

114TH CONGRESS  
1ST SESSION

# H. R. 3612

Making emergency appropriations for the fiscal year ending September 30, 2016, to address needs of the Federal judiciary serving the border region between the United States and Mexico, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2015

Mr. CUELLAR (for himself, Mr. DOGGETT, Mr. HURD of Texas, Mr. CASTRO of Texas, and Mr. SMITH of Texas) introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

Making emergency appropriations for the fiscal year ending September 30, 2016, to address needs of the Federal judiciary serving the border region between the United States and Mexico, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress finds the following:

5 (1) The United States District Court for the  
6 Western District of Texas (in this Act referred to as

1 the “Western District”) has jurisdiction over Fed-  
2 eral criminal matters involving a majority of the  
3 Texas-Mexico border region. United States-Mexico  
4 border-related criminal activities pose an enormous  
5 challenge to the Western District, where the case-  
6 load involving border-related crimes has crowded the  
7 docket in recent years. These challenges are con-  
8 fronted by the judiciary at the John H. Wood, Jr.  
9 U.S. Courthouse, in San Antonio (in this Act re-  
10 ferred to as the “Wood Courthouse”), a building  
11 which was not designed to serve as a courthouse, is  
12 not equipped with adequate security features, and  
13 has fallen into disrepair to a degree that places  
14 human health and safety in jeopardy.

15 (2) The Wood Courthouse was originally de-  
16 signed and constructed to serve as a temporary pa-  
17 vilion for the 1968 World’s Fair. Consistently one of  
18 the busiest courts in the Nation, the courthouse has  
19 been remodeled several times over the last 45 years  
20 to accommodate the ever increasing number of  
21 judges and staff—expanding from an initial 2  
22 United States District Court Judges and a staffing  
23 level of 24, to the current 7 judges and over 280  
24 staff. The workload of the Western District has  
25 grown significantly over the years, in large part due

1 to an increased number of criminal cases, including  
2 those related to drug trafficking and gang activity  
3 along the border region.

4 (3) The Wood Courthouse’s inadequate security  
5 features lead to judges, United States Marshals, ju-  
6 dicial staff, and jurors routinely facing defendants  
7 charged with violent crimes in corridors, elevators,  
8 and entryways. The courthouse has no security sally  
9 port. Judges, employees, and prisoners all use the  
10 same entrance to access the courthouse.

11 (4) Other Wood Courthouse security-related  
12 concerns include the following: The current building  
13 has inadequate vehicle gates. Cell block doors and  
14 walls are not built to institution standards. There is  
15 little to no fencing surrounding the property, and  
16 nearly the complete circumference of the building is  
17 easily accessible by foot. There are no barriers sur-  
18 rounding the property. The facility’s intrusion detec-  
19 tion system fails to meet minimum standards. Co-  
20 operating prisoners and other prisoners or gang  
21 members in protective custody cannot be adequately  
22 segregated. There is only one room available for at-  
23 torneys to meet with their clients—a room that is  
24 also used by pretrial officers and probation officers  
25 for interviews. Conversations can be overhead by

1 others, including conversations addressing becoming  
2 a cooperating witness in the prosecution of others.  
3 The operations area for the deputy marshals to con-  
4 duct their work is insufficient and the control room  
5 (providing audiovisual control of the building and ex-  
6 terior) is both inadequate and contains obsolete  
7 equipment. Judges, staff, and jurors very often en-  
8 counter criminal defendants in the corridors because  
9 of these serious security lapses.

10 (5) Even if some of the problems identified  
11 above were remedied, the 1968 theatre design of the  
12 building cannot be reconfigured to address the secu-  
13 rity problems inherent in the structure.

14 (6) Environmental contamination, as well as  
15 aging, deteriorated drinking water facilities, pose ur-  
16 gent public health concerns in the Wood Courthouse.  
17 Water sampling conducted in the courthouse build-  
18 ing in July and August 2015 found high levels of  
19 lead and bacteria in 9 of the building's sources of  
20 drinking water, including 5 water fountains and 2  
21 break room sinks. Health regulations classify lead  
22 concentrations of more than 15 parts per billion as  
23 unacceptable; the testing found levels ranging from  
24 2 to 6 times higher than 15 parts per billion. An  
25 August 25, 2015, water sampling revealed that 7 of

1 25 samples contained unacceptable levels of lead.  
2 Two of the 25 samples tested unacceptable for high  
3 levels of iron. Three of the 25 samples tested unac-  
4 ceptable for high levels of bacteria. The Federal Oc-  
5 cupational Health office within the Department of  
6 Health and Human Services has confirmed that 8  
7 water fountains or faucets test unacceptable because  
8 of high levels of lead, iron, or both. Lead is highly  
9 toxic and can cause kidney and blood pressure prob-  
10 lems in adults. In children, lead can lead to delays  
11 in physical and mental development. The source of  
12 contamination in the Wood Courthouse is currently  
13 undetermined. Tests indicate that drinking water  
14 piped into the Wood Courthouse is not contami-  
15 nated. Contamination could be related to pipes with-  
16 in the building, or to pipes that connect to the un-  
17 derground water main.

18 (7) The Wood Courthouse has serious HVAC  
19 deficiencies. There are a total of 14 air handlers in  
20 the building. One of the air handlers is broken and  
21 out of service. Two other air handlers are original  
22 1968 or 1975 equipment. They all are rotten and  
23 leak. The thermostats that are supposed to electroni-  
24 cally control the building's HVAC system have not  
25 worked for over 4 years. Louvers in the building are

1 manually adjusted to balance the air sent to the  
2 courtrooms or offices which cause wild temperature  
3 fluctuations. In the crawl space located below the  
4 courthouse, the pipes leak. When it rains, water ac-  
5 cumulates. The building's fresh air passes through  
6 the crawl space and then flows into the building and  
7 the air is impacted by the mold in the air handlers  
8 and duct systems. Additionally, electrical wires in  
9 the crawl space are exposed to the mold and water  
10 accumulation. There is no separate prisoner elevator,  
11 separate prisoner circulation, and concomitant se-  
12 cure air exhaust or germicidal systems. Any prisoner  
13 with a communicable airborne disease can infect the  
14 entire building.

15 (8) There is consensus among the Federal judi-  
16 cial and executive branches, including the Adminis-  
17 trative Office of the United States Courts and the  
18 General Services Administration, that the Wood  
19 Courthouse needs to be replaced by a new court-  
20 house to be constructed on available land to be con-  
21 veyed to the General Services Administration by the  
22 City of San Antonio. The Wood Courthouse must be  
23 replaced with a modern building to allow for justice  
24 to be properly served, and to protect the safety and

1 health of all those who are involved in Federal judi-  
2 cial matters.

3 **SEC. 2. EMERGENCY APPROPRIATIONS.**

4 There is hereby appropriated for the fiscal year end-  
5 ing September 30, 2016, out of any money in the Treasury  
6 not otherwise appropriated or obligated, \$135,000,000 for  
7 the construction of a new courthouse for the United States  
8 District Court for the Western District of Texas: *Provided*,  
9 That such amount, or any portion of such amount, may  
10 be derived from the Assets Forfeiture Fund and the Fed-  
11 eral Buildings Fund: *Provided further*, That such amount  
12 is designated by the Congress as an emergency require-  
13 ment pursuant to section 251(b)(2)(A)(i) of the Balanced  
14 Budget and Emergency Deficit Control Act of 1985.

15 **SEC. 3. REAL PROPERTY EXCHANGE.**

16 The courthouse construction to be funded pursuant  
17 to section 2 shall include an exchange of titles to real prop-  
18 erty, on terms to be negotiated between the Administrator  
19 of General Services and the City of San Antonio. The  
20 property exchange shall involve federally owned land in-  
21 cluding the Wood Courthouse and Spears Judicial Train-  
22 ing Center, located at 655 and 643, respectively, East  
23 Cesar E. Chavez Boulevard, San Antonio, Texas, and city-  
24 owned land commonly known as the San Antonio Police  
25 Headquarters Site, 214 West Nueva Street, at the corner

1 of West Nueva and Santa Rosa Streets, San Antonio,  
2 Texas.

3 **SEC. 4. REPORT TO CONGRESS.**

4 Not later than 6 months after the date of enactment  
5 of this Act, the Administrator of General Services shall  
6 submit to the Committee on Transportation and Infra-  
7 structure of the House of Representatives, the Committee  
8 on Environment and Public Works of the Senate, and the  
9 Committees on Appropriations of the House of Represent-  
10 atives and the Senate, a report on progress of the imple-  
11 mentation of sections 2 and 3 of this Act.

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