

104TH CONGRESS
1ST SESSION

H. R. 521

To amend title 11 of the United States Code to make nondischargeable claims of governmental units for costs that are incurred to abate hazardous substances and for which the debtor is liable under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, certain claims under the Solid Waste Disposal Act, and claims under State laws similar in subject matter to such Acts; and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 1995

Mr. ZIMMER (for himself, Mr. ACKERMAN, Mr. BEILENSON, Mr. PALLONE, and Ms. E.B. JOHNSON of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 11 of the United States Code to make nondischargeable claims of governmental units for costs that are incurred to abate hazardous substances and for which the debtor is liable under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, certain claims under the Solid Waste Disposal Act, and claims under State laws similar in subject matter to such Acts; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. AMENDMENTS.**

2 (a) AMENDMENTS TO SECTION 523.—Section 523(a)
3 of title 11, United States Code, is amended—

4 (1) in paragraph (11) by striking “or” at the
5 end,

6 (2) in paragraph (12) by adding “or” at the
7 end, and

8 (3) by adding at the end the following:

9 “(13) for a claim of—

10 “(A) the United States, a State, or a polit-
11 ical subdivision of a State for the costs of re-
12 moval or remedial action taken under section
13 104 of the Comprehensive Environmental Re-
14 sponse, Compensation, and Liability Act of
15 1980 (42 U.S.C. 9604) for which the debtor is
16 liable under section 107 of such Act (42 U.S.C.
17 9607);

18 “(B) any person for contribution for which
19 the debtor is liable under section 113(f) of such
20 Act (42 U.S.C. 9613(f));

21 “(C) any person under section 7002, or the
22 Administrator under section 7003, of the Solid
23 Waste Disposal Act (42 U.S.C. 6972, 6973) for
24 which the debtor is liable under such Act; or

25 “(D) any person or governmental entity
26 under any State law similar in subject matter

1 to the Comprehensive Environmental Response,
2 Compensation, and Liability Act of 1980 (42
3 U.S.C. 9601 et seq.) or the Solid Waste Dis-
4 posal Act (42 U.S.C. 6901 et seq.) for which
5 the debtor is liable under such State law.”.

6 (b) AMENDMENTS TO Section 1141.—Section
7 1141(d)(2) of title 11, United States Code, is amended—

8 (1) by inserting “(A)” after “(2)”, and

9 (2) by adding at the end the following:

10 “(B) The confirmation of the plan does not discharge
11 any debtor from a debt of a kind excepted from discharge
12 under section 523(a)(13) of this title.”.

13 **SEC. 2. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

14 (a) EFFECTIVE DATE.—Except as provided in sub-
15 section (b), the amendments made by section 1 shall take
16 effect on the date of the enactment of this Act.

17 (b) APPLICATION OF AMENDMENTS.—The amend-
18 ments made by section 1 shall not apply with respect to
19 cases commenced under title 11 of the United States Code
20 before the date of the enactment of this Act.

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