

119TH CONGRESS
2D SESSION

S. _____

To amend title 28, United States Code, to modify the composition of certain
judicial circuits, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. LEE introduced the following bill; which was read twice and referred to
the Committee on _____

A BILL

To amend title 28, United States Code, to modify the com-
position of certain judicial circuits, and for other pur-
poses.

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 “Circuit Court of Ap-
5 peals Reorganization Act of 2026”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Article III of the Constitution of the United
9 States gives Congress the power to determine the ge-

1 ographic composition of and to establish judgeships
2 in the circuit courts of the United States.

3 (2) Based on 2020 United States census fig-
4 ures, the total population of the Ninth Judicial Cir-
5 cuit of the United States has reached over
6 67,000,000, while that of the next most populous
7 circuit, the Eleventh Judicial Circuit of the United
8 States, stands just above 37,000,000.

9 (3) The Ninth Judicial Circuit of the United
10 States covers over 40 percent of the landmass of the
11 United States.

12 (4) The Eleventh Judicial Circuit of the United
13 States has a population of over 3,106,000 per au-
14 thorized judgeship, while the other circuits have a
15 population of 2,359,000 per authorized judgeship or
16 less.

17 (5) The Western circuits should be modernized
18 to more accurately reflect population growth and
19 cultural nuances.

20 **SEC. 3. CIRCUIT COURT COMPOSITION.**

21 (a) NUMBER AND COMPOSITION OF CIRCUITS.—The
22 table in section 41 of title 28, United States Code, is
23 amended—

24 (1) by striking the item relating to the Eighth
25 Circuit and inserting the following:

3

“Eighth Alaska, Arkansas, Idaho, Iowa, Min-
 nesota, Missouri, Montana, Ne-
 braska, North Dakota, South Da-
 kota, Wyoming.”;

1 (2) by striking the item relating to the Ninth
 2 Circuit and inserting the following:

“Ninth California, Guam, Hawaii, Northern
 Mariana Islands, Oregon, Wash-
 ington.”; and

3 (3) by striking the item relating to the Tenth
 4 Circuit and inserting the following:

“Tenth Arizona, Colorado, Kansas, Nevada,
 New Mexico, Oklahoma, Utah.”.

5 (b) **NUMBER OF CIRCUIT JUDGES.**—The table in sec-
 6 tion 44(a) of title 28, United States Code, is amended—

7 (1) by striking the item relating to the Eighth
 8 Circuit and inserting the following:

“Eighth 15”;

9 (2) by striking the item relating to the Ninth
 10 Circuit and inserting the following:

“Ninth 21”; and

11 (3) by striking the item relating to the Tenth
 12 Circuit and inserting the following:

“Tenth 16”.

13 (c) **PLACES OF CIRCUIT COURT.**—The table in sec-
 14 tion 48(a) of title 28, United States Code, is amended—

15 (1) by striking the item relating to the Eighth
 16 Circuit and inserting the following:

“Eighth St. Louis, Kansas City, Rapid City,
St. Paul.”; and

1 (2) by striking the item relating to the Tenth
2 Circuit and inserting the following:

“Tenth Denver, Oklahoma City, Phoenix, Salt
Lake City.”.

3 (d) STATUS OF CIRCUIT JUDGES.—Each circuit
4 judge in regular active service or senior status of the
5 former Eighth Circuit, the former Ninth Circuit, or the
6 former Tenth Circuit whose official station, on the day be-
7 fore the date of enactment of this Act—

8 (1) is in Alaska, Arkansas, Idaho, Iowa, Min-
9 nesota, Missouri, Montana, Nebraska, North Da-
10 kota, South Dakota, or Wyoming is assigned as a
11 circuit judge of the new Eighth Circuit;

12 (2) is in California, Oregon, Washington,
13 Guam, Hawaii, or the Northern Mariana Islands is
14 assigned as a circuit judge of the new Ninth Circuit;
15 and

16 (3) is in Arizona, Colorado, Kansas, Nevada,
17 New Mexico, Oklahoma, or Utah is assigned as a
18 circuit judge of the new Tenth Circuit.

19 (e) SENIORITY.—The seniority of each judge who is
20 assigned under subsection (d) shall run from the date of
21 commission of such judge as a judge of the former Eighth
22 Circuit, the former Ninth Circuit, or the former Tenth
23 Circuit, respectively.

1 (f) NEW EIGHTH CIRCUIT.—

2 (1) IN GENERAL.—The new Eighth Circuit
3 shall not be required to hold terms or sessions of
4 court at Rapid City, South Dakota, until such time
5 as adequate facilities are provided.

6 (2) GSA REPORT.—Not later than 1 year after
7 the date of enactment of this Act, the Administrator
8 of General Services shall submit a report, tentative
9 building plan, and requested appropriation for new
10 courthouse facilities in the Black Hills region in or
11 around Rapid City, South Dakota to—

12 (A) the Committee on the Judiciary and
13 the Committee on Environment and Public
14 Works of the Senate;

15 (B) the Committee on the Judiciary and
16 Committee on Transportation and Infrastruc-
17 ture of the House of Representatives; and

18 (C) any other committee of the Senate or
19 the House of Representatives with jurisdiction
20 of the construction of the new courthouse facili-
21 ties.

22 (g) ABROGATION OF PRIOR PRECEDENT FOR STATES
23 CHANGING CIRCUITS.—

24 (1) FORMER NINTH CIRCUIT STATES.—Except
25 as expressly provided in subsection (i), on and after

1 the date of enactment of this Act, the judicial prece-
2 dents, rulings, and interpretations of the former
3 Ninth Circuit shall cease to apply, have binding au-
4 thority, or serve as controlling law with respect to
5 any matter arising in Alaska, Arizona, Idaho, Mon-
6 tana, or Nevada.

7 (2) FORMER TENTH CIRCUIT STATE.—Except
8 as expressly provided in subsection (i), on and after
9 the date of enactment of this Act, the judicial prece-
10 dents, rulings, and interpretations of the former
11 Tenth Circuit shall cease to apply, have binding au-
12 thority, or serve as controlling law with respect to
13 any matter arising in Wyoming.

14 (h) IMMEDIATE ADOPTION OF PRIOR PRECEDENT
15 FOR STATES CHANGING CIRCUITS.—

16 (1) NEW EIGHTH CIRCUIT STATES.—Except as
17 expressly provided in subsection (i), on and after the
18 date of enactment of this Act, the judicial prece-
19 dents, rulings, and interpretations of the former
20 Eighth Circuit shall apply, have binding authority,
21 and serve as controlling law with respect to any mat-
22 ter arising in Alaska, Idaho, Montana, or Wyoming.

23 (2) NEW TENTH CIRCUIT STATES.—Except as
24 expressly provided in subsection (i), on and after the
25 date of enactment of this Act, the judicial prece-

1 dents, rulings, and interpretations of the former
2 Tenth Circuit shall apply, have binding authority,
3 and serve as controlling law with respect to any mat-
4 ter arising in Arizona or Nevada.

5 (i) PROCEEDINGS.—For any case in which, on the
6 day before the date of enactment of this Act, an appeal
7 or other proceeding has been filed with the former Eighth
8 Circuit, the former Ninth Circuit, or the former Tenth
9 Circuit, the following shall apply:

10 (1) If the matter has been submitted for deci-
11 sion, further proceedings with respect of the matter
12 shall be had in the same manner and with the same
13 effect as if this Act had not been enacted.

14 (2) If the matter has not been submitted for de-
15 cision, the appeal or proceeding, together with the
16 original papers, printed records, and record entries
17 duly certified, shall, by appropriate orders, be trans-
18 ferred to the court to which the matter would have
19 gone had this Act been in full force and effect at the
20 time such appeal was taken or other proceeding
21 commenced, and further proceedings in respect of
22 the case shall be had in the same manner and with
23 the same effect as if the appeal or other proceeding
24 had been filed in such court.

1 (3) A petition for rehearing or a petition for re-
2 hearing en banc in a matter decided before the date
3 of enactment of this Act, or submitted before the
4 date of enactment of this Act and decided on or
5 after such date of enactment as provided in para-
6 graph (1) of this subsection, shall be treated in the
7 same manner and with the same effect as though
8 this Act had not been enacted. If a petition for re-
9 hearing en banc is granted, the matter shall be re-
10 heard by a court comprised as though this Act had
11 not been enacted.

12 (j) DEFINITIONS.—As used in this section—

13 (1) the term “former Eighth Circuit” means
14 the Eighth Judicial Circuit of the United States as
15 in existence on the day before the date of enactment
16 of this Act;

17 (2) the term “former Ninth Circuit” means the
18 Ninth Judicial Circuit of the United States as in ex-
19 istence on the day before the date of enactment of
20 this Act;

21 (3) the term “former Tenth Circuit” means the
22 Tenth Judicial Circuit of the United States as in ex-
23 istence on the day before the date of enactment of
24 this Act;

1 (4) the term “new Eighth Circuit” means the
2 Eighth Judicial Circuit of the United States estab-
3 lished by the amendment made by subsection (a)(1);

4 (5) the term “new Ninth Circuit” means the
5 Ninth Judicial Circuit of the United States estab-
6 lished by the amendment made by subsection (a)(2);
7 and

8 (6) the term “new Tenth Circuit” means the
9 Tenth Judicial Circuit of the United States estab-
10 lished by the amendment made by subsection (a)(3).

11 **SEC. 4. CIRCUIT COURT COMPOSITION.**

12 There are authorized to be appropriated such sums
13 as may be necessary to carry out this Act and the amend-
14 ments made by this Act, including funds for additional
15 court facilities.