

108TH CONGRESS  
1ST SESSION

# H. R. 2107

To require full funding of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, and the Individuals with Disabilities Education Act.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2003

Mr. VAN HOLLEN (for himself, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. KILDEE, Mr. OWENS, Mr. PAYNE, Mr. ANDREWS, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. TIERNEY, Mr. KIND, Mr. KUCINICH, Mr. WU, Mr. HOLT, Mrs. DAVIS of California, Ms. MCCOLLUM, Mr. DAVIS of Illinois, Mr. CASE, Mr. GRIJALVA, Ms. MAJETTE, Mr. RYAN of Ohio, and Mr. BISHOP of New York) 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

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## A BILL

To require full funding of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, 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 fiscal year 2004 budget resolution cuts  
15 funding for programs under the No Child Left Be-  
16 hind Act of 2001 by \$1,200,000,000 below fiscal  
17 year 2003 levels, causing funding for these programs  
18 to fall almost \$11,000,000,000 short of their fiscal  
19 year 2004 authorized levels.

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 current Federal commitment to the In-  
2           dividuals with Disabilities Education Act currently  
3           represents only 18 percent of the average per pupil  
4           expenditure for special education students.

5           (8) The fiscal year 2004 budget resolution pro-  
6           vides only 21 percent of the costs of educating chil-  
7           dren with disabilities.

8           (9) 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) \$5,500,000,000 for fiscal year 2003;

14                   (2) for fiscal year 2004, an amount that equals  
15           the difference between the amount appropriated for  
16           fiscal year 2004 for programs under the Elementary  
17           and Secondary Education Act of 1965, as amended  
18           by the No Child Left Behind Act of 2001, and  
19           \$32,880,000,000;

20                   (3) for fiscal year 2005, an amount that equals  
21           the difference between the amount appropriated for  
22           fiscal year 2005 for programs under the Elementary  
23           and Secondary Education Act of 1965, as amended  
24           by the No Child Left Behind Act of 2001, and  
25           \$34,945,000,000;

1           (4) for fiscal year 2006, an amount that equals  
2           the difference between the amount appropriated for  
3           fiscal year 2006 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           \$37,777,000,000;

7           (5) for fiscal year 2007, an amount that equals  
8           the difference between the amount appropriated for  
9           fiscal year 2007 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          \$41,658,000,000; and

13          (6) for fiscal year 2008, an amount that equals  
14          the difference between the amount appropriated for  
15          fiscal year 2008 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          \$42,699,000,000.

19          (b) USE OF FUNDS.—Funds appropriated under sub-  
20          section (a)—

21                 (1) shall be used to carry out the programs of  
22                 the Elementary and Secondary Education Act of  
23                 1965, as amended by the No Child Left Behind Act  
24                 of 2001; and

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

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

6           Section 611(j) of the Individuals with Disabilities  
7   Education Act (20 U.S.C. 1411(j)) is amended to read  
8   as follows:

9           “(j) MANDATORY FUNDING.—For the purpose of car-  
10   rying out this part, other than section 619, there are au-  
11   thorized to be appropriated, and there are appropriated—

12                   “(1) \$11,400,000,000 for fiscal year 2004;

13                   “(2) \$13,920,000,000 for fiscal year 2005;

14                   “(3) \$16,440,000,000 for fiscal year 2006;

15                   “(4) \$18,960,000,000 for fiscal year 2007;

16                   “(5) \$21,480,000,000 for fiscal year 2008;

17                   “(6) \$24,000,000,000 for fiscal year 2009;

18                   “(7) \$24,769,000,000 for fiscal year 2010; and

19                   “(8) such sums as may be necessary to fully  
20   fund 40 percent of the average per-pupil expenditure  
21   in public elementary and secondary schools in the  
22   United States for programs under this part, other  
23   than section 619, for each subsequent fiscal year.”.

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