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 Contential 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 nonimmigrant 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.

Peirod 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

widow, Ronalee, and the rest of the family, and a posthumous salute to a fallen hero, Brian D. Myers, Sr., of Schuylerville, NY.

CONSUMER INTERNET PRIVACY PROTECTION ACT OF 1996

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. VENTO. Mr. Speaker, the age of the Internet puts more and more Americans online—evolving faster than we ever imagined. Each day new companies and industries grow out of the constant technological innovation that has come to symbolize this information superhighway. The Internet has reached into our schools, businesses, and homes. It has allowed average Americans sitting in the privacy of their living rooms to connect with and explore the world. The Internet provides us with entertainment, information, and communication. But with all the wonders of the Internet comes the potential for problems. Today, I am introducing the Consumer Internet Privacy Protection Act of 1997 in an effort to address just one such glaring problem.

To gain access to the Internet's endless web of sites, users must work through an Internet provider or server. While these servers provide a valuable service to their customers, they are also capable of collecting an enormous amount of personal information about these individual consumers. Besides the personal information an Internet server may collect when they enroll a subscriber, servers are also capable of identifying the sites their subscribers visit. Without doubt such information would be quite valuable to those interested in marketing, while providing servers with yet another source of revenue for providing such personal and private information about consumers. The result—subscribers are inundated with junk mail and/or e-mail, based on such sales of their profiles to third parties.

My legislation is intended to inform and protect the privacy of the Internet user by requiring servers to obtain the written consent of their subscribers before disclosing any of their personal information to third parties. In addition, my bill requires a server to provide its subscribers access to any personal information collected by the server on its users, along with the identity of any recipients of such personal information.

While this bill addresses many concerns, I do not view this legislation as a final draft, complete with every detail, but rather as a first step down a road we are bound to travel. Obviously, issues involving the Internet are new and complex and deserve careful and thoughtful consideration. The Internet touches an incredible and increasing number of people and industries, and it is clear that the perspective and input from these interests are vital to the success of this process.

As the Internet becomes a more integral part of our daily lives, it is important that we in Congress take a commonsense approach, like this proposed legislation, to ensure the citizens of our Nation are able to benefit and retain a voice in the use of this technology without involuntarily sacrificing their personal privacy. My legislation will not hamper the growth and innovation of the Internet in any way. It will merely provide an opportunity for the consumers of Internet services to protect their privacy if they so wish. After all, the preservation of our privacy is one of our Nation's most cherished freedoms, which unchecked technology must not be allowed to circumvent.

END THE ABUSE OF PUSH POLLS

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. PITTS. Mr. Speaker, in recent years, many campaigns have used unsubstantiated allegations against an opponent in their polls. While these push polls may be sound politics to some, I believe that the use of negative, suggestive, and unfounded information in a poll fails to meet the democratic goal of persuading voters with truth and fairness.

That's why I introduced the Push Poll Disclaimer Act today. This bill will discourage the practice of slandering a candidate in a Federal election under the guise of a legitimate poll. The Push Poll Disclaimer Act will require that any person or organization conducting a poll by telephone give the source of any information provided in the poll, or a statement that there is no source if this is the case. Further, my bill will require that the identity of the person or group sponsoring the poll, as well as the identity of the caller, be disclosed.

Mr. Speaker, it is vital that we work together to reduce the negative impact push polls have on the Federal election process. I urge that the provisions in my bill be included in the larger campaign finance reform bill which is expected to be considered this Congress. I thank the Speaker, and look forward to working with him during the 105th Congress on this important issue.

BASEBALL FANS AND COMMUNITIES PROTECTION ACT OF 1997

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONYERS. Mr. Speaker, today I am introducing the ''Baseball Fans and Communities Protection Act of 1997.'' It is time that Congress finally steps up to the plate and ends baseball's antitrust exemption which was at the root of the debilitating strike of 1994–95.

Professional baseball is the only industry in the United States that is exempt from the antitrust laws without being subject to alternative regulatory supervision. This circumstance resulted from an erroneous 1922 Supreme Court decision holding that baseball did not involve ''interstate commerce'' and was therefore beyond the reach of the antitrust laws. Congress has failed to overturn this decision despite subsequent court decisions holding that the other professional sports were fully subject to the antitrust laws.

There may have been a time when baseball's unique treatment was a source of pride and distinction for the many loyal fans who loved our national pastime. But with baseball suffering more work stoppages over the last 25 years than all of the other professional sports combined—including the 1994–95 strike which ended the possibility of a World Series for the first time in 90 years and deprived our cities of thousands of jobs and millions of dollars in tax revenues—we can no longer afford to treat professional baseball in a manner enjoyed by no other professional sport.

The bill I am introducing today is based on a legislation approved by the Senate Judiciary Committee last Congress and is similar to legislation adopted by the House Judiciary Committee during the 103d Congress partially repealing the antitrust exemption. Because concerns have previously been raised that by repealing the antitrust exemption we could somehow be disrupting the operation of the minor leagues, or professional baseball's ability to limit franchise relocation or jointly negotiate network broadcasting arrangements, the legislation carefully eliminates these matters from the scope of the new antitrust coverage.

After advocating repeal of the exemption for many years, I believe the time is finally ripe for enactment of this legislation. In the past some legislators had objected to legislating in this area because of their hesitancy to take any action which could impact the ongoing labor dispute. But because the owners and players have recently agreed to enter into a new collective bargaining agreement, this objection no longer exists.

In addition, the baseball owners have agreed to work with the players to seek a partial repeal of the antitrust exemption as part of their new labor accord. Their memorandum of understanding provides, ''[t]he clubs and the [Major League Baseball Players Association] will jointly request and cooperate in lobbying the Congress to pass a law clarifying that Major League baseball players are covered under the antitrust laws (i.e., that major league players will have the same rights under the antitrust laws as do other professional athletes, e.g., football and basketball players), along with a provision which makes it clear that passage of the bill does not change the application of the antitrust laws in any other context or with respect to any other person or entity.''

I have asked that the bill be introduced as H.R. 21, in honor of the courageous center fielder, Curt Flood. Mr. Flood, one of the greatest players of his time, risked his career when he challenged baseball's reserve clause after he was traded from the St. Louis Cardinals to the Philadelphia Phillies. Although the Supreme Court rejected Flood's challenge in 1972, we all owe a debt of gratitude for his willingness to challenge the baseball oligarchy.

Professional baseball is now a more than $2 billion annual business and the time has long since passed when it could be contended that baseball did not constitute ''interstate commerce.'' There is bipartisan support in both the House and Senate for taking action on this issue, and I look forward to Congress finally repealing the longstanding anomaly of baseball's antitrust exemption.

THE STATE WATER SOVEREIGNTY PROTECTION ACT

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CRAPO. Mr. Speaker, I rise to introduce the State Water Sovereignty Protection Act, a