

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 (for himself, Mr. BARRASSO, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. RISCH, and Mr. SHEEHY) 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 composition of certain judicial circuits, 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. 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 the circuit courts of the
2 United States.

(2) Based on 2020 United States census figures, the total population of the Ninth Judicial Circuit of the United States has reached over 67,000,000, while that of the next most populous circuit, the Eleventh Judicial Circuit of the United 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.

(4) The Western circuits should be modernized to more accurately reflect population growth and regional nuances.

15 SEC. 3. CIRCUIT COURT COMPOSITION.

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

19 (1) by striking the item relating to the Eighth
20 Circuit and inserting the following:

“Eighth Alaska, Arkansas, Idaho, Iowa, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wyoming.”;

21 (2) by striking the item relating to the Ninth

22 Circuit and inserting the following:

“Ninth California, Guam, Hawaii, Northern Mariana Islands, Oregon, Washington.”; and

3

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

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

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

5 (1) by striking the item relating to the Eighth
 6 Circuit and inserting the following:

“Eighth 15”;

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

“Ninth 21”; and

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

“Tenth 16”.

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

13 (1) by striking the item relating to the Eighth
 14 Circuit and inserting the following:

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

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

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

17 (d) STATUS OF CIRCUIT JUDGES.—Each circuit
 18 judge in regular active service or senior status of the

1 former Eighth Circuit, the former Ninth Circuit, or the
2 former Tenth Circuit whose official station, on the day be-
3 fore the date of enactment of this Act—

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

8 (2) is in California, Oregon, Washington,
9 Guam, Hawaii, or the Northern Mariana Islands is
10 assigned as a circuit judge of the new Ninth Circuit;
11 and

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

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

20 (f) NEW EIGHTH CIRCUIT.—

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

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

7 (A) the Committee on the Judiciary and
8 the Committee on Environment and Public
9 Works of the Senate;

10 (B) the Committee on the Judiciary and
11 Committee on Transportation and Infrastruc-
12 ture of the House of Representatives; and

13 (C) any other committee of the Senate or
14 the House of Representatives with jurisdiction
15 of the construction of the new courthouse facili-
16 ties.

17 (g) ABROGATION OF PRIOR PRECEDENT FOR STATES
18 CHANGING CIRCUITS.—

19 (1) FORMER NINTH CIRCUIT STATES.—Except
20 as expressly provided in subsection (i), on and after
21 the date of enactment of this Act, the judicial prece-
22 dents, rulings, and interpretations of the former
23 Ninth Circuit shall cease to apply, have binding au-
24 thority, or serve as controlling law with respect to

1 any matter arising in Alaska, Arizona, Idaho, Mon-
2 tana, or Nevada.

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

10 (h) IMMEDIATE ADOPTION OF PRIOR PRECEDENT
11 FOR STATES CHANGING CIRCUITS.—

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

19 (2) NEW TENTH CIRCUIT STATES.—Except as
20 expressly provided in subsection (i), on and after the
21 date of enactment of this Act, the judicial prece-
22 dents, rulings, and interpretations of the former
23 Tenth Circuit shall apply, have binding authority,
24 and serve as controlling law with respect to any mat-
25 ter arising in Arizona or Nevada.

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

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

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

21 (3) A petition for rehearing or a petition for re-
22 hearing en banc in a matter decided before the date
23 of enactment of this Act, or submitted before the
24 date of enactment of this Act and decided on or
25 after such date of enactment as provided in para-

1 graph (1) of this subsection, shall be treated in the
2 same manner and with the same effect as though
3 this Act had not been enacted. If a petition for re-
4 hearing en banc is granted, the matter shall be re-
5 heard by a court comprised as though this Act had
6 not been enacted.

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

8 (1) the term “former Eighth Circuit” means
9 the Eighth Judicial Circuit of the United States as
10 in existence on the day before the date of enactment
11 of this Act;

12 (2) the term “former Ninth Circuit” means the
13 Ninth Judicial Circuit of the United States as in ex-
14 istence on the day before the date of enactment of
15 this Act;

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

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

23 (5) the term “new Ninth Circuit” means the
24 Ninth Judicial Circuit of the United States estab-

1 lished by the amendment made by subsection (a)(2);
2 and

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

6 **SEC. 4. CIRCUIT COURT COMPOSITION.**

7 There are authorized to be appropriated such sums
8 as may be necessary to carry out this Act and the amend-
9 ments made by this Act, including funds for additional
10 court facilities.