

116TH CONGRESS
2D SESSION

H. R. 8424

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

SEPTEMBER 29, 2020

Mr. KHANNA (for himself, Mr. BEYER, and Mr. KENNEDY) introduced the following bill; which was referred to the Committee on the Judiciary

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”.

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

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

1 **“§ 7. Term limits**

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

7 “(b) EFFECTIVE DATE.—A Justice appointed pursu-
8 ant to subsection (a) shall be sworn into office on August
9 1 of the year on which the appointment is made.

10 **“§ 8. Senior Justices**

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

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

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

21 “If the Senate does not exercise its advice and con-
22 sent authority with respect to a President’s nominee to
23 the Supreme Court within 120 days after the nomination,
24 the Senate shall be deemed to have waived its advice and
25 consent authority with respect to such nominee, and the

1 nominee shall be seated as a Justice of the Supreme
2 Court.”.

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

“7. Term limits.

“8. Senior Justices.

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

6 **SEC. 3. SENIOR JUSTICES.**

7 Section 294 of title 28, United States Code, is
8 amended—

9 (1) by amending subsection (a) to read as fol-
10 lows:

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

18 (2) in subsection (d), by striking “of such
19 court” and all that follows through “Supreme
20 Court.” and inserting: “of such court, except that
21 any designation or assignment made to the Supreme
22 Court shall be in accordance with subsection (e).”;

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

1 (4) by inserting after subsection (d) the fol-
2 lowing:

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

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

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

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

20 (a) **RETIRED JUSTICES.**—Section 371 of title 28,
21 United States Code, is amended—

22 (1) in subsection (d)—

23 (A) by striking “justice or”; and

24 (B) by inserting before the period at the
25 end the following: “or designate a Senior Jus-

1 tice in accordance with section 294(e) to fill a
2 vacancy resulting from the retirement of a jus-
3 tice under this section”; and

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

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

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

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