

Richard J. Durbin, Joseph R. Biden, Jr., Barbara Boxer, Maria Cantwell, Thomas R. Carper, Jon S. Corzine, Byron L. Dorgan, Dianne Feinstein, Frank R. Lautenberg, Joseph I. Lieberman, E. Benjamin Nelson, Barack Obama, Ken Salazar, Debbie Stabenow, Russell D. Feingold, Tim Johnson, Patrick J. Leahy, Carl Levin, Bill Nelson, Mark Pryor, Paul S. Sarbanes.

Mr. HARKIN. I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator yields back the remainder of his time.

Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment of the Senator from Iowa.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Oregon (Mr. SMITH).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE), 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 46, nays 50, as follows:

[Rollcall Vote No. 348 Leg.]

YEAS—46

Akaka	Durbin	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Biden	Harkin	Obama
Bingaman	Jeffords	Pryor
Boxer	Johnson	Reed
Byrd	Kennedy	Reid
Cantwell	Kerry	Rockefeller
Carper	Kohl	Salazar
Chafee	Landrieu	Sarbanes
Clinton	Lautenberg	Schumer
Collins	Leahy	Snowe
Conrad	Levin	Specter
Dayton	Lieberman	Wyden
Dodd	Lincoln	
Dorgan	Mikulski	

NAYS—50

Alexander	DeWine	Martinez
Allard	Dole	McCain
Allen	Domenici	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Roberts
Brownback	Frist	Santorum
Bunning	Graham	Sessions
Burns	Grassley	Shelby
Burr	Gregg	Stevens
Chambliss	Hagel	Sununu
Coburn	Hatch	Talent
Cochran	Hutchison	Thomas
Coleman	Inhofe	Thune
Cornyn	Isakson	Vitter
Craig	Kyl	Voinovich
Crapo	Lott	
DeMint	Lugar	Warner

NOT VOTING—4

Corzine	Smith
Inouye	Stabenow

The amendment (No. 2672) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was not agreed to.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, is this the continuing resolution?

The PRESIDING OFFICER. The Senator is correct.

Ms. LANDRIEU. Mr. President, earlier this morning we had a colloquy that expressed concerns.

The PRESIDING OFFICER. The Senator will be advised that all time for debate has expired.

Ms. LANDRIEU. Mr. President, I ask unanimous consent for 30 seconds.

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

Ms. LANDRIEU. Mr. President, we had a colloquy this morning with the leader about the need to do more for the victims of Hurricanes Katrina and Rita. I am not going to ask for a record vote, and I am not going to delay the debate, but I do want to be recorded as voting "no" if we have a voice vote. It is very important to let people in this country know that our work is not yet finished. While we are breaking for the holidays, there will be many people who have no holiday table to go home to. Members of this body have worked very hard. I respect the work that each has done. We have worked in a bipartisan way to address some issues of health care, education, and housing. But just because we have done our job doesn't mean the same thing is actually happening on the other side of the Capitol.

There are still more issues that we need to find solutions for. We need to find a solution for the health care crisis along the gulf coast due to the hurricanes and subsequent levee breeches. We need to find a solution for the massive housing shortage throughout the States that Katrina and Rita whipped through. We need to find a solution for the small businesses that have been devastated and the thousands of people who have been left jobless. And we need to find a solution to building Category 5 levees and providing plenty of storm and flood protection which also means restoring our vital coastal wetlands, as they are our first line of defense. Without this protection, all our other efforts will be for naught.

We need solutions, Mr. President. We need real answers, because it is unsettling to know that while we go home to have Thanksgiving with our families, my constituents still have real problems and real needs. And so I thank you, Mr. President, for this time and for allowing me to note for the record, that I am voting no to this continuing

resolution because our job is not finished, and these vital concerns are not settled.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

The joint resolution (H. J. Res. 72) was passed.

Mr. ENSIGN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF BUSINESS

Mr. FRIST. Mr. President, in a few moments, I will propound a unanimous consent request. In essence, what we will be doing in about an hour is having another vote on going to conference on the HHS appropriations bill. We will ask unanimous consent for that shortly and divide up the time accordingly. It will be approximately an hour from now that we will have another rollcall vote. As soon as we have the word on the unanimous consent request, I will be propounding that.

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

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

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 2006

Mr. FRIST. Mr. President, I ask that the Chair lay before the Senate a message from the House to accompany H. R. 3010, the Labor-HHS appropriations bill; provided further, that the Senate request a conference with the House, and that the Chair be authorized to appoint conferees. I further ask that prior to the Chair appointing the conferees, Senator SPECTER be recognized in order to make a motion to instruct the conferees on the issue of LIHEAP; provided further, that there be debate divided with Senators as follows: 10 minutes for Senator REED, 7 minutes for Senator HARKIN, 5 minutes for Senator SPECTER, 5 minutes for Senator COCHRAN. I further ask that following that time, the motion be temporarily set aside and Senator DURBIN be recognized to make a motion to instruct relating to NIH, and there be 15 minutes for debate for Senator DURBIN on that motion, and that following the use or

yielding back of debate time, the Senate vote on the motions to instruct in the order offered, and following those votes, the Chair then immediately appoint conferees on the part of the Senate.

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

Mr. FRIST. Mr. President, I ask for one modification, that Chairman SPECTER be given 5 minutes to speak on the motion to instruct relating to NIH following Senator DURBIN.

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

The PRESIDING OFFICER (Mr. ISAKSON) laid before the Senate a message from the House of Representatives, having had under consideration the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3010) entitled “An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.”

Resolved, That the House insist upon its disagreement to the amendment of the Senate.

The PRESIDING OFFICER. The Senator from Pennsylvania.

MOTION TO INSTRUCT

Mr. SPECTER. Mr. President, I move that the managers, on the part of the Senate to the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill, H. R. 3010, be instructed to insist that \$2,183,000,000 be available for the Low-Income Home Energy Heating Assistance Program and that such funds shall be designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95, of the 109th Congress, the Concurrent Resolution on the Budget for fiscal year 2006.

The PRESIDING OFFICER. The motion is pending. Who yields time?

The Senator from Rhode Island.

Mr. REED. Mr. President, the instructions that the Senator from Pennsylvania sent to the Chair, in my understanding, would designate the full amount of LIHEAP funding that is currently in the appropriations bill as emergency spending.

I understand the motivation. This bill is underfunded. There are valuable programs that need additional resources. Both the Senator from Pennsylvania and the Senator from Iowa strove mightily to try to provide those resources. They are attempting today to try to free up about \$2 billion to classify some money as emergency spending, LIHEAP money. I understand the motivation, but I think it is extremely poor policy.

This LIHEAP program is composed of two components. There is a regular formula program which each and every year every State in this country depends upon to provide heating and cooling assistance to its citizens.

The application process begins before the heating and cooling season. It is

usually conducted from community action centers. This whole infrastructure suddenly now is going to be declared an emergency process. That would send a terrible signal throughout this country about our commitment to low-income heating assistance. It would open a situation of uncertainty and a situation that would be counterproductive to helping poor people struggling with heating bills in the winter and cooling bills in the summer.

This would, again, in my view, create a terrible precedent. We have over the last several weeks in this Chamber supported funding of LIHEAP, not on an emergency basis, but on a full authorization basis of \$5.1 billion. We did it last evening. Unfortunately, because of procedural obstacles, we needed 60 votes. Last evening, a majority of this Senate voted to increase LIHEAP funding to \$5.1 billion, offsetting it by a temporary windfall profits tax. Previously, even a larger majority of the Senate voted simply to appropriate \$5.1 billion. Today we are on this floor saying not only are we not talking about \$5.1 billion, we are talking about the regular formula money in the regular program suddenly is an emergency. That is not the emergency funding that LIHEAP sometimes gets. This funding supports year in and year out the needs of people who we know have low income. They are seniors, they are disabled, and they are low-income working families, and they will anticipate heating and cooling bills. There is no emergency here.

One of the real problems is, because we call it an emergency, no funds can be disbursed until the President declares an emergency. When will that declaration take place? Will it take place in August so these community action agencies can start requesting applications, processing applications, or will it take place in October or November or January? If it does, then this is going to cause chaos.

We were looking weeks ago at the chaos caused in the wake of Katrina because Federal programs were not realistically grounded in what was happening. This policy is going to throw a monkey wrench into the normal operations of the LIHEAP program.

It also sends a terrible signal, if it is adopted, because we are saying that no longer do we have a regular program committed to helping poor people—seniors, the disabled—with their heating and cooling bills. What we have is something that may or may not exist every year.

I know people will stand up and say, Oh, come on, the reality is they are going to have to declare it this year as an emergency. I do not entirely agree. But more importantly, when next year we are looking, under excruciating budget pressure, for additional resources, there will be the susceptibility to taking this approach, saying we will use this gimmick again. I suspect the administration—I am not the expert in budgets, but I expect the administra-

tion will say: This is a great deal they have handed us. We can send up the programs we like in the regular budget and say all of this LIHEAP is just emergency.

I am terribly concerned about this. Again, we have spent the last several weeks in this body, on a bipartisan basis, a majority of our colleagues saying not only is this not an emergency program, this is a program that should be funded even more than \$2.1 billion.

So I must express my deep opposition to this proposal. I immensely respect Senator HARKIN and Senator SPECTER. I know they are laboring under excruciating budget constraints that are squeezing out money for programs that are necessary for America's families, America's children, America's health care, America's future. But in this desperate moment, it is not a time to undercut a program that serves every State in this country well and serves people who need help, particularly as this winter approaches. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, first, I thank my colleague from Rhode Island for pointing this out. I cannot find anything about which I disagree with him. I think he is right. This is not the way to do business, normally.

These are not normal times, however. We have a small space in which we might be able to get something done, and we have to take advantage of it. I say to my friend from Rhode Island, I think it is instructive for all of us that there is only one appropriations bill cut from last year's level—one. Not Commerce, State, Justice, not Transportation, not the Housing and Urban Development, not all of the rest—only one appropriations was cut. Guess what it deals with: health; human services; education; labor. That has been cut. What kind of message are we sending to Americans?

We had a vote on whether to continue the Community Services Block Grant program at last year's level. I pointed out a week and a half ago, 58 Senators signed a letter—please keep it at last year's levels. A week and a half ago they vote to cut it, in some cases 75 percent. That is why I put the letter in the RECORD right after the vote. I want people to see the vote and read the letter and see how people signed the letter and then how they voted. It is one thing to sign the letter around here and I guess another thing to vote.

I guess what I am expressing is this is a terrible appropriations bill that we have for the needs of the American people, for education, basic structure of health care and public health, for NIH, for basic medical research. This is the first time since 1970 that we have flat-lined funding for the National Institutes of Health—35 years. That is the bill that Senator SPECTER and I are faced with.

What we are trying to do is find some way of getting some money for health,

trauma care, rural emergencies—rural emergency medical services was completely eliminated—health community access program, community health centers—we will not be able to open one new community health center next year under the bill that we go to conference with. No Child Left Behind is underfunded; Pell grants are kept at the same level for the fourth year in a row. For kids with disabilities, IDEA, we are going backward. How many times have we heard, on both sides of the aisle, Republicans and Democrats get out here and say we have to fully fund IDEA. This bill actually goes backward, from 18.6 percent to 18 percent.

That is why Senator SPECTER and I decided to take this step of having a motion to instruct the conferees to take the slightly less than \$2.1 billion in LIHEAP and designate it as an emergency for this one time only in order for us to get to conference, to put pressure on the House to come up with some more money.

I am not saying this will stay as an emergency in the final bill. My hope is we will be able to find the money and come up with something so it does not. But if it does, it is only for 1 year. I tell my friend from Rhode Island, I will do everything I can, everything humanly possible in the Senate to ensure that when it comes up next year, we do not have it as an emergency, that we get a better budget allocation.

But again I have to say I do not want anybody around here hiding behind the skirts of the Budget Committee. They say the reason we got a bad bill, the reason our bill, the one that funds Health and Human Services and Education and Labor—the reason it is cut is because the Budget Committee gave us a bad budget.

Fine. But did you vote for it? Did you vote for the budget? If you voted for the budget, you own this bill. Don't hide behind the skirts of the Budget Committee. If you voted for the budget, you own it. You bought it. So anyone who voted for the budget, this is what you got.

I share a little frustration on this, also, as you can probably tell. But I think in this one case we desperately, drastically need to meet the human needs of the people of our country. We are up against almost an intransigent House and an administration I think, quite frankly, that does not care. If they cared, they wouldn't be treating us like this. To them, this is nothing. Community action agencies, LIHEAP? That is just poor people. They don't count because they probably don't vote anyway, and they certainly don't contribute any money, so therefore why even pay attention to them.

I share the frustration of my friend from Rhode Island. Normally, this would not be the way to do it, but as I said, this is an abnormal situation in which we find ourselves. If we have to, as a one-shot deal, push this into the emergency column so we can help kids

with disabilities, if we can help getting more health care up for rural emergency medical services, if we can help with Head Start, if we can help with community health centers—then, for one time, I think we ought to do it. That is why I support the Specter motion to instruct the conferees to put LIHEAP on an emergency basis for this one time only.

With that, I yield the floor. I think I had 7 minutes, if I am not mistaken?

The PRESIDING OFFICER. The Senator has consumed his time.

Mr. HARKIN. I yield the floor then.

The PRESIDING OFFICER. Who yields time?

Mr. REED. Mr. President, how much time do I have?

The PRESIDING OFFICER. There remains 5 minutes 42 seconds for the Senator from Rhode Island. Who yields time? Time will be charged proportionately against all Senators controlling time.

The Senator from Arizona.

Mr. McCAIN. I understand, under the unanimous consent agreement, there are Senators who have been given time prior to the vote. I ask those Senators to come over. Otherwise, under the rules of the Senate, the time is running as we speak.

The PRESIDING OFFICER. The Senator is correct.

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

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Parliamentary inquiry: Can the Chair state how much time is remaining on all sides?

The PRESIDING OFFICER. The Chair will attempt to determine that number.

At the outset of the subtraction of the proportional time, the Senator from Rhode Island controlled 5 minutes 42 seconds; the Senators from Mississippi and Pennsylvania each controlled 5 minutes; approximately 4 minutes have been consumed, of which 2 will be charged against the Senator from Rhode Island and 1 each to the Senators from Pennsylvania and Mississippi. And the clock continues to run.

The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that I be given 2 minutes prior to the completion of the time so I could respond to the comments of the Senator from Pennsylvania and Senator HARKIN. I think it appropriate that I be able to respond to his comments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, the appropriations bill on Labor, Health, Human Services and Education, in my judgment, as I have said repeatedly, is vastly underfunded. The Senate passed a bill within the context of our allocation. Working with my colleague, Senator HARKIN, and our very energetic and devoted staff, we did the very best

we could with the limited funding. But there simply wasn't enough money to do the job.

Health is our major capital asset. Without health, we can't function. Education is our major capital asset for the future, to give opportunity for labor and worker training.

We made the allocations as best we could, but the bill was underfunded. I made an effort, joined by Senator HARKIN and by the subcommittee, to put LIHEAP in an emergency classification for \$2.83 billion.

I said in the conference that it would enable us to improve the bill—not where it ought to be but improve it substantially.

I conferred with Chairman REGULA and considered the projects—or so-called earmarks—which are \$1 billion, where, as a matter of longstanding tradition, the Members in both the House and Senate, Democrats and Republicans, are enabled with an allocation to make designations within their districts or States because we know more about our States and our districts than, in many instances, do the officials who run the bureaucracy of the U.S. Government.

I said if we could not get the \$2.83 billion emergency declaration for LIHEAP that it was going to be my position that we ought not to include the earmarks for the projects. When we could not get that emergency declaration, we struck the earmarked projects.

That was a very tough decision. We are paid to make tough decisions around here. I can't think of one in the time I have been here more disappointing to a lot of people in America who are relying on these projects. Although, the \$1 billion spread around the country, here and there, is not un-substantial—a lot of people were disappointed. Many Members were disappointed that the traditional allocations were not made.

It is my hope that we can put the \$2.83 billion into LIHEAP. We are facing a drastic situation with fuel costs, as we all know, and as significantly occasioned by Hurricane Katrina, which is an emergency. If there ever was a clear-cut emergency, it is what the consequences of Hurricane Katrina are. The fuel costs are a direct result of that. This is a classical, quintessential emergency.

I think we have the 51 votes to pass it here in the Senate. The difficulty is going to be in getting our House colleagues to agree to it.

But I hope we work our way out of this morass and impasse with approval of this resolution and ultimate approval by both bodies.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I respect immensely the Senator from Pennsylvania and the Senator from Iowa who tried to take a budget that is inadequate and fulfill many programs. But

I strenuously object to the classification of LIHEAP in this way as an emergency program.

There are two components of LIHEAP. This is a program that has been appropriated for years and years and has built up a locked-in structure in every State to go ahead and solicit applications and to process the applications. They have to have some sense that this program is going to be in place, not depending upon our Presidential emergency declaration at some time in the year.

There is another component which is emergency. That is additional funds. But we are creating bad policy and bad precedent.

There are a number of programs in this Labor-HHS bill that could also be declared emergencies.

We have a children's vaccination program that provides vaccines. The States have offices that have to deal with it. They have to predictably know they are going to have these funds.

This is bad policy and bad precedent. It is being forced because the budget is inaccurate. I think it is a desperate moment to do this. It would send a terrible signal to people throughout this country and State and local community agencies that are dedicated to this program that they can no longer depend upon the formula for LIHEAP funds which they have been now for almost 20 years.

I hope my colleagues will reject this proposal.

I yield the floor.

MOTION TO INSTRUCT CONFEREES

Mr. DURBIN. Mr. President, I ask unanimous consent that the pending motion be set aside and that I may be permitted to file a motion at the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

Mr. DURBIN moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the bill H.R. 3010 (making appropriations for the Departments of Labor, Health, and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes) be instructed to insist on retaining the Senate-passed provisions relating to funding for the National Institutes of Health.

Mr. DURBIN. Mr. President, what I am doing with this motion is making a statement of policy that I think most American families would support. It is this:

In this troubled time, when we are having difficulties with our budget, the one area we absolutely must protect is medical research at the National Institutes of Health.

Over the last 10 years or more, we have made a concerted effort in America to invest more money in medical research, to ultimately double the amount of money going into medical research. It is a heroic effort, and it is the right thing to do under Presidents of both political parties because we un-

derstand how vulnerable each and every one of us and every member of our family could be with one diagnosis from a doctor.

I salute the chairman of the committee, Senator SPECTER, and Ranking Member HARKIN of Iowa. I can't find any stronger advocates for medical research than these two Senators.

The bill that we are considering that came to us from conference is a bill which turns its back on all the progress we have made by putting money into medical research. Unfortunately, this bill would result in our funding the National Institutes of Health at a level inconsistent with the pattern of growth that we have seen over the last several years.

Let me be as specific as I can. I have heard from people across Illinois about how important medical research is to them and their families. My family knows that, and the families of everyone watching know it, too.

Eight-year-old Claire Livingston, who is living with type II diabetes, came by my office. More and more children are affected by diabetes. Claire checks her blood glucose level several times a day and adjusts her medication, her diet, her activity levels. She is bright and happy. Her mother wakes her up in the middle of the night to make sure she is going to be alive in the morning.

That is the reality. They only ask one thing of me. Please make sure that we continue the research into diabetes at the National Institutes of Health.

Autism: Are you aware of the fact that 1 out of every 165 children in America now suffers from autism? I don't know why. We are not certain why.

Do we want to stop asking the important questions? You know the struggle these children go through and their families go through to cope with their terrible disease. Why in the world would we step away from medical research funding in this area?

The autism research NIH supports is looking at biological factors that cause autism but also looking at interventions—what works and what doesn't work. We owe it to the NIH to allow them to continue their work. The list goes on and on.

Members of the Senate and the House are visited on a regular basis by individuals and families who are suffering from diseases and maladies. They ask us to do something, please—whether it is cancer or heart research or diabetes or asthma. Please make sure the funding levels continue.

NIH-supported research into muscular dystrophy is promising. Children are living longer. We cannot back off. We cannot lose sight of the enormous role that NIH research plays in the discovery of treatments and cures for the life-threatening illnesses that afflict millions of Americans each year—such as heart disease, cancer, and stroke.

NIH research grants have moved us to the forefront of the world's sci-

entific community. We take a backseat to no one when it comes to medical research. If we pass budgets such as the ones sent to us by the NIH, we will be weakening our commitment.

The bill the House rejected just yesterday includes only a \$150 million increase in National Institutes of Health funding, the lowest increase in 36 years. You say to yourself, well, \$150 million more in these times cannot hurt. Considering the rate of biomedical inflation, what it costs to do research, this increase represents a cut in funding. Assuming no change in committed resources, it means there will be 505 fewer research projects next year at the National Institutes of Health than there were this year.

Could one of those important projects, projects that have been carefully evaluated, be that critical project for you, your family, your children, or someone you love? If it is, is this not a false economy, to cut this budget at this moment in our history? Can we really afford to shortchange our Nation's premier research institution when illnesses such as heart disease and stroke continue to be leading causes of death? When so many people are afflicted with so many forms of cancer? These diseases will cost our country \$394 billion in medical expenses and lost productivity in this year alone.

In simple dollar terms, the amount of money we are alleging we will save by cutting medical research just means more people afflicted with disease, more medical expenses for them and for our Nation.

Increased investment in NIH research can yield extraordinary breakthroughs. We can maintain our leadership role in the world in medical research. We can further the missions we have started at the National Institutes of Health. We need to significantly increase medical research funding, not back off. We need to support our Nation's researchers. They need to know we stand behind them. These men and women working in the laboratories, as I stand and speak in the Senate, need to know this budget process is not going to move from left to right and up and down. They need to know there is continuity and commitment from our Government so they can dedicate their lives to this important work.

I urge my colleagues to join me in charging the conferees to retain the Senate language, which increases the budget of the National Institutes of Health by \$1 billion. A billion could not be better spent in this economy. Any who have had the misfortune of learning of a serious illness in the family say a little prayer to God, then try to find the best doctor and hospital we can find. We walk into that doctor's office, frightened with what we are about to hear, hoping that doctor will say there is something we can do. If the doctor says they are not quite there yet, this illness that we are concerned about is one that they do not have a

grip on yet, we pray to God that someone somewhere in a laboratory connected with medical research is trying to find that cure to save that person we love so much.

Unlike most people who can just pray for that outcome, we can do something about it in the Senate. We can say that a national priority will be medical research come hell or high water. We can say that we are not going to back out of a 36-year commitment to increase the funding for the National Institutes of Health.

Some will argue there are higher priorities. There are some who believe tax cuts for wealthy Americans are much more important than dealing with medical research. Those ranks do not include this Senator. I believe medical research should be the highest priority. It has no partisan side to it. Republican and Democrats, people who do not vote, we all get sick. We all pray there will be a commitment by this Senate and by this Nation for premier medical research to find cures for those illnesses.

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

The PRESIDING OFFICER (Mr. THUNE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DURBIN. I yield back all remaining time.

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

Mr. DURBIN. I ask for the yeas and nays on the pending motions.

The PRESIDING OFFICER. Is there objection to requesting the yeas and nays on two motions concurrently?

Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Parliamentary inquiry: Do I have 5 minutes on the Durbin motion?

The PRESIDING OFFICER. The time was just yielded back.

Mr. SPECTER. The time was yielded back?

Senator DURBIN did not have the authority to yield back my time.

I understand he did not have that authority. I am obliged it was not Senator DURBIN. It was unnamed conspirators that I will deal with later.

I support the amendment of the Senator from Illinois to reinstate the Senate mark on the National Institutes of Health because the money is needed. When you take in the inflation factor, NIH will be funded at a lower rate this year than last year.

The Senate has taken the lead, initiated by Senator HARKIN and myself and our subcommittee, the full Committee of Appropriations, to more than double NIH funding from \$12 billion to \$28 billion. The results have been remarkable.

We are on the vanguard of enormous advances on some classifications of cancer, on the research on many maladies which confront America.

It is something of sharper focus this year to me than in the past, although I have steadfastly supported NIH during my entire tenure in the Senate. This is a modest addition. I believe this Senate will instruct the conferees, and we will have more than 50 votes. The difficult part is getting it done in conjunction with the House. It is a good amendment. I urge my colleagues to support it.

I yield the floor and yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion made by the Senator from Pennsylvania.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Nevada (Mr. ENSIGN).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUE), the Senator from Nebraska (Mr. NELSON), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

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

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

The result was announced—yeas 66, nays 28, as follows:

[Rollcall Vote No. 349 Leg.]

YEAS—66

Akaka	Dorgan	Mikulski
Baucus	Durbin	Murkowski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Bingaman	Frist	Obama
Bond	Grassley	Reid
Boxer	Hagel	Rockefeller
Burns	Harkin	Salazar
Burr	Hatch	Santorum
Byrd	Hutchison	Sarbanes
Cantwell	Jeffords	Schumer
Clinton	Johnson	Shelby
Coburn	Kennedy	Smith
Cochran	Kerry	Snowe
Coleman	Kohl	Specter
Collins	Landrieu	Stevens
Conrad	Lautenberg	Sununu
Dayton	Leahy	Talent
DeWine	Levin	Thune
Dodd	Lieberman	Voinovich
Dole	Lugar	Warner
Domenici	Martinez	Wyden

NAYS—28

Alexander	Crapo	McCain
Allard	DeMint	McConnell
Allen	Enzi	Pryor
Brownback	Graham	Reed
Bunning	Gregg	Roberts
Carper	Inhofe	Sessions
Chafee	Isakson	Thomas
Chambliss	Kyl	Vitter
Cornyn	Lincoln	
Craig	Lott	

NOT VOTING—6

Biden	Ensign	Nelson (NE)
Corzine	Inouye	Stabenow

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion was agreed to and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion to instruct offered by the Senator from Illinois.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Nevada (Mr. ENSIGN).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUE), the Senator from Nebraska (Mr. NELSON), the Senator from Michigan (Ms. STABENOW), are necessarily absent. I further announce that, if present and voting, the Senator from Nebraska (Mr. NELSON) and the Senator from Michigan (Ms. STABENOW) would each vote "yea."

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

The result was announced—yeas 58, nays 36, as follows:

[Rollcall Vote No. 350 Leg.]

YEAS—58

Akaka	Dodd	Mikulski
Alexander	Dorgan	Murray
Allen	Durbin	Nelson (FL)
Baucus	Feingold	Obama
Bayh	Feinstein	Pryor
Bingaman	Harkin	Reed
Boxer	Hutchison	Reid
Burr	Isakson	Roberts
Byrd	Jeffords	Rockefeller
Cantwell	Johnson	Salazar
Clinton	Carper	Sarbanes
Coburn	Chafee	Schumer
Cochran	Chambliss	Smith
Coleman	Clinton	Smith
Collins	Landrieu	Snowe
Conrad	Lautenberg	Specter
Dayton	Leahy	
DeWine	Levin	
Dodd	Lieberman	
Dole	Lugar	
Domenici	Martinez	

NAYS—36

Allard	Domenici	McCain
Bennett	Enzi	McConnell
Bond	Frist	Murkowski
Brownback	Graham	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Coburn	Hagel	Stevens
Cochran	Hatch	Sununu
Coleman	Craig	Thomas
Collins	Inhofe	Thune
Conrad	Crapo	Vitter
Dayton	Kyl	
DeWine	DeMint	
Dodd	Lott	
Dole	Martinez	

NOT VOTING—6

Biden	Ensign	Nelson (NE)
Corzine	Inouye	Stabenow

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Chair appoints Mr. SPECTER, Mr. COCHRAN, Mr. GREGG, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, Mr. DEWINE, Mr. SHELBY, Mr.

DOMENICI, Mr. HARKIN, Mr. INOUYE, Mr. REID, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, Mr. DURBIN, and Mr. BYRD conferees on the part of the Senate.

The Senator from Idaho.

MORNING BUSINESS

Mr. CRAIG. 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 (Mr. MARTINEZ). Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that I be able to proceed for 10 minutes, to be followed by the Senator from Massachusetts, Mr. KERRY, for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho is recognized.

ENERGY CONSERVATION

Mr. CRAIG. Mr. President, for the last several weeks, those of us who serve on the Subcommittee on Health and Human Services have been trying to find adequate resources amongst other resources to fund LIHEAP, the money necessary to help low-income families provide for their comfort this winter. I thought it would be an appropriate time to talk about that for a little bit because I think Americans need to understand they are not without power to do a few simple things over the course of the next several months of this winter to help themselves as it relates to the heating of their own homes.

Americans spend more than \$160 billion—that is right, \$160 billion—a year on heat, cooling, lights, and living in their homes. That is an awful lot of money. If most Americans are like I am, I would like to know how I can bring that number down a little bit, how I might be able to tighten my belt a little or my family's budget a little bit during this time of extremely high-priced energy.

We hear about record natural gas prices and 30- and 40- and 50-percent increases in heating bills this winter for those who heat with natural gas. We know those who heat with home heating oil in the Northeast are going to pay substantially more. In the West and in the pipelines of the West on which my home is connected, where there is more gas, we are still going to be paying 25 or 30 percent more.

What might we do about it? Let me suggest a couple of things.

Do you know that if you lower your home heating thermostat by 2 degrees—by 2 degrees—for every degree you lower it, you save 1 percent on your heating bill. We were told by experts recently who were testifying before the Energy and Natural Resources Committee, if every American did that this winter, by spring, we could potentially have a surplus in natural gas in

the lower 48, and that in itself would drive prices down. Americans have power to help themselves if they simply would turn their thermostats down by 2 degrees.

I am not going to do a “Jimmy Carter” on you by saying put on a sweater, but if you did turn your home heating thermostat down by 2 degrees and if you did put on a sweater and if you are a couple living by yourself in a large home and you turn off the radiators in some of your bedrooms that you are not using and close the doors, there could literally be a dramatic savings across this country.

If you want to change your gas price experience at the pump, instead of driving 70 and 75 or 80 miles per hour on the freeway, why don't you go back to 60 or 65? And if you turned it down and slowed it down, oil consumption could drop in a day—a day—in this country by 1 million barrels of consumption. That is the power of the American consumer if the American consumer wants to do something about it instead of pointing fingers and blaming—and there is plenty of that going around, and we deserve to take some of it. The consumer is not without power.

Let me suggest this in my time remaining. Senator BINGAMAN and I would like to help in that effort. So we are going to provide conservation packages, packets of information to our colleagues' offices that they can send out in their letters to their constituents advising and assisting in this kind of conservation effort. We hope you do it. If every Senator and all Senate staffs turn off their computers when they go home at night—shut them down, hit the off switch, turn out the lights in your office. If that were done across America today, heating bills and energy bills would drop precipitously.

But we are in this mode of everything on, all the lights on, the thermostat turned up because we are still living in the memory of surplus and inexpensive energy. That memory is gone. The reality is that the world has changed significantly, and while we scramble to catch up and provide increased availability of supply in the market—and that is what we are doing and that is what the national energy policy passed in August is attempting to do—while that is happening, you know what we can do: We can help ourselves.

So once again I say to America, turn your thermostat down a few degrees, put on a sweater, shut portions of your house down and take literally tens, if not hundreds, of dollars off your heating bill in the course of a winter. If we do it collectively across America, by spring, natural gas prices could be down dramatically, and we would not see the kind of job loss that is occurring today in the chemical industry as large manufacturing plants are shut down simply because they cannot afford the price of natural gas, and they are moving elsewhere in the world to produce their product.

We are building pipelines, we are drilling for more natural gas out West and in the overthrust belts than we ever have before, and there are trillions of cubic feet available out there if we can get to it. We are making every effort to, and this administration is doing just that. In the interim, in the reality of a cold winter, America, you can help yourself. America, you can drive a little slower, you can turn your thermostats down, and if we were all to do that collectively, it would have a dramatic impact on the marketplace and on consumption.

Does it have to be mandated by law? Need there be a law to tell you that you can save a little money by those actions? I would hope not. I would hope that the wisdom of the pocketbook would suggest that we be prudent as to a procedure to follow.

Senator BINGAMAN and I are going to supply packets to the offices of our colleagues. We hope our colleagues will pass those on. We hope our colleagues might take the time to do a public service announcement over the course of the next month, talking to their folks at home about the opportunity and what is available. I think it is appropriate, and I think it is the right thing to do.

Senator BINGAMAN and I have coalesced with industry to see if they cannot collectively begin to produce a greater message of clarity about the opportunity in the marketplace to conserve and to save and, in so doing, to lower the overall cost of energy and its impact upon the American economy.

Want to give yourself a Christmas gift? Put on a sweater and turn the thermostat down 2 degrees.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent I be permitted to proceed for such time as I may consume in order to finish my statement. It will not be much more than 10 minutes.

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

Mr. KERRY. Subsequently, I ask unanimous consent that the Senator from Arizona, Mr. KYL, be recognized to speak after me.

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

JACK MURTHA, AN AMERICAN PATRIOT

Mr. KERRY. Mr. President, yesterday, as all of us know, JACK MURTHA, one of the most respected Congressmen on military affairs, one of the most respected Congressmen on national security issues, a former marine drill sergeant and a decorated Vietnam veteran, spoke out on our policy in Iraq. Whether one agrees or disagrees with Congressman MURTHA is not the point. He did not come to this moment lightly. Any one of us who knows Congressman MURTHA or anybody who has