

July 10:

I, too, would very much like to see us complete the Elementary and Secondary Education Act.

July 25, 2000:

We will keep trying to find a way to go back to this legislation this year and get it completed.

The fact is, for the first time in 35 years we do not have a reauthorization of the Elementary and Secondary Education Act. That is against the background, Mr. President, of what is happening out there across this country and what young children are doing.

We have challenges in our education system. Here is a chart: "More Students are Taking the SAT." That test, by and large, is necessary to gain entrance into the colleges; not virtually unanimous, but by and large it is required. Look at what has happened since 1980, when 33 percent of the children took it: 36 percent in 1985; 40 percent in 1990; 42 percent in 1995; and now in 2000, it is 44 percent.

This is a reflection of the attitude of children in our high schools. The percentage of children taking the SATs is going up significantly. The children want to take those tests. They understand the significance of the SAT and the importance of a college education. The SAT test is demanding. It is hard. It is difficult. Children have to work extremely long hours to prepare for these SATs. The increasing numbers of students taking the SAT is a clear indication from the children of this country that they are serious about education and they want to be able to try to improve their academic achievement.

Not only do we see their willingness to take the most strenuous of tests, which are the SATs, but they are also willing to take the advanced courses in math and science, probably the most difficult courses in our high school.

We see what has been happening in precalculus: In 1990, 31 percent of students enrolled in precalculus; in 2000, 44 percent did. In calculus, the rate increased from 19 percent to 24 percent. In physics, 44 percent to 49 percent. These are the percentage increases of students who are taking the advanced courses in these subject matters—all on the rise. The number of children who are taking the SAT tests is on the rise.

Let's take a look at the results. We have now more children taking the SAT tests. They are taking more demanding courses. What have been the results? We see across the board, going back from 1972 and 1975, 1980, the constant downward movement in terms of results. What we have been seeing since 1990 is the gradual, slow—and I admit it has been slow, but it is going in one direction, and that is up. There has been an improvement in SAT math scores and they are now the highest in 30 years. More kids are taking them, more kids are doing better. That is true across the board in terms of males as well as females.

We have challenges in our education system. This is a reflection on what is happening generally across the country. These are the matters the Vice President has talked about, how he wants to strengthen those.

Now we see what has been happening in the State of Texas. We saw what is happening generally across the country, that all the indicators are going up. Here we have Texas, falling far below the national average on the SAT scores from 1997 to the year 2000.

I brought this up to the Senate floor last week, and a lot of my colleagues were dismissive. But let's look at this. This is the national test, the SAT. These are not homegrown tests in Texas and homegrown tests in Massachusetts, homegrown in other States. The SAT is a national standardized test. I will come back to that in a minute.

These are the national averages for the SAT test. Notice the national average total scores since 1997 has gone up. That, I think, is a clear indication that the children, working harder, taking more challenging courses, have a greater desire, more of them, to go on to the schools and colleges. It is a very definite upward swing, although not great in terms of the total numbers. All of us want these higher. However, the fact remains that progress has been made and the national average is going up.

But not, Mr. President, in the State of Texas. From 1999 to the year 2000, we have seen it flatten out. Going back to 1997, scores have declined; Texas scores have gone down. It is also interesting that Texas scores are well below the national average in the SATs.

I think this is a pretty fair indication about the facts in the State of Texas. With all respect, I am not getting into criticizing the Governor or commenting on his desire to try to do better. But I do think that when he talks about it and he claims how well Texas is doing, it is fair enough to look at the facts and examine whether this is so. We have this as a result of these Scholastic Aptitude Tests that show Texas is well below the national average, and under Governor Bush it hasn't improved on the national average in the last several years, at least while he has been Governor.

These are the earlier facts. Then we have the blockbuster report, the Rand Commission report, which basically sustains that argument that the schools may not have been making as large of improvements as claimed. It has been an important indictment of what has been happening on education in the State of Texas.

Mr. REID. Could I ask the Senator from Massachusetts to yield while we do a unanimous consent request, and the Senator as part of the request would retain the floor?

Mr. KENNEDY. I am glad to.

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

The Senator from Alaska.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 4811

Mr. STEVENS. Mr. President, I ask consent that following statements by Senator KENNEDY and Senator BAUCUS ongoing now, the Senate proceed to the conference report to accompany the foreign operations appropriations bill, that it be considered as having been read, and time be limited to the following: 1 hour equally divided between Senators MCCONNELL and LEAHY or their designees, 10 minutes equally divided between myself and Senator BYRD or our designees, and 30 minutes under the control of Senator GRAHAM of Florida. I further ask unanimous consent that following the use or yielding back of time, the Senate proceed to vote on the adoption of the conference report without any intervening action.

Mr. REID. Mr. President, reserving the right to object, it is my understanding there is already scheduled a 4:30 vote.

The PRESIDING OFFICER. That is correct.

Mr. REID. If this debate is not completed prior to that time, we will have to complete it after that vote is taken?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. That is my understanding, too.

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

Mr. STEVENS. I thank Senator KENNEDY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

#### EDUCATION TEST SCORES

Mr. KENNEDY. Mr. President, I was just pointing out that we have this extraordinary report. I have it in my hand. It is the October 24, 2000 Rand Commission report: What do test scores in Texas tell us? It is an excellent report. I will have excerpts of it printed in the RECORD. But I hope those who are interested in this issue, trying to make up your minds over the period of these last 10 days, will have a good opportunity to examine that report.

Let me just mention a few of the highlights of the report. First of all, the study was released, as I mentioned, on October 24. It raises serious questions about the validity of gains in Texas math and reading scores. The study compares the results of the Texas Assessment of Academic Skills, the test taken by Texas students, with the results achieved by those same students on the National Assessment of Education Progress tests. There were large discrepancies between the results of the Texas TAAS test and the national NAEP test. The student gains on the TAAS, the Texas test, are far greater than what has been found with the same group of students on the NAEP or other standardized national tests.

Do we understand what we are saying? Significant improvement on the

test just given to Texas students; but for the Texas students who took both the Texas and national test, we found a very dramatic disparity. In Texas, many teachers say they are spending especially—these are the conclusions of the Rand report—large amounts of class time on TAAS test preparation activities. Teachers in low-performing schools reported greater frequency of test preparation than did teachers in higher-performing schools. While this preparation may improve the TAAS scores, it may not help students develop necessary reading and math skills. Also, this could lead to a superficial appearance that the gap between minority and majority students is narrowing when no change has actually occurred.

The exclusion of students with disabilities increased in Texas while decreasing in the Nation. Texas also showed an increase over time in the percentage of students dropping out of school and being held back. These factors produce a gain in average test scores that overestimates actual improvement in student performance.

We understand now what is happening. Regarding those individuals with disabilities, students we have worked long and hard to make sure they are going to be a part of the student body and have the opportunities for educational advancement, if you can exclude some of them from test taking, as in Texas, plus most likely some of the poorer performing students have dropped out and won't be able to take any of those assessment tests, this is going to have an artificial inflator on test scores.

That is the Rand Corporation that is making that conclusion.

Also, Rand researchers hypothesize that a small but significant percentage of students may have topped out on the TAAS. In other words, some students may have scored as high as the TAAS would allow them to. If that happened, it would artificially narrow the gap on TAAS between white students and students of color because white students tend to earn higher scores than minority students. Thus, the reduced gap on the TAAS relative to NAEP may be a result of TAAS being too easy for some students.

As with other tests, there have been documented cases of cheating on the Texas TAAS test.

The NAEP is a national test, which students from around the country can take so States and communities—and parents, most importantly—are able to evaluate the differences between how their children are doing in school compared with how those in other parts of the State and other parts of the country are doing. According to the NAEP, Texas fourth graders were slightly more proficient in reading in 1998 than in 1994. However, the country as a whole also improved to the same degree. Thus, there was nothing remarkable about the reading score gains in Texas. Small improvements in Texas

eight grade math scores were also consistent with those observed nationally.

There is nothing remarkable about the NAEP scores in Texas, and students of color did not gain more than whites. Score increases in Texas are identical to those nationwide when using the NAEP data. However, the gains on TAAS were several times larger than they were on NAEP.

That is what we are hearing the good Governor talking about. That is what he is talking about. This puts it all in the light that that is not a true reflection of what is happening among the young people. The gains on TAAS were greater for students of color than they were for whites. The large discrepancy between the TAAS and the NAEP results raises concern about the validity of the TAAS scores and validity of claims regarding student achievement.

According to the NAEP results, the gap between white students and students of color in Texas is very large and also increasing slightly.

In 1998, the average fourth grade reading score for black students was at the 38th percentile compared to the average white student at the 67th percentile. This gap was slightly larger than the gap between these groups in 1994. In other words, the black-white reading gap increased during this 4-year period. The gap between the blacks and whites had actually increased during this period.

In fourth grade math, the white-Hispanic NAEP gap grew in Texas but not nationally, and the white-black gap remained constant in Texas but actually shrank nationally. In short, the gap sizes between the whites and minorities on the NAEP were improving nationally but getting worse in Texas.

That is not a satisfactory prescription for improving education. It suggests the Texas system is more an education mirage than an education miracle. I think it is important for parents—as they are looking now, trying to get beyond the clichés, beyond the slogans, beyond the set statements, beyond the give and take, even in those debates—to look at the record, and the record is very clear. That is that we have not seen the kind of advancement that has taken place in many other States that are doing a number of things that have been recommended, as we were going to have a chance to hear about in the debate on the ESEA.

We find out the States that made the greatest advancement are States that had smaller class sizes, where they had continuing enhancement and proficiency for teacher education, mentoring with teachers, afterschool programs, accountability. They had a number of those programs and even benefited from early education help and assistance as well.

What we wanted to try to do is to have a debate on those particular matters that have made a difference in States around the country, where we had seen advancements in education.

But we have been denied that opportunity. What basically the leadership, the Republican leadership, has denied us is the opportunity to have that debate, denied us the opportunity to raise these issues. What the American people are being asked is, let's just look back on what has happened in Texas.

When we examine Texas, not out of partisanship, but using the objective standards for the SATs—they do not benefit a Democrat or Republican; they are focused on children—and if we take the Rand study which has been available and can be reviewed by anyone—we are finding out that this has been a mirage in terms of education.

I want to spend a few moments going into another area which I think the American people ought to give some focus and attention to in these final few days, and that is on the critical issue of the credibility gap in health care. Few, if any, issues are of greater concern to American families than quality, affordable health care. Americans want an end to the HMO abuses. They want good health insurance coverage, they want a prescription drug benefit for senior citizens under Medicare, and they want to preserve and strengthen Medicare so it will be there for today's and tomorrow's senior citizens. And they want these priorities not only for themselves and their loved ones but for every American, because they know that good health care should be a basic right for all.

The choice in this election year is clear. It is not just a choice between different programs. It is a choice based on who can be trusted to do the right thing for the American people. AL GORE's record is clear. He has been deeply involved in health care throughout his career. The current administration has made significant progress in improving health care in a variety of ways—from expanding health insurance to protecting Medicare. He has consistently stood for patients and against powerful special interests.

AL GORE lays out a constructive and solid program that is consistent with his solid record. He is for expanding insurance coverage to all Americans, starting with children and their parents. He is for a strong Patients' Bill of Rights. I daresay, when AL GORE is elected President, a Patients' Bill of Rights will be the first major piece of legislation that passes this Congress. I am absolutely convinced that will be the case, Mr. President.

He has a sensible plan for adding prescription drug coverage to Medicare. He will fight to preserve Medicare without unacceptable changes designed to undermine Medicare and force senior citizens into HMOs and private insurance plans.

George W. Bush's approach is very different. His proposals are deeply flawed. But even worse than the specifics of his proposals is his failure to come clean with the American people about his record in Texas or about his own proposals.

On health care, George W. Bush does not just have a credibility gap. He has a credibility chasm. He has consistently stood with the powerful against the people. He refuses to take on the drug companies, the insurance companies, or the HMOs. His budget plan puts tax cuts for the wealthy ahead of every other priority, and leaves no room for needed investments in American families. His health care values are not the values of the American people.

On the issue of the Patients' Bill of Rights, George Bush said in the third debate that he did support a Patients' Bill of Rights. He said he wanted all people covered. He said he was in favor of a patient's right to sue, as provided under the Texas law. And he said he brought Republicans and Democrats together in the State of Texas to pass a Patients' Bill of Rights. That is what he said. But the reality is very different, as was pointed out in the New York Times after the debate on October 18. "Texas record: Taking credit for patients' rights where it is not necessarily due."

That is the understatement of the year. The reality is George W. Bush vetoed the first Patients' Bill of Rights passed in Texas. He fought to make the second bill as narrow and limited as possible. He was so opposed to the provision allowing patients to sue their HMOs that he refused to sign the final bill, allowing it to become law without his signature.

Mrs. HUTCHISON. Will the Senator yield?

The PRESIDING OFFICER. Will the Senator yield?

Mr. KENNEDY. Briefly for a question, and then I would like to make a presentation, and then I will be glad to yield.

Mrs. HUTCHISON. Mr. President, I am very concerned about what I see as attacks on my State of Texas on the Senate floor. I certainly think it is legitimate to have a Presidential campaign out in the light of day where people can see it. I just ask the question: Is the Patients' Bill of Rights the Senator is referring to the law today in Texas?

Mr. KENNEDY. Yes, it is law.

Mrs. HUTCHISON. Does the Senator think it would be law in Texas today if the Governor had not allowed it to become law?

Mr. KENNEDY. I think another Governor would have gotten the bill faster. If the Senator—

Mrs. HUTCHISON. The question is, Is it law today?

Mr. KENNEDY. Mr. President, I am going to reclaim my time.

The PRESIDING OFFICER. The Senator from Massachusetts reclaims his time.

Mrs. HUTCHISON. I ask if the Senator will give me some time to rebut what I consider to be an attack on my State.

Mr. KENNEDY. I will be glad to yield to the Senator after I spell out exactly what happened in Texas.

Mrs. HUTCHISON. Mr. President, then I ask unanimous consent that I have some time before we go to the foreign ops bill. I ask unanimous consent that I get up to 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I will lay out the facts—and if I can have the attention of the Senator from Texas now—I will lay these facts out, and if the Senator from Texas finds a problem with these facts, then I will be glad to yield for that purpose to listen to what the facts are.

These are what the facts are: George Bush said in the third debate that he did support a national Patients' Bill of Rights.

He said he wanted all people covered. He said that he was in favor of a patient's right to sue as provided under Texas law.

He said he brought Republicans and Democrats together in the State of Texas to pass a Patients' Bill of Rights. That is what he said.

The reality is different. The Governor vetoed the first Patients' Bill of Rights passed in Texas. He fought to make the second bill as narrow and limited as possible. He was so opposed to the provision allowing patients to sue their HMOs that he refused to sign the final bill and allowed it to become law without his signature. That is not the record of a person who is candid about where he stands and what he has done. Those are the facts.

It is not a record that recommends him for national office for any citizen concerned about a strong, effective Patients' Bill of Rights. It is the record of a candidate who stands with powerful insurance companies and HMOs, not with American families. He was forced effectively to take a Patients' Bill of Rights. So when the Senator says, isn't it law today? yes, but it was required because of what happened in the legislature, not the leadership that was provided by the Governor on that issue.

On health insurance, the record is equally clear—and equally bleak. Governor Bush claims he wants insurance for all Americans. He blames Vice President GORE for the growth in the number of the uninsured. But Governor Bush's record in Texas is one of the worst in the country. Texas has the second highest proportion of uninsured Americans in the country. It has the second highest proportion of uninsured children in the country. Yet Governor Bush has not only done nothing to address this problem, he has actually fought against the solutions.

In Texas, he placed a higher priority on large new tax breaks for the oil industry, instead of good health care for children and their families. When Congress passed the Children's Health Insurance Program in 1997, we put affordable health insurance for children within the reach of every moderate and low-income working family. But George Bush's Texas was one of the

last in the country to fully implement the law.

Do we understand that? Texas was one of the last States in the country to fully implement the law. Despite the serious health problems faced by children in Texas, Governor Bush actually fought to keep eligibility as narrow as possible.

This is what happened in 1994: The Governor takes office; Texas ranks 49th. The year 2000: Bush runs for President; Texas ranks 49th.

These are the facts. People might not like those facts. People might not want to talk about those facts, but these are the facts. If you have different facts, let's have them.

Texas: One of the last States to implement CHIP. October 1997, CHIP funds were available. November 1999, Texas implements the full CHIP program. We had a program where the funds were there. We did not have to appropriate the additional funds. Still it took 2 years. Children cannot wait 2 years when they are sick. They cannot wait when they have a sore throat, or cannot see the blackboard, or cannot see the teacher. They need help and assistance, and the fact it took 2 years, I think, is inexcusable.

Bush places a low priority on children. Bush fights to restrict CHIP eligibility to children below 150 percent of poverty. Most of the other States, a great majority of the other States, went to 200 percent of poverty. Maybe the Senator from Texas has an explanation for that.

Texas has been one of the only States that has been cited, not by the Senator from Massachusetts and not by Democrats, but by a Federal judge for failure to enroll children in Medicaid. That is the record, Mr. President. You might not want to hear about it, but that is the record.

Now, perhaps the most ominous revelation about the Governor's attitude towards this issue came in the third debate when he said:

It's one thing about insurance, that's a Washington term.

Insurance a Washington term? Governor Bush should try telling that to hard-working families across the country who don't take their children to the doctor when they have a sore throat or a fever because they can't afford the medical bill. He should try telling that to the young family whose hopes for the future are wrecked when a breadwinner dies or is disabled because an illness was not diagnosed and treated in time. He should try telling that to the elderly couple whose hopes for a dignified retirement are swept away in a tidal wave of medical debt.

Insurance is far more than a Washington term. It is a Main Street term in every community in America, and its lack of availability is a crisis for millions of families across the country.

Prescription drug coverage under Medicare is another major aspect of the health care challenge facing America. Few issues are more important to

senior citizens and their families. They deserve a prescription drug benefit under Medicare. And we should try to provide it in a way that strengthens the promise of Medicare, not in a way that breaks that promise and breaks faith with the elderly.

The differences between Vice President GORE and Governor Bush on this issue are fundamental. Governor Bush stands with the big drug companies. The Vice President stands with the senior citizens. Governor Bush has sought at every turn to blur the differences between their two plans in a way that is so misleading as to make a mockery of his own attacks on the Vice President's credibility.

Vice President GORE has clearly pointed out the many flaws in Governor Bush's prescription drug plan for senior citizens. But Governor Bush has no response on the merits. Instead, he hides behind phrases like "fuzzy numbers" and "scare tactics."

But the numbers are not fuzzy, and senior citizens should be concerned. Let's look at the facts.

Prescription drug coverage under the Bush plan is not immediate and most senior citizens would be left out.

As the Vice President has pointed out, for the first 4 years, the Bush plan would cover low-income seniors only. AL GORE cited the example of a senior citizen named George McKinney. He said:

George McKinney is 70 years old, has high blood pressure. His wife has heart trouble. They have an income of \$25,000 a year. They cannot pay for their prescription drugs. And so they're some of the ones that go to Canada regularly in order to get their prescription drugs.

Governor Bush responded:

Under my plan, the man gets immediate help with prescription drugs. It's called immediate helping hand. Instead of squabbling and finger-pointing, he gets immediate help.

He kept accusing Vice President GORE of using "fuzzy math" and "scare tactics."

But Governor Bush's own announcement of his Medicare plan proves AL GORE's point. This is what Governor Bush said:

For four years, during the transition to better Medicare coverage, we will provide \$12 billion a year in direct aid to low income seniors . . . Every senior with an income less than \$11,300-\$15,200 for a couple—will have the entire cost of their prescription drugs covered. For seniors with incomes less than \$14,600-\$19,700 for couples—there will be a partial subsidy.

George McKinney has an income of \$25,000. He would clearly be ineligible for help under Governor Bush's plan. If Governor Bush thinks that is fuzzy math, then education reform is even more urgent than any of us realized.

In the third debate, Governor Bush finally admitted that the first phase of his program is only for "poor seniors."

George McKinney is not alone. The vast majority of senior citizens would not qualify for Governor Bush's prescription drug plan, and many of those who did qualify would not participate.

Even this limited program for low-income seniors would not be immediate, because every State in the country would have to pass new laws and put the program in place, a process that would take years in many States.

George Bush's prescription for middle-income seniors is clear—take an aspirin and call your HMO in 4 years.

Governor Bush's prescription drug plan would also require senior citizens to go to an HMO or an insurance company to obtain their coverage. In the first debate, Vice President GORE pointed out that most senior citizens "would not get one penny for four to five years, and then they would be forced to go into an HMO or an insurance company and ask them for coverage. But there would be no limit on the premiums or deductibles or any of the terms or conditions.

Again, Governor Bush did not respond to the Vice President's specific points. Instead, he claimed that the Vice President was trying to "scare" voters.

The facts are clear. George W. Bush's policy paper states that:

Each health insurer, including HCFA-sponsored plans that wish to participate . . . will have to offer an "expanded" benefit package, including out-patient prescription drugs. . . . This will give seniors the opportunity to select the plan that best fits their health needs.

In other words, to get prescription drug coverage under the Bush plan, you have to get it through a private insurance plan. How high will the copayments be? How high will the premiums be? How high will the deductible be? Governor Bush has no answer. Those important points are all left up to the private insurance companies.

Governor Bush says senior citizens will have the opportunity to select the plan that best meets their health needs. But what they will really have is the opportunity to select whatever plan private insurers choose to offer. If it costs too much, senior citizens are out of luck. If it does not cover the drugs their doctors prescribe, they are out of luck. The Bush plan is an insurance industry's dream, and a senior citizen's nightmare.

On prescription drugs, and every other aspect of Medicare, the choice between the two Presidential candidates is very clear, and it is clear on every other aspect of health care. The Bush record in Texas is one of indifference and ineptitude—of putting powerful interests ahead of ordinary families.

The Bush record in the campaign is one of distortion. The Bush proposals are at best inadequate and at worst harmful. Tax cuts for the wealthy are not as important as health care for children and prescription drugs for seniors. The American people understand that, but evidently Governor Bush does not.

AL GORE has a career-long record of fighting for good health care for families, for children, and for senior citi-

zens. The current administration has a solid record of bipartisan accomplishment, ranging from protecting the solvency of Medicare to improving health insurance coverage through the enactment of the Kassebaum-Kennedy bill and the Child Health Insurance Program. AL GORE's program responds to the real needs of the American people with real resources and a detailed action plan.

I am hopeful that every American will examine the records of the two candidates carefully. On health care, there should be no question as to which candidate stands with the powerful special interests and which candidate stands with the American people. The choice is clear. Governor Bush stands with the powerful, and AL GORE stands with the people.

Mr. President, I yield the floor.  
Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Texas.

#### SETTING THE RECORD STRAIGHT

Mrs. HUTCHISON. Mr. President, I rise today to refute everything the Senator from Massachusetts has said about my State and my Governor.

Mr. President, I think it is legitimate to talk about a person's record when you are running for President of the United States. But, Mr. President, I object to the use of the Senate floor to trash my State of Texas. And I object to a misrepresentation of the record of my State.

Mr. KENNEDY. Will the Senator yield for a question?

Mrs. HUTCHISON. I will yield on your time—on the time of the Senator from Massachusetts, not on my 15 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts has no time.

Mr. KENNEDY. But there is not a time limitation, is there?

The PRESIDING OFFICER. The Senator from Texas is under a time limitation.

Mr. KENNEDY. I ask my response not be charged to the Senator.

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

Mr. KENNEDY. Mr. President, does the Senator from Texas deny that Texas is 48th out of 50 States in terms of the total number of uninsured children? Does she deny that?

Mrs. HUTCHISON. Mr. President, I deny that that is the relevant point. Because, in fact, 41 States are behind in the CHIP program sign-up because when Congress passed the Children's Health Care Program, they gave the States 3 years to spend the money. It just happened that our State meets every other year in the legislature. By the time they were able to meet and start the CHIP program, the State had had a very steady influx of children. We are on the way, and 40 other States are in the same situation.

So I am going to reclaim my time. I would like for the rest of my 15 minutes to start now because I thought the