

AMENDMENT TO H.R. 7900
OFFERED BY MR. GOHMERT OF TEXAS

At the appropriate place in title V, insert the following new section:

1 **SEC. 5 ____ . CERTIORARI TO THE UNITED STATES COURT OF**
2 **APPEALS FOR THE ARMED FORCES.**

3 (a) COURT OF APPEALS FOR THE ARMED FORCES;
4 CERTIORARI.—

5 (1) IN GENERAL.—Section 1259 of title 28,
6 United States Code, is amended—

7 (A) in paragraph (3), by inserting “or de-
8 nied” after “granted”; and

9 (B) in paragraph (4), by inserting “or de-
10 nied” after “granted”.

11 (2) TECHNICAL AND CONFORMING AMEND-
12 MENTS.—

13 (A) TITLE 10.—Section 867a(a) of title 10,
14 United States Code, is amended by striking
15 “The Supreme Court may not review by a writ
16 of certiorari under this section any action of the
17 United States Court of Appeals for the Armed
18 Forces in refusing to grant a petition for re-
19 view.”.

1 (B) TIME FOR APPLICATION FOR WRIT OF
2 CERTIORARI.—Section 2101(g) of title 28,
3 United States Code, is amended to read as fol-
4 lows:

5 “(g) The time for application for a writ of certiorari
6 to review a decision of the United States Court of Appeals
7 for the Armed Forces, or the decision of a Court of Crimi-
8 nal Appeals that the United States Court of Appeals for
9 the Armed Forces refuses to grant a petition to review,
10 shall be as prescribed by rules of the highest court of the
11 United States.”.

12 (b) EFFECTIVE DATE.—

13 (1) IN GENERAL.—Subject to paragraph (2),
14 the amendments made by this section shall take ef-
15 fect upon the expiration of the 180-day period begin-
16 ning on the date of the enactment of this Act and,
17 except as provided in paragraph (3), shall apply to
18 any petition granted or denied by the United States
19 Court of Appeals for the Armed Forces on or after
20 that effective date.

21 (2) AUTHORITY TO PRESCRIBE RULES.—The
22 authority of the highest court of the United States
23 to prescribe rules to carry out section 2101(g) of
24 title 28, United States Code, as amended by sub-

1 section (a)(2)(B) of this Act, shall take effect on the
2 date of the enactment of this Act.

3 (3) TEMPORARY EXEMPTION TO STATUTE OF
4 LIMITATIONS.—Notwithstanding any other provision
5 of law, during the three-year period beginning on the
6 effective date specified in paragraph (1), an applica-
7 tion for a writ of certiorari under section 1259 of
8 title 28, United States Code, shall not be barred by
9 any statute of limitations.

