

suant to this subsection, shall transfer those proceedings to the court in which the record is so filed. For the convenience of the parties in the interest of justice, the court in which the record is filed may thereafter transfer all the proceedings with respect to that order to any other court of appeals.

(b) The record to be filed in the court of appeals in such a proceeding shall consist of the order sought to be reviewed or enforced, the findings or report upon which it is based, and the pleadings, evidence, and proceedings before the agency, board, commission, or officer concerned, or such portions thereof (1) as the rules prescribed under the authority of section 2072 of this title may require to be included therein, or (2) as the agency, board, commission, or officer concerned, the petitioner for review or respondent in enforcement, as the case may be, and any intervenor in the court proceeding by written stipulation filed with the agency, board, commission, or officer concerned or in the court in any such proceeding may consistently with the rules prescribed under the authority of section 2072 of this title designate to be included therein, or (3) as the court upon motion of a party or, after a prehearing conference, upon its own motion may by order in any such proceeding designate to be included therein. Such a stipulation or order may provide in an appropriate case that no record need be filed in the court of appeals. If, however, the correctness of a finding of fact by the agency, board, commission, or officer is in question all of the evidence before the agency, board, commission, or officer shall be included in the record except such as the agency, board, commission, or officer concerned, the petitioner for review or respondent in enforcement, as the case may be, and any intervenor in the court proceeding by written stipulation filed with the agency, board, commission, or officer concerned or in the court agree to omit as wholly immaterial to the questioned finding. If there is omitted from the record any portion of the proceedings before the agency, board, commission, or officer which the court subsequently determines to be proper for it to consider to enable it to review or enforce the order in question the court may direct that such additional portion of the proceedings be filed as a supplement to the record. The agency, board, commission, or officer concerned may, at its option and without regard to the foregoing provisions of this subsection, and if so requested by the petitioner for review or respondent in enforcement shall, file in the court the entire record of the proceedings before it without abbreviation.

(c) The agency, board, commission, or officer concerned may transmit to the court of appeals the original papers comprising the whole or any part of the record or any supplemental record, otherwise true copies of such papers certified by an authorized officer or deputy of the agency, board, commission, or officer concerned shall be transmitted. Any original papers thus transmitted to the court of appeals shall be returned to the agency, board, commission, or officer concerned upon the final determination of the review or enforcement proceeding. Pending such final determination any such papers may be returned by the court temporarily to the custody

of the agency, board, commission, or officer concerned if needed for the transaction of the public business. Certified copies of any papers included in the record or any supplemental record may also be returned to the agency, board, commission, or officer concerned upon the final determination of review or enforcement proceedings.

(d) The provisions of this section are not applicable to proceedings to review decisions of the Tax Court of the United States or to proceedings to review or enforce those orders of administrative agencies, boards, commissions, or officers which are by law reviewable or enforceable by the district courts.

(Added Pub. L. 85-791, § 2, Aug. 28, 1958, 72 Stat. 941; amended Pub. L. 89-773, § 5(a), (b), Nov. 6, 1966, 80 Stat. 1323; Pub. L. 100-236, § 1, Jan. 8, 1988, 101 Stat. 1731.)

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-236 substituted “If proceedings are instituted in two or more courts of appeals with respect to the same order, the following shall apply:” and pars. (1) to (5) for “If proceedings have been instituted in two or more courts of appeals with respect to the same order the agency, board, commission, or officer concerned shall file the record in that one of such courts in which a proceeding with respect to such order was first instituted. The other courts in which such proceedings are pending shall thereupon transfer them to the court of appeals in which the record has been filed. For the convenience of the parties in the interest of justice such court may thereafter transfer all the proceedings with respect to such order to any other court of appeals.”

1966—Subsec. (a). Pub. L. 89-773, § 5(a), substituted “The rules prescribed under the authority of section 2072 of this title may provide for the time and manner of filing” for “The several courts of appeal shall have power to adopt, with the approval of the Judicial Conference of the United States, rules, which so far as practicable shall be uniform in all such courts prescribing the time and manner of filing.” See section 2072 of this title.

Subsec. (b). Pub. L. 89-773, § 5(b), substituted “the rules prescribed under the authority of section 2072 of this title” for “the said rules of the court of appeals” and for “the rules of such court”.

EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-236, § 3, Jan. 8, 1988, 101 Stat. 1732, provided that: “The amendments made by this Act [amending this section and section 1369 of Title 33, Navigation and Navigable Waters] take effect 180 days after the date of the enactment of this Act [Jan 8, 1988], except that the judicial panel on multidistrict litigation may issue rules pursuant to subsection (a)(3) of section 2112 of title 28, United States Code (as added by section 1), on or after such date of enactment.”

SAVINGS PROVISION

Pub. L. 89-773, § 5(c), Nov. 6, 1966, 80 Stat. 1323, provided that: “The amendments of section 2112 of title 28 of the United States Code made by this Act shall not operate to invalidate or repeal rules adopted under the authority of that section prior to the enactment of this Act [Nov. 6, 1966], which rules shall remain in effect until superseded by rules prescribed under the authority of section 2072 of title 28 of the United States Code as amended by this Act.”

§ 2113. Definition

For purposes of this chapter, the terms “State court”, “State courts”, and “highest court of a State” include the District of Columbia Court of Appeals.

(Added Pub. L. 91-358, title I, §172(a)(2)(A), July 29, 1970, 84 Stat. 590.)

EFFECTIVE DATE

Section effective the first day of the seventh calendar month which begins after July 29, 1970, see section 199(a) of Pub. L. 91-358, set out as an Effective Date of 1970 Amendment note under section 1257 of this title.

PART VI—PARTICULAR PROCEEDINGS

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151.	Declaratory Judgments	2201
153.	Habeas Corpus	2241
154.	Special habeas corpus procedures in capital cases	2261.1
155.	Injunctions; Three-Judge Courts	2281
157.	Surface Transportation Board Orders; Enforcement and Review	2321
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159.	Interpleader	2361
161.	United States as Party Generally ...	2401
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165.	United States Court of Federal Claims Procedure	2501
[167.]	Repealed.]	
169.	Court of International Trade Procedure	2631
171.	Tort Claims Procedure	2671
173.	Attachment in Postal Suits	2710
[175.]	Repealed.]	
176.	Federal Debt Collection Procedure	3001
178.	Professional and Amateur Sports Protection	3701
179.	Judicial Review of Certain Actions by Presidential Offices	3901
180.	Assumption of Certain Contractual Obligations	4001
181.	Foreign judgments²	4101.1
190.	Miscellaneous	5001

SENATE REVISION AMENDMENT

Chapters 169, 171 and 173 were renumbered "167", "169" and "171", respectively, without change in their section numbers, by Senate amendment. See 80th Congress Senate Report No. 1559.

AMENDMENTS

2014—Pub. L. 113-287, §4(b)(2), Dec. 19, 2014, 128 Stat. 3261, added item for chapter 190.

2010—Pub. L. 111-223, §3(c), Aug. 10, 2010, 124 Stat. 2384, added item for chapter 181.

2000—Pub. L. 106-310, div. B, title XXXIV, §3405(c)(2), Oct. 17, 2000, 114 Stat. 1221, struck out item for chapter 175 "Civil Commitment and Rehabilitation of Narcotic Addicts".

1998—Pub. L. 105-304, title IV, §406(b), Oct. 28, 1998, 112 Stat. 2905, added item for chapter 180.

1996—Pub. L. 104-331, §3(e), Oct. 26, 1996, 110 Stat. 4071, added item for chapter 179.

Pub. L. 104-132, title I, §107(b), Apr. 24, 1996, 110 Stat. 1226, as amended Pub. L. 104-294, title VI, §605(k), Oct. 11, 1996, 110 Stat. 3510, added item for chapter 154.

1995—Pub. L. 104-88, title III, §305(c)(2), Dec. 29, 1995, 109 Stat. 945, which directed amendment of the item for chapter 157 in the table of chapters of this title by substituting "Surface Transportation Board" for "Interstate Commerce Commission", was executed by making the substitution in the table of chapters for this part to reflect the probable intent of Congress.

¹ So in original.

² So in original. Probably should be capitalized.

1992—Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516, substituted "United States Court of Federal Claims" for "United States Claims Court" in item for chapter 165.

Pub. L. 102-559, §2(b), Oct. 28, 1992, 106 Stat. 4228, substituted "Procedure" for "Procedures" in item for chapter 176 and added item for chapter 178.

1990—Pub. L. 101-647, title XXXVI, §3302 [3612], Nov. 29, 1990, 104 Stat. 4964, added item for chapter 176.

1982—Pub. L. 97-164, title I, §§139(o)(1), 140, Apr. 2, 1982, 96 Stat. 44, substituted "United States Claims Court Procedure" for "Court of Claims Procedure" in item for chapter 165 and struck out item for chapter 167 "Court of Customs and Patent Appeals Procedure".

1980—Pub. L. 96-417, title V, §501(25), Oct. 10, 1980, 94 Stat. 1742, substituted "Court of International Trade Procedure" for "Customs Court Procedure" in item for chapter 169.

1966—Pub. L. 89-793, title VI, §603, Nov. 8, 1966, 80 Stat. 1450, added item for chapter 175.

Pub. L. 89-554, §4(d), Sept. 6, 1966, 80 Stat. 621, added item for chapter 158.

1960—Pub. L. 86-682, §10, Sept. 2, 1960, 74 Stat. 708, added item for chapter 173.

CHAPTER 151—DECLARATORY JUDGMENTS

Sec.	
2201.	Creation of remedy.
2202.	Further relief.

§ 2201. Creation of remedy

(a) In a case of actual controversy within its jurisdiction, except with respect to Federal taxes other than actions brought under section 7428 of the Internal Revenue Code of 1986, a proceeding under section 505 or 1146 of title 11, or in any civil action involving an antidumping or countervailing duty proceeding regarding a class or kind of merchandise of a free trade area country (as defined in section 516A(f)(10) of the Tariff Act of 1930), as determined by the administering authority, any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.

(b) For limitations on actions brought with respect to drug patents see section 505 or 512 of the Federal Food, Drug, and Cosmetic Act, or section 351 of the Public Health Service Act.

(June 25, 1948, ch. 646, 62 Stat. 964; May 24, 1949, ch. 139, §111, 63 Stat. 105; Aug. 28, 1954, ch. 1033, 68 Stat. 890; Pub. L. 85-508, §12(p), July 7, 1958, 72 Stat. 349; Pub. L. 94-455, title XIII, §1306(b)(8), Oct. 4, 1976, 90 Stat. 1719; Pub. L. 95-598, title II, §249, Nov. 6, 1978, 92 Stat. 2672; Pub. L. 98-417, title I, §106, Sept. 24, 1984, 98 Stat. 1597; Pub. L. 100-449, title IV, §402(c), Sept. 28, 1988, 102 Stat. 1884; Pub. L. 100-670, title I, §107(b), Nov. 16, 1988, 102 Stat. 3984; Pub. L. 103-182, title IV, §414(b), Dec. 8, 1993, 107 Stat. 2147; Pub. L. 111-148, title VII, §7002(c)(2), Mar. 23, 2010, 124 Stat. 816.)

AMENDMENT OF SECTION

For termination of amendment by section 501(c) of Pub. L. 100-449, see Effective and Termination Dates of 1988 Amendment note below.