

Public Law 89-773

AN ACT

November 6, 1966
[S. 3254]

To amend sections 2072 and 2112 of title 28, United States Code, with respect to the scope of the Federal Rules of Civil Procedure and to repeal inconsistent legislation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the catchline and first paragraph of section 2072 of title 28 of the United States Code are amended so as to read as follows:

Federal Rules of Civil Procedure.

“§ 2072. Rules of civil procedure

District courts and U.S. courts of appeals.
62 Stat. 961.

“The Supreme Court shall have the power to prescribe by general rules, the forms of process, writs, pleadings, and motions, and the practice and procedure of the district courts and courts of appeals of the United States in civil actions, including admiralty and maritime cases, and appeals therein, and the practice and procedure in proceedings for the review by the courts of appeals of decisions of the Tax Court of the United States and for the judicial review or enforcement of orders of administrative agencies, boards, commissions, and officers.”

SEC. 2. Sections 2073 and 2074 of title 28 of the United States Code are repealed, but their repeal shall not operate to invalidate or repeal rules adopted under the authority of one of those sections prior to the enactment of this Act, which rules shall remain in effect until superseded by rules prescribed under the authority of section 2072 of title 28 of the United States Code as amended by this Act.

Repeal.

SEC. 3. Item 2072 in the analysis of chapter 131 of title 28 of the United States Code, appearing immediately preceding section 2071 thereof, is amended so as to read as follows:

“Sec. 2072. Rules of civil procedure.”,

and items 2073 and 2074 are stricken from such analysis.

SEC. 4. Section 2352 of title 28 of the United States Code and item 2352 in the analysis of chapter 158 of title 28 of the United States Code, are repealed, but its repeal shall not operate to invalidate or repeal rules adopted under the authority of that section prior to the enactment of this Act, which rules shall remain in effect until superseded by rules prescribed under the authority of section 2072 of title 28 of the United States Code as amended by this Act.

Repeal.
Ante, p. 624.

SEC. 5. (a) The first sentence of subsection (a) of section 2112 of title 28 of the United States Code is amended to read as follows: “The rules prescribed under the authority of section 2072 of this title may provide for the time and manner of filing and the contents of the record in all proceedings instituted in the courts of appeals to enjoin, set aside, suspend, modify, or otherwise review or enforce orders of administrative agencies, boards, commissions, and officers.”

Agency orders.
72 Stat. 941.
Record on review and enforcement.

(b) The first sentence of subsection (b) of section 2112 of title 28 of the United States Code is amended by striking out the phrase “the said rules of the court of appeals” and striking out the phrase “the rules of such court” and inserting in lieu of each of such phrases the phrase “the rules prescribed under the authority of section 2072 of this title”.

(c) 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, 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.

Approved November 6, 1966.