

109TH CONGRESS  
1ST SESSION

# H. R. 2694

To require full funding of part A of title I of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2005

Mr. MOORE of Kansas (for himself, Mr. RAMSTAD, Mr. TANNER, Mr. JEFFERSON, Mr. ISRAEL, Mr. WEINER, Mr. ROTHMAN, Mr. DOGGETT, Mr. NADLER, Ms. MCCOLLUM of Minnesota, Mr. OWENS, Mr. CASE, Mr. GORDON, Mr. MATHESON, Mr. FORD, Mr. MICHAUD, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To require full funding of part A of title I of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Keeping Our Promises  
5       to America’s Children Act of 2005”.

1 **SEC. 2. MORATORIUM ON COMPLIANCE WITH ADEQUATE**  
2 **YEARLY PROGRESS REQUIREMENTS THAT**  
3 **ARE NOT FULLY FUNDED.**

4 (a) IN GENERAL.—If, for a fiscal year, appropria-  
5 tions for a program, project, or activity under part A of  
6 title I of the Elementary and Secondary Education Act  
7 of 1965 (20 U.S.C. 6311 et seq.), as amended by the No  
8 Child Left Behind Act of 2001 (Public Law 107–110; 115  
9 Stat. 1425), are less than the amount authorized by law  
10 to be appropriated for the program, project, or activity  
11 for that fiscal year and, by reason of the insufficient ap-  
12 propriation, a recipient of funds under that part receives  
13 inadequate funding—

14 (1) the recipient may, as determined appro-  
15 priate by the recipient, defer the commencement of,  
16 suspend, or modify the administration of, the func-  
17 tions of the recipient under subsections (b), (c), (e),  
18 (f), and (g) of section 1116 of the Elementary and  
19 Secondary Education Act of 1965 (20 U.S.C.  
20 6316(b), (c), (e), (f), and (g)) with respect to the  
21 program, project, or activity; and

22 (2) the Secretary of Education shall ensure that  
23 no penalty, sanction, condition, denial of waiver, re-  
24 duction of support, or other negative consequence  
25 otherwise applicable under part A of title I of the  
26 Elementary and Secondary Education Act of 1965

1 (20 U.S.C. 6311 et seq.) shall apply to the recipient  
2 because of action taken by the recipient under para-  
3 graph (1).

4 (b) DEFINITIONS.—As used in this section:

5 (1) RECIPIENT OF FUNDS.—The term “recipi-  
6 ent of funds” means, with respect to part A of title  
7 I of the Elementary and Secondary Education Act  
8 of 1965 (20 U.S.C. 6311 et seq.), a local educational  
9 agency or a State educational agency that is a re-  
10 cipient funds under that part.

11 (2) INADEQUATE FUNDING.—The term “inad-  
12 equate funding” means, with respect to a local edu-  
13 cational agency or a State educational agency, fund-  
14 ing in an amount that is less than the amount the  
15 recipient would have received if the amount author-  
16 ized by law for the program, project, or activity in-  
17 volved had been appropriated in full.

18 (3) LOCAL EDUCATIONAL AGENCY AND STATE  
19 EDUCATIONAL AGENCY.—The terms “local edu-  
20 cational agency” and “State educational agency”  
21 have the meanings given those terms in section  
22 9101(26) and section 9101(41), respectively, of the  
23 Elementary and Secondary Education Act of 1965  
24 (20 U.S.C. 7801(26) and 7801(41)).

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