

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

Mr. VOINOVICH. Mr. President, I rise today to urge my colleagues to vote to confirm Michael R. Barrett, whom the President has nominated to serve on the U.S. District Court for the Southern District of Ohio.

Mr. Barrett has a distinguished and impressive record as a prosecutor, a defense attorney, and a community leader, and he has deep roots in southwest Ohio.

Mr. Barrett is a graduate of the University of Cincinnati, where he obtained his bachelor of arts in 1974, and his law degree in 1977. After graduating from law school, Mr. Barrett served as an administrative hearing officer for the State of Ohio and then joined the Hamilton County prosecutor's office as an assistant prosecuting attorney. When he joined the prosecutor's office, Mr. Barrett was assigned to the Felony Trial Division, where he participated in investigations, grand jury proceedings, and felony trials. In 1983, Mr. Barrett was promoted to be a chief assistant of the Felony Trial Division.

In 1984, Mr. Barrett joined Graydon, Head & Ritchey, where he worked on both criminal and civil matters, initially as an associate before being promoted to partner. In 1995, he joined his current firm, Barrett & Weber, where he has continued to practice in the same areas of law.

Mr. Barrett's law practice includes criminal defense work covering the spectrum of the Criminal Code. In addition, Mr. Barrett maintains an active civil litigation practice including recent securities law matters in which he has represented individual plaintiffs as well as the attorney general's office for the State of Ohio. His practice has earned him several listings in "Best Lawyers in America" and "Ohio Super Lawyers." In addition, Mr. Barrett has received the Outstanding Service Award as a Mediator from the U.S. District Court for the Southern District of Ohio. In sum, Mr. Barrett has the broad courtroom experience that will serve him well as a federal judge.

Mr. Barrett has also served on the Supreme Court of Ohio's Board of Commissioners on Grievances and Discipline, which evidences the high esteem in which members of the Ohio bar hold him and is testimony of his excellent character.

As a result of Mr. Barrett's fine academic and professional achievements, I am not surprised that the American Bar Association found Mr. Barrett qualified to serve as a Federal district court judge.

Mr. Barrett's legal credentials are not the only reasons I support his nomination. In an age where I believe too many people do not take the time to become active members of their communities, Mr. Barrett has been a community leader. Some of Mr. Barrett's community activities include his current service on the board of trustees of Talbert House, a Cincinnati-area social

service organization; his current service as a director of Boys Hope/Girls Hope of Cincinnati, an organization designed to provide an array of services for at-risk children; and his past service as a trustee of Children's Services of Hamilton County. When I was Governor of Ohio, I was pleased to appoint Mr. Barrett to the board of trustees of the University of Cincinnati. He served 9 years on the board of trustees, including a period as chairman.

Involvement in one's community is important. We need judges who not only have exceptional legal skills but who also recognize how the law impacts individuals and communities. I believe Mr. Barrett has this understanding because he is out in his community every day.

In reviewing Mr. Barrett's academic and professional record, it is clear that he is well qualified to serve as a Federal district court judge on the U.S. District Court for the Southern District of Ohio, and I urge my colleagues to support his nomination.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Michael Ryan Barrett, of Ohio, to be United States District Judge for the Southern District of Ohio? 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 North Carolina (Mr. BURR), the Senator from South Carolina (Mr. GRAHAM), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. HARKIN), the Senator from Wisconsin (Mr. KOHL), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mrs. LINCOLN) are absent due to death in family.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mrs. LINCOLN) would each vote "yea."

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the chamber desiring to Vote?

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 102 Ex.]

YEAS—90

Akaka	Bayh	Brownback
Alexander	Bennett	Bunning
Allard	Bingaman	Burns
Allen	Bond	Byrd
Baucus	Boxer	Cantwell

Carper	Grassley	Murray
Chafee	Gregg	Nelson (FL)
Chambliss	Hagel	Nelson (NE)
Clinton	Hatch	Obama
Coburn	Hutchison	Pryor
Cochran	Inhofe	Reed
Coleman	Inouye	Reid
Collins	Isakson	Roberts
Conrad	Jeffords	Salazar
Cornyn	Johnson	Sarbanes
Craig	Kennedy	Schumer
Crapo	Kyl	Shelby
Dayton	Landrieu	Smith
DeMint	Lautenberg	Snowe
DeWine	Leahy	Specter
Dodd	Levin	Stabenow
Dole	Lieberman	Stevens
Domenici	Lott	Sununu
Dorgan	Lugar	Talent
Durbin	Martinez	Thomas
Ensign	McCain	Thune
Enzi	McConnell	Vitter
Feingold	Menendez	Voinovich
Feinstein	Mikulski	Warner
Frist	Murkowski	Wyden

NOT VOTING—10

Biden	Kerry	Santorum
Burr	Kohl	Sessions
Graham	Lincoln	
Harkin	Rockefeller	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

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

The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes.

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

TRIBUTE TO PHIL WALDEN

Mr. CHAMBLISS. Mr. President, I rise today to talk about an individual who is a native of my State and probably is not well known to Members of this body. He was involved in an industry for which all of us have a great appreciation. The name of the gentleman is Phil Walden.

About 40-plus years ago, when I was at the University of Georgia, I had a college roommate who was responsible for booking bands for a number of fraternities, sororities, and whatnot at the University of Georgia. He came into contact with a man named Phil Walden. I got to know Phil through my roommate Mike Brody.

Phil Walden was an unusual individual. After graduating from Mercy University in 1962 in Macon, GA, he became a full-time professional promoter of bands. During his college days, he teamed up with an individual from Macon, GA, who became a superstar. That superstar's name was Otis Redding.

Phil Walden found Otis Redding at a nightclub in Macon, GA, and made him a rich and famous person in the music industry. Otis Redding was the heart and soul of soul music for a number of years. Unfortunately, Otis Redding

died in a plane crash in 1967, and a lot of Phil Walden's hopes and dreams died with him.

But Phil Walden didn't stop with just rhythm and blues bands. About the time that Otis Redding's plane went down, Phil Walden founded Capricorn Records and found another band in Macon, GA, called the Allman Brothers. He then promoted the Allman Brothers into superstar status, and the Allman Brothers became the heart and soul of southern rock and roll music.

Phil Walden hit hard times when heavy rock and roll hit hard times. Unfortunately, Duane Allman was killed in a motorcycle accident in 1971. Another star member of the band, Barry Oakley, was killed shortly thereafter. The Allman Brothers hit on hard times, and so did Phil Walden. He had problems with abuse and use of alcohol and drugs, like so many folks in the music industry.

Phil Walden hit a low point in his life, but Phil Walden rebounded from that, just like the music industry he knew and loved so well. He moved to Nashville and stayed for a time in Nashville.

While he was in Nashville, he discovered another band in Athens, GA, called Widespread Panic. They are a little beyond my generation, but my son has been to a number of Widespread Panic concerts around the Southeast, and I venture to say that the children of a lot of our Members likewise, if you mention Widespread Panic to them, their eyes light up.

Phil Walden was the kind of man who had the ability to bounce back, and he did so. He was an icon in his industry. He represented, I noticed in looking at the various obituaries, a number of folks, frankly, I did not know he represented in all the years I knew Phil. Here are several of the bands and acts Phil Walden either managed at Capricorn Records or promoted otherwise: I mentioned Otis Redding and the Allman Brothers, Percy Sledge, Boz Skaggs, the Charlie Daniels Band, the Marshall Tucker Band, Wet Willie, Kenny Chesney, 311, Cake, Lynyrd Skynyrd, Hank Williams, Jr., Billy Joe Shaver, and Stillwater.

Phil Walden hit on hard medical times also in recent years. Last Sunday, Phil lost his battle with cancer and, unfortunately, passed away. He had a burial last Thursday in Macon, GA, at Rose Hill Cemetery, where he was laid to rest in the same cemetery as Duane Allman and Barry Oakley.

Phil Walden was truly an unusual person in the music industry. In the 1960s, he took a Black man in Otis Redding, brought him to a White university, White universities all across the Southeast, without any major incidents whatsoever, and that was significantly unusual. As Peter Conlin, a promoter and longtime friend of Phil Walden, said:

If you look at a white guy from the south in the '60s trying to promote a black singer, that was a brave thing to do.

And it truly was. Phil Walden did it with class, he did it with style, and he did it with success. Phil Walden then took the Allman Brothers and did it with style, did it with class, did it with success. He was a true dream story, a true story of the American dream in the music industry. He is someone the music industry is going to miss.

Phil certainly lived an interesting life, and his wife Peggy, who stood by his side for so many years, deserves a lot of credit for the success Phil had, both in the music industry as well as in bringing his life back together. We are all going to miss Phil Walden.

I yield the floor, Mr. President.

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

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

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006—Continued

AMENDMENT NO. 3597

Mr. COCHRAN. Mr. President, there are several amendments that have been cleared on both sides of the aisle.

I call up amendment No. 3597 on behalf of Senator LUGAR and others regarding the State Department personnel in Iraq and Afghanistan.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. LUGAR, for himself, Mr. WARNER, Mr. CHAFEE, and Mr. ALLEN, proposes an amendment numbered 3597.

Mr. COCHRAN. 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 as follows:

(Purpose: To provide certain authorities necessary to carry out foreign policy objectives in Iraq and Afghanistan)

On page 90, between lines 10 and 11, insert the following:

SEC. 1202. DEPARTMENT OF STATE AND USAID AUTHORITIES.

(a) WAIVER OF ANNUITY LIMITATIONS ON REEMPLOYED FOREIGN SERVICE ANNUITANTS.—Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended to read as follows:

“(g)(1) The Secretary of State may waive the application of subsections (a) through (d) on a case-by-case basis for an annuitant reemployed on a temporary basis, or grant authority to the head of an Executive agency to waive the application of subsections (a) through (d) on a case-by-case basis for an annuitant reemployed on a temporary basis—

“(A) if, and for so long as, such waiver is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances; or

“(B) if the annuitant is employed in a position for which there is exceptional difficulty in recruiting or retaining a qualified employee.

“(2) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to subparagraph (B) of paragraph (1), or to grant authority to the head of an Executive agency to waive the application of such subsections to an annuitant under subparagraphs (A) or (B) of such paragraph, shall terminate on October 1, 2008. An annuitant reemployed pursuant to such authority prior to such termination date may be employed for a period ending not later than one year after such date.

“(3) The Secretary should prescribe procedures for the exercise of any authority under paragraph (1), including criteria for any exercise of authority and procedures for a delegation of authority.”.

(b) WAIVER OF ANNUITY LIMITATIONS ON REEMPLOYED CIVIL SERVICE ANNUITANTS.—

(1) DEPARTMENT OF STATE.—Title I of the Department of State Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

“SEC. 61. REEMPLOYMENT OF ANNUITANTS UNDER THE CIVIL SERVICE RETIREMENT SYSTEM AND FEDERAL EMPLOYEES' RETIREMENT SYSTEM.

“(a) AUTHORITY.—

“(1) IN GENERAL.—The Secretary of State may waive the application of the provisions of section 8344 or 8468 of title 5, United States Code, on a case-by-case basis for employment of an annuitant in a position in the Department of State for which there is exceptional difficulty in recruiting or retaining a qualified employee, or when a temporary emergency hiring need exists.

“(2) TERMINATION OF AUTHORITY.—The authority of the Secretary under paragraph (1) shall terminate on October 1, 2008. An annuitant reemployed pursuant to such authority prior to such termination date may be employed for a period ending not later than one year after such date.

“(b) PROCEDURES.—The Secretary should prescribe procedures for the exercise of any authority under subsection (a), including criteria for any exercise of authority and procedures for a delegation of authority.

“(c) ANNUITANTS NOT TREATED AS EMPLOYEES FOR PURPOSES OF RETIREMENT BENEFITS.—An employee for whom a waiver under this section is in effect shall not be considered an employee for purposes of subchapter III of chapter 83, or chapter 84 of title 5, United States Code.”.

(2) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—Section 625 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended by adding at the end the following new subsection:

“(j)(1)(A) The Administrator of the United States Agency for International Development may waive the application of the provisions of section 8344 or 8468 of title 5, United States Code, on a case-by-case basis for employment of an annuitant in a position in the United States Agency for International Development for which there is exceptional difficulty in recruiting or retaining a qualified employee, or when a temporary emergency hiring need exists.

“(B) The authority of the Administrator under subparagraph (A) shall terminate on October 1, 2008. An annuitant reemployed pursuant to such authority prior to such termination date may be employed for a period ending not later than one year after such date.

“(2) The Administrator should prescribe procedures for the exercise of any authority under this subsection, including criteria for any exercise of authority and procedures for a delegation of authority.