

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

Chap.		Sec.
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
158.	Orders of Federal Agencies; Review	2341
159.	Interpleader	2361
161.	United States as Party Generally ...	2401
163.	Fines, Penalties and Forfeitures	2461
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	Repealed.]	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	Repealed.]	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

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

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.

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.

(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.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on title 28, U.S.C., 1940 ed., §400 (Mar. 3, 1911, ch. 231, §274d, as added June 14, 1934, ch. 512, 48 Stat. 955; Aug. 30, 1935, ch. 829, §405, 49 Stat. 1027).

This section is based on the first paragraph of section 400 of title 28, U.S.C., 1940 ed. Other provisions of such section are incorporated in section 2202 of this title.

While this section does not exclude declaratory judgments with respect to State taxes, such suits will not ordinarily be entertained in the courts of the United States where State law makes provision for payment under protest and recovery back or otherwise affords adequate remedy in the State courts. See *Great Lakes Dredge & Dock Co. v. Huffman*, La. 1943, 63 S.Ct. 1070, 319 U.S. 293, 87 L.Ed. 1407. See also *Spector Motor Service v. McLaughlin*, Conn. 1944, 65 S.Ct. 152, 323 U.S. 101, 89 L.Ed. 101. See also section 1341 of this title forbidding district courts to restrain enforcements of State taxes where State courts afford plain, speedy, and efficient remedy.

Changes were made in phraseology.

1949 ACT

Section corrects a typographical error in section 2201 of title 28, U.S.C.

¹ So in original.