

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of the legislation introduced by the gentleman from Oregon [Mr. SMITH]. H.R. 1944 directs the Forest Service to convey about 295 acres of Federal land within the Warner Canyon Ski Area of Fremont National Forest to Lake County, Oregon. In exchange, the county would convey to the U.S. Fish and Wildlife Service about 320 acres of inholdings within the Hart Mountain National Wildlife Refuge. Significantly, the bill provides that this exchange would be of equal value, subject to appraisals, and under terms acceptable to both the Secretary of Agriculture and the Secretary of the Interior.

The administration has support and testified in support of this legislation. The Forest Service property contains a small ski area that costs the Federal Government about \$10,000 per year to administer but generates only \$400 in ski fees to the U.S. Treasury. The proposed exchange appears to be a good deal, Mr. Speaker, both for the Lake County, which wants the ski area to continue to operate for the benefit of community residents, and for the Federal Government, which would receive additional lands for the wildlife refuge.

Mr. Speaker, I do compliment the gentleman from Oregon on his legislation and urge Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHENOWETH. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon [Mr. SMITH].

(Mr. SMITH of Oregon asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Oregon. Mr. Speaker, I thank the gentlewoman for yielding me the time and my dear friend, the gentleman from American Samoa, for his support. This is, as has been identified, a very small land exchange which can assist in a time of need, a very small county in the southern part of the State of Oregon in the southeast suffering from what we have suffered from in the West in many areas, the problem with the lack of timber receipts because we cannot harvest timber any longer for various reasons, including the spotted owl and other Federal management objections.

Just to give an example, this little county received about \$6.5 million in 1993 from forest receipts. Now it is receiving about \$1.2 million from forest receipts. And with 75 percent of the county owned by the Federal Government, we can see the pinch that results in how in the world these people can provide for their infrastructure. One opportunity is with a little more tourism. One of those opportunities is with this land exchange, which could in fact expand the ski area.

I thank both of my friends for helping in this effort for a very good group of people and a very small county in America.

Mr. Speaker, I would like to thank you for allowing this bipartisan, noncontroversial bill to come to the floor today. H.R. 1944 is supported by Oregon Senators RON WYDEN and GORDON SMITH, the Forest Service, and the good people of Lake County, OR. Hopefully, with your assistance, we can move this bill in an expeditious manner so that Lake County will enjoy its benefits when the ski season begins again in the fall.

H.R. 1944 deeds approximately 290 acres of Fremont National Forest land from the U.S. Forest Service, comprising the Warner Canyon Ski Hill, to Lake County. In exchange, the county will deed roughly 320 acres of land within the Hart Mountain National Antelope Refuge to the Federal Government. The specific acreage offered by the county will be determined upon appraisal of all lands in order to facilitate an equal trade.

Lake County has been devastated over the last 4 years by this administration's policy of drastically reducing the amount of available timber in the Northwest. In 1993, there was \$6.5 million brought into the Lake County treasury from timber receipts. By last year that figure had dropped to \$1.2 million. This has had an extremely negative effect on local schools, law enforcement and county services. In addition, mills have been closed and hundreds of good, hard-working people have been forced to relocate and find new jobs causing further erosion of the tax base. This bill will provide a shot in the arm to the local economy by increasing seasonal employment and boosting tourism.

The Warner Canyon Ski Hill has been operated by the nonprofit Fremont Highlanders Ski Club since 1938. It is one of America's last nonprofit ski hills and has 780 vertical feet of skiing and one lift—a T-bar. The ski area is about 5 miles from the town of Lakeview, which has a population of roughly 2,500.

The benefits of transferring this small parcel of Federal land to the county are numerous. First, the Fremont National Forest will save about \$2,600 per year. The cost of administering the ski area permit for Warner Canyon is about \$3,000 per year, while the revenues generated by the ski area average about \$400 annually. The U.S. Treasury is forced to absorb that additional cost. Second, the Fremont Highlanders Ski Club is currently responsible for providing liability insurance for Warner Canyon Ski Hill. Unfortunately, because it is Forest Service land, the Federal Government is forced to be coinsured on the property. This raises the cost of annual liability insurance to about \$8,000. If the land were deeded to Lake County, which already has a liability insurance policy, this cost would be negated.

In short, H.R. 1944 is a "win-win" proposal that will benefit the U.S. Treasury, Lake County, and the recreationists who have been enjoying Warner Canyon Ski Hill for decades. I urge my colleagues in the House to support the bill.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CHENOWETH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the bill, H.R. 1944.

The question was taken.

Mr. FALEOMAVAEGA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### PROVIDING FOR MAINTENANCE OF DAMS IN EMIGRANT WILDERNESS

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1663) to clarify the intent of the Congress in Public Law 93-632 to require the Secretary of Agriculture to continue to provide for the maintenance of 18 concrete dams and weirs that were located in the Emigrant Wilderness at the time the wilderness area was designated as wilderness in that Public Law, as amended.

The Clerk read as follows:

H.R. 1663

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. OPERATION AND MAINTENANCE OF EXISTING DAMS AND WEIRS, EMIGRANT WILDERNESS, STANISLAUS NATIONAL FOREST, CALIFORNIA.

The Secretary of Agriculture shall enter into an agreement with a non-Federal entity, under which the entity will retain, maintain, and operate at private expense the 18 concrete dams and weirs located within the boundaries of the Emigrant Wilderness in the Stanislaus National Forest, California, as designated by section 2(b) of Public Law 93-632 (88 Stat. 2154; 16 U.S.C. 1132 note). The Secretary shall require the entity to operate and maintain the dams and weirs at the level of operation and maintenance that applied to such dams and weirs before the date of the enactment of such Act, January 3, 1975.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho [Mrs. CHENOWETH] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho [Mrs. CHENOWETH].

(Mrs. CHENOWETH asked and was given permission to revise and extend her remarks.)

Mrs. CHENOWETH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1663, introduced by the gentleman from California [Mr. DOOLITTLE], clarifies the intent of Congress in Public Law 93-632 to require the Secretary of Agriculture to continue to provide for the maintenance of 18 concrete and rock impoundment facilities. These structures were located in the Emigrant Wilderness area at the time the wilderness area was designated as wilderness in that public law, and they need to be properly maintained.

Additionally, it should be noted for the record that the maintenance of the dams and weirs will be done in accordance with the Wilderness Act of 1964. It is not the intention of the author nor of the committee to allow for motorized vehicles to be used to maintain these structures.

I would like to commend the gentleman from California [Mr. DOOLITTLE] for his work on bringing this measure to the House. This is a good bill. It protects the interests of the constituents of the gentleman from California [Mr. DOOLITTLE] while at the same time it preserves the intent of the original law that created the Emigrant Wilderness area. I urge Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of this legislation sponsored by the gentleman from California [Mr. DOOLITTLE].

While the concept of dams in the wilderness area may raise concerns, this bill addresses some very unique circumstances. The 18 small dams and weirs at issue were in existence in 1975 at the time Congress designated the Emigrant Wilderness within the Stanislaus National Forest in California. The Forest Service has released a draft management plan that would provide for the continued maintenance of 7 of the 18 structures. The bill, however, directs that all 18 structures be repaired and maintained.

Initially, Mr. Speaker, the Forest Service opposed this legislation primarily because they were concerned about the added costs of repairing and maintaining of these facilities. In response to their testimony, the committee adopted a substitute to clarify that the maintenance and operation of these facilities shall be at private expense.

It is important to note, Mr. Speaker, that we are grandfathering preexisting uses and not providing a blanket exemption from the Wilderness Act in this legislation. This bill is about people with backpacks, not bulldozers, who will be involved in the repair and maintenance of these small structures. The legislation does not contemplate that motorized vehicles of any kind will be allowed in the wilderness area.

The small lakes created by these dams receive heavy use by recreationists, including fishermen. A positive aspect of this bill is that the recreational uses are more widely dispersed, rather than concentrated in fewer areas as would be the case if the dams were allowed to deteriorate.

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Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHENOWETH. Mr. Speaker, I want to thank the gentleman from American Samoa [Mr. FALEOMAVAEGA] for his comments. My colleague is indeed right; the maintenance chores will not be done by bulldozers but rather individuals with backpacks.

Mr. Speaker, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the bill, H.R. 1663, as amended.

The question was taken.

Mr. FALEOMAVAEGA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### GENERAL LEAVE

Mrs. CHENOWETH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bills just considered, H.R. 1663 and H.R. 1944.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

#### TRADEMARK LAW TREATY IMPLEMENTATION ACT

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1661) to implement the provisions of the Trademark Law Treaty, as amended.

The Clerk read as follows:

H.R. 1661

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Trademark Law Treaty Implementation Act".

##### SEC. 2. REFERENCE TO THE TRADEMARK ACT OF 1946.

For purposes of this Act, the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.), shall be referred to as the "Trademark Act of 1946".

##### SEC. 3. APPLICATION FOR REGISTRATION; VERIFICATION.

(a) APPLICATION FOR USE OF TRADEMARK.—Section 1(a) of the Trademark Act of 1946 (15 U.S.C. 1051(a)) is amended to read as follows: "SECTION 1. (a)(1) The owner of a trademark used in commerce may request registration of its trademark on the principal register hereby established by paying the prescribed fee and filing in the Patent and

Trademark Office an application and a verified statement, in such form as may be prescribed by the Commissioner, and such number of specimens or facsimiles of the mark as used as may be required by the Commissioner.

"(2) The application shall include specification of the applicant's domicile and citizenship, the date of the applicant's first use of the mark, the date of the applicant's first use of the mark in commerce, the goods in connection with which the mark is used, and a drawing of the mark.

"(3) The statement shall be verified by the applicant and specify that—

"(A) the person making the verification believes that he or she, or the juristic person in whose behalf he or she makes the verification, to be the owner of the mark sought to be registered;

"(B) to the best of the verifier's knowledge and belief, the facts recited in the application are accurate;

"(C) the mark is in use in commerce; and

"(D) to the best of the verifier's knowledge and belief, no other person has the right to use such mark in commerce either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive, except that, in the case of every application claiming concurrent use, the applicant shall—

"(i) state exceptions to the claim of exclusive use; and

"(ii) shall specify, to the extent of the verifier's knowledge—

"(I) any concurrent use by others;

"(II) the goods on or in connection with which and the areas in which each concurrent use exists;

"(III) the periods of each use; and

"(IV) the goods and area for which the applicant desires registration.

"(4) The applicant shall comply with such rules or regulations as may be prescribed by the Commissioner. The Commissioner shall promulgate rules prescribing the requirements for the application and for obtaining a filing date herein."

(b) APPLICATION FOR BONA FIDE INTENTION TO USE TRADEMARK.—Subsection (b) of section 1 of the Trademark Act of 1946 (15 U.S.C. 1051(b)) is amended to read as follows:

"(b)(1) A person who has a bona fide intention, under circumstances showing the good faith of such person, to use a trademark in commerce may request registration of its trademark on the principal register hereby established by paying the prescribed fee and filing in the Patent and Trademark Office an application and a verified statement, in such form as may be prescribed by the Commissioner.

"(2) The application shall include specification of the applicant's domicile and citizenship, the goods in connection with which the applicant has a bona fide intention to use the mark, and a drawing of the mark.

"(3) The statement shall be verified by the applicant and specify—

"(A) that the person making the verification believes that he or she, or the juristic person in whose behalf he or she makes the verification, to be entitled to use the mark in commerce;

"(B) the applicant's bona fide intention to use the mark in commerce;

"(C) that, to the best of the verifier's knowledge and belief, the facts recited in the application are accurate; and

"(D) that, to the best of the verifier's knowledge and belief, no other person has the right to use such mark in commerce either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the