Now, surely we may say such legislation could not possibly be necessary. Surely fully born babies are already entitled to the protections of the law.

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Well, until recently, that certainly was true, but the corrupting influence of a seemingly illimitable right to abortion, created out of whole cloth by the Supreme Court in Roe v. Wade has brought this well-settled principle into question.

Just weeks ago, for example, in Stenberg v. Carhart, the United States Supreme Court extended the right to abortion to include the right to partial birth abortion, a procedure in which an abortionist delivers an unborn child's body until only the head remains inside of the mother; punctures the child's skull with scissors, and sucks the child's brain out before completing the delivery.

Every time I describe that procedure, I shudder but that is the reality of what the Supreme Court of the United States has said is protected by the Constitution of the United States.

Now even more striking than the holding of the Carhart case is the fact that the Carhart court considered the location of an infant's body at the moment of death during a partial birth abortion to be irrelevant for purposes of the law. Rather, the Carhart court appears to have rested its decision on the pernicious notion that a partially-born infant's entitlement to the protections of the law is dependent not upon whether the child is born or unborn but upon whether or not the partially-born child's mother wants the child or not.

The United States Court of Appeals for the Third Circuit made the point explicit on July 26, 2000, in Planned Parent of Central New Jersey v. Farmer, a case striking down New Jersey's partial birth abortion ban. According to the Third Circuit Court of Appeals, under Roe and Carhart a child's status under the law is dependent not upon the child's location inside or outside of the mother's body but upon whether the mother intends to abort the child or to give birth.

The Farmer court stated that in contrast to an infant whose mother intends to give birth, an infant who is killed during a partial birth abortion is not entitled to the protections of the law because, and I quote, a woman seeking an abortion is plainly not seeking to give birth, closed quote.

The logical implications of these judicial opinions are indeed shocking. Under the logic of these decisions, once a child is marked for abortion it is not relevant whether that child emerges from the womb as a live baby. A child marked for abortion may be treated as a nonentity even after a live birth and would not have the slightest rights under the law; no right to receive medical care, to be sustained in life or to receive any care at all. Under this logic, just as a child who survives an abortion and is born alive would have no claim to the protections of the law, there would appear to be no basis upon which the government may prohibit an abortionist from completely delivering an infant before killing it or allowing it to die.

As horrifying as it may seem, the Subcommittee on the Constitution heard testimony indicating that this is, in fact, already occurring. According to eyewitness accounts, live-birth, so-called live-birth abortions, are indeed being performed, resulting in live-born premature infants who are simply allowed to die, sometimes without the provision of even basic comfort care such as warmth and nutrition.

On one occasion, a nurse found a living infant naked on a scale in a soiled utility closet, and on another occasion a living infant was found lying naked on the edge of a sink. One baby was wrapped in a disposable towel and thrown in the trash.

Consider that these things are happening today in this country. Now statements made by abortion supporters indicate that they support this expansion of the decision in Roe v. Wade. For example, on July 20 of this year, the National Abortion and Reproductive Rights Action League issued a press release criticizing H.R. 4292 because in NARAL's view extending legal personhood to premature infants who are born alive after surviving abortions substitutes an assault on Roe v. Wade.

Well, I think they are wrong in their interpretation of Roe v. Wade, and I do not agree with that opinion but even that opinion, if properly understood, could not be extended in that way, but that is what they advocate.

I urge my colleagues to consider this important legislation as it is considered by the House in the days to come.

CONGRESS SHOULD PASS A REAL PRESCRIPTION DRUG PLAN BEFORE THEY ADJOURN

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to call my colleagues' attention to passing a real prescription drug plan before Congress adjourns. It is ironic that the Presidential candidate for the Republican Party has a new slogan about real plans for real people. I think we can all agree that senior citizens are real people and they need some real help.

As a registered nurse who has spent countless hours helping senior citizens with their medical needs, I can say what these real people need. They desperately need Medicare to cover the cost of buying lifesaving drugs. As a registered nurse, I had the pleasure of working with seniors before coming to Congress. I know firsthand that many of them are on fixed incomes and already struggling to buy food and pay their rent. I have paid close attention as to what we need to do as a nation to help senior citizens. I can say that our seniors simply need assistance with purchasing life-sustaining drugs. They simply cannot afford the high cost of the drugs now.

When the big pharmaceutical companies escalate the prices of prescription drugs every year at a pace that exceeds the annual level of inflation, between 1993 and 1998, spending nationwide for prescription drugs increased at an annual rate of 12 percent. This past April, I hosted a town hall meeting back in Dallas where I talked with constituents, the real people, about the exorbitant cost of prescription drugs. And here are some of the other startling statistics that were revealed: 85 percent of the seniors fill at least one prescription per year for common conditions because for their age such as osteoporosis, hypertension, heart attacks, diabetes, or depression; seniors nationwide are paying over 130 percent more for essential prescriptions than the drug companies'' most favorite customers, the HMOs; nearly two-thirds of Medicare beneficiaries have no drug coverage or unreliable, costly, and limited coverage and must pay these costs out-of-pocket; one-third of the Medicare beneficiaries have absolutely no coverage for prescription drugs at all.

What disturbs me even more are the statistics relating to the fat cat insurance industry and the pharmaceutical industry. Premiums and copays are rising; caps of $500 to $1,000 a year are being imposed frequently; drug companies' profits were actually three times more than the average profits of all other pharmaceutical companies. I understand that we have passed one bill that favors the pharmaceutical industry. That is not what the people need. The people really need, the real people, need a plan that is covered by Medicare because the profits, they talk about research, the profits outstrip their research budgets.

That is not true. The average compensation for a drug company's CEO was $22 million a year in 1998. So if we look at all of these facts, we have to wonder how the other side could put together the plan that they have devised. It gives subsidies to the big insurance companies. It seems that penny-pinching actuaries are the other side's idea of real people, not to mention the big pharmaceutical companies. It is ironic that we have allowed all of this time to lapse and are about to leave to go home, and we have forgotten about the real people.

The American people, including the residents of Dallas, have had enough of the other side's stonewalling. The American people do not really need smoke and mirrors. They need a real prescription drug benefit for seniors, not a phony plan that relies on drug companies and insurance profiteers.

As we head toward the final stretch here, I hope that we can put the playing aside, consider that these are really

people and consider that they really need real relief and pass a Medicare prescription drug benefit and bring competition to the drug industry so that drug prices can be reduced for the seniors. This is really unconscionable. We are talking about people who have retired and who are on fixed incomes. We must give them relief. We cannot continue to just play.

LIES, LIES AND MORE LIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Madam Speaker, I am delighted to speak before the Congress today and the American people, and I would like to obviously go back to a subject of importance, but before I do I think it was very important the comments of the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) about prescription drugs. It is timely. It is important. I would remind all those listening, though, that we have been here, at least with this administration, for almost 7¾ years and just in the last several months have we seen conversation relative to prescription drugs.

The gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) quoted some statistics showing the increase in inflation and cost of drugs year in and year out, and she is correct. They have been going up year in and year out, but only in an election year did they finally come forward with a plan that would provide some degree of prescription drug coverage, but one has to read the plan to see exactly what it entails and make certain they are not getting trapped in another big government program.

I would remind the listeners that the Vice President in Florida made some comparisons about his mother-in-law and his dog taking a certain drug. Obviously those statistics and facts are not true. They were not true. They did not apply, but that did not keep him from saying them.

So I, again, in day two of veracity watch, will call attention to another claim made by the Vice President regarding Mr. Bush's tax plan. However, as many know now, the information was misleading, incorrect or not even relative. In Washington, a tax research group questioned the manner in which Mr. GORE is using its numbers to attack Mr. Bush. The Vice President says the average working American would save just 62 cents a day under his opponent's tax plan but Bob McIntyre, director of Citizens for Tax Justice, said the Democratic Presidential candidate is not representing his information correctly. It is a stretch I would not make, and that is a labor-financed group that made the calculations.

Even that group suggests that the governor of Texas's plan would bring $1.24 in savings to the average worker.

Now the other day, in fact in this morning's paper, the Vice President says he will fix the oil crisis if elected. Well, as far as I could tell he is elected Vice President today and has been for the last 8 years and today we are experiencing the highest prices of fuel oil, home heating oil in 10 years. So I would ask all those soccer moms who participated in the last election to look at your gas statements, look at your credit card receipts and see how much they are paying for gas today as they did in 1996, and see if in fact the plan offered by the Vice President will be coming much too late for changing their family's budget.

He will make specific policy announcements to deal with the crisis, right here, right now, said his spokesperson. Well, the problem has been going on for some time, in fact a couple of years. We have had hearings, we have had testimony.

We brought Mr. Richardson before the Congress, but to no avail. We are still seeing high oil prices and no resolution to this crisis.

Now, Mr. Lehane, who is Mr. GORE's spokesman, boy, if you elect the other team they will transform the Oval Office into the big oil office. I do not think that is going to happen, but maybe if it does we will start seeing a reduction in prices for fuel oil and maybe the American consumers can see some relief.

The point is today, I want to make certain that people are at least using facts and statistics correctly, because I come from Florida where senior citizens do not need to be frightened and do not need to be scared. Back in 1992, then Governor Lawton Chiles, Democrat running for reelection, his campaign launched a series of telephone ads or at least telephone solicitations to voters urging them not to vote for then candidate Jeb Bush, because they said, in fact, if you elect Jeb Bush he is going to take away your Social Security. That is absolutely, patently false. The governor of the State of Florida does not have anything to do with Social Security, but the claim was made and it was done by the campaign. After the campaign, Governor Chiles apologized for the misinformation, dissemination of unfactual material but, once again, now we have the Vice President going to Florida, quoting statistics about a dog and his mother-in-law and I think it is reprehensible because it is all designed to scare seniors, make them nervous, make them feel like nobody is looking out for them.

My grandmother came from Poland. She died with $10,000 in the bank. She desperately needed Medicare. She desperately needed Social Security. She went to her grave with a measly $10,000 in life savings having worked as hard as she could as a maid in a Travel Lodge Motel. It is for people like my grandmother I am concerned about because I do not want them to die in poverty. I do not want them to have to be worried about prescription drugs. I do not want them to have to worry about Social Security. I did not get elected as a Republican to come here and destroy those very important programs.

1400

But it is troubling to me that a person running for office can make up stories, create characters, fictitious ideas, fictitious people, using them as examples of the problems that are maybe facing America.

DEMOCRATS SHOULD STOP USING SCARE TACTICS TO TRY TO WIN ELECTIONS

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from Florida (Mr. SCARBOROUGH) is recognized for 5 minutes.

Mr. SCARBOROUGH. Madam Speaker, I would like to follow up on what the gentleman from Florida so ably started, that is, talking about misrepresentations, not only in this campaign, but on the House floor.

As a Member that arrived here in 1995, I was surprised that people would come to the floor and actually talk about how mean-spirited, right-wing fanatics wanted to destroy Medicare and accused Republicans of wanting Medicare to wither on the vine. It got so bad, in fact, after the President shut down the government by vetoing nine appropriation bills, that The Washington Post, never a friend of the Republican Party, but The Washington Post actually had an editorial talking about the real fault and saying the real fault was that the Democratic Party was resorting to scare tactics and they called it ''Mediscare.'' Of course, that caught on; and we see this trend continuing over and over and over again.

As the gentleman from Florida talked about the 1994 gubernatorial race, we actually had Lawton Chiles and Buddy McKay calling senior citizens in South Florida saying, if you vote for Jeb Bush, a governor, a governor, he is going to cut Social Security. It is just lunacy. However, this has been the tact since we got here in 1994: try to scare senior citizens, try to scare grandmothers and grandfathers, those that are the most fragile in our society, into thinking that one party actually wants to take away Medicare and Social Security benefits.

I would like to say that it ended in this House back in 1996 or 1997 that, somehow, the far left was shamed into actually stopping the lies about Medicare. But I was sitting on the floor here just 2 weeks ago, and I heard a gentleman, I will not say his name, but I actually heard a gentleman once again say that Republicans came to Washington promising to have Medicare wither on the vine.

Now, there is no polite way to say it. That is a lie. That is just a bald-faced lie. Sadly, the gentleman that said it knew he was lying, knew he was talking about when Newt Gingrich talked about having HCFA wither on the vine because he wanted to privatize an