

“(B) This paragraph shall apply to any financial assistance provided under this section after October 22, 1986, for activities performed after the following dates:

“(i) In the case of activities performed by persons, after the date which is one year after October 22, 1986.

“(ii) In the case of activities performed by laboratories, after the date which is 180 days after the date on which a laboratory accreditation program is completed under section 2646(d) of title 15.”

1988—Subsec. (g)(4)(B)(i). Pub. L. 100-368, §6(b)(1), substituted reference to October 22, 1986, for reference to August 11, 1984.

Subsec. (g)(4)(B)(ii). Pub. L. 100-368, §6(b)(2), substituted “section 2646(d) of title 15” for “subsection (d)”.

1986—Subsec. (g)(4). Pub. L. 99-519 added par. (4).

FINANCIAL ASSISTANCE TO CARRY OUT INSPECTIONS
FOR ASBESTOS-CONTAINING MATERIAL

Pub. L. 99-519, §4(b), Oct. 22, 1986, 100 Stat. 2989, provided that:

“(1) Notwithstanding section 505(c) of the Asbestos School Hazard Abatement Act of 1984 [20 U.S.C. 4014(c)], for fiscal years 1988 and 1989 the Administrator shall provide financial assistance under section 505 of such Act in the form of grants to States or local educational agencies to carry out inspections for asbestos-containing material in school buildings and preparation of management plans for school buildings under this title [probably means title II of the Toxic Substances Control Act, 15 U.S.C. 2641 et seq.].

“(2) Not more than 2 percent of any grant awarded to a State pursuant to paragraph (1) may be used by the State for administrative purposes. For purposes of the preceding sentence, administrative purposes do not include salaries of persons who inspect for asbestos-containing material or assist in the preparation of management plans.

“(3) In determining which local educational agencies to approve grants for, the Administrator shall take into account the financial need of the agency. Of the amount available under the Asbestos School Hazard Abatement Act of 1984 [20 U.S.C. 4011 et seq.] for fiscal years 1988 and 1989, not more than 10 percent may be obligated for the purposes described in this subsection.”

§ 4015. Administrative provisions

(a) Regulations

The Administrator shall promulgate rules and regulations as necessary to implement the authorities and requirements of this subchapter.

(b) Procedures

The Administrator also shall establish procedures to be used by local educational agencies, in programs for which financial assistance is made available under section 4014 of this title, for—

- (1) abating asbestos materials in school buildings;
- (2) replacing the asbestos materials removed from school buildings with other appropriate building materials; and
- (3) restoring such school buildings to conditions comparable to those existing before asbestos containment or removal activities were undertaken.

(c) Relationship to other laws

Nothing contained in this subchapter shall be construed, interpreted, or applied to diminish in any way the level of protection required under any other State or Federal worker protection or other applicable laws.

(d) Other authority

In order to effectuate the purposes of this subchapter, the Administrator may also adopt such

other procedures, standards, and regulations as the Administrator deems necessary, including—

- (1) procedures for testing the level of asbestos fibers in schools, including safety measures to be followed in conducting such tests;
- (2) standards for evaluating (on the basis of such tests) the likelihood of the leakage of asbestos fibers into the school environment; and
- (3) periodic reporting with respect to the activities that have taken place using funds loaned or granted under this subchapter.

(Pub. L. 98-377, title V, §506, Aug. 11, 1984, 98 Stat. 1292; Pub. L. 101-637, §§7, 14(a)(6), (b)(8), (9), Nov. 28, 1990, 104 Stat. 4592, 4594, 4595.)

AMENDMENTS

1990—Pub. L. 101-637 inserted section catchline.

Subsec. (a). Pub. L. 101-637, §14(b)(8), inserted heading.

Subsec. (b). Pub. L. 101-637, §7(2), added subsec. (b) and struck out former subsec. (b) which read as follows: “The Administrator shall also establish—

“(1) procedures to be used by local educational agencies, in programs for which financial assistance is made available under section 4014 of this title for—

“(A) abating asbestos materials in school buildings;

“(B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

“(C) restoring such school buildings to conditions comparable to those existing before asbestos containment or removal activities were undertaken; and

“(2) within ninety days, standards for determining—

“(A) which contractors are qualified to carry out the activities referred to in paragraph (1), and

“(B) what training, equipment, protective clothing and other information and material must be supplied to adequately advise and protect school employees utilized to carry out the activities in paragraph (1).

“(3) nothing contained in this subchapter shall be construed, interpreted or applied to diminish in any way the level of protection required under State or Federal worker protection laws.”

Subsec. (c). Pub. L. 101-637, §7(2), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 101-637, §§7(1), 14(b)(9), redesignated subsec. (c) as (d), inserted heading, and inserted a comma after “standards” in introductory provisions.

§ 4016. Annual report

During each calendar year until 1999, the Administrator shall prepare and submit, not later than June 1 of each year, to the Committee on Environment and Public Works of the Senate and to the Committee on Energy and Commerce of the House of Representatives a report on the loan and grant program authorized by section 4014 of this title.

(1) describe the number of applications received;

(2) describe the number of loans and grants made in the preceding calendar year and specify each applicant for and recipient of a loan or grant;

(3) specify the number of loan or grant applications which were disapproved during the preceding calendar year and describe the reasons for such disapprovals;

(4) describe the types of programs for which loans or grants were made;

(5) specify the estimated total costs of such programs to the recipients of loans or grants and specify the amount of loans or grants made under the program authorized by this section; and

(6) estimate the number of schools still in need of assistance and the amount of resources needed by such schools, categorized by State, to abate all remaining asbestos hazards.

(Pub. L. 98-377, title V, §507, Aug. 11, 1984, 98 Stat. 1293; Pub. L. 101-637, §§8, 14(a)(7), Nov. 28, 1990, 104 Stat. 4592, 4594.)

AMENDMENTS

1990—Pub. L. 101-637, §14(a)(7), made technical amendment to section catchline.

Pub. L. 101-637, §8(a), amended first sentence generally. Prior to amendment, first sentence read as follows: "During each of the ten calendar years after 1984, the Administrator shall prepare and submit not later than February 1 of each year a report to the Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives on the loan and grant program authorized by section 4014 of this title."

Par. (6). Pub. L. 101-637, §8(b), inserted before period at end "and the amount of resources needed by such schools, categorized by State, to abate all remaining asbestos hazards".

CHANGE OF NAME

Committee on Energy and Commerce of House of Representatives treated as referring to Committee on Commerce of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Commerce of House of Representatives changed to Committee on Energy and Commerce of House of Representatives, and jurisdiction over matters relating to securities and exchanges and insurance generally transferred to Committee on Financial Services of House of Representatives by House Resolution No. 5, One Hundred Seventh Congress, Jan. 3, 2001.

§ 4017. Recovery of costs

(a) Loan condition

(1) As a condition of the award of any financial assistance under section 4014 of this title, the recipient of any such loan or grant shall permit the United States to sue on behalf of such recipient any person determined by the Attorney General to be liable to the recipient for the costs of any activities undertaken by the recipient under such section.

(2) The proceeds from any judgment recovered in any suit brought by the United States under paragraph (1) (or, if the recipient files a similar suit on its own behalf, the proceeds from a judgment recovered by the recipient in such suit) shall be used to repay to the United States, by deposit in the Asbestos Trust Fund established by section 4022 of this title, to the extent that the proceeds are sufficient to provide for such repayment, an amount equal to the sum of—

(A) the amount (i) outstanding on any loan and (ii) of any grant made to the recipient; and

(B) 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 Administrator).

(b) Expeditious recovery

The Attorney General shall, where appropriate, proceed in an expeditious manner to recover the amounts expended by the United States to carry out this subchapter from the persons identified by the Attorney General as being liable for such costs.

(Pub. L. 98-377, title V, §508, Aug. 11, 1984, 98 Stat. 1293; Pub. L. 101-637, §§9, 14(a)(8), (b)(10), (11), (c)(5), Nov. 28, 1990, 104 Stat. 4592, 4594-4596.)

AMENDMENTS

1990—Pub. L. 101-637, §14(a)(8), inserted section catchline.

Subsec. (a). Pub. L. 101-637, §14(b)(10), inserted heading.

Subsec. (a)(1). Pub. L. 101-637, §14(c)(5), substituted "section" for "sections" after "such".

Subsec. (a)(2). Pub. L. 101-637, §9, inserted "by deposit in the Asbestos Trust Fund established by section 4022 of this title," after "repay to the United States,".

Subsec. (b). Pub. L. 101-637, §14(b)(11), inserted heading.

§ 4018. Employee protection

No State or local educational agency receiving assistance under this subchapter 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. 98-377, title V, §509, Aug. 11, 1984, 98 Stat. 1294; Pub. L. 101-637, §14(a)(9), Nov. 28, 1990, 104 Stat. 4594.)

AMENDMENTS

1990—Pub. L. 101-637 inserted section catchline.

§ 4019. Affect on rights under other laws

Except as otherwise provided in section 4017 of this title, nothing in this subchapter 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. 98-377, title V, §510, Aug. 11, 1984, 98 Stat. 1294; Pub. L. 101-637, §14(a)(10), Nov. 28, 1990, 104 Stat. 4594.)

AMENDMENTS

1990—Pub. L. 101-637 inserted section catchline.

§ 4020. Definitions

For purposes of this subchapter:

(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 "threat" or "hazard" means that an asbestos material is friable or easily damaged, or within reach of students or em-