

**AMENDMENT TO H.R. _____ (NATIONAL DEFENSE
AUTHORIZATION ACT FOR FISCAL YEAR 2022)
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 highest court of the United States may
16 not review by a writ of certiorari under this sec-
17 tion any action of the United States Court of

1 Appeals for the Armed Forces in refusing to
2 grant a petition for review.”.

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

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

14 (b) EFFECTIVE DATE.—

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

23 (2) AUTHORITY TO PRESCRIBE RULES.—The
24 authority of the highest court of the United States
25 to prescribe rules to carry out section 2101(g) of

1 title 28, United States Code, as amended by sub-
2 section (a)(2)(B) of this Act, shall take effect on the
3 date of the enactment of this Act.

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

