

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           “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.”.