

and military exercises in the Taiwan Strait as an unwarranted and dangerous attempt to intimidate Taiwan as it prepares to hold direct presidential elections this Saturday. It calls on China to return to negotiations at the highest levels between the two governments, negotiations which have successfully resolved a number of issues in the past. The resolution also reiterates our long-standing policy that maintaining peace and stability in the region is in the interest of the United States and that we expect Taiwan's future to be resolved peacefully and in a way that satisfies the Chinese on both sides of the Taiwan Strait.

As a sponsor of this resolution, I urge all parties involved to move away from provocative measures and to find new ways to de-escalate tensions. It is incumbent upon all parties to avoid taking steps which could lead unexpectedly, through mistake or miscalculation, to a conflict that no one wants. Now is the time for calmer voices to prevail and I hope that all governments will listen for them.

I think this is a thoughtful and appropriate response, worked in a bipartisan way. It is a resolution we can support with pride.

The PRESIDING OFFICER. The question on agreeing to House Concurrent Resolution 148, as amended. The yeas and nays are ordered. The clerk will call the roll. The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from New Hampshire [Mr. GREGG] is necessarily absent.

Mr. FORD. I announce that the Senator from Nebraska [Mr. KERREY] and the Senator from New Jersey [Mr. BRADLEY] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—97

| | | |
|-----------|------------|---------------|
| Abraham | Faircloth | Lieberman |
| Akaka | Feingold | Lott |
| Ashcroft | Feinstein | Lugar |
| Baucus | Ford | Mack |
| Bennett | Frist | McCain |
| Biden | Glenn | McConnell |
| Bingaman | Gorton | Mikulski |
| Bond | Graham | Moseley-Braun |
| Boxer | Gramm | Moynihan |
| Breaux | Grams | Murkowski |
| Brown | Grassley | Murray |
| Bryan | Harkin | Nickles |
| Bumpers | Hatch | Nunn |
| Burns | Hatfield | Pell |
| Byrd | Heflin | Pressler |
| Campbell | Helms | Pryor |
| Chafee | Hollings | Reid |
| Coats | Hutchison | Robb |
| Cochran | Inhofe | Rockefeller |
| Cohen | Inouye | Roth |
| Conrad | Jeffords | Santorum |
| Coverdell | Johnston | Sarbanes |
| Craig | Kassebaum | Shelby |
| D'Amato | Kempthorne | Simon |
| Daschle | Kennedy | Simpson |
| DeWine | Kerry | Smith |
| Dodd | Kohl | Snowe |
| Dole | Kyl | Specter |
| Domenici | Lautenberg | Stevens |
| Dorgan | Leahy | |
| Exon | Levin | |

Thomas
Thompson

Thurmond
Warner

Wellstone
Wyden

NOT VOTING—3

Bradley

Gregg

Kerrey

So, the concurrent resolution (H. Con. Res. 148) was agreed to.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I ask unanimous consent that I may proceed as in morning business for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I come to the floor today to join Senator SMITH, the distinguished chairman of the subcommittee of the Environment and Public Works which deals with Superfund. Let me take a moment to describe our progress and plans for Superfund reform.

The Superfund Program is our most troubled environmental statute. No one could disagree that the Congress should enact Superfund reform this year. No one is happy with the status quo—not industry, not environmentalists, not insurers, not State and local governments, not even the EPA and other Federal agencies.

Superfund reform is No. 1 priority of my committee in 1996.

Senator SMITH introduced S. 1285, the Accelerated Cleanup and Environmental Restoration Act, last September 29. This reform package represents a remarkable improvement over the status quo, and it is deserving of widespread support. I am a cosponsor.

Since introduction, Senator SMITH and I have met with the minority members of the subcommittee and administration for countless hours to explain the bill, make technical changes, and clarify its intent where needed. We have solicited the views of interested outsiders. As a result of these discussions, we have incorporated numerous changes, large and small, into the bill.

These negotiations, which are still continuing, have been productive, and I hope and expect that they will lead to a bill that garners widespread bipartisan support in the Senate, a bill that satisfies the President's often-stated desire to fix this program, a bill that he can and should sign.

At this point in our process, as our negotiations move into some of the more difficult issues, Senator SMITH and I agreed that it is important to give members of this body, as well as those outside parties interested in Superfund reform, an opportunity to look at, and comment upon, the results of our negotiations to date. The document, a staff draft that will be printed in today's CONGRESSIONAL RECORD, represents a snapshot of the current status of our negotiations. In a few moments, Senator SMITH will offer more detailed comments on this new draft of the Superfund bill.

All sides in our negotiations have justifiably reserved final judgment until negotiations are complete and important constituencies have had the

chance to analyze and comment on the final product.

As we move forward, we want to provide opportunities to receive formal comments on the bill. In the next few days we will schedule hearings on the bill to occur as soon as possible after the Easter recess. We hope that we can reach substantive agreement on a bipartisan bill by that time, or else use the hearings to further explore the remaining areas of difference. We plan to move on to a markup and prepare the bill for floor action as soon as we can this spring.

I want to express my appreciation the ranking member of the committee, Senator BAUCUS, and the Superfund Subcommittee, Senator LAUTENBERG, for their contributions to the process. I also want to thank the administration for their efforts in these negotiations.

Most of all I would like to thank Senator SMITH for the many hours he and his staff have devoted to keeping Superfund reform on-track and moving forward. This is no easy task. Superfund is a complex and controversial program, and progress is always difficult in the best of circumstances, not to mention in a Presidential election year. We have a very good chance to enact Superfund reform this year, and if we do, a great deal of the credit should go to Senator SMITH.

SUPERFUND LEGISLATION

Mr. SMITH. Mr. President, I want to thank my friend and colleague from Rhode Island, Senator CHAFEE, for working with me to enact a comprehensive Superfund reform measure. As Senator CHAFEE outlined, on September 29, 1995, I introduced S. 1285, the Accelerated Cleanup and Environmental Restoration Act. This legislation, which was cosponsored by Senator CHAFFEE and nine other members, was an effort to provide comprehensive reform of this troubled program.

I would like to thank Senator CHAFEE, the chairman of the Environment and Public Works Committee for his strong support in this effort. Over the last year, he and I have worked cooperatively to reform this program, and it is because of his assistance that I believe that this legislation can be passed this year.

As Senator CHAFEE has mentioned, he and I are here today to continue the process toward making sure that reasonable Superfund reform legislation will reach the floor this Spring. To achieve this goal, our respective staffs have spent more than 150 hours with Democrats on the Senate Environment Committee as well as representatives of the Environmental Protection Agency, the Justice Department, and the White House working toward achieving a bipartisan consensus toward reauthorizing the Superfund Program.

In a few moments, I will ask to be entered into the RECORD a copy of a staff discussion draft outlining changes that Senator CHAFEE and I are willing to

make to achieve bipartisan consensus on this issue. As Senator CHAFEE stated, this is a snapshot of where we currently are in negotiations.

Let me be clear: this draft includes changes that I found to be constructive and reasonable—without compromising the underlying principles necessary for real Superfund reform. I remain committed to passing a strong bill that reduces litigation and accelerates clean up. As Senator CHAFEE indicated, the committee intends to hold a hearing the week we return from the Easter recess. At that point in time, interested parties will have the opportunity to testify on a final product that will be used for markup. Additional agreements and disagreements will be worked out in the normal committee process through amendment.

Before I describe some of the details of this proposal, I would like to say a few words what this draft is and what it is not. During the last few months our staffs have met with hundreds of individuals who are interested in the future of this program, and who have provided us with specific comments about S. 1285. We have carefully weighted these comments, and this staff discussion draft, in part, is intended to respond to some of those concerns.

This draft is also intended to address some of the concerns that have been raised by Governors, the Clinton administration, Senate Democrats, as well as other interested parties. While this language represents a good faith effort address some of these concerns, these changes have not been agreed to by any other parties, and we are continuing to negotiate and address concerns that have been raised. Indeed, there are areas of this bill, including federal facilities issues, amendments to the Resource Conservation and Recovery Act and natural resource damages, that we have not yet had the opportunity to fully address in these negotiations.

Nonetheless, as Senator CHAFEE has pointed out, we wanted to provide a window into our ongoing negotiations, and allow interested parties to have the opportunity to comment on these proposed changes. And again, it is important for me to stress that a final product will be forthcoming. Where we are in agreement, we will agree. Where we are in disagreement, we will agree to disagree, and move on with the process.

One area I do want to spend some time on this evening is the issue of liability reform. As many of my colleagues may know, when we released our initial liability reform proposal in September, there were some members on our side of the aisle who felt that we had limited our horizons too much when we proposed a 50 percent tax credit for pre-1980 disposal activities. Although I was convinced, and continue to believe that our proposal had a great deal of merit, we have nonetheless decided to modify this section to address these concerns.

The liability proposal in the staff discussion draft, I believe, will provide significant liability reform, and will vastly diminish the scope and nature of ongoing litigation. In particular, our proposal would have the effect of eliminating liability for parties at multiparty disposal sites—those sites where there was an off-site generator or transporter—for disposal activities that occurred prior to December 11, 1980. These sites involve some of the most contentious and expensive litigation in the Superfund Program and have only helped to slow down the pace of cleanups.

This litigation has not helped to address this important environmental problem, but instead, has hindered the ability to protect human health and the environment in the shortest time possible. By providing orphan share contribution for these costs, I believe that we will not only significantly reduce the contentious nature of this litigation, but our reforms will allow these sites to be cleaned up faster.

Our liability proposal provides that de minimis parties, such as small mom and pop businesses, will be eliminated from the liability net if they were responsible for disposing of less than 1 percent of the volume of materials at a site prior to December 11, 1980, or if they disposed less than 200 pounds or 110 gallons of materials at an NPL site. This change will significantly reduce the number of parties at these sites who are needlessly dragged into the quagmire of litigation. Our legislation will not only eliminate their liability, but it will also provide for an up-front determination that they are not subject to this damaging and costly litigation process.

In addition, this staff discussion draft also provides a 10 percent cap on the total amount of liability for those municipalities whose potential liability resulted only from generating or transporting municipal solid waste or sewage sludge. This change, combined with the orphan share contribution for pre-1980 disposal at multiparty sites, will provide significant relief for cities and towns caught in the Superfund liability net.

I would be remiss if I did not discuss changes that we have proposed to make in the remedy selection portion of S. 1285. In the legislation we introduced in September, we proposed eliminating the requirements under current law that mandate the use of applicable, relevant, and appropriate State and Federal environmental cleanup laws. Both Senator CHAFEE and I received a significant number of comments from States about this provision. After a good deal of reflection, we decided to provide that applicable State and Federal cleanup laws can be applied to these hazardous waste cleanups.

There are a number of other issues that have been raised about the remedy selection portion of this legislation, including provisions related to groundwater cleanup, that we have not modi-

fied at this time. However, I do want to note that these issues are under discussion, and this draft does not represent our final proposal on this section.

Mr. President, Senator CHAFEE and I are here on the floor today to declare that Superfund reform is alive and well. As Senator CHAFEE has mentioned, he and I are here today to continue the process towards making sure that significant Superfund reform legislation will reach the floor this Spring. While our colleagues have not heard much from us recently, this does not mean we have not been working hard—we have. This is not to say that we still don't have a ways to go—we do.

I believe that the discussions we have been involved in over the last few weeks have been fruitful and have been conducted in good faith. Our colleagues, the President, and all parties involved in this program have frequently stated that they want comprehensive Superfund reform. Frankly, given its inadequacies, we simply can not afford to push Superfund reform off for another year. If our colleagues, including those on both sides of the aisle—as well as those in the White House—can keep the rhetoric down, we believe that we can pass a comprehensive Superfund reauthorization bill this year that will ensure faster, safer and cheaper cleanups.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that I be able to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TAIWAN RESOLUTION

Mrs. FEINSTEIN. Mr. President, I want to thank the Senator from Wyoming, Senator THOMAS, for his leadership on the issue of the resolution which was just passed by a vote of 97 to 0 in this body. I thank him for his cooperative approach to finding a text that all parties could agree on. I also express my thanks and admiration to the Senator from Louisiana, Senator JOHNSTON, and the Senator from Georgia, Senator NUNN, for their understanding of this issue and their efforts to craft a responsible resolution.

I would also like to thank Senators MURKOWSKI, HELMS, SIMON, and PELL, and the distinguished majority leader, and their staffs, for working with all of us in a cooperative spirit on this resolution.

Mr. President, in the last 2 weeks we have watched as China has tested four missiles in close proximity to Taiwan, and the People's Liberation Army has conducted live-ammunition military exercises in the Taiwan Strait.

These tests and exercises are, obviously, aimed at showing in a militant fashion China's depth of feeling about the Taiwan issue and, many believe, to influence the Taiwanese election which will take place in a 2 short days.