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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To address the rising trend of venue-shopping in Federal courts.

IN THE HOUSE OF REPRESENTATIVES

Ms. Ross introduced the following bill; which was referred to the Committee
on _____

A BILL

To address the rising trend of venue-shopping in Federal
courts.

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. SHORT TITLE.**

4 This Act may be cited as the “Fair Courts Act of
5 2023”.

1 **SEC. 2. REINSTATING 3-JUDGE REQUIREMENT FOR SUITS**
2 **SEEKING NATIONWIDE RELIEF.**

3 (a) IN GENERAL.—Chapter 155 of title 28, United
4 States Code, is amended by inserting before section 2283
5 the following:

6 **“§ 2282. Nationwide relief; three-judge court required**

7 “(a) DEFINITION.—In this section, the term ‘nation-
8 wide relief’ means—

9 “(1) an interlocutory or permanent injunction
10 restraining the Federal Government or a Federal of-
11 ficer with respect to any person other than the plain-
12 tiff;

13 “(2) any order that vacates a Federal regula-
14 tion on a nationwide basis; and

15 “(3) a stay of execution of a judgment granting
16 relief described in paragraph (1) or (2).

17 “(b) REQUIREMENT.—

18 “(1) IN GENERAL.—A court of the United
19 States or judge thereof may not grant any form of
20 nationwide relief unless the application therefor is
21 heard and determined by a district court of 3 judges
22 under section 2284.

23 “(2) EXCEPTIONS.—Paragraph (1) shall not
24 apply to the Supreme Court of the United States or
25 a court of appeals of the United States.

1 “(3) RULE OF CONSTRUCTION.—Nothing in
2 this section shall be construed to expand or limit the
3 forms of relief that the courts of the United States
4 may grant.”.

5 (b) TECHNICAL AND CONFORMING AMENDMENT.—
6 The table of sections for chapter 155 of title 28, United
7 States Code, is amended by inserting before the item relat-
8 ing to section 2283 the following:

 “2282. Nationwide relief; three-judge court required.”.

9 **SEC. 3. RANDOM ASSIGNMENT OF CASES.**

10 (a) DIVISION OF BUSINESS AMONG DISTRICT
11 JUDGES.—Section 137 of title 28, United States Code, is
12 amended—

13 (1) by redesignating subsection (b) as sub-
14 section (c); and

15 (2) by inserting after subsection (a) the fol-
16 lowing:

17 “(b) RANDOM ASSIGNMENT OF CASES.—

18 “(1) IN GENERAL.—In establishing rules for
19 the division of business among district judges, a dis-
20 trict court shall ensure that the probability that an
21 action, suit, or proceeding is assigned to any par-
22 ticular judge does not exceed 25 percent.

23 “(2) EXCEPTIONS.—Paragraph (1) shall not
24 apply to—

25 “(A) a criminal proceeding;

1 “(B) an action, suit, or proceeding that is
2 related to another action, suit, or proceeding
3 pending before a judge of the district court;

4 “(C) an application for a writ of habeas
5 corpus under section 2242 or any related pro-
6 ceeding; or

7 “(D) a motion to vacate, set aside, or cor-
8 rect a sentence under section 2252 or any re-
9 lated proceeding.

10 “(3) LOW-POPULATION DISTRICTS.—

11 “(A) DEFINITION.—In this paragraph, the
12 term ‘low-population district’ means a district
13 that does not have enough judges to ensure
14 that the probability that an action, suit, or pro-
15 ceeding is assigned to any particular judge does
16 not exceed 25 percent, as required under para-
17 graph (1).

18 “(B) USE OF JUDGES FROM ADJACENT
19 DISTRICTS.—The chief judge of the circuit in
20 which a low-population district is located may
21 assign 1 or more judges from 1 or more dis-
22 tricts that are adjacent to, and in the same
23 State as, the low-population district to serve in
24 the low-population district as necessary to en-
25 sure that the probability that an action, suit, or

1 proceeding is assigned to any particular judge
2 does not exceed 25 percent, as required under
3 paragraph (1).

4 “(C) EXCEPTION.—Notwithstanding para-
5 graph (1), if there are no adjacent districts
6 within the same State as a low-population dis-
7 trict, the probability that an action, suit, or
8 proceeding is assigned to any particular judge
9 in the low-population district may not be great-
10 er than the percentage obtained by dividing the
11 number 1 by the number of judges within the
12 low-population district.”.

13 (b) THREE-JUDGE COURTS.—Section 2284(b)(1) of
14 title 28, United States Code, is amended—

15 (1) in the first sentence, by striking “designate
16 two” and inserting “randomly designate three”; and

17 (2) in the second sentence, by striking “, and
18 the judge to whom the request was presented,”.

19 **SEC. 4. PUBLICATION OF DIVISION ORDERS.**

20 Section 137 of title 28, United States Code, as
21 amended by section 3, is amended by adding at the end
22 the following:

23 “(d) PUBLICATION OF DIVISION ORDERS.—A district
24 court shall publish any order for the division of business

1 among district judges with other standing orders on the
2 website of the district.”.