It is important to remove any perceived distinction between certification marks and collective marks as compared to trademarks, except as expressly provided otherwise by statute. No challenge to the bill clarifies Congress' original intentions regarding the treatment of certification marks and collective marks through this amendment to Section 4 of the Act. Section 4 of the Lanham Act provides that certification marks, and the provisions contained in such licenses, should be treated no less favorably than licenses for trademarks and other marks. Similarly, certification and collective marks and the licenses and agreements for infringement of their marks that are available to trademark owners.

Section 3 of the Lanham Act, 15 U.S.C. §1056, is amended so as to read:

Sec. 3. [15 U.S.C. 1056]. Collective marks and certification marks shall be registrable in the same manner and with the same effect as are trademarks, by persons, and nations. States, municipalities, and the like, exercising legitimate control over the uses of the marks sought to be registered, even though not possessing an industrial or commercial establishment, and when registered shall be entitled to the protection[s, rights and privileges] provided in this chapter in the case of trademarks, except in the case of collective marks used so as to represent falsely that the owner or a user thereof, makes or sells the goods or performs the services on or in connection with which such marks are used, or on which such marks are used under this section shall conform as nearly as practicable to those prescribed for the registration of trademarks.

HONORING WORLD WAR II VETERANS

Mr. BAYH. Mr. President, throughout my service to the State of Indiana, I have been honored to represent thousands of Hoosier veterans who have fought bravely for our country. It is with great honor that I recognize the sacrifices of these three courageous men, Private First Class Leo Wilson Landless, Private First Class Robert Childs Choate and Private First Class John Lee Reynolds, who were called to service in World War II to safeguard American freedom. These valiant young men defended our Nation and our liberty in the face of evil, before they had a chance to receive a high school diploma. It was more than 60 years ago that these three men left Governor I.P. Gray High School and were inducted into the Army. I applaud the Jay County High School Corporation for honoring these three World War II veterans, on June 12, 2004.

Their effort and unwavering commitment along with 120,000 other Hoosier World War II veterans, played a vital role in the long and difficult process of helping others enjoy freedom and democracy. By 1945, almost 13,000 Hoosier soldiers lost their lives. I am reminded by a quote by Douglas MacArthur, "The soldier, above all other people, prays for peace, for he eats wounds and scars of war."

Unfortunately, yesterday, in an unprecedented maneuver to strike out and cancel the express will of the Appropriations Committees, a provision was inserted in the fiscal year 2005 Appropriations bill that cancels out the drought conservation plan. The proponents of this new provision had always come up short as a steward of America’s longest river. With a current water storage rate of 35.9 million acre-feet, the main-stem Missouri River reservoirs are at the lowest level in history. The provision included in the Interior Appropriations bill faces up to this reality by taking a strong step toward conserving our water resources.

The Corps of Engineers has a tough job in South Dakota, balancing a host of competing and, it appears from time to time, mutually exclusive interests. However, on the key issue of managing the Missouri, the Corps has consistently come up short as a steward of America’s longest river. With a current water storage rate of 35.9 million acre-feet, the main-stem Missouri River reservoirs are at the lowest level in history. The provision included in the Interior Appropriations bill faces up to this reality by taking a strong step toward conserving our water resources.

JUMPSTART OUR BUSINESS STRENGTH ACT

Mr. SMITH. Mr. President, I rise to speak about a vital piece of legislation that is pending before Congress. The Jumpstart Our Business Strength, JOBS, Act, also known as FSC/ETI. This bill was passed by both the House and the Senate earlier this year and now awaits the appointment of the House and Senate conferees. As a Senate conferee, I am hopeful that we can move quickly toward a conference with the House and