

TITLE 9—ARBITRATION

This title was enacted by act July 30, 1947, ch. 392, § 1, 61 Stat. 669

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| | 1990—Pub. L. 101-369, § 2, Aug. 15, 1990, 104 Stat. 450, added item for chapter 3. | | 8. | Proceedings begun by libel in admiralty and seizure of vessel or property. |
| | 1970—Pub. L. 91-368, § 2, July 31, 1970, 84 Stat. 693, added analysis of chapters. | | 9. | Award of arbitrators; confirmation; jurisdiction; procedure. |
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| | Showing where former sections of Title 9 and the laws from which such former sections were derived, have been incorporated in revised Title 9. | | 11. | Same; modification or correction; grounds; order. |
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| Title 9 Former Sections | Statutes at Large | Title 9 New Sections |
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| 1 | Feb. 12, 1925, ch. 213, § 1, 43 Stat. 883 | 1 |
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| 4 | Feb. 12, 1925, ch. 213, § 4, 43 Stat. 883 | 4 |
| 5 | Feb. 12, 1925, ch. 213, § 5, 43 Stat. 884 | 5 |
| 6 | Feb. 12, 1925, ch. 213, § 6, 43 Stat. 884 | 6 |
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| 13 | Feb. 12, 1925, ch. 213, § 13, 43 Stat. 886 | 13 |
| 14 | Feb. 12, 1925, ch. 213, § 14, 43 Stat. 886 | Rep. |
| 15 | Feb. 12, 1925, ch. 213, § 15, 43 Stat. 886 | 14 |

Editorial Notes

AMENDMENTS

1990—Pub. L. 101-650, title III, § 325(a)(2), Dec. 1, 1990, 104 Stat. 5120, added item 15 “Inapplicability of the Act of State doctrine” and redesignated former item 15 “Appeals” as 16.

1988—Pub. L. 100-702, title X, § 1019(b), Nov. 19, 1988, 102 Stat. 4671, added item 15 relating to appeals.

1970—Pub. L. 91-368, § 3, July 31, 1970, 84 Stat. 693, designated existing sections 1 through 14 as “Chapter 1” and added heading for Chapter 1.

Statutory Notes and Related Subsidiaries

POSITIVE LAW; CITATION

This title has been made positive law by section 1 of act July 30, 1947, ch. 392, 61 Stat. 669, which provided in part that: “title 9 of the United States Code, entitled ‘Arbitration’, is codified and enacted into positive law and may be cited as ‘9 U.S.C., §—’”.

REPEALS

Act July 30, 1947, ch. 392, § 2, 61 Stat. 674, provided that the sections or parts thereof of the Statutes at Large covering provisions codified in this Act, insofar as such provisions appeared in former title 9 were repealed and provided that any rights or liabilities now existing under such repealed sections or parts thereof shall not be affected by such repeal.

CHAPTER 1—GENERAL PROVISIONS

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| Sec. | |
| 1. | “Maritime transactions” and “commerce” defined; exceptions to operation of title. |
| 2. | Validity, irrevocability, and enforcement of agreements to arbitrate. |

§ 1. “Maritime transactions” and “commerce” defined; exceptions to operation of title

“Maritime transactions”, as herein defined, means charter parties, bills of lading of water carriers, agreements relating to wharfage, supplies furnished vessels or repairs to vessels, collisions, or any other matters in foreign commerce which, if the subject of controversy, would be embraced within admiralty jurisdiction; “commerce”, as herein defined, means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation, but nothing herein contained shall apply to contracts of employment of seamen, railroad employees, or any other class of workers engaged in foreign or interstate commerce.

(July 30, 1947, ch. 392, 61 Stat. 670.)

DERIVATION

Act Feb. 12, 1925, ch. 213, § 1, 43 Stat. 883.

§ 2. Validity, irrevocability, and enforcement of agreements to arbitrate

A written provision in any maritime transaction or a contract evidencing a transaction involving commerce to settle by arbitration a controversy thereafter arising out of such contract or transaction, or the refusal to perform the whole or any part thereof, or an agreement in writing to submit to arbitration an existing controversy arising out of such a contract, transaction, or refusal, shall be valid, irrevocable, and enforceable, save upon such grounds as exist at law or in equity for the revocation of any contract.

(July 30, 1947, ch. 392, 61 Stat. 670.)

DERIVATION

Act Feb. 12, 1925, ch. 213, § 2, 43 Stat. 883.

§ 3. Stay of proceedings where issue therein referable to arbitration

If any suit or proceeding be brought in any of the courts of the United States upon any issue referable to arbitration under an agreement in writing for such arbitration, the court in which such suit is pending, upon being satisfied that the issue involved in such suit or proceeding is referable to arbitration under such an agreement, shall on application of one of the parties stay the trial of the action until such arbitration has been had in accordance with the terms of the agreement, providing the applicant for the stay is not in default in proceeding with such arbitration.

(July 30, 1947, ch. 392, 61 Stat. 670.)

DERIVATION

Act Feb. 12, 1925, ch. 213, § 3, 43 Stat. 883.

§ 4. Failure to arbitrate under agreement; petition to United States court having jurisdiction for order to compel arbitration; notice and service thereof; hearing and determination

A party aggrieved by the alleged failure, neglect, or refusal of another to arbitrate under a written agreement for arbitration may petition any United States district court which, save for such agreement, would have jurisdiction under title 28, in a civil action or in admiralty of the subject matter of a suit arising out of the controversy between the parties, for an order directing that such arbitration proceed in the manner provided for in such agreement. Five days' notice in writing of such application shall be served upon the party in default. Service thereof shall be made in the manner provided by the Federal Rules of Civil Procedure. The court shall hear the parties, and upon being satisfied that the making of the agreement for arbitration or the failure to comply therewith is not in issue, the court shall make an order directing the parties to proceed to arbitration in accordance with the terms of the agreement. The hear-

ing and proceedings, under such agreement, shall be within the district in which the petition for an order directing such arbitration is filed. If the making of the arbitration agreement or the failure, neglect, or refusal to perform the same be in issue, the court shall proceed summarily to the trial thereof. If no jury trial be demanded by the party alleged to be in default, or if the matter in dispute is within admiralty jurisdiction, the court shall hear and determine such issue. Where such an issue is raised, the party alleged to be in default may, except in cases of admiralty, on or before the return day of the notice of application, demand a jury trial of such issue, and upon such demand the court shall make an order referring the issue or issues to a jury in the manner provided by the Federal Rules of Civil Procedure, or may specially call a jury for that purpose. If the jury find that no agreement in writing for arbitration was made or that there is no default in proceeding thereunder, the proceeding shall be dismissed. If the jury find that an agreement for arbitration was made in writing and that there is a default in proceeding thereunder, the court shall make an order summarily directing the parties to proceed with the arbitration in accordance with the terms thereof.

(July 30, 1947, ch. 392, 61 Stat. 671; Sept. 3, 1954, ch. 1263, § 19, 68 Stat. 1233.)

DERIVATION

Act Feb. 12, 1925, ch. 213, § 4, 43 Stat. 883.

Editorial Notes

REFERENCES IN TEXT

Federal Rules of Civil Procedure, referred to in text, are set out in Appendix to Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

1954—Act Sept. 3, 1954, brought section into conformity with present terms and practice.

§ 5. Appointment of arbitrators or umpire

If in the agreement provision be made for a method of naming or appointing an arbitrator or arbitrators or an umpire, such method shall be followed; but if no method be provided therein, or if a method be provided and any party thereto shall fail to avail himself of such method, or if for any other reason there shall be a lapse in the naming of an arbitrator or arbitrators or umpire, or in filling a vacancy, then upon the application of either party to the controversy the court shall designate and appoint an arbitrator or arbitrators or umpire, as the case may require, who shall act under the said agreement with the same force and effect as if he or they had been specifically named therein; and unless otherwise provided in the agreement the arbitration shall be by a single arbitrator.

(July 30, 1947, ch. 392, 61 Stat. 671.)

DERIVATION

Act Feb. 12, 1925, ch. 213, § 5, 43 Stat. 884.

§ 6. Application heard as motion

Any application to the court hereunder shall be made and heard in the manner provided by