

106TH CONGRESS  
2D SESSION

# S. 2634

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide liability relief to small businesses.

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IN THE SENATE OF THE UNITED STATES

MAY 25, 2000

Mr. BOND introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide liability relief to small businesses.

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 “Small Business Relief  
5       Act of 2000”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) in enacting the Comprehensive Environ-  
9       mental Response, Compensation, and Liability Act  
10      of 1980 (42 U.S.C. 9601 et seq.), Congress intended

1 to clean up the most polluted waste sites in the  
2 United States;

3 (2) lawsuits to pay for cleanups under that Act  
4 threaten thousands of small business owners that in-  
5 curred liability by activities as benign as disposing of  
6 garbage;

7 (3) despite improvements by local, State, and  
8 Federal officials in the cleanup of the most polluted  
9 waste sites in the United States, thousands of inno-  
10 cent small business owners remain unfairly subjected  
11 to the liability scheme under that Act;

12 (4) exempting innocent small businesses is the  
13 only way to solve the unintended consequences of li-  
14 ability provisions under that Act; and

15 (5) relieving innocent small business owners  
16 from liability under that Act will curb litigation,  
17 steering money away from excessive legal costs and  
18 toward the cleanup of waste sites.

19 **SEC. 3. SMALL BUSINESS LIABILITY RELIEF.**

20 Section 107 of the Comprehensive Environmental Re-  
21 sponse, Compensation, and Liability Act of 1980 (42  
22 U.S.C. 9607) is amended by adding at the end the fol-  
23 lowing:

24 “(o) SMALL BUSINESS EXEMPTION.—

1           “(1) IN GENERAL.—Except as provided in para-  
2           graph (2), no person shall be liable to the United  
3           States or to any person (including liability for con-  
4           tribution) under this section for any response costs  
5           at a facility listed on the National Priorities List  
6           under paragraph (3) or (4) of subsection (a) if—

7                   “(A) the person is a business that, for the  
8                   taxable year preceding the date of transmission  
9                   of notification that the business is a potentially  
10                  responsible party, employed full- and part-time  
11                  employees, the aggregate time worked by whom  
12                  was equivalent to the hours that would be  
13                  worked by not more than 100 full-time employ-  
14                  ees; and

15                  “(B) the person is not affiliated through  
16                  any familial or corporate relationship with any  
17                  person that is or was a potentially responsible  
18                  party responsible for response costs at the facil-  
19                  ity.

20           “(2) EXCEPTION.—

21                   “(A) IN GENERAL.—Paragraph (1) shall  
22                   not apply to the case of a person if the Federal  
23                   Government or a third party demonstrates  
24                   that—

1 “(i) a hazardous substance described  
 2 in paragraph (3) or (4) of subsection (a)  
 3 contributed significantly, or could con-  
 4 tribute significantly, individually or in the  
 5 aggregate with other hazardous sub-  
 6 stances, to the cost of the response action  
 7 with respect to the facility;

8 “(ii) liability for costs or damages  
 9 arises under this subsection as a result of  
 10 the gross negligence or intentional mis-  
 11 conduct of the person; or

12 “(iii) the person—

13 “(I) failed to comply with any re-  
 14 quest for information or administra-  
 15 tive subpoena issued by the President  
 16 under this Act; or

17 “(II) impeded the performance of  
 18 a response action with respect to the  
 19 facility.

20 “(B) GROSS NEGLIGENCE.—For the pur-  
 21 poses of this subsection, the term ‘gross neg-  
 22 ligence’ includes reckless, willful, or wanton  
 23 misconduct by a person.”.

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