''I was in the hospital for three months [in 1991],'' Wilson said. ''It never made me upset because I said I was going to be fine, I never thought [running] was something I'd never be able to do again.''

In the spring of 1991, Wilson was a senior at the University of South Carolina, only six weeks away from an economics degree. The athletic and good-looking Wilson had been a soccer player at Churchill High School in Potomac and a place-kicker for the university's Gamecocks football team. He seemed to have it all.

Then it came crashing down. For a still-unknown reason, Wilson lost control of his motorcycle on a clear, straight road. He fell and struck his head on the pavement. He wasn't wearing a helmet.

The accident only broke three bones, but it jarred his brain severely, causing swelling and plunging Wilson into an eight-day coma.

He spent three months in the hospital and six months in a wheelchair. Over the next four years, he had to relearn the tasks most of us take for granted.

''I have an appreciation for certain things most of the whole world wouldn't understand,'' said Wilson, who has only the slightest hesitation of speech, along with a shuffle in his walk, giving clues to the serious injury he has overcome.

But Wilson's recovery is more than a personal journey for him. It has involved his entire community.

When he first began to walk again, Wilson said, he volunteered to help with local youth sports. Kids and parents rallied around him, he said. The kids would pick him to play on basketball teams, even though he could barely walk, let alone run and jump.

''They said, 'we don't care, we just want you on the team,' '' Wilson said.

He received so much support that he's made it a mission to give something back.

''I learned to respect kids,'' Wilson said, ''I help them because they helped me.''

Wilson, now 27, lives with his parents In Potomac.

His list of activities is impressive, long enough that he has trouble remembering them all: He is one of the original volunteers at Club Friday, a youth program at the Potomac Community Center, he is a youth soccer instructor for Montgomery Soccer Inc.; he serves on two county recreational advisory boards; he helped found the Potomac Adaptive Basketball Association; he is an active member of the Rotary Club of Potomac, and he founded the annual 5-kilometer race, which benefits Club Friday and the Brain Injury Association of Maryland.

''To me, he's just a super human being,'' said Potomac resident Randy Zeibert, whose children played on a soccer team coached by Wilson. ''He does all these things and asks nothing in return.''

In the wake of his accident, Wilson made it a personal quest to see Maryland and other states adopt mandatory motorcycle helmet laws. His testimony was a key factor in Maryland's law, which narrowly passed the General Assembly four years ago, said former state Sen. Howard Denis.

Denis said he was wavering on the bill, torn between his desire to prevent devastating injuries and his belief that the government should not place to many restrictions on the public. In the end, Wilson pushed Denis to back the law.

''Doug was a particularly compelling witness because he had lived through it and he was very articulate,'' Denis said.

On top of all his other activities, Wilson returned to South Carolina for a semester in 1993 and earned his degree.

''I wasn't supposed to walk again, so I walked,'' Wilson said. ''I wasn't supposed to go to college and take classes, so I went back and graduated with my best semester in college.''

Despite volunteering at least 50 hours a week,'' Wilson has started a business, called ''We'll Keep It Clean,'' hiring disabled people to clean and maintain people's property; yard work, pool cleaning, and the like.

Disabled people, he said, make excellent workers because. ''they're not interested in doing it for the money; they're out there trying to prove they can do it.''

On top of that, Wilson lobbies state lawmakers nationwide to pass motorcycle helmet laws similar to the one he helped pass in Maryland.

''He's just gung-ho about life,'' said Sam Eammelli, past president of the Rotary Club. ''I think it's great.''

The key, Wilson said, is to set goals high. That way people can fall a little bit short and still do better than anybody else expects.

And his goals remain high.

''Maybe someday,'' he said with a twinkle in his eye, ''I'm going to try out for an NFL team.''●

The PRESIDING OFFICER. The distinguished majority whip, the Senator from Mississippi, is recognized.

LAND DISPOSAL PROGRAM FLEXIBILITY ACT OF 1995

Mr. LOTT. I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 2036 and, further, that the Senate proceed to its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2036) to amend the Solid Waste Disposal Act and make certain adjustments in the lands disposal program to provide needed flexibility, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3464

(Purpose: To amend the Solid Waste Disposal Act, to make certain adjustments in the land disposal program to provide needed flexibility, and for other purposes)

Mr. LOTT. Mr. President, I send an amendment to the desk on behalf of Senators CHAFEE, SMITH, DOLE, LIEBERMAN, NICKLES, and KEMPTHORNE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. Chafee, for himself, Mr. Smith, Mr. Dole, Mr. Lieberman, Mr. Nickles, and Mr. Kempthorne, proposes an amendment numbered 3464.

Mr. LOTT. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 2, beginning line 4, strike all through page 4, line 15, and insert in lieu thereof the following:

''SEC. 2. LAND DISPOSAL RESTRICTIONS.

''Section 3004(g) of the Solid Waste Disposal Act is amended by adding after paragraph (6) the following:

''(7) Solid waste identified as hazardous based solely on one or more characteristics shall not be subject to this subsection, any prohibitions under subsection (d), (e), or (f), or any requirement promulgated under subsection (m) (other than any applicable specific methods of treatment, as provided in paragraph (8)) if the waste—

''(A) is treated in a treatment system that subsequently discharges to waters of the United States pursuant to a permit issued under section 402 of the Federal Water Pollution Control Act (commonly known as the ''Clean Water Act'') (33 U.S.C. 1342), treated for the purposes of the pretreatment requirements of section 307 of the Clean Water Act (33 U.S.C. 1317), or treated in a zero discharge system that, prior to any permanent land disposal, engages in treatment that is equivalent to treatment required under section 402 of the Clean Water Act (33 U.S.C. 1342) for discharges to waters of the United States, as determined by the Administrator; and

''(B) no longer exhibits a hazardous characteristic prior to management in any land-based solid waste management unit.

''(8) Solid waste that otherwise qualifies under paragraph (7) shall nevertheless be required to meet any applicable specific methods of treatment specified for such waste by the Administrator under subsection (m), including those specified in the rule promulgated by the Administrator June 1, 1990, prior to management in a land-based unit as part of a treatment system specified in paragraph (7)(A). No solid waste may qualify under paragraph (7) that would generate toxic gases, vapors, or fumes due to the presence of cyanide when exposed to pH conditions between 2.0 and 12.5.

''(9) Solid waste identified as hazardous based on one or more characteristics alone shall not be subject to this subsection, any prohibitions under subsection (d), (e), or (f), or any requirement promulgated under subsection (m) if the waste no longer exhibits a hazardous characteristic at the point of injection in any Class I injection well permitted under section 1422 of title XIV of the Public Health Service Act (42 U.S.C. 300h–1).

''(10) Not later than five years after the date of enactment of this paragraph, the Administrator shall complete a study of hazardous waste managed pursuant to paragraphs (7) or (9) to characterize the risks to human health or the environment associated with such management. In conducting this study, the Administrator shall evaluate the extent to which risks are adequately addressed under existing State or Federal programs and whether unaddressed risks could be better addressed under such laws or programs. Upon receipt of additional information or upon completion of such study and as necessary to protect human health and the environment, the Administrator may impose additional requirements under existing Federal laws, including subsection (m)(1), or rely on other State or Federal programs or authorities to address such risks. In promulgating any treatment standard pursuant to subsection (m)(1) under the previous sentence, the Administrator shall take into account the extent to which treatment is occurring in land-based units as part of a treatment system specified in paragraph (7)(A).

''(11) Nothing in paragraphs (7) or (9) shall be interpreted or applied to restrict any inspection or enforcement authority under the provisions of this Act.''.

On page 7, after line 12, insert the following:

''(5) ALASKA NATIVE VILLAGES.—Upon certification by the Governor of the State of Alaska that application of the requirements described in paragraph (1) to a solid waste landfill unit of a Native village (as defined in

section 3 of the Alaska Native Claims Settlement Act (16 U.S.C. 1602)) or unit that is located in or near a small, remote Alaska village would be infeasible, or would not be cost-effective, or is otherwise inappropriate because of the remote location of the unit, the State may exempt the unit from some or all of those requirements. This paragraph shall apply only to solid waste landfill units that dispose of less than 20 tons of municipal solid waste daily, based on an annual average.

''(6) FURTHER REVISIONS OF GUIDELINES AND CRITERIA.—Recognizing the unique circumstances of small communities, the Administrator shall, not later than two years after enactment of this provision promulgate revisions to the guidelines and criteria promulgated under this subtitle to provide additional flexibility to approved States to allow landfills that receive 20 tons or less of municipal solid waste per day, based on an annual average, to use alternative frequencies of daily cover application, frequencies of methane gas monitoring, infiltration layers for final cover, and means for demonstrating financial assurance: *Provided,* That such alternative requirements take into account climatic and hydrogeologic conditions and are protective of human health and environment.''.

On page 2, line 3 strike ''1995'' and insert in lieu thereof ''1996''.

Mr. CHAFEE. Mr. President, today I rise to offer an amendment to H.R. 2036, the Land Disposal Program Flexibility Act. This bill, which on January 31, 1996, passed in the House of Representatives by a vote of 402 to 19, amends the so-called land ban provisions of the Solid Waste Disposal Act. Senator NICKLES introduced a similar bill in the Senate, S. 1497, which was cosponsored by Senators SMITH, PRYOR, BOND, BUMPERS, INHOFE, LOTT, BREAUX, JOHNSTON, ABRAHAM, KEMPTHORNE, LIEBERMAN, FAIRCLOTH, GLENN, and WARNER.

H.R. 2036 and its Senate companion, S. 1497, provide a model for moving targeted, commonsense legislation that maintains protection of human health and the environment while removing duplicative or overlapping layers of regulation. It is proof that we can fix those parts of our environmental laws that need to be fixed without gutting, repealing, or rolling back environmental protection.

H.R. 2036 passed the House of Representatives by an overwhelming margin. The legislation is strongly supported by the Clinton administration. A joint letter signed by EPA, CEQ, and OMB stated that the bill ''would eliminate a mandate that the Environmental Protection Agency'' promulgate stringent and costly treatment standards for certain low-risk wastes that already are regulated in Clean Water Act or Safe Drinking Water Act units.'' I believe that H.R. 2036, as amended today, ensures protection of human health and the environment while easing two specific regulatory burdens imposed by the Solid Waste Disposal Act. In both instances, EPA tried to reduce these regulatory burdens through administrative action but the Agency was rebuffed by the courts. That is why this legislation is necessary. Time is of the essence because the Agency is under court order to promulgate new rules under the current law. If we are going to provide relief, now is the time to do it.

The primary purpose of this bill is to prevent duplicative and inconsistent regulation of a specific, limited category of wastes under the Solid Waste Disposal Act. The premise underlying the bill is that certain low risk, high volume waste streams that are treated to remove any hazardous characteristics and that are subsequently discharged in a manner meeting the standards of section 402 of the Clean Water Act or are injected in class I wells that have received individual permits under the Safe Drinking Water Act, need not be subject to the land disposal restrictions under RCRA.

In 1990 regulations to implement the Solid Waste Disposal Act's land ban provisions, EPA reasoned that if low risk, high volume wastes were being treated in a manner that protects human health and the environment under the Clean Water Act in a treatment system or are injected into a Safe Drinking Water Act permitted deep well injection system, then there was insufficient justification for imposing additional, and perhaps inconsistent land ban treatment standards under the Solid Waste Disposal Act. EPA's rule was challenged in court, and the U.S. Circuit Court of Appeals for the D.C. Circuit overturned EPA's approach.

This bill will allow EPA to grant some relief from the requirements of the Solid Waste Disposal Act while undertaking a study to assure that the conclusions the Agency reached in 1990 are still valid. It is important to note that this bill retains the Agency's authority to impose land ban restrictions and treatment standards under the Solid Waste Disposal Act if it is found to be necessary in the future.

The bill will also allow EPA to reimpose another rule vacated by the courts; a rule exempting certain small municipal solid waste landfills from groundwater monitoring requirements. This provision in H.R. 2036, as added by this amendment, conforms with the language in S. 534, the Interstate Transportation of Municipal Solid Waste Act, which passed the Senate on May 16, 1995.

This amendment contains several modifications to the House-passed bill that will ensure that risks to human health or the environment from decharacterized wastes receiving treatment equivalent to that required by section 402 of the Clean Water Act or injected in deep well injection units that have received individual permits under the Safe Drinking Water Act are minimized. The amendment provides that all of the Solid Waste Disposal Act inspection and enforcement authorities are preserved and will continue to apply to so-called decharacterized wastes even if the waste is not subject to the land disposal ban requirements as a result of this bill. The amendment protects against potential misuse and the use of ''sham'' treatment systems by requiring treatment in Clean Water Act impoundments, not merely holding or storing waste in the impoundment while it evaporates or settles or, worst of all, leaches into ground water. The amendment also makes it clear that the Administrator may act to impose additional requirements upon receipt of information regarding the risks posed to human health and the environment by the wastes managed under this act. If the Administrator decides the imposition of additional requirements is warranted, the authority is there to do so. The Administrator does not have to wait for the results of the study.

I want to thank Senator NICKLES, Senator SMITH, chairman of the Environment and Public Works subcommittee with jurisdiction over hazardous waste, and the other cosponsors of the bill for bringing these issues to the attention of the Senate. I especially want to thank my colleagues on the Environment and Public Works Committee for agreeing to clear H.R. 2036 for rapid floor action. I urge your support for this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3464) was agreed to.

Mr. SMITH. Mr. President, I am pleased to be here today to urge the adoption of H.R. 2036 as modified by an amendment of the Senate Committee on Environment and Public Works. The underlying House legislation is virtually the same as S. 1497, the Land Disposal and Program Flexibility Act of 1995 that Senator NICKLES and I, along with a broad bipartisan coalition of our colleagues, introduced on December 21, 1995.

Under the current land disposal restrictions [LDR's], individuals are generally prohibited from the land disposal of hazardous wastes unless these wastes have first been treated to meet EPA standards. In Chemical Waste Management versus EPA in 1992, the D.C. Circuit Court determined that these LDR's would also be extended to nonhazardous wastes managed in wastewater systems that are already regulated under the Clean Water Act or the underground injection control [UIC] program of the Safe Drinking Water Act. The court adopted this position despite the fact that the EPA had previously adopted a rule authorizing the appropriate treatment and disposal of these materials, and despite the fact that the Agency believed that such strict standards are inappropriate.

Section 2 of H.R. 2036, as modified by the Senate, would counteract the court's decision and would restore the EPA's original regulatory determination allowing these materials to be safely treated and disposed of in permitted treatment units and injection

wells. This change represents a very straightforward yet significant modification to the Solid Waste Disposal Act that has the potential to save our society as much as $800 million in annual compliance costs—an expense that the EPA agrees will provide no environmental benefit.

Another issue that is addressed in the Senate amended version of H.R. 2036 is the issue of ground water monitoring legislation. In October 1991, the EPA promulgated regulations to exempt certain categories of municipal solid waste landfills from ground water monitoring requirements. Specifically, this exemption was intended to provide relief for communities that had a daily disposal rate of less than 20 tons of solid waste and which have very little annual precipitation. The EPA's authority to issue these regulations was overturned by the D.C. Circuit Court of Appeals in Natural Resources Defense Council versus EPA, 1993.

Section 3 of H.R. 2036, as amended by the Senate amendment, is a virtually identical version of ground water monitoring language that the Senate passed on May 16, 1995, when it adopted the Interstate Transportation of Municipal Solid Waste Act of 1995. This section will provide EPA with the necessary authority to implement the ground water monitoring regulations that were struck down in Natural Resources Defense Council versus EPA.

As the chairman of the Superfund, Waste Control and Risk Assessment Subcommittee, which has jurisdiction over this legislation, I believe that this bill is a good example of a cooperative, bipartisan effort to correct expensive and needless environmental overregulation. I appreciate the significant time and effort that were spent by my fellow Members, the White House, the EPA, our House colleagues, and staff, toward speeding the adoption of this much needed legislation. In addition to this support, I would note that H.R. 2036 is also supported by the Association of State and Territorial Solid Waste Management Officials, the National Association of Counties, and the Ground Water Protection Council.

We need to act quickly to adopt this legislation. If we fail to act, the EPA, due to court order, will be forced to implement additional LDR regulations in the next few weeks—regulations that they believe are both unnecessary from an environmental standpoint as well as needlessly costly for the private sector. Our House colleagues understood this urgency and passed H.R. 2036 on January 31 by a vote of 402 to 19. Given the level of support for this important legislation, I would urge my colleagues to unanimously adopt this legislation as amended so we can send it to President Clinton as soon as possible.

Mr. LEVIN. Mr. President, the House has sent us a bill, H.R. 2036, to amend the Resource Conservation and Recovery Act, to prevent the duplication of regulation on dischargers of nonhazardous waste and thereby save hundreds of millions of dollars in unnecessary compliance costs. It is a laudable bill.

Unfortunately, the House has yet to send to the Senate another needed change to the Resource Conservation and Recovery Act in this Congress, a bill to resolve a matter of great importance to me and to most of the 80,000 units of local government in this country. I am talking about addressing their jeopardized ability to regulate the inflow and outflow of solid waste in their jurisdiction.

As my colleagues know, the Senate passed S. 534, the Interstate Transportation of Solid Waste Act of 1995, in May of last year. This bill is not perfect but it contains amendments needed to resolve some of the interstate waste and flow control issues raised in Supreme Court decisions from several years ago.

Interstate transportation and flow control of solid waste are pressing matters, as is H.R. 2036. Despite this, the House has yet to act on S. 534 or similar legislation. This concerns me. Last week, I sought to add S. 534 as an amendment to H.R. 2036 by unanimous consent, but was met with objections.

Mr. President, I would like to ask the distinguished chairman of the Senate Environment and Public Works Committee if he would help me in insisting that the House promptly address this matter so that we might get a swift resolution.

Mr. CHAFEE. Mr. President, the Senator from Michigan states the situation accurately. It is unfortunate that the House has not yet acted on S. 534 or a similar bill. I will certainly work with him to ensure that the House understands that enactment of S. 534 is a priority for the Senate in this Congress. And, the Senator certainly retains his right to offer S. 534 to other vehicles, should he so choose. In the meantime, I appreciate his willingness not to stall progress on moving H.R. 2036.

Mr. LEVIN. I thank the Senator from Rhode Island. I hope he will work with me on other vehicles to which I can attach S. 534 in the very near future, if the House fails to act promptly.

Mr. LOTT. Mr. President, I ask unanimous consent the bill be deemed read a third time, passed as amended, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (H.R. 2036), as amended, was deemed read the third time and passed.

EXECUTIVE SESSION

NOMINATION OF GEORGE W. BLACK, JR., TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD

Mr. LOTT. Mr. President, in executive session, I ask unanimous consent that the Senate now proceed to the consideration of the nomination of George W. Black, Jr., to be a member of the National Transportation Safety Board reported out of the Commerce Committee today, that the nomination be confirmed, any statements on the nomination be inserted in the RECORD as if read, and that the President be immediately notified of the Senate's action on this nomination.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

The nomination considered and confirmed is as follows:

George W. Black, Jr., of Georgia, to be a member of the National Transportation Safety Board for the remainder of the term expiring December 31, 1996, vice Carl W. Vogt, resigned.

LEGISLATIVE SESSION

Mr. LOTT. I ask now that the Senate return to legislative session.

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

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 104–24

Mr. LOTT. As in executive session, Mr. President, I ask unanimous consent that the injunction of secrecy be removed from the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of December 10, 1982, relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, with annexes, which was adopted by the U.N. headquarters in New York by consensus of the U.N. Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks on August 4, 1995, and signed by the United States on December 4, 1995, (Treaty Document 104–24), transmitted to the Senate by the President on February 20, 1996; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, with Annexes (''the Agreement''), which was adopted at United Nations Headquarters in New York by consensus of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks on August 4, 1995, and signed by the United