

117TH CONGRESS
1ST SESSION

S. 72

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

IN THE SENATE OF THE UNITED STATES

JANUARY 27, 2021

Mr. VAN HOLLEN (for himself, Mr. MERKLEY, Mr. REED, Mr. MARKEY, Mr. CARDIN, Ms. SMITH, Mr. BLUMENTHAL, Mr. BROWN, Mr. DURBIN, Mr. BOOKER, Mr. MURPHY, Ms. KLOBUCHAR, Mr. LUJÁN, Mr. TESTER, Ms. WARREN, Ms. BALDWIN, Ms. ROSEN, Mrs. GILLIBRAND, and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To require full funding of part A of title I 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 Congress finds the following:

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

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

5 (3) The coronavirus pandemic has amplified the
6 deep funding inequities that exist in our education
7 system.

8 (4) Part A of title I of the Elementary and Sec-
9 ondary Education Act of 1965 (20 U.S.C. 6311 et
10 seq.) helps address inequity in education in school
11 districts across the United States to provide a high-
12 quality education to every student.

13 (5) The Individuals with Disabilities Education
14 Act (20 U.S.C. 1400 et seq.) guarantees all children
15 with disabilities a first-rate education.

16 (6) The amendments made to such Act by the
17 Individuals with Disabilities Education Improvement
18 Act of 2004 (Public Law 108–446; 118 Stat. 2647)
19 committed Congress to providing 40 percent of the
20 national current average per-pupil expenditure for
21 students with disabilities.

22 (7) A promise made must be a promise kept.

1 **SEC. 3. MANDATORY FUNDING OF PART A OF TITLE I OF**
 2 **ESEA.**

3 (a) DEFINITION OF FISCAL YEAR 2021 PART A OF
 4 TITLE I APPROPRIATION.—In this section, the term “fis-
 5 cal year 2021 part A of title I appropriation” means the
 6 amount appropriated for fiscal year 2021 for programs
 7 under part A of title I of the Elementary and Secondary
 8 Education Act of 1965 (20 U.S.C. 6311 et seq.).

9 (b) FUNDING.—There are appropriated, out of any
 10 money in the Treasury not otherwise appropriated—

11 (1) for fiscal year 2022, an amount that equals
 12 the difference between—

13 (A) the fiscal year 2021 part A of title I
 14 appropriation; and

15 (B) \$18,325,069,000 or the full amount
 16 authorized to be appropriated for the fiscal year
 17 for those programs, whichever is greater;

18 (2) for fiscal year 2023, an amount that equals
 19 the difference between—

20 (A) the fiscal year 2021 part A of title I
 21 appropriation; and

22 (B) \$20,306,717,000 or the full amount
 23 authorized to be appropriated for the fiscal year
 24 for those programs, whichever is greater;

25 (3) for fiscal year 2024, an amount that equals
 26 the difference between—

1 (A) the fiscal year 2021 part A of title I
2 appropriation; and

3 (B) \$22,502,657,000 or the full amount
4 authorized to be appropriated for the fiscal year
5 for those programs, whichever is greater;

6 (4) for fiscal year 2025, an amount that equals
7 the difference between—

8 (A) the fiscal year 2021 part A of title I
9 appropriation; and

10 (B) \$24,936,064,000 or the full amount
11 authorized to be appropriated for the fiscal year
12 for those programs, whichever is greater;

13 (5) for fiscal year 2026, an amount that equals
14 the difference between—

15 (A) the fiscal year 2021 part A of title I
16 appropriation; and

17 (B) \$27,632,615,000 or the full amount
18 authorized to be appropriated for the fiscal year
19 for those programs, whichever is greater;

20 (6) for fiscal year 2027, an amount that equals
21 the difference between—

22 (A) the fiscal year 2021 part A of title I
23 appropriation; and

1 (B) \$30,620,768,000 or the full amount
2 authorized to be appropriated for the fiscal year
3 for those programs, whichever is greater;

4 (7) for fiscal year 2028, an amount that equals
5 the difference between—

6 (A) the fiscal year 2021 part A of title I
7 appropriation; and

8 (B) \$33,932,056,000 or the full amount
9 authorized to be appropriated for the fiscal year
10 for those programs, whichever is greater;

11 (8) for fiscal year 2029, an amount that equals
12 the difference between—

13 (A) the fiscal year 2021 part A of title I
14 appropriation; and

15 (B) \$37,601,422,000 or the full amount
16 authorized to be appropriated for the fiscal year
17 for those programs, whichever is greater;

18 (9) for fiscal year 2030, an amount that equals
19 the difference between—

20 (A) the fiscal year 2021 part A of title I
21 appropriation; and

22 (B) \$41,667,588,000 or the full amount
23 authorized to be appropriated for the fiscal year
24 for those programs, whichever is greater; and

1 (10) for fiscal year 2031, \$46,173,464,000 or
 2 the full amount authorized to be appropriated for
 3 the fiscal year for those programs, whichever is
 4 greater.

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

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

10 “(i) FUNDING.—

11 “(1) IN GENERAL.—For the purpose of car-
 12 rying out this part, other than section 619, there are
 13 authorized to be appropriated—

14 “(A) \$14,723,530,000 or 15.3 percent of
 15 the amount determined under paragraph (2),
 16 whichever is greater, for fiscal year 2022, and
 17 there are hereby appropriated \$1,786,072,756
 18 or 1.9 percent of the amount determined under
 19 paragraph (2), whichever is greater, for fiscal
 20 year 2022, which shall become available for ob-
 21 ligation on July 1, 2022, and shall remain
 22 available through September 30, 2023;

23 “(B) \$16,756,178,000 or 17.0 percent of
 24 the amount determined under paragraph (2),
 25 whichever is greater, for fiscal year 2023, and

1 there are hereby appropriated \$3,818,720,700
2 or 3.9 percent of the amount determined under
3 paragraph (2), whichever is greater, for fiscal
4 year 2023, which shall become available for ob-
5 ligation on July 1, 2023, and shall remain
6 available through September 30, 2024;

7 “(C) \$19,069,442,000 or 18.9 percent of
8 the amount determined under paragraph (2),
9 whichever is greater, for fiscal year 2024, and
10 there are hereby appropriated \$6,131,984,620
11 or 6.1 percent of the amount determined under
12 paragraph (2), whichever is greater, for fiscal
13 year 2024, which shall become available for ob-
14 ligation on July 1, 2024, and shall remain
15 available through September 30, 2025;

16 “(D) \$21,702,062,000 or 21.1 percent of
17 the amount determined under paragraph (2),
18 whichever is greater, for fiscal year 2025, and
19 there are hereby appropriated \$8,764,604,783
20 or 8.5 percent of the amount determined under
21 paragraph (2), whichever is greater, for fiscal
22 year 2025, which shall become available for ob-
23 ligation on July 1, 2025, and shall remain
24 available through September 30, 2026;

1 “(E) \$24,698,127,000 or 23.4 percent of
2 the amount determined under paragraph (2),
3 whichever is greater, for fiscal year 2026, and
4 there are hereby appropriated \$11,760,669,721
5 or 11.2 percent of the amount determined
6 under paragraph (2), whichever is greater, for
7 fiscal year 2026, which shall become available
8 for obligation on July 1, 2026, and shall remain
9 available through September 30, 2027;

10 “(F) \$28,107,812,000 or 26.1 percent of
11 the amount determined under paragraph (2),
12 whichever is greater, for fiscal year 2027, and
13 there are hereby appropriated \$15,170,354,582
14 or 14.1 percent of the amount determined
15 under paragraph (2), whichever is greater, for
16 fiscal year 2027, which shall become available
17 for obligation on July 1, 2027, and shall remain
18 available through September 30, 2028;

19 “(G) \$31,988,218,000 or 29.0 percent of
20 the amount determined under paragraph (2),
21 whichever is greater, for fiscal year 2028, and
22 there are hereby appropriated \$19,050,761,411
23 or 17.3 percent of the amount determined
24 under paragraph (2), whichever is greater, for
25 fiscal year 2028, which shall become available

1 for obligation on July 1, 2028, and shall remain
2 available through September 30, 2029;

3 “(H) \$36,404,332,000 or 32.3 percent of
4 the amount determined under paragraph (2),
5 whichever is greater, for fiscal year 2029, and
6 there are hereby appropriated \$23,466,875,446
7 or 20.8 percent of the amount determined
8 under paragraph (2), whichever is greater, for
9 fiscal year 2029, which shall become available
10 for obligation on July 1, 2029, and shall remain
11 available through September 30, 2030;

12 “(I) \$41,430,110,000 or 35.9 percent of
13 the amount determined under paragraph (2),
14 whichever is greater, for fiscal year 2030, and
15 there are hereby appropriated \$28,492,653,417
16 or 24.7 percent of the amount determined
17 under paragraph (2), whichever is greater, for
18 fiscal year 2030, which shall become available
19 for obligation on July 1, 2030, and shall remain
20 available through September 30, 2031; and

21 “(J) \$47,149,719,000 or 40 percent of the
22 amount determined under paragraph (2),
23 whichever is greater, for fiscal year 2031 and
24 each subsequent fiscal year, and there are here-
25 by appropriated \$47,149,719,000 or 40 percent

1 of the amount determined under paragraph (2),
 2 whichever is greater, for fiscal year 2031 and
 3 each subsequent fiscal year, which—

4 “(i) shall become available for obliga-
 5 tion with respect to fiscal year 2031 on
 6 July 1, 2031, and shall remain available
 7 through September 30, 2032; and

8 “(ii) shall become available for obliga-
 9 tion with respect to each subsequent fiscal
 10 year on July 1 of that fiscal year and shall
 11 remain available through September 30 of
 12 the succeeding fiscal year.

13 “(2) AMOUNT.—With respect to each subpara-
 14 graph of paragraph (1), the amount determined
 15 under this paragraph is the product of—

16 “(A) the total number of children with dis-
 17 abilities in all States who—

18 “(i) received special education and re-
 19 lated services during the last school year
 20 that concluded before the first day of the
 21 fiscal year for which the determination is
 22 made; and

23 “(ii) were aged—

1 “(I) 3 through 5 (with respect to
2 the States that were eligible for
3 grants under section 619); and

4 “(II) 6 through 21; and

5 “(B) the average per-pupil expenditure in
6 public elementary schools and secondary schools
7 in the United States.”.

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