

–CITE–

28 USC CHAPTER 125 – PENDING ACTIONS AND JUDGMENTS 01/06/03

–EXPCITE–

TITLE 28 – JUDICIARY AND JUDICIAL PROCEDURE

PART V – PROCEDURE

CHAPTER 125 – PENDING ACTIONS AND JUDGMENTS

–HEAD–

CHAPTER 125 – PENDING ACTIONS AND JUDGMENTS

–MISC1–

Sec.

1961. Interest.

1962. Lien.

1963. Registration of judgments for enforcement in other districts.

[1963A. Repealed.]

1964. Constructive notice of pending actions.

AMENDMENTS

1996 – Pub. L. 104–317, title II, Sec. 203(b), Oct. 19, 1996, 110

Stat. 3850, substituted "for enforcement in other districts" for "of the district courts and the Court of International Trade" in item 1963.

1988 – Pub. L. 100–702, title X, Sec. 1002(b)(3), Nov. 19, 1988, 102 Stat. 4664, substituted "Registration of judgments of the district courts and the Court of International Trade" for "Registration in other districts" in item 1963 and repealed item

1963A "Registration of judgments of the Court of International Trade".

1980 – Pub. L. 96–417, title V, Sec. 511(b), Oct. 10, 1980, 94 Stat. 1743, added item 1963A.

1958 – Pub. L. 85–689, Sec. 1(b), (c), Aug. 20, 1958, 72 Stat.

683, substituted "CHAPTER 125 – PENDING ACTIONS AND JUDGMENTS" for "CHAPTER 125 – JUDGMENTS" in chapter heading and added item 1964.

–End–

–CITE–

28 USC Sec. 1961 01/06/03

–EXPCITE–

TITLE 28 – JUDICIARY AND JUDICIAL PROCEDURE

PART V – PROCEDURE

CHAPTER 125 – PENDING ACTIONS AND JUDGMENTS

–HEAD–

Sec. 1961. Interest

–STATUTE–

(a) Interest shall be allowed on any money judgment in a civil case recovered in a district court. Execution therefor may be levied by the marshal, in any case where, by the law of the State in which such court is held, execution may be levied for interest on judgments recovered in the courts of the State. Such interest shall be calculated from the date of the entry of the judgment, at a rate equal to the weekly average 1–year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding.(1) the

date of the judgment. The Director of the Administrative Office of the United States Courts shall distribute notice of that rate and any changes in it to all Federal judges.

(b) Interest shall be computed daily to the date of payment except as provided in section 2516(b) of this title and section 1304(b) of title 31, and shall be compounded annually.

(c)(1) This section shall not apply in any judgment of any court with respect to any internal revenue tax case. Interest shall be allowed in such cases at the underpayment rate or overpayment rate (whichever is appropriate) established under section 6621 of the Internal Revenue Code of 1986.

(2) Except as otherwise provided in paragraph (1) of this subsection, interest shall be allowed on all final judgments against the United States in the United States Court of Appeals for the Federal circuit,(12) at the rate provided in subsection (a) and as provided in subsection (b).

(3) Interest shall be allowed, computed, and paid on judgments of the United States Court of Federal Claims only as provided in paragraph (1) of this subsection or in any other provision of law.

(4) This section shall not be construed to affect the interest on any judgment of any court not specified in this section.

–SOURCE–

(June 25, 1948, ch. 646, 62 Stat. 957; Pub. L. 97–164, title III, Sec. 302(a), Apr. 2, 1982, 96 Stat. 55; Pub. L. 97–258, Sec. 2(m)(1), Sept. 13, 1982, 96 Stat. 1062; Pub. L. 97–452, Sec. 2(d)(1), Jan. 12, 1983, 96 Stat. 2478; Pub. L. 99–514, Sec. 2,

title XV, Sec. 1511(c)(17), Oct. 22, 1986, 100 Stat. 2095, 2745;
Pub. L. 102-572, title IX, Sec. 902(b)(1), Oct. 29, 1992, 106 Stat.
4516; Pub. L. 106-554, Sec. 1(a)(7) [title III, Sec. 307(d)(1)],
Dec. 21, 2000, 114 Stat. 2763, 2763A-636.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Sec. 811 (R.S. Sec. 966;
Mar. 3, 1911, ch. 231, Sec. 291, 36 Stat. 1167).

Changes were made in phraseology.

-REFTEXT-

REFERENCES IN TEXT

Section 6621 of the Internal Revenue Code of 1986, referred to in
subsec. (c)(1), is classified to section 6621 of Title 26, Internal
Revenue Code.

-MISC2-

AMENDMENTS

2000 - Subsec. (a). Pub. L. 106-554 substituted "the weekly
average 1-year constant maturity Treasury yield, as published by
the Board of Governors of the Federal Reserve System, for the
calendar week preceding." for "the coupon issue yield equivalent
(as determined by the Secretary of the Treasury) of the average
accepted auction price for the last auction of fifty-two week
United States Treasury bills settled immediately prior to".

1992 - Subsec. (c)(3). Pub. L. 102-572 substituted "United States
Court of Federal Claims" for "United States Claims Court".

1986 - Subsec. (c)(1). Pub. L. 99-514, Sec. 1511(c)(17),

substituted "the underpayment rate or overpayment rate (whichever is appropriate) established" for "a rate established".

Pub. L. 99-514, Sec. 2, substituted "Internal Revenue Code of 1986" for "Internal Revenue Code of 1954".

1983 – Subsec. (b). Pub. L. 97-452 substituted "section 1304(b) of title 31" for "section 1302 of the Act of July 27, 1956 (31 U.S.C. 724a)".

1982 – Subsec. (a). Pub. L. 97-164, Sec. 302(a)(1), (2), designated existing provisions as subsec. (a), substituted "at a rate equal to the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately prior to the date of the judgment" for "at the rate allowed by State law", and inserted provision that the Director of the Administrative Office of the United States Courts distribute notice of the rate and any changes in it to all Federal judges.

Subsec. (b). Pub. L. 97-258 substituted "this title and section 1304(b)(1) of title 31" for "title 28, United States Code, and section 1302 of the Act of July 27, 1956 (31 U.S.C. 724a)".

Subsecs. (b), (c). Pub. L. 97-164, Sec. 302(a)(3), added subsecs. (b) and (c).

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by section 1511(c)(17) of Pub. L. 99-514 applicable for purposes of determining interest for periods after Dec. 31, 1986, see section 1511(d) of Pub. L. 99-514, set out as a note under section 6621 of Title 26, Internal Revenue Code.

EFFECTIVE DATE OF 1982 AMENDMENTS

Section 2(m) of Pub. L. 97-258 provided that the amendment made by that section is effective Oct. 1, 1982.

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of this title.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2412, 2465 of this title; title 15 section 4303; title 21 section 844a; title 22 section 6082; title 26 section 6622.

–FOOTNOTE–

(11) So in original. The period probably should not appear.

(12) So in original. Probably should be capitalized.

–End–

–CITE–

28 USC Sec. 1962 01/06/03

–EXPCITE–

TITLE 28 – JUDICIARY AND JUDICIAL PROCEDURE

PART V – PROCEDURE

CHAPTER 125 – PENDING ACTIONS AND JUDGMENTS

–HEAD–

Sec. 1962. Lien

–STATUTE–

Every judgment rendered by a district court within a State shall be a lien on the property located in such State in the same manner, to the same extent and under the same conditions as a judgment of a court of general jurisdiction in such State, and shall cease to be a lien in the same manner and time. This section does not apply to judgments entered in favor of the United States. Whenever the law of any State requires a judgment of a State court to be registered, recorded, docketed or indexed, or any other act to be done, in a particular manner, or in a certain office or county or parish before such lien attaches, such requirements shall apply only if the law of such State authorizes the judgment of a court of the United States to be registered, recorded, docketed, indexed or otherwise conformed to rules and requirements relating to judgments of the courts of the State.

–SOURCE–

(June 25, 1948, ch. 646, 62 Stat. 958; Pub. L. 101–647, title XXXVI, Sec. 3627, Nov. 29, 1990, 104 Stat. 4965.)

–MISC1–

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Secs. 812 and 814 (R.S. Sec. 967; Aug. 1, 1888, ch. 729, Sec. 1, 25 Stat. 357; Mar. 3, 1911, ch. 231, Sec. 291, 36 Stat. 1167; Aug. 17, 1912, ch. 300, 37 Stat. 311).

Section consolidates sections 812 and 814 of title 28, U.S.C., 1940 ed., with changes in phraseology necessary to effect consolidation and to clarify the meaning of such sections.

Omitted words "or decree" after "judgments" as unnecessary inasmuch as Rule 54(a) of the Federal Rules of Civil Procedure by definition of judgment includes a decree.

Words "in the State of Louisiana" after "or parish" were omitted as unnecessary.

A reference to section 813 of title 28, U.S.C., 1940 ed., was omitted, since such section is omitted from this revision as covered by Rule 79(c) of the Federal Rules of Civil Procedure.

AMENDMENTS

1990 – Pub. L. 101–647 inserted after first sentence "This section does not apply to judgments entered in favor of the United States."

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–647 effective 180 days after Nov. 29, 1990, see section 3631 of Pub. L. 101–647, set out as an Effective Date note under section 3001 of this title.

–End–

–CITE–

28 USC Sec. 1963 01/06/03

–EXPCITE–

TITLE 28 – JUDICIARY AND JUDICIAL PROCEDURE

PART V – PROCEDURE

CHAPTER 125 – PENDING ACTIONS AND JUDGMENTS

–HEAD–

Sec. 1963. Registration of judgments for enforcement in other districts

–STATUTE–

A judgment in an action for the recovery of money or property entered in any court of appeals, district court, bankruptcy court, or in the Court of International Trade may be registered by filing a certified copy of the judgment in any other district or, with respect to the Court of International Trade, in any judicial district, when the judgment has become final by appeal or expiration of the time for appeal or when ordered by the court that entered the judgment for good cause shown. Such a judgment entered in favor of the United States may be so registered any time after judgment is entered. A judgment so registered shall have the same effect as a judgment of the district court of the district where registered and may be enforced in like manner.

A certified copy of the satisfaction of any judgment in whole or in part may be registered in like manner in any district in which the judgment is a lien.

The procedure prescribed under this section is in addition to other procedures provided by law for the enforcement of judgments.

–SOURCE–

(June 25, 1948, ch. 646, 62 Stat. 958; Aug. 23, 1954, ch. 837, 68 Stat. 772; Pub. L. 85–508, Sec. 12(o), July 7, 1958, 72 Stat. 349; Pub. L. 100–702, title X, Sec. 1002(a), (b)(1), Nov. 19, 1988, 102 Stat. 4664; Pub. L. 101–647, title XXXVI, Sec. 3628, Nov. 29, 1990,

104 Stat. 4965; Pub. L. 104–317, title II, Sec. 203(a), Oct. 19, 1996, 110 Stat. 3849.)

–MISC1–

HISTORICAL AND REVISION NOTES

This section follows the recommendation of the Supreme Court's Advisory Committee on Federal Rules of Civil Procedure (1937) which included the following rule:

"Rule 77. Registration of judgments in other district courts. A judgment entered in any district court and which has become final through expiration of the time for appeal or by mandate on appeal may be registered in any other district court by filing therein an authenticated copy of the judgment. When so registered the judgment shall have the same effect and like proceedings for its enforcement may be taken thereon in the court in which it is registered as if the judgment had been originally entered by that court. If in the court in which the judgment was originally entered, the judgment has been satisfied in whole or in part or if an order has been made modifying or vacating it or affecting or suspending its operation, the party procuring the registration shall and any other party may file authenticated copies of the satisfaction or order with the court in which the judgment is registered. This rule shall not be construed to limit the effect of the Act of February 20, 1905, c. 592, Sec. 20 (33 Stat. 729), as amended, U.S.C., title 15, Sec. 100; or the Act of March 4, 1909, c. 320, Secs. 36 and 37 (35 Stat. 1084), U.S.C., title 17, Secs. 36 and 37; or Sec. 56 of the Judicial Code, U.S.C., title 28, Sec. 117; or to authorize the

registration elsewhere of an order or a judgment rendered in a divorce action in the District of Columbia."

Section 2508 of this title provides for the registration of judgments of the Court of Claims in favor of the United States in any district. See, also, section 2413 of this title.

The phrase "for the recovery of money or property" was not in the committee's draft of Rule 77 of Federal Rules of Civil Procedure but was inserted in the revised section to exclude judgments in divorce actions, and any other actions, the registration of which would serve no useful purpose.

AMENDMENTS

1996 – Pub. L. 104–317 in section catchline substituted "for enforcement in other districts" for "of the district courts and the Court of International Trade", in first undesignated par. substituted "court of appeals, district court, bankruptcy court," for "district court" and "copy of the judgment" for "copy of such judgment", and added undesignated par. at end.

1990 – Pub. L. 101–647 inserted after first sentence "Such a judgment entered in favor of the United States may be so registered any time after judgment is entered."

1988 – Pub. L. 100–702 substituted "Registration of judgments of the district courts and the Court of International Trade" for "Registration in other districts" in section catchline and amended first sentence generally. Prior to amendment, first sentence read as follows: "A judgment in an action for the recovery of money or property now or hereafter entered in any district court which has

become final by appeal or expiration of time for appeal may be registered in any other district by filing therein a certified copy of such judgment."

1958 – Pub. L. 85–508 struck out provisions which extended provisions of section to District Court for Territory of Alaska. See section 81A of this title which establishes a United States District Court for the State of Alaska.

1954 – Act Aug. 23, 1954, extended provisions of section to District Court for Territory of Alaska.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–647 effective 180 days after Nov. 29, 1990, see section 3631 of Pub. L. 101–647, set out as an Effective Date note under section 3001 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 1002(c) of title X of Pub. L. 100–702 provided that: "The amendments made by this section [amending this section and repealing section 1963A of this title] take effect 90 days after the date of enactment of this title [Nov. 19, 1988]."

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85–508 effective Jan. 3, 1959, on admission of Alaska into the Union pursuant to Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85–508, see notes set out under section 81A of this title and preceding section 21 of Title 48, Territories and Insular Possessions.

–End–

–CITE–

28 USC Sec. 1963A 01/06/03

–EXPCITE–

TITLE 28 – JUDICIARY AND JUDICIAL PROCEDURE

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–HEAD–

[Sec. 1963A. Repealed. Pub. L. 100–702, title X, Sec. 1002(b)(2),
Nov. 19, 1988, 102 Stat. 4664]

–MISC1–

Section, added Pub. L. 96–417, title V, Sec. 511(a), Oct. 10,
1980, 94 Stat. 1743, provided for registration of judgments of the
Court of International Trade. See section 1963 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective 90 days after Nov. 19, 1988, see section 1002(c)
of Pub. L. 100–702, set out as an Effective Date of 1988 Amendment
note under section 1963 of this title.

–End–

–CITE–

28 USC Sec. 1964 01/06/03

–EXPCITE–

TITLE 28 – JUDICIARY AND JUDICIAL PROCEDURE

PART V – PROCEDURE

CHAPTER 125 – PENDING ACTIONS AND JUDGMENTS

–HEAD–

Sec. 1964. Constructive notice of pending actions

–STATUTE–

Where the law of a State requires a notice of an action concerning real property pending in a court of the State to be registered, recorded, docketed, or indexed in a particular manner, or in a certain office or county or parish in order to give constructive notice of the action as it relates to the real property, and such law authorizes a notice of an action concerning real property pending in a United States district court to be registered, recorded, docketed, or indexed in the same manner, or in the same place, those requirements of the State law must be complied with in order to give constructive notice of such an action pending in a United States district court as it relates to real property in such State.

–SOURCE–

(Added Pub. L. 85–689, Sec. 1(a), Aug. 20, 1958, 72 Stat. 683.)

–MISC1–

EFFECTIVE DATE

Section 2 of Pub. L. 85–689 provided that: "The amendments made by this Act [enacting this section] shall only be effective with respect to actions commenced in United States district courts more than one hundred and eighty days after the date of enactment of this Act [Aug. 20, 1958]."

–End–