

Calendar No. 220110TH CONGRESS
1ST SESSION**S. 185****[Report No. 110-90]**

To restore habeas corpus for those detained by the United States.

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2007

Mr. SPECTER (for himself, Mr. LEAHY, Mrs. FEINSTEIN, Mr. BROWN, Mr. SALAZAR, Mrs. CLINTON, Mr. LAUTENBERG, Mr. FEINGOLD, Mr. DODD, Mr. HARKIN, Mr. ROCKEFELLER, Mr. LEVIN, Mr. OBAMA, Ms. CANTWELL, Mr. WHITEHOUSE, Mr. KERRY, Mr. DURBIN, Mr. BIDEN, Mr. KENNEDY, Mrs. BOXER, Mr. BINGAMAN, Mr. CARDIN, Mr. SANDERS, Ms. STABENOW, and Mr. BYRD) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JUNE 26, 2007

Reported by Mr. LEAHY, without amendment

A BILL

To restore habeas corpus for those 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Habeas Corpus Res-
3 toration Act of 2007”.

4 **SEC. 2. RESTORATION OF HABEAS CORPUS FOR THOSE DE-**
5 **TAINED BY THE UNITED STATES.**

6 (a) IN GENERAL.—Section 2241 of title 28, United
7 States Code, is amended by striking subsection (e).

8 (b) TITLE 10.—Section 950j of title 10, United
9 States Code, is amended by striking subsection (b) and
10 inserting the following:

11 “(b) LIMITED REVIEW OF MILITARY COMMISSION
12 PROCEDURES AND ACTIONS.—Except as otherwise pro-
13 vided in this chapter or in section 2241 of title 28 or any
14 other habeas corpus provision, and notwithstanding any
15 other provision of law, no court, justice, or judge shall
16 have jurisdiction to hear or consider any claim or cause
17 of action whatsoever, including any action pending on or
18 filed after the date of the enactment of the Military Com-
19 missions Act of 2006, relating to the prosecution, trial,
20 or judgment of a military commission under this chapter,
21 including challenges to the lawfulness of procedures of
22 military commissions under this chapter.”.

23 **SEC. 3. EFFECTIVE DATE AND APPLICABILITY.**

24 The amendments made by this Act shall—

25 (1) take effect on the date of the enactment of
26 this Act; and

- 1 (2) apply to any case that is pending on or
- 2 after the date of enactment of this Act.

Calendar No. 220

110TH CONGRESS
1ST Session

S. 185

[Report No. 110-90]

A BILL

To restore habeas corpus for those detained by the
United States.

JUNE 26, 2007

Reported without amendment