

§ 3996. Submission of applications

An applicant within a State that desires to receive a grant under this part¹ shall submit an application prepared in accordance with section 3995 of this title to the State educational agency for approval. Each application with respect to funds for improvement of elementary and secondary resources under section 3994(b)(1) of this title shall be submitted jointly by the local educational agency and each business concern or other party that is to participate in the activities for which assistance is sought.

(Pub. L. 98-377, title III, §326, as added Pub. L. 100-418, title VI, §6031(a)(2), Aug. 23, 1988, 102 Stat. 1482.)

Editorial Notes

REFERENCES IN TEXT

This part, referred to in text, was in the original “this chapter” and was translated as reading “this part” to reflect the probable intent of Congress because title III of Pub. L. 98-377, which comprises this subchapter, does not contain chapters.

§ 3997. Approval of applications**(a) Criteria**

The State shall establish criteria for approval of applications under this section. Such criteria shall include—

(1) consideration of the local district’s need for, and inability to locally provide for, the activities, equipment, library and instructional materials requested;

(2) the number and nature of elementary and secondary students who will benefit from the planned program; and

(3) the expressed level of financial and in-kind commitment from other parties to the program.

(b) Approval procedures

The State shall adopt approval procedures designed to ensure that grants are equitably distributed among—

(1) rural, urban, and suburban areas; and

(2) small, medium, and large local educational agencies.

(Pub. L. 98-377, title III, §327, as added Pub. L. 100-418, title VI, §6031(a)(2), Aug. 23, 1988, 102 Stat. 1482.)

§ 3998. Computation of grant amounts**(a) Payments to grantees****(1) Payment by State**

The State shall pay to the extent of amounts received by it from the Secretary under this part, to each applicant having an application approved under section 3997 of this title, the Federal share of the cost of the program described in the application.

(2) Amount

(A) Except as provided in subparagraph (B), the Federal share for each fiscal year shall be 75 percent.

(B) In the case of an applicant that receives a waiver under section 3995(c) of this title, the

Federal share for each fiscal year may be as much as 100 percent.

(3) Non-Federal share

The non-Federal share of payments under this part may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(b) Payments to States

Except as provided in subsection (c), each State shall receive under this part the greater of—

(1) an amount equal to its share of funds appropriated under chapter 1 of the Education Consolidation and Improvement Act; or

(2) \$225,000.

(c) Reduction for insufficient funding

If sums appropriated to carry out this part are not sufficient to permit the Secretary to pay in full the grants which States may receive under subsection (b), the amount of such grants shall be ratably reduced.

(Pub. L. 98-377, title III, §328, as added Pub. L. 100-418, title VI, §6031(a)(2), Aug. 23, 1988, 102 Stat. 1482.)

Editorial Notes

REFERENCES IN TEXT

The Education Consolidation and Improvement Act, referred to in subsec. (b)(1), probably means the Education Consolidation and Improvement Act of 1981, which is subtitle D [§§551 to 596] of title V of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 463, as amended. Chapter 1 of the Act was classified generally to subchapter I (§3801 et seq.) of chapter 51 of this title, prior to repeal by Pub. L. 100-297, title I, §1003(a), Apr. 28, 1988, 102 Stat. 293. For complete classification of this Act to the Code, see Tables.

SUBCHAPTER IV—PRESIDENTIAL AWARDS
FOR TEACHING EXCELLENCE IN MATHEMATICS AND SCIENCE

§§ 4001 to 4003. Repealed. Pub. L. 100-297, title II, § 2303, Apr. 28, 1988, 102 Stat. 324

Section 4001, Pub. L. 98-377, title IV, §401, Aug. 11, 1984, 98 Stat. 1287, related to Presidential awards.

Section 4002, Pub. L. 98-377, title IV, §402, Aug. 11, 1984, 98 Stat. 1287, related to administrative provisions.

Section 4003, Pub. L. 98-377, title IV, §403, Aug. 11, 1984, 98 Stat. 1287; Pub. L. 99-159, title II, §241, Nov. 22, 1985, 99 Stat. 901, related to authorization of appropriations.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1988, see section 6303 of Pub. L. 100-297, set out as an Effective Date of 1988 Amendment note under section 1071 of this title.

SUBCHAPTER V—ASBESTOS SCHOOL
HAZARD ABATEMENT

§ 4011. Findings and purpose**(a) Findings**

The Congress finds that—

(1) exposure to asbestos fibers has been identified over a long period of time and by reputable medical and scientific evidence as sig-

¹ See References in Text note below.

nificantly increasing the incidence of cancer and other severe or fatal diseases, such as asbestosis;

(2) medical evidence has suggested that children may be particularly vulnerable to environmentally induced cancers;

(3) medical science has not established any minimum level of exposure to asbestos fibers which is considered to be safe to individuals exposed to the fibers;

(4) substantial amounts of asbestos, particularly in sprayed form, have been used in school buildings, especially during the period 1946 through 1972;

(5) partial surveys in some States have indicated that (A) in a number of school buildings materials containing asbestos fibers have become damaged or friable, causing asbestos fibers to be dislodged into the air, and (B) asbestos concentration far exceeding normal ambient air levels have been found in school buildings containing such damaged materials;

(6) the presence in school buildings of friable or easily damaged asbestos creates an unwarranted hazard to the health of the school children and school employees who are exposed to such materials;

(7) the Department of Health and Human Services and the Environmental Protection Agency, as well as several States, have attempted to publicize the potential hazards to school children and employees from exposure to asbestos fibers, but there is no systematic program for remedying hazardous conditions in schools;

(8) because there is no Federal health standard regulating the concentration of asbestos fibers in noncommercial workplace environments such as schools, school employees and students may be exposed to hazardous concentrations of asbestos fibers in the school buildings which they use each day;

(9) without a program of information distribution, technical and scientific assistance, and financial support, many local educational agencies and States will not be able to mitigate the potential asbestos hazards in their schools; and

(10) the effective regulation of interstate commerce for the protection of the public health requires the establishment of programs under this subchapter to mitigate hazards from exposure to asbestos fibers and materials emitting such fibers.

(b) Purpose

It is the purpose of this subchapter to—

(1) direct the Administrator of the Environmental Protection Agency to establish a program to assist States and local educational agencies to ascertain the extent of the danger to the health of school children and employees from asbestos materials in schools;

(2) provide continuing scientific and technical assistance to State and local agencies to enable them to identify and abate asbestos hazards in schools;

(3) provide financial assistance for the abatement of asbestos threats to the health and safety of school children or employees; and

(4) assure that no employee of any local educational agency suffers any disciplinary action

as a result of calling attention to potential asbestos hazards which may exist in schools.

(Pub. L. 98-377, title V, §502, Aug. 11, 1984, 98 Stat. 1287; Pub. L. 101-637, §14(a)(2), (b)(1), (2), Nov. 28, 1990, 104 Stat. 4594, 4595.)

Editorial Notes

AMENDMENTS

1990—Pub. L. 101-637, §14(a)(2), made technical amendment to section catchline.

Subsecs. (a), (b). Pub. L. 101-637, §14(b)(1), (2), inserted headings.

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-637, §1, Nov. 28, 1990, 104 Stat. 4589, provided that: "This Act [enacting section 2656 of Title 15, Commerce and Trade, amending this section, sections 4012 to 4022 of this title, and sections 2643, 2646, and 2647 of Title 15, enacting provisions set out as notes under this section and sections 2646 and 2656 of Title 15, and amending provisions set out as a note under this section] may be cited as the 'Asbestos School Hazard Abatement Reauthorization Act of 1990'."

SHORT TITLE

SPub. L. 98-377, title V, §501, Aug. 11, 1984, 98 Stat. 1287, as amended by Pub. L. 101-637, §14(a)(1), Nov. 28, 1990, 104 Stat. 4594, provided that: "This title [enacting this subchapter] may be cited as the 'Asbestos School Hazard Abatement Act of 1984'."

FINDINGS AND PURPOSES

Pub. L. 101-637, §2, Nov. 28, 1990, 104 Stat. 4589, provided that:

"(a) FINDINGS.—Congress finds the following:

"(1) The Environmental Protection Agency has estimated that more than forty-four thousand school buildings contain friable asbestos, exposing more than fifteen million school children and one million five hundred thousand school employees to unwarranted health hazards.

"(2) All elementary and secondary schools are required by the Asbestos Hazard Emergency Response Act [of 1986, see Short Title of 1986 Amendment note set out under section 2601 of Title 15, Commerce and Trade] to inspect for asbestos, develop an asbestos management plan, and implement such plan.

"(3) The Environmental Protection Agency has estimated it will cost local education agencies more than \$3,000,000,000 to comply with the Asbestos Hazard Emergency Response Act.

"(4) Without a continuing program of information assistance, technical and scientific assistance, training, and financial support, many local educational agencies will be unable to carry out sufficient response actions to prevent the release of asbestos fibers into the air.

"(5) Without the provisions of sufficient financial support, the cost to local educational agencies of implementing asbestos response actions may have an adverse impact in their educational mission.

"(6) The effective regulation of interstate commerce for the protection of human health and the environment requires the continuation of programs to mitigate hazards of asbestos fibers and materials emitting such fibers.

"(b) PURPOSES.—The purposes of this Act [see Short Title of 1990 Amendment note above] are the following:

"(1) To direct the Environmental Protection Agency to maintain a program to assist local schools in carrying out their responsibilities under the Asbestos Hazard Emergency Response Act.

"(2) To provide continuing scientific and technical assistance to State and local agencies to enable them to identify and abate asbestos health hazards.

“(3) To provide financial assistance to State and local agencies for training of persons involved with inspections and abatement of asbestos, for conducting necessary reinspections of school buildings, and for the actual abatement of asbestos threats to the health and safety of school children or employees.

“(4) To assure that no employee of a local educational agency suffers any disciplinary action as a result of calling attention to potential asbestos hazards which may exist in schools.”

§ 4012. Asbestos hazard abatement program

(a) Abatement program

There is hereby established a program within the Environmental Protection Agency to be known as the Asbestos Hazards Abatement Program (hereinafter in this subchapter referred to as “Program”).

(b) Duties

The duties of the Administrator in implementing and effectuating the Program shall include—

(1) the compilation of medical, scientific, and technical information including, but not limited to—

(A) the health and safety hazards associated with asbestos materials;

(B) the means of identifying, sampling, and testing materials suspected of emitting asbestos fibers; and

(C) the means of abating the threat posed by asbestos and asbestos containing materials;

(2) the distribution of the information described in paragraph (1) (in any appropriate form such as pamphlets, reports, or instructions) to State and local educational agencies and to other institutions, including parent and employee organizations, for the purpose of carrying out activities described in this subchapter;

(3) not later than November 15 of each year for which this subchapter is authorized, the development and distribution of applications, or notifications to all local educational agencies of the availability of application forms including information for obtaining such forms; and

(4) the review of applications for financial assistance, and the approval or disapproval of such applications, in accordance with the provisions of section 4014 of this title.

(Pub. L. 98-377, title V, §503, Aug. 11, 1984, 98 Stat. 1288; Pub. L. 101-637, §§4, 14(a)(3), (b)(3), (4), Nov. 28, 1990, 104 Stat. 4590, 4594, 4595.)

Editorial Notes

AMENDMENTS

1990—Pub. L. 101-637, §14(a)(3), made technical amendment to section catchline.

Subsec. (a). Pub. L. 101-637, §14(b)(3), inserted heading and struck out par. (1) designation before “There is hereby established”.

Subsec. (b). Pub. L. 101-637, §14(b)(4), inserted heading.

Subsec. (b)(2). Pub. L. 101-637, §4(1), (2), substituted “educational agencies” for “agencies” and “institutions, including parent and employee organizations,” for “institutions”.

Subsec. (b)(3). Pub. L. 101-637, §4(3), amended par. (3) generally. Prior to amendment, par. (3) read as follows:

“the development within forty-five days of August 11, 1984, of an interim or final application form, which shall be distributed promptly to local educational agencies; and”.

§ 4013. State records and priority lists

(a) Records

The Governor of each State shall maintain records on—

(1) the presence of asbestos materials in school buildings of local educational agencies;

(2) the asbestos detection and abatement activities and other response actions conducted by local educational agencies (including activities relating to the replacement of the asbestos materials removed from school buildings with other appropriate building materials); and

(3) repairs made to restore school buildings to conditions comparable to those which existed before the abatement activities referred to in paragraph (2) were undertaken.

(b) Priority list

(1) Each year, in accordance with procedures established by the Administrator, the Governor of each State shall:

(A) submit to the Administrator a priority list of all schools under the authority of a local educational agency within the State, without regard to the public or private nature of the school involved, that are candidates for abatement activities and other response actions; and

(B) forward to the Administrator for each candidate for abatement activities and other response actions all applications for financial assistance prepared by the local educational agencies in accordance with the provisions of section 4014 of this title; and¹

(2) The priority list shall rank the potential candidates for abatement action based on the nature and magnitude of the existing and potential exposure presented by the asbestos materials.

(3) For each school listed, the Governor shall certify that the statement of need contained in the application for assistance accurately reflects the financial resources available to the local educational agency for the asbestos abatement program.

(4) For the purpose of determining the adequacy of the financial resources available to a local educational agency for the abatement of asbestos threats the Governor shall, to the extent practicable, consider the following:

(A) A measure of financial need used by the State in which the local educational agency is located.

(B) The estimated per capita income of the locality of such agency or of those directly or indirectly providing financial support for such agency.

(C) The extent to which the local school millage rate falls above or below (i) the millage rate average of the State and (ii) the millage rate of other local educational agencies with comparable enrollment, per capita income, and resource base.

¹ So in original. Probably should end with a period instead of “; and”.