

105TH CONGRESS  
1ST SESSION

# H. R. 1158

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to restrict the liability under that Act of local educational agencies.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 1997

Mr. FRELINGHUYSEN introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to restrict the liability under that Act of local educational agencies.

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 “Superfund Liability  
5 Exemption for Local Education Agencies Act”.

1 **SEC. 2. RESTRICTION ON LIABILITY OF LOCAL EDU-**  
2 **CATIONAL AGENCIES.**

3 Section 107 of the Comprehensive Environmental Re-  
4 sponse, Compensation, and Liability Act of 1980 (42  
5 U.S.C. 9607) is amended by adding at the end the follow-  
6 ing new subsection:

7 “(o) RESTRICTION ON LIABILITY OF LOCAL EDU-  
8 CATIONAL AGENCIES.—

9 “(1) IN GENERAL.—No local educational agen-  
10 cy shall be liable for any costs or damages under  
11 this Act by reason of generation or transportation of  
12 solid municipal waste if the amount and toxicity of  
13 the substances in the solid municipal waste do not  
14 exceed that which a reasonable person would expect  
15 to find in solid municipal waste generated by the  
16 local educational agency.

17 “(2) DEFINITIONS.—For purposes of this sub-  
18 section the following definitions apply:

19 “(A) LOCAL EDUCATIONAL AGENCY.—The  
20 term ‘local educational agency’ shall have the  
21 meaning given that term in section 14101(18)  
22 of the Elementary and Secondary Education  
23 Act of 1965 (20 U.S.C. 8801(18)).

24 “(B) SOLID MUNICIPAL WASTE.—The term  
25 ‘solid municipal waste’ means solid waste gen-  
26 erated by local educational agencies and in-

1           cludes solid waste from commercial, institu-  
2           tional, and industrial sources if the amount and  
3           toxicity of the substances in such solid waste do  
4           not exceed that which a reasonable person  
5           would expect to find in solid waste generated by  
6           the local educational agency.”.

7 **SEC. 3. EFFECTIVE DATE.**

8           The amendment made by section 2 shall apply with  
9           respect to any response action or suit brought under the  
10          Comprehensive Environmental Response, Compensation,  
11          and Liability Act of 1980 commenced before, on, and after  
12          the date of the enactment of this Act, other than an action  
13          or suit in which a final judgment has been entered by a  
14          court before such date.

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