

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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Mr. HAWLEY introduced the following bill; which was read twice and referred  
to the Committee on \_\_\_\_\_

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**A BILL**

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Justice for Jana Ele-  
5 mentary Act of 2023”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

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

4           (3) IMPACTED SCHOOL.—The term “impacted  
5           school” means a public elementary school or sec-  
6           ondary school—

7                   (A) that closed on or after January 1,  
8                   2020; and

9                   (B) where the Formerly Utilized Sites Re-  
10                  medial Action Program of the Corps of Engi-  
11                  neers detected radiation above background lev-  
12                  els—

13                           (i) on school property; or

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

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

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

1           (6) NATIONAL CONTINGENCY PLAN.—The term  
2           “National Contingency Plan” means the National  
3           Contingency Plan—

4                   (A) prepared and published under section  
5                   311(d) of the Federal Water Pollution Control  
6                   Act (33 U.S.C. 1321(d)); or

7                   (B) revised under section 105 of the Com-  
8                   prehensive Environmental Response, Compensa-  
9                   tion, and Liability Act of 1980 (42 U.S.C.  
10                  9605).

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

14           (8) SECRETARY.—The term “Secretary” means  
15           the Secretary of Energy.

16           (9) VICINITY PROPERTY.—The term “vicinity  
17           property” has the meaning given the term in the  
18           Engineer Regulation ER 200–1–4 of the Corps of  
19           Engineers entitled “Formerly Utilized Sites Reme-  
20           dial Action Program” and dated August 29, 2014  
21           (or a successor document).

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

23           Consistent with the requirements and obligations  
24           under the Formerly Utilized Sites Remedial Action Pro-

1 gram of the Corps of Engineers, the Secretary of the  
2 Army shall—

3 (1) not later than 120 days after the date of  
4 the enactment of this Act, establish new remediation  
5 goals for Jana Elementary School that will result in  
6 the removal of all radioactive contamination at Jana  
7 Elementary School such that no portion of the site  
8 is subjected to radiation above background levels;  
9 and

10 (2) after establishing remediation goals under  
11 paragraph (1), carry out activities necessary to  
12 achieve those goals.

13 **SEC. 4. FINANCIAL ASSISTANCE FOR SCHOOLS WITH RA-**  
14 **DIOACTIVE CONTAMINATION.**

15 (a) RADIOACTIVE SCHOOL ASSISTANCE FUND.—

16 (1) ESTABLISHMENT.—There is established in  
17 the Treasury of the United States a fund to be  
18 known as the Radioactive School Assistance Fund to  
19 carry out the reimbursement program described in  
20 subsection (b).

21 (2) FUNDING.—The Fund shall consist of  
22 amounts appropriated pursuant to the authorization  
23 of appropriations under section 7.

24 (b) RADIOACTIVE SCHOOL ASSISTANCE PROGRAM.—

25 Not later than 30 days after the date of the enactment

1 of this Act, the Secretary shall establish and implement  
2 a program to be known as the “Radioactive School Assist-  
3 ance Program” to provide financial assistance in accord-  
4 ance with subsection (c) to local educational agencies that  
5 have been financially impacted by the presence of radio-  
6 active contaminants stemming from the atomic energy ac-  
7 tivities of the United States Government.

8 (c) APPLICATIONS FOR FINANCIAL ASSISTANCE.—

9 (1) REIMBURSEMENT FOR TESTING.—

10 (A) IN GENERAL.—The Secretary shall  
11 provide financial assistance to each local edu-  
12 cational agency that submits to the Secretary  
13 an application that includes—

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

18 (ii) proof of such expenses; and

19 (iii) proof that such testing—

20 (I) led to further testing under  
21 the Formerly Utilized Sites Remedial  
22 Action Program of the Corps of Engi-  
23 neers; or

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

4 (B) LIMITATIONS.—Financial assistance  
5 provided to a local educational agency under  
6 this paragraph shall not exceed the amount ex-  
7 pended by such local educational agency to test  
8 for radioactive contamination.

9 (2) FUNDING FOR CONSTRUCTION.—

10 (A) IN GENERAL.—The Secretary shall  
11 provide financial assistance for the construction  
12 of a new school building to each local edu-  
13 cational agency that submits to the Secretary  
14 an application that includes the following:

15 (i) A plan for the construction of a  
16 new school building.

17 (ii) Documentation that a school  
18 under the jurisdiction of the local edu-  
19 cational agency is an impacted school.

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

22 (iv) A certification that the local edu-  
23 cational agency shall only use financial as-  
24 sistance provided under this paragraph for  
25 1 or more of the following purposes:

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

3 (II) To construct a new school  
4 building to replace an impacted  
5 school.

6 (B) LIMITATIONS.—

7 (i) AMOUNT OF FUNDING.—Financial  
8 assistance provided to a local educational  
9 agency under this paragraph shall not ex-  
10 ceed \$20,000,000 for each impacted  
11 school.

12 (ii) USE OF FUNDS.—A local edu-  
13 cational agency that receives financial as-  
14 sistance under this paragraph may only  
15 use such financial assistance for 1 or more  
16 of the following purposes:

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

19 (II) To construct a new school  
20 building to replace an impacted  
21 school.

22 (3) CONSIDERATIONS.—The Secretary may not  
23 reject an application submitted by a local edu-  
24 cational agency for financial assistance under this  
25 subsection due to prior remediation by the Corps of

1 Engineers or any other relevant Federal agency of  
2 an impacted school under the jurisdiction of such  
3 local educational agency.

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

8 (1) a description of the number of applications  
9 submitted under this section; and

10 (2) a description of the amount of financial as-  
11 sistance provided to local educational agencies under  
12 this section.

13 **SEC. 5. INVESTIGATION OF SCHOOLS IN HAZELWOOD**  
14 **SCHOOL DISTRICT FOR CONTAMINATES.**

15 (a) DESIGNATION.—Notwithstanding any other pro-  
16 vision of law, each covered school shall be designated as  
17 a vicinity property of the St. Louis Airport Site of the  
18 Formerly Utilized Sites Remedial Action Program of the  
19 Corps of Engineers.

20 (b) INVESTIGATION.—

21 (1) IN GENERAL.—The Secretary of the Army  
22 shall investigate and characterize each covered  
23 school in accordance with the Comprehensive Envi-  
24 ronmental Response, Compensation, and Liability  
25 Act of 1980 (42 U.S.C. 9601 et seq.) and the Na-



1 tional Contingency Plan, including, at a minimum,  
2 carrying out a preliminary assessment and site in-  
3 spection of each covered school.

4 (2) INCLUSION.—An investigation of a covered  
5 school under paragraph (1) shall include on-site in-  
6 vestigatory efforts and sampling in accordance with  
7 section 300.420(c)(2) of title 40, Code of Federal  
8 Regulations (as in effect on the date of enactment  
9 of this Act).

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

14 (1) the results of the on-site investigatory ef-  
15 forts;

16 (2) a summary of the results of sampling under  
17 paragraph (2) of that subsection for contaminants of  
18 concern, including the average and highest detected  
19 levels of each contaminant of concern; and

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

23 (d) COMMUNITY RELATIONS.—In carrying out this  
24 section, the Secretary of the Army shall comply with all  
25 applicable requirements relating to community relations

1 and public notification under the Comprehensive Environ-  
2 mental Response, Compensation, and Liability Act of  
3 1980 (42 U.S.C. 9601 et seq.), section 311 of the Federal  
4 Water Pollution Control Act (33 U.S.C. 1321), and sec-  
5 tions 300.415, 300.430, and 300.435 of title 40, Code of  
6 Federal Regulations (as in effect on the date of enactment  
7 of this Act).

8 **SEC. 6. REVIEW AND REPORT OF RADIOACTIVE TESTING AT**  
9 **JANA ELEMENTARY SCHOOL.**

10 (a) REVIEW.—Not later than 30 days after the date  
11 of the enactment of this Act, the Secretary shall review  
12 the methodology and results of all tests for radioactive  
13 contaminants conducted at Jana Elementary School, in-  
14 cluding—

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

16 (2) tests conducted by Boston Chemical Data  
17 Corporation; and

18 (3) tests commissioned by the Hazelwood  
19 School District in the State of Missouri.

20 (b) REPORT.—

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

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

3           (A) for each test described in subsection  
4 (a), an evaluation of—

5           (i) the reliability of the methodology  
6 used—

7           (I) to conduct such test; and

8           (II) to evaluate the results of  
9 such test; and

10           (ii) the reliability of the opinions con-  
11 tained in any report summarizing the test;  
12 and

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

16 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

17           There is authorized to be appropriated for fiscal year  
18 2023 \$25,000,000 to carry out this Act.