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96TH CONGRESS
1ST SESSION**S. 1654**

[Report No. 96-466]

To improve the Federal judicial machinery by clarifying and revising certain provisions of title 28, United States Code, relating to the judiciary and judicial review of international trade matters, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 2 (legislative day, JUNE 21), 1979

Mr. DECONCINI introduced the following bill; which was read twice and referred to the Committee on the Judiciary

DECEMBER 7 (legislative day, NOVEMBER 29), 1979

Reported by Mr. DECONCINI, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To improve the Federal judicial machinery by clarifying and revising certain provisions of title 28, United States Code, relating to the judiciary and judicial review of international trade matters, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That this Act may be cited as the "Customs Courts Act of
2 1979".

3 TITLE I—PURPOSE

4 SEC. 101. The Congress declares that the purposes of
5 this Act are—

6 (a) to provide for a comprehensive system of judi-
7 cial review of civil actions arising from import transac-
8 tions, utilizing, whenever possible, the specialized ex-
9 pertise of the United States Customs Court and Court
10 of Customs and Patent Appeals and insuring uniform-
11 ity afforded by the national jurisdiction of these courts;

12 (b) to assure access to judicial review of civil ac-
13 tions arising from import transactions, which access is
14 not presently assured due to jurisdictional conflicts
15 arising from the present ill-defined division of jurisdic-
16 tion between the district courts and the customs courts;

17 (c) to provide expanded opportunities for judicial
18 review of civil actions arising from import transactions;

19 (d) to grant to the customs courts the plenary
20 powers possessed by other courts established under ar-
21 ticle III of the Constitution; and

22 (e) to change the name of the United States Cus-
23 toms Court to the United States Court of International
24 Trade to be more descriptive of its expanded jurisdic-

1 tion and its new judicial function and purpose relating
2 to international trade in the United States.

3 **TITLE II—COMPOSITION OF THE COURT OF IN-**
4 **TERNATIONAL TRADE AND ASSIGNMENT OF**
5 **JUDGES TO OTHER COURTS**

6 **SEC. 201.** Section 251 of title 28, United States Code,
7 is amended by striking out the first and second paragraphs of
8 such section and inserting in lieu thereof the following:

9 "The President shall appoint, by and with the advice
10 and consent of the Senate, a chief judge and eight judges who
11 shall constitute a court of record known as the United States
12 Court of International Trade. The Court is a court estab-
13 lished under article III of the Constitution of the United
14 States. The chief judge shall be less than seventy years of
15 age and shall continue as chief judge until he reaches such
16 age, at which time the President shall, by and with the
17 advice and consent of the Senate, appoint a new chief judge.
18 The chief judge may continue to serve after reaching seventy
19 years of age until the appointment of a successor is confirmed
20 by the Senate."

21 **SEC. 202.** (a) Section 203(b) of title 28, United States
22 Code, is amended by striking out all that appears after
23 "duties", and inserting in lieu thereof the following: "in any
24 circuit, either in a court of appeals or district court, upon

1 presentation of a certificate of necessity by the chief judge or
2 circuit justice of the circuit in which the need arises.”

3 (b) Section 293(d) of title 28, United States Code, is
4 amended to read as follows:

5 “(d) The chief judge of the Court of International Trade
6 may, upon presentation to him of a certificate of necessity by
7 the chief judge of the Court of Customs and Patent Appeals
8 or the chief judge of the Court of Claims, designate and
9 assign temporarily any judge of the Court of International
10 Trade to serve as a judge of the Court of Customs and
11 Patent Appeals or the Court of Claims.”

12 **TITLE III—JURISDICTION OF THE COURT OF**
13 **INTERNATIONAL TRADE**

14 **SEC. 301.** Sections 1581 and 1582 of title 28, United
15 States Code, are repealed.

16 **SEC. 302.** Chapter 95 of title 28, United States Code, is
17 amended to read as follows:

18 **“CHAPTER 95—COURT OF INTERNATIONAL TRADE**

“Sec.

“1581. Civil actions against the United States.

“1582. Civil actions commenced by the United States.

“1583. Setoffs, demands, and counterclaims.

“1584. Cure of defects.

“1585. Powers generally.

19 **“§ 1581. Civil actions against the United States**

20 “(a) The Court of International Trade shall have exclu-
21 sive jurisdiction of civil actions instituted by any person
22 whose protest pursuant to the Tariff Act of 1930 has been

1 denied, in whole or in part, by the appropriate customs offi-
2 cer, where the administrative decision, including the legality
3 of all orders and findings entering into the same, involves: (1)
4 the appraised value of merchandise; (2) the classification and
5 rate and amount of duties chargeable; (3) all charges or exae-
6 tions of whatever character within the jurisdiction of the Sec-
7 retary of the Treasury; (4) the exclusion of merchandise from
8 entry or delivery under any provisions of the customs laws;
9 (5) the liquidation or reliquidation of an entry, or a modifica-
10 tion thereof; (6) the refusal to pay a claim for drawback; or
11 (7) the refusal to reliquidate an entry under section 520(e) of
12 the Tariff Act of 1930.

13 “(b) The Court of International Trade shall have exclu-
14 sive jurisdiction of civil actions instituted pursuant to sections
15 516 and 516A of the Tariff Act of 1930.

16 “(c) After the decision of the President has become
17 final, the Court of International Trade shall have exclusive
18 jurisdiction to review advice, findings, recommendations, and
19 determinations of the International Trade Commission pursu-
20 ant to sections 131, 201, 202, 203, 301, 406, and 503 of the
21 Trade Act of 1974, sections 336 and 338 of the Tariff Act of
22 1930, and section 22 of the Agricultural Adjustment Act,
23 solely for the purpose of determining the procedural regular-
24 ity of those actions.

1 “(d) After the decision of the President has become
2 final, the Court of International Trade shall have exclusive
3 jurisdiction to review the actions of the Office of the Special
4 Trade Representative pursuant to section 302(b)(1) and 304
5 of the Trade Act of 1974, solely for the purposes of deter-
6 mining the procedural regularity of those actions.

7 “(e) The Court of International Trade shall have exclu-
8 sive jurisdiction to review any decision of the Secretary of
9 Labor or the Secretary of Commerce certifying or refusing to
10 certify workers, communities, or businesses as eligible for ad-
11 justment assistance under the Trade Act of 1974. No injunc-
12 tion or writ of mandamus shall be issued in any case arising
13 under this subsection.

14 “(f) The Court of International Trade shall have exclu-
15 sive jurisdiction of any civil action brought by a party-at-
16 interest to review a final determination made under section
17 305(b)(1) of the Trade Agreements Act of 1979.

18 “(g) The Court of International Trade shall have exclu-
19 sive jurisdiction of any application for the issuance of a pro-
20 tective order under section 777(e)(2) of the Tariff Act of
21 1930.

22 “(h) In addition to the jurisdiction conferred upon the
23 Court of International Trade by this section, and subject to
24 the exceptions contained in paragraph (i), the Court of Inter-
25 national Trade shall have exclusive jurisdiction over all civil

1 actions against the United States, its agencies and its officers
2 which arise directly from import transactions and which arise
3 under the Tariff Act of 1930, the Trade Expansion Act of
4 1962, the Trade Act of 1974, or the Trade Agreements Act
5 of 1979.

6 “(i) The Court of International Trade shall not have
7 jurisdiction—

8 “(1) of any civil action arising under section 305
9 of the Tariff Act of 1930; or

10 “(2) to review any advice relating to classifica-
11 tion, valuation, rate of duty, marking, restricted mer-
12 chandise, entry requirements, drawbacks, vessel re-
13 pairs, and similar matters issued by the Secretary of
14 the Treasury to members of the public or members of
15 the Customs Service other than in connection with a
16 civil action instituted pursuant to subsections (a) and
17 (b) of this section: *Provided*, That this subsection shall
18 not apply if a member of the public demonstrates that
19 without substantial doubt, it would be commercially
20 impractical to obtain judicial review pursuant to sub-
21 sections (a) and (b) of this section.

22 **“§ 1582. Civil actions commenced by the United States**

23 “(a) The Court of International Trade shall have juris-
24 diction, upon transfer from a district court, over any civil

1 action which arises from an import transaction and which has
2 been instituted by the United States to—

3 “(1) recover a civil fine or penalty or enforce a
4 forfeiture imposed under any revenue statute adminis-
5 tered by the Customs Service;

6 “(2) recover upon a bond relating to the importa-
7 tion of merchandise required by the laws of the United
8 States or by the Secretary of the Treasury; or

9 “(3) recover customs duties.

10 “(b) A defendant may transfer a civil action referred to
11 in subsection (a) of this section by filing a motion to transfer
12 in the district court in which the action is pending.

13 “(c) The motion to transfer shall be filed within thirty
14 days after the service upon a defendant of a copy of the com-
15 plaint.

16 “(d)(1) Upon receipt of a motion to transfer, the district
17 court shall determine whether the civil action is an action
18 described in subsection (a) of this section. If the determina-
19 tion of the district court is affirmative, it shall order the
20 transfer.

21 “(2) In the case of a civil action described in subsection
22 (a) of this section, the United States shall be afforded an op-
23 portunity to object to the transfer and, if the United States
24 objects, such motion shall be granted only if the district court
25 determines that the civil action involves a substantial ques-

1 tion, other than the amount of any penalty involved, as to the
2 proper classification or valuation of imported merchandise.
3 The decision of the district court upon such motion shall be
4 final and conclusive and shall not be reviewable on appeal or
5 otherwise, except on appeal from a final judgment on the
6 merits.

7 “(c) Within ten days after the issuance of an order of
8 transfer, the clerk of the district court shall transmit copies of
9 all pleadings and documents to the Court of International
10 Trade.

11 “(f) Upon receipt of the copies of the pleadings and doc-
12 uments, the civil action shall be heard by the Court of Inter-
13 national Trade, sitting without a jury, and unless the parties
14 otherwise agree, the trial or hearing of the civil action shall
15 take place within the judicial district in which the civil action
16 was first instituted, as if the civil action had been instituted in
17 the Court of International Trade in the first instance.

18 “(g) The relevant provisions of sections 2461, 2462,
19 2463, 2464, and 2465 of this title shall apply in any action
20 transferred to the Court of International Trade pursuant to
21 this section.

22 **“§ 1582. Setoffs, demands, and counterclaims**

23 ““The Court of International Trade shall have jurisdic-
24 tion to render judgment upon any setoff, demand, or counter-
25 claim asserted by the United States which arises out of the

1 same import transaction pending before the Court or a claim
2 to recover upon a bond relating to the importation of mer-
3 chandise or to recover customs duties.

4 **“§ 1584. Cure of defects**

5 “(a) If a civil action within the exclusive jurisdiction of
6 the Court of International Trade is filed in a district court,
7 the district court shall, in the interest of justice, transfer such
8 civil action to the Court of International Trade, where the
9 civil action shall proceed as if it had been filed in the Court of
10 International Trade on the date it was filed in the district
11 court.

12 “(b) If a civil action within the exclusive jurisdiction of a
13 district court or a court of appeals is filed in the Court of
14 International Trade, the Court of International Trade shall,
15 in the interest of justice, transfer such civil action to the ap-
16 propriate district court or court of appeals where the civil
17 action shall proceed as if it had been filed in the district court
18 or court of appeals on the date it was filed in the Court of
19 International Trade.

20 **“§ 1585. Powers generally**

21 “‘The Court of International Trade shall possess all the
22 powers in law and equity of, or as conferred by statute upon,
23 a district court of the United States.’”

1 **TITLE IV—COURT OF INTERNATIONAL TRADE**
 2 **PROCEDURE**

3 **SEC. 401.** Chapter 169 of title 28, United States Code,
 4 is amended to read as follows:

5 ~~**“CHAPTER 169—COURT OF INTERNATIONAL TRADE**~~
 6 **PROCEDURE**

~~“Sec.~~

~~“2631. Persons entitled to commence a civil action.~~

~~“2632. Commencement of a civil action.~~

~~“2633. Procedure and fees.~~

~~“2634. Notice.~~

~~“2635. Filing of official documents.~~

~~“2636. Time for commencement of action.~~

~~“2637. Exhaustion of administrative remedies.~~

~~“2638. New grounds in support of a civil action.~~

~~“2639. Burden of proof; evidence of value.~~

~~“2640. Scope and standard of review.~~

~~“2641. Witnesses; inspection of documents.~~

~~“2642. Analysis of imported merchandise.~~

~~“2643. Relief.~~

~~“2644. Decisions; findings of fact and conclusions of law; effect of opinions.~~

~~“2645. Retrial or rehearing.~~

~~“2646. Precedence of cases.~~

7 ~~**“§ 2631. Persons entitled to commence a civil action**~~

8 ~~“(a) A civil action contesting the denial, in whole or in~~
 9 ~~part, of a protest under section 515 of the Tariff Act of 1930~~
 10 ~~may be instituted in the Court of International Trade by any~~
 11 ~~person entitled to file a protest pursuant to section 514 of the~~
 12 ~~Tariff Act of 1930.~~

13 ~~“(b) A civil action contesting the denial, in whole or in~~
 14 ~~part, of a petition under section 516 of the Tariff Act of 1930~~
 15 ~~may be instituted in the Court of International Trade by any~~
 16 ~~domestic interested party.~~

1 “(e) A civil action contesting a determination listed in
2 section 516A of the Tariff Act of 1930 may be instituted in
3 the Court of International Trade by any interested party who
4 is a party to the proceeding in connection with which the
5 matter arises.

6 “(d) A civil action to review a final determination made
7 under section 305(b)(1) of the Trade Agreements Act of 1979
8 may be instituted by a party-at-interest.

9 “(e) A civil action involving applications for orders di-
10 recting the administering authority or the International
11 Trade Commission to make confidential information available
12 pursuant to section 777(e)(2) of the Tariff Act of 1930 may
13 be filed in the Court of International Trade by any interested
14 party who is a party to the administrative proceeding.

15 “(f) A civil action, other than one instituted pursuant to
16 section 777(e)(2) of the Tariff Act of 1930 or one contesting
17 the denial of a protest under section 515, the denial of a
18 petition under section 516, a determination under section
19 516A of the Tariff Act, or a determination under section
20 305(b)(1) of the Trade Agreements Act of 1979, may be in-
21 stituted in the Court of International Trade by any person
22 adversely affected or aggrieved by an agency action within
23 the meaning of section 702 of title 5, United States Code.

24 “(g) Except in cases instituted pursuant to section
25 1581(a) of this title or section 516 of the Tariff Act of 1930,

1 any person, by leave of court, who would be adversely affect-
2 ed or aggrieved by a decision in a civil action pending in the
3 Court of International Trade, may intervene in that action.
4 In exercising its discretion, the court shall consider whether
5 the intervention will unduly delay or prejudice the adjudica-
6 tion of the rights of the original parties.

7 “(h) By leave of court, any person who would be ad-
8 versely affected or aggrieved by an order disposing of an ap-
9 plication for the issuance of an order pursuant to section
10 777(e)(2) of the Tariff Act may intervene with regard to that
11 application.

12 “(i)(1) The term interested party means—

13 “(A) a foreign manufacturer, producer, or export-
14 er, or the United States importer, of merchandise
15 which is the subject of an investigation under title VII
16 of the Tariff Act of 1930 or a trade or business associ-
17 ation a majority of the members of which are importers
18 of such merchandise;

19 “(B) the government of a country in which such
20 merchandise is produced or manufactured;

21 “(C) a manufacturer, producer, or wholesaler in
22 the United States of a like product;

23 “(D) a certified union or recognized union or
24 group of workers which is representative of an industry

1 engaged in the manufacture, production, or wholesale
2 in the United States of a like product; and

3 “(E) a trade or business association a majority of
4 whose members manufacture, produce, or wholesale a
5 like product in the United States.

6 “(2) The term domestic interested party means a party
7 as defined in subparagraphs (C), (D), and (E) of paragraph
8 (1).

9 “(3) The term party-at-interest means—

10 “(A) a foreign manufacturer, producer, or export-
11 er, or a United States importer of merchandise which
12 is the subject of a final determination;

13 “(B) a manufacturer, producer, or wholesaler in
14 the United States of a like product;

15 “(C) United States members of a labor organiza-
16 tion or other association of workers whose members
17 are employed in the manufacture, production, or
18 wholesale in the United States of a like product; and

19 “(D) a trade or business association a majority of
20 whose members manufacture, produce, or wholesale a
21 like product in the United States.

22 “(4) The term ‘like product’ means a product which is
23 like, or in the absence of like, most similar in characteristics
24 and uses with the article subject to an investigation under
25 title VII of the Tariff Act of 1930 or a final determination

1 under section 305(b)(1) of the Trade Agreements Act of
2 1979.

3 **“§ 2632. Commencement of a civil action**

4 “(a) Except as otherwise provided in subsection 516A of
5 the Tariff Act of 1930, each civil action in the Court of Inter-
6 national Trade shall be instituted by the filing of a summons,
7 or of a complaint, or both, each with the content and in the
8 form, manner, and style prescribed in rules adopted by the
9 Court.

10 “(b) The Court of International Trade may prescribe by
11 rule that any pleading or other document transmitted by reg-
12 istered or certified mail properly addressed to the clerk of the
13 Court with the proper postage affixed and return receipt re-
14 quested shall be filed as of the date of postmark.

15 **“§ 2633. Procedure and fees**

16 “(a) A filing fee shall be payable upon commencing an
17 action. The amount of the fee shall be fixed by the Court of
18 International Trade but shall be not less than \$5 nor more
19 than the filing fee for commencing a civil action in a United
20 States district court. The Court of International Trade may
21 fix all other fees to be charged by the clerk of the Court.

22 “(b) The Court of International Trade shall provide by
23 rule for pleadings and other papers, for their amendment,
24 service, and filing, for consolidations, severances, suspensions
25 of cases, and for other procedural matters.

1 “(e) All pleadings and other papers filed in the Court of
2 International Trade shall be served on all parties in accord-
3 ance with the rules of the Court. When the United States, its
4 agencies, or its officers are adverse parties, service of the
5 summons or complaint, or both, shall be made upon the At-
6 torney General and the head of the Government agencies
7 whose actions are complained of, and where injunction relief
8 is sought, upon the named officials sought to be enjoined.

9 **“§ 2634. Notice**

10 “Reasonable notice of the time and place of trial or
11 hearing before the Court of International Trade shall be
12 given to all parties to any proceeding, under rules prescribed
13 by the Court.

14 **“§ 2635. Filing of official documents**

15 “(a)(1) Upon service of the summons on the Secretary of
16 the Treasury in any civil action contesting the denial of a
17 protest under section 515 of the Tariff Act of 1930, or the
18 denial of a petition under section 516 of that Act, the appro-
19 priate customs officer shall forthwith transmit to the Court of
20 International Trade as part of the official record—

21 “(A) consumption or other entry and the entry
22 summary;

23 “(B) commercial invoice;

24 “(C) special customs invoice;

25 “(D) copy of protest;

- 1 “(E) copy of denial or protest in whole or in part;
 2 “(F) importer’s exhibits;
 3 “(G) official and other representative samples;
 4 “(H) any official laboratory reports; and
 5 “(I) any bond relating to the entry.

6 “(2) If any of the items listed in paragraph (1) do not
 7 exist in a particular case, an affirmative statement to that
 8 effect shall be transmitted to the Court.

9 “(b) Within forty days, or within such period of time as
 10 the Court of International Trade may specify, after service of
 11 a summons on the Secretary of the Treasury, the administer-
 12 ing authority established to administer title VII of the Tariff
 13 Act of 1930, the United States International Trade Commis-
 14 sion, or any other agency whose determination or action is
 15 being contested, the Secretary or any other agency involved
 16 shall file with the Court of International Trade, as provided
 17 by its rules, the record which, unless otherwise stipulated by
 18 the parties, shall consist of:

19 “(1) a copy of all information presented to or ob-
 20 tained by the Secretary, the administering authority,
 21 the Commission or any other agency involved, during
 22 the course of the administrative proceedings, including
 23 all governmental memorandums pertaining to the case
 24 and the record of ex parte meetings required to be kept
 25 by section 777(a)(3) of the Tariff Act of 1930; and

1 “(2) a copy of the determination, all transcripts or
2 records of conferences or hearings, and all notices pub-
3 lished in the Federal Register.

4 “(c) Any documents, comments, or information accorded
5 confidential or privileged status and required to be filed with
6 the Court of International Trade pursuant to subsection (b)
7 shall be filed with the clerk of the Court of International
8 Trade under seal and its confidential or privileged status shall
9 be preserved in the litigation. Notwithstanding the first sen-
10 tence of this subsection, the Court of International Trade
11 may examine, in camera, the confidential or privileged mate-
12 rial and may disclose such material under such terms and
13 conditions as it may order.

14 “(d) Within ten days, or within such period of time as
15 the Court of International Trade may specify, after service of
16 a summons and an application for an order directing the ad-
17 ministering authority or the International Trade Commission
18 to make confidential information available pursuant to section
19 777(e)(2) of the Tariff Act of 1930, the administering authori-
20 ty or the Commission shall file with the Court of Internation-
21 al Trade under seal the confidential information involved
22 along with pertinent parts of the record.

23 “(e)(1) In any other civil action in which judicial review
24 is to proceed upon the basis of the record made before an
25 agency, the agency, upon service of a summons or complaint,

1 or both, shall, within forty days of service of the summons,
2 transmit to the United States Court of International Trade a
3 copy of the contested determination, the findings or report
4 upon which it is based, a copy of any reported hearings or
5 conferences conducted by the agency, any documents, com-
6 ments, or other papers filed by the public, interested parties,
7 or governments with regard to the agency's action, identify-
8 ing and submitting under seal any documents, comments, or
9 other information obtained on a confidential basis and includ-
10 ing a nonconfidential description of the nature of such confi-
11 dential documents, comments, or information.

12 “(2) The confidentiality accorded such documents, com-
13 ments, and information shall be preserved in the litigation,
14 but the court may examine such documents, comments, and
15 information in camera if necessary to the disposition of the
16 action, and may order the disclosure of such documents, com-
17 ments, or information under such terms or conditions as the
18 court may order.

19 **“§ 2636. Time for commencement of action**

20 “(a) A civil action contesting the denial of a protest
21 under section 515 of the Tariff Act of 1930, is barred unless
22 commenced in accordance with the rules of the Court of In-
23 ternational Trade—

24 “(1) within one hundred and eighty days after the
25 date of mailing of notice of denial, in whole or in part,

1 of a protest pursuant to section 515(a) of the Tariff
2 Act of 1930;

3 “(2) in any case in which notice is not mailed
4 within the two-year period specified in section 515(a)
5 of the Tariff Act of 1930, at any time after the date of
6 the expiration of the two-year period specified in such
7 section prior to the mailing of a notice of denial; or

8 “(3) within one hundred and eighty days after the
9 date of denial of a protest by operation of law pursuant
10 to the provisions of section 515(b) of the Tariff Act of
11 1930.

12 “(b) A civil action contesting the denial of a petition
13 under section 516 of the Tariff Act of 1930 is barred unless
14 commenced within thirty days after the date of mailing of a
15 notice transmitted pursuant to section 516(e) of the Tariff
16 Act of 1930.

17 “(c) A civil action contesting a determination by the ad-
18 ministering authority, under section 703(e) or 733(e) of the
19 Tariff Act of 1930, that a case is extraordinarily complicated
20 is barred unless commenced within five days after the date of
21 the publication of the determination in the Federal Register.

22 “(d) A civil action contesting a reviewable determina-
23 tion listed in section 516A of the Tariff Act of 1930, other
24 than a determination under section 703(e) or 733(e) of that
25 Act, is barred unless commenced within thirty days after the

1 date of the publication of the determination in the Federal
2 Register.

3 “(e) A civil action involving an application for an order
4 making confidential information available pursuant to section
5 777(e)(2) of the Tariff Act of 1930 is barred unless com-
6 menced in accordance with the rules of the Court of Interna-
7 tional Trade within five days from the denial of a request for
8 confidential information.

9 “(f) A civil action contesting a final determination made
10 under section 305(b)(1) of the Trade Agreements Act of 1979
11 is barred unless commenced within thirty days after the date
12 of the publication of the determination in the Federal
13 Register.

14 “(g) A civil action, other than one enumerated in sub-
15 sections (a) through (f), over which the Court has jurisdiction
16 pursuant to section 1581 of this title is barred unless com-
17 menced in accordance with the rules of the Court of Interna-
18 tional Trade within two years after the right of action first
19 accrues.

20 **“§ 2637. Exhaustion of administrative remedies**

21 “(a) A civil action contesting the denial of a protest
22 under section 515 of the Tariff Act of 1930 may be instituted
23 only if all liquidated duties or exactions shall have been paid
24 at the time the action is filed, except that a surety's obliga-
25 tion to pay such liquidated duties or exactions is limited to

1 the sum of any bond relating to each entry included in a
2 denied protest. If a surety institutes a civil action in the
3 Court of International Trade, any recovery of the surety shall
4 be limited to the amount of the liquidated duties or exactions
5 paid on the entries included in the action.

6 “(b) A civil action contesting the denial of a petition
7 under section 516 of the Tariff Act of 1930 may be instituted
8 only by a person who has first exhausted the procedures
9 specified in that section.

10 “(e) In all other cases, the Court of International Trade,
11 where appropriate, shall require the exhaustion of adminis-
12 trative remedies.

13 **“§ 2638. New grounds in support of a civil action**

14 “In any case in which the denial, in whole or in part, of
15 a protest is a precondition to the institution of a civil action in
16 the Court of International Trade, the Court, by rule, may
17 consider any new ground in support of the civil action if the
18 new ground—

19 “(1) applies to the same merchandise that was the
20 subject of the protest; and

21 “(2) is related to the same administrative deci-
22 sions listed in section 514 of the Tariff Act of 1930
23 that were contested in the protest.

1 **“§ 2629. Burden of proof; evidence of value**

2 “(a) The decision of the Secretary of the Treasury, or
3 his delegate, is presumed to be correct. The burden to prove
4 otherwise shall rest upon the party challenging a decision.

5 “(b) Where the value of merchandise or any of its com-
6 ponents is in issue—

7 “(1) reports or depositions of consuls, customs of-
8 ficers, and other officers of the United States and dep-
9 ositions and affidavits of other persons whose attend-
10 ance cannot reasonably be had may be admitted into
11 evidence when served upon the opposing party in ac-
12 cordance with the rules of the Court;

13 “(2) price lists and catalogs may be admitted in
14 evidence when duly authenticated, relevant, and mate-
15 rial; and

16 “(3) the value of merchandise shall be determined
17 from the evidence in the record and that adduced at
18 the trial whether or not the merchandise or sample
19 thereof is available for examination.

20 “(c) The requirements of subsections (a) and (b) apply in
21 any matter in the Court of International Trade except an
22 action transferred to the Court of International Trade pursu-
23 ant to section 1582 of this title.

1 **“§ 2640. Scope and standard of review**

2 “(a) The Court of International Trade shall determine
3 the matter upon the basis of the record made before the
4 Court in the following categories of civil actions:

5 “(1) Civil actions contesting the denial of a pro-
6 test under section 515 of the Tariff Act of 1930
7 involving—

8 “(A) the appraised value of merchandise,
9 except to the extent judicial review is available
10 under subsection (b) of this section in the case of
11 assessment of countervailing or antidumping
12 duties;

13 “(B) the classification, rate, and amount of
14 duties or fees chargeable, except to the extent ju-
15 dicial review is available under subsection (b) of
16 this section in the case of assessment of counter-
17 vailing or antidumping duties;

18 “(C) the required redelivery of imports pur-
19 suant to the terms of an entry bond or the exclu-
20 sion of merchandise from entry or delivery under
21 the customs laws or pursuant to an action of the
22 Customs Service not taken upon the request or
23 direction of a court or other Federal agency,
24 except the exclusion of imports alleged to be
25 pornographic;

1 “(D) all charges or exactions imposed upon
2 imported articles, except to the extent judicial
3 review is available under subsection (b) of this
4 section in the case of assessment of countervailing
5 or antidumping duties;

6 “(E) the refusal to pay a claim for a draw-
7 back; and

8 “(F) the refusal to reliquidate an entry under
9 section 520(e) of the Tariff Act of 1930.

10 “(2) Civil actions instituted pursuant to section
11 1581(f) of this title.

12 “(3) Civil actions instituted under section 516(e)
13 of the Tariff Act of 1930.

14 “(4) Civil actions for a protective order instituted
15 pursuant to section 1581(g) of this title.

16 “(b) In civil actions instituted under section 516A of the
17 Tariff Act of 1930, the Court shall determine the matter as
18 specified in subsection (b) of that section.

19 “(c) In all other Civil actions, the Court shall determine
20 the matter as provided in section 706 of title 5 of the United
21 States Code.

22 “§ 2641. Witnesses; inspection of documents

23 “(a) Except as otherwise provided by law, in any pro-
24 ceeding in the Court of International Trade, the parties and
25 their attorneys shall have an opportunity to introduce evi-

1 dence, to hear and cross-examine the witnesses of the other
2 party, and to inspect all samples and all papers admitted or
3 offered as evidence under rules prescribed by the Court.
4 Except as provided in section 2639, subsection (b) of this
5 section, or any rules prescribed by the Court, the Federal
6 Rules of Evidence apply to all proceedings in the Court of
7 International Trade.

8 “(b) In any civil action, the Court of International
9 Trade may order that trade secrets and commercial or finan-
10 cial information which is privileged and confidential or any
11 information provided to the United States by foreign govern-
12 ments or foreign persons, shall not be disclosed or shall be
13 disclosed to a party, its counsel, or any other person, only
14 under such terms and conditions as the Court may provide.

15 **“§ 2642. Analysis of imported merchandise**

16 “A judge of the Court of International Trade may order
17 an analysis of imported merchandise and reports thereon by
18 laboratories or agencies of the United States.

19 **“§ 2643. Relief**

20 “(a) In any case instituted under section 1581 of this
21 title, the Court of International Trade may, if appropriate,
22 enter a money judgment for and against the United States.

23 “(b) If, in any civil action referred to in section 2640
24 (a)(1) or (a)(3), the plaintiff—

1 “(1) proves that the original decision was incor-
2 rect, and

3 “(2) introduce evidence as to the correct decision,
4 but, based upon the evidence introduced by the plaintiff and
5 the defendant, the Court of International Trade is unable to
6 determine the correct decision, such Court shall restore the
7 case to the calendar for all purposes, including such further
8 administrative or adjudicative procedures as may be neces-
9 sary to enable the Court to reach a determination as to the
10 correct decision. The order of restoration or remand shall be
11 final and appealable pursuant to sections 1541(a) and 2601 of
12 this title.

13 “(e) In addition to the order specified in subsections (a)
14 and (b) of this section, the Court of International Trade may
15 order in any civil action any form of relief which is appropri-
16 ate including, but not limited to, declaratory judgments,
17 orders of remand, writs of mandamus, and prohibition and
18 injunction.

19 “(d) In extraordinary circumstances, the Court of Inter-
20 national Trade may grant appropriate preliminary or perma-
21 nent injunctive relief upon a request by a person who would
22 have the right to institute a civil action after exhausting all
23 appropriate administrative remedies. In ruling upon such a
24 request for injunctive relief, the Court of International Trade
25 shall consider whether the person making the request will

1 otherwise be irreparably harmed, and the effect of the re-
 2 quested injunction on the public interest.

3 **“§ 2644. Decisions; findings of fact and conclusions of law;**
 4 **effect of opinions**

5 “(a) A final decision of the judge in a contested case or a
 6 decision granting or refusing an interlocutory injunction shall
 7 be supported by—

8 “(1) a statement of findings of fact and conclu-
 9 sions of law; or

10 “(2) an opinion stating the reasons and facts upon
 11 which the decision is based.

12 “(b) Upon motion of a party made not later than thirty
 13 days after entry of judgment, the Court may amend its find-
 14 ings or make additional findings and may amend the judg-
 15 ment accordingly.

16 “(c) The decision of the judge is final and conclusive,
 17 unless a retrial or rehearing is granted pursuant to section
 18 2645 of this title or an appeal is made to the Court of Cus-
 19 toms and Patent Appeals within the time and the manner
 20 provided in section 2601 of this title.

21 **“§ 2645. Retrial or rehearing**

22 “The judge who has rendered a judgment or order may,
 23 upon motion of a party or upon his own motion, grant a
 24 retrial or rehearing, as the case may be. A party’s motion
 25 shall be made or the judge’s action on his own motion shall

1 be taken, not later than thirty days after entry of the judg-
 2 ment or order. In the event of the disability of the judge, the
 3 chief judge shall assign the motion to another judge of the
 4 Court of International Trade.

5 **“§ 2646. Precedence of cases**

6 “(a) Each civil action involving the exclusion or rede-
 7 livery of merchandise or arising under section 1582 of this
 8 title, or sections 516 or 516A of the Tariff Act of 1930, shall
 9 be given precedence over other cases on the docket of the
 10 Court and shall be assigned for hearing and trial at the earli-
 11 est practicable date and expedited in every way.

12 “(b) Of the civil actions given precedence under subsec-
 13 tion (a) of this section, any civil action for the review of a
 14 determination under sections 516A(a)(1)(B) or 516A(a)(1)(E)
 15 of the Tariff Act of 1930 shall be given priority over other
 16 such civil actions.

17 **TITLE V—COURT OF CUSTOMS AND PATENT**

18 **APPEALS**

19 **SEC. 501.** (a) Section 1541(a) of title 28, United States
 20 Code, is amended by striking out: “and from any interlocu-
 21 tory order granting, continuing, modifying, refusing, or dis-
 22 solving as injunction, or refusing to dissolve or modify an
 23 injunction, under section 516A(c)(2) of the Tariff Act of
 24 1930”.

1 (b) Section 1541 is amended by adding at the end there-
2 of the following:

3 “(e) The Court of Customs and Patent Appeals has ju-
4 risdiction of appeals from interlocutory orders of the Court of
5 International Trade granting, continuing, modifying, or dis-
6 solving injunctions, or refusing to dissolve or modify injunc-
7 tions.”.

8 SEC. 502. (a) Section 2601(a) of title 28, United States
9 Code, is amended by adding the following new sentence at
10 the end thereof: “If a timely notice of appeal is filed by a
11 party, any other party may file a notice of appeal within four-
12 teen days after the date on which the first notice of appeal
13 was filed.”.

14 (b) The first sentence of section 2601(b) of title 28,
15 United States Code, is amended—

16 (1) by inserting “or cross appeal” after “appeal”
17 each time it appears; and

18 (2) by striking “which shall include a concise
19 statement of the errors complained of”.

20 (c) The third sentence of section 2601(b) of title 28,
21 United States Code, is amended by striking out “and the
22 Secretary of the Treasury or their designees” and inserting
23 in lieu thereof “and any named official”.

24 (d) Section 2601(e) of title 28 is amended by inserting
25 the following after the first sentence: “Findings of fact shall

1 not be set aside unless clearly erroneous and due regard shall
2 be given to the opportunity of the trial court to judge the
3 credibility of the witnesses. A party may raise on appeal the
4 question of the sufficiency of the evidence to support findings
5 of fact, whether or not the party raising the question has
6 made an objection to such findings in the Court of Interna-
7 tional Trade or has made a motion to amend them or a
8 motion for judgment.”.

9 SEC. 503. (a) Chapter 93 of title 28, United States
10 Code, is amended by adding at the end thereof the following
11 new section:

12 “§ 1546. Rules of evidence; powers in law and equity; ex-
13 exclusive jurisdiction

14 “(a) Except as provided in section 2639 of this title,
15 subsection (b) of section 2641 of this title, or any rules pre-
16 scribed by the court, the Federal Rules of Evidence shall
17 apply in the Court of Customs and Patent Appeals in any
18 appeal from the Court of International Trade.

19 “(b) The Court of Customs and Patent Appeals shall
20 have all the powers in law and equity of, or as conferred by
21 statute upon, a court of appeals of the United States.

22 “(c) The Court of Customs and Patent Appeals shall
23 possess exclusive jurisdiction to review—

1 “(1) any decision of the Secretary of Treasury to
2 deny or revoke a customs brokers’ license under sec-
3 tion 641(a) of the Tariff Act of 1930, or

4 “(2) any action challenging an order to revoke or
5 suspend a license under section 641(b) of the Tariff Act
6 of 1930.”

7 (b) The table of sections for chapter 93 of that title is
8 amended by adding at the end thereof the following:

 “1546. Rules of evidence; powers in law and equity; exclusive jurisdiction.”

9 SEC. 504. (a) Chapter 167 of title 28, United States
10 Code, is amended by adding at the end thereof the following
11 new section:

12 “§ 2603. **Judicial conference**

13 “The Court of Customs and Patent Appeals is author-
14 ized to conduct an annual judicial conference for the purpose
15 of considering the business of the court and improvements in
16 the administration of justice in the court.”

17 (b) The table of contents for chapter 167 of such title is
18 amended by adding at the end thereof the following new
19 item:

 “2603. Judicial conference.”

20 **TITLE VI—TECHNICAL AND CONFORMING**
21 **AMENDMENTS**

22 SEC. 601. The first sentence of section 250(a) of the
23 Trade Act of 1974 is amended by striking out all that ap-

1 pears after "United States" and by inserting in lieu thereof
2 "Court of International Trade".

3 SEC. 602. (a) The second sentence of the second para-
4 graph of paragraph (b) of section 641 of the Tariff Act of
5 1930 is amended by deleting all that appears after "filing,"
6 and before "sixty," and by inserting in lieu thereof "in the
7 Court of Customs and Patent Appeals, within".

8 (b) The second paragraph of section 641(b) of the Tariff
9 Act of 1930 is amended by inserting the following immedi-
10 ately after the third sentence of that paragraph: "For pur-
11 poses of this paragraph, all relevant rules prescribed in ac-
12 cordance with sections 2072 and 2112 of title 28, United
13 States Code, apply to the Court of Customs and Patent
14 Appeals."

15 SEC. 603. Section 1340 of title 28, United States Code,
16 is amended by adding at the end thereof the following: "The
17 Court of International Trade shall have jurisdiction of any
18 civil action, not within its exclusive jurisdiction, arising under
19 any Act of Congress providing for revenue from imports or
20 tonnage upon transfer from a district court as provided in
21 section 1582 of this title."

22 SEC. 604. Section 1355 of title 28, United States Code,
23 is amended by adding at the end thereof the following: "The
24 Court of International Trade shall have jurisdiction of any

1 such action or proceeding upon transfer from a district court
2 as provided in section 1582 of this title.”.

3 SEC. 605. Section 1356 of title 28, United States Code,
4 is amended by adding at the end thereof the following: “The
5 Court of International Trade shall have jurisdiction of any
6 such action or proceeding upon transfer from a district court
7 as provided in section 1582 of this title.”.

8 SEC. 606. Section 751 of title 28, United States Code,
9 is amended by adding at the end thereof the following:

10 “(f) When the Court of International Trade is sitting in
11 a judicial district, other than the Southern and Eastern Dis-
12 tricts of New York, the clerk of that district court or an au-
13 thorized deputy clerk, upon the request of the chief judge of
14 the Court of International Trade and with the approval of
15 that district court, shall act in the district as clerk of the
16 Court of International Trade in accordance with rules and
17 orders of the Court of International Trade for all purposes
18 relating to the case then pending before that court.”.

19 SEC. 607. The second paragraph of section 1491 of title
20 28, United States Code, is amended by inserting “within the
21 exclusive jurisdiction of the Court of International Trade, or”
22 after “suits” the first time it appears in the first sentence.

23 SEC. 608. The first paragraph of section 2414 of title
24 28, United States Code, is amended by inserting “or Court of
25 International Trade” after “court” in the first sentence.

1 this section over any matter within the exclusive jurisdiction
2 of the Court of International Trade.”.

3 SEC. 612. (a) Section 2602 of title 28, United States
4 Code, is amended to read as follows:

5 **“§ 2602. Precedence of cases**

6 “(a) Each civil action involving the exclusion of mer-
7 chandise or arising under section 1582 of this title or sections
8 516 or 516A of the Tariff Act of 1930, shall be given prece-
9 dence over other cases on the docket of such court, and shall
10 be assigned for hearing at the earliest practicable date and
11 expedited in every way.

12 “(b) Of the civil actions given precedence under subsec-
13 tion (a) of this section, any civil action for the review of a
14 determination under section 516A(a)(1)(B) or 516A(a)(1)(E)
15 of the Tariff Act of 1930 shall be given priority over other
16 such civil actions.

17 “(c) Appeals from findings by the Secretary of Com-
18 merce provided for in headnote 6 to schedule 8, part 4, of the
19 Tariff Schedules of the United States shall receive preference
20 over all other matters.”.

21 (b) The table of sections for chapter 167 of title 28,
22 United States Code, is amended in the item relating to sec-
23 tion 2602 to read as follows:

“2602. Precedence of cases.”.

1 SEC. 613. Section 3 of the Act of July 5, 1884 (23 Stat.
2 119), is amended to read as follows: "The decision of the
3 Commissioner of Customs on all questions of interpretation
4 arising out of the execution of the laws relating to the collec-
5 tion of tonnage tax and to the refund of such tax when col-
6 lected erroneously or illegally, shall be subject to judicial
7 review in the Court of International Trade as provided in
8 title 28, United States Code. In the Court of International
9 Trade, and upon appeal, if any, from that Court, the findings
10 of the Commissioner as to any fact, if supported by substan-
11 tial evidence, shall be conclusive."

12 SEC. 614 (a) Section 1345 of title 28, United States
13 Code, is amended by adding at the end thereof the following
14 new sentence: "The Court of International Trade shall have
15 jurisdiction of any such action or proceeding upon transfer
16 from a district court as provided in section 1582 of this
17 title."

18 (b) Section 1352 of title 28, United States Code, is
19 amended by adding at the end thereof the following new sen-
20 tence: "The Court of International Trade shall have jurisdic-
21 tion of any such action upon transfer from a district court as
22 provided in section 1582 of this title."

23 SEC. 615. Section 1337(c) of title 19, United States
24 Code, is amended by inserting immediately after "Appeals"
25 the following " , subject to chapter 7 of title 5, United States

1 Code," and, striking out the last sentence and inserting in
2 lieu thereof: "Notwithstanding the foregoing, review of Com-
3 mission determinations under subsections (d), (e), and (f) as to
4 its findings on the public health and welfare, competitive con-
5 ditions in the United States economy, the production of like
6 or directly competitive articles in the United States, and
7 United States consumers, the amount and nature of bond, or
8 the appropriate remedy shall be reviewable only for abuse of
9 administrative discretion."

10 **SEC. 616.** The second sentence of section 516A(c)(2) of
11 the Tariff Act of 1930 is amended so as to read as follows:
12 "In ruling upon a request for such injunctive relief the court
13 shall consider the factors set forth in sentence 2643(d) of title
14 28."

15 **SEC. 617.** Any references to the United States Customs
16 Court, the U.S. Customs Court, or the Customs Court shall
17 be deemed a reference to the United States Court of Interna-
18 tional Trade.

19 **SEC. 618.** (a) The provisions of subsections (e), (d), (e),
20 and (f) of section 2631 of title 28, United States Code, as
21 added by section 401 of this Act apply to entries liquidated
22 on and after the date of enactment of this Act.

23 (b) This Act shall become effective on the date of its
24 enactment.

1 (e) Nothing in this Act shall cause the dismissal of any
2 action instituted prior to the date of enactment under jurisdic-
3 tional statutes relating to the Court of International Trade or
4 the Court of Customs and Patent Appeals in effect before the
5 date of enactment of this Act.

6 (d) Notwithstanding section 106 of the Trade Agree-
7 ments Act of 1979, any civil action in the Court of
8 International Trade on January 1, 1980, pursuant to the An-
9 tidumping Act of 1921, shall be governed by the provisions of
10 the Antidumping Act, 1921, in effect on the day before the
11 effective date of title I of the Trade Agreements Act of 1979.
12 *That this Act may be cited as the "Customs Courts Act of*
13 *1979".*

14 *TITLE I—PURPOSES*

15 *SEC. 101. The Congress declares that the purposes of*
16 *this Act are—*

17 *(a) to provide for a comprehensive system of judi-*
18 *cial review of civil actions arising from import transac-*
19 *tions, utilizing, whenever possible, the specialized ex-*
20 *pertise of the United States Customs Court and Court*
21 *of Customs and Patent Appeals and insuring uniform-*
22 *ity afforded by the national jurisdiction of these courts;*

23 *(b) to assure access to judicial review of civil ac-*
24 *tions arising from import transactions, which access is*
25 *not presently assured due to jurisdictional conflicts*

1 *arising from the presently ill-defined division of juris-*
2 *diction between the district courts and the customs*
3 *courts;*

4 *(c) to provide expanded opportunities for judicial*
5 *review of civil actions arising from import transac-*
6 *tions;*

7 *(d) to grant to the customs courts the plenary*
8 *powers possessed by other courts established under Ar-*
9 *ticle III of the Constitution of the United States; and*

10 *(e) to change the name of the United States Cus-*
11 *toms Court to the United States Court of International*
12 *Trade to be more descriptive of its expanded jurisdic-*
13 *tion and its new judicial functions and purposes relat-*
14 *ing to international trade in the United States.*

15 **TITLE II—COMPOSITION OF THE COURT OF**
16 **INTERNATIONAL TRADE AND ASSIGN-**
17 **MENT OF JUDGES TO OTHER COURTS**

18 *SEC. 201. The United States Customs Court shall con-*
19 *tinue as constituted on the day before the date of enactment of*
20 *this Act, and shall, after the date of enactment of this Act, be*
21 *known as the United States Court of International Trade.*

22 *SEC. 202. (a) Section 251 of title 28, United States*
23 *Code, is amended by striking out the first and second para-*
24 *graphs of such section and inserting in lieu thereof the fol-*
25 *lowing:*

1 “(a) *The President shall appoint, by and with the*
2 *advice and consent of the Senate, nine judges who shall con-*
3 *stitute a court of record to be known as the United States*
4 *Court of International Trade. The court is a court estab-*
5 *lished under Article III of the Constitution of the United*
6 *States.*

7 “(b)(1) *The chief judge shall be the judge in regular*
8 *active service who is senior in commission of those judges*
9 *who—*

10 “(A) *are sixty-four years of age or under;*

11 “(B) *have served for at least one year as judge of*
12 *the court; and*

13 “(C) *have not served previously as chief judge.*

14 “(2)(A) *In any case in which no judge meets the quali-*
15 *fications under paragraph (1), the youngest judge in regular*
16 *active service who is sixty-five years of age or over and who*
17 *has served as a judge of the court for at least one year shall*
18 *act as the chief judge.*

19 “(B) *In any case under subparagraph (A) in which*
20 *there is no judge in regular active service who has served as a*
21 *judge for more than one year, the judge in regular active*
22 *service who is senior in commission and who has not served*
23 *previously as chief judge shall act as the chief judge.*

24 “(3)(A) *Except as provided in subparagraph (C), a*
25 *chief judge shall serve for a term of seven years, and may*

1 continue to serve after the expiration of such term until an-
2 other judge is eligible to serve as chief judge under paragraph
3 (1).

4 “(B) Except as provided in subparagraph (C), a judge
5 acting as chief judge under subparagraph (A) or (B) of para-
6 graph (2) shall serve until another judge is eligible to serve
7 as chief judge under paragraph (1).

8 “(C) A judge may not serve or act as chief judge after
9 attaining the age of seventy years unless no other judge is
10 eligible to serve as chief judge under paragraph (1) or is eli-
11 gible to act as chief judge under paragraph (2).

12 “(c) If the chief judge desires to be relieved of his duties
13 as chief judge while retaining his active status as a judge, he
14 may so certify to the Chief Justice of the United States, and
15 thereafter, the chief judge of the court shall be such other
16 judge who is qualified to serve or act as the chief judge under
17 subsection (b).”.

18 (b) The third paragraph of section 251 of title 28,
19 United States Code, is amended by inserting “(d)” immedi-
20 ately before “The offices”.

21 (c) The amendments made by this section to section 251
22 of title 28, United States Code, shall take effect on the date
23 of enactment of this Act, except that those judges serving on
24 the United States Customs Court on the day before the date
25 of enactment of this Act shall continue to serve as judges of

1 **“CHAPTER 95—COURT OF INTERNATIONAL TRADE**

“Sec.

“1581. *Civil actions against the United States.*

“1582. *Civil actions commenced by the United States.*

“1583. *Counterclaims.*

“1584. *Cure of defects.*

“1585. *Powers generally.*

2 **“§ 1581. *Civil actions against the United States***

3 “(a)(1) *The Court of International Trade shall have ex-*
4 *clusive jurisdiction of any civil action commenced by any*
5 *person whose protest under the Tariff Act of 1930 has been*
6 *denied, in whole or in part, by the appropriate customs offi-*
7 *cer, if the administrative decision, including the legality of*
8 *all orders and findings entering into the protest, involves—*

9 “(A) *the appraised value of merchandise;*

10 “(B) *the classification, rate, and amount of duties*
11 *chargeable;*

12 “(C) *all charges or exactions of whatever charac-*
13 *ter within the jurisdiction of the Secretary of the*
14 *Treasury;*

15 “(D) *the exclusion of merchandise from entry or*
16 *delivery or a demand for redelivery to customs custody*
17 *(including a notice of constructive seizure) under any*
18 *provisions of the customs laws, except a determination*
19 *appealable under section 337 of the Tariff Act of 1930;*

20 “(E) *the liquidation or reliquidation of an entry,*
21 *or a modification thereof;*

22 “(F) *the refusal to pay a claim for drawback; or*

1 “(G) the refusal to reliquidate an entry under
2 section 520(c) of the Tariff Act of 1930.

3 “(2) Section 516A of the Tariff Act of 1930 provides
4 the exclusive remedy for any determination subject to judi-
5 cial review under such section, and such a determination is
6 not otherwise reviewable under this subsection or any other
7 provision of law.

8 “(b) The Court of International Trade shall have exclu-
9 sive jurisdiction of any civil action commenced under section
10 516 or 516A of the Tariff Act of 1930.

11 “(c)(1) After the decision of the President has been pub-
12 lished in the Federal Register, the Court of International
13 Trade shall have exclusive jurisdiction to review advice, find-
14 ings, recommendations, and determinations of the Interna-
15 tional Trade Commission under sections 131, 201, 202, 203,
16 304, 406, and 503 of the Trade Act of 1974, sections 336
17 and 338 of the Tariff Act of 1930, and section 22 of the
18 Agricultural Adjustment Act, solely for the purposes of deter-
19 mining the procedural regularity of those actions.

20 “(2) If no advice, findings, recommendations, or deter-
21 minations have been provided to the President by the Inter-
22 national Trade Commission, the Court of International
23 Trade shall have exclusive jurisdiction to review any action
24 of the commission under the sections specified in paragraph

1 *(1) of this subsection, solely for the purposes of determining*
2 *the procedural regularity of those actions.*

3 “(d) *After the decision of the President has been pub-*
4 *lished in the Federal Register, the Court of International*
5 *Trade shall have exclusive jurisdiction to review any action*
6 *of the Office of the Special Trade Representative under sec-*
7 *tion 302(b)(1) or 304 of the Trade Act of 1974, solely for the*
8 *purposes of determining the procedural regularity of those ac-*
9 *tions.*

10 “(e) *The Court of International Trade shall have exclu-*
11 *sive jurisdiction of any civil action to review any determina-*
12 *tion of the Secretary of Labor or the Secretary of Commerce*
13 *certifying or refusing to certify workers, communities, or*
14 *businesses as eligible for adjustment assistance under the*
15 *Trade Act of 1974. No injunction or writ of mandamus shall*
16 *be issued in any civil action arising under this subsection.*

17 “(f) *The Court of International Trade shall have exclu-*
18 *sive jurisdiction of any civil action commenced by a party-at-*
19 *interest to review a final determination made under section*
20 *305(b)(1) of the Trade Agreements Act of 1979.*

21 “(g) *The Court of International Trade shall have exclu-*
22 *sive jurisdiction of any civil action commenced under section*
23 *777(c)(2) of the Tariff Act of 1930.*

24 “(h)(1) *In addition to the jurisdiction conferred upon*
25 *the Court of International Trade by subsections (a) through*

1 *(g) of this section and subject to the exceptions provided in*
 2 *subsection (i), the Court of International Trade shall have*
 3 *exclusive jurisdiction over any civil action against the*
 4 *United States, its agencies or its officers, which—*

5 *“(A) arises directly from import transactions; and*

6 *“(B)(i) involves the Tariff Act of 1930, the Trade*
 7 *Expansion Act of 1962, the Trade Act of 1974, or the*
 8 *Trade Agreements Act of 1979; or*

9 *“(i) a provision of—*

10 *“(I) the Constitution of the United States,*

11 *“(II) a treaty of the United States,*

12 *“(III) an executive agreement executed by*
 13 *the President, or*

14 *“(IV) an Executive order of the President,*

15 *which directly and substantially involves international*
 16 *trade.*

17 *“(2) Section 516A of the Tariff Act of 1930 provides*
 18 *the exclusive remedy for any determination subject to judi-*
 19 *cial review under such section, and such a determination is*
 20 *not otherwise reviewable under this subsection or any other*
 21 *provision of law.*

22 *“(i)(1) The Court of International Trade shall not have*
 23 *jurisdiction—*

24 *“(A) of any civil action arising under section 305*
 25 *of the Tariff Act of 1930;*

1 “(B) subject to the provisions of paragraph (2), to
2 review any ruling or refusal to issue or to change a
3 ruling relating to classification, valuation, rate of duty,
4 marking, restricted merchandise, entry requirements,
5 drawbacks, vessel repairs, and similar matters issued
6 by the Secretary of the Treasury under applicable reg-
7 ulations other than in connection with a civil action
8 commenced under subsection (a) of this section; or

9 “(C) of any civil action with respect to any effort
10 by the United States to recover a civil fine or penalty
11 or to enforce a forfeiture, to recover upon a bond, or to
12 recover customs duties, other than as specified in sec-
13 tion 1582 of this title.

14 “(2) Paragraph (1)(B) shall not apply if a plaintiff
15 demonstrates that, without a substantial doubt, (A) it would
16 be commercially impractical to obtain judicial review under
17 subsection (a) of this section; and (B) the plaintiff would
18 otherwise suffer irreparable injury. If the plaintiff fulfills the
19 conditions set forth in the preceding sentence and demon-
20 strates that the Secretary’s ruling or refusal to issue or to
21 change a ruling is arbitrary or capricious or otherwise con-
22 trary to law, the court shall award appropriate declaratory
23 relief.

1 **“§ 1582. Civil actions commenced by the United States**

2 “(a) Subject to the provisions of subsections (b) and (c)
3 of this section, the Court of International Trade shall have
4 exclusive jurisdiction of any civil action commenced by the
5 United States under section 592, 704(i)(2), or 734(i)(2) of
6 the Tariff Act of 1930.

7 “(b)(1) Any party to a civil action described in subsec-
8 tion (a) who desires to have the action tried before a jury
9 may, within 30 days after the action is commenced in the
10 Court of International Trade, file a motion with the clerk of
11 the court requesting a transfer of the action to an appropriate
12 district court.

13 “(2) The Court of International Trade shall promptly
14 order the action transferred to the appropriate district court if
15 the court determines that the moving party is entitled to a
16 trial by jury in such action.

17 “(c) Within 10 days after the issuance of an order of
18 transfer under subsection (b)(2), the clerk of the Court of
19 International Trade shall transmit all pleadings and docu-
20 ments to the clerk of the appropriate district court. The action
21 shall proceed as if it had been commenced in the district court
22 in the first instance, and the court shall determine the matter
23 de novo.

24 “(d) The relevant provisions of sections 2461 through
25 2465 of this title, section 592(e) of the Tariff Act of 1930,
26 and the Federal Rules of Evidence shall apply in any action

1 commenced in the Court of International Trade or trans-
2 ferred to a district court under this section.

3 **“§ 1583. Counterclaims**

4 “The Court of International Trade shall have jurisdic-
5 tion to render judgment upon any counterclaim asserted by
6 the United States—

7 “(1) which arises out of an import transaction
8 pending before the court;

9 “(2) to recover upon a bond relating to an import
10 transaction pending before the court; or

11 “(3) to recover customs duties relating to an
12 import transaction pending before the court.

13 **“§ 1584. Cure of defects**

14 “(a) If a civil action within the exclusive jurisdiction of
15 the Court of International Trade is commenced in a district
16 court, the district court shall, in the interest of justice, trans-
17 fer such civil action to the Court of International Trade,
18 where the action shall proceed as if it had been commenced in
19 the Court of International Trade in the first instance.

20 “(b) If a civil action within the exclusive jurisdiction of
21 a district court or a court of appeals is commenced in the
22 Court of International Trade, the Court of International
23 Trade shall, in the interest of justice, transfer such civil
24 action to the appropriate district court or court of appeals,
25 where the civil action shall proceed as if it had been com-

1 menced in the district court or court of appeals in the first
2 instance.

3 **“§ 1585. Powers generally**

4 *“The Court of International Trade shall possess all the*
5 *powers in law and equity of, or as conferred by statute upon,*
6 *a district court of the United States.”.*

7 **(b)** *The table of chapters for part IV of title 28, United*
8 *States Code, is amended in the item relating to chapter 95 by*
9 *striking out “Customs Court” and inserting in lieu thereof*
10 *“Court of International Trade”.*

11 **TITLE IV—COURT OF INTERNATIONAL TRADE**
12 **PROCEDURE**

13 **SEC. 401.** *(a) Chapter 169 of title 28, United States*
14 *Code, is amended to read as follows:*

15 **“CHAPTER 169—COURT OF INTERNATIONAL TRADE**
16 **PROCEDURE**

“Sec.

“2631. Persons entitled to commence a civil action.

“2632. Commencement of a civil action.

“2633. Procedure and fees.

“2634. Notice.

“2635. Filing of official documents.

“2636. Time for commencement of action.

“2637. Exhaustion of administrative remedies.

“2638. New grounds in support of a civil action.

“2639. Burden of proof; evidence of value.

“2640. Scope and standard of review.

“2641. Witnesses; inspection of documents.

“2642. Analysis of imported merchandise.

“2643. Relief.

“2644. Decisions; findings of fact and conclusions of law; effect of decisions.

“2645. Retrial or rehearing.

“2646. Precedence of cases.

1 **“§ 2631. Persons entitled to commence a civil action**

2 “(a) *A civil action contesting the denial, in whole or in*
3 *part, of a protest under section 515 of the Tariff Act of 1930*
4 *may be commenced in the Court of International Trade by*
5 *the person who filed the protest under section 514 of the*
6 *Tariff Act of 1930, or by his estate, heirs, or successors or by*
7 *a surety of such person in the transaction which is the sub-*
8 *ject of the protest.*

9 “(b) *A civil action contesting the denial, in whole or in*
10 *part, of a petition under section 516 of the Tariff Act of 1930*
11 *may be commenced in the Court of International Trade by*
12 *the domestic interested party who filed the petition or his*
13 *estate, heirs, or successors.*

14 “(c) *A civil action contesting a determination listed in*
15 *section 516A of the Tariff Act of 1930 may be commenced in*
16 *the Court of International Trade by any interested party who*
17 *is a party to the administrative proceeding or his estate,*
18 *heirs, or successors.*

19 “(d) *A civil action to review a final determination made*
20 *under section 305(b)(1) of the Trade Agreements Act of 1979*
21 *may be commenced in the Court of International Trade by*
22 *any party-at-interest.*

23 “(e) *A civil action involving an application for an order*
24 *to make confidential information available under section*
25 *777(c)(2) of the Tariff Act of 1930 may be commenced in the*

1 *Court of International Trade by any interested party who is*
2 *a party to the investigation.*

3 “(f) *A civil action, other than a civil action specified in*
4 *subsections (a) through (e) of this section, may be commenced*
5 *in the Court of International Trade by any person adversely*
6 *affected or aggrieved by an agency action within the meaning*
7 *of section 702 of title 5, United States Code.*

8 “(g) *Except in civil actions commenced under section*
9 *1581(a) of this title or section 516 of the Tariff Act of 1930,*
10 *any person who would be adversely affected or aggrieved by a*
11 *decision in a civil action pending in the Court of Interna-*
12 *tional Trade may, by leave of court, intervene in that civil*
13 *action. In exercising its discretion, the court shall consider*
14 *whether the intervention will unduly delay or prejudice the*
15 *adjudication of the rights of the original parties.*

16 “(h) *Any person who is a party to the investigation and*
17 *would be adversely affected or aggrieved by a decision in a*
18 *civil action involving an order to make confidential informa-*
19 *tion available under section 777(c)(2) of the Tariff Act of*
20 *1930 may, by leave of court, intervene in that civil action.*

21 “(i) *For the purposes of this section, the term—*

22 “(1) *‘interested party’ means—*

23 “(A) *a foreign manufacturer, producer, or*
24 *exporter, or the United States importer, of mer-*
25 *chandise which is the subject of an investigation*

1 *under title VII of the Tariff Act of 1930, or a*
2 *trade or business association the majority of the*
3 *members of which are importers of such merchan-*
4 *dise;*

5 “(B) *the government of a country in which*
6 *such merchandise is produced or manufactured;*

7 “(C) *a manufacturer, producer, or wholesal-*
8 *er in the United States of a like product;*

9 “(D) *a certified union or recognized union or*
10 *group of workers which is representative of an in-*
11 *dustry engaged in the manufacture, production, or*
12 *wholesale in the United States of a like product;*
13 *and*

14 “(E) *a trade or business association the ma-*
15 *jority of whose members manufacture, produce, or*
16 *wholesale a like product in the United States;*

17 “(2) *‘domestic interested party’ means a party as*
18 *defined in subparagraphs (C), (D), and (E) of para-*
19 *graph (1);*

20 “(3) *‘party-at-interest’ means—*

21 “(A) *a foreign manufacturer, producer, or*
22 *exporter, or a United States importer, of mer-*
23 *chandise which is the subject of a final determi-*
24 *nation;*

1 “(B) a manufacturer, producer, or wholesaler
2 in the United States of a like product;

3 “(C) United States members of a labor organization or other association of workers whose
4 members are employed in the manufacture, production, or wholesale in the United States of a
5 like product; and
6 like product; and
7 like product; and

8 “(D) a trade or business association a majority of whose members manufacture, produce, or
9 wholesale a like product in the United States;
10 and
11 and

12 “(4) ‘like product’ means a product which is like,
13 or in the absence of like, most similar in characteristics and uses with the article subject to an investigation
14 under title VII of the Tariff Act of 1930 or a
15 final determination under section 305(b)(1) of the
16 Trade Agreements Act of 1979.
17 Trade Agreements Act of 1979.

18 **“§ 2632. Commencement of a civil action**

19 “(a) Each civil action under section 516 of the Tariff
20 Act of 1930 or section 1581(a) of this title shall be commenced by filing with the clerk of the Court of International
21 Trade a summons, with the content and in the form, manner,
22 Trade a summons, with the content and in the form, manner,
23 and style prescribed by the rules of the court.

24 “(b) Each civil action under section 516A of the Tariff
25 Act of 1930 shall be commenced by filing with the clerk of

1 *the court a summons or a summons and a complaint, as pre-*
2 *scribed in that section, with the content and in the form,*
3 *manner, and style prescribed by the rules of the court.*

4 “(c) *Except for those civil actions specified in subsec-*
5 *tions (a) and (b) of this section, all civil actions shall be*
6 *commenced by filing with the clerk of the court a summons*
7 *and complaint, with the content and in the form, manner,*
8 *and style prescribed by the rules of the court.*

9 “(d) *The Court of International Trade may prescribe by*
10 *rule that any pleading or other paper mailed by registered or*
11 *certified mail properly addressed to the clerk of the court with*
12 *the proper postage affixed and return receipt requested shall*
13 *be deemed filed as of the date of mailing.*

14 **“§ 2633. Procedure and fees**

15 “(a) *A filing fee shall be payable upon the commence-*
16 *ment of an action. The amount of the fee shall be fixed by the*
17 *Court of International Trade, but shall be not less than \$5*
18 *nor more than the filing fee for commencing a civil action in*
19 *a United States district court. The Court of International*
20 *Trade may fix all other fees to be charged by the clerk of the*
21 *court.*

22 “(b) *The Court of International Trade shall prescribe*
23 *rules governing pleadings and other papers, including their*
24 *amendment, service, and filing, and for consolidations, sever-*
25 *ances, suspension of cases, and other procedural matters.*

1 “(c) *All pleadings and other papers filed in the Court of*
2 *International Trade shall be served on all parties in accord-*
3 *ance with the rules prescribed by the court. When the United*
4 *States, its agencies, or its officers are adverse parties, service*
5 *of the summons shall be made upon the Attorney General*
6 *and the head of the agencies whose actions are complained of,*
7 *and when injunctive relief is sought, upon the named offi-*
8 *cials sought to be enjoined.*

9 “**§ 2634. Notice**

10 “*Reasonable notice of the time and place of trial or*
11 *hearing before the Court of International Trade shall be*
12 *given to all parties to any civil action in accordance with the*
13 *rules prescribed by the court.*

14 “**§ 2635. Filing of official documents**

15 “(a)(1) *Upon service of the summons on the Secretary*
16 *of the Treasury in any civil action contesting the denial of a*
17 *protest under section 515 of the Tariff Act of 1930, or the*
18 *denial of a petition under section 516 of that Act, the appro-*
19 *priate customs officer shall forthwith transmit to the clerk of*
20 *the Court of International Trade, as prescribed by its rules,*
21 *and as part of the official record—*

22 “(A) *the consumption or other entry and the entry*
23 *summary;*

24 “(B) *the commercial invoice;*

25 “(C) *the special customs invoice;*

1 “(D) a copy of protest or petition;

2 “(E) a copy of the denial of a protest or petition
3 in whole or in part;

4 “(F) any importer’s exhibits;

5 “(G) the official and other representative samples;

6 “(H) any official laboratory reports; and

7 “(I) a copy of any bond relating to the entry.

8 “(2) If any of the items listed in paragraph (1) do not
9 exist in a particular civil action, an affirmative statement to
10 that effect shall be transmitted to the clerk of the court.

11 “(b)(1) In any action commenced under section 516A of
12 the Tariff Act of 1930, within forty days or within such
13 period of time as the Court of International Trade may speci-
14 fy, after service of the complaint upon the administering au-
15 thority established to administer title VII of the Tariff Act of
16 1930 or the United States International Trade Commission,
17 the administering authority or the commission shall transmit
18 to the clerk of the court, as prescribed by its rules, the record
19 which, unless otherwise stipulated by the parties, shall con-
20 sist of—

21 “(A) a copy of all information presented to or ob-
22 tained by the administering authority or the commis-
23 sion during the course of the administrative proceed-
24 ings, including all governmental memorandums per-
25 taining to the case and the record of *ex parte* meetings

1 *required to be maintained by section 777(a)(3) of the*
2 *Tariff Act of 1930; and*

3 *“(B) a copy of the determination with a statement*
4 *of reasons, if any, all transcripts or records of confer-*
5 *ences or hearings, and all notices published in the Fed-*
6 *eral Register.*

7 *“(2) Any documents, comments, or information accord-*
8 *ed confidential or privileged status and required to be trans-*
9 *mitted to the clerk of the Court of International Trade under*
10 *paragraph (1) shall be transmitted as prescribed by its rules*
11 *to the clerk of the court under seal, and its confidential or*
12 *privileged status shall be preserved in the litigation. Any*
13 *such documents, comments, or information shall be accompa-*
14 *nied by a nonconfidential description of the nature of such*
15 *confidential documents, comments, or information. The court*
16 *may examine, in camera, the confidential or privileged mate-*
17 *rial and may make such material available under such terms*
18 *and conditions as the court may order.*

19 *“(c) Within fifteen days or within such period of time*
20 *as the Court of International Trade may specify, after serv-*
21 *ice of the complaint upon the administering authority or the*
22 *commission in a civil action involving an application for an*
23 *order to make confidential information available under sec-*
24 *tion 777(c)(2) of the Tariff Act of 1930, the administering*
25 *authority or the commission shall transmit, as prescribed by*

1 *its rules, to the clerk of the court under seal, the confidential*
2 *information involved together with the pertinent parts of the*
3 *record.*

4 “(d)(1) *In any other civil action in which judicial*
5 *review is based upon the record made before the agency, the*
6 *agency shall, within forty days or within such time as the*
7 *Court of International Trade may specify after service of the*
8 *complaint upon the agency, transmit to the clerk of the court,*
9 *as prescribed by its rules—*

10 “(A) *a copy of the contested determination and*
11 *the findings or report upon which it is based;*

12 “(B) *a copy of any reported hearings or confer-*
13 *ences conducted by the agency; and*

14 “(C) *any documents, comments, or other papers*
15 *filed by the public, interested parties, or governments*
16 *with regard to the agency’s action, identifying and*
17 *transmitting, under seal, any documents, comments, or*
18 *other information obtained on a confidential basis, in-*
19 *cluding a nonconfidential description of the nature of*
20 *such confidential documents, comments, or information.*

21 “(2) *The parties may stipulate that fewer documents,*
22 *comments, or other information than that specified in para-*
23 *graph (1) shall be transmitted to the court.*

24 “(3) *The confidentiality accorded such documents, com-*
25 *ments, and information shall be preserved in the litigation,*

1 *but the court may examine in camera such documents, com-*
2 *ments, and information and may order the disclosure of such*
3 *documents, comments, or information under such terms and*
4 *conditions as the court deems appropriate.*

5 **“§ 2636. Time for commencement of action**

6 “(a) *A civil action contesting the denial of a protest*
7 *under section 515 of the Tariff Act of 1930, is barred unless*
8 *commenced in accordance with the rules of the Court of In-*
9 *ternational Trade—*

10 “(1) *within one hundred and eighty days after the*
11 *date of mailing of notice of denial, in whole or in part,*
12 *of a protest by the Customs Service;*

13 “(2) *if no notice is mailed within the two-year*
14 *period specified in section 515(a) of the Tariff Act of*
15 *1930, within one hundred and eighty days after the*
16 *date of the expiration of the two-year period specified*
17 *in such section; or*

18 “(3) *within one hundred and eighty days after the*
19 *date of denial of a protest by operation of law under*
20 *the provisions of section 515(b) of the Tariff Act of*
21 *1930.*

22 “(b) *A civil action contesting the denial of a petition*
23 *under section 516 of the Tariff Act of 1930 is barred unless*
24 *commenced in accordance with the rules of the Court of In-*
25 *ternational Trade within thirty days after the date of mailing*

1 of a notice transmitted under section 516(c) of the Tariff Act
2 of 1930.

3 “(c) A civil action contesting a determination by the
4 administering authority, under section 703(c) or 733(c) of
5 the Tariff Act of 1930, that a case is extraordinarily compli-
6 cated is barred unless commenced in accordance with the
7 rules of the Court of International Trade within ten days
8 after the date of the publication of the determination in the
9 Federal Register.

10 “(d) A civil action contesting a reviewable determina-
11 tion listed in section 516A of the Tariff Act of 1930, other
12 than a determination under section 703(c) or 733(c) of that
13 Act, is barred unless commenced in accordance with the rules
14 of the Court of International Trade within thirty days after
15 the date of publication of the determination in the Federal
16 Register.

17 “(e) A civil action involving an application for an order
18 to make confidential information available under section
19 777(c)(2) of the Tariff Act of 1930 is barred unless com-
20 menced in accordance with the rules of the Court of Interna-
21 tional Trade within ten days after the date of the denial of a
22 request for confidential information.

23 “(f) A civil action contesting a final determination
24 made under section 305(b)(1) of the Trade Agreements Act of
25 1979 is barred unless commenced in accordance with the

1 *rules of the Court of International Trade within thirty days*
2 *after the date of publication of the determination in the Fed-*
3 *eral Register.*

4 “(g) *A civil action, other than an action specified in*
5 *subsections (a) through (f) of this section, of which the court*
6 *has jurisdiction under section 1581 of this title is barred*
7 *unless commenced in accordance with the rules of the Court*
8 *of International Trade within two years after the cause of*
9 *action first accrues.*

10 **“§ 2637. Exhaustion of administrative remedies**

11 “(a) *A civil action contesting the denial of a protest*
12 *under section 515 of the Tariff Act of 1930 may be com-*
13 *menced only if all liquidated duties, charges, and exactions*
14 *have been paid at the time the action is commenced, except*
15 *that a surety's obligation to pay such liquidated duties,*
16 *charges, and exactions is limited to the sum of any bond*
17 *relating to each entry included in a denied protest. If a*
18 *surety commences a civil action in the Court of International*
19 *Trade, the surety shall recover only the amount of the liqui-*
20 *dated duties, charges, and exactions paid on the entries in-*
21 *cluded in the action. The excess amount of any recovery shall*
22 *be paid to the importer of record, or its estate, heirs, succes-*
23 *sors, or assigns.*

24 “(b) *A civil action contesting the denial of a petition*
25 *under section 516 of the Tariff Act of 1930 may be com-*

1 menced only by a person who has first exhausted the proce-
2 dures specified in that section.

3 “(c) In any civil action not specified in this section, the
4 Court of International Trade shall require the exhaustion of
5 appropriate administrative remedies.

6 **“§ 2638. New grounds in support of a civil action**

7 “In any case in which the denial, in whole or in part, of
8 a protest is a precondition to the institution of a civil action
9 in the Court of International Trade, the court, by rule, may
10 consider any new ground in support of the civil action if the
11 new ground—

12 “(1) applies to the same merchandise that was the
13 subject of the protest; and

14 “(2) is related to the same administrative determi-
15 nations listed in section 514 of the Tariff Act of 1930
16 that were contested in the protest.

17 **“§ 2639. Burden of proof; evidence of value**

18 “(a) In any civil action over which the Court of Inter-
19 national Trade has jurisdiction under subsection (a) or (b) of
20 section 1581, the determination of the Secretary of the Treas-
21 ury, the administering authority, or the International Trade
22 Commission, or their delegates, is presumed to be correct.
23 The burden to prove otherwise shall rest upon the party chal-
24 lenging the determination.

1 “(b) *Where the value of merchandise or any of its com-*
2 *ponents is in issue—*

3 “(1) *reports or depositions of consuls, customs of-*
4 *ficers, and other officers of the United States, and dep-*
5 *ositions and affidavits of other persons whose attend-*
6 *ance cannot reasonably be had may be admitted into*
7 *evidence when served upon the opposing party in ac-*
8 *cordance with the rules of the Court of International*
9 *Trade;*

10 “(2) *price lists and catalogs may be admitted in*
11 *evidence when duly authenticated, relevant, and mate-*
12 *rial; and*

13 “(3) *the value of merchandise shall be determined*
14 *from the evidence in the record and that adduced at the*
15 *trial, whether or not the merchandise or sample thereof*
16 *is available for examination.*

17 “(c) *The provisions of subsection (a) shall not apply to*
18 *any action commenced in the Court of International Trade*
19 *under section 1582 of this title, unless permitted by the Fed-*
20 *eral Rules of Evidence.*

21 **“§ 2640. Scope and standard of review**

22 “(a) *The Court of International Trade shall determine*
23 *the matter de novo upon the basis of the record made before*
24 *the court in the following categories of civil actions:*

1 “(1) *Civil actions contesting the denial of a pro-*
2 *test under section 515 of the Tariff Act of 1930 involv-*
3 *ing—*

4 “(A) *except to the extent judicial review is*
5 *available under subsection (b) of this section in*
6 *the case of a determination made reviewable*
7 *under section 516A of the Tariff Act of 1930—*

8 “(i) *the appraised value of merchandise;*

9 “(ii) *the classification, rate, and*
10 *amount of duties or fees chargeable;*

11 “(iii) *all charges or exactions of what-*
12 *ever character within the jurisdiction of the*
13 *Secretary of the Treasury; and*

14 “(iv) *the required redelivery of imports*
15 *under the terms of an entry bond or the ex-*
16 *clusion of merchandise from entry or deliv-*
17 *ery under the customs laws or under an*
18 *action of the Customs Service;*

19 “(B) *the refusal to pay a claim for a draw-*
20 *back; and*

21 “(C) *the refusal to reliquidate an entry*
22 *under section 520(c) of the Tariff Act of 1930.*

23 “(2) *Civil actions commenced under section*
24 *516(c) of the Tariff Act of 1930.*

1 “(3) *Civil actions commenced under section*
2 *1581(f) of this title.*

3 “(4) *Civil actions commenced under section*
4 *1581(g) of this title.*

5 “(5) *Civil actions commenced in the Court of In-*
6 *ternational Trade under section 1582 of this title.*

7 “(b) *In any civil action commenced under section 516A*
8 *of the Tariff Act of 1930, the court shall review the matter as*
9 *specified in subsection (b) of that section.*

10 “(c) *In any civil action commenced under subsection (c)*
11 *or (d) of section 1581 of this title, the court shall review the*
12 *matter as specified in those subsections.*

13 “(d) *In any civil action commenced under section*
14 *1581(e) of this title, the court shall review the matter as spec-*
15 *ified in section 250 of the Trade Act of 1974. The determina-*
16 *tion of the Secretary of Commerce under sections 251 and*
17 *271 of the Trade Act of 1974 shall be subject to judicial*
18 *review in the same manner and to the same extent as pro-*
19 *vided in section 250 of the Trade Act of 1974.*

20 “(e) *In any civil action not specified in this section, the*
21 *court shall review the matter as provided in section 706 of*
22 *title 5, United States Code.*

23 “§ 2641. ***Witnesses; inspection of documents***

24 “(a) *Except as otherwise provided by law, in any civil*
25 *action in the Court of International Trade, the parties and*

1 *their attorneys shall have an opportunity to introduce evi-*
2 *dence, to hear and cross-examine the witnesses of the other*
3 *party, and to inspect all samples and all papers admitted or*
4 *offered as evidence under rules prescribed by the court.*
5 *Except as provided in section 2639 of this title, subsection*
6 *(b) of this section, or any rule prescribed by the court, the*
7 *Federal Rules of Evidence shall apply to all civil actions in*
8 *the Court of International Trade.*

9 “(b) *The Court of International Trade may order that*
10 *in any civil action trade secrets and commercial or financial*
11 *information which is privileged and confidential, or any in-*
12 *formation provided to the United States by foreign govern-*
13 *ments or foreign persons, shall not be disclosed or shall be*
14 *disclosed to a party, its counsel, or any other person, only*
15 *under such terms and conditions as the court may order.*

16 **“§ 2642. Analysis of imported merchandise**

17 “*The Court of International Trade may order an analy-*
18 *sis of imported merchandise and reports thereon by laborato-*
19 *ries or agencies of the United States.*

20 **“§ 2643. Relief**

21 “(a) *In any civil action commenced under section 1581*
22 *or 1582 of this title or in any counterclaim asserted under*
23 *section 1583 of this title, the Court of International Trade*
24 *may, if appropriate, enter a judgment for money for or*
25 *against the United States.*

1 “(b) In any civil action commenced under section
2 1581(a) of this title or section 516 of the Tariff Act of 1930,
3 if the Court of International Trade is unable to arrive at the
4 correct determination on the basis of the evidence presented,
5 the court may order such further administrative or adjudica-
6 tive procedures that the court deems necessary.

7 “(c) In any civil action involving an application for an
8 order requiring the administering authority or to the Interna-
9 tional Trade Commission to make confidential information
10 available under section 777(c)(2) of the Tariff Act of 1930,
11 the court may issue an order of disclosure only with respect
12 to the information specified in that section.

13 “(d) In addition to the orders specified in subsections
14 (a), (b), and (c) of this section, the Court of International
15 Trade may order any form of relief which is appropriate,
16 including, but not limited to, declaratory judgments, orders of
17 remand, writs of mandamus, and prohibition and injunction.

18 “(e) The Court of International Trade may, in extraor-
19 dinary circumstances, grant appropriate preliminary or per-
20 manent injunctive relief upon the request of a person who,
21 after exhausting all appropriate administrative remedies,
22 would have the right to commence a civil action in the Court
23 of International Trade. In ruling upon such a request, the
24 court shall consider, among other matters, whether the person
25 making the request will be irreparably injured if the relief is

1 not granted, and if so, whether the irreparable injury
2 outweighs the effect that the issuance of the requested injunc-
3 tion would have upon the public interest.

4 **“§ 2644. Decisions; findings of fact and conclusions of law;**
5 **effect of decisions**

6 “(a) A final decision of the Court of International
7 Trade in a contested civil action or a decision granting or
8 refusing an injunction shall be supported by—

9 “(1) a statement of findings of fact and conclu-
10 sions of law, or

11 “(2) an opinion stating the reasons and facts
12 upon which the decision is based.

13 “(b) Upon motion of a party, or upon its own motion,
14 made not later than thirty days after entry of judgment, the
15 court may amend its findings or make additional findings
16 and may amend the decision and judgment accordingly.

17 “(c) A decision of the Court of International Trade is
18 final and conclusive, unless a retrial or rehearing is granted
19 under section 2645 of this title or an appeal is taken to the
20 Court of Customs and Patent Appeals within the time and
21 the manner provided in section 2601 of this title.

22 **“§ 2645. Retrial or rehearing**

23 “After the Court of International Trade has rendered a
24 judgment or order the court may, upon motion of a party or
25 upon its own motion, grant a retrial or rehearing, as the case

1 *may be. A party's motion shall be made or the court's action*
2 *on its own motion shall be taken, not later than thirty days*
3 *after entry of the judgment or order.*

4 **“§ 2646. Precedence of cases**

5 *“(a) A civil action involving the exclusion of perishable*
6 *merchandise shall be given precedence over other civil actions*
7 *pending before the Court of International Trade, and shall be*
8 *assigned for hearing or trial at the earliest practicable date*
9 *and expedited in every way.*

10 *“(b) Except those civil actions given precedence under*
11 *subsection (a), a civil action for the review of a determination*
12 *under section 516A(a)(1)(B) or under section 516A(a)(1)(E)*
13 *of the Tariff Act of 1930 shall be given precedence over other*
14 *civil actions pending before the court, and shall be assigned*
15 *for hearing or trial at the earliest practicable date and expe-*
16 *dited in every way.*

17 *“(c) Except those civil actions given precedence under*
18 *subsection (a) or (b), a civil action involving the exclusion or*
19 *redelivery of merchandise arising under section 1581 of this*
20 *title or under 516 or 516A of the Tariff Act of 1930, shall be*
21 *given precedence over other civil actions pending before the*
22 *court, and shall be assigned for hearing or trial at the earliest*
23 *practicable date and expedited in every way.”.*

24 *(b) The table of chapters for part VI of title 28, United*
25 *States Code, is amended in the item relating to chapter 169*

1 by striking out “*Customs Court*” and inserting in lieu there-
2 of “*Court of International Trade*”.

3 *TITLE V—COURT OF CUSTOMS AND PATENT*
4 *APPEALS*

5 *SEC. 501. (a) Section 1541(a) of title 28, United*
6 *States Code, is amended by striking out: “and from any in-*
7 *terlocutory order granting, continuing, modifying, refusing,*
8 *or dissolving an injunction, or refusing to dissolve or modify*
9 *an injunction, under section 516A(c)(2) of the Tariff Act of*
10 *1930:”.*

11 *(b) Section 1541 is amended by adding at the end there-*
12 *of the following:*

13 *“(c) The Court of Customs and Patent Appeals has ex-*
14 *clusive jurisdiction of any appeal from an interlocutory order*
15 *of the Court of International Trade granting, continuing,*
16 *modifying, refusing, or dissolving injunctions, or refusing to*
17 *dissolve or modify injunctions.”.*

18 *SEC. 502. (a) Section 1543 of title 28, United States*
19 *Code, is amended to read as follows:*

20 **“§ 1543. *International Trade Commission determinations***

21 *“The Court of Customs and Patent Appeals shall have*
22 *jurisdiction to review the determinations of the United States*
23 *International Trade Commission made under section 337 of*
24 *the Tariff Act of 1930 relating to unfair trade practices in*
25 *import trade.”.*

1 (b) *The table of sections for chapter 93 of that title is*
2 *amended by adding at the end thereof the following:*

“1546. Rules of evidence; powers in law and equity; exclusive jurisdiction.”.

3 SEC. 504. (a) *Section 2601(a) of title 28, United*
4 *States Code, is amended by adding the following at the end*
5 *thereof: “If a timely notice of appeal is filed by a party, any*
6 *other party may file a notice of appeal within fourteen days*
7 *after the date on which the first notice of appeal was filed.”.*

8 (b) *The first sentence of section 2601(b) of title 28,*
9 *United States Code, is amended—*

10 (1) *by inserting “or cross appeal” after “appeal”*
11 *each time it appears; and*

12 (2) *by striking out “which shall include a concise*
13 *statement of the errors complained of”.*

14 (c) *The third sentence of section 2601(b) of title 28,*
15 *United States Code, is amended by striking out “and the*
16 *Secretary of the Treasury or their designees” and inserting*
17 *in lieu thereof “and any named official”.*

18 (d) *Section 2601(c) of title 28, United States Code, is*
19 *amended by inserting the following after the first sentence:*
20 *“Findings of fact shall not be set aside unless clearly errone-*
21 *ous and due regard shall be given to the opportunity of the*
22 *Court of International Trade to judge the credibility of the*
23 *witnesses. A party may raise on appeal the question of*
24 *whether findings of fact are clearly erroneous, whether or not*

1 *the party raising the questions made an objection to such*
2 *findings in the Court of International Trade or made a*
3 *motion to amend such findings.”.*

4 *SEC. 505. (a) Section 2602 of title 28, United States*
5 *Code, is amended to read as follows:*

6 **“§ 2602. Precedence of cases**

7 *“(a) A civil action involving the exclusion of perishable*
8 *merchandise shall be given precedence over other civil actions*
9 *pending before the Court of Customs and Patent Appeals,*
10 *and shall be assigned for hearing at the earliest practicable*
11 *date and expedited in every way.*

12 *“(b) Except those civil actions given precedence under*
13 *subsection (a), a civil action for the review of a determination*
14 *under section 516A(a)(1)(B) or under section 516A(a)(1)(E)*
15 *of the Tariff Act of 1930 shall be given precedence over other*
16 *civil actions pending before the court, and shall be assigned*
17 *for hearing at the earliest practicable date and expedited in*
18 *every way.*

19 *“(c) Except those civil actions given precedence under*
20 *subsection (a) or (b), a civil action involving the exclusion or*
21 *redelivery of merchandise arising under section 1581 of this*
22 *title or under 516 or 516A of the Tariff Act of 1930, shall be*
23 *given precedence over other civil actions pending before the*
24 *court, and shall be assigned for hearing at the earliest practi-*
25 *cable date and expedited in every way.*

1 “(d) *Except those civil actions given precedence under*
2 *subsection (a), (b), or (c), an appeal from findings of the*
3 *Secretary of Commerce provided for in headnote 6 to sched-*
4 *ule 8, part 4, of the Tariff Schedules of the United States*
5 *(19 U.S.C. 1202) shall be given precedence over other civil*
6 *actions pending before the court, and shall be assigned for*
7 *hearing at the earliest practicable date and expedited in every*
8 *way.*”.

9 (b) *The item relating to section 2602 in the table of*
10 *sections for chapter 167 of title 28, United States Code, is*
11 *amended to read as follows:*

“2602. *Precedence of cases.*”.

12 SEC. 506. (a) *Chapter 167 of title 28, United States*
13 *Code, is amended by adding at the end thereof the following*
14 *new section:*

15 “§ 2603. **Judicial conference**

16 “*The Court of Customs and Patent Appeals is author-*
17 *ized to conduct an annual judicial conference for the purposes*
18 *of considering the business of the court and improvements in*
19 *the administration of justice in the court.*”.

20 (b) *The table of contents for chapter 167 of such title is*
21 *amended by adding at the end thereof the following new item:*

“2603. *Judicial conference.*”.

1 *TITLE VI—CONFORMING AMENDMENTS*
2 *RELATING TO THE NAME OF THE COURT*

3 *SEC. 601. Section 1 of the Act entitled “An Act to pro-*
4 *vide the name by which the Board of General Appraisers and*
5 *members thereof shall hereby after be known”, approved May*
6 *28, 1926 (19 U.S.C. 405(a)), is amended by striking out*
7 *“Customs Court” and inserting “Court of International*
8 *Trade” each time it appears.*

9 *SEC. 602. Section 305 of the Tariff Act of 1930 (19*
10 *U.S.C. 1305) is amended by striking out “Customs Court”*
11 *and inserting “Court of International Trade”.*

12 *SEC. 603. Section 502(b) of the Tariff Act of 1930 (19*
13 *U.S.C. 1502(b)) is amended by striking out “Customs*
14 *Court” and inserting “Court of International Trade”.*

15 *SEC. 604. Section 503 of the Tariff Act of 1930 (19*
16 *U.S.C. 1503) is amended by striking out “Customs Court”*
17 *and inserting “Court of International Trade”.*

18 *SEC. 605. Section 514(a) of the Tariff Act of 1930 (19*
19 *U.S.C. 1514(a)) is amended by striking out “Customs*
20 *Court” and inserting “Court of International Trade” each*
21 *time it appears.*

22 *SEC. 606. Section 516(d) of the Tariff Act of 1930 (19*
23 *U.S.C. 1516(d)) is amended by striking out “Customs*
24 *Court” and inserting “Court of International Trade”.*

1 *SEC. 607. Section 516(e) of the Tariff Act of 1930 (19*
2 *U.S.C. 1516(e)) is amended by striking out “Customs*
3 *Court” and inserting “Court of International Trade”.*

4 *SEC. 608. Section 516(f) of the Tariff Act of 1930 (19*
5 *U.S.C. 1516(f)) is amended by striking out “Customs*
6 *Court” and inserting “Court of International Trade”.*

7 *SEC. 609. Section 516A of the Tariff Act of 1930 is*
8 *amended by striking out “Customs Court” and inserting*
9 *“Court of International Trade” each time it appears.*

10 *SEC. 610. Section 528 of the Tariff Act of 1930 (19*
11 *U.S.C. 1528) is amended by striking out “Customs Court”*
12 *and inserting “Court of International Trade”.*

13 *SEC. 611. Section 563(a) of the Tariff Act of 1930 (19*
14 *U.S.C. 1563) is amended by striking out “Customs Court”*
15 *and inserting “Court of International Trade”.*

16 *SEC. 612. Section 7443(d) of the Internal Revenue*
17 *Code of 1954 (26 U.S.C. 7443(d)) is amended by striking*
18 *out “Customs Court” and inserting “Court of International*
19 *Trade”.*

20 *SEC. 613. Section 252 of title 28, United States Code,*
21 *is amended by striking out “Customs Court” and inserting*
22 *“Court of International Trade”.*

23 *SEC. 614. Section 253(a) of title 28, United States*
24 *Code, is amended by striking out “Customs Court” and in-*
25 *serting “Court of International Trade”.*

1 *SEC. 615. Section 254 of title 28, United States Code,*
2 *is amended by striking out “Customs Court” and inserting*
3 *“United States Court of International Trade”.*

4 *SEC. 616. Section 255(a) of title 28, United States*
5 *Code, is amended by striking out “Customs Court” and in-*
6 *serting “United States Court of International Trade”.*

7 *SEC. 617. (a) Section 293(b) of title 28, United States*
8 *Code, is amended by striking out “Customs Court” and in-*
9 *serting “United States Court of International Trade”.*

10 *(b) Section 293(c) of title 28, United States Code, is*
11 *amended by striking out “Customs Court” and inserting*
12 *“United States Court of International Trade” each time it*
13 *appears.*

14 *SEC. 618. Section 569(a) of title 28, United States*
15 *Code, is amended by striking out “Customs Court” and in-*
16 *serting “United States Court of International Trade”.*

17 *SEC. 619. Section 605 of title 28, United States Code,*
18 *is amended by striking out “Customs Court” and inserting*
19 *“United States Court of International Trade” each time it*
20 *appears.*

21 *SEC. 620. Section 871 of title 28, United States Code,*
22 *is amended by striking out “Customs Court” and inserting*
23 *“United States Court of International Trade”.*

1 *SEC. 621. Section 873 of title 28, United States Code,*
2 *is amended by striking out “Customs Court” and inserting*
3 *“United States Court of International Trade”.*

4 *SEC. 622. Section 1340 of title 28, United States*
5 *Code, is amended by striking out “Customs Court” and in-*
6 *serting “United States Court of International Trade”.*

7 *SEC. 623. (a) Section 1541(a) of title 28, United*
8 *States Code, is amended by striking out “Customs Court”*
9 *and inserting “Court of International Trade”.*

10 *(b) Section 1541(b) of title 28, United States Code, is*
11 *amended by striking out “Customs Court” and inserting*
12 *“United States Court of International Trade” each time it*
13 *appears.*

14 *SEC. 624. Section 2601 of title 28, United States*
15 *Code, is amended by striking out “Customs Court” and in-*
16 *serting “United States Court of International Trade” each*
17 *time it appears.*

18 *SEC. 625. The table of chapters for part I of title 28,*
19 *United States Code, is amended in the item relating to chap-*
20 *ter 11 by striking out “Customs Court” and inserting*
21 *“United States Court of International Trade”.*

22 *SEC. 626. The table of chapters for part III of title 28,*
23 *United States Code, is amended in the item relating to chap-*
24 *ter 55 by striking out “Customs Court” and inserting*
25 *“United States Court of International Trade”.*

1 *foregoing, review of commission determinations under*
2 *subsections (d), (e), and (f) as to its findings on the*
3 *amount and nature of bond, the appropriate remedy, or*
4 *the effect of such order on the public health and wel-*
5 *fare, competitive conditions in the United States econo-*
6 *my, the production of like or directly competitive arti-*
7 *cles in the United States, and United States consum-*
8 *ers, shall be reviewable only for abuse of administra-*
9 *tive discretion.”.*

10 *SEC. 702. Section 516A(a)(1) of the Tariff Act of 1930*
11 *is amended by inserting “or such other time as provided by*
12 *statute” immediately after “30 days”.*

13 *SEC. 703. The second sentence of section 516A(c)(2) of*
14 *the Tariff Act of 1930 is amended to read as follows: “In*
15 *ruling upon a request for such injunctive relief, the court*
16 *shall consider the factors set forth in section 2643(e) of title*
17 *28, United States Code.”.*

18 *SEC. 704. The second sentence of section 516A(d) of the*
19 *Tariff Act of 1930 is amended to read as follows: “The party*
20 *filing the action shall notify all such interested parties of the*
21 *filing of an action under this section in the form, manner,*
22 *style and within the time prescribed by the rules of that*
23 *court.”.*

24 *SEC. 705. Section 592(e) of the Tariff Act of 1930 is*
25 *amended in the introductory paragraph to read as follows:*

1 “(e) *COURT OF INTERNATIONAL TRADE AND DIS-*
2 *TRICT COURT PROCEEDINGS.*—Notwithstanding any other
3 *provision of law, in any proceeding commenced by the*
4 *United States in the Court of International Trade or in a*
5 *United States district court, under section 604 of this Act for*
6 *the recovery of any monetary penalty claimed under this sec-*
7 *tion, or transferred from the Court of International Trade to*
8 *a district court under section 1581 of title 28, United States*
9 *Code—”.*

10 *SEC. 706. (a) The second sentence of the second para-*
11 *graph of paragraph (b) of section 641 of the Tariff Act of*
12 *1930 is amended by striking out all that appears after*
13 *“filing,” and before “sixty,” and inserting in lieu thereof “in*
14 *the Court of Customs and Patent Appeals, within”.*

15 *(b) The second paragraph of section 641(b) of the Tariff*
16 *Act of 1930 is amended by inserting the following immedi-*
17 *ately after the third sentence: “For purposes of this para-*
18 *graph, all relevant rules prescribed in accordance with sec-*
19 *tions 2072 and 2112 of title 28, United States Code, apply*
20 *to the Court of Customs and Patent Appeals.”.*

21 *SEC. 707. (a) Section 250(a) of the Trade Act of 1974*
22 *is amended by striking out “court of appeals for the circuit in*
23 *which such worker or group is located or in the United States*
24 *Court of Appeals for the District of Columbia Circuit” and*
25 *inserting in lieu thereof “Court of International Trade”.*

1 (b)(1) Section 250(c) of the Trade Act of 1974 is
2 amended by inserting the following immediately after the
3 first sentence: "The judgment of the Court of International
4 Trade shall be subject to review by the United States Court
5 of Customs and Patent Appeals as prescribed by the rules of
6 the Court of Customs and Patent Appeals."

7 (2) Section 250(c) of the Trade Act of 1974 is further
8 amended by striking out "court" the second time it appears
9 and inserting in lieu thereof "Court of Customs and Patent
10 Appeals".

11 SEC. 708. Section 518(a) of title 28, United States
12 Code, is amended by inserting "and in the Court of Interna-
13 tional Trade" immediately after "Claims".

14 SEC. 709. Section 751 of title 28, United States Code,
15 is amended by adding at the end thereof the following:

16 "(f) When the Court of International Trade is sitting in
17 a judicial district other than the Southern and Eastern Dis-
18 tricts of New York, the clerk of that district court or an au-
19 thorized deputy clerk, upon the request of the chief judge of
20 the Court of International Trade and with the approval of
21 that district court, shall act in the district as clerk of the
22 Court of International Trade in accordance with the rules
23 and orders of the Court of International Trade for all pur-
24 poses relating to any case pending before the court."

1 *SEC. 710. Section 1331(a) of title 28, United States*
2 *Code, is amended by adding at the end thereof the following:*
3 *“The district courts shall not possess jurisdiction under this*
4 *section over any matter within the exclusive jurisdiction of*
5 *the Court of International Trade.”.*

6 *SEC. 711. Section 1337 of title 28, United States*
7 *Code, is amended by adding at the end thereof the following:*
8 *“(c) The district courts shall not possess jurisdiction*
9 *under this section over any matter within the exclusive juris-*
10 *diction of the Court of International Trade.”.*

11 *SEC. 712. Section 1355 of title 28, United States*
12 *Code, is amended by adding at the end thereof the following:*
13 *“The Court of International Trade shall have jurisdiction of*
14 *any such action or proceeding commenced in such court*
15 *under section 1582 of this title.”.*

16 *SEC. 713. Section 1356 of title 28, United States*
17 *Code, is amended by adding at the end thereof the following:*
18 *“The Court of International Trade shall have jurisdiction of*
19 *any such action or proceeding commenced in such court*
20 *under section 1582 of this title.”.*

21 *SEC. 714. The second paragraph of section 1491 of title*
22 *28, United States Code, is amended by inserting “within the*
23 *exclusive jurisdiction of the Court of International Trade,*
24 *or” after “suits” the first time it appears in the first sen-*
25 *tence.*

1 *SEC. 715. Section 1919 of title 28, United States*
2 *Code, is amended by inserting “or the Court of International*
3 *Trade” after “court” the first time it appears.*

4 *SEC. 716. Section 1963 of title 28, United States*
5 *Code, is amended by inserting the following immediately*
6 *after “district court” the first time it appears: “or in the*
7 *Court of International Trade”.*

8 *SEC. 717. The first paragraph of section 2414 of title*
9 *28, United States Code, is amended by inserting “or Court*
10 *of International Trade” after “court” in the first sentence.*

11 *SEC. 718. (a)(1) Except as provided in paragraph (2),*
12 *this Act, and the amendments made by this Act, shall become*
13 *effective on the date on which title VII of the Tariff Act of*
14 *1930, as added by title I of the Trade Agreements Act of*
15 *1979, takes effect.*

16 *(2) The amendments made by section 506 of this Act*
17 *shall become effective on October 1, 1980.*

18 *(b) Nothing in this Act shall cause the dismissal of any*
19 *action commenced prior to the date of enactment under juris-*
20 *dictional statutes relating to the United States Customs*
21 *Court or the United States Court of Customs and Patent*
22 *Appeals in effect before the date of enactment of this Act.*

23 *(c)(1) Except as provided in paragraph (2), in review-*
24 *ing any determination made before January 1, 1980, under*
25 *section 303 of the Tariff Act of 1930 or the Antidumping*

1 *Act, 1921, the Court of International Trade and the Court of*
2 *Customs and Patent Appeals shall base its review on the law*
3 *as it existed on the date of such determination.*

4 (2) *The scope of review and procedures for such review*
5 *shall be governed by the provisions of, and the amendments*
6 *made by, this Act.*

96TH CONGRESS
1ST SESSION

S. 1654

[Report No. 96-466]

A BILL

To improve the Federal judicial machinery by clarifying and revising certain provisions of title 28, United States Code, relating to the judiciary and judicial review of international trade matters, and for other purposes.

AUGUST 2 (legislative day, JUNE 21), 1979

Read twice and referred to the Committee on the Judiciary

DECEMBER 7 (legislative day, NOVEMBER 29), 1979

Reported with an amendment