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(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To reform the Supreme Court of the United States, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. CASTEN introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To reform the Supreme Court of the United States, 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 “Restoring Judicial Sep-  
5 aration of Powers Act”.

1           **TITLE I—ORGANIZATION OF**  
2                                   **COURTS**

3   **SEC. 101. SUPREME COURT JURISDICTION.**

4           Section 1251 of title 28, United States Code, is  
5 amended to read as follows:

6   **“§ 1251. Original and exclusive jurisdiction**

7           “The Supreme Court shall have original and exclusive  
8 jurisdiction of the following:

9                   “(1) All actions or proceedings concerning trea-  
10 ties of the United States.

11                   “(2) All actions or proceedings to which ambas-  
12 sadors, other public ministers, consuls, or vice con-  
13 suls of foreign states are parties.

14                   “(3) All actions or proceedings concerning ad-  
15 miralty practice or the maritime jurisdiction of the  
16 United States.

17                   “(4) All actions or proceedings to which a State  
18 is a party.”.

19   **SEC. 102. DIRECT APPEALS.**

20           (a) IN GENERAL.—Section 1253 of title 28, United  
21 States Code, is amended to read as follows:

22   **“§ 1253. Direct appeals from decisions of three-judge**  
23                                   **courts**

24           “Except as otherwise provided by law, any party may  
25 appeal to the United States Court of Appeals for the Dis-

1 triet of Columbia Circuit from an order granting or deny-  
2 ing, after notice and hearing, an interlocutory or perma-  
3 nent injunction in any civil action, suit or proceeding re-  
4 quired by any Act of Congress to be heard and determined  
5 by a district court of three judges.”.

6 **SEC. 103. COURTS OF APPEALS REVIEW.**

7 Section 1254 of title 28, United States Code, is  
8 amended to read as follows:

9 **“§ 1254. Courts of appeals; certiorari; certified ques-**  
10 **tions**

11 “Cases in the courts of appeals may be reviewed by  
12 the United States Court of Appeals for the District of Co-  
13 lumbia Circuit by the following methods:

14 “(1) By writ of certiorari granted upon the pe-  
15 tition of any party to any civil or criminal case, be-  
16 fore or after rendition of judgment or decree.

17 “(2) By certification at any time by a court of  
18 appeals of any question of law in any civil or crimi-  
19 nal case as to which instructions are desired, and  
20 upon such certification the United States Court of  
21 Appeals for the District of Columbia Circuit may  
22 give binding instructions or require the entire record  
23 to be sent up for decision of the entire matter in  
24 controversy.”.

1 **SEC. 104. FINAL DECISIONS OF DISTRICT COURTS.**

2 Section 1291 of title 28, United States Code, is  
3 amended by striking “in the Supreme Court” and insert-  
4 ing “in the United States Court of Appeals for the District  
5 of Columbia Circuit”.

6 **SEC. 105. JURISDICTION FOR THE UNITED STATES COURT**  
7 **OF APPEALS FOR THE DISTRICT OF COLUM-**  
8 **BIA CIRCUIT.**

9 (a) IN GENERAL.—Chapter 83 of title 28, United  
10 States Code, is amended by adding at the end the fol-  
11 lowing:

12 **“§ 1297. Multi-circuit panel of United States Court of**  
13 **Appeals for the District of Columbia Cir-**  
14 **cuit**

15 “(a) CONVENING MULTI-CIRCUIT PANEL.—Each  
16 year the chief judge of the United States Court of Appeals  
17 for the District of Columbia Circuit shall convene a multi-  
18 circuit panel of 13 judges consisting of each of the fol-  
19 lowing:

20 “(1) ASSOCIATE JUDGES.—The multi-circuit  
21 panel shall consist of 1 judge to be randomly se-  
22 lected from each of the following circuit courts of  
23 appeals:

24 “(A) United States Court of Appeals for  
25 the District of Columbia Circuit.

1           “(B) United States Court of Appeals for  
2           the First Circuit.

3           “(C) United States Court of Appeals for  
4           the Second Circuit.

5           “(D) United States Court of Appeals for  
6           the Third Circuit.

7           “(E) United States Court of Appeals for  
8           the Fourth Circuit.

9           “(F) United States Court of Appeals for  
10          the Fifth Circuit.

11          “(G) United States Court of Appeals for  
12          the Sixth Circuit.

13          “(H) United States Court of Appeals for  
14          the Seventh Circuit.

15          “(I) United States Court of Appeals for  
16          the Eighth Circuit.

17          “(J) United States Court of Appeals for  
18          the Ninth Circuit.

19          “(K) United States Court of Appeals for  
20          the Tenth Circuit.

21          “(L) United States Court of Appeals for  
22          the Eleventh Circuit.

23          “(2) CHIEF JUDGE.—The multi-circuit panel  
24          shall consist of 1 chief judge to be randomly selected

1 from the circuit courts of appeals described in para-  
2 graph (1).

3 “(b) JURISDICTION.—The chief judge of the United  
4 States Court of Appeals for the District of Columbia Cir-  
5 cuit shall assign to the multi-circuit panel any case in  
6 which the United States or a Federal agency is a party,  
7 or a case concerning constitutional interpretation, statu-  
8 tory interpretation of Federal law, or the function or ac-  
9 tions of an executive order.

10 “(c) DURATION OF SERVICE.—Each judge of the  
11 multi-circuit panel shall serve on the panel during the pe-  
12 riod beginning at 10 a.m. (Eastern Time Zone) on the  
13 first Monday in October and ending at 9:59 a.m. (Eastern  
14 Time Zone) on the first Monday in October of the fol-  
15 lowing year.

16 “(d) ACTS OF CONGRESS.—A supermajority of not  
17 less than 70 percent of judges of the multi-circuit panel  
18 described in subsection (a) shall be required to affirm any  
19 decision which holds that any Act of Congress is, in whole  
20 or in part, unconstitutional, unlawful, or otherwise in-  
21 valid.”.

22 (b) CLERICAL AMENDMENT.—The table of sections  
23 for chapter 83 of title 28, United States Code, is amended  
24 by inserting after the item relating to section 1296 the  
25 following:

“1297. Multi-circuit panel of United States Court of Appeals for the District of Columbia Circuit.”.

1 **SEC. 106. EFFECTIVE DATE.**

2 This title, and the amendments made by this title,  
3 shall apply in October of the year following the date of  
4 enactment of this Act.

5 **TITLE II—INJUNCTIONS AND**  
6 **COURT DOCKETS**

7 **SEC. 201. ANTI-NATIONWIDE INJUNCTION.**

8 (a) IN GENERAL.—Chapter 155 of title 28, United  
9 States Code, is amended by adding at the end the fol-  
10 lowing:

11 **“§ 2285. Nationwide injunction**

12 “(a) IN GENERAL.—Whenever any action before a  
13 court of the United States seeks injunctive relief restrain-  
14 ing the enforcement of any Federal statute, regulation, or  
15 order against a nonparty, the court shall, upon a motion  
16 of a party to the action made not later than 30 days after  
17 an initial filing requesting such relief, transfer such action  
18 to the United States Court of Appeals for the District of  
19 Columbia Circuit.

20 “(b) CONSOLIDATION.—The Court shall have the  
21 power to consolidate several cases concerning the same  
22 matter into a single case under Rule 42 of the Federal  
23 Rules of Civil Procedure.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 for chapter 155 of title 28, United States Code, is amend-  
3 ed by inserting after the item relating to section 2284 the  
4 following:

“2285. Nationwide injunction.”.

5 **SEC. 202. SHADOW DOCKET LIMITATION; APPLICATION TO**  
6 **UNITED STATES COURT OF APPEALS FOR**  
7 **THE DISTRICT OF COLUMBIA CIRCUIT.**

8 (a) IN GENERAL.—Section 2101 of title 28, United  
9 States Code, is amended—

10 (1) in the section heading, by striking “**Su-**  
11 **preme Court; time for appeal**” and inserting  
12 “**Time for appeal**”;

13 (2) in subsection (a), by inserting “, the United  
14 States Court of Appeals for the District of Columbia  
15 Circuit, or a multi-circuit panel described in section  
16 1297” after “Supreme Court” the first place it ap-  
17 pears;

18 (3) in subsection (b), by inserting “, the United  
19 States Court of Appeals for the District of Columbia  
20 Circuit, or a multi-circuit panel described in section  
21 1297” after “Supreme Court”;

22 (4) in subsection (c)—

23 (A) by inserting “, the United States  
24 Court of Appeals for the District of Columbia  
25 Circuit, or a multi-circuit panel described in



1 section 1297” after “Supreme Court” the first  
2 place it appears; and

3 (B) by striking “A justice of the Supreme  
4 Court” and inserting “A justice or judge of the  
5 relevant court”;

6 (5) in subsection (e), by inserting “, the United  
7 States Court of Appeals for the District of Columbia  
8 Circuit, or a multi-circuit panel described in section  
9 1297” after “Supreme Court”;

10 (6) in subsection (f)—

11 (A) by inserting “, the United States  
12 Court of Appeals for the District of Columbia  
13 Circuit, or a multi-circuit panel described in  
14 section 1297” after “review by the Supreme  
15 Court”;

16 (B) by striking “from the Supreme Court”  
17 and inserting “from the court”;

18 (C) by striking “in the Supreme Court”  
19 and inserting “in the court”; and

20 (7) by adding at the end the following:

21 “(h) No order reversing a decision of a court on ap-  
22 peals before the Supreme Court, the United States Court  
23 of Appeals for the District of Columbia Circuit, or a multi-  
24 circuit panel described in section 1297, shall issue unless  
25 such court provides to the parties a written explanation

1 supporting such reversal, which shall be published on the  
2 website of such court.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
4 for chapter 133 of title 28, United States Code, is amend-  
5 ed by striking the item related to section 2101 and insert-  
6 ing the following:

“2101. Time for appeal of certiorari; docketing; stay.”.

7 **SEC. 203. EFFECTIVE DATE.**

8 This title, and the amendments made by this title,  
9 shall take effect on the date of enactment of this Act.