

ployees or otherwise susceptible to damage (including damage from water, vibration, 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 7801 of this title; and

(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 7801 of this title 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 “Administrator” means the Administrator of the Environmental Protection Agency, or the Administrator’s 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, and the Bureau of Indian Affairs.

(9) The term “response action” has the meaning given such term by section 2642(11) of title 15.

(Pub. L. 98-377, title V, §511, Aug. 11, 1984, 98 Stat. 1294; Pub. L. 101-637, §§10, 14(a)(11), (c)(6), Nov. 28, 1990, 104 Stat. 4592, 4594, 4596; Pub. L. 103-382, title III, §394(c), Oct. 20, 1994, 108 Stat. 4027; Pub. L. 107-110, title X, §1076(l)(2), Jan. 8, 2002, 115 Stat. 2092.)

AMENDMENTS

2002—Par. (4)(A). Pub. L. 107-110, §1076(l)(2)(A), which directed amendment of subpar. (A) by substituting in the original “9101” for “198(a)(10)”, was executed by substituting “section 7801 of this title” for “section 8801 of this title”, to reflect the probable intent of Congress and prior amendment by Pub. L. 103-382, §394(c)(1), which had substituted “14101” for “198(a)(10)” in the original. See 1994 Amendment note below.

Par. (5)(A). Pub. L. 107-110, §1076(l)(2)(B), which directed amendment of subpar. (A) by substituting in the

original “9101” for “198(a)(7)”, was executed by substituting “section 7801 of this title” for “section 8801 of this title”, to reflect the probable intent of Congress and prior amendment by Pub. L. 103-382, §394(c)(2), which had substituted “14101” for “198(a)(7)” in the original. See 1994 Amendment note below.

1994—Par. (4)(A). Pub. L. 103-382, §394(c)(1), substituted “section 8801 of this title” for “section 198(a)(10) of the Elementary and Secondary Education Act of 1965”.

Par. (5)(A). Pub. L. 103-382, §394(c)(2), substituted “section 8801 of this title” for “section 198(a)(7) of the Elementary and Secondary Education Act of 1965”.

1990—Pub. L. 101-637, §14(a)(11), (c)(6)(A), inserted section catchline and substituted “this subchapter:” for “this subchapter—”.

Pars. (1), (2). Pub. L. 101-637, §14(c)(6)(B), (C), substituted “The” for “the” at beginning and a period for semicolon at end.

Par. (3). Pub. L. 101-637, §§10(1), 14(c)(6)(B)–(D), substituted “The” for “the” at beginning and a period for semicolon at end, struck out “each” before “reach of students”, and inserted “, vibration,” after “damage from water”.

Par. (4). Pub. L. 101-637, §14(c)(6)(B), (C), substituted “The” for “the” at beginning and a period for semicolon at end.

Par. (5). Pub. L. 101-637, §14(c)(6)(E), which directed the insertion of “secondary” before “school”, was executed by making the insertion in the introductory provisions to reflect the probable intent of Congress.

Pub. L. 101-637, §14(c)(6)(B), (C), substituted “The” for “the” at beginning and a period for semicolon at end.

Pars. (6), (7). Pub. L. 101-637, §14(c)(6)(B), (C), substituted “The” for “the” at beginning and a period for semicolon at end.

Par. (8). Pub. L. 101-637, §14(c)(6)(B), substituted “The” for “the” at beginning.

Par. (9). Pub. L. 101-637, §10(2), added par. (9).

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of this title.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 4021. Authorization

(a) Amount; availability until expended

(1) There are hereby authorized to be appropriated for the asbestos abatement program not more than \$200,000,000 for each of fiscal years 1991, 1992, 1993, 1994, and 1995. In addition, for such purposes and for each of such fiscal years there are authorized to be appropriated out of the Asbestos Trust Fund established by section 4022 of this title such sums as are contained in such trust fund in each of such fiscal years.

(2) The sums appropriated under this subchapter shall remain available until expended.

(b) Minimum State amount; fiscal year obligation requirement; reserved funds for administration and asbestos abatement oriented program expenditures; appropriations out of Asbestos Trust Fund

(1) A State with qualified applicants shall receive no less than one-half of 1 per centum of the sums appropriated under this subchapter or the total of the amounts requested by such ap-

plicants, whichever is less. Those amounts available in each fiscal year under this paragraph shall be obligated before the end of that fiscal year. For the purposes of this paragraph the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Bureau of Indian Affairs and, taken together, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(2) Of those sums appropriated for the implementation of this subchapter, not more than 5 percent may be reserved during each fiscal year for the administration of this subchapter and for programs including (but not limited to) the following:

(A) The establishment of training centers for contractors, engineers, school employees, parents, and other personnel to provide instruction, in accordance with title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.), on asbestos assessment and abatement.

(B) The development and dissemination of abatement guidance documents to assist in evaluation of potential hazards and the determination of proper abatement programs.

(C) The development of rules and regulations regarding inspection, reporting, and record-keeping.

(D) The development of a comprehensive testing and technical assistance program.

(3) Of those sums appropriated for any fiscal year for the implementation of this subchapter, the Administrator may use not more than 5 percent to provide grants to States for the following purposes:

(A) Assisting local educational agencies in performing the periodic reinspections and training activities required under title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.).

(B) Establishing and maintaining programs to accredit personnel performing asbestos inspections and response actions.

(Pub. L. 98-377, title V, §512, Aug. 11, 1984, 98 Stat. 1295; Pub. L. 99-519, §4(a), Oct. 22, 1986, 100 Stat. 2989; Pub. L. 100-368, §6(a), July 18, 1988, 102 Stat. 833; Pub. L. 101-637, §§11, 14(a)(12), Nov. 28, 1990, 104 Stat. 4592, 4595.)

#### REFERENCES IN TEXT

The Toxic Substances Control Act, referred to in subsec. (b)(2)(A), (3)(A), is Pub. L. 94-469, Oct. 11, 1976, 90 Stat. 2003, as amended. Title II of the Act, as added by Pub. L. 99-519, §2, Oct. 22, 1986, 100 Stat. 2970, is classified generally to subchapter II (§2641 et seq.) of chapter 53 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 15 and Tables.

#### AMENDMENTS

1990—Pub. L. 101-637, §14(a)(12), inserted section catchline.

Subsec. (a)(1). Pub. L. 101-637, §11(a), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "There are hereby authorized to be appropriated for the asbestos abatement program not more than \$50,000,000 for the fiscal year ending on September 30, 1984, \$50,000,000 for the fiscal year ending on September 30, 1985, and \$100,000,000 for each of the five succeeding fiscal years. In addition, for such purposes there are authorized to be appropriated out of the Asbestos Trust

Fund established by section 4022 of this title \$25,000,000 for each of fiscal years 1987, 1988, 1989, and 1990."

Subsec. (b)(2). Pub. L. 101-637, §11(b), added par. (2) and struck out former par. (2) which read as follows: "Of those sums appropriated for the implementation of this subchapter, up to 10 per centum shall be reserved during the fiscal year ending September 30, 1984, and up to 5 per centum for the fiscal year ending September 30, 1985, for the administration of this subchapter and for programs including, but not limited to, the following:

"(A) the establishment of a training center for contractors, engineers, school employees, parents and other personnel to provide instruction on asbestos assessment and abatement;

"(B) the development and dissemination of abatement guidance documents to assist in evaluation of potential hazards, and the determination of proper abatement programs;

"(C) the development of rules and regulations regarding inspection, reporting and record-keeping; and

"(D) the development of a comprehensive testing and technical assistance program."

Subsec. (b)(3). Pub. L. 101-637, §11(b), added par. (3).

1988—Pub. L. 100-368 moved last sentence (as added by Pub. L. 98-377) to end of subsec. (a)(1).

1986—Pub. L. 99-519 inserted sentence at end authorizing appropriations out of the Asbestos Trust Fund for years 1987, 1988, 1989, and 1990.

#### TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

### § 4022. Asbestos Trust Fund

#### (a) Creation of Trust Fund

There is established in the Treasury of the United States a trust fund to be known as the "Asbestos Trust Fund", consisting of such amounts as may be transferred or credited to such Trust Fund as provided in this section.

#### (b) Transfers to Trust Fund

##### (1) Transfer

There are hereby transferred to the Asbestos Trust Fund amounts equivalent to—

(A) amounts received in the Treasury on or after January 1, 1987, as repayments of loans made under section 4014 of this title,

(B) amounts received as deposits from local educational agencies under section 2647(a) of title 15, and

(C) amounts received as proceeds from any judgment recovered in any suit brought pursuant to section 4017(a)(1) of this title.

##### (2) Monthly transfers

The amounts transferred by paragraph (1) shall be transferred at least monthly from the general fund of the Treasury to the Asbestos Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in such paragraph. Adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were more or less than the amounts required to be transferred.

#### (c) Management of Trust Fund

##### (1) Investment

##### (A) In general

The Secretary of the Treasury shall invest such portion of the Asbestos Trust Fund as