

118TH CONGRESS
2D SESSION

S. J. RES. _____

Proposing an amendment to the Constitution of the United States to normalize vacancies and appointments for justices of the Supreme Court of the United States and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. WELCH (for himself and Mr. MANCHIN) introduced the following joint resolution; which was read twice and referred to the Committee on _____

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States to normalize vacancies and appointments for justices of the Supreme Court of the United States and for other purposes.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled*
3 *(two-thirds of each House concurring therein), That the fol-*
4 *lowing article is proposed as an amendment to the Con-*
5 *stitution of the United States, which shall be valid to all*
6 *intents and purposes as part of the Constitution when*
7 *ratified by the legislatures of three-fourths of the several*
8 *States:*

1 “ARTICLE—

2 “SECTION 1. The Supreme Court of the United
3 States shall be composed of nine justices (which includes
4 the Chief Justice of the United States for purposes of this
5 article each place it appears).

6 “SECTION 2. The term of the first justice of the Su-
7 preme Court of the United States (in this article referred
8 to as a ‘justice’) appointed on or after the date of the
9 ratification of this article shall—

10 “(1) begin on July 1 of the first odd-numbered
11 year beginning after the date of the ratification of
12 this article; and

13 “(2) terminate on June 30 of the year that is
14 18 years after such odd-numbered year.

15 “SECTION 3. The term of the second justice ap-
16 pointed on or after the date of the ratification of this arti-
17 cle, and each justice appointed thereafter, shall—

18 “(1) begin on July 1 of the first odd-numbered
19 year after the odd-numbered year during which the
20 term of the most recently appointed justice, other
21 than a justice appointed under section 6 to serve for
22 the remainder of an 18-year term, began; and

23 “(2) terminate on June 30 of the year that is
24 18 years after the odd-numbered year during which
25 the term of the justice began.

1 “SECTION 4. For a vacancy arising because an indi-
2 vidual serving as a justice on the day before the date of
3 the ratification of this article ceases serving as a justice,
4 if the vacancy arises before July 1 of the odd-numbered
5 year during which the term of the justice appointed to fill
6 the vacancy begins—

7 “(1) the individual appointed to fill the vacancy
8 may serve as a justice before the term of the indi-
9 vidual begins; and

10 “(2) the term of the individual as a justice shall
11 terminate in accordance with section 2 or 3, as ap-
12 plicable.

13 “SECTION 5. For a vacancy arising because an indi-
14 vidual serving as a justice on the day before the date of
15 the ratification of this article ceases serving as a justice,
16 if the vacancy arises after July 1 of the odd-numbered
17 year during which the term of the individual appointed
18 to fill the vacancy begins, the term of the individual as
19 a justice shall terminate in accordance with section 2 or
20 3, as applicable, without regard to the fact that the indi-
21 vidual did not begin serving as a justice on the date on
22 which the term began.

23 “SECTION 6. If an individual who is appointed to a
24 position as a justice on or after the date of the ratification
25 of this article ceases serving as a justice before the end

1 of the term of the individual as a justice, the President
2 may appoint an individual to serve for the remainder of
3 the term, by and with the advice and consent of the Sen-
4 ate.

5 “SECTION 7. When a vacancy arises in the position
6 of Chief Justice of the United States, the most senior jus-
7 tice serving at the time the vacancy arises shall become
8 the Chief Justice of the United States.

9 “SECTION 8. An individual appointed to a position
10 as a justice on or after the date of the ratification of this
11 article, including an individual appointed to serve for the
12 remainder of a term under section 6, may not subse-
13 quently be appointed to a position as a justice.”.