



CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

October 22, 2008

S. 2052

Equal Justice for United States Military Personnel Act of 2007

As reported by the Senate Committee on the Judiciary on September 12, 2008

S. 2052 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 case. Under current law, Supreme Court review is limited to those 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 American Bar Association, CBO estimates that the bill would increase the workload of DoD attorneys and Supreme Court clerks and cost about \$1 million a year, assuming the availability of appropriated funds. That estimate assumes that the bill would make several hundred court-martialed service members eligible to file petitions each year, and that a substantial portion of those individuals would pursue review by the Supreme Court. CBO cannot predict whether the Supreme Court would grant review of any particular petition. If the Supreme Court did review such a petition, DoD could spend an additional \$1 million to \$2 million from appropriated funds to defend the case. Enacting S.2052 would not affect direct spending or revenues.

S. 2052 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The staff contact for this estimate is Leigh Angres. The estimate was approved by Theresa Gullo, Assistant Deputy Director for Budget Analysis.