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.

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 Tenure
5    Establishment and Retirement Modernization Act of
6    2022”.

7
§ 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.

§ 8. Duration of Active Service

(a) New Justices.—Each justice shall serve in regular active service for 18 years from the date of the justice’s commission, 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 reg-
ular 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 sub-
section (e).”;

(2) by redesignating subsection (e) as sub-
section (f); and

(3) by inserting after subsection (d) the fol-
lowing:

“(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, the justice of the
Supreme Court who has most recently retired from regular
active service under section 371 but retained their office
shall serve as an associate justice until the number of jus-
tices who have not retired from regular active service
equals that provided in section 1.”.