

Mr. Speaker, I rise today in support of H.R. 5302, legislation which designates the United States courthouse in Seattle, Washington, as the "William Kenzo Nakamura United States Courthouse".

This legislation has the strong support of the entire Washington State delegation, Robert Matsui, Representative PATSY MINK, and Representative DAVID WU and locally elected officials in the Pacific Northwest. The legislation is broadly supported by veterans groups including the Nisei Veterans Committee, Northwest Chapter of the Military Intelligence Service, Mercer Island VFW Post 5760, Lake Washington VFW Post 2995, Renton VFW Post 1263, The Seattle Chapter of the Association of the U.S. Army.

Pfc. Nakamura's story is largely unknown; designating the U.S. Courthouse in his name is a fitting way to acknowledge the memory of a true American hero, who for so many years was denied the honor he so justly deserved.

William Kenzo Nakamura was born and raised in an area of Seattle that used to be known as "Japantown." In 1942, while attending the University of Washington, William Kenzo Nakamura, his family, and 110,000 other Japanese Americans were forcibly relocated to federal internment camps. While living at the Minidoka Relocation Center in Idaho, Nakamura and his brothers enlisted in the United States Army. William Kenzo Nakamura was assigned to serve with the 442nd Regimental Combat Team. The courageous service of this unit during World War II made it one of the most decorated in the history of our nation's military.

William Kenzo Nakamura distinguished himself by extraordinary heroism in action on July 4, 1944, near Castellina, Italy. As Pfc. Nakamura's platoon approached Castellina, it came under heavy enemy fire. Acting on his own initiative, Pfc. Nakamura crawled within 15 yards of the enemy's machine gun nest and used four hand grenades to neutralize the enemy fire which allowed his platoon to continue its advance. Pfc. Nakamura's company was later ordered to withdraw from the crest of a hill. Rather than retreat with his platoon, Pfc. Nakamura took a position to cover the platoon's withdrawal. As his platoon moved toward safety they suddenly became pinned down by machine gun fire. Pfc. Nakamura crawled toward the enemy's position and accurately fired upon the machine gunners, allowing his platoon time to withdraw to safety. It was during this heroic stand that Pfc. Nakamura lost his life to enemy sniper fire.

Pfc. Nakamura's commanding officer nominated him for the Medal of Honor but the racial climate of the time prevented him, and other soldiers of color, from receiving the nation's highest honor. This year, fifty-six years after he made the ultimate sacrifice for his country, William Kenzo Nakamura was awarded the Congressional Medal of Honor.

I would like to acknowledge June Oshima, Pfc. Nakamura's sister. This legislation confirms what she and the Nakamura family have long known, William Kenzo Nakamura is an American hero. William Kenzo Nakamura embodies the American spirit—an individual who faced enormous inequity imparted on him by his country, yet nobly volunteered to protect it paying the ultimate sacrifice. The "William K. Nakamura Courthouse" will stand to remind us all of his and other Japanese-American's contributions and sacrifices for this country. Nam-

ing the Courthouse in his honor of William Kenzo Nakamura would be a fitting honor for him and other Japanese Americans.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 5302.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5110, H.R. 5302, and H.R. 3069.

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

There was no objection.

#### AMENDING PERISHABLE AGRICULTURAL COMMODITIES ACT

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4965) to amend the Perishable Agricultural Commodities Act, 1930, to extend the time period during which persons may file a complaint alleging the preparation of false inspection certificates at Hunts Point Terminal Market, Bronx, New York.

The Clerk read as follows:

H.R. 4965

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

#### SECTION 1. EXTENSION OF TIME PERIOD FOR FILING CERTAIN COMPLAINTS UNDER PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930.

Section 6(a)(1) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(a)(1)) is amended by adding at the end the following: "Notwithstanding the preceding sentence, a person that desires to file a complaint under this section involving the allegation of false inspection certificates prepared by graders of the Department of Agriculture at Hunts Point Terminal Market, Bronx, New York, prior to October 27, 1999, may file the complaint until January 1, 2001."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from Minnesota (Mr. PETERSON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

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

Mr. Speaker, I rise today in support of the bill, H.R. 4965, a bill to extend the time period to file a complaint

arising from the incident at the Hunts Point Terminal Market.

I thank the gentleman from California (Mr. CONDIT) for introducing this legislation. I also would like to thank the gentleman from California (Mr. POMBO), the chairman of the Subcommittee on Livestock and Horticulture for holding a hearing on the Hunts Point matter on July 27. I thank my colleague, the gentleman from Texas (Mr. STENHOLM) for his assistance in bringing this bill to the floor.

On October 27, 1999, eight USDA produce inspectors and individuals from 13 wholesale firms were arrested at the Hunts Point Terminal Market and charged with bribery. These arrests were the result of a 3-year investigation by the USDA's Office of Inspector General. All total, Federal prosecutors were able to obtain convictions for nine USDA inspectors involved in this illegal activity, in addition to the charges filed against 14 wholesale firms.

The AMS inspectors were charged with accepting cash bribes in exchange for reducing the grade of the produce they inspected, which then allowed the wholesale company to purchase produce more cheaply at the expense of the farmer.

The Perishable Agriculture Commodities Act, PACA, enacted in 1930, governs the fair trade of fresh and frozen fruits and vegetables. PACA guidelines provide a mechanism to resolve commercial disputes that arise in the produce trade. PACA also establishes a code of business practices and enables USDA to penalize violations of these practices.

Mr. Speaker, all who believe they suffered from the financial damages as a result of the fraudulent inspection at the Hunts Point Market may seek to recover these damages by filing a PACA complaint. However, PACA guidelines require all claims be filed within 9 months of the incident. In this case, any party seeking damages from the Hunts Point incident would have had to file a claim by July 27, 2000.

Mr. Speaker, it is my understanding that the earliest any producer received a copy of the fraudulent inspection certificates was March 21 and some did not receive theirs until June 23. These certificates, along with other records, are necessary to establish the amount of damages. As my colleagues can see, many did not have adequate time to assemble the required documentation to file a claim by the deadline. H.R. 4965 extends the deadline for filing the PACA claim resulting from the Hunts Point incident to January 1, 2001.

This will provide farmers and others with a claim to gather the information they need to present a claim for compensation resulting from illegal inspection activities.

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

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4965, and I think the gentleman from California (Mr. CALVERT) has done a good job of laying out the situation. This bill is basically technical in nature.

Mr. Speaker, I am the ranking member on the Subcommittee on Livestock and Horticulture and I sat through the hearings regarding this Hunts Point situation and it is and was quite a mess, to say the least. What we are trying to accomplish here is merely a technical change to give these folks enough time so they can file these claims, as was indicated by the gentleman from California (Mr. CALVERT).

Under the way the process works, they only had until July 27, some of them did not get notified until June, so this just merely extends it to January 1, 2001, which is appropriate. Basically, this is a technical bill, and I urge my colleagues to support it.

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

Mr. CALVERT. Mr. Speaker, I thank the gentleman from Minnesota (Mr. PETERSON) for his assistance, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 4965.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. CALVERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4965.

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

There was no objection.

#### PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 4788, GRAIN STANDARDS AND WAREHOUSE IMPROVEMENT ACT OF 2000

Mr. BARRETT of Nebraska. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 632) providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 4788, the Grain Standards and Warehouse Improvement Act of 2000.

The Clerk read as follows:

H. RES. 632

*Resolved*, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill H.R. 4788, with the amendment of the Senate thereto, and to have concurred in the Senate amendment with the following amendment:

At the end of the matter proposed to be inserted by the Senate amendment, add the following new sections:

#### SEC. 311. COTTON FUTURES.

Subsection (d) (2) of the United States Cotton Futures Act (7 U.S.C. 15b(d)(2)) is amended by adding at the end the following: "A person complying with the preceding sentence shall not be liable for any loss or damage arising or resulting from such compliance."

#### SEC. 312. IMPROVED INVESTIGATIVE AND ENFORCEMENT ACTIVITIES UNDER THE PACKERS AND STOCKYARDS ACT, 1921.

(a) IMPLEMENTATION OF GENERAL ACCOUNTING OFFICE RECOMMENDATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall implement the recommendations contained in the report issued by the General Accounting Office entitled "Packers and Stockyards Programs: Actions Needed to Improve Investigations of Competitive Practices", GAO/RCED-00-242, dated September 21, 2000.

(b) CONSULTATION.—During the implementation period referred to in subsection (a), and for such an additional time period as needed to assure effective implementation of the recommendations contained in the report referred to in such subsection, the Secretary of Agriculture shall consult and work with the Department of Justice and the Federal Trade Commission in order to—

(1) implement the recommendations in the report regarding investigation management, operations, and case methods development processes; and

(2) effectively identify and investigate complaints of unfair and anti-competitive practices in violation of the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), and enforce the Act.

(c) TRAINING.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall develop and implement a training program for staff of the Department of Agriculture engaged in the investigation of complaints of unfair and anti-competitive activity in violation of the Packers and Stockyards Act, 1921. In developing the training program, the Secretary of Agriculture shall draw on existing training materials and programs available at the Department of Justice and the Federal Trade Commission, to the extent practicable.

(d) IMPLEMENTATION REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report describing the actions taken to comply with this section.

(e) ANNUAL ASSESSMENT OF CATTLE AND HOG INDUSTRIES.—Title IV of the Packers and Stockyards Act, 1921, is amended—

(1) by redesignating section 415 (7 U.S.C. 229) as section 416; and

(2) by inserting after section 414 the following:

#### "SEC. 415. ANNUAL ASSESSMENT OF CATTLE AND HOG INDUSTRIES.

"Not later than March 1 of each year, the Secretary shall submit to Congress and make publicly available a report that—

"(1) assesses the general economic state of the cattle and hog industries;

"(2) describes changing business practices in those industries; and

"(3) identifies market operations or activities in those industries that appear to raise concerns under this Act."

#### SEC. 313. REHABILITATION OF WATER RESOURCE STRUCTURAL MEASURES CONSTRUCTED UNDER CERTAIN DEPARTMENT OF AGRICULTURE PROGRAMS.

The Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) is amend-

ed by adding at the end the following new section:

#### "SEC. 14. REHABILITATION OF STRUCTURAL MEASURES NEAR, AT, OR PAST THEIR EVALUATED LIFE EXPECTANCY.

"(a) DEFINITIONS.—For purposes of this section:

"(1) REHABILITATION.—The term 'rehabilitation', with respect to a structural measure constructed as part of a covered water resource project, means the completion of all work necessary to extend the service life of the structural measure and meet applicable safety and performance standards. This may include: (A) protecting the integrity of the structural measure or prolonging the useful life of the structural measure beyond the original evaluated life expectancy; (B) correcting damage to the structural measure from a catastrophic event; (C) correcting the deterioration of structural components that are deteriorating at an abnormal rate; (D) upgrading the structural measure to meet changed land use conditions in the watershed served by the structural measure or changed safety criteria applicable to the structural measure; or (E) decommissioning the structure, if requested by the local organization.

"(2) COVERED WATER RESOURCE PROJECT.—The term 'covered water resource project' means a work of improvement carried out under any of the following:

"(A) This Act.

"(B) Section 13 of the Act of December 22, 1944 (Public Law 78-534; 58 Stat. 905).

"(C) The pilot watershed program authorized under the heading 'FLOOD PREVENTION' of the Department of Agriculture Appropriation Act, 1954 (Public Law 156; 67 Stat. 214).

"(D) Subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451 et seq.; commonly known as the Resource Conservation and Development Program).

"(3) STRUCTURAL MEASURE.—The term 'structural measure' means a physical improvement that impounds water, commonly known as a dam, which was constructed as part of a covered water resource project, including the impoundment area and flood pool.

"(b) COST SHARE ASSISTANCE FOR REHABILITATION.—

"(1) ASSISTANCE AUTHORIZED.—The Secretary may provide financial assistance to a local organization to cover a portion of the total costs incurred for the rehabilitation of structural measures originally constructed as part of a covered water resource project. The total costs of rehabilitation include the costs associated with all components of the rehabilitation project, including acquisition of land, easements, and rights-of-ways, rehabilitation project administration, the provision of technical assistance, contracting, and construction costs, except that the local organization shall be responsible for securing all land, easements, or rights-of-ways necessary for the project.

"(2) AMOUNT OF ASSISTANCE; LIMITATIONS.—The amount of Federal funds that may be made available under this subsection to a local organization for construction of a particular rehabilitation project shall be equal to 65 percent of the total rehabilitation costs, but not to exceed 100 percent of actual construction costs incurred in the rehabilitation. However, the local organization shall be responsible for the costs of water, mineral, and other resource rights and all Federal, State, and local permits.

"(3) RELATION TO LAND USE AND DEVELOPMENT REGULATIONS.—As a condition on entering into an agreement to provide financial assistance under this subsection, the Secretary, working in concert with the affected unit or units of general purpose local government, may require that proper zoning or