

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.

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## 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

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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,*

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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