

109TH CONGRESS
1ST SESSION

H. R. 3650

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8, 2005

Received

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Judiciary
3 Emergency Special Sessions Act of 2005”.

4 **SEC. 2. EMERGENCY AUTHORITY TO CONDUCT COURT PRO-**
5 **CEEDINGS OUTSIDE THE TERRITORIAL JU-**
6 **RISDICTION OF THE COURT.**

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

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

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

24 “(1) through the Administrative Office of the
25 United States Courts, shall—

1 “(A) send notice of such order, including
2 the reasons for the issuance of such order, to
3 the Committee on the Judiciary of the Senate
4 and the Committee on the Judiciary of the
5 House of Representatives; and

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

12 “(i) the reasons for the issuance of
13 such order;

14 “(ii) the duration of such order;

15 “(iii) the impact of such order on liti-
16 gants; and

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

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

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

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

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

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

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

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

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

23 “(A) in civil proceedings, from any part of the
24 district in which the court ordinarily conducts busi-

1 ness or the district in which it is holding a special
2 session; and

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

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

10 “(A) through the Administrative Office of the
11 United States Courts, shall—

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

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

23 “(I) the reasons for the issuance of
24 such order;

25 “(II) the duration of such order;

1 “(III) the impact of such order on liti-
2 gants; and

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

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

9 (c) BANKRUPTCY COURTS.—Section 152(c) of title
10 28, United States Code, is amended—

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

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

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

23 “(B) Bankruptcy judges may transact any business
24 at special sessions of court held outside the district pursu-

1 ant to this paragraph that might be transacted at a reg-
2 ular session.

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

5 “(i) through the Administrative Office of the
6 United States Courts, shall—

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

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

18 “(aa) the reasons for the issuance of
19 such order;

20 “(bb) the duration of such order;

21 “(cc) the impact of such order on liti-
22 gants; and

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

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

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

 Passed the House of Representatives September 7,
2005.

Attest:

JEFF TRANDAHL,

Clerk.