

111TH CONGRESS
1ST SESSION

H. R. 64

To amend title 28, United States Code, to repeal the restriction on the jurisdiction of courts, justices, and judges to hear or consider applications for writs of habeas corpus filed by or on behalf of certain aliens detained by the United States.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2009

Ms. JACKSON-LEE of Texas introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to repeal the restriction on the jurisdiction of courts, justices, and judges to hear or consider applications for writs of habeas corpus filed by or on behalf of certain aliens detained by the United States.

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 “Military Commissions
5 Habeas Corpus Restoration Act of 2009”.

1 **SEC. 2. REPEAL OF RESTRICTION ON HABEAS CORPUS.**

2 (a) REPEAL.—Section 2241 of title 28, United States
3 Code, is amended by striking subsection (e).

4 (b) CONFORMING AMENDMENT.—

5 (1) IN GENERAL.—Chapter 99 of title 28,
6 United States Code, is amended by adding at the
7 end the following new section:

8 **“§ 1632. Jurisdiction to hear actions against the**
9 **United States relating to enemy combat-**
10 **ants**

11 “Except as provided in paragraphs (2) and (3) of sec-
12 tion 1005(e) of the Detainee Treatment Act of 2005 (10
13 U.S.C. 801 note), no court, justice, or judge shall have
14 jurisdiction to hear or consider any action against the
15 United States or its agents, other than an application for
16 a writ of habeas corpus, relating to any aspect of the de-
17 tention, transfer, treatment, trial, or conditions of confine-
18 ment of an alien who is or was detained by the United
19 States and has been determined by the United States to
20 have been properly detained as an enemy combatant or
21 is awaiting such determination.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions at the beginning of such chapter is amended
24 by adding at the end the following new item:

“1632. Jurisdiction to hear actions against the United States relating to enemy
combatants.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to all cases, without exception,
3 pending on or after the date of the enactment of the De-
4 tainee Treatment Act of 2005 (Public Law 109–148; 119
5 Stat. 2739) which relate to any aspect of the detention,
6 transfer, treatment, trial, or conditions of detention of an
7 alien detained by the United States since September 11,
8 2001.

○