

119TH CONGRESS
1ST SESSION

H. R. 3544

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

MAY 21, 2025

Mr. JOHNSON of Georgia (for himself, Mr. RASKIN, Mr. AUCHINCLOSS, Ms. BALINT, Ms. BARRAGÁN, Mr. CARSON, Mr. CASAR, Ms. CHU, Ms. CLARKE of New York, Mr. CLEAVER, Ms. CROCKETT, Mr. DAVIS of Illinois, Ms. DEAN of Pennsylvania, Ms. DELAURO, Ms. DELBENE, Mr. DELUZIO, Mr. EVANS of Pennsylvania, Mrs. FOUSHEE, Mr. FROST, Mr. GARCÍA of Illinois, Mr. GOLDMAN of New York, Mr. HIMES, Mr. HUFFMAN, Ms. JAYAPAL, Mr. KHANNA, Mr. KRISHNAMOORTHY, Mr. LANDSMAN, Ms. LEE of Pennsylvania, Mr. LEVIN, Mr. LIEU, Mr. MFUME, Mr. MULLIN, Mr. NADLER, Ms. NORTON, Ms. OCASIO-CORTEZ, Ms. OMAR, Ms. PINGREE, Ms. PRESSLEY, Mrs. RAMIREZ, Mr. RYAN, Ms. SALINAS, Ms. SCANLON, Ms. SCHAKOWSKY, Mr. SMITH of Washington, Ms. STANSBURY, Mr. TAKANO, Mr. THANEDAR, and Ms. TLAIB) introduced the following bill; which was referred to the Committee on the Judiciary

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Supreme Court Tenure
3 Establishment and Retirement Modernization Act of
4 2025”.

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

6 (a) IN GENERAL.—Chapter 1 of title 28, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 **“§ 7. Appointment**

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

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

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

21 “(d) SENATE CONFIRMATION.—

22 “(1) IN GENERAL.—The Senate shall exercise
23 its authority to provide advice and consent on nomi-
24 nations made under subsection (a) not later than 90
25 days after the date on which the individual is nomi-
26 nated by the President.

1 “(2) WITHDRAWAL OR DISAPPROVAL.—If the
2 President withdraws a nomination under subsection
3 (a) or the Senate disapproves such a nomination, the
4 President shall make another nomination under sub-
5 section (a). The Senate shall exercise its authority to
6 provide advice and consent on such a subsequent
7 nomination not later than 120 days after the date
8 on which the individual is nominated by the Presi-
9 dent.

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

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

16 “(b) CURRENT JUSTICES.—Each justice who was ap-
17 pointed before the date of enactment of this section and
18 who is serving as a justice on the date of enactment of
19 this section shall, notwithstanding the period of service of
20 the justice, in order of duration of service beginning with
21 the justice who has served on the Supreme Court for the
22 longest period of time, be deemed to have retired from reg-
23 ular active service under section 371(b) upon the date of
24 commission of each new justice as they are appointed
25 under section 7.”.

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

“7. Appointment.

“8. Duration of active service.”.

4 **SEC. 3. SENIOR JUSTICES.**

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

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

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

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

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

○