

117TH CONGRESS  
2D SESSION

# H. R. 8500

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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2022

Mr. JOHNSON of Georgia (for himself, Mr. NADLER, Mr. CICILLINE, Ms. JACKSON LEE, Ms. BASS, Mr. KHANNA, and Mr. COHEN) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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”.

1 **SEC. 2. SUPREME COURT TERMS OF OFFICE.**

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. Appointment**

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

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

14 **“§ 8. Duration of active service**

15 “(a) NEW JUSTICES.—Each justice shall serve in  
16 regular active service for 18 years from the date of the  
17 justice’s commission, after which the justice shall be  
18 deemed to have retired from regular active service under  
19 section 371.

20 “(b) CURRENT JUSTICES.—Each justice who was ap-  
21 pointed before the date of enactment of this section and  
22 who is serving as a justice on the date of enactment of  
23 this section shall, notwithstanding the period of service of  
24 the justice, in order of duration of service beginning with  
25 the justice who has served on the Supreme Court for the  
26 longest period of time, be deemed to have retired from reg-

1 ular active service under section 371(b) upon the date of  
2 commission of each new justice as they are appointed  
3 under section 7.”.

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

“7. Appointment.

“8. Duration of active service.”.

7 **SEC. 3. SENIOR JUSTICES.**

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

10 (1) in subsection (d), by striking the period at  
11 the end and inserting “except as provided by sub-  
12 section (e).”;

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

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

17 “(e) In the event that the number of justices of the  
18 Supreme Court falls below that provided in section 1 due  
19 to vacancy, disability, or disqualification, the justice of the  
20 Supreme Court who has most recently retired from regular  
21 active service under section 371 but retained their office  
22 shall serve as an associate justice until the number of jus-

- 1 tices who have not retired from regular active service
- 2 equals that provided in section 1.”.

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