

Public Law 91-368

AN ACT

To implement the Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 9, United States Code, is amended by adding:

“Chapter 2.—CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

“Sec.

“201. Enforcement of Convention.

“202. Agreement or award falling under the Convention.

“203. Jurisdiction; amount in controversy.

“204. Venue.

“205. Removal of cases from State courts.

“206. Order to compel arbitration; appointment of arbitrators.

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

“208. Chapter 1; residual application.

“§ 201. Enforcement of Convention

“The Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958, shall be enforced in United States courts in accordance with this chapter.

“§ 202. Agreement or award falling under the Convention

“An arbitration agreement or arbitral award arising out of a legal relationship, whether contractual or not, which is considered as commercial, including a transaction, contract, or agreement described in section 2 of this title, falls under the Convention. An agreement or award arising out of such a relationship which is entirely between citizens of the United States shall be deemed not to fall under the Convention unless that relationship involves property located abroad, envisages performance or enforcement abroad, or has some other reasonable relation with one or more foreign states. For the purpose of this section a corporation is a citizen of the United States if it is incorporated or has its principal place of business in the United States.

“§ 203. Jurisdiction; amount in controversy

“An action or proceeding falling under the Convention shall be deemed to arise under the laws and treaties of the United States. The district courts of the United States (including the courts enumerated in section 460 of title 28) shall have original jurisdiction over such an action or proceeding, regardless of the amount in controversy.

“§ 204. Venue

“An action or proceeding over which the district courts have jurisdiction pursuant to section 203 of this title may be brought in any such court in which save for the arbitration agreement an action or proceeding with respect to the controversy between the parties could be brought, or in such court for the district and division which embraces the place designated in the agreement as the place of arbitration if such place is within the United States.

“§ 205. Removal of cases from State courts

“Where the subject matter of an action or proceeding pending in a State court relates to an arbitration agreement or award falling under the Convention, the defendant or the defendants may, at any time before the trial thereof, remove such action or proceeding to the district court of the United States for the district and division embracing the place where the action or proceeding is pending. The procedure for removal of causes otherwise provided by law shall apply, except

July 31, 1970
[S. 3274]

Convention on
the Recognition
and Enforcement
of Foreign Arbitral
Awards,
Implementation.

61 Stat. 670,
9 USC 2.

65 Stat. 725;
72 Stat. 348.

that the ground for removal provided in this section need not appear on the face of the complaint but may be shown in the petition for removal. For the purposes of Chapter 1 of this title any action or proceeding removed under this section shall be deemed to have been brought in the district court to which it is removed.

61 Stat. 670.
9 USC 1-14.

§ 206. Order to compel arbitration ; appointment of arbitrators

“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. Such court may also appoint arbitrators in accordance with the provisions of the agreement.

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

“Within three years after an arbitral award falling under the Convention is made, any party to the arbitration may apply to any court having jurisdiction under this chapter for an order confirming the award as against any other party to the arbitration. The court shall confirm the award unless it finds one of the grounds for refusal or deferral of recognition or enforcement of the award specified in the said Convention.

§ 208. Chapter 1 ; residual application

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

SEC. 2. Title 9, United States Code, is further amended by inserting at the beginning:

“Chapter	Sec.
1. General provisions.....	1
2. Convention on the Recognition and Enforcement of Foreign Arbitral Awards.....	201”

SEC. 3. Sections 1 through 14 of title 9, United States Code, are designated “Chapter 1” and the following heading is added immediately preceding the analysis of sections 1 through 14:

“Chapter 1.—GENERAL PROVISIONS”

SEC. 4. This Act shall be effective upon the entry into force of the Convention on Recognition and Enforcement of Foreign Arbitral Awards with respect to the United States.

Effective date.

Approved July 31, 1970.

Public Law 91-369

AN ACT

To authorize the Public Printer to grant time off as compensation for overtime worked by certain employees of the Government Printing Office, and for other purposes.

July 31, 1970
[H. R. 14453]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 305 of title 44, United States Code, is amended—

G.P.O. employees.
Compensatory time.
82 Stat. 1240.

(1) by inserting “(a)” immediately before “The Public Printer may employ journeymen”; and

(2) by adding at the end thereof the following new subsection:

“(b) The Public Printer may grant an employee paid on an annual basis compensatory time off from duty instead of overtime pay for overtime work.”

Approved July 31, 1970.