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.

Under H.R. 1119, Beth and other working members will have the flexibility to turn their overtime hours into time-and-a-half wages or paid time-and-a-half off. They will have the peace of mind that comes with knowing they can pick up a sick child from school, make it to the soccer tournament or take time off without using up their vacation days.

I urge my colleagues to join me in supporting H.R. 1119, the Family Time Flexibility Act.

CASH AND COUNSELING

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

Mr. STEARNS. Mr. Speaker, I am here to talk about a program called cash and counseling which allows flexibility for Medicaid, people who are poor, people who are disabled, gives them an opportunity to be involved and get more resources, and it is good for the Federal Government, too.

In February of this year, I spoke on the floor about this Cash and Counseling program. It was demonstrated in Florida, Arkansas and New Jersey. In these demonstrations, disabled and elderly beneficiaries were given great latitude to direct their own support services; that is, they were involved themselves, and it was not just the government giving them a check or services.

The national project has conducted its first evaluation of this program in Arkansas, and the results are in. It was reported favorably through the Journal of Health Affairs on March 26, 2003.

In summary, the author concluded that, our survey of roughly 1,800 elderly and non-elderly adults showed that relative to agency-directed services, as a government directing it, State directing it, Cash and Counseling greatly improves satisfaction and reduced most unmet needs. Moreover, contrary to some concerns, it did not adversely affect participants' health and safety, always a complaint that these elderly people will not get served.

Dr. Lavizzo-Mourey, president and CEO of The Robert Wood Johnson Foundation, says, ''The Cash and Counseling program offers Medicaid consumers flexibility and a sense of control over their care.'' In The Robert Wood Foundation's recently released Annual Report 2002, they said, ''Cash and Counseling enables Medicaid beneficiaries with chronic illnesses and disabilities to purchase needed personal assistance services with cash allowances in lieu of receiving traditional agency-delivered services. The result,'' of course, ''is greater choice and autonomy in obtaining the required help. Early evaluation results show increased access and improved satisfaction for Cash and Counseling clients.''

Secretary Thompson of Health and Human Services shared, ''This approach gives people with disabilities more freedom and responsibility, in the same way that all of us want to be in charge of our lives and'' of course, ''our choices. It lets the individuals themselves decide how best to use the Medicaid dollars they are already entitled to. The study confirms that these Medicaid recipients make good choices that maintain their health and safety, even as they improve their convenience, satisfaction and quality of life.''

So think about it. This program, Cash and Counseling, is part of an experiment that has proved successful, bringing in the actual beneficiaries and opportunities for choice and participation.

We now have Consumer Directed Care which is a larger demonstration program. What does this mean? According to the National Association of State Units on Aging and the National Council on Aging, ''Consumer direction describes programs and services where people are given maximum choice and control over their care. Consumer direction may also be called self-determination or independent living. When people say they want to be independent or they want to have autonomy or self-direction, they are talking about consumer direction. In consumer-directed programs, consumers can choose to select, manage and dismiss their workers. They can decide which services to use, which workers to hire, and what time of day they will come. Consumer direction assumes that informed consumers are able to make decisions about the services they receive.'' Sounds good.

Consumer-directed care has already taken off among the aging populations. Last Friday, the Senate's Special Committee on Aging had a briefing on Consumer Direction in Aging Services. State elder affairs leaders from Vermont and Pennsylvania and Dr. Kevin Mahoney of Boston College, the national director of Cash and Counseling, championed its success in providing an infusion of choice and freedom and independence to the disabled and elderly nationwide. Most States report waiting lists of individuals waiting to enroll in this demonstration.

Besides in public health, many private plans are beginning to offer consumer-directed products. For example, in our Federal employee health benefit program, one group of Federal workers, the American Postal Workers Union, is the first to offer a consumer-directed option this year. On their Web site describing the option, the American Postal Workers Union say, We believe that people who have more control over how their health care dollars are spent are more satisfied customers, and their health plan's consumer-directed option plan is designed to give our employees that control.

Besides the now-documented satisfaction, Consumer-Directed Care is serving to reduce costs and fraud. So, Mr. Speaker, I think we have a very clear case where giving choice and independence for the consumer, whether it is Medicaid for the poor or we should do for Medicare for the elderly or even in the private sector, it works much better.

I look forward to the continued evaluation of these programs, and of course, I continue to see on the Federal and State level the championing of the Consumer-Directed Care.

FISCAL YEAR 2004 DEFENSE AUTHORIZATION BILL

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

Mr. FARR. Mr. Speaker, I rise this morning to talk about the fiscal year 2004 Defense authorization bill. Earlier this year, the Department of Defense approached Congress with a request to exempt itself from several of the fundamental environmental laws in order to strengthen our military readiness.

At the time, this kind of shocked many of us because we saw that our readiness of our military was among, if not is, the best in the world, but that the state of some of our natural resources is certainly not the best in the world.

Then things went from bad to worse. The Committee on Armed Services reported out a bill that went way beyond and way above what the Defense Department had originally asked for. H.R. 1588, the Defense authorization bill this year, contains provisions that fundamentally change the Environmental Protection Act and the Endangered Species Act and, most importantly, the Marine Mammal Protection Act, two major pieces of legislation that directly affect the coastal communities of the United States and particularly my District in California.

There are many species listed under the ESA in my home District. There is the California condor. We have done a good job of trying to restore that condor into the wilderness. In fact, the Secretary of the Interior has been out to release those birds and has personally seen the effect of being able to reestablish a threatened species. There is the San Joaquin kit fox. There is the steelhead trout that are in our coastal streams, and the snowy plover, which is a shore bird that nests on our beaches.

The continued existence of many of these species relies on the designation of what they call the critical habitat which is basically the homes and breeding grounds that are necessary for survival.

For example, the Santa Cruz long-toed salamander only has six breeding ponds on which the whole species depends. Without the designation of these breeding ponds as critical habitat, the salamander would be left out without a vehicle for bringing it back from the brink of extinction.

I might point out, many people thought the sea otter was extinct. In