

109TH CONGRESS  
1ST SESSION

# H. R. 3650

To allow United States courts to conduct business during emergency conditions, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 6, 2005

Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. SMITH of Texas, Mr. BERMAN, and Mr. GOHMERT) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To allow United States courts to conduct business during emergency conditions, and for other purposes.

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 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Federal Judiciary Emergency Special Sessions Act of  
6 2005”.

1 **SEC. 2. EMERGENCY AUTHORITY TO CONDUCT COURT PRO-**  
2 **CEEDINGS OUTSIDE THE TERRITORIAL JU-**  
3 **RISDICTION OF THE COURT.**

4 (a) **CIRCUIT COURTS.**—Section 48 of title 28, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing:

7 “(e) Each court of appeals may hold special sessions  
8 at any place within the United States outside the circuit  
9 as the nature of the business may require and upon such  
10 notice as the court orders, upon a finding by either the  
11 chief judge of the court of appeals (or, if the chief judge  
12 is unavailable, the most senior available active judge of  
13 the court of appeals) or the judicial council of the circuit  
14 that, because of emergency conditions, no location within  
15 the circuit is reasonably available where such special ses-  
16 sions could be held. The court may transact any business  
17 at a special session outside the circuit which it might  
18 transact at a regular session.

19 “(f) If a court of appeals issues an order exercising  
20 its authority under subsection (e), the court—

21 “(1) through the Administrative Office of the  
22 United States Courts, shall—

23 “(A) send notice of such order, including  
24 the reasons for the issuance of such order, to  
25 the Committee on the Judiciary of the Senate

1 and the Committee on the Judiciary of the  
2 House of Representatives; and

3 “(B) not later than 180 days after the ex-  
4 piration of such court order submit a brief re-  
5 port to the Committee on the Judiciary of the  
6 Senate and the Committee on the Judiciary of  
7 the House of Representatives describing the im-  
8 pact of such order, including—

9 “(i) the reasons for the issuance of  
10 such order;

11 “(ii) the duration of such order;

12 “(iii) the impact of such order on liti-  
13 gants; and

14 “(iv) the costs to the judiciary result-  
15 ing from such order; and

16 “(2) shall provide reasonable notice to the  
17 United States Marshals Service before the com-  
18 mencement of any special session held pursuant to  
19 such order.”.

20 (b) DISTRICT COURTS.—Section 141 of title 28,  
21 United States Code, is amended—

22 (1) by inserting “(a)(1)” before “Special”;

23 (2) by inserting “(2)” before “Any”; and

24 (3) by adding at the end the following:

1       “(b)(1) Special sessions of the district court may be  
2 held at such places within the United States outside the  
3 district as the nature of the business may require and  
4 upon such notice as the court orders, upon a finding by  
5 either the chief judge of the district court (or, if the chief  
6 judge is unavailable, the most senior available active judge  
7 of the district court) or the judicial council of the circuit  
8 that, because of emergency conditions, no location within  
9 the district is reasonably available where such special ses-  
10 sions could be held.

11       “(2) Pursuant to this subsection, any business which  
12 may be transacted at a regular session of a district court  
13 may be transacted at a special session conducted outside  
14 the district, except that a criminal trial may not be con-  
15 ducted at a special session outside the State in which the  
16 crime has been committed unless the defendant consents  
17 to such a criminal trial.

18       “(3) Notwithstanding any other provision of law, in  
19 any case in which special sessions are conducted pursuant  
20 to this section, the district court may summon jurors—

21               “(A) in civil proceedings, from any part of the  
22       district in which the court ordinarily conducts busi-  
23       ness or the district in which it is holding a special  
24       session; and

1           “(B) in criminal trials, from any part of the  
2           district in which the crime has been committed and,  
3           if the defendant so consents, from any district in  
4           which the court is conducting business pursuant to  
5           this section.

6           “(4) If a district court issues an order exercising its  
7           authority under paragraph (1), the court—

8           “(A) through the Administrative Office of the  
9           United States Courts, shall—

10           “(i) send notice of such order, including  
11           the reasons for the issuance of such order, to  
12           the Committee on the Judiciary of the Senate  
13           and the Committee on the Judiciary of the  
14           House of Representatives; and

15           “(ii) not later than 180 days after the ex-  
16           piration of such court order submit a brief re-  
17           port to the Committee on the Judiciary of the  
18           Senate and the Committee on the Judiciary of  
19           the House of Representatives describing the im-  
20           pact of such order, including—

21           “(I) the reasons for the issuance of  
22           such order;

23           “(II) the duration of such order;

24           “(III) the impact of such order on liti-  
25           gants; and

1                   “(IV) the costs to the judiciary result-  
2                   ing from such order; and

3                   “(B) shall provide reasonable notice to the  
4                   United States Marshals Service before the com-  
5                   mencement of any special session held pursuant to  
6                   such order.”.

7                   (c) BANKRUPTCY COURTS.—Section 152(c) of title  
8                   28, United States Code, is amended—

9                   (1) by inserting “(1)” after “(c)”;

10                  (2) by adding at the end the following:

11                  “(2)(A) Bankruptcy judges may hold court at such  
12                  places within the United States outside the judicial district  
13                  as the nature of the business of the court may require,  
14                  and upon such notice as the court orders, upon a finding  
15                  by either the chief judge of the bankruptcy court (or, if  
16                  the chief judge is unavailable, the most senior available  
17                  bankruptcy judge) or by the judicial council of the circuit  
18                  that, because of emergency conditions, no location within  
19                  the district is reasonably available where the bankruptcy  
20                  judges could hold court.

21                  “(B) Bankruptcy judges may transact any business  
22                  at special sessions of court held outside the district pursu-  
23                  ant to this paragraph that might be transacted at a reg-  
24                  ular session.

1           “(C) If a bankruptcy court issues an order exercising  
2 its authority under subparagraph (A), the court—

3                   “(i) through the Administrative Office of the  
4 United States Courts, shall—

5                           “(I) send notice of such order, including  
6 the reasons for the issuance of such order, to  
7 the Committee on the Judiciary of the Senate  
8 and the Committee on the Judiciary of the  
9 House of Representatives; and

10                           “(II) not later than 180 days after the ex-  
11 piration of such court order submit a brief re-  
12 port to the Committee on the Judiciary of the  
13 Senate and the Committee on the Judiciary of  
14 the House of Representatives describing the im-  
15 pact of such order, including—

16                                   “(aa) the reasons for the issuance of  
17 such order;

18                                   “(bb) the duration of such order;

19                                   “(cc) the impact of such order on liti-  
20 gants; and

21                                   “(dd) the costs to the judiciary result-  
22 ing from such order; and

23                           “(ii) shall provide reasonable notice to the  
24 United States Marshals Service before the com-

1       mencement of any special session held pursuant to  
2       such order.”.

3       (d) UNITED STATES MAGISTRATE JUDGES.—Section  
4       636 of title 28, United States Code, is amended in sub-  
5       section (a) by striking “territorial jurisdiction prescribed  
6       by his appointment—” and inserting “district in which  
7       sessions are held by the court that appointed the mag-  
8       istrate judge, at other places where that court may func-  
9       tion, and elsewhere as authorized by law—”.

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