Murray
Baucus	Durbin	Nelson (FL)
Bayh	Ensign	Nelson (NE)
Bennett	Enzi	Obama
Bingaman	Feingold	Pryor
Bond	Feinstein	Reed
Boxer	Frist	Reid
Brownback	Graham	Roberts
Bunning	Grassley	Rockefeller
Burns	Gregg	Salazar
Burr	Hagel	Santorum
Byrd	Harkin	Sarbanes
Cantwell	Hatch	Schumer
Carper	Inhofe	Sessions
Chafee	Inouye	Shelby
Chambliss	Isakson	Smith
Coburn	Johnson	Snowe
Cochran	Kennedy	Specter
Coleman	Kerry	Stevens
Collins	Kohl	Sununu
Conrad	Kyl	Talent
Cornyn	Leahy	Thomas
Craig	Levin	Thune
Crapo	Lieberman	Vitter
Dayton	Lincoln	Voinovich
DeMint	Lott	Wyden
DeWine	Lugar	

#### NOT VOTING—11

Biden	Landrieu	Murkowski
Clinton	Lautenberg	Stabenow
Hutchison	Martinez	Warner
Jeffords	McCain	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the Senate will vote on the confirmation of Aida M. Delgado-Colon, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

The question is, Will the Senate advise and consent to the nomination?

The nomination was confirmed.

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

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

#### ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate

now resume consideration of S. 2320, the LIHEAP funding bill, and that the Kyl amendment be temporarily set aside so I may offer a first-degree amendment. It is amendment No. 2898. I further ask that following my statement on the amendment, the Senate then proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### MAKING AVAILABLE FUNDS FOR THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM, 2006

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2320) to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

Pending:

Kyl/Ensign amendment No. 2899, to make available funds included in the Deficit Reduction Act of 2005 for allotments to States for the Low-Income Home Energy Assistance Program for fiscal year 2006.

AMENDMENT NO. 2898

(Purpose: To reduce energy prices)

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 2898.

Mr. INHOFE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. INHOFE. Mr. President, this is simply what I have called the energy price reduction amendment. Each year proponents of LIHEAP funding complain that energy prices have increased and therefore more assistance is needed. Yet subsidizing high prices does nothing to lower prices. Increasing the funding for today's LIHEAP without acting to reduce the price of energy tomorrow is not an acceptable solution.

Home energy prices are excessively high because of two simple facts, two critical reasons: First, the demand for energy has increased along with the economic output. However, because natural gas is regarded as an environmentally preferable fuel, demand for natural gas has increased dramatically as more of it is used for electricity generation. We have gone through this with coal-fired plants. We have tried to have major advancements in clean coal technology, which we are doing right now. But right now, the one thing that is environmentally pure is natural gas and, for that reason, the demand is up. Second, with the rise in demand, the market should have responded with a corresponding increase in supply.