

**Calendar No. 640**

109TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ 109-348

AMERICAN HISTORY ACHIEVEMENT ACT

SEPTEMBER 26, 2006.—Ordered to be printed

Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, submitted the following

R E P O R T

[To accompany S. 860]

The Committee on Health, Education, Labor, and Pensions, to which was referred the bill (S. 860) to amend the National Assessment of Educational Progress Authorization Act to require State academic assessments of student achievement in United States history and civics, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill (as amended) do pass.

CONTENTS

|  |      |
|--|------|
|  | Page |
| I. Purpose and Need for Legislation .....                | 1    |
| II. Summary .....  | 2    |
| III. History of Legislation and Votes in Committee ..... | 2    |
| IV. Explanation of Bill and Committee Views .....        | 2    |
| V. Cost Estimate and Unfunded Mandate Statement .....    | 4    |
| VI. Application of Law to the Legislative Branch .....   | 5    |
| VII. Regulatory Impact Statement .....                   | 5    |
| VIII. Section-by-Section Analysis .....                  | 5    |
| IX. Changes in Existing Law .....                        | 6    |

I. PURPOSE AND NEED FOR LEGISLATION

The purpose of the American History Achievement Act is to promote increased student achievement, academic standards, and improved instruction in U.S. history and civics through more frequent and improved data collection about student performance in those subjects.

Studies show that American students are unfamiliar with many of the influential people and landmark events of our Nation's history. According to the 2001 National Assessment of Education

Progress (NAEP) U.S. history exam, the most recent U.S. history NAEP test for which results are available, fewer students have a basic understanding of American history than any other subject we test, including math, science, and reading.

The continued strength of our democracy and America's standing in the world depend upon our children mastering and appreciating our Nation's history and civic values.

## II. SUMMARY

The legislation authorizes the National Assessment Governing Board to conduct a pilot program to administer the National Assessment of Educational Progress (NAEP) assessments in U.S. history and civics in not less than 10 States, in grades 8 and 12. Data collected from this pilot program will enable State comparisons of eighth- and twelfth-grade students' knowledge and understanding of U.S. history and civics. The legislation also increases the frequency with which the NAEP tests in U.S. history are given at the national level. The Commissioner for Education Statistics is directed to give a priority to conducting such assessments at least once every 4 years in grades 4, 8, and 12.

## III. HISTORY OF LEGISLATION AND VOTES IN COMMITTEE

The American History Achievement Act was first introduced by Senators Alexander and Kennedy on July 22, 2004 during the 108th Congress. The legislation, S. 2721, authorized pilot State NAEP testing in U.S. history and was referred to the Senate Committee on Health, Education, Labor, and Pensions. No further action on S. 2721 was taken during the 108th Congress.

In the first session of the 109th Congress, the American History Achievement Act was reintroduced by Senators Alexander and Kennedy on April 20, 2005 as S. 860. The legislation, which was referred to the Committee on Health, Education, Labor, and Pensions, added authorization for pilot State NAEP testing in civics. A hearing on the bill took place on June 30, 2005 before the Committee on Health, Education, Labor, and Pensions Subcommittee on Education and Early Childhood Development. On May 17, 2006, the Committee on Health, Education, Labor, and Pensions by unanimous consent ordered the bill to be reported favorably with an amendment in the nature of a substitute offered by Senator Alexander and co-sponsored by Senator Kennedy.

## IV. EXPLANATION OF BILL AND COMMITTEE VIEWS

The committee believes this legislation represents an important effort to increase the focus on the teaching of U.S. history and civics in our Nation's schools. Existing data clearly show that many of our students are uninformed about the most fundamental aspects of our nation's history and civics, rendering them ill-prepared to preserve and defend our democracy and ideals. These facts are particularly troubling at a time when our Nation's values are being challenged amid the global war on terror.

Asked in a 2004 Hart-Teeter poll what the principal goal of education should be, adults most often selected "producing literate, educated citizens who can participate in our democracy." Unless ef-

forts to more effectively teach history and civics are undertaken, our students will fall short of that goal.

This legislation contains two primary provisions to promote increased student achievement in U.S. history and civics: more frequent National Assessment of Educational Progress (NAEP) testing in U.S. history, and a new State-level pilot of NAEP exams in U.S. history and civics.

The National Assessment of Educational Progress (NAEP) exams have been administered to a national sample of students in grades 4, 8, and 12 in a variety of subjects since 1969, and are the best available indicator of student achievement at the national level. The most recent NAEP U.S. history test was administered from January through March of 2006. Previously, assessments in U.S. history were conducted in 2001, 1994, and earlier. The committee believes that more frequent assessments would create timelier and more meaningful information on student performance that could help drive curricular improvement. Therefore, the legislation directs the Commissioner for Education Statistics to give a priority to conducting NAEP U.S. history assessments at least once every 4 years in grades 4, 8, and 12.

The legislation would supplement these national-sample assessments with State-specific samples by creating a pilot State academic assessment program in U.S. history and civics. Beginning in 1990, the National Assessment Governing Board has periodically administered a State-level assessment in mathematics in grade 8. Subsequent voluntary State-level assessments have been conducted in grade 8 in reading, writing, and science and at grade 4 in mathematics, reading, writing and science. In addition, the No Child Left Behind Act requires all States to participate in biennial NAEP assessments of fourth- and eighth-grade reading and mathematics.

The legislation would authorize the National Assessment Governing Board, in consultation with the Commissioner for Education Statistics, to select 10 or more geographically diverse States to participate in trial State assessments of student achievement in U.S. history and civics in grades 8 and 12. A priority is given to administering the pilot assessments in U.S. history. To minimize cost and disruption to academic instruction and classroom routines, the pilot State assessments are directed to be conducted in conjunction with previously scheduled national-sample NAEP exams.

At the request of Congress, the National Assessment Governing Board conducted a study to determine the feasibility of conducting State-level assessments in U.S. history and civics. In its report released in June 2006, the Board concluded that it is feasible to conduct State-level assessments in U.S. history and civics in grades 8 and 12 as early as 2010 if Congress appropriates sufficient funding in both Fiscal Year 2009 and Fiscal Year 2010. Accordingly, the legislation authorizes \$8.5 million for the fiscal year preceding the conduct of the first trial assessment, \$8.5 million for the fiscal year during which the first trial assessment is conducted, and such sums as may be necessary for each succeeding fiscal year. Under the legislation, the National Assessment Governing Board is permitted to spend no more than \$500,000 per fiscal year to develop and administer the trial State assessments.

This pilot program will generate data to evaluate States based on their eighth- and twelfth-grade students' knowledge and under-

standing of U.S. history and civics. Such data will also encourage States and school districts to improve their U.S. history and civics standards and curricula, and thereby promote increased student achievement in these critical subjects.

V. COST ESTIMATE AND UNFUNDED MANDATE STATEMENT

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 1, 2006.*

Hon. MIKE ENZI,  
*Chairman, Committee on Health, Education, Labor, and Pensions,  
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 860, the American History Achievement Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Justin Humphrey.

Sincerely,

DONALD B. MARRON,  
*Acting Director.*

Enclosure.

*S. 860—American History Achievement Act*

Summary: S. 860 would amend the National Assessment of Educational Progress Authorization Act (NAEPAA) and authorize funds to conduct trial academic assessments of student achievement in U.S. history and civics in grades 8 and 12 in at least 10 geographically diverse states. The bill also would direct the Commissioner of Education Statistics to give priority to conducting national assessments of student achievement in history at least once every four years in grades 4, 8, and 12.

The bill would authorize the appropriation of \$8.5 million for both the fiscal year preceding and the fiscal year during the conduct of the trial assessments and such sums as may be necessary for each fiscal year after those assessments are completed. CBO assumes the first trial assessments would occur in fiscal year 2010 and every four years thereafter and estimates that outlays would total \$14 million over the 2009–2011 period. CBO assumes that the appropriations for 2009 and 2010 would be sufficient to cover all the costs of the assessments and no additional funding would be necessary in 2011. The Congress appropriated \$93 million for programs under the NAEPAA in fiscal year 2006; those programs are set to expire in fiscal year 2008 under current law.

S. 860 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA); any costs to state, local, or tribal governments would be incurred voluntarily.

Estimated Cost to the Federal Government: The estimated budgetary impact of S. 860 is shown in the following table. CBO estimates that implementing this bill would cost \$14 million over the 2009–2011 period and \$3 million in 2012, assuming appropriation of the authorized amounts. The estimated outlays reflect historical spending patterns for these programs. These costs would fall with-

in budget function 500 (education, employment, training, and social services).

|  | By fiscal year, in millions of dollars— |      |      |      |      |      |
|--|---|------|------|------|------|------|
|  | 2006                                    | 2007 | 2008 | 2009 | 2010 | 2011 |
| SPENDING SUBJECT TO APPROPRIATION                |   |      |      |      |      |      |
| Spending Under Current Law:                      |   |      |      |      |      |      |
| Estimated Authorization Level <sup>1</sup> ..... | 93                                      | 95   | 96   | 0    | 0    | 0    |
| Estimated Outlays .....                          | 94                                      | 94   | 95   | 73   | 28   | 4    |
| Proposed Changes:                                |   |      |      |      |      |      |
| Estimated Authorization Level .....              |   | 0    | 0    | 9    | 9    | 0    |
| Estimated Outlays .....                          |   | 0    | 0    | 2    | 6    | 6    |
| Total Spending:                                  |   |      |      |      |      |      |
| Estimated Authorization Level .....              | 93                                      | 95   | 96   | 9    | 9    | 0    |
| Estimated Outlays .....                          | 94                                      | 94   | 95   | 75   | 34   | 10   |

<sup>1</sup> The 2006 amount is the total appropriated for the National Assessment of Educational Progress and the National Assessment Governing Board in that year.

**Intergovernmental and private-sector impact:** S. 860 contains no intergovernmental or private-sector mandates as defined in UMRA. The bill would authorize academic assessments of history and civics, on a trial basis, for grades 8 and 12. Any costs that states or local education agencies might incur to participate in those assessments would be incurred voluntarily.

Estimate prepared by: Federal Costs: Justin Humphrey. Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum. Impact on the Private Sector: Nabeel Alsalam.

Estimated approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

## VI. APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

The committee has determined that there is no impact of this bill on the Legislative Branch.

## VII. REGULATORY IMPACT STATEMENT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee has determined that the bill will not have a significant regulatory impact.

## VIII. SECTION-BY-SECTION ANALYSIS

### *Section 1. Short title*

This Act may be cited as the “American History Achievement Act.”

### *Section 2. Findings*

This section states that Congress finds the following: the 2001 National Assessment of Educational Progress assessment in United States history had the largest percentage of students scoring below basic of any subject that was tested, including mathematics, science, and reading; the 2001 National Assessment of Educational Progress showed poor achievement in assessments in United States history; America’s past encompasses great leaders and great ideas that contribute to our shared heritage and to the principles of freedom, equality, justice, and opportunity for all; an appreciation for the defining events in our Nation’s history can be a catalyst for civic involvement; and that the strength of American democracy

and our standing in the world depend on ensuring that our children have a strong understanding of our Nation's past.

*Section 3. Amendment to the National Assessment of Educational Progress Authorization Act*

This section amends the National Assessment of Educational Progress Authorization Act to direct the Commissioner for Education Statistics to give a priority to conducting national assessments of student achievement in U.S. History at least once every 4 years in grades 4, 8, and 12. It also requires the Commissioner to conduct trial State academic assessments, in at least ten geographically diverse States, of student achievement in U.S. History in grades 8 and 12, and in Civics in grades 8 and 12. These assessments are to be conducted in connection with previously scheduled NAEP assessments administered to a national sample of students.

*Section 4. National Assessment Governing Board*

This section directs the National Assessment Governing Board, in consultation with the Commissioner for Education Statistics, to select the States that will participate in the trial State assessments.

*Section 5. Authorization of appropriations*

This section authorizes \$8.5 million for the fiscal year preceding the conduct of the first trial assessment, \$8.5 million for the fiscal year during which the first trial assessment is conducted, and such sums as may be necessary for each succeeding fiscal year. Not more than \$500,000 per fiscal year shall be used by the National Assessment Governing Board to develop and administer the trial State assessments.

*Section 6. Conforming amendment*

This section conforms the Education Sciences Reform Act of 2002 with the changes made to the National Assessment of Educational Progress Authorization Act under Section 4.

IX. CHANGES IN EXISTING LAW

In compliance with rule XXVI paragraph 12 of the Standing Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**EDUCATION SCIENCES REFORM ACT OF 2002**

**SEC. 101.** \* \* \*

\* \* \* \* \*

**SEC. 113. DELEGATION.**

(a) DELEGATION OF AUTHORITY.—\* \* \*

(1) nothing in this title or in the National Assessment of Educational Progress Authorization Act (except [section 302(e)(1)(J)] *section 302(e)(1)(K)* of such Act) shall be construed

to alter or diminish the role, responsibilities, or authority of the National Assessment Governing Board with respect to the National Assessment of Educational Progress (including with respect to the methodologies of the National Assessment of Educational Progress described in section 302(e)(1)(E)) from those authorized by the National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.) on the day before the date of enactment of this Act;

\* \* \* \* \*

**NATIONAL ASSESSMENT OF EDUCATIONAL  
PROGRESS AUTHORIZATION ACT**

**SEC. 301. \* \* \***

\* \* \* \* \*

**SEC. 302. NATIONAL ASSESSEMENT GOVERNING BOARD.**

(a) ESTABLISHMENT.—\* \* \*

\* \* \* \* \*

(e) DUTIES.—

(1) IN GENERAL.—In carrying out its functions under this section the Assessment Board shall—

(A) \* \* \*

\* \* \* \* \*

(I) take appropriate actions needed to improve the form, content, use, and reporting of results of any assessment authorized by section 303 consistent with the provisions of this section and section 303; [and]

(J) in consultation with the Commissioner for Education Statistics, identify and select the States that will participate in the trial State academic assessment described in section 303(b)(3)(A)(iv); and

[(J)] (K) plan and execute the initial public release of National Assessment of Educational Progress reports. The National Assessment of Educational Progress data shall not be released prior to the release of the reports described in [subparagraph (J)] subparagraph (K).

\* \* \* \* \*

**SEC. 303. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.**

(a) ESTABLISHMENT.—\* \* \*

(b) PURPOSE; STATE ASSESSMENTS.—

(1) PURPOSE.—\* \* \*

(2) MEASUREMENT AND REPORTING.—\* \* \*

(A) \* \* \*

\* \* \* \* \*

(D) to the extent time and resources allow, and after the requirements described in subparagraph (B) are implemented and the requirements described in subparagraph (C) are met, conduct additional national assessments and collect and report assessment data, including achievement

data trends, in a valid and reliable manner on student academic achievement in grades 4, 8, and 12 in public and private elementary schools and secondary schools in regularly scheduled intervals in additional subject matter (*with a priority in conducting assessments in United States history not less frequently than once every 4 years*), including writing, science, history, geography, civics, economics, foreign languages, and arts, and the trend assessment described in subparagraph (F);

\* \* \* \* \*  
 (3) STATE ASSESSMENTS.—  
 (A) IN GENERAL.—The Commissioner for Education Statistics—

(i) \* \* \*

\* \* \* \* \*  
 (iii) *except as provided in clause (iv)*, may conduct State academic assessments of student achievement in grades 4, 8, and 12 as described in paragraph (2)(D); **and**

*(iv) shall conduct (in connection with assessments in United States history and civics scheduled pursuant to paragraph (2)(D)) trial State academic assessments of student achievement in United States history in grades 8 and 12 in not less than 10 States representing geographically diverse regions of the United States and in civics in grades 8 and 12 in not less than 10 States representing geographically diverse regions of the United States (with a priority given to conducting assessments in United States history);*

**[(iv)]** (v) \* \* \*

\* \* \* \* \*  
**SEC. 305. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—\* \* \*

\* \* \* \* \*  
 (b) UNITED STATES HISTORY AND CIVICS ASSESSMENTS.—

(1) IN GENERAL.—*In addition to amounts otherwise appropriated under subsection (a)(1)(2), there are authorized to be appropriated to carry out sections 303(b)(3)(A)(iv) and 302(e)(1)—*

(A) \$8,500,000 for the fiscal year preceding the conduct of the first trial assessment described in section 303(b)(3)(A)(iv);

(B) \$8,500,000 for the fiscal year during which the first trial assessment described in section 303(b)(3)(A)(iv) is conducted; and

(C) *such sums as may be necessary for each fiscal year succeeding the fiscal year described in subparagraph (B).*

(2) AMOUNTS FOR THE NATIONAL ASSESSMENT GOVERNING BOARD.—*From the amounts made available under subparagraphs (A) and (B) of paragraph (1), not more than \$500,000 shall be available for each fiscal year to carry out section 302(e)(1).*

**[(b)]** (c) AVAILABILITY.—Amounts made available under this section shall remain available until expended.

\* \* \* \* \*

○