

Rule 44. Challenges to Statutes of the United States or the District of Columbia.

(a) Constitutional Challenge to a Federal Statute. If, in a proceeding in this court in which the United States, or its agency, officer, or employee is not a party in an official capacity, a party questions the constitutionality of an Act of Congress, the questioning party must give written notice to the Clerk immediately upon the filing of the record or as soon as the question is raised in this court. The Clerk must then certify that fact to the Attorney General.

(b) Challenge to a District of Columbia Statute. If, in a proceeding in this court in which the District of Columbia or its agency, officer, or employee is not a party in an official capacity, a party questions the constitutionality of an act of the Council of the District of Columbia or the validity of such an act under the District of Columbia Self-Government and Reorganization Act, the questioning party must give written notice to the Clerk immediately upon the filing of the record or as soon as the question is raised in this court. The Clerk must then certify this fact to the Office of the Attorney General for the District of Columbia. For purposes of this rule, the District of Columbia or its agency, officer, or employee will not be considered a party to the proceedings unless represented by the Attorney General.