hall. Tony will also be there as a stark reminder that this bill is aimed at people like him, people who just are not perfect enough for us to deserve to be born.

I find it absolutely incredible that last year when we debated this bill, right before this bill came up, we had a vote on the Individuals with Disabilities Education Act. Passionate people on the other side of the aisle, whom I respect greatly for their defense of the disabled, got up and talked about how it was so important to give these people meaningful lives. They gave impassioned speeches, and yet, in the very next vote, they said that while they want to give them the right to education, they don't want to give them the right to live in the first place.

The Bible says, ''A house divided against itself cannot stand.'' You cannot in any way conceivably fit in that you are willing to fight for the disabled, but only after they survive birth; you won't fight for them—in fact, you point the finger at them and say that those, in particular, should not be born.

The Democratic Party, over the last 100 years, has had a wonderful, wonderful reputation for fighting for those who are the least among us, for civil rights, for rights for women, rights for minorities, rights for the disabled. They have continued to try to open the American family, and I salute them for that. But they do a great disservice to that legacy when they turn their backs on people like Tony Melendez and Donna Joy Watts.

One of the cases that is cited often by the President is cases of children with hydrocephaly. Donna Joy Watts had hydrocephaly with no chance to live. Her mother had to go to three hospitals just to get Donna Joy delivered. They wouldn't deliver her. They would abort her, everyone would abort her, but they wouldn't deliver her. And Donna Joy is here today at 6 years of age. She just earned her white belt in karate.

Mr. President, I have been asked many times what pulled me to the Senate floor to debate this issue, because I had never spoken a word in the House or Senate about the issue of abortion, and I have given a lot of answers as to why I joined BOB SMITH in this fight.

I finally realized after the birth of my son and the death of my son, Gabriel; it finally came to me what pulled me to the Senate floor. What pulled me here was something that my son revealed to me in his short life—that we draw lines that don't exist in our society with respect to life. He revealed to me, in the love that I had for him, that what pulled me to the Senate floor was the love that I have for little children like Donna Joy and Tony and so many others.

I ask my colleagues today if they will open their hearts and love them, too.

Mr. President, I yield the floor.

The PRESIDING OFFICER. All time has expired. The question is, Shall the bill (H.R. 1122) pass, the objections of the President of the United States to the contrary notwithstanding? The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 64, nays 36, as follows:

[Rollcall Vote No. 277 Leg.]

YEAS—64

Abraham	Faircloth	Mack
Allard	Ford	McCain
Ashcroft	Frist	McConnell
Bennett	Gorton	Moynihan
Biden	Gramm	Murkowski
Bond	Grams	Nickles
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Burns	Hagel	Roth
Byrd	Hatch	Santorum
Campbell	Helms	Sessions
Coats	Hollings	Shelby
Cochran	Hutchinson	Smith (NH)
Conrad	Hutchison	Smith (OR)
Coverdell	Inhofe	Specter
Craig	Johnson	Stevens
D'Amato	Kempthorne	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Domenici	Leahy	Warner
Dorgan	Lott	
Enzi	Lugar	

NAYS—36

Akaka	Feinstein	Lieberman
Baucus	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Harkin	Murray
Bryan	Inouye	Reed
Bumpers	Jeffords	Robb
Chafee	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Collins	Kerry	Snowe
Dodd	Kohl	Torricelli
Durbin	Lautenberg	Wellstone
Feingold	Levin	Wyden

The PRESIDING OFFICER (Mr. KYL). On this vote, the yeas are 64, the nays are 36. Two-thirds of the Senators voting, not having voted in the affirmative, the bill on reconsideration fails to pass over the President's veto.

CHILD CUSTODY PROTECTION ACT

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 1645.

The legislative clerk read as follows:

A bill (S. 1645) to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortive decisions.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu therof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Custody Protection Act''.

SEC. 2. TRANSPORTATION OF MINORS TO AVOID CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

''CHAPTER 117A—TRANSPORTATION OF MINORS TO AVOID CERTAIN LAWS RELATING TO ABORTION

''Sec.
''2401. Transportation of minors to avoid certain laws relating to abortion.

''§ 2401. Transportation of minors to avoid certain laws relating to abortion

''(a) OFFENSE.—

''(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports an individual who has not attained the age of 18 years across a State line, with the intent that such individual obtain an abortion, and thereby in fact abridges the right of a parent under a law, requiring parental involvement in a minor's abortion decision, of the State where the individual resides, shall be fined under this title or imprisoned not more than one year, or both.

''(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed on the individual, in a State other than the State where the individual resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the individual resides.

''(b) EXCEPTIONS.—

''(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

''(2) An individual transported in violation of this section, and any parent of that individual, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

''(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the individual or other compelling facts, that before the individual obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the individual resides.

''(d) CIVIL ACTION.—Any parent who suffers legal harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

''(e) DEFINITIONS.—For the purposes of this section—

''(1) a law requiring parental involvement in a minor's abortion decision is a law—

''(A) requiring, before an abortion is performed on a minor, either—

''(i) the notification to, or consent of, a parent of that minor; or

''(ii) proceedings in a State court; and

''(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

''(2) the term 'parent' means—

''(A) a parent or guardian;

''(B) a legal custodian; or

''(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regulatory resides;

who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

''(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

''(4) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

''117A. Transportation of minors to avoid certain laws relating to abortion ..... 2401.''.

CLOTURE MOTION

Mr. NICKLES. Mr. President, I send a cloture motion to the desk to the substitute amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the committee amendment to S. 1645, the Child Custody Protection Act:

Trent Lott, Orrin G. Hatch, Spencer Abraham, Charles Grassley, Slade Gorton, Judd Gregg, Wayne Allard, Pat Roberts, Bob Smith, Paul Coverdell, Craig Thomas, James Jeffords, Jeff Sessions, Rick Santorum, Mitch McConnell, and Chuck Hagel.

Mr. NICKLES. Mr. President, I ask unanimous consent that the cloture vote occur at 4:30 p.m. on Tuesday, September 22, and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, just so Members will know, there is a cloture motion that has just been filed. We should note for the record that we have been working in good faith with the chairman of the Judiciary Committee and the distinguished Senator from Michigan, Mr. ABRAHAM, on reaching agreement on a unanimous consent agreement. We started working on this agreement immediately after the majority invoked cloture to proceed to the bill. And in showing our good faith, everybody on this side of the aisle voted for that, to proceed to the bill. In fact, as I recall, the vote was unanimous in this Chamber.

S. 1645 is a bill that provokes strong feelings on both sides. A number of Members have expressed interest in offering amendments to this bill. In fact, on Tuesday, I say to the Senator from Oklahoma, we sent the Republican side a fairly limited list of amendments that Democrats plan to offer to the bill. Some of these amendments, such as those of the distinguished Senator from California, Mrs. FEINSTEIN, were debated in committee with careful thought and consideration, I thought, on both sides of the aisle.

In fact, I told Senator ABRAHAM later that I believed we had a very good debate on this bill in committee, and, as the distinguished Senator from Michigan knows, I did my best to move the bill along through committee.

We have not heard back from the Republican side about where we stand on the UC with the amendment list we proposed. We are waiting to hear back. I think if we work on this we will be able to reach some agreement and proceed on this measure with full and fair debate on the amendments that Members want to offer.

I whole-heartedly support the goal of fostering closer familial relationships and the notion of encouraging parental involvement in a child's decision whether to have an abortion. I believe, however, that States should continue to maintain their historically dominant role in developing and implementing policies that affect family matters, such as marriage, divorce, child custody and policies on parental involvement in minors' abortion decisions. That is the nature of our federal system, in which the States may, within the common bounds of our Constitution, resolve issues consistent with the particular mores or practices of the individual State.

In my view, this bill significantly undermines important federalism principles that we have respected—at least since the Civil War. In addition, while I know as a parent that most parents hope their children would turn to them in times of crisis, no law will make that happen. No law will force a young pregnant woman to talk to her parents when she is too frightened or too embarrassed to do so. Instead, of encouraging a young woman to involve her parents in a decision to have an abortion, this bill will drive young women away from their families and greatly increase the dangers they face from an unwanted pregnancy. For these reasons, I oppose this bill.

Proponents contend that the bill's ''simple purpose'' is to provide assistance to States that have elected to adopt parental consent requirements. Yet, the bill would not give federal enforcement ''assistance'' to all forms of parental consent or notification laws adopted in 40 states. Under the definition in the bill, only the most restrictive State parental consent or notification laws would get such assistance. The bill carefully restricts the parental involvement laws that would enjoy the new federal ''assistance'' offered by the bill to those that require the consent of or notification to only parents or guardians of a pregnant minor. States that have adopted a law that allows for the involvement of any other family member, such as a grandparent, aunt or adult sibling, in the decision of a minor to obtain an abortion would not be covered and not entitled to any Federal ''assistance.''

Only 20 States have adopted parental consent or notification laws that are currently enforced and meet the bill's definition of a ''law requiring parental involvement in a minor's abortion decision.'' Thus, the majority of the States either have opted for no such law or are enforcing a law that allows for the involvement of adults other than a parent or guardian in the minor's abortion decision.

Proponents are just plain wrong when they argue that this bill ''does not supersede, override, or in any way alter existing State laws regarding minors' abortions.'' On the contrary, the direct consequence of this bill would be to federalize the reach of parental involvement laws in place in the minority of States in ways that override policies in place in the majority of the States in this country.

The fact that the bill establishes no new parental consent or notification requirements is a mere fig leaf which cannot hide its anti-federalism effect. The bill would use federal agency resources to enforce the minority—20—States' parental involvement laws wherever minors from those States travel and in connection with actions taken in other States. Furthermore, it would create a federal crime as a mechanism for such federal intervention.

This is an extraordinary step to extend one State's parental consent laws against its residents wherever they may travel throughout the Nation. The twenty State parental involvement statutes ''assisted'' by S. 1645 were not drafted with this extraterritorial application in mind. These statutes do not say that the parental involvement provisions hinge on residency but provide restrictions on abortions to be performed on minors within the State where the law applies. Nevertheless, even if these States have not contemplated and neither need nor want Federal intervention to enforce their parental involvement laws, this bill would federalize the reach of these laws wherever the pregnant minors of those States travel within the country.

This is not even how these State parental consent laws were drafted: They do not say that they do not hinge on residency. They do not say that they apply to the residents of the State no matter where those residents may travel. These State laws were drafted to apply only to conduct occurring within the State's borders and to provide restrictions on abortions to be performed on minors within the State.

Ironically, even if a State does not enforce its own parental involvement law, due to a court injunction or determination of a State Attorney General, this bill may still make it a federal crime to help a minor cross State lines for an abortion without complying with that unenforced or unenforceable State law. Despite the sponsors' intention that S. 1645 not apply in those circumstances, the language of the bill is simply not clear on that issue.

S. 1645 AND DRED SCOTT

I can think of only one other instance in which the federal government applied its resources to enforce one State's policy, absent a State judgment or charge, against the residents of that State even when the resident found refuge in another State: fugitive slave laws before the Civil War. While none of us—and certainly not the sponsors of this legislation—would ever condone slavery. I know they would join with me and the other opponents of this legislation in condemning that heinous part of our country's history. Yet, unfortunately, that is the only legislative

precedent we have for a bill that would use federal law to enforce a particular State's laws against its citizens wherever those citizens may travel.

Thankfully, the Thirteenth Amendment to the Constitution outlawed slavery and repealed article IV, section 2, paragraph 3 of the Constitution, which authorized return of runaway slaves to their owners. That authority, and congressional implementing laws [The Fugitive Slave Act of 1793], enabled slave owners to reclaim slaves who managed to escape to ''free States or territories.

In fact, the notorious Dred Scott decision relied on this since-repealed constitutional provision to decide that slaves were not citizens of the United States entitled to the privileges and immunities granted to the white citizens of each State. This is why Dred Scott, born a slave, was deemed by the Supreme Court to continue to be a slave, even when he traveled to a ''free'' territory that prohibited slavery.

In 1858, Abraham Lincoln, who was at the time running for the U.S. Senate, criticized the Dred Scott decision, ''because it tends to nationalize slavery.'' Indeed, the dissenting opinion in Dred Scott, made plain that ''the principle laid down [in the opinion] will enable the people of a slave state to introduce slavery into a free State * * *; and by returning the slave to the State whence he was brought, by force or otherwise, the status of slavery attaches, and protects the rights of the master, and defies the sovereignty of the free State.''

So, too, with S. 1645. It tends to nationalize parental consent laws, even in those States that have declined to adopt that policy. Fugitive slave laws are no model to emulate with respect to our daughters and granddaughters.

Make no mistake, despite the sponsors' contention that this bill does not ''attempt to regulate any purely intrastate activities related to the procurement of abortion services,'' the effect of this bill would be to impose the parental consent policies in the minority of States on the residents of the majority of States. For example, Vermont has no parental consent or notification law, though a neighboring State—Massachusetts—does. In the early 1980's, press reports indicated that a two percent increase in abortions in Vermont were attributable to minors from Massachusetts coming across the border to avoid telling their parents under that State's parental consent law.

If this bill becomes law, Vermont health care providers could be put in the position of enforcing Massachusetts' parental involvement laws before any abortion procedures are performed on minors from Massachusetts; otherwise these health care providers run the risk of criminal or civil liability. In other words, when confronted with a nonresident pregnant minor, who may be from Massachusetts, a Vermont health care provider would not be able to perform procedures that are legal in Vermont and protected by the United States Constitution. Instead, that Vermont health care provider would be forced to import and enforce another State's law.

Since it is not always easy to tell where a minor's ''home'' State is, health care providers would end up bearing the burden, in terms of time, cost and resources, of checking on the residency of every minor who comes to them for abortion services. This may be the only way to ensure that there are no nonresident minors among them who have not complied with their ''home state'' parental involvement laws. This is not the policy that the majority of States have chosen for the minors within their borders, yet the bill would force the laws and policies of the minority of States on them.

Health care professionals share this concern. Dr. Renee Jenkins, testified before the Judiciary Committee about the effect of this bill on clinics, doctors and other health care providers. She told us:

> I am concerned about the effect on and responsibilities to the health care providers involved: the doctor's responsibility when providing abortion services to women of any age from out-of-state. . . . I am very concerned that Congress may put health care providers in the position where they must violate their state's confidentiality statutes in order to meet the obligations of a neighboring state.

Moreover, the Federal Government would be in the unfortunate position of prosecuting people differently, depending on the State in which that person has established residence. This disparate treatment would result from the non-uniformity of State parental involvement laws. State statutes on parental involvement in a minor's abortion decision vary widely and, as noted, a number of States have no such requirement at all. Thus, under the bill, whether a person is subject to Federal prosecution would depend upon the vagaries of State law.

Just because some in Congress may prefer the policies of some States over those in the majority of the States does not mean we should give those policies federal enforcement authority across the nation. Doing so sets a dangerous precedent.

We should think about how this policy might impact additional settings. For example, some states, such as Vermont, allow the carrying of concealed weapons without a permit, while other States bar that practice. Should Congress authorize federal intervention that would allow residents of States, like Vermont, to enjoy the privilege of carrying their concealed weapons into States, like Massachusetts, with more restrictive concealed weapons laws?

Or what about State laws governing the sale of fireworks? Vermont bars the sale of all kinds of consumer fireworks, including roman candles and sky rockets. These fireworks are perfectly legal in other States, including New Hampshire. What would we think about making it a federal crime for a Vermonter to go to New Hampshire to buy consumer fireworks because they are illegal in Vermont? I believe we would view such a law—even if it were constitutional and even if it would promote the ''safer'' State fireworks law—as overreaching in the exercise of our federal power.

It is the nature of our Federal system that when residents of a State travel to neighboring States or across the Nation, they must conform their behavior to the laws of the States they visit. When residents of each State are forced to carry with then only the laws of their own State, they may be advantaged or disadvantaged but one thing is clear: We will have turned our federal system on its ear.

Significantly, the Department of Justice, in a July 8 letter to me, has described the myriad of practical enforcement problems with this bill. According to the Department, this bill would be ''notably difficult to investigate and prosecute, and would involve significant, and largely unnecessary, outlays of federal resources.''

For example, the Department points out that since this bill is predicated on conduct that may be perfectly lawful under the law of the State where the conduct occurred, local law enforcement may be unable to assist. This will leave the detection and investigation of violations of S.1645 entirely to the FBI and ''place a great burden on the FBI.''

Practically speaking, if this bill becomes law, FBI agents may have to serve as ''State Border Patrols'' to ensure that pregnant minors crossing State lines with another person is not doing so to have an abortion without complying with her home State's parental consent law.

Just last week, we held a hearing on counter-terrorism policies and heard from the FBI Director about the challenges the Bureau is already facing both here and abroad to protect the safety of Americans. They are currently investigating the deaths of 19 U.S. servicemen in Khoban Towers bombing in Saudi Arabia, and the deaths of over 250 people, including 12 Americans, caused by the recent bombings in Kenya and Tanzania. If this bill becomes law, how much of the FBI's attention will be diverted to help enforce the parental consent laws of 20 States? I think the FBI already has a full plate of duties that should not be diverted by this new federal enforcement authority called for in this bill.

In addition, the bill would sweep into its criminal and civil liability reach family members, including grandparents or aunts and uncles, who respond to a cry for help from a young relative by helping her travel across State lines to get an abortion, without telling her parents as required by the laws of her home State. Even the sponsors of this bill acknowledged the overbroad reach of the criminal liability provision in the original bill and took steps, with a substitute amendment

adopted during the Committee's consideration of the bill, to exclude parents, but only parents, from the threat of criminal prosecution and civil suit.

The purported goal of this bill, to foster closer familial relationships, will not be served by threatening to throw into jail any grandmother or aunt or sibling who helps a young relative travel out-of-State to obtain an abortion without telling her parents, as required by her home State law. The real result of this bill will be to discourage young women from turning to a trusted adult for advice and assistance. Instead, these young women may be forced then into the hands of strangers or into isolation. In fact, a 1996 report by the American Academy of Pediatrics, cites surveys showing that pregnant minors who do not involve a parent in their decision to have an abortion, often involve other responsible adults, including other relatives.

Keep in mind what this bill does not do: it does not prohibit pregnant minors from traveling across State lines to have an abortion, even if their purpose is to avoid telling their parents as required by their home State law. Thus, this bill would merely lead to more young women traveling alone to obtain abortions or seeking illegal ''back alley'' abortions locally, hardly a desirable policy result. Young pregnant women who seek the counsel and involvement of close family members when they cannot confide in their parents—for example where a parent has committed incest or there is a history of child abuse—would subject those same close relatives to the risk of criminal prosecution and civil suit, if the young woman subsequently travels across State lines for an abortion.

Threatening an FBI investigation and a criminal prosecution of any loving family member who helps a young pregnant relative in distress to go out of state to obtain an abortion, would be a short-sighted and drastic mistake.

In addition to close family members, any other person to whom a young pregnant woman may turn for help, including her minor friends, health care providers, and counselors, could be dragged into court on criminal charges or in a civil suit. The criminal law's broad definitions of conspiracy, aiding and abetting, and accomplice liability, in conjunction with the bill's strict liability, could have the result of indiscriminately sweeping within the bill's criminal prohibition a number of unsuspecting persons having only peripheral involvement in a minor's abortion—even if they were unaware of the fact that a minor was crossing state lines to seek an abortion without complying with her home State's parental involvement law. As a result, the law could apply to clinic employees, bus drivers, and emergency medical personnel.

I also fear that the bill may have the unintended consequence of encouraging young women in trouble to abandon their family, friends and homes. If they are willing to travel across State lines to obtain an abortion, will this bill effectively force them to move their domicile across State lines to avoid engendering criminal and civil liability? If becoming a resident of another State will eviscerate the hold of a home State's restrictive parental consent law, moving, or running away from home may be the only choice that passage of this bill may leave to them if a young woman is determined not to tell her parents. And, what of those young woman who intend to move or those who tell others that they intend to move, does that defeat the claims the bill is intended to create to deter abortions?

No law—and certainly not this bill—will force a young pregnant woman to involve her parents in her abortion decision if she is determined to keep that fact secret from her parents. Indeed, according to the American Academy of Pediatrics, the percentages of minors who inform parents about their intent to have abortions are essentially the same in States with and without notification laws. Yet, while doing nothing to achieve the goal of protecting parental rights to be involved in the actions of their minor children, S. 1645 would isolate young pregnant women forcing them to run away from home or drive them into the hands of strangers at a time of crisis, and do damage to important federalism and constitutional principles.

Finally, because the bill imposes significant new burdens on a woman's right to choose and impinges on the right to travel and the privileges and immunities due under the Constitution to every citizen, constitutional scholars who have examined the proposal have concluded that it is unconstitutional.

I am particularly struck by Harvard University Law School Professor Laurence Tribe's statement that that ''the Constitution protects the right of each citizen of the United States to travel freely from state to state for the very purpose of taking advantage of the laws in those states that he or she prefers.'' He concluded.

A vote against this bill is a vote for preserving a young woman's ability to turn to a close relative or friend, in what may be the toughest decision she has ever faced, without fear that her trusted grandmother, stepparent, or best friend would be fined or jailed. A vote against this bill is a vote for preserving the important federalism principles.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. I want to acknowledge that the Senator from Vermont and others on the Judiciary Committee, who are on the minority side, have worked with us. I think we did have, as the Presiding Officer knows, a very fair and I think thoughtful debate about the Child Custody Protection Act in committee. Let me just make a couple of points as to where, it seems to me, the situation currently stands.

First of all, we have had a list of potential amendments submitted. We have not seen language for any of those that are new. Some were in fact offered in committee. But the new ones we have not seen, and it would be very helpful, from the standpoint of moving the process forward, if we could get a better sense of what those are and how many, therefore, might be acceptable.

Second, I point out to all Members that amendments that were offered in committee, a number of which constitute the list we have seen, would remain relevant amendments postcloture on the bill because in fact they would stay in play. So even if cloture were invoked on the bill, it would not preclude those amendments from being considered and voted on here.

The fundamental problem is the Presiding Officer and, frankly, all Members are aware that what we confront now is a time problem. And if we can come up with an agreed upon list of amendments with reasonable time limits, I think we can move forward on this bill in the same productive way here in the full Senate that we did in the committee. But I think to get there we really require a couple of things. One is a little more information about some of the amendments that have been offered, particularly those that do not appear to be relevant amendments, and then some cooperation with respect to reaching an agreement on time limits for the amendments.

I do not think this is a situation that has to go to a cloture vote if we can resolve some of this. I again urge my colleagues to note, to the extent of the amendments that have been proposed, at least the ones we do know about because of they having been offered in committee, they will remain relevant amendments postcloture.

I think the majority leader and the full Senate understand the limited time we have. We cannot have this legislation on the floor for too long a period of time given all the other important pieces of legislation that demand our attention. But if we can limit the time and move to the amendments, I think it is possible to move forward. But even if we were to invoke cloture, it would not preclude many of these amendments. It would presumably eliminate some that truly are not relevant to the bill. And this is, I think, where we find ourselves.

So our staff, certainly on the majority side, is anxious to continue working with the ranking member and his staff to see if we can come to some agreement, hopefully, by the end of the day on Tuesday.

Mr. President, I yield the floor.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

Mr. NICKLES. I ask unanimous consent that the Senate resume consideration of the bankruptcy bill.