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 readjourned.

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 Paull 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 women'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: peripartal cardiomyopathy, a form of cardiac failure which is often caused by the pregnancy, which can result in death or untreatable heart disease; preeclampsia, 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 commonsense 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 Aliev, 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

whereabouts and the charges against them. Human Rights Watch urged the international community to press the Azerbaijani government to launch an independent commission, with international participation, to investigate election fraud.

Almost immediately after the polls closed on October 15, violence erupted between opposition supporters and the police. Later that evening, Azerbaijani security forces attacked peaceful opposition supporters gathered outside the headquarters of the main opposition party, Musavat (''Equality''), injuring at least 50 protesters.

Most of the arrests have occurred since October 16, when attempts by the security forces to prevent a march organized by the opposition turned violent. For details, please see Human Rights Watch press release ''Azerbaijan: Post-Election Clashes Turn Deadly.''

Human Rights Watch has been able to confirm at least 190 arrests of opposition leaders and supporters, although the actual number of detainees is much higher. For example, the Minister of Interior stated on October 17 that 190 persons had been detained during the October 16 violence alone. Many of those arrested were beaten while being taken into custody.

The charges, if any, against those detained are unknown, as in many cases they have not had access to counsel.

Several national leaders of the opposition have been among those arrested, including Sardar Jalaloglu, secretary-general of the Azerbaijan Democratic Party (ADP), taken from his home on October 18 by armed masked men; Igbal Agazadeh, chair of the Umid (''Hope'') Party, arrested on October 17; Panah Huseinov, chair of the Khalq (''Nation'') Party, and a former prime minister of Azerbaijan, arrested on October 19; and Vagif Hajibeili, chair of the Ahrar party, arrested on October 17.

Most of the national leaders are being held at the Organized Crime Unit of the Ministry of Interior, a department that routinely uses torture and other physical abuse against detainees, according to Human Rights Watch research. For details, please see Human Rights Watch briefing paper ''Azerbaijan: Presidential Elections 2003.''

The main opposition leader and presidential contender Isa Gambar, chair of the Musavat party, is under house arrest, and his bodyguards have been detained. Several Musavat deputy chiefs have been arrested, including Sulheddin Akper, deputy chief for international affairs; Ibrahim Ibrahimli, deputy chief for humanitarian affairs; Arif Hajiev, deputy chief for organizational affairs; and Mirbaba Babaev, a member of the Musavat supreme council.

The campaign of arrest has also focused on members of the ''Our Azerbaijan'' bloc, including many civil society leaders, who supported the candidacy of Musavat leader Isa Gambar. Mehti Mehtiev, director of the Human Rights Resource Center, was arrested at his home on October 18. Itimar Asadov, chair of the Karabakh Invalids Association, was arrested on October 17. The security forces also attempted to arrest Ilgar Ibrahimoglu, a major religious leader and the head of the Center for the Protection of Conscience and Religious Freedom; he received refuge in the Norwegian Embassy after two of his associates, Azad Nazimanoglu and Najaf Allahverdiyev, were arrested on October 17.

The authorities have also detained local opposition activists in villages and towns throughout Azerbaijan. For example, on October 17, police in the town of Saatli arrested Agarza Miriev, the local Musavat chief; Beibala Akperov, his deputy; Mikhail Humbatov, chair of the local ADP branch; Chingiz Umudov, the local chief of the Liberal Party; and Fakhreddin Abdiev, the local chief of the Azerbaijan Popular Front Party (APFP).

Among other local leaders whose arrest Human Rights Watch has been able to confirm are: the chairs or deputy chairs of the Musavat party branches of Ali Bairamli, Gazakh, Gabala, Ismaili, and Jalilabad, Sumgait; the head of the ADP branches in Ali Bairamli, Imishli, and Zagatla; the chairs of the Azerbaijani National Independence Party (ANIP) branches in Ganja, Quba, and Shamkir; and the chairs of the APFP branches in Jalilabad and Siazan. Human Rights Watch also confirmed the arrest of the head of the Umid party in Ali Bairamli. All of their names are on file with Human Rights Watch.

In addition, the Azerbaijani authorities have arrested dozens of opposition members who served as observers and polling-station officials during the October 15 election because they refused to sign vote tallies from their polling stations that they believed were fraudulent. The tallies, known as protocols, require the signatures of polling-station officials. In the town of Ganja alone, Human Rights Watch has obtained the names of 32 opposition polling-station officials who are currently being detained for their refusal to sign fraudulent vote tallies.

International monitors from the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe and the National Institute for Democracy (NDI) have confirmed widespread fraud on election day. According to many reports, the families of opposition election officials who refused to sign forged protocols have also come under pressure and been victims of intimidation from government officials, and in some cases have themselves been arrested.

Human Rights Watch calls on the Azerbaijani authorities to immediately end the crackdown against members of the opposition. Human Rights Watch further urged the Azerbaijani government to carry out a prompt, independent and impartial investigation into the violence plaguing the country prior and subsequent to the election, and to investigate and prosecute security officials and others implicated in abuses. Urgent international action is needed to prevent a further decline in human rights conditions in Azerbaijan, Human Rights Watch stressed.

Human Rights Watch also urges the Council of Europe and the OSCE, together with the United States and the European Union, to press the Aerbaijani government to form an independent commission to investigate election fraud. Election experts from the Council of Europe and OSCE should be part of this commission.

''Azerbaijan is giong through its most serious human rights crisis of the past decade,'' said Bouckaert. ''If this crackdown continues, there won't be an opposition left in Azerbaijan by the end of the month.''

STATUS OF ENERGY BILL CONFERENCE COMMITTEE NEGOTIATIONS

Mr. JOHNSON. Mr. President, yesterday, in a joint statement, Senator DOMENICI and Representative TAUZIN indicated that because of continued disagreements over energy tax provisions that additional conference meetings on comprehensive energy legislation will not occur this week. At the same time, Representative TAUZIN and Senator DOMENICI announced that final agreements had been reached on ethanol and electricity. I learned about these developments, as did my other Democratic colleagues who serve on the conference committee to the energy bill, not from meeting with the chairman of the conference, but through third-hand news accounts.

The exclusion of Democrats from the conference committee process is well known. Yesterday, Senator BINGAMAN, the ranking democrat on the Senate Energy Committee and one of the Senate's foremost experts on energy matters, raised these same points on the Senate floor. By choosing not to release to the public Republican-bargained agreements on ethanol and electricity, the Congress runs a substantial risk of harming South Dakota farmers and consumers, while failing to produce the long-term energy policy our country requires.

Implementing an aggressive renewable fuels standard that grows demand for ethanol is vitally important to the ethanol industry, American farmers, and our long-term energy security. South Dakota is at the forefront of expanding ethanol production with 1 of every 3 rows of corn in South Dakota devoted to ethanol production. Nearly 8,000 South Dakota farm families are connected to my State's nine ethanol facilities. Implementing a Renewable Fuels Standard, RFS, that significantly benefits this growing industry is more important than slapping together an agreement cut by a few Senators in order to grease the wheels for passage of a broader energy bill.

As I look at the list of Republican conferees serving on the energy conference, I am very concerned that by excluding Democrats, such as Senators DORGAN, DASCHLE, and BAUCUS, that the ethanol agreement constructed will not produce the long-term benefits South Dakota's member-owned ethanol facilities and farmers expect from this bill. This concern is not only shared by Senate Democrats, but many Republican Senators who want to grow ethanol production. Last Friday, 29 Senators wrote to Senator DOMENICI and Representative TAUZIN reiterating that the conference accept the Senate's ethanol agreement that passed on a bipartisan vote of 68 to 28. Unfortunately, opponents of renewable fuels appear to be prevailing within the conference. Therefore, I have great concerns with the decision by Senator DOMENICI not to release the ethanol and electricity agreements to the public so that it could be reviewed by all conferees.

By refusing to release the ethanol and electricity agreements, South Dakotans are deprived of the opportunity to understand how this bill will impact their pocketbook and livelihood. Notwithstanding a vague agreement to allow conferees to review the language 24 hours before a final vote, this closed process could ultimately produce a bill that hurts my constituents. The electricity provisions in this bill have a significant impact on the thousands of customers in my State served by rural