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HOUSE

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H.R.6163	SEP 24 '84 (121)	H9996-97

ACTION: PASSED UNDER SUSPENSION OF THE RULES

FEDERAL DISTRICT COURT ORGANIZATION ACT OF 1984

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6163) to amend title 28, United States Code, with respect to the places where court shall be held in certain judicial districts, and for other purposes.

The Clerk read as follows:

H.R. 6163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal District Court Organization Act of 1984".

SEC. 2. The second sentence of subsection (c) of section 112 of title 28, United States Code, is amended to read as follows:

"Court for the Eastern District shall be held at Brooklyn, Hauppauge, and Hempstead (including the village of Uniondale).".

SEC. 3. (a) Subsection (a) of section 93 of title 28, United States Code, is amended—

(1) in paragraph (1) by striking out "De Kalb," and "McHenry,"; and

(2) in paragraph (2)—

(A) by inserting "De Kalb," immediately fter "Carroll,"; and

(B) by inserting "McHenry," immediately after "Lee,".

(b) The amendments made by subsection (a) of this section shall apply to any action commenced in the United States District Court for the Northern District of Illinois on or after the effective date of this Act, and shall not affect any action pending in such court on such effective date.

SEC. 4. The second sentence of subsection (b) of section 93 of title 28, United States Code, is amended by inserting "Champaign/Urbana," before "Danville".

SEC. 5. (a) Subsection (b) of section 124 of title 28, United States Code, is amended—

(1) by striking out "six divisions" and inserting in lieu thereof "seven divisions";

(2) in paragraph (4) by striking out ", Hidalgo, Starr,"; and

(3) by adding at the end thereof the following:

"(7) The McAllen Division comprises the counties of Hidalgo and Starr. "Court for he McAllen Division shall be held at McAlln.".

(b) The amendments made by subsection (a) of this section shall apply to any action commenced in the United States District Court for the Southern District of Texas on or after the effective date of this Act, and shall not affect any action pending in such court on such effective date.

SEC. 6. (a) Paragraph (1) of section 90(a) of title 28, United States Code, is amended—

(1) by inserting "Fannin," after "Dawson,";

(2) by inserting "Gilmer," after "Forsyth,"; and

(3) by inserting "Pickens," after "Lumpkin,".

(b) Paragraph (2) of section 90(a) of title 28, United States Code, is amended by striking out "Fannin,", "Gilmer,", and "Pickens,".

(c) Paragraph (6) of section 90(c) of title 28, United States Code, is amended by striking out "Swainsboro" each place it appears and inserting in lieu thereof "Statesboro".

(d) The amendments made by this section shall apply to any action commenced in the United States District Court for the Northern District of Georgia on or after the effective date of this Act, and shall not affect any action pending in such court on such effective date.

SEC. 7. Section 85 of title 28, United States Code, is amended by inserting "Boulder," before "Denver".

SEC. 8. The second sentence 126 of title 28, United States Code, is amended by inserting "Bennington," before "Brattleboro".

SEC. 9. (a) The amendments made by this Act shall take effect on January 1, 1985.

(b) The amendments made by this Act shall not affect the composition, or preclude the service, of any grand or petit jury summoned, empaneled, or actually serving on the effective date of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Wisconsin [Mr. KASTENMEIER] will be recognized for 20 minutes and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. KASTENMEIER].

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Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. KASTENMEIER asked and was given permission to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, the House has before it H.R. 6163, the Federal District Court Organization Act of 1984. Each Congress several bills are introduced to change the geographic organization of the Federal courts and to add new statutory places of holding court in some districts. Near the end of the Congress, the subcommittee I chair—the Subcommittee on Courts, Civil Liberties, and the Administration of Justice—conducts a hearing on all legislation relating to this issue. We examine the merits of each proposal based on the information submitted to us by the sponsoring Members, the Judicial Conference, the U.S. Department of Justice, and interested bar associations and individuals. The proposals, which we find meritorious and necessary, are included in an omnibus bill which we then send forward. As a general proposition, only proposals that have no opposition are included in the omnibus bill. H.R. 6163 is the omnibus bill resulting from our consideration of such proposals in this Congress.

Before turning to the substance of the bill, I would like to thank my subcommittee members, especially the ranking minority member, the gentleman from California [Mr. MOORHEAD] for assisting in this endeavor.

In the greater scheme of things, the contents of this bill do not appear important. Nonetheless, this bill is very significant not only to the judicial and congressional districts involved, but also to the judges, jurors, lawyers, prosecutors, and litigants who participate in the judicial process and make it operate fairly and efficiently at a local level.

A brief summary of the bill is now in order. H.R. 6163 will realign the boundaries of divisions within judicial districts in Georgia, Illinois, and Texas; and will create an additional statutorily designated place of holding court in districts in Illinois, New York, Vermont, and Colorado. In addition, the bill will move the headquarters of the Swainsboro division of the Southern District of Georgia to Statesboro, rename the division as the "Statesboro Division," and eliminate the designation of Swainsboro as a place of holding court in that division.

All of the proposals have the support of the U.S. Department of Justice and the Judicial Conference of the United States as well as judges and bar associations in the affected districts. The proposal to change the Swainsboro division of the Southern District of Georgia is, in fact, opposed by the county bar associations surrounding Swainsboro, but is supported by all the Federal judges in the district and the bar associations surrounding Statesboro.

As to costs, two of the proposals to realign the boundaries of divisions within districts will redistribute the district's caseload from one courthouse to another, and will result in no additional costs to the Government. The costs of creating the McAllen division of the Southern District of Texas will be largely offset by the anticipated savings in jury fees and transportation costs currently being expended due to the large geographical area covered by the existing division. Due to the anticipated use of existing facilities in the affected districts in Vermont, Colorado, and Georgia, the cost of designating a new place of holding court in those districts will be minimal. In the eastern district of New York, and the central district of Illinois, where funds may have to be expended to acquire the necessary space for a new court, the expenditure is justified by the fact that existing facilities are inadequate and additional space will need to be acquired whether or not a new place of holding court is designated. The Congressional Budget Office estimates that no significant costs to the Federal Government would result from enactment of this bill.

The hearing testimony, supporting documents, and House report filed today have demonstrated the need for the changes proposed by this legislation. I urge your support of H.R. 6163.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to concur in the remarks of the chairman of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, and indicate my support for H.R. 6163, the Federal District Court Organization Act of 1984. H.R. 6163 is an omnibus proposal which has the support of the U.S. Department of Justice, the Administrative Office of

U.S. Courts, and the congressional delegations involved.

The purpose of the proposed legislation is to realign the boundaries of divisions within three judical districts, to statutorily create an additional place of holding court in four judicial districts, and to change the place of holding court in one judicial district. As a result of these changes, H.R. 6163 will help keep the Federal judicial system up to date with demographic, economic, and societal changes in several of its districts.

I think it is important to note that proposals authorizing new places of holding court or making changes in the organizational or geographical configuration of individual judicial districts are carefully reviewed by both the Judicial Conference of the United States and the U.S. Department of Justice. It is the position of the Judicial Conference that: " * * * changes in the geographical configuration and organization of existing federal judicial districts should be enacted only after a showing of strong and compelling need." That is as it should be. Likewise, the Department of Justice consults with the U.S. attorneys offices in the affected districts, who are able to assess local needs and conditions. The Department of Justice also considers the fiscal impact of the proposals, including the cost of obtaining the necessary office space, and per diem, and travel costs for court personnel. On the issue of the costs of H.R. 6163, the Congressional Budget Office has estimated that no significant cost to the Federal Government, or to State, or local governments would result from enactment of the bill. Accordingly, I urge my colleagues to support the passage of H.R. 6163.

● Mr. JEFFORDS. Mr. Speaker, I support the legislation before us today.

I want to thank Chairman KASTENMEIER and ranking Republican MOORHEAD of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice for their prompt attention to this legislation.

This bill incorporates the provisions of legislation I introduced in June of this year that would create an additional site for holding court in the State of Vermont.

This would involve no additional expenditure for the Federal Government. It would, however, provide a site for southwestern Vermont which will better take advantage of the experience and wisdom of Judge James Holden, who is taking senior status.

This legislation is unanimously supported in my State. I would be remiss if I did not also express my appreciation for the work Mr. Steven Flanders, circuit executive for the second circuit, and Mr. William Weller, Legislative Affairs Officer of the Administrative Office of the U.S. Courts.

I urge my colleagues to give this legislation their support.●

Mr. KASTENMEIER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. KASTENMEIER] that the House suspend the rules and pass the bill, H.R. 6163.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.