

## Union Calendar No. 312

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 569

[Report No. 111-547]

To amend titles 28 and 10, United States Code, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces.

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### IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2009

Mrs. DAVIS of California (for herself, Mr. SKELTON, Mr. HOLT, Ms. BORDALLO, Mr. GRJALVA, Mr. LOEBSACK, Mr. HINCHEY, Ms. WOOLSEY, and Mr. SCOTT of Virginia) introduced the following bill; which was referred to the Committee on the Judiciary

JULY 15, 2010

Additional sponsors: Mr. ACKERMAN, Mr. WEXLER, Ms. SCHAKOWSKY, Mr. McDERMOTT, Mr. FRANK of Massachusetts, Mr. BRADY of Pennsylvania, Mr. ORTIZ, Mr. MASSA, Mr. SESTAK, Mrs. TAUSCHER, and Mr. BERMAN

JULY 15, 2010

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

# **A BILL**

To amend titles 28 and 10, United States Code, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces.

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 “Equal Justice for Our  
5 Military Act of 2009”.

6 **SEC. 2. CERTIORARI TO THE UNITED STATES COURT OF AP-**  
7 **PEALS FOR THE ARMED FORCES.**

8 (a) IN GENERAL.—Section 1259 of title 28, United  
9 States Code, is amended—

10 (1) in paragraph (3), by inserting “or denied”  
11 after “granted”; and

12 (2) in paragraph (4), by inserting “or denied”  
13 after “granted”.

14 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
15 Section 867a(a) of title 10, United States Code, is amend-  
16 ed by striking “The Supreme Court may not review by  
17 a writ of certiorari under this section any action of the  
18 Court of Appeals for the Armed Forces in refusing to  
19 grant a petition for review.”.

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “Equal Justice for Our*  
22 *Military Act of 2010”.*

1 **SEC. 2. CERTIORARI TO THE UNITED STATES COURT OF AP-**  
2 **PEALS FOR THE ARMED FORCES.**

3 (a) *IN GENERAL.*—Section 1259 of title 28, United  
4 States Code, is amended—

5 (1) in paragraph (3), by inserting “or denied”  
6 after “granted”; and

7 (2) in paragraph (4), by inserting “or denied”  
8 after “granted”.

9 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

10 (1) *TITLE 10.*—Section 867a(a) of title 10,  
11 United States Code, is amended by striking “The Su-  
12 preme Court may not review by a writ of certiorari  
13 under this section any action of the Court of Appeals  
14 for the Armed Forces in refusing to grant a petition  
15 for review.”.

16 (2) *TIME FOR APPLICATION FOR WRIT OF CER-*  
17 *TIORARI.*—Section 2101(g) of title 28, United States  
18 Code, is amended to read as follows:

19 “(g) The time for application for a writ of certiorari  
20 to review a decision of the United States Court of Appeals  
21 for the Armed Forces, or the decision of a Court of Criminal  
22 Appeals that the United States Court of Appeals for the  
23 Armed Forces refuses to grant a petition to review, shall  
24 be as prescribed by rules of the Supreme Court.”.

1 **SEC. 3. EFFECTIVE DATE.**

2       (a) *IN GENERAL.*—Subject to subsection (b), the  
3 amendments made by this Act shall take effect upon the ex-  
4 piration of the 180-day period beginning on the date of the  
5 enactment of this Act and shall apply to any petition grant-  
6 ed or denied by the United States Court of Appeals for the  
7 Armed Forces on or after that effective date.

8       (b) *AUTHORITY TO PRESCRIBE RULES.*—The author-  
9 ity of the Supreme Court to prescribe rules to carry out  
10 section 2101(g) of title 28, United States Code, as amended  
11 by section 2(b)(2) of this Act, shall take effect on the date  
12 of the enactment of this Act.

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11<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

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