

To the office of U.S. Representative Al Green

Re: HR 8647 (119th Congress), Representative Green's Original Legislation to increase from 9 to 13 the number of justices of the Supreme Court. • Latest action (2026-05-04): Referred to the House Committee on the Judiciary.

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Temporary Supreme Court Capacity Expansion Act

The measure, as described from the official record: Increase the number of Supreme Court justices from 9 to 13 to provide additional capacity for the Court's growing workload and caseload.

THE PROPOSAL

Section 1 increases the number of Supreme Court justices from 9 to 13, effective 90 days after enactment. The President must nominate the 4 additional associate justices, who serve 18-year terms renewable once, with Senate confirmation required under Article II, Section 2.

Section 2 authorizes funding for salaries (\$298,500 per justice annually, adjusted for inflation), support staff, and operations for the new justices. Total additional costs are capped and drawn from existing Judiciary branch appropriations, with no new taxes or spending increases.

Section 3 requires the Administrative Office of the U.S. Courts to report annually to Congress on caseload impacts, justice productivity, and cost savings from expanded capacity. Reports must include recommendations on extension or modification.

Section 4 sunsets the expansion after 5 years unless Congress reenacts by joint resolution. Any extension requires supermajority vote (60 Senators, 290 House members) to ensure bipartisanship.

This applies only to new appointments; sitting justices retain life tenure. Enforcement follows standard constitutional processes for judicial nominations.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	Reallocated from existing annual Judiciary appropriations (no net increase)
Funding Amount	\$20 million cap annually (covers 4 justices at ~\$5M total cost each incl. staff/pensions)
Sunset Years	5 years
Oversight Body	Administrative Office of the U.S. Courts with annual reports to congressional Judiciary Committees
Enforcement Mechanism	Presidential nomination and Senate confirmation (Article II, Section 2); judicial terms enforced by Chief Justice certification
Effective Date	90 days after enactment

CONSTITUTIONAL BASIS

- Article III, Section 1 (judicial power vesting and Congress's structuring authority)
- Article I, Section 8, Clause 18 (Necessary and Proper Clause for judicial administration)
- Article II, Section 2, Clause 2 (advice and consent for appointments)

WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Honors Democratic priorities of addressing Supreme Court backlog (2,000+ annual petitions) and diverse judicial perspectives; Republican priorities of fiscal restraint (funding cap, no new spending), limited government (term limits, supermajority renewal, sunset), and accountability (annual oversight reports).

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