108TH CONGRESS, 2d Session | HOUSE OF REPRESENTATIVES | REPORT 108–625

ADDITIONAL PLACE OF HOLDING COURT IN THE DISTRICT OF COLORADO

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. 112]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 112) to amend title 28, United States Code, to provide for an additional place of holding court in the District of Colorado, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

The purpose of H.R. 112 is to designate Colorado Springs, Colorado, as a place of holding federal court for the U.S. District Court for the District of Colorado.

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BACKGROUND AND NEED FOR THE LEGISLATION

Colorado Springs has a population of 500,000, making it the second largest city in the state, the 80th largest in the country, and the 18th-fastest growing city in America. Six military installations and three federal prisons, including a new terrorist wing within a maximum security facility, are located in Colorado Springs.

Colorado Springs is roughly equidistant from Denver and Pueblo, which are already eligible as sites to hold U.S. district court; however, the commute to either city is about 70 miles. The size of the city and growing caseload demands on the judicial district emanating from Colorado Springs therefore justify its designation as a place of holding court.

Finally, H.R. 112 is cosponsored by both Republican and Democrat Members of the Colorado delegation. The affected judicial district, the 10th Circuit Court of Appeals, and the Administrative Office of the U.S. Courts have stated that they support enactment of the bill.

HEARINGS

The Committee on the Judiciary held no hearings on H.R. 112.

COMMITTEE CONSIDERATION

On June 24, 2004, the Subcommittee on Courts, the Internet, and Intellectual Property met in open session and ordered favorably reported H.R. 112 without amendment by a voice vote, a quorum being present. On July 21, 2004, the Committee met in open session and ordered favorably reported H.R. 112 without an amendment by a 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 consideration of H.R. 112.

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 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. 112, the following estimate and comparison prepared

by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

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. 112, a bill to amend title 28, United States Code, to provide for an additional place of holding court in the District of Colorado.

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,
Director.

Enclosure.

H.R. 112—A bill to amend title 28, United States Code, to provide for an additional place of holding court in the District of Colorado

H.R. 112 would allow federal judges in the District of Colorado to hold court proceedings in Colorado Springs, Colorado. CBO expects that implementing the bill could increase costs to the judiciary to rent facilities in Colorado Springs 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. 112 would not affect direct spending or revenues. H.R. 112 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. 112 will help to alleviate the growing caseload demands on the judicial district of Colorado emanating from the Colorado Springs area. The change will also provide a necessary safety feature—the elimination of lengthy commutes to Denver or Pueblo—for the processing of terrorists who are housed in a new wing of one of the maximum security prison facilities in Colorado Springs.

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. 112 amends section 85 of title 28 of the U.S. Code by adding Colorado Springs as a place of holding court in the U.S. judicial district of Colorado.

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 85 OF TITLE 28, UNITED STATES CODE

§ 85. Colorado

Colorado constitutes one judicial district. Court shall be held at Boulder, Colorado Springs, Denver, Durango, Grand Junction, Montrose, Pueblo, and Sterling.

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

Representative Hefley of Colorado is the sponsor of H.R. 112, which designates Colorado Springs as a place of holding federal court in the U.S. judicial district of Colorado.

Colorado Springs has a population of 500,000, making it the second largest city in the state, the 80th largest in the country, and the 18th fastest growing city in America. Six military installations and three federal prisons, including a new terrorist wing within a maximum security facility, are located in Colorado Springs.

Colorado Springs is roughly equidistant from Denver and Pueblo, which are already eligible as sites to hold U.S. district court; however, the commute to either city is about 70 miles. The size and growing caseload demands emanating from Colorado Springs therefore justify its designation as a place of holding court.

Finally, H.R. 112 is cosponsored by both Republican and Democrat members of the Colorado delegation. The affected judicial district, the 10th Circuit Court of Appeals, and the Administrative Office of the U.S. Courts have stated that they support enactment of the bill.

I urge Committee members to support the bill and I yield back the balance of my time.

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