



1 Section 41 of title 28, United States Code, is amend-  
2 ed—

3 (1) in the matter preceding the table, by strik-  
4 ing “thirteen” and inserting “fourteen”; and

5 (2) in the table—

6 (A) by striking the item relating to the  
7 ninth circuit and inserting the following:

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

8 and

9 (B) by inserting after the item relating to  
10 the eleventh circuit the following:

“Twelfth ..... Alaska, Arizona, Idaho, Montana, Ne-  
vada.”.

11 NUMBER OF CIRCUIT JUDGES

12 SEC. 1106.

13 The table contained in section 44(a) of title 28,  
14 United States Code, is amended—

15 (1) by striking the item relating to the ninth  
16 circuit and inserting the following:

“Ninth ..... 21”;

17 and

18 (2) by inserting after the item relating to the  
19 eleventh circuit the following:

“Twelfth ..... 8”.

1 PLACES OF CIRCUIT COURT

2 SEC. 1107.

3 The table contained in section 48(a) of title 28,  
4 United States Code, is amended by inserting after the  
5 item relating to the eleventh circuit the following:

“Twelfth ..... Las Vegas, Phoenix, Anchorage, Mis-  
soula.”.

6 ELECTION OF ASSIGNMENT OF CIRCUIT JUDGES

7 SEC. 1108.

8 (a) IN GENERAL.—Each circuit judge of the former  
9 ninth circuit who is in regular active service and whose  
10 official duty station on the day before the effective date  
11 of this Act—

12 (1) is in California, Oregon, Washington,  
13 Guam, Hawaii, or the Northern Mariana Islands  
14 shall be a circuit judge of the new ninth circuit as  
15 of such effective date; and

16 (2) subject to subsection (b), is in Alaska, Ari-  
17 zona, Idaho, Montana, or Nevada, shall be a circuit  
18 judge of the twelfth circuit as of such effective date.

19 (b) ELECTION BY CERTAIN CIRCUIT JUDGES.—A cir-  
20 cuit judge in regular active service as described in sub-  
21 section (a)(2) may elect to be permanently assigned to the  
22 new ninth circuit as of such effective date by notifying  
23 the Director of the Administrative Office of the United  
24 States Courts of such election.

1 (c) VACANCIES.—For each individual serving in the  
2 position of circuit judge of the former ninth circuit whose  
3 official duty station on the day before the effective date  
4 of this Act is in Alaska, Arizona, Idaho, Montana, or Ne-  
5 vada, after the date on which such individual ceases to  
6 serve as a circuit judge, the President shall appoint, by  
7 and with the advice and consent of the Senate, 1 addi-  
8 tional circuit judge for the twelfth circuit, without regard  
9 to whether such individual makes an election described in  
10 subsection (b).

11 ELECTION OF ASSIGNMENT BY SENIOR JUDGES

12 SEC. 1109.

13 Each judge who is a senior circuit judge of the former  
14 ninth circuit, whose official duty station on the day before  
15 the effective date of this Act is in Alaska, Arizona, Idaho,  
16 Montana, or Nevada, may elect to be assigned to the new  
17 ninth circuit or the twelfth circuit as of such effective date  
18 and shall notify the Director of the Administrative Office  
19 of the United States Courts of such election.

20 AUTHORIZATION OF TEMPORARY JUDGESHIPS

21 SEC. 1110.

22 (a) IN GENERAL.—For each circuit judge in regular  
23 active service who elects to be assigned to the new ninth  
24 circuit under section 1108(b), the President shall appoint,  
25 by and with the advice and consent of the Senate, 1 addi-  
26 tional circuit judge for the twelfth circuit, resident in the

1 duty station of the circuit judge making the election as  
2 of the day before the effective date of this Act.

3 (b) VACANCIES.—For each appointment made under  
4 subsection (a) for the twelfth circuit, an equal number of  
5 corresponding vacancies in the position of circuit judge for  
6 the twelfth circuit shall not be filled.

7 SENIORITY OF JUDGES

8 SEC. 1111.

9 (a) IN GENERAL.—The seniority of each judge—

10 (1) who elects to be assigned to the twelfth cir-  
11 cuit under section 1108(b);

12 (2) who elects to be assigned to the new ninth  
13 circuit under section 1108(b); or

14 (3) who elects to be assigned to the twelfth cir-  
15 cuit under section 1109,

16 shall run from the date of commission of such judge as  
17 a judge of the former ninth circuit.

18 (b) TEMPORARY TWELFTH CIRCUIT JUDGES.—The  
19 seniority of each judge appointed under section 1110(a)  
20 shall run from the date of commission of such judge as  
21 a judge of the twelfth circuit.

22 APPLICATION TO CASES

23 SEC. 1112.

24 The following apply to any case in which, on the day  
25 before the effective date of this Act, an appeal or other  
26 proceeding has been filed with the former ninth circuit:



1 (a) IN GENERAL.—The court of appeals for the ninth  
2 circuit as constituted on the day before the effective date  
3 of this Act may take such administrative action as may  
4 be required to carry out this Act and the amendments  
5 made by this Act.

6 (b) ADMINISTRATIVE TERMINATION.—The court de-  
7 scribed in subsection (a) shall cease to exist for adminis-  
8 trative purposes 2 years after the effective date of this  
9 Act.

10 EFFECTIVE DATE

11 SEC. 1114.

12 This Act and the amendments made by this Act shall  
13 take effect 1 year after the date of enactment of this Act.

14 AUTHORIZATION OF APPROPRIATIONS

15 SEC. 1115.

16 There are authorized to be appropriated such sums  
17 as may be necessary to carry out this Act and the amend-  
18 ments made by this Act, including such sums as may be  
19 necessary to provide appropriate space and facilities for  
20 any judicial positions created by this Act or an amendment  
21 made by this Act.

