



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

February 2, 2010

H.R. 569 **Equal Justice for Our Military Act of 2009**

As ordered reported by the House Committee on the Judiciary on January 27, 2010

H.R. 569 would allow the U.S. Supreme Court to review certain cases involving court-martialed service members facing dismissal, discharge, or imprisonment. Under the bill, such service members could file a petition for Supreme Court review even if the Court of Appeals for the Armed Forces (CAAF) denied review of their cases. Under current law, Supreme Court review is limited to cases the CAAF has reviewed or has granted a petition for extraordinary relief or cases with a sentence of death.

Based on information provided by the Department of Defense (DoD) and the Supreme Court, CBO estimates that implementing the bill would increase the workload of DoD attorneys and Supreme Court clerks and would cost less than \$1 million each year, assuming the availability of appropriated funds. We expect that the bill would make several hundred service members eligible to file petitions each year, but that only a small portion of those individuals would pursue review by the Supreme Court (based on the experience of individuals whose cases currently qualify for Supreme Court review). CBO cannot predict whether the Supreme Court would grant review of any particular petition. If the Supreme Court agreed to review any petitions, DoD would probably spend no more than \$1 million in any year from appropriated funds to defend those cases. (Any such amounts would depend on the number and complexity of such cases.) Enacting H.R. 569 would not affect direct spending or revenues.

H.R. 569 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.