

This time, however, he has been seizing power in the open. In the past week John Markoff of *The Times*, followed by Robert O'Harrow of *The Washington Post*, have revealed the extent of Poindexter's operation, but editorialists have not grasped its undermining of the Freedom of Information Act.

Political awareness can overcome "Total Information Awareness," the combined force of commercial and government snooping. In a similar overreach, Attorney General Ashcroft tried his Terrorism Information and Prevention System (TIPS), but public outrage at the use of gossips and postal workers as snoops caused the House to shoot it down. The Senate should now do the same to this other exploitation of fear.

The Latin motto over Poindexter's new Pentagon office reads "Scientia Est Potentia"—"knowledge is power." Exactly: the government's infinite knowledge about you is its power over you. "We're just as concerned as the next person with protecting privacy," this brilliant mind blandly assured *The Post*. A jury found he spoke falsely before.

If the American people, if the American public is to believe what they read in this week's newspapers, the Congress stands ready to pass legislation to create a new Department of Homeland Security. Not with my vote. Passage of such legislation would be the answer to the universal battle cry that this administration adopted shortly after the September 11 attacks: Reorganize the Federal Government.

How is it that the Bush administration's No. 1 priority has evolved into a plan to create a giant, huge bureaucracy? How is it that the Congress bought into the belief that to take a plethora of Federal agencies and departments and shuffle them around would make us safer from future terrorist attacks?

Osama bin Laden is still alive and plotting more attacks while we play bureaucratic shuffle board after we have already spent about \$20 billion in Afghanistan to capture or to obliterate Osama bin Laden. He has surfaced on audio tapes boasting about how he is plotting additional terrorist attacks against the United States. Yet our only response is to reorganize the Federal Government. That is our only response, reorganize the Federal Government.

Right here it is, 484 pages of it, reorganizing the Federal Government. Am I missing something here?

Eleven of the thirteen appropriations bills have not yet been passed. Together they contain over \$25.6 billion in funds to improve our homeland defense. That is money to hire additional

border security personnel. That is money to purchase equipment at our seaports and airports to inspect packages for weapons of mass destruction. That is money for protection against cyber-attacks. That is money to protect our nuclear facilities, not a year from now but now. That is money to assist local police, local firefighters, local health care workers in case of additional terrorist attacks.

Yet the administration is refusing to allocate this money, refusing to turn on the spigot and let it flow, let it roll.

This is real money to improve America's safety, but instead of pushing for these resources, the administration's top and seemingly only priority is a bureaucratic reshuffling of agencies. So this administration will continue holding up the money needed to protect Americans—your children, your grandchildren, your wife, your in-laws, your friends—at home and it will be allowed to do so because it will have this flimsy 484 pages of legislation to cover its political backside.

The design of this hulking bureaucracy has been the administration's focus for the past several months. That is where it wanted Congress to focus its attention. That is where the administration wanted the American people to focus, not on providing real homeland security but, rather, on playing bureaucratic shuffle board.

We have witnessed a great show. We have been told that if only we pass this 484 pages of legislation—this political hoax that I hold in my hand, that many of us have not seen before yesterday—the American people have been told that if only we pass this legislation, all would be well.

But like the great and powerful Wizard of Oz, with his terrifying smoke, flames and roar, the reality of this too-good-to-be-true proposal will eventually be unveiled.

Mr. President, my concerns about this legislation and its several iterations are many. It gives the President too much unchecked authority. It gives the Secretary of the new Department too much unchecked authority. It makes massive changes in Government structure with little scrutiny, and it allows those changes to be made without the approval of the Congress.

It threatens changes to worker protections that could have enormous and detrimental effects. It extends the cloak of secrecy that has been a hallmark of this White House.

The PRESIDING OFFICER (Mr. DAYTON). The Senator will suspend. Senators will kindly take their conversations off the floor.

The Senator from West Virginia.

Mr. BYRD. Mr. President, this legislation not only cuts the Congress out of the loop, it also includes provisions to keep the people and the press—and the press had better take notice—it includes provisions to keep the people and the press, the members of the fourth estate, in the dark.

I don't think the media realize this about this bill. And the media has apparently swallowed the line that this is a compromise. It is more than that. It is a compromise of our personal liberties. It is a compromise of the privacy rights of our people. It is a compromise of the checks and balances. It is a compromise of the separation of powers. It is a compromise of the American people's right to know—the American people's right to know. It is a compromise of that.

For those who do not understand what I am saying, they should get this bill, 484 pages of it. It is a new bill. It did not exist anywhere until yesterday.

We have talked about how this whole idea of a Homeland Security Department, presented to us by this administration, we have talked about how it was hatched in secrecy in the bowels of the White House, how it was hatched in secrecy, cooked up by four different persons in the White House. I have named them earlier today: Mr. Card, Mr. Gonzales, Mr. Mitch Daniels, and Mr. Ridge. No disrespect to any of them—they are all fine people; they are all fine public servants—but they are not anything extraordinary, I would say that, insofar as people go. They hatched this thing. They hatched it in secrecy.

We understand from the newspapers this was talked about among the people in the administration, down in the secrecy of the White House. It had been talked about. It had been developed. And then it sprang forth like Minerva from the forehead of Jove, fully clothed, fully armed. There it was.

We could say the same thing about this bill that we are passing here. We have little right to complain about the White House and about the way in which it developed in secrecy this whole egg that was hatched and sprung upon us as the homeland security bill.

NOTICE

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

ADJOURNMENT UNTIL 9:45 A.M.
TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent

that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:46 p.m., adjourned until Friday, November 15, 2002, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate November 14, 2002:

DEPARTMENT OF JUSTICE

HARLOW EUGENE COSTNER, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE BECKY JANE WALLACE.

RICHARD ZENOS WINGET, OF NEVADA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEVADA, VICE JOSE GERARDO TRONCOSO.

UNITED STATES INTERNATIONAL TRADE COMMISSION

DANIEL PEARSON, OF MINNESOTA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 2011, VICE LYNN M. BRAGG, TERM EXPIRED.

DEPARTMENT OF TRANSPORTATION

JAMES M. LOY, OF VIRGINIA, TO BE UNDER SECRETARY TRANSPORTATION FOR SECURITY FOR A TERM OF FIVE YEARS, VICE JOHN MAGAW, RESIGNED.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BRETT L. HANKE, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

WILLIAM C. CANNON, 0000
WILLIAM A. JOHNSTON, JR., 0000
LEONARD H. KISER, 0000
CHARLES F. MAGUIRE III, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

ROBERT D. BEAL, 0000
JEFFREY M. BIERLEY, 0000
NATHAN P. BORCHERS, 0000
STEPHEN G. BROOKS, 0000
JAMES E. BROWN, 0000
JAMES R. BRYAN, 0000
RONALD W. BURKETT, 0000
LAWRENCE C. CALAHAN, 0000
DANIEL B. CALDWELL, 0000
BRIAN L. CASPER, 0000
DAVID M. DOWLER, 0000
KEVIN L. DUZAN, 0000
DAVID C. DYE, 0000
MATTHEW G. GURGEL, 0000
JOSEPH T. HANSEN, 0000
SHAWN W. HUEY, 0000
CHARLES B. JOHNSTON, 0000
THOMAS H. KIERSTEAD, 0000
TIMOTHY M. LEDBETTER, 0000
JON H. MORETTY, 0000
CHRISTOPHER P. NODINE, 0000
MATTHEW L. PARSONS, 0000
ERIK R. PATTON, 0000
DAVID R. PERRY, 0000
VINCENT J. PERRY, 0000
KENNETH N. RADFORD, 0000
KEVIN K. ROACH, 0000
THOMAS E. SCHULTZ, 0000
JAYSON W. SCHWANTES, 0000
THOMAS W. SINGLETON, 0000
JEFFREY S. SMITH, 0000
LOUIS J. SPRINGER, 0000
LANCE E. THOMPSON, 0000
STEVEN J. ZACCARI, 0000

CONFIRMATIONS

Executive Nominations Confirmed by the Senate November 14, 2002:

NATIONAL LABOR RELATIONS BOARD

DENNIS P. WALSH, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2004.

DEPARTMENT OF ENERGY

KYLE E. MCSLARRON, OF VIRGINIA, TO BE DEPUTY SECRETARY OF ENERGY.

DEPARTMENT OF AGRICULTURE

PHYLLIS K. FONG, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF AGRICULTURE.

FEDERAL COMMUNICATIONS COMMISSION

JONATHAN STEVEN ADELSTEIN, OF SOUTH DAKOTA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2003.

DEPARTMENT OF THE TREASURY

WAYNE ABERNATHY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

FEDERAL MARITIME COMMISSION

REBECCA DYE, OF NORTH CAROLINA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2005.

DEPARTMENT OF TRANSPORTATION

ROGER P. NOBER, OF MARYLAND, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2005.

REFORM BOARD (AMTRAK)

DAVID MCQUEEN LANEY, OF TEXAS, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS.

EXPORT-IMPORT BANK OF THE UNITED STATES

PHILIP MERRILL, OF MARYLAND, TO BE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 20, 2005.

DEPARTMENT OF STATE

KIM R. HOLMES, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL ORGANIZATIONS).

MAURA ANN HARTY, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (CONSULAR AFFAIRS).

ELLEN R. SAUERBREY, OF MARYLAND, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE COMMISSION ON THE STATUS OF WOMEN OF THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

QUANAH CROSSLAND STAMPS, OF VIRGINIA, TO BE COMMISSIONER OF THE ADMINISTRATION FOR NATIVE AMERICANS, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

NATIONAL INDIAN GAMING COMMISSION

PHILIP N. HOGEN, OF SOUTH DAKOTA, TO BE CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION FOR THE TERM OF THREE YEARS.

DEPARTMENT OF STATE

J. COFER BLACK, OF VIRGINIA, TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

IRENE B. BROOKS, OF PENNSYLVANIA, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA.

BROADCASTING BOARD OF GOVERNORS

BLANQUITA WALSH CULLUM, OF VIRGINIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2005.

DEPARTMENT OF STATE

PETER DESHAZO, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING TENURE OF SERVICE AS DEPUTY PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES.

DAVID N. GREENLEE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOLIVIA.

JOHN RANDLE HAMILTON, OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUATEMALA.

OVERSEAS PRIVATE INVESTMENT CORPORATION

COLLISTER JOHNSON, JR., OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2004.

DEPARTMENT OF STATE

JOHN F. KEANE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PARAGUAY.

OVERSEAS PRIVATE INVESTMENT CORPORATION

JOHN L. MORRISON, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2004.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

ALLEN I. OLSON, OF MINNESOTA, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO RE-

QUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

NATIONAL LABOR RELATIONS BOARD

RENE ACOSTA, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE REMAINDER OF THE TERM EXPIRING AUGUST 27, 2003.

THE JUDICIARY

JOHN M. ROGERS, OF KENTUCKY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.
STANLEY R. CHESLER, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

ROSEMARY M. COLLYER, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

MARK E. FULLER, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF ALABAMA.

DANIEL L. HOVLAND, OF NORTH DAKOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NORTH DAKOTA.

KENT A. JORDAN, OF DELAWARE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF DELAWARE.

JAMES E. KINKADE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS.

ROBERT G. KLAUSNER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

ROBERT B. KUGLER, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

RONALD B. LEIGHTON, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON.

JOSE L. LINARES, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

ALIA M. LUDLUM, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS.

WILLIAM J. MARTINI, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

THOMAS W. PHILLIPS, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE.

LINDA R. READE, OF IOWA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF IOWA.

WILLIAM E. SMITH OF RHODE ISLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF RHODE ISLAND.

JEFFREY S. WHITE, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA.

FREDA L. WOLFSON, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

FARM CREDIT ADMINISTRATION

NANCY C. PELLET, OF IOWA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR A TERM EXPIRING MAY 31, 2008.

DEPARTMENT OF DEFENSE

OTIS WEBB BRAWLEY, JR., OF GEORGIA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING JUNE 20, 2003.

NATIONAL LABOR RELATIONS BOARD

ROBERT J. BATTISTA, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2007.

WILMA B. LIEBMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2006.

PETER SCHAUMBER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2005.

NATIONAL COUNCIL ON DISABILITY

JOEL KAHN, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2004.

PATRICIA POUND, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2005.

LINDA WETTERS, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2003.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DAVID GELERNTER, OF CONNECTICUT, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2006.

NATIONAL MUSEUM SERVICES BOARD

A. WILSON GREENE, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2004.

JUDITH ANN RAPANOS, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2002.

JUDITH ANN RAPANOS, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2007.

MARIA MERCEDES GUILLEARD, OF PUERTO RICO, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2005.