

TO REDESIGNATE THE FEDERAL BUILDING LOCATED AT 167 NORTH MAIN STREET IN MEMPHIS, TENNESSEE, AS THE “CLIFFORD DAVIS AND ODELL HORTON FEDERAL BUILDING”

MARCH 26, 2007.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H.R. 753]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 753) to redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the “Clifford Davis/Odell Horton Federal Building”, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. REDESIGNATION.**

The Federal building located at 167 North Main Street in Memphis, Tennessee, commonly known as the Clifford Davis Federal Building, shall be known and designated as the “Clifford Davis and Odell Horton Federal Building”.

**SEC. 2. REFERENCES.**

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 “Clifford Davis and Odell Horton Federal Building”.

Amend the title so as to read:

A bill to redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the “Clifford Davis and Odell Horton Federal Building”.

PURPOSE OF THE LEGISLATION

H.R. 753, as amended, designates the Clifford Davis Federal Building located at 167 North Main Street in Memphis, Tennessee, as the “Clifford Davis and Odell Horton Federal Building”.

BACKGROUND AND NEED FOR LEGISLATION

Odell Horton was appointed to the United States District Court for the Western District of Tennessee by President Jimmy Carter

on May 12, 1980. He was the first African-American Federal Judge appointed in Tennessee since Reconstruction. He began serving four days later, on May 16, 1980.

Born on May 13, 1929, in Boliver, Tennessee, Horton grew up during the Depression and World War II in an environment he described as “typically rural Southern and typically segregated, with all the attendant consequences of that.” Horton graduated from high school in 1946 and enlisted in the Marine Corps “as a vehicle to find a way out of Bolivar.” Ten months later he took advantage of an early discharge program designed to reduce the number of men in the military, and enrolled in Morehouse College in Atlanta, Georgia, using federal aid under the GI bill to finance his tuition. The Korean War was underway by the time he graduated in 1951 and he returned for a second tour in the Marines.

After his second tour, during which he graduated from the U.S. Navy School of Journalism, Horton entered Howard University in Washington, DC. He received his law degree in 1956 and moved to Memphis, Tennessee, where he started a private law practice.

In 1962, Horton became Assistant United States Attorney in Memphis. He remained in that position until his appointment to the Shelby County Criminal Court by Governor Buford Ellington. In 1968, Judge Horton ordered the desegregation of Bowld Hospital. A year later, he received the L.M. Graves Memorial Health Award for his efforts to advance the cause of health care in Memphis. Judge Horton stepped down from his federal judgeship to serve as President of LeMoyne-Owen College, a predominately African-American liberal arts college.

After serving four years as President of LeMoyne-Owen College, Judge Horton ran unsuccessfully for the office of Shelby County District Attorney General. He returned to federal service upon his appointment as reporter for the Speedy Trial Act Implementation Committee by the Western District Court of Tennessee. He later served as a U.S. Bankruptcy Judge from 1976 to 1980. Judge Horton also served as Chief Judge for the Western District of Tennessee from January 1, 1987, until December 31, 1993. On May 16, 1995, he took senior status and retired two years later.

Judge Horton was a member of the American Bar Association and Chair of the National Conference of Federal Trial Judges. He also served as a member of the Judicial Conference Committee on Defender Services. Morehouse College honored him with an Honorary Degree of Doctor of Laws. In 2000, the Memphis Bar Association awarded Judge Horton with a Public Service Award.

Judge Horton died February 22, 2006, at Baptist Memorial Hospital in Memphis, Tennessee, and was buried in Elmwood Cemetery in Memphis.

In honor of Judge Horton’s outstanding contributions to the legal community in Memphis and his exemplary professional career, it is both fitting and proper to designate the Clifford Davis Federal Building located on 167 North Main Street in Memphis, Tennessee, as the “Clifford Davis and Odell Horton Federal Building”.

## SUMMARY OF THE LEGISLATION

*Section 1. Designation*

Section 1 designates the Federal building located at 167 North Main Street in Memphis, Tennessee, as the “Clifford Davis and Odell Horton Federal Building”.

*Section 2. References*

Section 2 declares that any reference in law, map, regulation, document, paper, or other record of the United States to the United States Federal building referred to in Section 1 shall be deemed to be a reference to the “Clifford Davis and Odell Horton Federal Building”.

## LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

On March 1, 2007, the Committee on Transportation and Infrastructure met in open session to consider H.R. 753 and adopted an amendment in the nature of a substitute by voice vote. The amendment changed the slash between Clifford Davis and Odell Horton to an “and”. The Committee on Transportation and Infrastructure ordered the bill, as amended, reported favorably to the House by voice vote.

## RECORD 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 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 ordering H.R. 753 reported. A motion to order H.R. 753, as amended, 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)(I) 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 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 objective of this legislation are to designate the Clifford Davis

Federal Building located at 167 North Main Street in Memphis, Tennessee, as the “Clifford Davis and Odell Horton Federal Building”.

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. 753 from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE  
*Washington, DC, March 5, 2007.*

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 bills as ordered reported by the House Committee on Transportation and Infrastructure on March 1, 2007:

- H.R. 753, a bill to redesignate the federal building located at 167 North Main Street in Memphis, Tennessee, as the “Clifford Davis and Odell Horton Federal Building”;
- H.R. 1045, a bill to designate the federal building located at 210 Walnut Street in Des Moines, Iowa, as the “Neal Smith Federal Building”;
- H.R. 1019, a bill to designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico, as the “Rafael Martínez Nadal United States Customhouse Building”;
- H.R. 735, a bill to designate the federal building under construction at 799 First Avenue in New York, New York, as the “Ronald H. Brown United States Mission to the United Nations Building”; and
- H.R. 1138, a bill to designate the federal building and United States courthous located at 306 East Main Street in Elizabeth City, North Carolina, as the “J. Herbert W. Small Federal Building and United States Courthouse.”

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 Refonn 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,

PETER R. ORSZAG,  
*Director.*

COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 753, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives.

## 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. 753 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. 753 makes no changes in existing law.

