

1949—Act May 24, 1949, substituted “20, 23, and 43” for “20, 43, and 49” in first par.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of Title 49, Transportation.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93-584 not applicable to actions commenced on or before last day of first month beginning after Jan. 2, 1975, and actions to enjoin or suspend orders of Interstate Commerce Commission which are pending when this amendment becomes effective shall not be affected thereby, but shall proceed to final disposition under the law existing on the date they were commenced, see section 10 of Pub. L. 93-584, set out as a note under section 2321 of this title.

§§ 2324, 2325. Repealed. Pub. L. 93-584, § 7, Jan. 2, 1975, 88 Stat. 1918

Section 2324, act June 25, 1948, ch. 646, 62 Stat. 970, related to power of court to restrain or suspend operation of orders of Interstate Commerce Commission pending final hearing and determination of action.

Section 2325, act June 25, 1948, ch. 646, 62 Stat. 970, related to requirement of a three judge district court to hear and determine interlocutory or permanent injunctions restraining enforcement, operation or execution of orders of Interstate Commerce Commission.

EFFECTIVE DATE OF REPEAL

Repeal applicable to actions commenced on or before last day of first month beginning after Jan. 2, 1975, and actions to enjoin or suspend orders of Interstate Commerce Commission which are pending when this repeal becomes effective shall not be affected thereby, but shall proceed to final disposition under the law existing on the date they were commenced, see section 10 of Pub. L. 93-584, set out as an Effective Date of 1975 Amendment note under section 2321 of this title.

CHAPTER 158—ORDERS OF FEDERAL AGENCIES; REVIEW

- Sec. 2341. Definitions.
2342. Jurisdiction of court of appeals.
2343. Venue.
2344. Review of orders; time; notice; contents of petition; service.
2345. Prehearing conference.
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2347. Petitions to review; proceedings.
2348. Representation in proceeding; intervention.
2349. Jurisdiction of the proceeding.
2350. Review in Supreme Court on certiorari or certification.
2351. Enforcement of orders by district courts. [2352, 2353. Repealed.]

AMENDMENTS

1982—Pub. L. 97-164, title I, § 138, Apr. 2, 1982, 96 Stat. 42, struck out item 2353 “Decision of the Plant Variety Protection Office”.

1966—Pub. L. 89-773, § 4, Nov. 6, 1966, 80 Stat. 1323, struck out item 2352 “Rules”.

§ 2341. Definitions

As used in this chapter—

- (1) “clerk” means the clerk of the court in which the petition for the review of an order, reviewable under this chapter, is filed;
(2) “petitioner” means the party or parties by whom a petition to review an order, reviewable under this chapter, is filed; and
(3) “agency” means—

(A) the Commission, when the order sought to be reviewed was entered by the Federal Communications Commission, the Federal Maritime Commission, or the Atomic Energy Commission, as the case may be;

(B) the Secretary, when the order was entered by the Secretary of Agriculture or the Secretary of Transportation;

(C) the Administration, when the order was entered by the Maritime Administration;

(D) the Secretary, when the order is under section 812 of the Fair Housing Act; and

(E) the Board, when the order was entered by the Surface Transportation Board.

(Added Pub. L. 89-554, § 4(e), Sept. 6, 1966, 80 Stat. 622; amended Pub. L. 93-584, § 3, Jan. 2, 1975, 88 Stat. 1917; Pub. L. 100-430, § 11(b), Sept. 13, 1988, 102 Stat. 1635; Pub. L. 102-365, § 5(c)(1), Sept. 3, 1992, 106 Stat. 975; Pub. L. 104-88, title III, § 305(d)(1)-(4), Dec. 29, 1995, 109 Stat. 945.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 1031, Dec. 29, 1950, ch. 1189, § 1, 64 Stat. 1129, Aug. 30, 1954, ch. 1073, § 2(a), 68 Stat. 961.

Subsection (a) of former section 1031 of title 5 is omitted as unnecessary because the term “court of appeals” as used in title 28 means a United States Court of Appeals and no additional definition is necessary.

In paragraph (3), reference to the United States Maritime Commission is omitted because that Commission was abolished by 1950 Reorg. Plan No. 21, § 306, eff. May 24, 1950, 64 Stat. 1277. Reference to “Federal Maritime Commission” is substituted for “Federal Maritime Board” on authority of 1961 Reorg. Plan No. 7, eff. Aug. 12, 1961, 75 Stat. 840.

REFERENCES IN TEXT

Section 812 of the Fair Housing Act, referred to in par. (3)(D), is classified to section 3612 of Title 42, The Public Health and Welfare.

AMENDMENTS

1995—Par. (3)(A). Pub. L. 104-88, § 305(d)(1), struck out “the Interstate Commerce Commission,” after “Maritime Commission.”

Par. (3)(E). Pub. L. 104-88, § 305(d)(2)-(4), added subpar. (E).

1992—Par. (3)(B). Pub. L. 102-365 inserted “or the Secretary of Transportation” after “Secretary of Agriculture”.

1988—Par. (3)(D). Pub. L. 100-430 added subpar. (D).

1975—Par. (3)(A). Pub. L. 93-584 inserted reference to the Interstate Commerce Commission.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of Title 49, Transportation.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-430 effective on the 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100-430, set out as a note under section 3601 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93-584 not applicable to actions commenced on or before last day of first month beginning after Jan. 2, 1975, and actions to enjoin or