

the water) as it swam north of the *Shoup*. Other sightings of similar behavior were recorded at two other locations off San Juan Island.

"It has been about 20 years since I've seen a minke porpoising," wrote Bain.

He speculates that all sightings were of one whale, racing to get away from the naval vessel and its sonar tests.

Killer whales: As he and students watched the widely known J pod of orcas, wrote Bain, "Killer whales were observed behaving normally until the sonar became audible in the air." At that point, however, the J pod moved inshore and grouped tightly. "As we moved inshore with them, the naval vessel disappeared over the horizon, although the sonar was still audible," wrote Bain. The J pod then moved quietly northward, staying near shore and later bunching up again.

Given the recent sharp decline in our resident killer-whale populations, did it make sense for the *Shoup* to be causing apparent distress?

Did the Navy bother to think about this, or to consult beforehand with biologists expert in marine mammal life of the northern Sound?

We are a military-intensive region. The shores of Puget Sound likely would sink were another Navy base, shipyard or testing facility located in our waters.

Aside from pacifists protesting the Trident base—most memorably Archbishop Raymond Hunthausen paddling a kayak—local officials and politicians have embraced bases and jobs.

Once upon a time, too, there were security grounds for so doing. The buildup of the Soviet Pacific fleet was endlessly cited by the late Sen. Henry Jackson. An Everett Navy base, Scoop argued, would be a day's sailing time closer to the Soviet Far East than berthings in California.

As Bain notes, however—with cool understatement—"the threats arrayed against the United States at this time are minor compared to what we faced when the environmental laws proposed to be overturned were first passed."

As well, it should be recalled that Jackson—the Pentagon's most devoted friend—was the chief architect of the National Environmental Policy Act and the Clean Water Act.

Washington's congressional delegation ought to take heed of the distress caused by the *Shoup*'s recent sonar tests.

In recent years, lawmakers have constructively pushed the Navy. Environmentally sensitive construction of the Trident base was one result. Another was forcing the Navy to abandon an untested, risky plan to deposit toxic dredge spoils beneath a berm in Everett's Port Gardner Bay.

What is to be done? First, there should be no exemption from federal environmental laws. If the military ignores regulations, citizens should have recourse in the courts.

Second, the Navy must be made to consult with civilian agencies in case of sensitive or potentially harmful activities. A firm suggestion on this front might come from Rep. Norm Dicks, senior Democrat on the House Defense Appropriations subcommittee.

Third, as noted by Bain, the Department of Defense is reviewing proposals on what it can do to prevent such conflicts as those caused by the *Shoup*'s sonar tests.

"The Navy (should) proceed with caution until such programs are completed and the Navy can accurately predict where it can operate dangerous equipment without causing undue environmental damage," Bain wrote.

Amen. Marine mammals are a big part of what makes the waters of Puget Sound and Strait of Georgia worth defending.

LOSING MANUFACTURING AND OUR HIGH-TECH JOBS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I would like to talk about a couple of issues that concern me a great deal. One, of course, is the growing debt and our unwillingness to deal with the problem of solvency for Social Security.

Social Security is going to run out of money roughly in the next 10 to 15 years, and we are putting off the problem of solving what do we do to keep the program solvent until later. Social Security is probably one of our better programs that we have in the United States, and we should not put off a solution to keep it going.

The other issue, of course, that concerns me is our mounting debt and overspending. This country is now 227 years old. In the first 200 years, we mounted a debt of \$500 billion. Now at \$6.7 trillion we are amassing an additional debt of \$500 billion every year. We have to control overspending. I think it is unconscionable for us to think that our problems today are so great that it justifies borrowing from funds that our kids are going to have to earn.

One reason that we have got the problem right now is revenues are down, and that brings us to jobs and the economy. I want to speak for a moment about losing our manufacturing and our high-tech jobs in this country.

I have been meeting with workers, as I am sure many of my colleagues in Congress have been. All of us should be troubled about the continuing decline in manufacturing in this country. Products from China and other countries are now taking away our business. The manufacturing sector accounted for 41 percent of non-farm employment in 1946. Forty-one percent in 1946, 28 percent in 1980, 18 percent in 1990 and just 12 percent of our total economy today is manufacturing jobs.

What does this mean? This means that millions of people are being pushed out of manufacturing jobs into service sector jobs that often pay less and are less reliable. With other sectors of the economy weakening, we have been depending on high-tech jobs with our research and technology, but Mr. Speaker, in the last 2 years we have lost 560,000 high-tech jobs. We need those manufacturing jobs and we need those high-tech jobs if we are going to continue to be competitive, if we are going to continue to increase our productivity.

Manufacturing is important to the economy because it is a leader in innovation. Manufacturing contributes 57 percent of total U.S. research and development funding. Manufacturing has made up almost a constant share of total U.S. GDP since the forties, but over that period it has varied between 20 and 23 percent of U.S. output.

With aggressive improvements in efficiency, we would expect the manufacturing sector to be growing faster in the international market, but it has been under attack from foreign competition, much of which seems to be unfair.

I have spoken with constituents who say that the Chinese companies sell products for less than the raw materials cost here. Many suspect that Chinese companies are receiving covert subsidies from the Chinese Government. It has been suggested that a variety of other governments use similar underhanded methods to boost their sales here and reduce sales in their home markets.

What can we do? One thing that we are going to be talking about in the next several weeks is should we reduce our overzealous taxation and our overzealous regulation on manufacturing. We now tax our manufacturers in the United States approximately 18 percent more than what they would be taxed if they are located in a foreign country. I think we have got to look at the excessive regulation and the excessive taxation. As we approach a tax bill, it would be my suggestion, Mr. Speaker, that we concentrate on those tax issues that are going to allow our manufacturing sector and our business sector to be more competitive in an international market.

One especially harmful action has been the steel tariff imposed by the administration. Though the increased price of steel has protected some steel workers from foreign competition, it has also resulted in more layoffs in the steel-using industries than the total employment of the steel making industry. With prices rising by 50 percent or more, hundreds of manufacturers that use steel have simply let workers go or have transferred production out of the country where steel is cheaper.

It isn't healthy to have too much of a service economy where we import most of our goods and fewer and fewer people actually build products. One way to improve things for our manufacturers is to do a better, more careful job of negotiating trade treaties and then enforcing them. Another is to end counterproductive tariffs like the one on steel. We need to make sure our taxes and regulations avoid putting our manufacturers at a significant disadvantage. If we don't do something, we could weaken our economy and lose our productive capacity.

RECENT EVIDENCE OF MARINE MAMMAL HARASSMENT IN THE PACIFIC NORTHWEST

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Maine (Mr. ALLEN) is recognized during morning hour debates for 5 minutes.

Mr. ALLEN. Mr. Speaker, I rise this morning to discuss the harassment of whales and other marine mammals in Puget Sound, all the way across the country from my home District in Maine, and a few words by way of background.

I served for 6 years on the Committee on Armed Services in this House. Half

of all the destroyers in the United States are made at Bath Ironworks in my District. I am a strong supporter of the Navy, and I believe that we need to do everything we can to protect the national security. However, in some cases, the Navy is not paying attention to competing demands, and this House is not paying attention to competing needs as well because the Defense authorization bill is likely to come to the floor soon, and included in the Defense authorization bill is a blanket waiver for the Department of Defense from the Marine Mammal Protection Act.

That is an Act that has been in existence for a long period of time. It has done a great deal to save marine mammals: whales, dolphins and other marine mammals. It is very, very important.

We have had a debate going on in this Congress for some time about the Navy's new long range, low-frequency sonar, and there has been grave concern. A couple of years ago, there was an incident in the Bahamas where whales were stranded. Many of them died. They were found to have bleeding around the eyes and ears, a suggestion that they had been damaged by sonar. The Navy later admitted that that, in fact, was the likely cause of the death of those particular whales.

Now it has happened again, and today, what I want to do is cite a very recent example of marine mammal harassment and the use of sonar by the Navy, but as I said, all the way across the country from my home State of Maine.

On May 5, just a couple of weeks ago, whale watchers were observing porpoises and a pod of 22 orcas, endangered killer whales, at their feeding grounds in the Puget Sound. At the same time, the USS *Shoup*, a U.S. Navy guided missile destroyer, started to conduct sonar operations in the Sound. The whale observers noted that the animals abruptly stopped their feeding, gathered in a tight group and quickly left the area. The animals surfaced frequently in what appeared to be an attempt to avoid the intense mid-frequency, long duration pings from the ship's SQS 53C sonar. The sonar pings were so powerful that they could be heard in the air by observers on the shore of San Juan Island in Puget Sound.

Let me show my colleagues the photograph. For once, the changes in behavior of the whales was observed and here is the photograph. This is a photograph taken on May 5. The USS *Shoup* is in the background. It is at this moment, when the photograph was taken, using a sonar. This is a smaller boat, a whale watching boat, a whole raft of people watching this pod of orcas down here at the bottom. There is also a video. I have not seen it yet, but I am told it is a startling video which shows the rapid change in behavior of the whales trying to get away from this very loud, mid-frequency sonar.

The administration wants to exempt the Department of Defense from the

Marine Mammal Protection Act in the face of absolute, uncontrovertible evidence that these mammals are harmed by sonar, and while I would agree that there may be times when that sonar has to be used, there are no terrorist subs in the Puget Sound. I can guarantee it. There is no threat from enemy submarines in the Puget Sound. We would know about that, and the Navy owes the country an explanation of why this ship was conducting sonar operations affecting, in all likelihood, every marine mammal within 20 miles of the USS *Shoup* in a place where it should not be and where they certainly should not be conducting sonar operations, particularly when it is pretty obvious there are whales in the area.

Since May 5 several porpoises have washed up along the shore of the Washington State and Canadian coasts. Biologists at the Center for Whale Research in Friday Harbor, Washington, suspect that the sonar played a role in their deaths, since internal hemorrhaging was observed in the eyes and ears of many of these individuals.

Yesterday, I spoke with Ken Balcomb, senior scientist of the center, who told me that he repeatedly observes how naval sonar operations influence marine mammal behavior, and the Navy knows that their sonar injures and kills whales at great distances; yet they still continue to exercise in places they should not do it.

H.R. 1119, THE FAMILY TIME FLEXIBILITY ACT

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized during morning hour debates for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise today to speak in strong support of H.R. 1119, the Family Time Flexibility Act. Cosponsored by more than 80 of my colleagues on both sides of the aisle, this bill will give working men and women more choice and more flexibility in balancing work and family.

H.R. 1119 allows hourly workers the option of choosing time-and-a-half wages for overtime hours worked or paid time-and-a-half hours off for overtime hours worked.

The important point about H.R. 1119 is that it is completely optional. Employers may offer it to their employees or choose not to offer it. Employees may choose to take the option or not take it. Unions may choose to include it in their collective bargaining agreements so employees have the option to use it or unions may choose not to include it.

This bill protects and preserves the sanctity of the 40-hour work week. Overtime hours are counted on the basis of a 40-hour work week. Any hour worked over 40 hours in a 7-day period is considered overtime, and overtime hours must be paid in time-and-a-half pay or time-and-a-half time off.

Here is how H.R. 1119 works. Beth is a single mom of two school age boys. She makes \$10 an hour at a print shop that offers the comp time option. Beth has worked at the shop for 6 months, and she decided to take the comp time option in the event she needs time off to take care of the boys when they are sick or off from school. So Beth signs her company's comp time option agreement.

In week A, she works 50 hours, 10 hours overtime. She gets paid for 40 hours and banks the 10 overtime hours.

In week B, the boys must be picked up at 2 p.m. each day. So Beth checks with her employer and leaves 3 hours early each day during the week. She decides to use her 10 banked overtime hours, which become 15 hours off at the time-and-a-half rate. Beth takes 15 hours off for the work, working only 25 hours, but Beth receives her regular paycheck of \$400 or 40 hours times \$10 an hour, even though she only worked 25 hours. On an hourly basis, her employer has paid her \$400 for 25 hours of work or \$16 per hour.

Let us say that before she uses her banked overtime hours Beth changes her mind. She decides she prefers to be paid in overtime dollars instead of overtime off. Under the bill, an employee can change his or her mind at any time and cash out any overtime hours he or she has banked.

So Beth tells her employer that she wishes to cancel her comp time agreement and cash out for the hours she has banked. Within 30 days, her employer issues her a check, in addition to her regular weekly pay of \$400, for the \$10 overtime hours worked in week A at her overtime pay rate of \$15. So Beth receives a payment of \$550 which includes her regular pay for 40 hours and her \$10 banked overtime hours at the time-and-a-half rate of \$15 an hour, just as she would have had she never signed the comp time request.

Let us use another example. Let us say it is the end of the year and Beth has not used her banked overtime hours. Her employer issues her a check for the 10 overtime hours worked in week A at her time-and-a-half rate of \$15 per hour. This is in addition to her regular paycheck of \$400.

Under the bill, the employer must cash out any unused, banked overtime hours at the end of each year, but our bill has another attractive feature for the employee. Beth's employer must cash out these hours at the highest rate of pay that Beth has earned during the period she accumulated the banked hours.

It turns out Beth received a raise in October. She now makes \$12.50 an hour. At the end of the year, she still has not used her banked hours. So her employer issues her a check for the unused hours at the highest rate of pay; \$12.50 an hour at time-and-a-half is \$18.75 an hour or \$187.50 for the 10 banked hours. This is in addition to Beth's regular paycheck.