

and visit us, their representatives in Congress.

And look how we greet them—not with signs of welcome, but with security arrangements which rival those of the Super Max, the most security-conscious prison in America.

Mr. President, earlier this week, my staff made an informal survey around the Capitol and the Senate office buildings. We wanted to see this place through the eyes of a tourist, one of the 15 million Americans who visit us every year.

And what we found was shocking and disappointing: 27 armed police officers, one with a dog, patrolling the grounds, checking identification, and searching car trunks; 33 retractable traffic barriers, designed to allow only certain vehicles access to Capitol Hill parking areas; 26 portable concrete barricades—when these are in place, no vehicles can get past; 34 portable traffic signs, labeled “Stop” or “Do Not Enter”; 4 permanent guard boxes staffed with armed sentries; police cruisers, marked and unmarked; dozens of metal racks stamped “U.S. Government” blocking areas of the Capitol terrace once open to visitors; yards of rope, limiting access between sections of the Capitol grounds; yards of yellow tape reading “Police Line—Do Not Cross”; and perhaps ugliest of all, 758 enormous, round, concrete barricades thinly disguised as flower pots, rimming the entire Capitol complex.

That is just outside. Once inside our buildings, tourists will find: Checkpoints at 20 entrances where their handbags and personal belongings are analyzed by x ray scanners.

A battery of 30 metal detectors through which visitors must pass. If metal is found—and often it is, but mostly keys and coins—our guests are subjected to an embarrassing search with a hand-held metal detector—a search I have heard many women complain about.

There were 9 plainclothed officers, guarding the entrances to the House and Senate floors and visitors galleries; uniformed police officers—58 of them the day we checked—armed with guns and batons, watching everyone; and a video surveillance network that watches everyone, too.

Mr. President, that is how we welcome visitors to their own Capitol: not with open arms, but by daring them to come.

And just what are we trying to say to the American people when the battery of security measures used to control them as tourists rival the harsh measures used to control the most dangerous prisoners at the Nation's high-security prison?

What are we afraid of, Mr. President? Terrorists? Unfortunately, these security arrangements—many of which have been upgraded in the wake of the tragic bombing in Oklahoma City—would have little effect against a well-planned terrorist attack. I am afraid that we are perhaps using the horror of

the Oklahoma City bombing as an excuse to further restrict the access of average Americans to their government, and if we are, well, that is wrong.

Who suggested such an unwarranted assault on our visitors? Who put such a gestapo plan into effect? And most importantly, who in the administration or here in the Senate approved such a plan to barricade Capitol Hill, adding hundreds of new, armed guards?

Let me just say how much respect I have for the men and women of the Capitol Police force, and for the incredible effort they put forth each and every day. As individuals, and as a department, they have and deserve our deepest thanks.

My concerns are not directed at them. I want to quote Sgt. Dan Nichols, spokesman for the Capitol Police, when he was asked about the new security arrangements. Sergeant Nichols said:

People need access to their government. But they also need to be protected. There is a saying we go by—free access and security are basically opposing concepts. You can only increase one at the expense of the other.

Sergeant Nichols is exactly right. I believe we have erred too far on the side of security. With every new fence we put up, and every armed officer we station in front of it, we jeopardize a little bit more of the freedom symbolized by this great building.

This gleaming “jewel on the hill” is ever so slowly being transformed into Alcatraz on the Potomac.

What are we afraid of?

Very few Americans will ever be offered a guided tour of the U.S. Penitentiary Administrative Maximum Facility in Florence, CO. But once they have visited Washington, DC and make the trip to Capitol Hill, they will have a very good sense of the daily atmosphere at a maximum-security prison.

And that realization, Mr. President, ought to make them heartsick.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COVERDELL). 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. DEWINE. Mr. President, I thank the Chair.

(The remarks of Mr. DEWINE pertaining to the introduction of S. 1190 are located in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank the Chair.

(The remarks of Mr. DEWINE pertaining to the introduction of S. 1197 are located in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. DEWINE. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### NOMINATION OF WILLIAM SESSIONS

Mr. LEAHY. Mr. President, there should be various confirmations by the Senate within the next few hours. I am hoping that one of those who will be confirmed will be William Sessions of Vermont to be a Federal District Judge. I am fairly confident that this will happen, so let me say a couple of things about Bill Sessions.

Mr. President, Bill Sessions is one of the most respected attorneys I have known in the years that I have practiced law in Vermont. I became a member of the bar of Vermont well over 30 years ago. Since that time I have seen hundreds of lawyers, men and women, who are some of the best I have seen in any part of the country. We are blessed in a small State like ours with having lawyers of extraordinary capability. But throughout that time there has always been a small cadre of the very, very best. Bill Sessions has always been on that list. He is considered one of the finest trial attorneys this year or any year in Vermont.

He is treated with great respect by both the plaintiff and defense bars, and by both the prosecution and the defendant bars. I have heard from prosecutors who had to face him in court and lost, who tell me that they have the utmost respect for him because of his honesty, his integrity, and his ability. And I have heard from people, over and over again, who have either been co-counsel with him or opposing counsel, who have equal praise, as do the Judges of Vermont.

We have had an extraordinary circumstance where all of the Federal Judge positions in Vermont became vacant through an elevation and retirements. We have had to replace one Judge on the second circuit court of appeals and two federal district judges.

I have had the privilege of recommending to President Clinton a person to be appointed to the second circuit court of appeals, Judge Fred Parker, who now serves there with distinction. I then had the privilege to recommend to the President Gar Murtha of Dummerston who now serves with distinction as the chief Federal Judge in Vermont.

I have now had the privilege of recommending to President Clinton the name of William Sessions to be a federal district judge. The President has nominated him, the Judiciary Committee has met on him and approved him,

and now the Senate is poised to act on his nomination.

Mr. President, I told President Clinton that he could rest assured that Bill Sessions would serve with great distinction, and that the President could look at him as an appointment of which he could be proud.

I know that Vermonters will join me in welcoming Bill Sessions' confirmation as a federal district judge. I know Vermonters look forward to him serving on the bench.

I must say to Bill Sessions and his family that it is a singular honor to be able to recommend him. It is an honor to join in his confirmation. This nomination is an honor he has earned, and it is an honor that he and his family should all share. It is an honor that Vermont will be able to share.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

Mr. LEVIN. Mr. President, I send to the desk an amendment on behalf of Senators NUNN, WARNER, myself, and Senator COHEN, and ask unanimous consent that it be printed in the RECORD.

(The text of amendment No. 2425 is printed in today's RECORD under "Amendments Submitted.")

Mr. LEVIN. I yield the floor.

Mr. NUNN. Mr. President, at the request of the Majority and Minority Leaders, Senators COHEN, LEVIN, WARNER, and I have been meeting intensively for the past several days to address issues raised by the proposed Missile Defense Act of 1995, as set forth in S. 1026, the pending national defense authorization bill. The goal of our effort was to develop an amendment establishing a missile defense policy that could be supported by a broad bipartisan group of Senators. Today, we have filed a bipartisan substitute amendment reflecting our best efforts to meet that objective.

I want to begin by expressing my thanks to my three colleagues for the diligence, tolerance, and goodwill each of them showed throughout the long and, at times, difficult negotiations that have led to the agreement embodied in the substitute amendment. I believe the amendment is a significant improvement to the version in the bill, and I support its adoption.

The bill as reported set forth a proposed policy for future national missile defenses. It also proposed a demarcation between theater and anti-ballistic missile defenses. In my judgment, how-

ever, and that of many other Senators, the proposal addressed these vital issues in a manner that unnecessarily presented major difficulties in terms of arms control and constitutional considerations.

Mr. President, I support the development of national missile defense. I have supported a missile defense system against limited, accidental, or unauthorized attacks since the early 1980's when I called for a development of ALPs—an accidental launch protection system. I will support the deployment of a system to defend against limited, accidental, or unauthorized missile attacks, assuming that the system meets the deployment decision criteria set forth in this amendment—it must be affordable and operationally effective; an appropriate response to the threat, and we must weigh carefully any ABM Treaty considerations that could affect a deployment decision.

The revised version of the Missile Defense Act of 1995, as set forth in the bipartisan substitute amendment, addresses these issues in a manner that serves three important functions:

First, it clarifies the intent of the United States with respect to decisions about future missile defenses;

Second, it defuses a potential constitutional contest between the Executive and Legislative branches; and

Third, it makes clear to the international community our policy toward the ABM Treaty.

Let me try to highlight these accomplishments by comparing what was in the bill as reported and what the bipartisan substitute amendment would provide, if adopted. Section 233 of the bill as reported would set forth a policy to "deploy" a multi-site national missile defense system. The same section of the bill as reported also stated that the system, "will be augmented. . .to provide a layered defense against larger and more sophisticated [missile] attacks." This phrasing confused the stated objective—to have an effective defense against accidental, unauthorized, or limited attacks—with the concept of a thicker missile defense system to defend against larger attacks. It is important to keep the system focused on the appropriate objective—defending against limited, accidental, or unauthorized attacks.

The substitute version of section 233 in the bipartisan amendment makes the following changes:

The policy is no longer stated as a binding commitment to deploy a national missile defense system. That is a decision that will be made in the future. Instead, the national missile defense policy in section 233(2) of the bipartisan substitute amendment is to "develop for deployment".

The substitute adds several important qualifiers, such as:

The system must be "affordable and operationally effective". This requirement appears in section 233(2) and is re-emphasized throughout the amendment.

The system is limited to addressing only "accidental, unauthorized, or limited attacks". That qualification, which is set forth in section 233(2), is repeated throughout the amendment.

There is no commitment to deploy an augmented system. It depends on the threat.

Under section 233(2) of the substitute, any development of an "augmented" system will also be confined to augmenting a defense capability to address "limited, unauthorized, or accidental" missile attacks.

One of the most important qualifications under the substitute is the requirement in section 233(3) for "congressional review, prior to a decision to deploy the system developed for deployment . . . of: (a) the affordability and operational effectiveness of such a system; (b) the threat to be countered by such a system, and (c) ABM Treaty considerations with respect to such a system." These vital issues will all be considered before we take any step in the future to authorize and appropriate funds for the deployment of a national missile defense system.

Section 235(e)(2) of the bipartisan substitute amendment specially requires the Secretary of Defense to provide an assessment as to whether deployment is affordable and operationally effective"; and

Perhaps the most important qualification, both in terms of arms control and the separation of powers is section 233(8), which requires the Secretary of Defense to carry out the policies, programs, and requirements of the entire Missile Defense Act "through processes specified within, or consistent with, the ABM Treaty, which anticipates the need and provides the means for amendment to the Treaty."

The revised version also contains language taken from the Cohen amendment which was approved by a 69-26 vote last week, and which is largely incorporated into the substitute amendment in sections 233(2) and 237. Collectively, the Cohen provisions encourage the President to undertake negotiations with the Russian Federation to provide modifications or amendments to allow us to deploy a multisite national missile defense in compliance with the Treaty, and, if the negotiations are not successful, they call for consultations with the Congress to review our options, including our legal right to withdraw.

Section 235(a) of the bill as reported required achievement of an initial operational capability (IOC) for a multisite national missile defense system in 2003. The substitute provision in the bipartisan amendment calls for development on a timetable that would make it, "capable of attaining" such an IOC, if there is a decision to deploy such a system.

Finally, Mr. President, let me address the theater missile demarcation provisions briefly. Section 238 of the bill as reported would have established