

§ 11. Same; modification or correction; grounds; order

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9 of this title; title 5 sections 580, 581; title 41 section 607.

§ 12. Notice of motions to vacate or modify; service; stay of proceedings

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 sections 580, 581; title 41 section 607.

§ 13. Papers filed with order on motions; judgment; docketing; force and effect; enforcement

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 sections 580, 581; title 41 section 607.

§ 15. Inapplicability of the Act of State doctrine

CODIFICATION

Another section 15 of this title was renumbered section 16 of this title.

§ 16. Appeals

(a) An appeal may be taken from—

(1) an order—

(A) refusing a stay of any action under section 3 of this title,

(B) denying a petition under section 4 of this title to order arbitration to proceed,

(C) denying an application under section 206 of this title to compel arbitration,

(D) confirming or denying confirmation of an award or partial award, or

(E) modifying, correcting, or vacating an award;

(2) an interlocutory order granting, continuing, or modifying an injunction against an arbitration that is subject to this title; or

(3) a final decision with respect to an arbitration that is subject to this title.

(b) Except as otherwise provided in section 1292(b) of title 28, an appeal may not be taken from an interlocutory order—

(1) granting a stay of any action under section 3 of this title;

(2) directing arbitration to proceed under section 4 of this title;

(3) compelling arbitration under section 206 of this title; or

(4) refusing to enjoin an arbitration that is subject to this title.

(Added Pub. L. 100-702, title X, § 1019(a), Nov. 19, 1988, 102 Stat. 4670, § 15; renumbered § 16, Pub. L. 101-650, title III, § 325(a)(1), Dec. 1, 1990, 104 Stat. 5120.)

AMENDMENTS

1990—Pub. L. 101-650 renumbered the second section 15 of this title as this section.

CHAPTER 2—CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

§ 202. Agreement or award falling under the Convention

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 302 of this title.

§ 203. Jurisdiction; amount in controversy

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 204, 302 of this title.

§ 204. Venue

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 302 of this title.

§ 205. Removal of cases from State courts

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 302 of this title.

§ 207. Award of arbitrators; confirmation; jurisdiction; proceeding

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 302 of this title.

CHAPTER 3—INTER-AMERICAN CONVENTION ON INTERNATIONAL COMMERCIAL ARBITRATION

Sec.

301.	Enforcement of Convention.
302.	Incorporation by reference.
303.	Order to compel arbitration; appointment of arbitrators; locale.
304.	Recognition and enforcement of foreign arbitral decisions and awards; reciprocity.
305.	Relationship between the Inter-American Convention and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958.
306.	Applicable rules of Inter-American Commercial Arbitration Commission.
307.	Chapter 1; residual application.

§ 301. Enforcement of Convention

The Inter-American Convention on International Commercial Arbitration of January 30, 1975, shall be enforced in United States courts in accordance with this chapter.

(Added Pub. L. 101-369, § 1, Aug. 15, 1990, 104 Stat. 448.)

EFFECTIVE DATE

Section 3 of Pub. L. 101-369 provided that: "This Act [enacting this chapter] shall take effect upon the entry into force of the Inter-American Convention on International Commercial Arbitration of January 30, 1975, with respect to the United States." The Convention was entered into force for the United States on Oct. 27, 1990.

§ 302. Incorporation by reference

Sections 202, 203, 204, 205, and 207 of this title shall apply to this chapter as if specifically set forth herein, except that for the purposes of this chapter "the Convention" shall mean the Inter-American Convention.

(Added Pub. L. 101-369, § 1, Aug. 15, 1990, 104 Stat. 448.)

**§ 303. Order to compel arbitration; appointment of arbitrators; locale**

(a) A court having jurisdiction under this chapter may direct that arbitration be held in accordance with the agreement at any place therein provided for, whether that place is within or without the United States. The court may also appoint arbitrators in accordance with the provisions of the agreement.

(b) In the event the agreement does not make provision for the place of arbitration or the appointment of arbitrators, the court shall direct that the arbitration shall be held and the arbitrators be appointed in accordance with Article 3 of the Inter-American Convention.

(Added Pub. L. 101-369, § 1, Aug. 15, 1990, 104 Stat. 448.)

**§ 304. Recognition and enforcement of foreign arbitral decisions and awards; reciprocity**

Arbitral decisions or awards made in the territory of a foreign State shall, on the basis of reciprocity, be recognized and enforced under this chapter only if that State has ratified or acceded to the Inter-American Convention.

(Added Pub. L. 101-369, § 1, Aug. 15, 1990, 104 Stat. 449.)

**§ 305. Relationship between the Inter-American Convention and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958**

When the requirements for application of both the Inter-American Convention and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958, are met, determination as to which Convention applies shall, unless otherwise expressly agreed, be made as follows:

(1) If a majority of the parties to the arbitration agreement are citizens of a State or States that have ratified or acceded to the Inter-American Convention and are member States of the Organization of American States, the Inter-American Convention shall apply.

(2) In all other cases the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958, shall apply.

(Added Pub. L. 101-369, § 1, Aug. 15, 1990, 104 Stat. 449.)

**§ 306. Applicable rules of Inter-American Commercial Arbitration Commission**

(a) For the purposes of this chapter the rules of procedure of the Inter-American Commercial Arbitration Commission referred to in Article 3 of the Inter-American Convention shall, subject to subsection (b) of this section, be those rules as promulgated by the Commission on July 1, 1988.

(b) In the event the rules of procedure of the Inter-American Commercial Arbitration Commission are modified or amended in accordance with the procedures for amendment of the rules of that Commission, the Secretary of State, by regulation in accordance with section 553 of title 5, consistent with the aims and purposes of this Convention, may prescribe that such modifications or amendments shall be effective for purposes of this chapter.

(Added Pub. L. 101-369, § 1, Aug. 15, 1990, 104 Stat. 449.)

**§ 307. Chapter 1; residual application**

Chapter 1 applies to actions and proceedings brought under this chapter to the extent chapter 1 is not in conflict with this chapter or the Inter-American Convention as ratified by the United States.

(Added Pub. L. 101-369, § 1, Aug. 15, 1990, 104 Stat. 449.)

