

So, Mr. President, I reluctantly, yet fully, support the USTR on this issue. I urge the President to follow the USTR's recommendations, and to do so soon. I realize that there are some in the administration who are hesitant to press this issue for fear of rocking the boat—the same reason for the administration's emasculated response to the Chinese sales of ring magnets and the like to Pakistan—but failure to act will only embolden the Chinese and will only serve to add fuel to the fire of what already promises to be a raucous MFN debate.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. STEVENS:

S. 1728. A bill to require Navy compliance with shipboard solid waste control requirements; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS:

S. 1728. A bill to require Navy compliance with shipboard solid waste control requirements; to the Committee on Commerce, Science, and Transportation.

THE ACT TO PREVENT THE POLLUTION FROM SHIPS AMENDMENT ACT OF 1996

Mr. STEVENS. Mr. President, today I am introducing legislation at the request of the Department of Defense [DOD] to amend the act to prevent pollution from ships to bring Navy operations in line with the International Convention for the Prevention of Pollution by Ships—the MARPOL Convention.

I ask for unanimous consent that the following summary of the bill and background information provided by the DOD be printed in the RECORD.

I ask for unanimous consent that the bill be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAVY COMPLIANCE WITH SHIPBOARD SOLID WASTE CONTROL REQUIREMENTS.

Section 3(c) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(c)) is amended to read as follows:

“(c) DISCHARGES IN SPECIAL AREAS.—

“(1) Not later than December 31, 2000, all surface ships owned or operated by the Department of the Navy, and not later than December 31, 2008, all submersibles owned or operated by the Department of the Navy, shall comply with the special area requirements of Regulation 5 of Annex V to the Convention, except as provided in paragraphs (2) and (3) of this subsection.

“(2) Vessels owned or operated by the Department of the Navy for which the Secretary of the Navy determines that, due to a uniquely military design, construction, manning or operating requirements, full compliance with paragraph (1) would not be technologically feasible, or would impair the vessel's operations or operational capability, are authorized to discharge non-plastic and non-floating garbage consisting of—

“(A) a slurry of seawater, paper, cardboard and food waste, provided such slurry is discharged not less than three nautical miles from the nearest land and is capable of passing through a screen with openings of no greater than 12 millimeters; and

“(B) metal and glass garbage that has been shredded and bagged to ensure negative buoyancy and is discharged not less than twelve nautical miles from the nearest land.

“(3) Not later than December 31, 2000, the Secretary of the Navy shall publish in the Federal Register—

“(A) a list of those vessels planned to be decommissioned between January 1, 2001, and December 31, 2005; and

“(B) standards to ensure, so far as reasonable and practicable, without impairing the operations or operational capabilities of such vessels, that such vessels act in a manner that is consistent with the special area requirements of Regulation 5 of Annex V.

“(4) Notwithstanding paragraphs (2) and (3) of this section, it shall be the goal of the Department of the Navy to achieve eventual full compliance with Annex V as part of the Department's ongoing development of environmentally sound ships.”.

SUMMARY OF BILL

The purpose of this bill is to amend section 1902(c) of the Act to Prevent the Pollution from Ships (33 U.S.C. 1901 et seq.).

The MARPOL Convention requires party states to adopt measures requiring their warships to comply with garbage discharge restrictions to the extent reasonable and practicable. The Act to Prevent Pollution from Ships, however, established a no-discharge requirement (except food waste) in special areas for all public vessels. The proposed bill would allow U.S. Navy surface warships to discharge pulped and shredded non-hazardous, non-plastic, non-solid floating waste in special areas, consistent with the MARPOL Convention, while reaffirming the U.S. commitment to achieving eventual full compliance by all public vessels.

Paragraphs (2), (3), and (4) of section 1902(c) are eliminated. These paragraphs pertain to the one-time submission to Congress by the Secretary of the Navy of a plan for special area compliance by Navy Ships. The plan will have been submitted by November 1996, after which time the statutory language requiring such plan will be surplusage.

Paragraph (1) of section 1902(c) is amended to reiterate the special area compliance deadlines of the current paragraph (December 31, 2000 for surface ships; December 31, 2008 for submersibles), but to allow exceptions as delineated in new paragraphs (c)(2) and (c)(3).

For ships that the Secretary of the Navy determines that, due to the uniquely military characteristics, compliance would not be technologically feasible, or would impair the vessel's operations or operational capability, new paragraph (c)(2) authorizes the discharge within in-effect MARPOL Annex V special areas of non-hazardous, non-plastic, non-floating garbage consisting of either:

a. A slurry of seawater, paper, cardboard and food waste that is capable of passing through a screen with openings of 12 millimeters (about ½ inch); or

b. Metal and glass garbage that has been shredded and bagged to ensure negative buoyancy.

Discharges of pulped biodegradable material (paper and cardboard) would be authorized no closer than three nautical miles from shore and discharges of shredded non-biodegradable material (glass/metal) would be authorized no closer than 12 nautical miles from shore.

New Section (c)(3)(b) ensures that Navy vessels which are to be decommissioned within 5 years, and for which installation of solid waste processing equipment would therefore not be cost effective, will comply with special areas requirements of Annex V as far as is reasonable and practicable, without impairing the operations or operational capabilities.

New Section (c)(4) sets a goal for the Department of the Navy to achieve eventual full compliance with Annex V as part of the Department's ongoing development of environmentally sound ships.

BACKGROUND

The FY94 DoD Authorization Act required the Secretary of the Navy to submit to Congress by November 1996 a plan for compliance by Department of Navy ships with the special area provisions of the MARPOL Convention. Accordingly, the Under Secretary of the Navy formed an executive steering committee to oversee development of the plan. The Navy has conducted a thorough analysis of technologies and management practices for special area compliance. The major findings include the following:

a. Full compliance with U.S. law could be achieved through installation of incinerators, at a fleet-wide cost of about \$1.2 billion. Incinerator installation would significantly degrade operations due to displacement of existing ship systems and addition of significant weight. Incineration may be regulated in the future by a new annex to MARPOL thus adding uncertainty to acceptability of shipboard incineration.

b. Full compliance with U.S. law could be achieved through garbage compaction and retrograde for shore disposal, at a fleet-wide cost of over \$1.1 billion. Retention and retrograde presents a host of operational and habitability problems. Associated costs include the modification of ships to accommodate both waste processing (compaction) and storage space, additional Combat Logistics Force ships for garbage collection, increased time and maintenance for underway replenishment/garbage off-loads, and disposal costs in foreign ports. Another consideration is the uncertain fate of garbage in foreign ports and limited landfill space in many countries.

c. The National Academy of Science completed a shipboard waste technology assessment for the Navy. Other possible technologies, such as plasma arc pyrolysis and super critical water oxidation, are not yet developed sufficiently for shipboard application.

d. Full compliance with MARPOL, but not existing U.S. law, could be achieved through use of pulpers and shredders in special areas,

at a fleet-wide cost of about \$300 million. Installation of pulpers and shredders would actually enhance operational capability, by enabling discharge of pulped garbage from inside the ship during heavy weather and flight operations, when unprocessed garbage discharges are currently prohibited. Use of pulpers and shredders worldwide (not just in special areas) would virtually eliminate the possibility of shipboard waste wash-up on beaches and shorelines. Fate and effects studies commissioned by the Navy with the collaboration of Scripps Institute, NOAA, and the University of Georgia indicate that pulper and shredder discharges, in the types and amounts predicted from Navy vessels, would not result in significant impacts to the marine environment. An Environment Impact Statement is also being completed. In accordance with CEQ regulations, a Legislative EIS will be available within 30 days of the legislative proposal.

Accordingly, the Navy has identified the use of pulpers and shredders as the preferred method for special area shipboard waste management for its larger, ocean-going vessels. Smaller, coastal vessels would retain and retrograde waste, since at-sea time is limited. The pulper-shredder approach is environmentally benign and entirely consistent with U.S. obligations under international law. This amendment to the Act to Prevent Pollution from Ships would authorize the use of the pulper-shredder approach for solid waste discharges under U.S. law. This approach would reduce the need for shore based reception facilities and would enable the five designated but not in-effect special areas to more quickly come into effect.

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 953

At the request of Mr. CHAFEE, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Utah [Mr. BENNETT], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 953, a bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots.

S. 1150

At the request of Mr. KENNEDY, his name was added as a cosponsor of S. 1150, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the Marshall plan and George Catlett Marshall.

S. 1437

At the request of Mr. THURMOND, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1437, a bill to provide for an increase in funding for the conduct and support of diabetes-related research by the National Institutes of Health.

S. 1534

At the request of Mr. HATFIELD, the name of the Senator from Idaho [Mr.

CRAIG] was added as a cosponsor of S. 1534, a bill to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes.

SENATE CONCURRENT RESOLUTION 42

At the request of Mrs. KASSEBAUM, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of Senate Concurrent Resolution 42, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

AMENDMENTS SUBMITTED

THE WHITE HOUSE TRAVEL OFFICE EXPENSES AND FEES REIMBURSEMENT ACT OF 1996

DOLE AMENDMENT NO. 3952

Mr. DOLE proposed an amendment to the bill (H.R. 2937) for the reimbursement of legal expenses and related fees incurred by former employees of the White House Travel Office with respect to the termination of their employment in that Office on May 19, 1993; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(b) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) LIMITATION.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this section.

SEC. 2. LIMITATION ON FILING OF CLAIMS.

The Secretary of the Treasury shall not pay any claim filed under this Act that is filed later than 120 days after the date of the enactment of this Act.

SEC. 3. REDUCTION.

The amount paid pursuant to this Act to an individual for attorney fees and costs described in section 1 shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the hearing "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. 4. PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Payment under this Act, when accepted by an individual described in section 1, shall be

in full satisfaction of all claims, of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

DOLE AMENDMENT NO. 3953

Mr. DOLE proposed an amendment to amendment No. 3952 proposed by him to the bill H.R. 2937, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

SECTION 1. REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(b) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) LIMITATION.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this section.

SEC. 2. LIMITATION ON FILING OF CLAIMS.

The Secretary of the Treasury shall not pay any claim filed under this Act that is filed later than 120 days after the date of the enactment of this Act.

SEC. 3. REDUCTION.

The amount paid pursuant to this Act to an individual for attorney fees and costs described in section 1 shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. 4. PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Payment under this Act, when accepted by an individual described in section 1, shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

This section shall become effective 1 day after the date of enactment.

DOLE AMENDMENT NO. 3954

Mr. DOLE proposed an amendment to amendment No. 3953 proposed by him to amendment No. 3952 proposed by him to the bill H.R. 2937, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

SECTION 1. REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former