(Original Signature of Member)

117TH 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 2021".

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 "The President shall, during the first and third years
- 7 after a year in which there is a Presidential election, nomi-
- 8 nate, and by and with the advice and consent of the Sen-
- 9 ate, appoint one Justice of the Supreme Court.

10 "§ 8. Senior Justices

- 11 "(a) In General.—Except as provided in subsection
- 12 (c), the panel of justices exercising Judicial power in Cases
- 13 and Controversies shall comprise the nine most junior Jus-
- 14 tices.
- 15 "(b) DEEMED RETIRED.—After a Justice has served
- 16 18 years, that Justice shall be deemed a Justice retired
- 17 from regular active service under section 371(b).
- 18 "(c) Exception.—No Justice appointed before the
- 19 date of enactment of this Act shall be counted toward the
- 20 panel of nine Justices described in subsection (a), nor
- 21 shall they be required to retire from regular active service
- 22 under subsection (b).

23 "§ 9. Waiver of advice and consent authority

- 24 "If the Senate does not exercise its advice and con-
- 25 sent authority with respect to a President's nominee to
- 26 the Supreme Court within 120 days after the nomination,

- 1 the Senate shall be deemed to have waived its advice and
- 2 consent authority with respect to such nominee, and the
- 3 nominee shall be seated as a Justice of the Supreme
- 4 Court.".
- 5 (b) CLERICAL AMENDMENT.—The table of sections
- 6 for chapter 1 of title 28, United States Code, is amended
- 7 by adding at the end the following:

8 SEC. 3. SENIOR JUSTICES.

- 9 Section 294 of title 28, United States Code, is
- 10 amended—
- 11 (1) by amending subsection (a) to read as fol-
- 12 lows:
- 13 "(a) Any Chief Justice of the United States or Asso-
- 14 ciate Justice of the Supreme Court who has retired from
- 15 regular active service under section 371(b) of this title
- 16 shall be known and designated as a Senior Justice and
- 17 may continue to perform such judicial duties as such Jus-
- 18 tice is willing and able to undertake, when designated and
- 19 assigned by the Chief Justice of the United States.";
- 20 (2) in subsection (d), by striking "of such
- 21 court" and all that follows through "Supreme
- 22 Court." and inserting: "of such court, except that
- any designation or assignment made to the Supreme
- Court shall be in accordance with subsection (e).";

[&]quot;7. Term limits.

[&]quot;8. Senior Justices.

[&]quot;9. Waiver of advice and consent authority.".

1	(3) by redesignating subsection (e) as sub-
2	section (g); and
3	(4) by inserting after subsection (d) the fol-
4	lowing:
5	"(e)(1) When there is a vacancy on the Supreme
6	Court due to the death, disability certification under sec-
7	tion 372, or removal of a Justice, the retired Chief Justice
8	of the United States or Associate Justice of the Supreme
9	Court who has most recently become a Senior Justice shall
10	be designated and assigned to serve as a Justice until an
11	appointment is made under section 7 of this title.
12	"(2) If there is more than one vacancy on the Su-
13	preme Court, the Senior Justice who has served in such
14	capacity for the least amount of time shall be designated
15	and assigned to serve as a Justice by the Chief Justice
16	until each vacancy on the Supreme Court is filled.
17	"(f) Any Chief Justice of the United States or Asso-
18	ciate Justice of the Supreme Court who has retired from
19	regular active service under section 372 may not be a Sen-
20	ior Justice.".
21	SEC. 4. EXCEPTION TO APPOINTMENT OF A SUCCESSOR.
22	(a) Retired Justices.—Section 371 of title 28,
23	United States Code, is amended—
24	(1) in subsection (d)—
25	(A) by striking "justice or"; and

1	(B) by inserting before the period at the
2	end the following: "or designate a Senior Jus-
3	tice in accordance with section 294(e) to fill a
4	vacancy resulting from the retirement of a jus-
5	tice under this section"; and
6	(2) by adding at the end the following:
7	"(f) Any justice of the United States who has served
8	a total of 18 years as a justice shall be treated as a justice
9	retired from regular active service under this section, un-
10	less the justice is otherwise eligible to retire as a result
11	of a disability under section 372.".
12	(b) DISABLED JUSTICES.—Section 372(a) of title 28,
13	United States Code, is amended in the first sentence, by
14	inserting after "a successor" the following: "or, in the case
15	of a justice of the United States, fill the vacancy in accord-
16	ance with section 294(e)".