AMENDMENT TO
RULES COMMITTEE PRINT 118–10
OFFERED BY MS. BUSH OF MISSOURI

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

SEC. 3. REMEDIATION OF JANA ELEMENTARY SCHOOL
AND ESTABLISHMENT OF RADIOACTIVE
SCHOOL ASSISTANCE PROGRAM.

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

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

(2) following the establishment of the remedi-
ation goals under paragraph (1), carry out such ac-
tivities as may be necessary to achieve such goals.
(b) **INVESTIGATION OF SCHOOLS IN HAZELWOOD SCHOOL DISTRICT FOR CONTAMINANTS.**—

(1) **DESIGNATION.**—Notwithstanding any other provision of law, each covered school shall be designated as a vicinity property of the St. Louis Airport Site of the Formerly Utilized Sites Remedial Action Program of the Corps of Engineers.

(2) **INVESTIGATION.**—

(A) **IN GENERAL.**—The Secretary of the Army shall investigate and characterize each covered school in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the National Contingency Plan, including, at a minimum, by carrying out a preliminary assessment and site inspection of each covered school.

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

(3) **REPORTS.**—The Secretary of the Army shall develop and make available to the public, for
each covered school, a report that includes the results of the investigation under paragraph (2), including—

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

(B) a summary of the results of sampling under paragraph (2)(B) for contaminants of concern, including the average and highest detected levels of each contaminant of concern; and

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

(4) COMMUNITY RELATIONS.—In carrying out this section, the Secretary of the Army shall comply with all applicable requirements relating to community relations and public notification under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), and sections 300.415, 300.430, and 300.435 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act).
(c) REVIEW AND REPORT OF RADIOACTIVE TESTING AT JANA ELEMENTARY SCHOOL.—

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

(A) tests conducted by the Corps of Engineers;

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

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

(2) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report on the review under paragraph (1). Such report shall include—

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

(i) the reliability of the methodology used to conduct such test and evaluate the results of such test; and
(ii) the reliability of the opinions contained in any report summarizing the test; and

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

(d) **Financial Assistance for Schools With Radioactive Contamination.**—

(1) **Radioactive School Assistance Fund.**—

(A) **Establishment.**—There is established in the Treasury of the United States a fund to be known as the “Radioactive School Assistance Fund” to carry out the program established under paragraph (2).

(B) **Amounts.**—The Fund shall consist of amounts appropriated or otherwise made available to the Fund.

(2) **Establishment of Program.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall establish a program to be known as the “Radioactive School Assistance Program” (in this subsection referred to as the “program”).

(3) **Reimbursement for Testing.**—
(A) AUTHORITY.—Under the program, the Secretary may provide financial assistance under this paragraph to an eligible local educational agency for the purpose of reimbursing expenses incurred while testing for radioactive contaminants at an impacted school.

(B) APPLICATIONS.—To be eligible to receive financial assistance under this paragraph, a local educational agency shall submit to the Secretary an application that includes—

(i) a certification that the local educational agency incurred expenses while testing for radioactive contaminants at an impacted school;

(ii) proof of such expenses; and

(iii) proof that such testing—

(I) led to further testing under the Formerly Utilized Sites Remedial Action Program of the Corps of Engineers; or

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

(C) LIMITATIONS ON AMOUNT OF FUNDING.—Financial assistance provided to a local
educational agency under this paragraph may not exceed the amount expended by such local educational agency to test for radioactive contamination.

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

(4) FUNDING FOR CONSTRUCTION.—

(A) AUTHORITY.—Under the program, the Secretary may provide financial assistance under this paragraph to an eligible local educational agency for one or more of the following purposes:

(i) To purchase land for the construction of a new school building.

(ii) To construct a new school building to replace an impacted school.

(B) IN GENERAL.—To be eligible to receive financial assistance under this paragraph, a local educational agency shall submit to the Secretary an application that includes the following:
(i) A plan for the construction of a new school building.

(ii) Documentation that a school under the jurisdiction of the local educational agency is an impacted school.

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

(iv) A certification that the local educational agency shall only use financial assistance provided under this subparagraph for one or more of the purposes specified in subparagraph (A).

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

(D) USE OF AMOUNTS.—Amounts made available to a local educational agency under this paragraph may only be used by the local educational agency for one or more of the purposes specified in subparagraph (A).

(5) SELECTION.—

(A) LIMITATION ON TOTAL NUMBER OF RECIPIENTS.—The Secretary shall select, from
among local educational agencies that submit applications under the program and that the Secretary determines have been financially impacted by the presence of radioactive contaminants stemming from the atomic energy activities of the United States Government, not more than five such local educational agencies in total per fiscal year.

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

(C) ELIGIBILITY TO REAPPLY.—The rejection of an application submitted by a local educational agency for financial assistance under the program with respect to a given fiscal year shall not preclude—

(i) the local educational agency from resubmitting an application for such financial assistance with respect to a future fiscal year; or
(ii) such resubmitted application from
being accepted with respect to the future
fiscal year.

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

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

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

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

(e) DEFINITIONS.—In this section:

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

(2) The term “Fund” means the Radioactive
School Assistance Fund established under subsection
(d)(1).
(3) The term “impacted school” means a public elementary school or secondary school—

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

(B) where the Formerly Utilized Sites Remedial Action Program of the Corps of Engineers detected radiation above background levels—

(i) on school property; or

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

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

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

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

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

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