

110TH CONGRESS
1ST SESSION

H. R. 1416

To restore habeas corpus for those detained by the United States and to repeal the prohibition on treaty obligations establishing grounds for certain claims.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2007

Mr. NADLER (for himself, Ms. HARMAN, Ms. SCHAKOWSKY, Ms. JACKSON-LEE of Texas, Mr. ELLISON, Mr. FRANK of Massachusetts, and Ms. LEE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To restore habeas corpus for those detained by the United States and to repeal the prohibition on treaty obligations establishing grounds for certain claims.

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 “Habeas Corpus Res-
5 toration Act of 2007”.

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

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

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

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

20 **SEC. 3. REPEAL OF PROHIBITION ON TREATY OBLIGATIONS**
21 **ESTABLISHING GROUNDS FOR CERTAIN**
22 **CLAIMS.**

23 The Military Commissions Act of 2006 (Public Law
24 109–366) is amended by striking section 5.

25 **SEC. 4. EFFECTIVE DATE AND APPLICABILITY.**

26 The amendments made by this Act shall—

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

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

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