

110TH CONGRESS
1ST SESSION

H. R. 627

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 22, 2007

Mr. VAN HOLLEN (for himself, Mr. GEORGE MILLER of California, Mr. PAYNE, Mr. SCOTT of Virginia, Ms. WOOLSEY, Mr. HINOJOSA, Mr. TIERNEY, Mr. KUCINICH, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. BISHOP of New York, Mr. SESTAK, Mr. LOEBSACK, Mr. HARE, Mr. BACA, Mr. BERMAN, Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, Mr. CARNAHAN, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. COSTELLO, Mr. CUELLAR, Mr. CUMMINGS, Mr. DEFazio, Mr. DOYLE, Mr. ENGEL, Mr. ETHERIDGE, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. AL GREEN of Texas, Mr. GUTIERREZ, Mr. HIGGINS, Mr. KLEIN of Florida, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE, Mr. LYNCH, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Mrs. MALONEY of New York, Mr. MEEHAN, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. REYES, Mr. RODRIGUEZ, Ms. SCHAKOWSKY, Ms. SUTTON, and Mr. WEXLER) introduced the following bill; which was referred to the Committee on Education and Labor, 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,*

3 **SECTION 1. SHORT TITLE.**

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

7 **SEC. 2. FINDINGS.**

8 The Congress finds as follows:

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

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

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

16 (4) The Departments of Labor, Health and
17 Human Services, and Education, and Related Agen-
18 cies Appropriations Act, 2006 (Public Law 109–
19 149) funded the No Child Left Behind Act of 2001
20 at \$23,510,000,000 (\$13,360,000,000 below its
21 2006 authorized level), causing 3,100,000 students
22 not to receive the Title I help they were promised.

23 (5) The Individuals with Disabilities Education
24 Act guarantees all children with disabilities a first-
25 rate education.

1 (6) The Individuals with Disabilities Education
 2 Improvement Act committed the Congress to pro-
 3 viding 40 percent of the national current average per
 4 pupil expenditure for special education students.

5 (7) The Departments of Labor, Health and
 6 Human Services, and Education, and Related Agen-
 7 cies Appropriations Act, 2006 (Public Law 109–
 8 149) funded the Individuals with Disabilities Edu-
 9 cation Act Part B state grants at \$10,700,000,000,
 10 representing only 18 percent of the national current
 11 average per pupil expenditures for special education
 12 students

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

14 **SEC. 3. FULL FUNDING OF THE NO CHILD LEFT BEHIND**
 15 **ACT OF 2001.**

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

18 (1) for fiscal year 2007, an amount that equals
 19 the difference between—

20 (A) the amount appropriated for fiscal
 21 year 2007 for programs under the Elementary
 22 and Secondary Education Act of 1965, as
 23 amended by the No Child Left Behind Act of
 24 2001; and

1 (B) \$23,504,000,000 or the full amount
2 authorized to be appropriated for that fiscal
3 year for those programs, whichever is higher;

4 (2) for fiscal year 2008, an amount that equals
5 the difference between—

6 (A) the amount appropriated for fiscal
7 year 2008 for programs under the Elementary
8 and Secondary Education Act of 1965, as
9 amended by the No Child Left Behind Act of
10 2001; and

11 (B) \$28,315,000,000 or the full amount
12 authorized to be appropriated for that fiscal
13 year for those programs, whichever is higher;

14 (3) for fiscal year 2009, an amount that equals
15 the difference between—

16 (A) the amount appropriated for fiscal
17 year 2009 for programs under the Elementary
18 and Secondary Education Act of 1965, as
19 amended by the No Child Left Behind Act of
20 2001; and

21 (B) \$33,126,000,000 or the full amount
22 authorized to be appropriated for that fiscal
23 year for those programs, whichever is higher;

24 (4) for fiscal year 2010, an amount that equals
25 the difference between—

1 (A) the amount appropriated for fiscal
2 year 2010 for programs under the Elementary
3 and Secondary Education Act of 1965, as
4 amended by the No Child Left Behind Act of
5 2001; and

6 (B) \$37,938,000,000 or the full amount
7 authorized to be appropriated for that fiscal
8 year for those programs, whichever is higher;

9 (5) for fiscal year 2011, an amount that equals
10 the difference between—

11 (A) the amount appropriated for fiscal
12 year 2011 for programs under the Elementary
13 and Secondary Education Act of 1965, as
14 amended by the No Child Left Behind Act of
15 2001; and

16 (B) \$42,749,000,000 or the full amount
17 authorized to be appropriated for that fiscal
18 year for those programs, whichever is higher;

19 (6) for fiscal year 2012, an amount that equals
20 the difference between—

21 (A) the amount appropriated for fiscal
22 year 2012 for programs under the Elementary
23 and Secondary Education Act of 1965, as
24 amended by the No Child Left Behind Act of
25 2001; and

1 (B) \$47,560,000,000 or the full amount
2 authorized to be appropriated for that fiscal
3 year for those programs, whichever is higher;

4 (7) for fiscal year 2013, an amount that equals
5 the difference between—

6 (A) the amount appropriated for fiscal
7 year 2013 for programs under the Elementary
8 and Secondary Education Act of 1965, as
9 amended by the No Child Left Behind Act of
10 2001; and

11 (B) \$52,371,000,000 or the full amount
12 authorized to be appropriated for that fiscal
13 year for those programs, whichever is higher;
14 and

15 (8) for fiscal year 2014, an amount that equals
16 the difference between—

17 (A) the amount appropriated for fiscal
18 year 2014 for programs under the Elementary
19 and Secondary Education Act of 1965, as
20 amended by the No Child Left Behind Act of
21 2001; and

22 (B) \$57,182,000,000 or the full amount
23 authorized to be appropriated for that fiscal
24 year for those programs, whichever is higher.

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)) is
 14 amended to read as follows:

15 “(i) MANDATORY FUNDING.—For the purpose of car-
 16 rying out this part, other than section 619, there are ap-
 17 propriated, out of any money in the Treasury not other-
 18 wise appropriated—

19 “(1) \$10,568,000,000 for fiscal year 2007;

20 “(2) \$12,068,000,000 for fiscal year 2008;

21 “(3) \$13,782,000,000 for fiscal year 2009;

22 “(4) \$15,738,000,000 for fiscal year 2010;

23 “(5) \$17,973,000,000 for fiscal year 2011;

24 “(6) \$20,525,000,000 for fiscal year 2012;

25 “(7) \$23,439,000,000 for fiscal year 2013;

1 “(8) \$26,766,000,000 for fiscal year 2014;
2 “(9) \$30,567,000,000 for fiscal year 2015; and
3 “(10) for fiscal year 2016 and each subsequent
4 fiscal year—

5 “(A) the number of children with disabili-
6 ties in the 2014–2015 school year in the
7 States, outlying areas, and freely associated
8 States who received special education and re-
9 lated services—

10 “(i) aged 3 through 5 if the States,
11 outlying areas, and freely associated States
12 are eligible for a grant under section 619;
13 and

14 “(ii) aged 6 through 21; multiplied by

15 “(B) 40 percent of the average per-pupil
16 expenditure in public elementary schools and
17 secondary schools in the United States; ad-
18 justed by

19 “(C) the rate of annual change in the sum
20 of—

21 “(i) 85 percent of such State’s, out-
22 lying area’s, and freely associated State’s
23 population described in subsection
24 (d)(3)(A)(i)(II); and

1 “(ii) 15 percent of such State’s, out-
2 lying area’s, and freely associated State’s
3 population described in subsection
4 (d)(3)(A)(i)(III).”.

5 (b) EFFECTIVE DATE.—The amendment made by
6 subsection (a) shall take effect on October 1, 2006.

7 **SEC. 5. OFFSET.**

8 The amounts appropriated by this Act and the
9 amendments made by this Act shall be expended con-
10 sistent with pay-as-you-go requirements.

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