

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	Coburn	Feinstein
Alexander	Cochran	Frist
Allard	Coleman	Grassley
Allen	Collins	Gregg
Baucus	Conrad	Hagel
Bayh	Cornyn	Hatch
Bennett	Craig	Hutchison
Bingaman	Crapo	Inhofe
Bond	Dayton	Inouye
Boxer	DeMint	Isakson
Brownback	DeWine	Jeffords
Bunning	Dodd	Johnson
Burns	Dole	Kennedy
Byrd	Domenici	Kyl
Cantwell	Dorgan	Landrieu
Carper	Durbin	Lautenberg
Chafee	Ensign	Leahy
Chambliss	Enzi	Levin
Clinton	Feingold	Lieberman

Lott	Obama	Specter
Lugar	Pryor	Stabenow
Martinez	Reed	Stevens
McCain	Reid	Sununu
McConnell	Roberts	Talent
Menendez	Salazar	Thomas
Mikulski	Sarbanes	Thune
Murkowski	Schumer	Vitter
Murray	Shelby	Voinovich
Nelson (FL)	Smith	Warner
Nelson (NE)	Snowe	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.

“(3) 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.”

(c) REPORT ON USE OF ANNUITY LIMITATION WAIVER AUTHORITY.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations and the Committee on Homeland Security and Government Affairs of the Senate and the Committee on International Relations and the Committee on Government Reform of the House of Representatives a report on the exercise of the waiver authorities provided under section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)), as amended by subsection (a), section 61 of the State Department Basic Authorities Act of 1956, as added by subsection (b)(1), and section 625(j) of the Foreign Assistance Act of 1961, as added by subsection (b)(2). The report shall include the number and type of positions that have been filled under such waiver authority, and the retirement date, former job title, and new job title of each annuitant reemployed under such authority.

(d) HOME LEAVE PROVISIONS.—

(1) TRAVEL EXPENSES FOR REST AND REGENERATION TRAVEL.—Section 901(6) of the Foreign Service Act (22 U.S.C. 4081(6)) is amended by striking “unbroken by home leave” each place it appears.

(2) AUTHORITY TO REQUIRE LEAVES OF ABSENCE.—Section 903(a) of the Foreign Service Act (22 U.S.C. 4083) is amended by striking “18 months” and inserting “12 months”.

(e) AUTHORITY TO PROVIDE ACCOMMODATION AND SUBSISTENCE TO INDIVIDUALS SERVING IN IRAQ AND AFGHANISTAN.—The Secretary of State may provide during any fiscal year, with or without reimbursement, accommodation and subsistence to personnel in Iraq and Afghanistan for whom the Chief of Mission is responsible.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 3597.

The amendment (No. 3597) was agreed to.

AMENDMENT NO. 3661, AS MODIFIED

Mr. COCHRAN. Mr. President, I call up amendment No. 3661 on behalf of Senator LEAHY regarding notification requirements.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. LEAHY, proposes an amendment numbered 3661.

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 for notification to the Committees on Appropriations)

On page 121, line 5, after the colon, insert the following: *Provided further*, That funds made available under this heading shall be subject to the regular notification procedures of the Committees on Appropriations:

Mr. COCHRAN. Mr. President, I send a modification to the desk.