

AMENDMENT TO
RULES COMMITTEE PRINT 118-36
OFFERED BY MS. BUSH OF MISSOURI

At the end of subtitle B of title III, add the following new section:

1 **SEC. 3___ . REMEDIATION OF JANA ELEMENTARY SCHOOL**
2 **AND ESTABLISHMENT OF RADIOACTIVE**
3 **SCHOOL ASSISTANCE PROGRAM.**

4 (a) REMEDIATION OF JANA ELEMENTARY
5 SCHOOL.—Consistent with the requirements under the
6 Formerly Utilized Sites Remedial Action Program of the
7 Corps of Engineers, the Secretary of the Army shall—

8 (1) not later than 120 days after the date of
9 the enactment of this Act, establish revised remedi-
10 ation goals for the Jana Elementary School that
11 shall result in the removal of all radioactive contami-
12 nation at the Jana Elementary School such that no
13 portion of the site is subjected to radiation above
14 background levels; and

15 (2) following the establishment of the remedi-
16 ation goals under paragraph (1), carry out such ac-
17 tivities as may be necessary to achieve such goals.

1 (b) INVESTIGATION OF SCHOOLS IN HAZELWOOD
2 SCHOOL DISTRICT FOR CONTAMINANTS.—

3 (1) DESIGNATION.—Notwithstanding any other
4 provision of law, each covered school shall be des-
5 ignated as a vicinity property of the St. Louis Air-
6 port Site of the Formerly Utilized Sites Remedial
7 Action Program of the Corps of Engineers.

8 (2) INVESTIGATION.—

9 (A) IN GENERAL.—The Secretary of the
10 Army shall investigate and characterize each
11 covered school in accordance with the Com-
12 prehensive Environmental Response, Compensa-
13 tion, and Liability Act of 1980 (42 U.S.C. 9601
14 et seq.) and the National Contingency Plan, in-
15 cluding, at a minimum, by carrying out a pre-
16 liminary assessment and site inspection of each
17 covered school.

18 (B) INCLUSION.—An investigation of a
19 covered school under subparagraph (A) shall in-
20 clude on-site investigatory efforts and sampling
21 in accordance with section 300.420(c)(2) of title
22 40, Code of Federal Regulations (as in effect on
23 the date of enactment of this Act).

24 (3) REPORTS.—The Secretary of the Army
25 shall develop and make available to the public, for

1 each covered school, a report that includes the re-
2 sults of the investigation under paragraph (2), in-
3 cluding—

4 (A) the results of the on-site investigatory
5 efforts;

6 (B) a summary of the results of sampling
7 under paragraph (2)(B) for contaminants of
8 concern, including the average and highest de-
9 tected levels of each contaminant of concern;
10 and

11 (C) an evaluation of the danger posed to
12 students and employees of the covered school by
13 the levels of contamination.

14 (4) COMMUNITY RELATIONS.—In carrying out
15 this section, the Secretary of the Army shall comply
16 with all applicable requirements relating to commu-
17 nity relations and public notification under the Com-
18 prehensive Environmental Response, Compensation,
19 and Liability Act of 1980 (42 U.S.C. 9601 et seq.),
20 section 311 of the Federal Water Pollution Control
21 Act (33 U.S.C. 1321), and sections 300.415,
22 300.430, and 300.435 of title 40, Code of Federal
23 Regulations (as in effect on the date of enactment
24 of this Act).

1 (c) REVIEW AND REPORT OF RADIOACTIVE TESTING
2 AT JANA ELEMENTARY SCHOOL.—

3 (1) REVIEW.—Not later than 30 days after the
4 date of the enactment of this Act, the Secretary of
5 Energy shall review the methodology and results of
6 all tests for radioactive contaminants conducted at
7 the Jana Elementary School, including—

8 (A) tests conducted by the Corps of Engi-
9 neers;

10 (B) tests conducted by Boston Chemical
11 Data Corporation; and

12 (C) tests commissioned by the Hazelwood
13 School District in the State of Missouri.

14 (2) REPORT.—Not later than 45 days after the
15 date of the enactment of this Act, the Secretary of
16 Energy shall submit to Congress a report on the re-
17 view under paragraph (1). Such report shall in-
18 clude—

19 (A) for each test described in paragraph
20 (1), an evaluation of—

21 (i) the reliability of the methodology
22 used to conduct such test and evaluate the
23 results of such test; and

1 (ii) the reliability of the opinions con-
2 tained in any report summarizing the test;
3 and

4 (B) an evaluation of the danger posed to
5 children by any radioactive contaminants found
6 at the Jana Elementary School.

7 (d) FINANCIAL ASSISTANCE FOR SCHOOLS WITH RA-
8 DIOACTIVE CONTAMINATION.—

9 (1) RADIOACTIVE SCHOOL ASSISTANCE FUND.—

10 (A) ESTABLISHMENT.—There is estab-
11 lished in the Treasury of the United States a
12 fund to be known as the “Radioactive School
13 Assistance Fund” to carry out the program es-
14 tablished under paragraph (2).

15 (B) AMOUNTS.—The Fund shall consist of
16 amounts appropriated or otherwise made avail-
17 able to the Fund.

18 (2) ESTABLISHMENT OF PROGRAM.—Not later
19 than 30 days after the date of the enactment of this
20 Act, the Secretary of Energy shall establish a pro-
21 gram to be known as the “Radioactive School Assist-
22 ance Program” (in this subsection referred to as the
23 “program”).

24 (3) REIMBURSEMENT FOR TESTING.—

1 (A) AUTHORITY.—Under the program, the
2 Secretary may provide financial assistance
3 under this paragraph to an eligible local edu-
4 cational agency for the purpose of reimbursing
5 expenses incurred while testing for radioactive
6 contaminants at an impacted school.

7 (B) APPLICATIONS.—To be eligible to re-
8 ceive financial assistance under this paragraph,
9 a local educational agency shall submit to the
10 Secretary an application that includes—

11 (i) a certification that the local edu-
12 cational agency incurred expenses while
13 testing for radioactive contaminants at an
14 impacted school;

15 (ii) proof of such expenses; and

16 (iii) proof that such testing—

17 (I) led to further testing under
18 the Formerly Utilized Sites Remedial
19 Action Program of the Corps of Engi-
20 neers; or

21 (II) was undertaken following
22 testing by a private entity that found
23 radioactive contamination.

24 (C) LIMITATIONS ON AMOUNT OF FUND-
25 ING.—Financial assistance provided to a local

1 educational agency under this paragraph may
2 not exceed the amount expended by such local
3 educational agency to test for radioactive con-
4 tamination.

5 (D) USE OF AMOUNTS.—Amounts made
6 available to a local educational agency under
7 this paragraph may only be used by the local
8 educational agency for the purpose specified in
9 subparagraph (A).

10 (4) FUNDING FOR CONSTRUCTION.—

11 (A) AUTHORITY.—Under the program, the
12 Secretary may provide financial assistance
13 under this paragraph to an eligible local edu-
14 cational agency for one or more of the following
15 purposes:

16 (i) To purchase land for the construc-
17 tion of a new school building.

18 (ii) To construct a new school build-
19 ing to replace an impacted school.

20 (B) IN GENERAL.—To be eligible to receive
21 financial assistance under this paragraph, a
22 local educational agency shall submit to the
23 Secretary an application that includes the fol-
24 lowing:

1 (i) A plan for the construction of a
2 new school building.

3 (ii) Documentation that a school
4 under the jurisdiction of the local edu-
5 cational agency is an impacted school.

6 (iii) A budget for the construction of
7 a new school building.

8 (iv) A certification that the local edu-
9 cational agency shall only use financial as-
10 sistance provided under this subparagraph
11 for one or more of the purposes specified
12 in subparagraph (A).

13 (C) LIMITATION ON TOTAL AMOUNT OF
14 FUNDING.—Financial assistance provided to a
15 local educational agency under this paragraph
16 may not exceed \$20,000,000 in total for each
17 impacted school.

18 (D) USE OF AMOUNTS.—Amounts made
19 available to a local educational agency under
20 this paragraph may only be used by the local
21 educational agency for one or more of the pur-
22 poses specified in subparagraph (A).

23 (5) SELECTION.—

24 (A) LIMITATION ON TOTAL NUMBER OF
25 RECIPIENTS.—The Secretary shall select, from

1 among local educational agencies that submit
2 applications under the program and that the
3 Secretary determines have been financially im-
4 pacted by the presence of radioactive contami-
5 nants stemming from the atomic energy activi-
6 ties of the United States Government, not more
7 than five such local educational agencies in
8 total per fiscal year.

9 (B) CONSIDERATIONS.—The Secretary
10 may not reject an application submitted by a
11 local educational agency for financial assistance
12 under the program due to prior remediation by
13 the Corps of Engineers or any other relevant
14 Federal agency of an impacted school under the
15 jurisdiction of such local educational agency.

16 (C) ELIGIBILITY TO REAPPLY.—The rejec-
17 tion of an application submitted by a local edu-
18 cational agency for financial assistance under
19 the program with respect to a given fiscal year
20 shall not preclude—

21 (i) the local educational agency from
22 resubmitting an application for such finan-
23 cial assistance with respect to a future fis-
24 cal year; or

1 (ii) such resubmitted application from
2 being accepted with respect to the future
3 fiscal year.

4 (6) REPORTS.—Not later than 180 days after
5 the date of the enactment of this Act, and on an an-
6 nual basis thereafter until the date of termination
7 under paragraph (7), the Secretary shall submit to
8 Congress a report on the Radioactive School Assist-
9 ance Program established under paragraph (1),
10 which shall include—

11 (A) a description of the number of applica-
12 tions submitted under the program per fiscal
13 year; and

14 (B) a description of the amount of finan-
15 cial assistance provided to local educational
16 agencies under the program per fiscal year.

17 (7) SUNSET.—The authority to carry out the
18 program shall terminate on September 30, 2028.

19 (e) DEFINITIONS.—In this section:

20 (1) The term “covered school” means a school
21 that is part of the Hazelwood School District in the
22 State of Missouri.

23 (2) The term “Fund” means the Radioactive
24 School Assistance Fund established under subsection

25 (d)(1).

1 (3) The term “impacted school” means a public
2 elementary school or secondary school—

3 (A) that closed on or after January 1,
4 2020; and

5 (B) where the Formerly Utilized Sites Re-
6 medial Action Program of the Corps of Engi-
7 neers detected radiation above background lev-
8 els—

9 (i) on school property; or

10 (ii) otherwise, within 1000 feet of a
11 building containing classrooms or other
12 educational facilities of the school.

13 (4) The term “Jana Elementary School” means
14 the school located at 405 Jana Drive in Florissant,
15 Missouri.

16 (5) The term “local educational agency” has
17 the meaning given the term in section 8101 of the
18 Elementary and Secondary Education Act of 1965
19 (20 U.S.C. 7801).

20 (6) The term “National Contingency Plan”
21 means the National Contingency Plan—

22 (A) prepared and published under section
23 311(d) of the Federal Water Pollution Control
24 Act (33 U.S.C. 1321(d)); or

1 (B) revised under section 105 of the Com-
2 prehensive Environmental Response, Compensa-
3 tion, and Liability Act of 1980 (42 U.S.C.
4 9605).

5 (7) The term “vicinity property” has the mean-
6 ing given the term in the Engineer Regulation ER
7 200–1–4 of the Corps of Engineers titled “Formerly
8 Utilized Sites Remedial Action Program” and dated
9 August 29, 2014 (or successor document).

