

118TH CONGRESS
1ST SESSION

H. R. 2715

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 HOUSE OF REPRESENTATIVES

APRIL 19, 2023

Mrs. LEE of Nevada (for herself, Ms. ADAMS, Ms. BALINT, Ms. BARRAGÁN, Ms. BONAMICI, Ms. BROWN, Mr. CARBAJAL, Mr. CARTER of Louisiana, Mr. CASTEN, Mr. CASTRO of Texas, Ms. CLARKE of New York, Mr. CLEAVER, Ms. CRAIG, Ms. CROCKETT, Mr. DAVIS of Illinois, Mr. DESAULNIER, Mr. ESPAILLAT, Mr. EVANS, Ms. LOIS FRANKEL of Florida, Mr. ROBERT GARCIA of California, Mr. GARCÍA of Illinois, Mr. GOMEZ, Mr. GREEN of Texas, Mrs. HAYES, Mr. HORSFORD, Ms. HOYLE of Oregon, Ms. JACOBS, Mr. JOHNSON of Georgia, Mr. KILMER, Ms. KUSTER, Mr. LANDSMAN, Mr. LYNCH, Ms. MCCOLLUM, Mr. MCGARVEY, Ms. MOORE of Wisconsin, Mr. MOULTON, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEGUSE, Ms. NORTON, Mr. PAYNE, Mr. POCAN, Ms. PORTER, Ms. SÁNCHEZ, Mr. SARBANES, Ms. SCANLON, Ms. SCHAKOWSKY, Ms. SEWELL, Ms. STEVENS, Ms. STRICKLAND, Ms. TITUS, Ms. TLAIB, Ms. TOKUDA, Mr. TRONE, Ms. VELÁZQUEZ, Ms. WILLIAMS of Georgia, and Mr. HIMES) introduced the following bill; which was referred to the Committee on Education and the Workforce

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

16 (4) The Individuals with Disabilities Education
17 Act (20 U.S.C. 1400 et seq.) guarantees all children
18 with disabilities a first-rate education.

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

25 (6) 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 2023 PART A OF
4 TITLE I APPROPRIATION.—In this section, the term “fis-
5 cal year 2023 part A of title I appropriation” means the
6 amount appropriated for fiscal year 2023 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, for
11 programs under part A of title I of the Elementary and
12 Secondary Education Act of 1965 (20 U.S.C. 6311 et
13 seq.)—

14 (1) for fiscal year 2024, an amount that equals
15 the difference between—

16 (A) the fiscal year 2023 part A of title I
17 appropriation; and

18 (B) \$20,536,802,000 or the full amount
19 authorized to be appropriated for the fiscal year
20 for such programs, whichever is greater;

21 (2) for fiscal year 2025, an amount that equals
22 the difference between—

23 (A) the fiscal year 2023 part A of title I
24 appropriation; and

1 (B) \$22,735,435,000 or the full amount
2 authorized to be appropriated for the fiscal year
3 for such programs, whichever is greater;

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

6 (A) the fiscal year 2023 part A of title I
7 appropriation; and

8 (B) \$25,169,449,000 or the full amount
9 authorized to be appropriated for the fiscal year
10 for such programs, whichever is greater;

11 (4) for fiscal year 2027, an amount that equals
12 the difference between—

13 (A) the fiscal year 2023 part A of title I
14 appropriation; and

15 (B) \$27,864,044,000 or the full amount
16 authorized to be appropriated for the fiscal year
17 for such programs, whichever is greater;

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

20 (A) the fiscal year 2023 part A of title I
21 appropriation; and

22 (B) \$30,847,118,000 or the full amount
23 authorized to be appropriated for the fiscal year
24 for such programs, whichever is greater;

1 (6) for fiscal year 2029, an amount that equals
2 the difference between—

3 (A) the fiscal year 2023 part A of title I
4 appropriation; and

5 (B) \$34,149,554,000 or the full amount
6 authorized to be appropriated for the fiscal year
7 for such programs, whichever is greater;

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

10 (A) the fiscal year 2023 part A of title I
11 appropriation; and

12 (B) \$37,805,543,000 or the full amount
13 authorized to be appropriated for the fiscal year
14 for such programs, whichever is greater;

15 (8) for fiscal year 2031, an amount that equals
16 the difference between—

17 (A) the fiscal year 2023 part A of title I
18 appropriation; and

19 (B) \$41,852,935,000 or the full amount
20 authorized to be appropriated for the fiscal year
21 for such programs, whichever is greater;

22 (9) for fiscal year 2032, an amount that equals
23 the difference between—

24 (A) the fiscal year 2023 part A of title I
25 appropriation; and

1 (B) \$46,333,634,000 or the full amount
2 authorized to be appropriated for the fiscal year
3 for such programs, whichever is greater; and
4 (10) for fiscal year 2033, \$51,294,029,000 or
5 the full amount authorized to be appropriated for
6 the fiscal year for such 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) \$16,259,193,000 or 14.2 percent of
18 the amount determined under paragraph (2),
19 whichever is greater, for fiscal year 2024, and
20 there are hereby appropriated \$5,870,321,000
21 or 5.1 percent of the amount determined under
22 paragraph (2), whichever is greater, for fiscal
23 year 2024, which shall become available for ob-
24 ligation on July 1, 2024, and shall remain
25 available through September 30, 2025;

1 “(B) \$18,636,567,000 or 16.0 percent of
2 the amount determined under paragraph (2),
3 whichever is greater, for fiscal year 2025, and
4 there are hereby appropriated \$7,535,090,000
5 or 6.5 percent of the amount determined under
6 paragraph (2), whichever is greater, for fiscal
7 year 2025, which shall become available for ob-
8 ligation on July 1, 2025, and shall remain
9 available through September 30, 2026;

10 “(C) \$21,361,554,000 or 17.9 percent of
11 the amount determined under paragraph (2),
12 whichever is greater, for fiscal year 2026, and
13 there are hereby appropriated \$9,671,973,000
14 or 8.1 percent of the amount determined under
15 paragraph (2), whichever is greater, for fiscal
16 year 2026, which shall become available for ob-
17 ligation on July 1, 2026, and shall remain
18 available through September 30, 2027;

19 “(D) \$24,484,981,000 or 20.1 percent of
20 the amount determined under paragraph (2),
21 whichever is greater, for fiscal year 2027, and
22 there are hereby appropriated \$12,414,856,000
23 or 10.2 percent of the amount determined
24 under paragraph (2), whichever is greater, for
25 fiscal year 2027, which shall become available

1 for obligation on July 1, 2027, and shall remain
2 available through September 30, 2028;

3 “(E) \$28,065,107,000 or 22.6 percent of
4 the amount determined under paragraph (2),
5 whichever is greater, for fiscal year 2028, and
6 there are hereby appropriated \$15,935,595,000
7 or 12.8 percent of the amount determined
8 under paragraph (2), whichever is greater, for
9 fiscal year 2028, which shall become available
10 for obligation on July 1, 2028, and shall remain
11 available through September 30, 2029;

12 “(F) \$32,168,709,000 or 25.3 percent of
13 the amount determined under paragraph (2),
14 whichever is greater, for fiscal year 2029, and
15 there are hereby appropriated \$20,454,785,000
16 or 16.1 percent of the amount determined
17 under paragraph (2), whichever is greater, for
18 fiscal year 2029, which shall become available
19 for obligation on July 1, 2029, and shall remain
20 available through September 30, 2030;

21 “(G) \$36,872,329,000 or 28.4 percent of
22 the amount determined under paragraph (2),
23 whichever is greater, for fiscal year 2030, and
24 there are hereby appropriated \$26,255,574,000
25 or 20.2 percent of the amount determined

1 under paragraph (2), whichever is greater, for
2 fiscal year 2030, which shall become available
3 for obligation on July 1, 2030, and shall remain
4 available through September 30, 2031;

5 “(H) \$42,263,698,000 or 31.8 percent of
6 the amount determined under paragraph (2),
7 whichever is greater, for fiscal year 2031, and
8 there are hereby appropriated \$33,701,415,000
9 or 25.4 percent of the amount determined
10 under paragraph (2), whichever is greater, for
11 fiscal year 2031, which shall become available
12 for obligation on July 1, 2031, and shall remain
13 available through September 30, 2032;

14 “(I) \$48,443,379,000 or 35.7 percent of
15 the amount determined under paragraph (2),
16 whichever is greater, for fiscal year 2032, and
17 there are hereby appropriated \$43,258,828,000
18 or 31.9 percent of the amount determined
19 under paragraph (2), whichever is greater, for
20 fiscal year 2032, which shall become available
21 for obligation on July 1, 2032, and shall remain
22 available through September 30, 2033; and

23 “(J) \$55,526,635,000 or 40.0 percent of
24 the amount determined under paragraph (2),
25 whichever is greater, for fiscal year 2033 and

1 each subsequent fiscal year, and there are here-
2 by appropriated \$55,526,635,000 or 40.0 per-
3 cent of the amount determined under para-
4 graph (2), whichever is greater, for fiscal year
5 2033 and each subsequent fiscal year, which—

6 “(i) shall become available for obliga-
7 tion with respect to fiscal year 2033 on
8 July 1, 2033, and shall remain available
9 through September 30, 2034; 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, as determined by the Sec-
22 retary on the basis of the most recent sat-
23 isfactory data; and

24 “(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.”.

○