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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To amend title 28, United States Code, to provide for the duration of active service of justices of the Supreme Court, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend title 28, United States Code, to provide for the duration of active service of justices of the Supreme Court, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Supreme Court Tenure Establishment and Retirement Modernization Act of 2023''.

SEC. 2. SUPREME COURT TERMS OF OFFICE.

(a) IN GENERAL.—Chapter 1 of title 28, United States Code, is amended by adding at the end the following:

"§ 7. Appointment

''(a) REGULAR APPOINTMENT OF JUSTICES.—The President shall, during the first and third years after a year in which there is a Presidential election, nominate, and by and with the advice and consent of the Senate, appoint one justice of the Supreme Court.

''(b) EXCLUSIVE METHOD OF APPOINTMENT.—The President shall not appoint any justice of the Supreme Court except as provided in this section.

''(c) LIMITATION ON REPEAT APPOINTMENTS.—An individual, once confirmed by the Senate, may only serve one 18-year term as a Supreme Court Justice.

''(d) SENATE CONFIRMATION.—

''(1) IN GENERAL.—The Senate shall exercise its authority to provide advice and consent on nominations made under subsection (a) not later than 90 days after the date on which the individual is nominated by the President.

''(2) WITHDRAWAL OR DISAPPROVAL.—If the President withdraws a nomination under subsection (a) or the Senate disapproves such a nomination, the President shall make another nomination under sub-

section (a). The Senate shall exercise its authority to provide advice and consent on such a subsequent nomination not later than 120 days after the date on which the individual is nominated by the President.

"§ 8. Duration of active service

''(a) NEW JUSTICES.—Each justice shall serve in regular active service for 18 years beginning on the date on which the justice is sworn in, after which the justice shall be deemed to have retired from regular active service under section 371.

''(b) CURRENT JUSTICES.—Each justice who was appointed before the date of enactment of this section and who is serving as a justice on the date of enactment of this section shall, notwithstanding the period of service of the justice, in order of duration of service beginning with the justice who has served on the Supreme Court for the longest period of time, be deemed to have retired from regular active service under section 371(b) upon the date of commission of each new justice as they are appointed under section 7.''.

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

''7. Appointment.
''8. Duration of active service.''.

SEC. 3. SENIOR JUSTICES.

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

(1) in subsection (d), by striking the period at the end and inserting ''except as provided by subsection (e).'';

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

''(e) In the event that the number of justices of the Supreme Court falls below that provided in section 1 due to vacancy, disability, or disqualification, a justice of the Supreme Court who has retired from regular active service under section 371 but retained their office shall be chosen by the Chief Justice through a publicly transparent and randomized process to serve as an associate justice until the number of justices who have not retired from regular active service equals that provided in section 1.''.