

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 hun-

dreds 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

States on December 4, 1995. I also transmit, for the information of the Senate, the report of the Secretary of State with respect to the Agreement.

The Agreement represents a considerable achievement for the United States in promoting better stewardship of living marine resources. It strikes a sound balance between the interests of coastal States in protecting offshore fishery resources and those of States whose fishing vessels operate on the high seas. If widely ratified and properly implemented, the Agreement should significantly improve the prospects for sustainable fisheries worldwide.

The Agreement builds directly upon, and strengthens, the fishery provisions contained in the 1982 United Nations Convention on the Law of the Sea ("the Convention"), which I transmitted to the Senate for advice and consent on October 6, 1994. As such, the Agreement further reflects the central role of the Convention in governing the maritime relations of the international community.

Perhaps more than any other nation, the United States stands to benefit from widespread adherence to this Agreement. The Agreement will help to ensure that the harvesting of fish by vessels of other nations in waters beyond our exclusive economic zone does not undermine our domestic management of fisheries within the U.S. jurisdiction. In addition, by promoting sound conservation practices generally, the Agreement can restore and maintain productive ocean fisheries for the benefit of American consumers and for U.S. fishing vessels wherever they operate.

With regard to disputes concerning the interpretation or application of the Agreement, I intend to choose a special arbitral tribunal constituted in accordance with Annex VIII of the Convention, as recommended in the accompanying report of the Department of State.

I recommend that the Senate give early and favorable consideration to the Agreement and give its advice and consent to its ratification.

WILLIAM J. CLINTON.  
THE WHITE HOUSE, February 20, 1996.

### PROGRAM

Mr. LOTT. Mr. President, under the previous order, when the Senate completes its business today it will stand in adjournment until the hour of 11 a.m. on Friday, February 23, and following the prayer, there be a period for morning business not to extend beyond the hour of 1 p.m., with the time to be divided equally between the two parties. As previously ordered, following the use or yielding back of time on Friday, morning business will be closed and the Senate will then turn to the conference report to accompany the D.C. appropriations bill. No rollcall votes will occur on Friday, however, the Senate may consider any legislative items cleared for action.

It is anticipated at this time that a cloture motion on the conference report will be filed on Friday and Senators should be aware that a vote on motion to invoke cloture on the D.C. appropriations conference report would be expected to occur on Tuesday, February 27, at 2:15 p.m.

### ADJOURNMENT UNTIL 11 A.M., FRIDAY, FEBRUARY 23, 1996

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask the Senate now stand in adjournment under the previous order. Thereupon, the Senate, at 12:54 p.m., adjourned until Friday, February 23, 1996, at 11 a.m.

### NOMINATIONS

Executive nominations received by the Senate February 20, 1996:

#### DEPARTMENT OF LABOR

JOAQUIN F. OTERO, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE MARTIN JOHN MANLEY, RESIGNED.

#### NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD

MARK EDWIN EMBLIDGE, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 22, 1998, VICE SUSAN ANN VOGEL, TERM EXPIRED.  
MARY DODD GREENE, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 12, 1998, VICE JOHN CORCORAN, TERM EXPIRED.

#### NATIONAL MUSEUM SERVICES BOARD

ALBERTA SEBOLT GEORGE, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998, VICE RUTH K. WATANABE, TERM EXPIRED.  
DAVID A. UCKO, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998, VICE EUNICE B. WHITTLESEY, TERM EXPIRED.

#### AFRICAN DEVELOPMENT FOUNDATION

HENRY MCKOY, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING FEBRUARY 9, 2002, VICE WILLIAM H.G. FITZGERALD, TERM EXPIRED.

#### IN THE COAST GUARD

THE FOLLOWING INDIVIDUAL FOR APPOINTMENT AS A PERMANENT REGULAR COMMISSIONED OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE OF LIEUTENANT:

SHERY A. COMAR

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 12203(A) AND 3370:

#### CHAPLAIN CORPS

##### To be colonel

GARY N. JOHNSTON, 000-00-0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 12203 AND 3385:

#### ARMY PROMOTION LIST

##### To be colonel

PAT W. SIMPSON, 000-00-0000

#### CHAPLAIN CORPS

##### To be colonel

JIMMY F. COMER, 000-00-0000  
EDWIN N. GRIFFIN, 000-00-0000

#### MEDICAL CORPS

##### To be colonel

MICHAEL D. KNEELAND, 000-00-0000

#### ARMY PROMOTION LIST

##### To be lieutenant colonel

LARRY D. BARTTELBORE, 000-00-0000  
GARY W. BAUMANN, 000-00-0000  
GLYNN N. BECKMAN, 000-00-0000

ROBIN R. BENSON, 000-00-0000  
JONATHAN D. DAME, 000-00-0000  
JEFFREY A. FAIRALL, 000-00-0000  
DENNIS R. FLANERY, 000-00-0000  
CRAIG D. FOX, 000-00-0000  
FLOYD D. HAUGHT, 000-00-0000  
CRAIG G. HAYES, 000-00-0000  
CHARLES H. HUNT, JR., 000-00-0000  
STEPHEN L. HUXTABLE, 000-00-0000  
THOMAS A. KATANA, II, 000-00-0000  
RODNEY W. LOOS, 000-00-0000  
DAVID G. LOY, 000-00-0000  
DARRELL D. LOYD, 000-00-0000  
CHERYL M. MACHINA, 000-00-0000  
ROBERT A. MARTINEZ, 000-00-0000  
RANDALL W. MOON, 000-00-0000  
EVERETT S. MORRISON, 000-00-0000  
RALPH E. NOOKS, JR., 000-00-0000  
ROGER T. OLSON, 000-00-0000  
ALAN R. PETERSON, 000-00-0000  
MICHAEL L. STEINMETZ, 000-00-0000  
MICHAEL J. TOZZI, 000-00-0000  
JOHN A. TROTTER, 000-00-0000  
BLAINE M. WYKOFF, 000-00-0000

#### MEDICAL CORPS

##### To be lieutenant colonel

WARNER J. ANDERSON, 000-00-0000

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624 OF TITLE 10, U.S.C. THE OFFICERS MARKED BY AN ASTERISK (\*) ARE ALSO NOMINATED FOR REGULAR APPOINTMENT IN ACCORDANCE WITH SECTION 531 OF TITLE 10, U.S.C.

#### JUDGE ADVOCATE GENERAL'S CORPS

##### To be major

MARGARET B. BAINES, 000-00-0000  
\*STEPHANIE A. BARNA, 000-00-0000  
\*VIRGINIA G. BEAKES, 000-00-0000  
\*MICHAEL J. BENJAMIN, 000-00-0000  
\*STEPHEN J. BERG, 000-00-0000  
\*JOHN M. BICKERS, 000-00-0000  
\*KURT J. BOHN, 000-00-0000  
\*BRYAN T. BROYLES, 000-00-0000  
\*MICHAEL BURMEISTER, 000-00-0000  
\*MARIA S. CHAPA, 000-00-0000  
\*HOLLY O. COFFEY, 000-00-0000  
\*HOLLY O. COOK, 000-00-0000  
\*THOMAS D. COOK, 000-00-0000  
BRIAN C. CORNEILSON, 000-00-0000  
\*ROBERT J. COTELL, 000-00-0000  
\*MATTHEW L. DANA, 000-00-0000  
\*KURT A. DIDIER, 000-00-0000  
\*CLAYTON DIEDERICH, 000-00-0000  
MARK D. DUPONT, 000-00-0000  
KAREN V. FAIR, 000-00-0000  
\*SANDRA J. FORTSON, 000-00-0000  
\*BRIAN S. FRYE, 000-00-0000  
\*RICHARD J. GALVIN, 000-00-0000  
\*MARK J. GINGRAS, 000-00-0000  
TIMOTHY GRAMMEL, 000-00-0000  
RICHARD C. GROSS, 000-00-0000  
\*JONATHAN C. GUDEN, 000-00-0000  
\*JON L. HALL, 000-00-0000  
\*DAVID P. HARNEY, 000-00-0000  
\*TERESE M. HARRISON, 000-00-0000  
\*MICHAEL E. HATCH, 000-00-0000  
\*JODY M. HEHR, 000-00-0000  
\*MICHAEL J. HENRY, 000-00-0000  
\*THOMAS L. HONG, 000-00-0000  
\*MICHAEL L. HOYLE, 000-00-0000  
\*WALTER M. HUDSON, 000-00-0000  
\*JOHN S. IRGENS, 000-00-0000  
MICHAEL D. ISACCO, 000-00-0000  
\*BRENDA J. JARDEN, 000-00-0000  
\*STEVEN M. KELLOGG, 000-00-0000  
MICHAEL E. KLEIN, 000-00-0000  
\*JAMES P. LARUSCH, 000-00-0000  
\*KATENI T. LEAKEHE, 000-00-0000  
\*CHERYL R. LEWIS, 000-00-0000  
\*JAMES F. MCCONNOR, 000-00-0000  
\*HAROLD MCCracken, 000-00-0000  
\*SHEILA E. McDONALD, 000-00-0000  
\*MICHAEL R. MCWRIGHT, 000-00-0000  
\*CRAIG A. MEREDITH, 000-00-0000  
\*KURT A. MIETH, 000-00-0000  
\*EDYE L. MORAN, 000-00-0000  
\*AMISI B. MUBANGU, 000-00-0000  
\*MICHAEL E. MULLIGAN, 000-00-0000  
\*MARCIA J. NELSON, 000-00-0000  
JOHN P. PATRICK, 000-00-0000  
\*CYNTHIA M. PINTER, 000-00-0000  
\*JANE F. POLCEN, 000-00-0000  
\*WARREN A. REARDON, 000-00-0000  
\*RICHARD W. ROUSSEAU, 000-00-0000  
\*PAUL J. SAUSVILLE, 000-00-0000  
\*JAMES M. SAWYERS, 000-00-0000  
\*JEFFREY P. SEXTON, 000-00-0000  
\*JEFFREY D. STACEY, 000-00-0000  
\*THERESA M. THOMPSON, 000-00-0000  
\*BRADLEY J. UPTON, 000-00-0000  
\*CHARLES S. WALTERS, 000-00-0000  
\*JEFFREY S. WILLIS, 000-00-0000

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 12203(A) AND 3383:

#### ARMY PROMOTION LIST

##### To be colonel

ANTHONY C. CRESCENZI, 000-00-0000  
JOSEPH S. DANCSES, 000-00-0000  
WAYNE K. KANEMOTO, 000-00-0000