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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. _____

To establish a process by which the appointment of Supreme Court Justices
can occur at regular time intervals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. KHANNA introduced the following bill; which was referred to the
Committee on _____

A BILL

To establish a process by which the appointment of Supreme
Court Justices can occur at regular time intervals, 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 “Supreme Court Term
5 Limits and Regular Appointments Act of 2020”.

1 **SEC. 2. SUPREME COURT TERM LIMITS.**

2 (a) IN GENERAL.—Chapter 1 of title 28, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 7. Term limits**

6 “(a) APPOINTMENT.—The President shall, during
7 the first and third years after a year in which there is
8 a Presidential election, nominate, and by and with the ad-
9 vice and consent of the Senate, appoint one Justice of the
10 Supreme Court.

11 “(b) EFFECTIVE DATE.—A Justice appointed pursu-
12 ant to subsection (a) shall be sworn into office on August
13 1 of the year on which the appointment is made.

14 **“§ 8. Senior Justices**

15 “(a) IN GENERAL.—Except as provided in subsection
16 (b), if there are more than nine Justices on the Supreme
17 Court after an appointed Justice is sworn into office, the
18 Justice who has served on the Supreme Court for the long-
19 est period of time shall be deemed a Justice retired from
20 regular active service under section 371(b) .

21 “(b) EXCEPTION.—No Justice appointed before the
22 date of enactment of this Act shall be required to retire
23 under subsection (a).

24 **“§ 9. Waiver of advice and consent authority**

25 “If the Senate does not exercise its advice and con-
26 sent authority with respect to a President’s nominee to

1 the Supreme Court within 120 days after the nomination,
2 the Senate shall be deemed to have waived its advice and
3 consent authority with respect to such nominee, and the
4 nominee shall be seated as a Justice of the Supreme
5 Court.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 for chapter 1 of title 28, United States Code, is amended
8 by adding at the end the following:

“7. Term limits.

“8. Senior Justices.

“9. Waiver of advice and consent authority.”.

9 **SEC. 3. SENIOR JUSTICES.**

10 Section 294 of title 28, United States Code, is
11 amended—

12 (1) by amending subsection (a) to read as fol-
13 lows:

14 “(a) Any Chief Justice of the United States or Asso-
15 ciate Justice of the Supreme Court who has retired from
16 regular active service under section 371(b) of this title
17 shall be known and designated as a Senior Justice and
18 may continue to perform such judicial duties as such Jus-
19 tice is willing and able to undertake, when designated and
20 assigned by the Chief Justice of the United States.”;

21 (2) in subsection (d), by striking “of such
22 court” and all that follows through “Supreme
23 Court.” and inserting: “of such court, except that

1 any designation or assignment made to the Supreme
2 Court shall be in accordance with subsection (e).”;

3 (3) by redesignating subsection (e) as sub-
4 section (g); and

5 (4) by inserting after subsection (d) the fol-
6 lowing:

7 “(e)(1) When there is a vacancy on the Supreme
8 Court due to the death, disability certification under sec-
9 tion 372, or removal of a Justice, the retired Chief Justice
10 of the United States or Associate Justice of the Supreme
11 Court who has most recently become a Senior Justice shall
12 be designated and assigned to serve as a Justice until an
13 appointment is made under section 7 of this title.

14 “(2) If there is more than one vacancy on the Su-
15 preme Court, the Senior Justice who has served in such
16 capacity for the least amount of time shall be designated
17 and assigned to serve as a Justice by the Chief Justice
18 until each vacancy on the Supreme Court is filled.

19 “(f) Any Chief Justice of the United States or Asso-
20 ciate Justice of the Supreme Court who has retired from
21 regular active service under section 372 may not be a Sen-
22 ior Justice.”.

23 **SEC. 4. EXCEPTION TO APPOINTMENT OF A SUCCESSOR.**

24 (a) RETIRED JUSTICES.—Section 371 of title 28,
25 United States Code, is amended—

1 (1) in subsection (d)—

2 (A) by striking “justice or”; and

3 (B) by inserting before the period at the
4 end the following: “or designate a Senior Jus-
5 tice in accordance with section 294(e) to fill a
6 vacancy resulting from the retirement of a jus-
7 tice under this section”; and

8 (2) by adding at the end the following:

9 “(f) Any justice of the United States who has served
10 a total of 18 years as a justice shall be treated as a justice
11 retired from regular active service under this section, un-
12 less the justice is otherwise eligible to retire as a result
13 of a disability under section 372.”.

14 (b) **DISABLED JUSTICES.**—Section 372(a) of title 28,
15 United States Code, is amended in the first sentence, by
16 inserting after “a successor” the following: “or, in the case
17 of a justice of the United States, fill the vacancy in accord-
18 ance with section 294(e)”.