

confident he will. Border security, immigration, port security, airport screening, protecting America's critical infrastructure, and so much more will now fall under his purview. He has pledged to work with the Congress in crafting the Department's policies. As much as possible, this must be a non-partisan exercise. Working together, we can and we must put our country in the strongest possible position to defend itself for the many threats we face.

In short, what I am criticizing and complaining about, we have some emails from the FBI to the Justice Department, saying, in effect, how we conduct our interrogations is appropriate. What the Department of Defense is doing with their brutality and their torture is wrong. I am convinced that is true; the FBI was right. I hope somehow we will be able to get the names of these individuals and pursue it more carefully and also find out what the real words were; I am confident it was torture. One thing we know clearly from these memos is that the FBI says using our methods, the normal methods of interrogation, we are getting more information from the enemy than you are while using your acts of violence.

I close by saying, again, I want this record spread with the fact that Senator LEVIN has done a good thing for this country. He has done good work again in allowing us to look at an issue that should be a simple issue that has been made complicated by this administration by virtue of their hiding what it should not.

Ms. COLLINS. Mr. President, I ask unanimous consent the quorum call I am about to invoke be charged equally to both sides.

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

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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 (Mr. BURR). Without objection, it is so ordered.

Mr. FRIST. Mr. President, in a few moments we will be voting on the nomination of Judge Michael Chertoff to lead the Department of Homeland Security. I applaud President Bush for his outstanding choice, and I am confident that Judge Chertoff will receive overwhelming support from both sides of the aisle, making this his fourth confirmation by this body, the Senate.

Judge Chertoff has a long and distinguished career in public service and law enforcement.

The Harvard Law magna cum laude first made his name in the mid-1980s

putting away five of the biggest Mafia bosses in New York.

His success brought him the job of U.S. attorney in New Jersey where he oversaw high-profile and politically sensitive prosecutions.

In 2001, Judge Chertoff was chosen by President Bush to lead the Justice Department's Criminal Division. It was there that Judge Chertoff would show his full mettle. For the 20 hours following the attacks on 9/11, Judge Chertoff was central in directing our response.

His team in the Criminal Division traced the 9/11 killers back to al-Qaida. And for the next 2 years, Judge Chertoff helped craft our antiterrorism policy.

His experience working directly with law enforcement, his expertise in homeland and national security, and his proven ability to lead in times of national crisis make him overwhelmingly qualified to direct our homeland security.

Judge Chertoff has said he will be proud to stand again with the men and women who form our front line against terror. I know I speak for many when I say we are proud to have a man of his caliber and talent serving and protecting the American people.

Mr. President, 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 Chertoff, of New Jersey, to be Secretary of Homeland Security? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Pennsylvania (Mr. SPECTER).

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS), is necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 10 Ex.]

YEAS—98

Akaka	Chambliss	Durbin
Alexander	Clinton	Ensign
Allard	Coburn	Enzi
Allen	Cochran	Feingold
Bayh	Coleman	Feinstein
Bennett	Collins	Frist
Biden	Conrad	Graham
Bingaman	Cornyn	Grassley
Bond	Corzine	Gregg
Boxer	Craig	Hagel
Brownback	Crapo	Harkin
Bunning	Dayton	Hatch
Burns	DeMint	Hutchison
Burr	DeWine	Inhofe
Byrd	Dodd	Inouye
Cantwell	Dole	Isakson
Carper	Domenici	Jeffords
Chafee	Dorgan	Johnson

Kennedy	Mikulski	Sessions
Kerry	Murkowski	Shelby
Kohl	Murray	Smith
Kyl	Nelson (FL)	Snowe
Landrieu	Nelson (NE)	Stabenow
Lautenberg	Obama	Stevens
Leahy	Pryor	Sununu
Levin	Reed	Talent
Lieberman	Reid	Thomas
Lincoln	Roberts	Thune
Lott	Rockefeller	Vitter
Lugar	Salazar	Voinovich
Martinez	Santorum	Warner
McCain	Sarbanes	Wyden
McConnell	Schumer	

NOT VOTING—2

Baucus	Specter
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The nomination was confirmed. The PRESIDING OFFICER. 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 majority leader.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each, with the exception of Senator HAGEL who will follow my remarks for up to 15 minutes.

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

The Senator from Nebraska. (The remarks of Mr. HAGEL, Mr. CRAIG, and Mr. ALEXANDER pertaining to the introduction of S. 388 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALEXANDER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). 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 (Mr. ALEXANDER). Without objection, it is so ordered.

NOTICE OF PROPOSED RULEMAKING

Mr. STEVENS. Mr. President, I ask unanimous consent that the attached statement from the Office of Compliance be printed in the RECORD today pursuant to section 304(b)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384(b)(1)).

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FROM THE BOARD OF DIRECTORS OF THE OFFICE OF COMPLIANCE

Notice of Proposed Rulemaking, and Request for Comments From Interested Parties

NEW PROPOSED REGULATIONS IMPLEMENTING CERTAIN SUBSTANTIVE EMPLOYMENT RIGHTS AND PROTECTIONS