

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,