

ANDREW W. BOGUE FEDERAL BUILDING AND UNITED  
STATES COURTHOUSE

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SEPTEMBER 14, 2010.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H.R. 5651]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 5651) to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the “Andrew W. Bogue 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. 5651 designates the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the “Andrew W. Bogue Federal Building and United States Courthouse”.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 5651 designates the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the “Andrew W. Bogue Federal Building and United States Courthouse”. Andrew Bogue was born on May 23, 1919, in Yankton, South Dakota. After graduating from State College in Brookings, South Dakota, Mr. Bogue served in the U.S. Army Signal Corps during World War II. Upon completion of his service, he attended and graduated from the University of South Dakota Law School in 1947. He went into private practice for several years before returning to the U.S. Army for service in the Judge Advocate

General's Corps. After being discharged, he served on the South Dakota Cement Commission from 1957 until 1966. In 1967, Judge Bogue was elected a State court judge to the Second Judicial Circuit, where he sat for three years until his appointment as a Federal judge.

Judge Andrew Bogue was nominated to the Federal bench by President Richard Nixon in 1970 and served for 15 years as an active Federal district judge before becoming a senior judge in 1985. Judge Bogue served as Chief Judge from 1980 to 1985. Even after becoming a senior judge, Judge Bogue continued to hear cases up until a few months before he passed away on June 10, 2009.

#### SUMMARY OF THE LEGISLATION

##### *Section 1. Designation*

Section 1 designates the Federal building located at 515 9th Street in Rapid City, South Dakota, as the "Andrew W. Bogue Federal Building and United States Courthouse".

##### *Sec. 2. References*

Section 2 indicates that any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Andrew W. Bogue Federal Building and United States Courthouse".

#### LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

In the 108th Congress, Senator Thomas A. Daschle introduced S. 341, a bill to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the "Andrew W. Bogue Federal Building and United States Courthouse". The bill was referred to the Committee on Environment and Public Works. No further action was taken on the bill.

In the 111th Congress, Representative Stephanie Herseth Sandlin introduced H.R. 5651 on June 30, 2010. On July 29, 2010, the Committee on Transportation and Infrastructure met in open session to consider H.R. 5651. The Committee ordered the bill reported favorably to the House by voice vote with a quorum present.

#### RECORD VOTES

Clause 3(b) of rule XIII of the Rules 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 consideration of H.R. 5651, or ordering the bill reported. A motion to order H.R. 5651 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 section 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 objectives of this legislation are to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the “Andrew W. Bogue 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. 5651 from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, August 3, 2010.*

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 ordered reported by the House Committee on Transportation and Infrastructure on July 29, 2010:

- H.R. 4387, a bill to designate the federal building located at 100 North Palafox Street in Pensacola, Florida, as the “Winston E. Arnow Federal Building”;
- H.R. 5651, a bill to designate the federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the “Andrew W. Bogue Federal Building and United States Courthouse”;
- H.R. 5706, a bill to designate the building occupied by the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the “Frank Evans Government Printing Office Building”;
- H.R. 5773, a bill to redesignate the federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Operations Building, as the “Robert M. Ball Federal Building”; and
- H.R. 5591, a bill to designate the airport traffic control tower located at Spokane International Airport in Spokane, Washington, as the “Ray Daves Airport Traffic Control Tower.”

CBO estimates that enacting those pieces of legislation would have no significant impact on the federal budget and would not af-

fect direct spending or revenues; therefore, pay-as-you-go procedures would not apply. 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,

ROBERT A. SUNSHINE  
(For Douglas W. Elmendorf, Director).

#### COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits, as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. H.R. 5651 does not contain any earmarks, limited tax benefits, or limited tariff benefits under clause 9(e), 9(f), or 9(g) of rule XXI.

#### 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 (P.L. 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. 5651 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 (P.L. 104-1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED  
H.R. 5651 makes no changes in existing law.

