

Nickles	Schumer	Sununu
Pryor	Sessions	Talent
Reed	Shelby	Thomas
Reid	Smith	Voivovich
Roberts	Snowe	Warner
Rockefeller	Specter	Wyden
Santorum	Stabenow	
Sarbanes	Stevens	

NOT VOTING—3

Edwards	Inouye	Kerry
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The bill (S. 877), as amended, was passed, as follows:

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask that there now be a period for morning business, with Senators speaking for up to 10 minutes each.

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

NOMINATION OF THOMAS M. HARDIMAN

Mr. SPECTER. Mr. President, it is my understanding that the Senate will soon take up in executive session the nomination of Thomas M. Hardiman to be a judge on the U.S. District Court for the Western District of Pennsylvania, and I recommend to my colleagues that he be confirmed. He has an outstanding academic record.

Mr. Hardiman received his bachelor's degree, cum laude, from the University of Notre Dame in 1987. He received his law degree, cum laude again, from Georgetown University Law Center. He was notes and comments editor of the Georgetown Law Journal, which is an indication of academic achievement and legal excellence in writing. He has been admitted to the bars of Massachusetts, the District of Columbia, and the Commonwealth of Pennsylvania. He has been in the active practice of law since 1990. He currently is a partner in the prestigious Pittsburgh firm of Reed Smith.

He has been very active with professional affiliations as a Pennsylvania Young Lawyers Division delegate to the American Bar Association's House of Delegates. He served as a hearing officer for the Pennsylvania Disciplinary Board. He has been active in community affairs, president of Big Brothers Big Sisters of Greater Pittsburgh, and he currently serves as director of that organization. He was formerly an adjunct faculty member of LaRoche College.

As suggested by the dates of graduation, Mr. Hardiman is a young man, in his late thirties. I think he brings an element of diversity to the court, tempering some of the judges who are

older. But starting at the age of 38 affords an opportunity to develop skills and expertise on the district court as a trial judge.

From what I know about him, and I have observed him over the better part of the past decade, he has the capability perhaps to become an appellate judge. That will depend upon the development of his skills and his professional accomplishments as a judge.

He was recommended by the non-partisan nominating panel which Senator SANTORUM and I have. He is a vigorous young man. He has a family, a wife and three children, residing in Fox Chapel. I think he will make an outstanding addition to the United States District Court for the Western District of Pennsylvania.

IN MEMORY OF IRA PAULL

Mr. DODD. Mr. President, I rise to speak in memory of Ira Paull, who passed away suddenly on September 28 at the age of 52.

I was very fortunate to work with Ira during the 7 years he spent on Capitol Hill as a staff member on the Senate Banking Committee. He worked on the staff of Senators John Heinz, Jake Garn, and Alfonse D'Amato. Ira was an integral part of virtually every critical piece of legislation that came out of the Banking Committee. His knowledge was vast and his counsel well-respected by Senators on both sides of the aisle. I personally had the privilege of working with Ira in my capacity as chairman of the Securities Subcommittee. In particular, I have fond memories of Ira as he accompanied me, Senator Heinz, and my staff on a congressional delegation to Europe in 1990 looking into European Community Financial Services issues.

Ira's reputation on the Hill was that of a bright and talented lawyer, and also of an individual with a quick wit and a tremendous sense of humor. He became well-known for writing opening statements for committee hearings that were not only well-informed and comprehensive, but would even, on occasion, incorporate rhyme or poetry that would bring a smile to everyone's face.

Though his job on the committee was to provide counsel to Republican Senators, he earned a great deal of respect from Democrats as well. He formed deep and lasting friendships with staff members from both sides of the aisle, including my own staff, who valued his advice and counsel and cherished his friendship.

Ira Paull was a hard worker, a dedicated public servant, and a wonderful person who was taken from us far too soon. He will be greatly missed by everyone who had the opportunity to know him.

I offer my deepest sympathies to his brother Gerson, to his sisters, Susan, Leah, and Linda, and to his entire family.

I ask unanimous consent to print in the RECORD statements on Ira's passing

submitted by former Senators Garn and D'Amato.

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

ON THE PASSING OF IRA PAULL

Senator Jake Garn

I first met Ira Paull in 1988 when he joined the staff of Senator John Heinz as his legislative assistant specializing in securities issues. A year later he joined the Banking Committee staff and I saw first hand how Ira's expertise in banking, securities and accounting made an invaluable contribution to the work of the Committee. Ira played a key role in all of the key significant legislation addressed by the Committee during my tenure as ranking member. Many of these laws were of critical importance to the financial stability of the United States, such as the legislation that resolved the savings and loan crisis and the law that restored the financial strength of the Federal Deposit Insurance Corporation. Ira's knowledge of accounting was especially crucial to the Committee's work on these measures, and the legislation adopted by the Congress reflects much of the input and advice we received from him.

Ira's intellect and technical expertise alone would have made him a wonderful asset to the Banking Committee staff. But Ira's contribution went well beyond that. Ira took it upon himself to share his knowledge and become an adviser to senior staff and a mentor to younger staff. He was universally respected for his personal integrity and strength of convictions. Ira had strong beliefs about Aright and wrong—and to his credit, never feared to express his views. He also had a remarkable sense of humor, and members of the Committee on both sides of the aisle enjoyed the statements Ira prepared. His sense of humor also served to keep staff morale high during the periods of high stress when staff was required to work long hours due to the press of the legislative schedule.

The passing of Ira Paull is a loss for all of us. He was a bright light that shone on many people, including myself. He will be missed by many, but forgotten by no one.

IN MEMORY OF IRA PAULL

Senator Alfonse M. D'Amato

It is with deep sadness that I submit this statement about the passing of former Senate Banking Committee staff person, Ira Paull.

Ira was a strong presence on the Committee staff for a number of years, staffing first Senator Heinz, then Senator Garn and finally me when he became the Deputy Staff Director under my Chairmanship.

No matter who Ira worked for at the time, though, we all looked to him for his quick and concise explanations—Ira could always cut to the chase. If any of us wanted something more than that, Ira could also spend days on the details. He was one of the few staff people that could actually do both. Whether the explanation was a few minutes or a few hours though, he was always passionate about whatever the Committee was doing.

In fact, few could show such passion as Ira about the Public Utility Holding Company Act of 1935 or the minutiae of thrift regulation. Ira's passion for the law showed no mercy for lobbyists or staff representing members with contrary positions to Ira's successive bosses. He was a strong advocate for his member and very effective at getting what his boss needed.

I remember one particular situation back when Congress passed FDICIA in 1991. It was

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 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: 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 Aliiev, 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