

109TH CONGRESS
1ST SESSION

H. R. 363

To require full funding of the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 2005

Mr. VAN HOLLEN (for himself, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. KILDEE, Mr. OWENS, Mr. PAYNE, Mr. ANDREWS, Mr. HINOJOSA, Mrs. MCCARTHY, Mr. TIERNEY, Mr. KIND, Mr. KUCINICH, Mr. WU, Mr. HOLT, Mrs. DAVIS of California, Ms. MCCOLLUM of Minnesota, Mr. DAVIS of Illinois, Mr. CASE, Mr. GRIJALVA, Mr. RYAN of Ohio, Mr. BISHOP of New York, Mr. SCOTT of Virginia, Ms. LEE, Mr. WEINER, Mr. CROWLEY, Mrs. MALONEY, Mr. McDERMOTT, Mr. ABERCROMBIE, Mr. PALLONE, Ms. WATSON, Mr. BARROW, and Mr. WEXLER) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require full funding of the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Keep Our Promise to
3 America’s Children and Teachers Act” or the “Keep Our
4 PACT Act”.

5 **SEC. 2. FINDINGS.**

6 The Congress finds as follows:

7 (1) Children are our Nation’s future and great-
8 est treasure.

9 (2) A high-quality education is the surest way
10 for every child to reach his or her full potential.

11 (3) The No Child Left Behind Act of 2001 rep-
12 resents the most sweeping revision of education pol-
13 icy in a generation.

14 (4) The Consolidated Appropriations Act, 2005
15 (Pub. L. 108–447) funded the No Child Left Behind
16 Act of 2001 at \$24,500,000,000 (\$9,800,000,000
17 below its 2005 authorized level), causing 2,400,000
18 students not to receive the extra Title I help they
19 were promised.

20 (5) The Individuals with Disabilities Education
21 Act guarantees all children with disabilities a first-
22 rate education.

23 (6) The Individuals with Disabilities Education
24 Act committed the Congress to providing 40 percent
25 of the national current average per pupil expenditure
26 for special education students.

1 (7) The fiscal year Consolidated Appropriations
2 Act, 2005 (Pub. L. 108–447) funded the Individuals
3 with Disabilities Education Act at \$10,700,000,000,
4 representing only 19 percent of the national current
5 average per pupil expenditure for special education
6 students and shortchanging 6,700,000 children with
7 disabilities.

8 (8) A promise made must be a promise kept.

9 **SEC. 3. FULL FUNDING OF THE NO CHILD LEFT BEHIND**
10 **ACT OF 2001.**

11 (a) FUNDING.—There are appropriated, out of any
12 money in the Treasury not otherwise appropriated—

13 (1) for fiscal year 2006, an amount that equals
14 the difference between the amount appropriated for
15 fiscal year 2006 for programs under the Elementary
16 and Secondary Education Act of 1965, as amended
17 by the No Child Left Behind Act of 2001, and
18 \$36,867,000,000;

19 (2) for fiscal year 2007, an amount that equals
20 the difference between the amount appropriated for
21 fiscal year 2007 for programs under the Elementary
22 and Secondary Education Act of 1965, as amended
23 by the No Child Left Behind Act of 2001, and
24 \$39,442,000,000;

1 (3) for fiscal year 2008, an amount that equals
2 the difference between the amount appropriated for
3 fiscal year 2008 for programs under the Elementary
4 and Secondary Education Act of 1965, as amended
5 by the No Child Left Behind Act of 2001, and
6 \$40,428,000,000;

7 (4) for fiscal year 2009, an amount that equals
8 the difference between the amount appropriated for
9 fiscal year 2009 for programs under the Elementary
10 and Secondary Education Act of 1965, as amended
11 by the No Child Left Behind Act of 2001, and
12 \$41,439,000,000;

13 (5) for fiscal year 2010, an amount that equals
14 the difference between the amount appropriated for
15 fiscal year 2010 for programs under the Elementary
16 and Secondary Education Act of 1965, as amended
17 by the No Child Left Behind Act of 2001, and
18 \$42,475,000,000; and

19 (6) for fiscal year 2011, an amount that equals
20 the difference between the amount appropriated for
21 fiscal year 2011 for programs under the Elementary
22 and Secondary Education Act of 1965, as amended
23 by the No Child Left Behind Act of 2001, and
24 \$45,537,000,000.

1 (b) USE OF FUNDS.—Funds appropriated under sub-
 2 section (a)—

3 (1) shall be used to carry out the programs of
 4 the Elementary and Secondary Education Act of
 5 1965, as amended by the No Child Left Behind Act
 6 of 2001; and

7 (2) shall be allocated among such programs in
 8 the same ratio as funds otherwise appropriated to
 9 carry out such programs.

10 **SEC. 4. MANDATORY FUNDING OF THE INDIVIDUALS WITH**
 11 **DISABILITIES EDUCATION ACT.**

12 (a) IN GENERAL.—Section 611(i) of the Individuals
 13 with Disabilities Education Act (20 U.S.C. 1411(i)), as
 14 amended by the Individuals with Disabilities Education
 15 Improvement Act of 2004 (Public Law 108–446), is
 16 amended to read as follows:

17 “(i) MANDATORY FUNDING.—For the purpose of car-
 18 rying out this part, other than section 619, there are au-
 19 thorized to be appropriated, and there are appropriated—

20 “(1) \$13,200,000,000 for fiscal year 2006;

21 “(2) \$15,700,000,000 for fiscal year 2007;

22 “(3) \$18,200,000,000 for fiscal year 2008;

23 “(4) \$20,700,000,000 for fiscal year 2009;

24 “(5) \$23,200,000,000 for fiscal year 2010;

25 “(6) \$25,700,000,000 for fiscal year 2011; and

1 “(7) for fiscal year 2012 and each subsequent
2 fiscal year, the amount that is the total, for all
3 States, of the maximum amounts described in sub-
4 section (a)(2)(B).”.

5 (b) EFFECTIVE DATE.—The amendment made by
6 subsection (a) shall take effect on October 1, 2005.

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