

TO AMEND TITLE 28, UNITED STATES CODE, TO PROVIDE AN ADDITIONAL PLACE FOR HOLDING COURT FOR THE WESTERN DISTRICT OF WASHINGTON, AND FOR OTHER PURPOSES

SEPTEMBER 19, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. NADLER, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 3034]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 3034) to amend title 28, United States Code, to provide an additional place for holding court for the Western District of Washington, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ADDITIONAL PLACE FOR HOLDING COURT.

Section 128(b) of title 28, United States Code, is amended by inserting “Mount Vernon,” after “Tacoma,”.

Purpose and Summary

H.R. 3034, “To amend title 28, United States Code, to provide an additional place for holding court for the Western District of Washington, and for other purposes,” would create an additional site for court proceedings in Mount Vernon, WA, located in the Western District of Washington.

Background and Need for the Legislation

I. GENERAL BACKGROUND

The Western District of Washington is the federal trial court for the portion of Washington state spanning from the Pacific Ocean to the Cascade Mountains and from the northern border of Oregon to the southern border of Canada.¹ It comprises 19 counties.² The Western District currently holds court in four sites: Vancouver, on the Oregon border; Tacoma and Seattle, near the center of the state; and Bellingham, near the Canadian border.³

This legislation would create an additional site for court proceedings in Mount Vernon, which is located between Seattle and Bellingham. Mount Vernon is in Skagit County and is adjacent to Snohomish County, the third-most-populous county in the state, and Island County.⁴

H.R. 3034 is supported by a broad coalition of court personnel and court users, including the judges, United States Attorney, and Federal Public Defender for the Western District of Washington; the United States Marshals Service; and multiple county bar associations in the State of Washington.⁵

II. APPLICABLE LAW

Title 28, chapter 5, of the United States Code sets forth the sites for holding court in every federal judicial district.⁶ The sites for holding court in the Western District of Washington are set forth in 28 U.S.C. § 128(b).

III. INTENDED OPERATION OF H.R. 3034

H.R. 3034 is intended to provide an additional site for holding court in the Western District of Washington in order to increase access to federal judicial resources for residents and court users in that district.

Hearings

For the purposes of clause 3(c)(6)(A) of House rule XIII, the Committee held no hearings on H.R. 3034.

¹ *About the Court*, U.S. DIST. CT. W. DIST. WASH., <https://www.wawd.uscourts.gov/about> (last visited Sept. 9, 2022).

² *Id.*

³ 28 U.S.C. § 128(b).

⁴ *April 1, 2022 Population of Cities, Towns and Counties Used for Allocation of Selected State Revenues*, STATE OF WASH., OFF. OF FIN. MGMT., https://ofm.wa.gov/sites/default/files/public/datarsearch/pop/april1/ofm_april1_population_final.pdf (last visited Sept. 9, 2022).

⁵ Press Release, Rep. Suzan DelBene, *DelBene, Larsen Introduce Bill to Add Mount Vernon Court Location to Western District of Washington* (May 7, 2021), <https://delbene.house.gov/news/documentsingle.aspx?DocumentID=2805>.

⁶ See 28 U.S.C. §§ 81–131.

Committee Consideration

On June 15, 2022, the Committee met in open session and ordered the bill, H.R. 3034, favorably reported with an amendment, by a voice vote, a quorum being present.

Committee Votes

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that no rollcall votes occurred during the Committee's consideration of H.R. 3034.

Committee Oversight Findings

In compliance with clause 3(c)(1) of House rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of House Rule X, are incorporated in the descriptive portions of this report.

Committee Estimate of Budgetary Effects

Pursuant to clause 3(d)(1) of House rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

New Budget Authority and Congressional Budget Office Cost Estimate

Pursuant to clause 3(c)(2) of House rule XIII and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause (3)(c)(3) of House rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee sets forth, with respect to the bill, H.R. 3034, the following analysis and estimate prepared by the Director of the Congressional Budget Office:

H.R. 3034, A bill to amend title 28, United States Code, to provide an additional place for holding court for the Western District of Washington, and for other purposes			
As ordered reported by the House Committee on the Judiciary on June 15, 2022			
By Fiscal Year, Millions of Dollars	2022	2022-2027	2022-2032
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2033?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 3034 would authorize federal courts in the Western District of the state of Washington to hold proceedings in the city of Mount Vernon. Under current law, federal courts are authorized to hold proceedings in the cities of Bellingham, Seattle, Tacoma, and Vancouver.

Using information from the Administrative Office of the United States Courts, CBO expects that federal judges would hold some proceedings in facilities owned by Skagit County and that implementing the bill would cost less than \$500,000 over the 2022–2027 period. Such spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Jon Sperl. The estimate was reviewed by Leo Lex, Deputy Director of Budget Analysis.

Duplication of Federal Programs

Pursuant to clause 3(c)(5) of House rule XIII, no provision of H.R. 3034 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

Performance Goals and Objectives

The Committee states that, pursuant to clause 3(c)(4) of House rule XIII, H.R. 3034 would provide an additional site for holding court in the Western District of Washington.

Advisory on Earmarks

In accordance with clause 9 of House rule XXI, H.R. 3034 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 House rule XXI.

Section-by-Section Analysis

The following discussion describes the bill as reported by the Committee.

Section 1. Additional Place for Holding Court. Section 1 amends 28 U.S.C. § 128(b) by inserting “Mount Vernon” after “Tacoma.”

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 italics and existing law in which no change is proposed is shown in roman):

TITLE 28, UNITED STATES CODE

* * * * *

§ 128. Washington

Washington is divided into two judicial districts to be known as the Eastern and Western Districts of Washington.

Eastern District

(a) The Eastern District comprises the counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

Court for the Eastern District shall be held at Spokane, Yakima, Walla Walla, and Richland.

Western District

(b) The Western District comprises the counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom.

Court for the Western District shall be held at Bellingham, Seattle, Tacoma, *Mount Vernon*, and Vancouver.

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