

I ask myself: Why doesn't the Federal Government buy these automobiles? My good staff who is here today checked it out and found out that every year the Federal Government purchases 58,000 passenger vehicles. According to the Department of Energy, the average fuel economy of the new vehicles purchased for the fleet in 2005 was 21.4 miles per gallon. So we can do better, that is for sure, with just the Federal fleet. It may not sound like a lot, but 58,000 cars that we say we are now going to make more fuel efficient will have a salutary impact on this marketplace. It is going to provide a bigger market for the fuel-efficient cars. I hope, in addition to this, we can have a program where we incentivize States, counties, and local governments to do the same.

I got the idea for this bill when I visited the San Francisco autowash. We looked around and almost every car they have in there is either fuel efficient now or they are working to make it so. They have cars that run on alternative fuels. They are rehabbing their cars. All the good ideas started in our neighborhoods. That was an idea I took.

I mentioned before, my hybrid cars are getting over 50 miles to the gallon. We know, unfortunately, that the American car companies are not yet up to where they should be with their fuel efficiency. This is sad. I have sat down with them over the decades—because I lived through the 1970s when we had a fuel crisis—and they still refuse, saying Americans want big cars, too bad.

The fact is, at least our American companies are now building fuel-efficient SUVs. This is good. So when the Federal Government has to buy a hybrid car, they can buy a fuel-efficient hybrid car made in America that is an SUV. I hope we can lead by example.

I don't take what Mr. Bodman says as a fact, that there is nothing we can do, shrug our shoulders, and walk away. There is something we can do. We can be smart consumers regarding the Federal Government with the taxpayers' dollars. Taxpayer dollars should not be wasted on gasoline that goes straight into the pockets of the oil companies that, in my opinion, are manipulating supply. I will get to that in a minute.

We now have a tax credit for buying a hybrid vehicle; the dollar amount varies by vehicle. That is terrific. I propose we have an additional \$1,000 tax credit for purchasing a vehicle that obtains a minimum of 45 miles per gallon. There are now cars that get 45 miles per gallon and there may soon be other cars that get 45 miles per gallon, so purchasers of those cars would have the \$1,000 tax credit. If you have a hybrid that gets over 45 miles per gallon, if you bought a new one, you would get a \$1,000 tax break plus the tax break for purchasing a hybrid. That is very important because it is true the hybrids are a little more costly than a similar nonhybrid car.

The President of the United States came forward and said: I am ordering an Federal Trade Commission investigation. I was very glad he did that. Unfortunately, for the eight times I have called for those investigations, I have never had his support. I have called for no less than eight investigations into gas price manipulation, but I was happy he called for—finally, better late than never—an investigation into manipulation among the oil companies and in each oil company. Unfortunately, 4 days later, he said: I have to say I haven't seen any evidence of any manipulation. That was Friday.

I am confused. He calls for an FTC investigation and then said: I don't see any evidence of it, but they are working on it. It seems to me that sends a bad signal to the FTC. Why not ask your Justice Department, your Energy Department to work with the FTC and scour every record you can to see if there is zone pricing, to see if they are cutting back on supply?

I lived through the Enron debacle. We all did. But when I say I lived through it, those on the west coast got it in the neck from Enron. What did the Enron traders do? They said: We are going to withhold supply. They took power offline, and they said to the public: All we are doing is regular maintenance of our powerplants. That was not true. They were closing down some of the power in order to manipulate supply.

Now we look at what is happening in the refinery business, and we see they are not building any new refineries because they are monopolies. They do not want to increase the supply. They like it the way it is.

How do I know this? It is pretty clear. California has changed its rules. We have a streamlined procedure now put into place by the Governor and the legislature. Please come in, please build refineries, please do them in an environmentally sound way. Nothing.

How do I know what is happening? This is it. Shell Oil announced that they were closing down a refinery in Bakersfield about a year ago or more. We were very upset, Senator FEINSTEIN and I, the congressional delegation, across party lines, the Governor, everyone asking: Why are you closing down a refinery that produces 2 percent of California's gasoline?

The answer came back in a letter to me: Senator, we are not making any money in this refinery. We are losing money. Senator, no one wants to buy it. We have put it up there for sale, and we are closing it down, period.

We did not believe it. We had learned the lesson of Enron, which is to reduce supply, so we dug around, and we went to the FTC, this Bush administration FTC. Do you know what they did for us, despite all their talk? Nothing. They did nothing. Zero.

So we went to the attorney general of the State of California, Bill Lockyer. He said: Let me see what is going on. Guess what he found out. The

refinery that they said was making no money was making record profits. Yes, there were many people who were interested in purchasing it. Guess what. It has been sold, and it is still operational.

So when I asked the oil company executives from Shell about this at the Commerce Committee hearing, they did not tell the truth. They said: We are so delighted we sold this. They never told the truth.

MARIA CANTWELL and I tried to get them sworn in to take the oath, to swear to tell the truth, but Senator STEVENS said: Not on my watch; we are not swearing in these people. So they got away with lying to the committee.

When Senator CANTWELL starts to call for ways to probe this situation, the fact that we believe they are manipulating supply, we have a reason to believe they are doing it. They did it in Enron. We believe they are doing it again.

I have a bill that requires the FTC to automatically investigate manipulation in the market any time average gas prices increase in any State by 20 percent in a period of 3 months or less and remain there for 7 days or more. This calling for constant investigations does not get anywhere. But if we have a law that says the FTC must look at this, and if they do, and they issue a report, they must hold a public hearing to discuss it, and if their findings indicate there is market manipulation, the FTC works with the State's attorney general to determine the penalties. If there was no market manipulation, we should look at releasing some of the oil from the Strategic Petroleum Reserve, again, to put downward pressure on the price of gasoline.

Finally, another piece of legislation, and I would love to have it in the bill if I could, is to say that in the future if any oil company gives a salary, a bonus, a retirement package in excess of \$50 million, they have to make a like contribution to the Low-Income Home Energy Assistance Program because we know that many people depend on that LIHEAP program. Even though LIHEAP deals with home heating and cooling costs, not with gas prices, that would be a fair thing to do.

I have spoken on a number of issues. I am pleased now to yield the floor.

#### EXECUTIVE SESSION

MICHAEL RYAN BARRETT TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO

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 legislative clerk read the nomination of Michael Ryan Barrett, of Ohio, to be United States District Judge for the Southern District of Ohio.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. LEAHY. Mr. President, I assume the opponents of these nominations would want to be recognized, or the Republican majority supporting him. I understand there are three Republicans to speak on the judges and one Democrat is allowed to speak.

No one is here, so I will speak.

I will support this nominee, Michael Barrett. He has the support of his home State Senators. I have also heard from both Democrats and Republicans in Ohio. That makes it worth supporting. In fact, the nomination of such consensus nominees is an indication of what should be done in States, and would lead to the confirmation of more judges. In January 2001, we were following a shutdown of judges going through. As the distinguished Presiding Officer knows, the Republicans were determined to block virtually all of President Clinton's judges for a long period of time. I became chairman and for 17 months moved a record number of judges for President Bush, 100. Actually, since 2001, while the Republican majority has not moved President Bush's judicial nominees anywhere near as fast as I did, we have still moved 238. That includes two Supreme Court Justices, and 43 circuit court judges. However, we do have some that create problems.

Unfortunately, as demonstrated by the recent withdrawals of several nominees, all too often this White House seems more interested in rewarding cronies and picking political fights than in selecting lifetime appointments after thorough vetting. Sadly, the Republican Senate has proceeded to rubber stamp these important nominations and failed in its role as a constitutional check on the President.

The controversial nominations of Judge Terrence Boyle and Brett Kavanaugh are contemporary cases in point. With the extreme right-wing and special interest groups agitating for a fight over judicial nominations, the Republican leader of the Senate is answering their demands by seeking to force Senate debate on these controversial nominees. Rather than focus on proposals to end the subsidies to big oil and rein in gas prices, rather than devote our time to immigration reform legislation, rather than completing a budget, the Republican leader came to the floor last week to signal a fight over controversial judicial nominations is in the offing. Such a controversial maneuver serves only to divide and distract us from America's real problems. During this President's administration, gas prices have more than doubled and undocumented immigrants have doubled, but judicial vacancies have been cut in half from the time when Republicans in the Senate were stalling President Clinton's judicial nominations. Despite the real problems that confront Americans with respect

to security, health insurance, rising health costs, rising energy costs, and spiraling deficits and debt, some would rather pick an election year fight over judicial nominations.

In fact, I mentioned Judge Boyle. I contrast his nomination to the nomination of Michael Barrett. Michael Barrett, as I said, will go through easily. I will support him. I will vote for him, as I told the distinguished Senator, the former Lieutenant Governor of Ohio, now senior Member of the U.S. Senate, Mr. DEWINE.

But you take somebody like Judge Boyle. Here is somebody who has violated every judicial ethic you can think of. He ruled on multiple cases involving corporations in which he held investments. In at least one instance—this is chutzpah beyond all understanding—he was presiding over a case involving General Electric, and while doing that, he bought stock in General Electric; then, 2 months later, he ruled in favor of General Electric.

Now, in the first year of law school you might get an example like this because it is so clear-cut and easy to understand. This is amazing—amazing—not withstanding all the other conflicts of interest he had in other cases. Whether or not it turns out that Judge Boyle broke Federal law or canons of judicial ethics, these types of conflicts of interest have no place on the Federal bench.

This is not the first judicial nominee to engage in these kinds of apparent ethical lapses. Less than two months ago, the President withdrew the nomination of Judge James Payne to the Court of Appeals for the 10th Circuit after information became public about that nominee's rulings in a number of cases in which he appears to have had conflicts of interest. Those conflicts were pointed out not by the administration's screening process or by the ABA, but by journalists.

During the last few months, President Bush also withdrew the nominations of Judge Henry Saad to the Court of Appeals for the 6th Circuit and Judge Daniel P. Ryan to the Eastern District of Michigan. And we saw the arrest of another Bush administration official and former judicial nominee to the Court of Appeals for the 4th Circuit, Claude Allen, who had earlier withdrawn as a nominee and more recently resigned his position as a top domestic policy adviser to the President. When we are considering lifetime appointments of judicial officers who are entrusted with protecting the rights of Americans, it is important to be thorough. Unfortunately, all too often this White House seems more interested in rewarding cronies.

They add to the long list of nominations by this President that have been withdrawn. Among the more well known are Bernard Kerik to head the Department of Homeland Security and Harriet Miers to the Supreme Court. It was, as I recall, reporting in a national magazine that doomed the Kerik nomi-

nation. It was opposition within the President's own party that doomed the Miers nomination.

Over the weekend we heard that this administration's former FDA director is under investigation and its political director testified, again before a federal grand jury. Of course, Mr. Libby remains under indictment, and Messrs. Safavian, Scanlon, Abramoff and a number of House Republicans are caught up in another criminal probe.

In light of this long list of failures of the White House to fulfill its commitments to the American people to be above reproach and its lackluster vetting process, it is more important than ever that the Senate and the Senate Judiciary Committee afford nominees the kind of careful scrutiny that will yield enough information to decide on a nominee's fitness for an important appointment. In Judge Boyle's case, not only were his answers to the committee's questions evasive, but he failed to produce even the unpublished opinions he issued from the bench.

I am also concerned that the Senate Judiciary Committee is being required to consider the nomination of Brett Kavanaugh to the United States Court of Appeals for the DC Circuit without a complete record. The Democratic members of the committee have twice asked for another hearing in connection with his nomination. Mr. Kavanaugh failed to provide meaningful and substantive responses to many of the questions posed to him at his first hearing and he delayed for seven months before providing evasive and incomplete answers to written questions.

In addition, a new hearing is warranted because several troubling issues have come to light since his initial nomination. As Associate White House Counsel and staff secretary, Mr. Kavanaugh has served in the inner circle of the White House at a time when many controversial policies and decisions were being considered. Senators have not had a chance to question him about his role in connection with those matters. For example, what was Mr. Kavanaugh's role in connection with the warrantless spying on Americans? What was his involvement in the policies affecting detainee treatment and interrogation? What was his involvement in connection with military tribunals, torture, and rendition of prisoners to other countries? Given the scandals now plaguing the White House, it is important to know whether Mr. Kavanaugh has had a role in connection with the actions of Jack Abramoff, Michael Scanlon, David Safavian, the matters being investigated in connection with the Plame matter, and many other matters.

The wall of secrecy that the administration has maintained is no environment in which carefully to consider an administration insider for a lifetime appointment to an important Federal judicial position.

I see the distinguished Senator from Ohio is in the Chamber. I urge people,

do not just do a rubberstamp just because it is a member of your party who nominated these people. I think of the concern I heard from Republicans in this body when I objected to a judicial nominee to the Court of Appeals for the Fourth Circuit, Claude Allen. Nobody said a word when he got arrested for fraud. But I bet you they breathed a sigh of relief that I blocked it before. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, in just a few minutes we will be voting on the nomination of Michael Barrett to serve as a Federal district court judge for the Southern District of Ohio. Mr. Barrett is an outstanding attorney, a man who has shown his dedication to public and community service throughout his life. I am confident he will be an excellent addition to the bench.

Michael Barrett's legal career—spanning almost 30 years—has been distinguished, not only by his accomplishments as a litigator but also by his truly extraordinary record of public and civic leadership.

A brief summary of his background offers ample evidence of his qualifications. He is a graduate of the University of Cincinnati where he earned both his bachelor of arts degree as well as his law degree. After graduating from law school, Mr. Barrett served the State of Ohio as an administrative hearing officer for over a year, handling issues as a new attorney that usually are reserved for lawyers with far more experience. He then moved to the Hamilton County Prosecutor's Office, where he served first as an assistant prosecutor, and then as chief assistant prosecuting attorney of the Felony Trial Division.

During this time, Mr. Barrett also served as chief of the Special County Arson Task Force, supervising the investigation and prosecution of arson cases. After 6 years in the Hamilton County prosecutor's office, Michael Barrett moved into private practice with the firm of Graydon, Head & Ritchey, where he remained for 10 years as an associate and then as a partner. He was listed several times in the Best Lawyers in America for his domestic relations practice. He then joined the Cincinnati law firm of Barrett & Weber, where he continues to practice today in the area of general litigation.

Mr. Barrett has had an extremely wide-ranging career as a litigator. He has argued in both State and Federal courts, and his court appearances are almost evenly split between civil and criminal cases. In addition to his background as a prosecutor, he has developed a very successful defense practice. He is a member of the National Association of Criminal Defense Lawyers, and I think it is particularly noteworthy that he has argued capital murder cases as both a prosecutor and as a defense attorney. Truly, his litigation experience spans the whole width of legal practice.

Mr. Barrett's expertise, however, extends well beyond litigation. For example, he was appointed and served as a special master/trustee in a class action lawsuit in which he analyzed over 900 claims, responses, and the allocation of settlement funds under that lawsuit.

He also was chosen to be the receiver in a securities case, and in that role he worked with counsel to conduct the collection and liquidation of investor assets, which is an important and certainly often very complicated financial and legal task.

He also has an impressive amount of experience with the important and expanding area of alternative dispute resolution. He was a board member of the Cincinnati Center for the Resolution of Disputes and was awarded the Outstanding Service Award as a mediator for the Southern District of Ohio. This unusually diverse legal background gives Michael Barrett a broad view of the legal system and a wide understanding that will help him be a very successful Federal district court judge.

Mr. Barrett is also an extremely accomplished community leader who has given so much back to his community. He has served the public in a wide variety of roles—far more than I could certainly mention this afternoon. He served on the Supreme Court of Ohio Board of Commissioners on Grievances and Discipline for 15 years. He was on the board of trustees of the University of Cincinnati, and the board of trustees of the Health Alliance of Greater Cincinnati. He was also cochair of the Police and Justice Committee of Community Action Now, a project formed by and for Cincinnati community leaders and charged with the task of achieving greater equity, opportunity, and inclusion for all Cincinnati residents. He also has been involved with a wide range of charitable and social service organizations, including Children's Services of Hamilton County, Talbert House, and Boys and Girls Hope of Cincinnati.

Michael Barrett is clearly a successful and accomplished attorney and an experienced community leader. Both are important qualifications for this position. With his background and his experience, it is certainly not surprising that a substantial majority of the ABA panel who reviewed his qualifications found him to be "well qualified," which is the highest possible rating; the remaining members of the panel gave him the next highest rating of "qualified." This very high rating merely confirms his excellent credentials for the position.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DEWINE. Mr. President, I ask unanimous consent to speak for 2 additional minutes.

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

Mr. DEWINE. Members of the legal profession in Ohio who know Mr. Barrett's abilities also support his nomination. I have spoken with attor-

neys and judges who have worked both with and against Mr. Barrett professionally, and they describe him as a calm and even-tempered man, who is always willing to listen and always does an excellent job, no matter what the legal assignment.

Even more important, however, is simply that Mike Barrett is a good person. I have known him for many years, and he consistently has shown himself to be warm, open-minded, and gracious. He is an intellectually gifted lawyer with a strong sense of the law and a firm understanding of the court's role in the legal process and in our community. As a person and as an attorney, he has all the ability, the experience, and, yes, the compassion necessary to help him be an excellent judge for the people of the South District of Ohio.

Michael Barrett is an outstanding nominee. I am proud to support his nomination, and I urge my colleagues to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania is recognized for 5 minutes.

Mr. SPECTER. Mr. President, I would like to say a few words in support of the nomination of Michael R. Barrett.

As the distinguished Senator from Ohio has probably already commented on—I just got in from Pennsylvania, so I did not get a chance to hear all of his speech—and as the Presiding Officer knows, because the distinguished Presiding Officer is a member of the Judiciary Committee, Michael R. Barrett was passed unanimously by the committee.

He comes to this position with an excellent background. He received his bachelor's degree from the University of Cincinnati. He received his law degree from the University of Cincinnati in 1977. So he has had 29 years of experience in practice.

He was the assistant prosecuting attorney in the felony trial division in Hamilton County. It is always a good experience to be a prosecuting attorney, something that Senator DEWINE did, Senator LEAHY did, something that I have done. He was an associate partner at Graydon, Head & Ritchey, a shareholder attorney at Barrett & Weber, and has the qualifications to do an excellent job on the U.S. District Court.

I am pleased to endorse him and urge my fellow Senators to confirm him for this important lifetime position.

I thank the Chair and yield the floor and note we are just 2 or 3 minutes away from the vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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