

right around the time that a minority-owned New York bank, Freedom National Bank, had failed. They had all kinds of community funds commingled and when the bank failed, FDIC insurance would look at all of the accounts as one big, single account. My office had gotten dozens of calls from the Harlem community that stood to lose college scholarship funds and all kinds of community program money. During the conference, I explained the bank's predicament and got included in the bill an amendment to look at each account separately and basically cover all the deposits made by the community programs.

FDICIA had one of those conferences that finished at 3:00 am and when the bill was voted on by the House and Senate the next day, the Freedom National Bank amendment was nowhere to be found. Both Houses were set to adjourn right after the bill passed, but Ira worked Legislative Councils of both Houses, the Chairmen of the Committees, the staff people, and the Parliamentarians. With the usual Ira tenaciousness, he tracked down every person who could help—no matter where they were. Finally, Ira and I ran over to the House to do what couldn't be done over the telephone. We arrived on the floor, right as the House announced its adjournment sine die. Two minutes later, the House floor reopened, passed the Freedom National amendment, and readjusted.

That kind of dedication, that kind of passion and that kind of can do and do attitude is what I will always remember about Ira. The Freedom National Bank situation happened long before I was Chairman of Banking—at the time, I was third in seniority at the Committee. Ira was a pro and worked that issue as if it was his money at stake.

He was a wonderful person, with a great passion and a great way with words—drafting the most imaginative and creative statements which the Congressional Record will memorialize forever. And, of course, I will always remember Ira's laugh, the great guffaw.

I join my colleagues today to bid a fond farewell to Ira Paul and to thank him one last time for all he did during his time at the Senate.

PARTIAL BIRTH ABORTION BAN ACT

Ms. SNOWE. Mr. President, I am opposed to the conference report on S. 3, the Partial Birth Abortion Act.

In 1973—26 years ago now—the Supreme Court affirmed for the first time a woman's right to choose. This landmark decision was carefully crafted to be both balanced and responsible while holding the rights of women in America paramount in reproductive decisions. It is clear that the underlying Santorum bill does not hold the rights of women paramount—instead, it infringes on those rights in the most grievous of circumstances.

Indeed, S. 3 undermines basic tenets of *Roe v. Wade*, which maintained that women have a constitutional right to an abortion, but after viability—the time at which it first becomes realistically possible for fetal life to be maintained outside the woman's body—States could ban abortions only if they also allowed exceptions for cases in which a woman's life or health is endangered. And the Supreme Court reaffirmed their support for exceptions for health of the mother just 3 years ago.

In *Stenberg vs. Carhart*, a case involving the constitutionality of Nebraska's partial birth abortion ban statute, the Supreme Court invalidated the Nebraska statute because it lacks an exception for the performance of the D & X dilation and extraction procedure when necessary to protect the health of the mother, and because it imposes an undue burden on a woman's ability to have an abortion. This case was representative of 21 cases throughout the Nation. Regrettably, however, Senator SANTORUM's legislation disregards both Supreme Court decisions by not providing an exception for the health of the mother and providing only a narrowly defined life exception.

And let there be no mistake I stand here today to reaffirm that no viable fetus should be aborted—by any method—unless it is absolutely necessary to protect the life or health of the mother. Period.

During the Senate consideration of this bill earlier this year, I once again cosponsored Senator DURBIN's amendment which specifies that postviability abortions would only be lawful if the physician performing the abortion and an independent physician certified in writing that continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health. It mirrors laws already on the books in 41 States, including my home State of Maine, which ban postviability abortions while at the same time including life and health exceptions mandated by the Supreme Court under *Roe v. Wade*.

This amendment, which was tabled during the Senate's debate, would have lowered the number of abortions because it bans all postviability abortions. S. 3, in contrast, will not prevent a single abortion. Sadly, it will force women to choose another potentially, more harmful procedure.

Is this what we really want? To put women's health and lives at risk? And shouldn't these most critical decisions be left to those with medical training—not politicians?

The findings in S. 3 would have you believe that this procedure is never necessary to preserve the life or health of the mother and that in fact it poses significant health risks to a woman. This is simply not true. Let me explain why there must be a health exception for "grievous physical injury" in two circumstances.

First, the language was to apply in those heart-wrenching cases where a wanted pregnancy seriously threatens the health of the mother. The language would allow a doctor in these tragic cases to perform an abortion because he or she believes it is critical to preserving the health of a woman facing: peripartur cardiomyopathy, a form of cardiac failure which is often caused by the pregnancy, which can result in death or untreatable heart disease; pre-eclampsia, or high blood pressure which is caused by a pregnancy, which can result in kidney failure, stroke or

death; and uterine ruptures which could result in infertility.

Second, the language also applied when a woman has a life-threatening condition which requires life-saving treatment. It applies to those tragic cases, for example, when a woman needs chemotherapy when pregnant, so the families face the terrible choice of continuing the pregnancy or providing life-saving treatment. These conditions include: breast cancer; lymphoma, which has a 50 percent mortality rate if untreated; and primary pulmonary hypertension, which has a 50 percent maternal mortality rate.

Now, I ask my colleagues, who could seriously object under these circumstances?

I cosponsored this amendment because I believed that it was a common-sense approach to a serious problem for American women and a contentious issue for the United States Congress. Unfortunately, the omission of this or any other exemption from this ban in cases when the life of the mother is threatened poses a significant and likely a constitutional problem, and without such an exception, I could not support this conference report.

POST-ELECTION VIOLENCE IN AZERBAIJAN

Mr. MCCAIN. Mr. President, today Human Rights Watch released a statement condemning what it calls a "brutal political crackdown" in Azerbaijan following its flawed October 15 presidential elections. In the words of Peter Bouckaert of Human Rights Watch, "Azerbaijan is going through its most serious human rights crisis of the past decade. If this crackdown continues, there won't be an opposition left in Azerbaijan by the end of the month." I direct my colleagues' attention to Human Rights Watch's disturbing conclusions and ask unanimous consent that its report be printed in the RECORD.

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

AZERBAIJAN: GOVERNMENT LAUNCHES CRACKDOWN AFTER ELECTION, HUNDREDS OF OPPOSITION MEMBERS ARRESTED

NEW YORK, October 22, 2003.—Azerbaijani authorities have unleashed a massive and brutal political crackdown, arresting hundreds of opposition leaders and activists since the October 15 presidential election, Human Rights Watch said today. Ilham Aliyev, the son of the outgoing leader, was elected president in a vote that international and local observers said was marred by widespread fraud.

"The Azerbaijani authorities are using the post-election violence, an affair in which they themselves played a major role, to justify a massive crackdown on the opposition," said Peter Bouckaert, Human Rights Watch's senior emergencies researcher. "Arbitrary arrests have to stop. Those arrested without cause must be released immediately, and those in custody should have access to an attorney."

Human Rights Watch called on the government to publish a full list of all those arrested in the aftermath of the election, their