

J. HERBERT W. SMALL FEDERAL BUILDING AND UNITED STATES COURTHOUSE

MARCH 10, 2009.—Referred to the House calendar and ordered to be printed

Mr. OBERSTAR, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 813]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 813) to designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the “J. Herbert W. Small Federal Building and United States Courthouse”, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

H.R. 813 designates the Federal building and United States Courthouse located in Elizabeth City, North Carolina as the “J. Herbert W. Small Federal Building and United States Courthouse”.

BACKGROUND AND NEED FOR LEGISLATION

J. Herbert W. Small is a life long resident of Elizabeth City, North Carolina. He is a graduate of the University of Virginia Engineering School, and the University of North Carolina Law School at Chapel Hill. He began the practice of law in 1949 and continued in his chosen field for over five decades. During his professional career he was a member of the First Judicial District Bar Association, the American Bar Association, and the North Carolina Bar Association.

He began his public career as Special Counsel to the Congressional Committee on Intergovernmental Relations. Judge Small later served as county attorney for Pasquotank County. In 1979, Judge Small was elected Judge of Superior Court of the First Judi-

cial District and served as senior resident judge for seventeen years. Judge Small is an active volunteer, serving on the Board of Director of the Albemarle Hospital, and the American Red Cross. He has received numerous awards and honors from the Jaycees, the Boy Scouts, Volunteer Fireman, Chamber of Commerce, and the Rotary and Elks clubs.

Further, Judge Small served his country during World War II in the U.S. Navy.

Judge Small is an outstanding mentor and volunteer. For over five decades he has been an exceptional jurist, and civic leader. It is fitting and proper to honor his outstanding contributions with this designation.

SUMMARY OF THE LEGISLATION

Section 1. Designation

Section 1 designates the federal building and United States Courthouse located at 306 East Main Street, Elizabeth City, North Carolina, as the “J. Herbert W. Small Federal Building and United States Courthouse”.

Section 2. References

Section 2 states any reference in a law, map, regulation, document, paper, or other record of the United States to the federal building and United States Courthouse located at 306 East Main Street, Elizabeth City, North Carolina shall be deemed a reference to the “J. Herbert W. Small Federal Building and United States Courthouse”.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

In the 110th Congress, Representative G. K. Butterfield introduced H.R. 1138 on February 16, 2007. On March 1, 2007, the Committee on Transportation and Infrastructure met in open session and ordered H.R. 1138 reported favorably to the House by voice vote with a quorum present. On March 26, 2007, the Committee reported the bill to the House. H. Rept. 110–71. On March 26, 2007, the House passed the bill by voice vote. No further action was taken on the bill.

In the 111th Congress, Representative Butterfield introduced H.R. 813 on February 3, 2009. On February 12, 2009, the Committee on Transportation and Infrastructure met in open session and ordered H.R. 813 reported favorably to the House by voice vote with a quorum present.

RECORD VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with ordering H.R. 813 reported. A motion to order H.R. 813 reported favorably to the House was agreed to by voice vote with a quorum present.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included in the report.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objective of this legislation are to designate the Federal building and United States Courthouse at 306 East Main Street, Elizabeth City, North Carolina, as the J. Herbert W. Small Federal Building and United States Courthouse.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 813 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 17, 2009.

Hon. JAMES L. OBERSTAR,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed the following legislation as ordered reported by the House Committee on Transportation and Infrastructure on February 12, 2009:

- H.R. 887, a bill to designate the United States courthouse located at 131 East 4th Street in Davenport, Iowa, as the "James A. Leach United States Courthouse";
- H.R. 869, a bill to designate the federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse";
- H.R. 842, a bill to designate the United States courthouse to be constructed in Jackson, Mississippi, as the "R. Jess Brown United States Courthouse";
- H.R. 837, a bill to designate the federal building located at 799 United Nations Plaza in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building"; and

- H.R. 813, a bill to designate the federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the “J. Herbert W. Small Federal Building and United States Courthouse.”

CBO estimates that enacting those pieces of legislation would have no significant impact on the federal budget and would not affect direct spending or revenues. The bills contain no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 813 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 813 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or

accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 813 makes no changes in existing law.

