

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-90 applicable with respect to any dispute or claim that arises or accrues on or after Mar. 3, 2022, see section 3 of Pub. L. 117-90, set out as an Effective Date note under section 401 of this title.

EFFECTIVE DATE

Section effective upon the entry into force of the Convention on Recognition and Enforcement of Foreign Arbitral Awards with respect to the United States (Dec. 29, 1970), see section 4 of Pub. L. 91-368, set out as a note under section 201 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.	Application.

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-90, §2(b)(2)(B), Mar. 3, 2022, 136 Stat. 27, substituted “Application” for “Chapter 1; residual application” in item 307.

§ 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.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 101-369, §3, Aug. 15, 1990, 104 Stat. 450, 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 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.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective upon the entry into force of the Inter-American Convention on International Commer-

cial Arbitration of January 30, 1975, with respect to the United States (Oct. 27, 1990), see section 3 of Pub. L. 101-369, set out as a note under section 301 of this title.

§ 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.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective upon the entry into force of the Inter-American Convention on International Commercial Arbitration of January 30, 1975, with respect to the United States (Oct. 27, 1990), see section 3 of Pub. L. 101-369, set out as a note under section 301 of this title.

§ 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.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective upon the entry into force of the Inter-American Convention on International Commercial Arbitration of January 30, 1975, with respect to the United States (Oct. 27, 1990), see section 3 of Pub. L. 101-369, set out as a note under section 301 of this title.

§ 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.