

109TH CONGRESS  
1ST SESSION

# H. R. 3729

To provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts.

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2005

Mr. SENSENBRENNER introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts.

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. EMERGENCY AUTHORITY TO DELAY OR TOLL**

4 **JUDICIAL PROCEEDINGS.**

5 (a) IN GENERAL.—Chapter 111 of title 28, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing:

1 **“§ 1660. Emergency authority to delay or toll judicial**  
2 **proceedings**

3 “(a) IN GENERAL.—Upon application of the Attorney  
4 General or the Attorney General’s designee, or on his or  
5 her own motion, the chief judge of a district court that  
6 has been affected (or, if the chief district judge is unavail-  
7 able, the most senior available active district judge or the  
8 chief judge of the court of appeals including the district)  
9 may, in the event of a natural disaster, civil disobedience,  
10 or other emergency situation requiring the closure of  
11 courts or other circumstances inhibiting the ability of liti-  
12 gants to comply with deadlines imposed by rules of proce-  
13 dure applicable in the courts of the United States, enter  
14 such order or orders as may be appropriate to delay, toll,  
15 or otherwise grant relief from time deadlines imposed by  
16 otherwise applicable statutes and rules of procedure for  
17 such period and in such judicial district as may be appro-  
18 priate, including, without limitation, those affecting all  
19 prearrest, post-arrest, pretrial, trial, and post-trial proce-  
20 dures in criminal and juvenile proceedings and all civil  
21 process and proceedings, and the time for filing and per-  
22 fecting an appeal.

23 “(b) CRIMINAL CASES.—In setting new time limits  
24 under this section for criminal cases, the court shall con-  
25 sider the Government’s ability to investigate, litigate, and

1 process defendants during and after the emergency situa-  
2 tion.

3       “(c) APPEALS.—Upon application of the Attorney  
4 General or the Attorney General’s designee, or on his or  
5 her own motion, the chief judge of a court of appeals that  
6 has been affected or that includes a district court so af-  
7 fected (or, if the chief circuit judge is unavailable, the  
8 most senior available active circuit judge) may, in the  
9 event of a natural disaster, civil disobedience, or other  
10 emergency situation requiring the closure of courts or  
11 other circumstances inhibiting the ability of litigants to  
12 comply with deadlines imposed by rules of procedure appli-  
13 cable in the courts of the United States, enter such order  
14 or orders as may be appropriate to delay, toll, or otherwise  
15 grant relief from time deadlines imposed by otherwise ap-  
16 plicable statutes and rules of procedure for such period  
17 and in such circuit as may be appropriate, including, with-  
18 out limitation, those affecting all appellate proceedings.”.

19       (b) CLERICAL AMENDMENT.—The table of sections  
20 at the beginning of chapter 111 of title 28, United States  
21 Code, is amended by adding at the end the following new  
22 item:

“1660. Emergency authority to delay or toll judicial proceedings.”.

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