

106TH CONGRESS
1ST SESSION

S. 52

To provide a direct check for education.

IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

Mr. BOND (for himself, Mr. ASHCROFT, Mr. SANTORUM, Mr. BURNS, Mr. SHELBY, Mr. BROWNBACK, and Mr. INHOFE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide a direct check for education.

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 “Direct Check for Edu-
5 cation Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) education should be a national priority but
9 must remain a local responsibility;

1 (2) the Federal Government’s regulations and
 2 involvement often creates barriers and obstacles to
 3 local creativity and reform;

4 (3) parents, teachers, and local school districts
 5 must be allowed and empowered to set local edu-
 6 cation priorities; and

7 (4) schools and education professionals must be
 8 accountable to the people and children served.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) LOCAL EDUCATIONAL AGENCY.—The term
 12 “local educational agency” has the meaning given
 13 the term in section 14101 of the Elementary and
 14 Secondary Education Act of 1965 (20 U.S.C. 8801).

15 (2) SECRETARY.—The term “Secretary” means
 16 the Secretary of Education.

17 (3) STATE.—The term “State” means each of
 18 the several States of the United States, the District
 19 of Columbia, the Commonwealth of Puerto Rico,
 20 Guam, American Samoa, the Commonwealth of the
 21 Northern Mariana Islands, the United States Virgin
 22 Islands, the Republic of the Marshall Islands, the
 23 Federated States of Micronesia, and the Republic of
 24 Palau.

1 **SEC. 4. DIRECT AWARDS TO LOCAL EDUCATIONAL AGEN-**
2 **CIES.**

3 (a) DIRECT AWARDS.—From amounts appropriated
4 under subsection (b) and not used to carry out subsection
5 (c), the Secretary shall make direct awards to local edu-
6 cational agencies in amounts determined under subsection
7 (e) to enable the local educational agencies to support pro-
8 grams or activities, for kindergarten through grade 12
9 students, that the local educational agencies deem appro-
10 priate.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this Act
13 \$3,500,000,000 for each of the fiscal years 2000 and
14 2001, \$4,000,000,000 for each of the fiscal years 2002
15 and 2003, and \$5,000,000,000 for fiscal year 2004.

16 (c) MULTIYEAR AWARDS.—The Secretary shall use
17 funds appropriated under subsection (b) for each fiscal
18 year to continue to make payments to eligible recipients
19 pursuant to any multiyear award made prior to the date
20 of enactment of this Act under the provisions of law re-
21 pealed under subsection (d). The payments shall be made
22 for the duration of the multiyear award.

23 (d) REPEALS.—The following provisions of law are
24 repealed:

25 (1) The Goals 2000: Educate America Act (20
26 U.S.C. 5801 et seq.).

1 (2) Section 307 of the Department of Edu-
2 cation Appropriations Act, 1999.

3 (3) Title III of the Elementary and Secondary
4 Education Act of 1965 (20 U.S.C. 6801 et seq.).

5 (4) Part B of title VI of the Elementary and
6 Secondary Education Act of 1965 (20 U.S.C. 7331
7 et seq.).

8 (5) Part A of title X of the Elementary and
9 Secondary Education Act of 1965 (20 U.S.C. 8001
10 et seq.).

11 (6) The School-to-Work Opportunities Act of
12 1994 (20 U.S.C. 6101 et seq.).

13 (e) DETERMINATION OF AMOUNT.—

14 (1) PER CHILD AMOUNT.—The Secretary, using
15 the information provided under subsection (f), shall
16 determine a per child amount for a year by dividing
17 the total amount appropriated under subsection (b)
18 for the year, by the average daily attendance of kin-
19 dergarten through grade 12 students in all States
20 for the preceding year.

21 (2) LOCAL EDUCATIONAL AGENCY AWARD.—
22 The Secretary, using the information provided under
23 subsection (f), shall determine the amount provided
24 to each local educational agency under this section
25 for a year by multiplying—

1 (A) the per child amount determined under
2 paragraph (1) for the year; by

3 (B) the average daily attendance of kinder-
4 garten through grade 12 students that are
5 served by the local educational agency for the
6 preceding year.

7 (f) CENSUS DETERMINATION.—

8 (1) IN GENERAL.—Each local educational agen-
9 cy shall conduct a census to determine the average
10 daily attendance of kindergarten through grade 12
11 students served by the local educational agency not
12 later than December 1 of each year.

13 (2) SUBMISSION.—Each local educational agen-
14 cy shall submit the number described in paragraph
15 (1) to the Secretary not later than March 1 of each
16 year.

17 (g) PENALTY.—If the Secretary determines that a
18 local educational agency has knowingly submitted false in-
19 formation under subsection (f) for the purpose of gaining
20 additional funds under this section, then the local edu-
21 cational agency shall be fined an amount equal to twice
22 the difference between the amount the local educational
23 agency received under this section, and the correct amount
24 the local educational agency would have received under

1 this section if the agency had submitted accurate informa-
2 tion under subsection (f).

3 (h) DISBURSAL.—The Secretary shall disburse the
4 amount awarded to a local educational agency under this
5 Act for a fiscal year not later than July 1 of each year.

6 **SEC. 5. AUDIT.**

7 (a) IN GENERAL.—The Secretary may conduct audits
8 of the expenditures of local educational agencies under
9 this Act to ensure that the funds made available under
10 this Act are used in accordance with this Act.

11 (b) SANCTIONS AND PENALTIES.—If the Secretary
12 determines that the funds made available under section
13 4 were not used in accordance with section 4(a), the Sec-
14 retary may use the enforcement provisions available to the
15 Secretary under part D of the General Education Provi-
16 sions Act (20 U.S.C. 1234 et seq.).

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