

Fixing the Court Act of 2022

SECTION 1. SUPREME COURT TERM LIMITS.

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

(1) “§ 7. Supreme Court Appointments

“(a) By and with the advice and consent of the Senate, the President shall appoint one Justice of the Supreme Court during the first and third years of a four-year term in which he or she was elected President.

“(b) Each “year” described in § 7(a) shall begin at noon Eastern Time on January 20 and shall end the following January 20 at 11:59:59 a.m. Eastern Time.

(2) “§ 8. Panel Composition and Term Limits

“(a) The panel of Justices exercising judicial power in all cases and controversies shall comprise the nine most junior Justices.

“(b) After a Justice has served 18 years, that Justice shall be deemed a Justice retired from regular active service under section 371(b).”

(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. Supreme Court Appointments.

“8. Panel Composition and Term Limits.”.

(c) Senior Justices—Section 294 of title 28, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

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

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

(3) by redesignating subsection (e) as subsection (g); and

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

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

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

“(f) Any Chief Justice of the United States or Associate Justice of the Supreme Court who has retired from regular active service under section 372 may not be a Senior Justice.”.

(d) Exception to Appointment of a Successor.—Section 371 of title 28, United States Code, is amended—

(1) in subsection (d)—

(A) by striking “Justice or”; and

(B) by inserting before the period at the end the following: “or designate a Senior Justice in accordance with section 294(e) to fill a vacancy resulting from the retirement of a Justice under this section”; and

(2) by adding at the end the following:

“(f) Any Justice of the United States who has served a total of 18 years as a Justice shall be treated as a Justice retired from regular active service under this section, unless the Justice is otherwise eligible to retire as a result of a disability under section 372.”.

(e) Disabled Justices.—Section 372(a) of title 28, United States Code, is amended in the first sentence, by inserting after “a successor” the following: “or, in the case of a Justice of the United States, fill the vacancy in accordance with section 294(e)”.

(f) Challenges to this Act.—

(1) Any challenges to this Act that are properly filed in any United States District Court shall, with assistance from the Judicial Panel on Multidistrict Litigation, be consolidated within 10 days of the first such filing and shall be heard by a three-judge panel in the United States District Court for the District of Columbia, which shall move such proceedings to the front of its docket.

(2) The Supreme Court of the United States shall have mandatory appellate review within 90 days of a judgement from the United States District Court for the District of Columbia.

SECTION 2. POTENTIAL INVALIDATION OF SECTION 1; NUMBER OF JUSTICES; QUORUM.

In the event that the Supreme Court of the United States invalidates Section 1 of this Act, in whole or in part, Section 1 of title 28, United States Code, is amended by striking “a Chief Justice of the United States and eight associate Justices, any six of whom shall constitute a quorum” and inserting “a Chief Justice of the United States and twelve associate Justices, any eight of whom shall constitute a quorum”.

SECTION 3. SHORT TITLE.

This Act may be cited as the “Fixing the Court Act of 2022”.