



**CONGRESSIONAL BUDGET OFFICE  
COST ESTIMATE**

June 12, 2007

**S. 185**

**Habeas Corpus Restoration Act of 2007**

*As reported by the Senate Committee on the Judiciary on June 7, 2007*

S. 185 would eliminate provisions of current law that limit the jurisdiction of federal courts over applications for a writ of habeas corpus (a judicial order requiring that a prisoner be brought before a court to determine whether that person's detention or imprisonment is lawful) or other judicial action filed by, or on behalf of, an alien detained by the United States as an enemy combatant. CBO expects that allowing those detainees greater access to the federal court system would have an insignificant effect on overall caseload. As such, CBO estimates that implementing S. 185 would have no significant cost over the next five years. Enacting this legislation would not affect direct spending or revenues.

In 2006, the Congress enacted the Military Commissions Act of 2006 (Public Law 109-366). This act limited the right to habeas corpus for detainees of the U.S. military considered to be enemy combatants. By restoring this right, CBO expects that the number of habeas corpus petitions filed and heard in federal court would increase. However, given the number of cases in the federal system (the United States was a defendant in approximately 4,600 habeas corpus cases in 2006), this increase would likely be insignificant. As such, CBO estimates that implementing S. 185 would have no significant cost over the 2008-2012 period.

S. 185 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Daniel Hoople. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.