

117TH CONGRESS  
1ST SESSION

# H. R. 764

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2021

Mrs. LEE of Nevada (for herself, Mrs. BEATTY, Mr. BLUMENAUER, Ms. BONAMICI, Mr. CARBAJAL, Mr. CASTEN, Ms. CRAIG, Mr. DEFazio, Mr. DESAULNIER, Ms. BARRAGÁN, Mr. GALLEGRO, Mr. GRIJALVA, Mr. HASTINGS, Mrs. HAYES, Mr. HIMES, Ms. NORTON, Mr. HORSFORD, Ms. JACKSON LEE, Mr. JOHNSON of Georgia, Mr. KILMER, Ms. LEE of California, Mr. LOWENTHAL, Mr. LYNCH, Ms. MOORE of Wisconsin, Mr. NADLER, Mrs. NAPOLITANO, Ms. OMAR, Mr. PALLONE, Mr. PANETTA, Mr. PAYNE, Ms. PORTER, Mr. SAN NICOLAS, Mr. SARBANES, Mr. SIRES, Mr. SMITH of Washington, Ms. STEVENS, Ms. STRICKLAND, Ms. TITUS, Ms. TLAIB, Mr. TRONE, Mr. VARGAS, and Ms. VELÁZQUEZ) introduced the following bill; which was referred to the Committee on Education and Labor

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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 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 Congress finds the following:

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 coronavirus pandemic has amplified the  
12 deep funding inequities that exist in our education  
13 system.

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

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

22 (6) The amendments made to such Act by the  
23 Individuals with Disabilities Education Improvement  
24 Act of 2004 (Public Law 108–446; 118 Stat. 2647)  
25 committed Congress to providing 40 percent of the

1 national current average per-pupil expenditure for  
2 students with disabilities.

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

4 **SEC. 3. MANDATORY FUNDING OF PART A OF TITLE I OF**  
5 **ESEA.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3           (A) the fiscal year 2021 part A of title I  
4 appropriation; and

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

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

10           (A) the fiscal year 2021 part A of title I  
11 appropriation; and

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

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

17           (A) the fiscal year 2021 part A of title I  
18 appropriation; and

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

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

24           (A) the fiscal year 2021 part A of title I  
25 appropriation; and

1 (B) \$41,667,588,000 or the full amount  
2 authorized to be appropriated for the fiscal year  
3 for those programs, whichever is greater; and  
4 (10) for fiscal year 2031, \$46,173,464,000 or  
5 the full amount authorized to be appropriated for  
6 the fiscal year for those programs, whichever is  
7 greater.

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

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

13 “(i) FUNDING.—

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

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

1           “(B) \$16,756,178,000 or 17.0 percent of  
2           the amount determined under paragraph (2),  
3           whichever is greater, for fiscal year 2023, and  
4           there are hereby appropriated \$3,818,720,700  
5           or 3.9 percent of the amount determined under  
6           paragraph (2), whichever is greater, for fiscal  
7           year 2023, which shall become available for ob-  
8           ligation on July 1, 2023, and shall remain  
9           available through September 30, 2024;

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

19           “(D) \$21,702,062,000 or 21.1 percent of  
20           the amount determined under paragraph (2),  
21           whichever is greater, for fiscal year 2025, and  
22           there are hereby appropriated \$8,764,604,783  
23           or 8.5 percent of the amount determined under  
24           paragraph (2), whichever is greater, for fiscal  
25           year 2025, which shall become available for ob-

1           ligation on July 1, 2025, and shall remain  
2           available through September 30, 2026;

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

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

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



1 under paragraph (2), whichever is greater, for  
2 fiscal year 2028, which shall become available  
3 for obligation on July 1, 2028, and shall remain  
4 available through September 30, 2029;

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

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

23 “(J) \$47,149,719,000 or 40 percent of the  
24 amount determined under paragraph (2),  
25 whichever is greater, for fiscal year 2031 and

1 each subsequent fiscal year, and there are here-  
2 by appropriated \$47,149,719,000 or 40 percent  
3 of the amount determined under paragraph (2),  
4 whichever is greater, for fiscal year 2031 and  
5 each subsequent fiscal year, which—

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

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

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

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

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

25 “(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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