

PLACE OF HOLDING COURT IN THE NORTHERN DISTRICT
 OF NEW YORK

JULY 21, 2004.—Committed to the Committee of the Whole House on the State of
 the Union and ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary,
 submitted the following

R E P O R T

[To accompany H.R. 4646]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill
 (H.R. 4646) to amend title 28, United States Code, to provide for
 the holding of Federal district court in Plattsburgh, New York, and
 for other purposes, having considered the same, report favorably
 thereon with amendments and recommend that the bill as amend-
 ed do pass.

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THE AMENDMENT

The amendments are as follows:
 Strike all after the enacting clause and insert the following:

SECTION 1. PLACE OF HOLDING COURT IN THE NORTHERN DISTRICT OF NEW YORK.

Section 112(a) of title 28, United States Code, is amended by inserting "Plattsburgh," after "Malone,".

Amend the title so as to read:

A bill to amend title 28, United States Code, to provide for an additional place of holding court in the Northern District of New York.

PURPOSE AND SUMMARY

The purpose of H.R. 4646 is to designate Plattsburgh, New York, as a place of holding federal district court for the U.S. District Court for the Northern District of New York.

BACKGROUND AND NEED FOR THE LEGISLATION

The U.S. Judicial Conference issued the following statement in support of H.R. 4646:

The [text of H.R. 4646] is supported by the United States Attorney of this district. The need to designate Plattsburgh as a place of holding court has been necessitated by the effort to increase security near our national borders in the wake of the attacks of September 2001. The Department of Justice and the U.S. Customs Service are implementing significant increases in manpower and federal law enforcement capability along the Canadian border in the Northern District of New York. A designated court location in Plattsburgh would greatly facilitate the prosecution of the additional cases generated at the north ports of entry in New York State.¹

The Committee believes this explanation provides a sufficient justification for passage of the bill.

HEARINGS

The Committee on the Judiciary held no hearings on H.R. 4646.

COMMITTEE CONSIDERATION

On July 21, 2004, the Committee met in open session and ordered favorably reported the bill H.R. 4646 with amendments by voice vote, a quorum being present.

VOTE OF THE COMMITTEE

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee notes that there were no recorded votes during the Committee's consideration of H.R. 4646.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Rep-

¹Letter from Leonidas Ralph Mecham, Secretary, Judicial Conference of the United States, to Representative Lamar Smith (June 22, 2004).

representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 4646, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

JULY 21, 2004.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4646, a bill to amend title 28, United States Code, to provide for the holding of Federal district court in Plattsburgh, New York, and for other purposes.

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

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure.

H.R. 4646—A bill to amend title 28, United States Code, to provide for the holding of Federal district court in Plattsburgh, New York, and for other purposes

H.R. 4646 would allow federal judges in the Northern District of New York to hold court proceedings in Plattsburgh, New York. CBO expects that implementing the act could increase costs to the judiciary to rent facilities in Plattsburgh to hold such proceedings. Based on information from the Administrative Office of the United States Courts, CBO estimates that any additional rental costs would not be significant over the 2005–2009 period.

Enacting H.R. 4646 would not affect direct spending or revenues. H.R. 4646 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Lanette J. Walker. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 4646 will enhance security along the northeastern U.S. border with Canada and greatly facilitate the prosecution of additional cases generated at the northern ports of entry in New York State.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article III, section 1 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

H.R. 4646 amends section 112(a) of title 28 of the U.S. Code by adding Plattsburgh as a place of holding court in the Northern District of New York.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

SECTION 112 OF TITLE 28, UNITED STATES CODE**§ 112. New York**

New York is divided into four judicial districts to be known as the Northern, Southern, Eastern, and Western Districts of New York.

NORTHERN DISTRICT

(a) The Northern District comprises the counties of Albany, Broome, Cayuga, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego, Otsego, Rensselaer, Saint Lawrence, Saratoga, Schenectady, Schoharie, Tioga, Tompkins, Ulster, Warren, and Washington.

Court for the Northern District shall be held at Albany, Auburn, Binghamton, Malone, *Plattsburgh*, Syracuse, Utica, and Watertown.

* * * * *

STATEMENT SUBMITTED FOR THE RECORD BY
REPRESENTATIVE LAMAR S. SMITH OF TEXAS

Mr. Chairman, the Subcommittee on Courts, the Internet, and Intellectual Property never reported H.R. 4646 as a freestanding measure since it had already received process as section 111 of H.R. 1302, the "Federal Courts Improvement Act of 2003." The Subcommittee favorably reported H.R. 1302 more than a year ago.

Representative McHugh of New York is the sponsor of H.R. 4646, which designates Plattsburgh, New York, as a site for holding federal court. Both the U.S. Judicial Conference and the U.S. Attorney of the Northern District of New York support the bill.

The need to designate Plattsburgh as a place of holding court has been necessitated by the effort to increase security near our national borders in the wake of the nine-elev-

en terrorist attacks. To provide Members with some geographic perspective, Plattsburgh is located on the western shore of Lake Champlain, about an hour's drive south of Montreal, Quebec.

The Department of Justice and the U.S. Customs Service are implementing significant increases in manpower and federal law enforcement capability along the Canadian border in the Northern District of New York. A designated court location in Plattsburgh would greatly facilitate the prosecution of the additional cases generated at the northern ports of entry in New York State.

Finally, Mr. Chairman, at the appropriate time I will offer a simple and noncontroversial substitute to H.R. 4646. The substitute is based on a stylistic drafting recommendation developed by the Office of Legislative Counsel.

Mr. Chairman, H.R. 4646 makes a small but necessary change that will improve the administration of justice and increase the security of our nation. I urge the Members to support the bill and I yield back the balance of my time.