

However, as a legal and practical matter, the Colorado-Big Thompson Project of the Bureau of Reclamation has senior water rights outside and downstream from the park that are so extensive that the project has a perpetual call on all water flowing into the Colorado River and its tributaries from all portions of the national park west of the Continental Divide. As a result, it is not possible under Colorado law for anybody to acquire new consumptive water rights within the western half of the park, so there could not be any new water development that could be affected by the new wilderness water rights.

Further, of course, the new wilderness water rights would be only for in-stream flows (not for diversion and/or consumption), and therefore would amount only to a guarantee or continued natural water flows through and out of the park. Once water leaves the park, it would continue to be available for appropriation for other purposes of the same extent as it is now.

#### EXISTING WATER FACILITIES

Boundaries for the wilderness designated in this bill are drawn to exclude existing water storage and water conveyance structures, assuring continued use of Grand River Ditch and its right-of-way; the east and west portals of the Adams Tunnel of the Colorado-Big Thompson Project (CBT); CBT gaging stations; and Long Draw Reservoir. The bill includes an explicit provision guaranteeing that it will not restrict or affect the operation, maintenance, repair, or reconstruction of the Adams Tunnel, which diverts water under Rocky Mountain National Park (including lands that would be designated as wilderness by the bill). The bill also deletes a provision of the original national park designation legislation that gives the Bureau of Reclamation unrestricted authority to develop water projects within the park.

#### PROTECTING AMERICAN WORKERS ACT OF 1997

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONYERS. Mr. Speaker, the Protecting American Workers Act of 1997 will reform the current temporary employment immigration H-1B program and eliminate abuses by employers which hurt American workers. A recent audit by the Department of Labor's inspector general found that the programs which allow entry to thousands of temporary and permanent foreign workers fail to adequately protect the jobs, wages, and working condition of U.S. workers.

For far too long, employment based immigration has been used to displace American workers, instead of filling temporary employment shortages. My legislation will permit the Department of Labor to administer an employment based immigration program that serves the temporary needs of employers while at the same time protecting the American worker.

The bill will amend the H-1B skilled temporary visa program as follows:

No-Layoff provision to the H-1B program (Section 2(a)(2))—Under this section of the bill an employer will have to attest that an American worker was not laid off or otherwise displaced and replaced with H-1B non-immigrant foreign workers within 6-months prior to filing or 90 days following the application and within 90 days before or after the filing of a petition based on that application.

Requirement to Recruit in the U.S. Labor Market (Section 2(a)(3))—Each petitioning employer will have to attest that it had attempted to recruit a U.S. worker, offering at least 100 percent of the actual wage or 100 percent of the prevailing wage, whichever is greater, paid by the employer for such workers, as well as the same benefits and additional compensation provided to similarly-employed workers by the employer.

Special rules for Dependent employers (Section 2(b))—A petitioning employer who is dependent on H-1B workers (4 or more H-1B employees in a workforce of less than 41 workers or at least 10 percent of employees if at least 41 workers):

a. would have to take "timely, significant, and effective steps" to recruit and retain sufficient U.S. workers to remove as quickly as reasonably possible the dependence on H-1B foreign workers.

b. would be required to pay an annual fee (based on the H-1B's annual compensation) in order to employ an H-1B worker—5% in the first year; 7.5% in the second, and 10% in the third. Fees will be paid into private industry—specific funds that would use the money solely to finance training or education programs for U.S. workers to reduce the industry's dependency on foreign workers.

Increased penalties (Section 2(c))—Penalties are increased for false H-1B employer attestations.

Job contractors obligations (Section 2(a)(5))—Petitioning employers who are job contractors (as defined by the Department of Labor), would be required to make the same attestations as would the direct employers.

Period of admission reduced (Section 2(d)(2))—The maximum stay under an H-1B visa is reduced to 3 years, instead of the existing 6 years.

Residence abroad requirement (Section 2(e))—H-1B workers required to have a residence abroad that they have no intention of abandoning.

For many years the hardworking American worker has been forced to compete with underpriced foreign workers. The current H-1B program allows this unfair competition to occur even on our own soil. I urge the expeditious adoption of this measure during the 105th Congress.

#### REPEAL THE NATIONAL VOTER REGISTRATION ACT

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. STUMP. Mr. Speaker, I am again introducing legislation to repeal the National Voter Registration Act of 1993, the so-called "motor voter" bill.

The law went into effect on January 1, 1995. It requires States to establish voter registration procedures to allow individuals to register to vote through the mail and when they are conducting other government-related business, such as applying for a driver's license or at certain public assistance agencies.

Supporters of motor voter have argued that easing voter registration requirements would invigorate voter turnouts. However, as last year's elections clearly displayed, the law did not meet its goal. Although massive numbers of new voters were placed on the rolls under motor voter, they did not take the initiative to cast their ballots. In fact, a mere 49 percent of

eligible Americans voted, the lowest voter turnout since 1924. More than 90 million registered voters failed to vote.

While voter apathy under motor voter is unsettling, there is another, more compelling, reason to rethink the soundness of the law. It has allowed for voter fraud on a national scale. The law does not contain a provision to preclude illegal registration and voting. Moreover, motor voter creates obstacles for State election officials who are dedicated to maintaining the accuracy of their voter rolls. It requires States to keep registrants who fail to vote or who are unresponsive to voter registration correspondence to be maintained on voter registration rolls for years. As a result, children, cats, dogs, a pig, deceased people, and noncitizens registered to vote. In North Carolina, thanks to motor voter, a 14-year-old boy registered and voted. Mr. Speaker, participation in the electoral process is one of our most precious rights of citizenship. We should not make a mockery of voting by unnecessarily exposing it to fraud.

The National Voter Registration Act is nothing more than a costly and dispensable Federal mandate on the States. The States carry the responsibility of administering all elections. They should, therefore, be allowed to exercise their discretion over registration procedures free of unwarranted Federal intervention.

Motor voter has been tested and it failed miserably. I strongly encourage my colleagues to join me in repealing the law.

TRIBUTE TO THE LATE BRIAN D.  
MYERS, SR.

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. SOLOMON. Mr. Speaker, it's with the deepest sorrow that I note the loss of a volunteer fireman in the line of duty in our district on the first day of the year.

Brian D. Myers, Sr., was a hero in every sense of the word. They are all heroes, these men and women from all walks of life who give so generously of their time and who, as Brian Myers' loss reminds us, risk their lives to give their rural communities outstanding fire protection.

Brian Myers, Sr., was a member of the Schuyler Hose Co., which responded to a restaurant fire on New Year's Day. The details are still not known, but we do know that Myers was last seen inside the burning structure fighting the blaze. His son, Brian Jr., and another fireman were also injured.

Mr. Speaker, as a former volunteer fireman myself in my hometown of Queensbury for over 20 years, I know the sacrifices these volunteers make. Every year, they save countless lives and billions of dollars worth of property in New York State alone. Their dedication is matched by their increasing professionalism. We owe them an enormous debt of gratitude. Tragically, our debt to Brian Myers, Sr., cannot be repaid.

Typical of volunteer firemen, Myers was active in other community endeavors, especially at his church. He will be missed by his family, his fire company, and his community.

Mr. Speaker, I ask all members to join me in expressing heartfelt condolences to his