

for democracy, and carried shrapnel in his legs until the day he died.

My parents had legal status as immigrants, but sometimes that is a hard thing to determine. I do not think any child ought to be deprived of educational opportunities because of the status of his parents, even if they are illegal immigrants.

I have been strongly opposed to the Gallegly amendment. I have agreed to sign the conference report, however, because of a significant change which I have insisted upon. That change is that, in addition to some other modifications which have already been made for a child in the first grade to complete the sixth grade and a child in the seventh grade to complete the 12th grade, the modifications I pressed to have included, and I think have been included by agreement, would provide for a comprehensive study to be conducted by GAO, the General Accounting Office, at the end of 2½ years, which would determine what impact the Gallegly amendment had on the children who were excluded from education, what impact it had with respect to juvenile delinquency, the crime rate, what impact it had on their educational status, what impact it had on their family status, and what impact it had on reducing illegal immigration. Following release of the study there will be a mandatory vote on repeal of the Gallegly provision in the Congress, both Houses, within a very short period of time, whatever the results of the GAO report may have been.

If the Gallegly amendment was not repealed on that vote, then there will be a similar study after 5 years, and then another mandated automatic vote on the repeal of the Gallegly provision by the Congress.

It is my judgment, Madam President, that if the Gallegly amendment is subjected to a vote at 2½ or 5 years, it would be repealed by the Congress and signed by whomever might be the President. Whether it is President Clinton or Senator Dole, the then President would sign it. I think if the Gallegly amendment were standing alone now, it would be rejected by the Congress.

I do not think that the entire immigration conference report ought to be rejected because of this single provision, considering the modification that I have presented, which, as I say, I think is being accepted and will be in the conference report. I wanted to make that brief explanation.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

THE STALKING BILL

Mr. DASCHLE. Madam President, I know the majority leader will be here shortly. I look forward to the opportunity to discuss the schedule for the remainder of the day with him when he comes.

Let me just say that I apologize for not having the opportunity to have been here this morning. I know there have been a number of discussions underway with regard to the schedule and individual issues.

The distinguished Senator from Texas, the Presiding Officer, made a number of points this morning regarding the stalking bill that she has made in the past. I am told she suggested that her stalking legislation, which passed the Senate last week after an amendment to the bill was worked out, is being held up in the House and that she referred to a commitment I made to her to try to help her get it passed. I am told she suggested that, because the bill has not cleared the House in the last week, that I have not lived up to that commitment.

As several Senators pointed out earlier this morning, sometimes it takes more than a week for the other body to act. At any rate, I understand that the problem is not as dire as earlier suggested—and that the circumstances surrounding this stalking legislation certainly do not warrant objections to action on the Executive Calendar. I wanted to confirm this, but I can now say with authority—I have the references before me—that the entire language of the Senator's stalking bill, word-for-word, is currently in the defense authorization conference report that is in the Senate. This language was apparently accepted by the House and Senate conferees. She was one of those conferees, so I am sure she understood that.

I am confused as to why that was not recognized this morning, yesterday, or at some point, because she made quite a point of saying that we had not worked in good faith. Well, clearly, the conferees were there and could have objected to the inclusion of that language, and they did not. So the language is in the defense authorization conference report, and I hope that she feels that that represents a fairly significant development in terms of getting her policy accomplished. I am very disappointed that the other half of the stalking legislation that passed last week—the amendment of the Senator from New Jersey that she praised so strongly and so appropriately the other night—was not included. The Senator from Texas has given me her word, as has the majority leader, that they would work with us to get that legislation enacted as well. I know that she will live up to that commitment, just as the majority leader and I have attempted to work in good faith to live up to ours.

The reference, I might point out, to the Senator from Texas's stalking language is section 1069 of the defense authorization conference report. The page in the CONGRESSIONAL RECORD, dated July 30, 1996, was page 9055, in the House section.

I ask unanimous consent that that section of the conference report be printed in the RECORD.

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

SEC. 1069. PUNISHMENT OF INTERSTATE STALKING.

(a) IN GENERAL.—Chapter 110A of title 18, United States Code, is amended by inserting after section 2361 the following new section:

“§ 2261A. Interstate stalking

“Whoever travels across a State line or within the special maritime and territorial jurisdiction of the United States with the intent to injure or harass another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury (as defined in section 1365(g)(3) of this title) to, that person or a member of that person's immediate family (as defined in section 115 of this title) shall be punished as provided in section 2261 of this title.”.

(b) CONFORMING AMENDMENTS.—Title 18, United States Code, is amended as follows:

(1) Section 2261(b) is amended by inserting “or section 2261A” after “this section”.

(2) Sections 2261(b) and 2262(b) are each amended by striking “offender's spouse or intimate partner” each place it appears and inserting “victim”.

(3) The chapter heading for chapter 110A is amended by inserting “AND STALKING” after “VIOLENCE”.

(4) The item relating to chapter 110A in the table of chapters at the beginning of part I is amended to read as follows:

“110A. Domestic violence and stalking 2261”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110A of such title is amended by inserting after the item relating to section 2261 the following new item:

“2261A. Interstate stalking.”.

THE SENATE'S SCHEDULE

Mr. DASCHLE. Madam President, let me just say that while I did not hear all of the discussion this morning, I heard about it. I only say that we are prepared this afternoon to work with the majority leader to pass the conference report on minimum wage, to pass the conference report on health care, with the understanding that the last-minute, nonauthorized addition of a provision dealing with a certain drug patent would be removed from the conference report, and to pass the conference report on safe drinking water. We would be prepared to do that, along with the CFTC nominations, and the item on the Executive Calendar dealing with the nominee for the district judgeship in Minnesota.

So that is a good deal of work this afternoon. I see that the majority leader is here. We had the opportunity to discuss this matter earlier, and I look forward to resolving the matters I have just mentioned with him. We are prepared to enter into a colloquy at this time. I yield the floor for that purpose.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Madam President, I apologize to the minority leader for not being here. I got waylaid by the Secretary of Defense, who is anxious about some nominations, particularly the Chief of Naval Operations. I talked

with him on that and some other matters. As I understand it from our discussion, we would be prepared to move the nomination of the judge, the CFTC nominees—two of those—and then go to the health insurance conference report.

Mr. DASCHLE. If the distinguished majority leader will yield, as I understand it, our staffs have discussed the matter and the way in which it would come up. There would be a correcting resolution that would be offered, and we would consider that, and it is my understanding that we would then hold the bill until the House has passed the correcting resolution. But in that time we could take up the other legislation as well.

Mr. LOTT. I think there may be a problem with that, but I would like to discuss that some more in a moment.

After that—after we work through however we are going to handle the health insurance conference report and get a time agreement, I presume—and some Senators want to be heard on that, like Senator DOMENICI and Senator WELLSTONE, and Senator SPECTER has an interest there, too—then we would go to the safe drinking water conference report, and small business tax relief, which includes the minimum wage conference report.

I think we do need to talk further about how to handle the health insurance conference report with regard to the Con. Res.

I would like to ask specifically about the military nominations. I understand there is a lengthy list of generals, colonels, majors, whatever, but most importantly, the Chief of Naval Operations. I understand there is a real need for that to be filled.

Mr. NUNN. And the space command general, also.

Mr. LOTT. I would be glad to yield to the Senator from Georgia.

Mr. NUNN. I was going to inquire about the nominations. I see the chairman of the Armed Services Committee on the floor. I know we would both want to inquire about whether we would have the chance to pass the defense authorization conference report, passed by the House last evening, which I believe the Senator from South Carolina believes we can pass within an hour, maybe a shorter time than that.

Mr. THURMOND. Madam President, the House passed the defense authorization bill yesterday in one hour. I think we can pass it here in one hour. All I ask is that my colleagues not object to bringing it up. This is a matter of deep concern to the whole Nation, to those in the service, and to the defense of our country.

We need to take this bill up and pass it. It has a lot of things in it that need to be acted upon. We also have some military nominations, uniform people. There is no reason in the world to hold them up. These are nonpartisan matters. They don't affect anybody personally, but they affect the whole Nation. I hope we can get this bill up, pass it briefly, and send it on to the President.

Mr. LOTT. Madam President, does the Senator wish to respond on the possibility of getting these nominations considered this afternoon?

Mr. DASCHLE. Well, Mr. President, I would be happy to respond. We want very much to be able to clear the calendar of all nominations. We would like very much to deal with all of the military nominees and promotions. They are nonpolitical. The majority leader has pledged that for the entire month of July he would like to deal with the nonpolitical nominations on the judiciary as well. I am sure we can work out an arrangement whereby the military and judiciary—all the nonpolitical nominations—can be dealt with. I look forward to working with him and both of you to see that that happens this afternoon.

It is also my hope that we can deal with a number of conference reports. Our desire is to try to accelerate these considerations. An hour would work very fine with us. If we can work out an arrangement where that can be done, I look forward to taking that up today.

Mr. THURMOND. Since defense is a nonpartisan matter, and Senator NUNN, the ranking member of the committee, favors going ahead, and I as chairman favor going ahead, and it is purely nonpartisan—that is the way we handle defense, and that is the way it should be handled—why not take it up and pass it? We can get through with it in an hour.

Mr. DASCHLE. I agree.

Mr. THURMOND. Do you object to bringing it up? Don't put it in the category of other things. Keep defense as a nonpartisan matter. That is what we are trying to assure that ought to be done.

Mr. DASCHLE. That is right. We want to keep it nonpartisan.

Mr. THURMOND. Everything is not nonpartisan. This affects the whole Nation. This affects the defense of this country.

Mr. DASCHLE. I understand, and the chairman knows that better than anyone does. He has worked admirably to get to the point where consideration of the conference report could be taken up this afternoon in a nonpartisan way. Both the ranking member and the chairman have done an excellent job. But I must say we have worked together all month long on a whole range of bills. A lot of what we have done this month he has cooperated on. We have cooperated in a nonpartisan way in getting the defense bill to this point.

Mr. THURMOND. Please do not put defense in the group of these other things. This is nonpartisan. This is for the good of the whole Nation. Everybody feels defense is nonpartisan. Why not bring it up now? We could pass it in 1 hour.

Mr. LOTT. Madam President, if the distinguished chairman of the committee will allow me, we will continue to work on that. I am very much committed to getting the defense author-

ization conference report considered. It should be done. I want to have it done. I cannot allow it to be tied to political judges.

I cannot help but smile when my distinguished colleague and good friend, the minority leader, refers to judges as nonpolitical. Give me a break. But we have worked together through thick and thin for the last month. We will keep doing that.

So let me try this for now. Perhaps we could go ahead and do the judge, the CFTC, and go ahead and go to the safe drinking water conference report, because everybody is for that. We can get started. And we will talk about these other two during that time.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. With that agreement then, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar: No. 512, the nomination of Ann Montgomery to be U.S. District Judge for the District of Minnesota.

Further, I ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nomination was considered and confirmed as follows:

THE JUDICIARY

Ann D. Montgomery, of Minnesota, to be United States District Judge for the District of Minnesota.

Mr. LOTT. I ask unanimous consent that the Senate immediately proceed to consider the following nominations on the Executive Calendar: Calendar Nos. 596 and 597, Brooksley Elizabeth Born to be chairman of the CFTC, and Calendar No. 598, David D. Spears to be a commissioner of the CFTC.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senate proceeded to consider the nominations.

Mr. LOTT. Madam President, I just want to note here on that one that it has been pending for a long, long time. A lot of cooperation was involved in the CFTC. I am glad we finally have been able to work through the problems that we had.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, that any statements related to the nominations appear at the appropriate place in the RECORD, that the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were considered and confirmed as follows: