

118TH CONGRESS
1ST SESSION

S. 418

AN ACT

To provide financial assistance to schools impacted by
radioactive contaminants, and for other purposes.

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 “Justice for Jana Ele-
3 mentary Act of 2023”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) COVERED SCHOOL.—The term “covered
7 school” means a school that is part of the Hazel-
8 wood School District in the State of Missouri.

9 (2) FUND.—The term “Fund” means the Ra-
10 dioactive School Assistance Fund established under
11 section 4(a).

12 (3) IMPACTED SCHOOL.—The term “impacted
13 school” means a public elementary school or sec-
14 ondary school—

15 (A) that closed on or after January 1,
16 2020; and

17 (B) where the Formerly Utilized Sites Re-
18 medial Action Program of the Corps of Engi-
19 neers detected radiation above background lev-
20 els—

21 (i) on school property; or

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

1 (4) JANA ELEMENTARY SCHOOL.—The term
2 “Jana Elementary School” means the school located
3 at 405 Jana Drive in Florissant, Missouri.

4 (5) LOCAL EDUCATIONAL AGENCY.—The term
5 “local educational agency” has the meaning given
6 the term in section 8101 of the Elementary and Sec-
7 ondary Education Act of 1965 (20 U.S.C. 7801).

8 (6) NATIONAL CONTINGENCY PLAN.—The term
9 “National Contingency Plan” means the National
10 Contingency Plan—

11 (A) prepared and published under section
12 311(d) of the Federal Water Pollution Control
13 Act (33 U.S.C. 1321(d)); or

14 (B) revised under section 105 of the Com-
15 prehensive Environmental Response, Compensa-
16 tion, and Liability Act of 1980 (42 U.S.C.
17 9605).

18 (7) PROGRAM.—The term “Program” means
19 the Radioactive School Assistance Program estab-
20 lished in accordance with section 4(b).

21 (8) SECRETARY.—The term “Secretary” means
22 the Secretary of Energy.

23 (9) VICINITY PROPERTY.—The term “vicinity
24 property” has the meaning given the term in the
25 Engineer Regulation ER 200–1–4 of the Corps of

1 Engineers entitled “Formerly Utilized Sites Reme-
2 dial Action Program” and dated August 29, 2014
3 (or a successor document).

4 **SEC. 3. REMEDIATION OF JANA ELEMENTARY SCHOOL.**

5 Consistent with the requirements and obligations
6 under the Formerly Utilized Sites Remedial Action Pro-
7 gram of the Corps of Engineers, the Secretary of the
8 Army shall—

9 (1) not later than 120 days after the date of
10 the enactment of this Act, establish new remediation
11 goals for Jana Elementary School that will result in
12 the removal of all radioactive contamination at Jana
13 Elementary School such that no portion of the site
14 is subjected to radiation above background levels;
15 and

16 (2) after establishing remediation goals under
17 paragraph (1), carry out activities necessary to
18 achieve those goals.

19 **SEC. 4. FINANCIAL ASSISTANCE FOR SCHOOLS WITH RA-**
20 **DIOACTIVE CONTAMINATION.**

21 (a) **RADIOACTIVE SCHOOL ASSISTANCE FUND.—**

22 (1) **ESTABLISHMENT.—**There is established in
23 the Treasury of the United States a fund to be
24 known as the Radioactive School Assistance Fund to

1 carry out the reimbursement program described in
2 subsection (b).

3 (2) FUNDING.—The Fund shall consist of
4 amounts appropriated pursuant to the authorization
5 of appropriations under section 7.

6 (b) RADIOACTIVE SCHOOL ASSISTANCE PROGRAM.—
7 Not later than 30 days after the date of the enactment
8 of this Act, the Secretary shall establish and implement
9 a program to be known as the “Radioactive School Assist-
10 ance Program” to provide financial assistance in accord-
11 ance with subsection (c) to local educational agencies that
12 have been financially impacted by the presence of radio-
13 active contaminants stemming from the atomic energy ac-
14 tivities of the United States Government.

15 (c) APPLICATIONS FOR FINANCIAL ASSISTANCE.—

16 (1) REIMBURSEMENT FOR TESTING.—

17 (A) IN GENERAL.—The Secretary shall
18 provide financial assistance to each local edu-
19 cational agency that submits to the Secretary
20 an application that includes—

21 (i) a certification that the local edu-
22 cational agency incurred expenses while
23 testing for radioactive contaminants at an
24 impacted school;

25 (ii) proof of such expenses; and

1 (iii) proof that such testing—

2 (I) led to further testing under
3 the Formerly Utilized Sites Remedial
4 Action Program of the Corps of Engi-
5 neers; or

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

9 (B) LIMITATIONS.—Financial assistance
10 provided to a local educational agency under
11 this paragraph shall not exceed the amount ex-
12 pended by such local educational agency to test
13 for radioactive contamination.

14 (2) FUNDING FOR CONSTRUCTION.—

15 (A) IN GENERAL.—The Secretary shall
16 provide financial assistance for the construction
17 of a new school building to each local edu-
18 cational agency that submits to the Secretary
19 an application that includes the following:

20 (i) A plan for the construction of a
21 new school building.

22 (ii) Documentation that a school
23 under the jurisdiction of the local edu-
24 cational agency is an impacted school.

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

3 (iv) A certification that the local edu-
4 cational agency shall only use financial as-
5 sistance provided under this paragraph for
6 1 or more of the following purposes:

7 (I) To purchase land for the con-
8 struction of a new school building.

9 (II) To construct a new school
10 building to replace an impacted
11 school.

12 (B) LIMITATIONS.—

13 (i) AMOUNT OF FUNDING.—Financial
14 assistance provided to a local educational
15 agency under this paragraph shall not ex-
16 ceed \$20,000,000 for each impacted
17 school.

18 (ii) USE OF FUNDS.—A local edu-
19 cational agency that receives financial as-
20 sistance under this paragraph may only
21 use such financial assistance for 1 or more
22 of the following purposes:

23 (I) To purchase land for the con-
24 struction of a new school building.

1 (II) To construct a new school
2 building to replace an impacted
3 school.

4 (3) CONSIDERATIONS.—The Secretary may not
5 reject an application submitted by a local edu-
6 cational agency for financial assistance under this
7 subsection due to prior remediation by the Corps of
8 Engineers or any other relevant Federal agency of
9 an impacted school under the jurisdiction of such
10 local educational agency.

11 (d) REPORTS.—Not later than 60 days after the date
12 of the enactment of this Act, the Secretary shall submit
13 to Congress a report on the Program, which shall in-
14 clude—

15 (1) a description of the number of applications
16 submitted under this section; and

17 (2) a description of the amount of financial as-
18 sistance provided to local educational agencies under
19 this section.

20 **SEC. 5. INVESTIGATION OF SCHOOLS IN HAZELWOOD**
21 **SCHOOL DISTRICT FOR CONTAMINATES.**

22 (a) DESIGNATION.—Notwithstanding any other pro-
23 vision of law, each covered school shall be designated as
24 a vicinity property of the St. Louis Airport Site of the

1 Formerly Utilized Sites Remedial Action Program of the
2 Corps of Engineers.

3 (b) INVESTIGATION.—

4 (1) IN GENERAL.—The Secretary of the Army
5 shall investigate and characterize each covered
6 school in accordance with the Comprehensive Envi-
7 ronmental Response, Compensation, and Liability
8 Act of 1980 (42 U.S.C. 9601 et seq.) and the Na-
9 tional Contingency Plan, including, at a minimum,
10 carrying out a preliminary assessment and site in-
11 spection of each covered school.

12 (2) INCLUSION.—An investigation of a covered
13 school under paragraph (1) shall include on-site in-
14 vestigatory efforts and sampling in accordance with
15 section 300.420(c)(2) of title 40, Code of Federal
16 Regulations (as in effect on the date of enactment
17 of this Act).

18 (c) REPORTS.—The Secretary of the Army shall de-
19 velop and make available to the public, for each covered
20 school, a report that includes the results of the investiga-
21 tion under subsection (b), including—

22 (1) the results of the on-site investigatory ef-
23 forts;

24 (2) a summary of the results of sampling under
25 paragraph (2) of that subsection for contaminants of

1 concern, including the average and highest detected
2 levels of each contaminant of concern; and

3 (3) an evaluation of the danger posed to stu-
4 dents and employees of the covered school by the
5 levels of contamination.

6 (d) COMMUNITY RELATIONS.—In carrying out this
7 section, the Secretary of the Army shall comply with all
8 applicable requirements relating to community relations
9 and public notification under the Comprehensive Environ-
10 mental Response, Compensation, and Liability Act of
11 1980 (42 U.S.C. 9601 et seq.), section 311 of the Federal
12 Water Pollution Control Act (33 U.S.C. 1321), and sec-
13 tions 300.415, 300.430, and 300.435 of title 40, Code of
14 Federal Regulations (as in effect on the date of enactment
15 of this Act).

16 **SEC. 6. REVIEW AND REPORT OF RADIOACTIVE TESTING AT**
17 **JANA ELEMENTARY SCHOOL.**

18 (a) REVIEW.—Not later than 30 days after the date
19 of the enactment of this Act, the Secretary shall review
20 the methodology and results of all tests for radioactive
21 contaminants conducted at Jana Elementary School, in-
22 cluding—

23 (1) tests conducted by the Corps of Engineers;

24 (2) tests conducted by Boston Chemical Data
25 Corporation; and

1 (3) tests commissioned by the Hazelwood
2 School District in the State of Missouri.

3 (b) REPORT.—

4 (1) IN GENERAL.—Not later than 45 days after
5 the date of the enactment of this Act, the Secretary
6 shall submit to Congress a report on the review re-
7 quired by subsection (a).

8 (2) CONTENTS.—The report required by para-
9 graph (1) shall include—

10 (A) for each test described in subsection
11 (a), an evaluation of—

12 (i) the reliability of the methodology
13 used—

14 (I) to conduct such test; and

15 (II) to evaluate the results of
16 such test; and

17 (ii) the reliability of the opinions con-
18 tained in any report summarizing the test;

19 and

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

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated for fiscal year
3 2023 \$25,000,000 to carry out this Act.

 Passed the Senate April 26, 2023.

Attest:

Secretary.

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