

DESIGNATION OF WILKIE D. FERGUSON, JR. UNITED STATES COURTHOUSE

MARCH 25, 2004.—Referred to the House Calendar and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 2538]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 2538) to designate the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the “Wilkie D. Ferguson, Jr. United States Courthouse”, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 2538 is to provide for the designation of the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the “Wilkie D. Ferguson, Jr. United States Courthouse”.

BACKGROUND AND NEED FOR THE LEGISLATION

H.R. 2538 designates the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the “Wilkie D. Ferguson, Jr. United States Courthouse”. Wilkie Demeritte Ferguson, Jr. was born May 11, 1938 in Miami, Florida, the son of Bahamian immigrants.

He was raised in the Liberty Square public-housing project and attended segregated public schools. In 1960, he received a bachelor’s degree in business administration from Florida A&M University. After his graduation from Florida A&M, Wilkie Ferguson received a commission as a First Lieutenant in the United States Army. He served in the active military as a Lieutenant from 1960 to 1963, and as a Captain in the Army Reserve until 1965.

Following his discharge from the Army, he moved to Washington, D.C. to attend Howard University School of Law, receiving his Juris Doctorate in 1968. Upon his graduation, he returned to Miami, Florida to serve as a Staff Attorney for Legal Services of Greater Miami, where he worked until 1970, when he went into private practice. From 1972–1973 he worked as a Staff Attorney for the Dade County School Board.

In 1973, Wilkie Ferguson became a Judge on the Court of Industrial Claims, where he served until 1976 when he became a Judge on the Circuit Court for the 11th Judicial Circuit of Florida. He served on the Circuit Court bench from 1976 until 1980. From 1980 to 1993, he served on the Third District Court of Appeals for Florida. In 1993, President Clinton appointed Judge Ferguson to the United States District Court for the Southern District of Florida. Judge Ferguson died in 2003 of leukemia.

SUMMARY OF THE LEGISLATION

Section 1. Designation

This section designates the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the “Wilkie D. Ferguson, Jr. United States Courthouse”.

Section 2. References

This section clarifies that any reference in a law, map, regulation, document, paper, or other record of the United States to the courthouse located at 400 North Miami Avenue in Miami, Florida, shall be deemed to be a reference to the “Wilkie D. Ferguson, Jr. United States Courthouse”.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

Mr. Meek of Florida introduced H.R. 2538 on June 19, 2003. On February 25, 2004, the Full Committee discharged the Subcommittee on Economic Development, Public Buildings and Emergency Management from further consideration. The Full Committee then considered H.R. 2538. A motion by Mr. LaTourette, to order H.R. 2538 favorably reported to the House was agreed to by the Full Committee unanimously, by voice vote, with a quorum present. There were no recorded votes taken during Committee consideration of H.R. 2538.

ROLLCALL 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 rollcall 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 rollcall votes taken in connection with ordering H.R. 2538 favorably reported to the House.

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 below.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee advises that the bill contains no measure that authorizes funding, so no statement of general performance goals and objectives is required.

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 following cost estimate for H.R. 2538 from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 26, 2004.

Hon. DON YOUNG,
*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 25, 2004:

- H.R. 2523, a bill to designate the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the “Tomochichi United States Courthouse”;
- H.R. 2538, a bill to designate the United States Courthouse located at 400 North Miami Avenue in Miami, Florida, as the “Wilkie D. Ferguson, Jr. United States Courthouse”;
- H.R. 3147, a bill to designate the federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the “James V. Hansen Federal Building”; and
- H.R. 3713, a bill to designate the federal building located at 250 West Cherry Street in Carbondale, Illinois, the “Senator Paul Simon Federal Building.”

CBO estimates that enactment of these bills would have no significant impact on the federal budget and would not affect direct spending or revenues. These 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,

ELIZABETH M. ROBINSON
(For Douglas Holtz-Eakin, Director).

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. 2538 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. 2538 makes no changes in existing law.