

(C) an amount equal to the interest which would have been charged on such loan were the loan made by a commercial lender at prevailing interest rates (as determined by the Secretary).

(b) Investigation and report by Attorney General respecting feasibility of recovery of costs from any person determined by Attorney General to be liable

The Attorney General shall conduct an investigation to determine whether, by using all available means, the United States should or could recover, from any person determined by the Attorney General to be liable for such costs, the amounts expended by the United States to carry out this chapter. Within one year after June 14, 1980, the Attorney General shall submit to the Congress a report containing the results of the study, together with any appropriate recommendations.

(c) Expeditious proceedings by Attorney General

If the Attorney General determines in the report under subsection (b) of this section that the United States should seek to recover the amounts expended by the United States to carry out this chapter, the Attorney General shall proceed in an expeditious manner to recover such amounts from the persons referred to in subsection (b) of this section.

(Pub. L. 96-270, § 8, June 14, 1980, 94 Stat. 495.)

§ 3608. Employee protection

No State or local educational agency receiving assistance under this chapter may discharge any employee or otherwise discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because the employee has brought to the attention of the public information concerning any asbestos problem in the school buildings within the jurisdiction of such agency.

(Pub. L. 96-270, § 9, June 14, 1980, 94 Stat. 496.)

§ 3609. Retained rights

Except as otherwise provided in section 3607 of this title, nothing in this chapter shall—

- (1) affect the right of any party to seek legal redress in connection with the purchase or installation of asbestos materials in schools or any claim of disability or death related to exposure to asbestos in a school setting; or
- (2) affect the rights of any party under any other law.

(Pub. L. 96-270, § 10, June 14, 1980, 94 Stat. 496.)

§ 3610. Definitions

For purposes of this chapter—

- (1) the term “asbestos” means—
 - (A) chrysotile, amosite, or crocidolite; or
 - (B) in fibrous form, tremolite, anthophyllite, or actinolite;
- (2) the term “Attorney General” means the Attorney General of the United States;
- (3) the term “imminent hazard to the health and safety” means, for purposes of section 3605 of this title, that an asbestos material is, according to standards established by the Sec-

retary, friable or easily damaged, or within easy reach of students or otherwise susceptible to damage (including damage from water or air circulation) which could result in the dispersal of asbestos fibers into the school environment;

(4) the term “local educational agency” means—

(A) any local educational agency as defined in section 198(a)(10)¹ of the Elementary and Secondary Education Act of 1965;

(B) the governing authority of any non-profit elementary or secondary school;

(5) the term “nonprofit elementary or secondary school” means—

(A) any elementary or secondary school (as defined in section 198(a)(7)¹ of the Elementary and Secondary Education Act of 1965) owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and

(B) any school of any agency of the United States;

(6) the term “school buildings” means—

(A) structures suitable for use as classrooms, laboratories, libraries, school eating facilities, or facilities used for the preparation of food;

(B) any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education;

(C) other facilities used for the instruction of students, for research, or for the administration of educational or research programs; and

(D) maintenance, storage, or utility facilities essential to the operation of the facilities described in subparagraphs (A) through (C) of this paragraph;

(7) the term “Secretary” means the Secretary of Education, or his designee;

(8) the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, the Bureau of Indian Affairs, and the Office of Overseas Schools of the Department of Defense; and

(9) the term “State educational agency” has the same meaning given such term by section 198(a)(17)¹ of the Elementary and Secondary Education Act of 1965.

(Pub. L. 96-270, § 11, June 14, 1980, 94 Stat. 496.)

REFERENCES IN TEXT

Section 198 of the Elementary and Secondary Education Act of 1965, referred to in pars. (4)(A), (5)(A), and (9), is section 198 of Pub. L. 89-10, title I, as added by Pub. L. 95-561, title I, § 101(a), Nov. 1, 1978, 92 Stat. 2198, which was classified to section 2854 of this title prior to the general amendment of Pub. L. 89-10 by Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 140. For definitions, see section 7801 of this title.

¹ See References in Text note below.