

96TH CONGRESS
2D SESSION

H. R. 6394

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 HOUSE OF REPRESENTATIVES

JANUARY 31, 1980

Mr. RODINO introduced the following bill; which was referred to the Committee on the Judiciary

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,*
3 That this Act may be cited as the "Customs Courts Act of
4 1980".

1 TITLE I—COMPOSITION OF THE COURT OF IN-
2 TERNATIONAL TRADE AND ASSIGNMENT OF
3 JUDGES TO OTHER COURTS

4 COMPOSITION OF COURT

5 SEC. 101. Section 251 of title 28, United States Code,
6 is amended to read as follows:

7 “§ 251. **Appointment and number of judges; offices**

8 “(a) The President shall appoint, by and with the advice
9 and consent of the Senate, nine judges who shall constitute a
10 court of record to be known as the United States Court of
11 International Trade. The court is a court established under
12 article III of the Constitution of the United States.

13 “(b) The President shall designate one of the judges of
14 the Court of International Trade who is less than seventy
15 years of age to serve as chief judge. The chief judge shall
16 continue to serve as chief judge until he reaches the age of
17 seventy years and another judge is designated as chief judge
18 by the President. After the designation of another judge to
19 serve as chief judge, the former chief judge may continue to
20 serve as a judge of the court.

21 “(c) The offices of the Court of International Trade shall
22 be located at New York, New York.”.

23 ASSIGNMENT OF JUDGES

24 SEC. 102. (a) Section 293(b) of title 28, United States
25 Code, is amended by striking out “Customs Court” and all

1 that follows through “need arises.” and inserting in lieu
 2 thereof “Court of International Trade to perform judicial
 3 duties in any circuit, either in a court of appeals or district
 4 court, upon presentation of a certificate of necessity by the
 5 chief judge or circuit justice of the circuit in which the need
 6 arises.”.

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

9 “(d) The chief judge of the Court of International Trade
 10 may, upon presentation to him of a certificate of necessity by
 11 the chief judge of the Court of Appeals for International
 12 Trade, Patents, and Trademarks or the chief judge of the
 13 Court of Claims, designate and assign temporarily any judge
 14 of the Court of International Trade to serve as a judge of the
 15 Court of Appeals for International Trade, Patents, and
 16 Trademarks or the Court of Claims.”.

17 TITLE II—JURISDICTION OF THE COURT OF
 18 INTERNATIONAL TRADE
 19 JURISDICTION OF THE COURT

20 SEC. 201. (a) Chapter 95 of title 28, United States
 21 Code, is amended to read as follows:

22 **“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 in law and equity.

1 **“§ 1581. Civil actions against the United States**

2 “(a) The Court of International Trade shall have exclu-
3 sive jurisdiction of any civil action commenced by any person
4 whose protest under section 515 of the Tariff Act of 1930
5 has been denied, in whole or in part, by the appropriate cus-
6 toms officer, where the administrative decision, including the
7 legality of all orders and findings entering into such decision,
8 involves—

9 “(1) the appraised value of merchandise;

10 “(2) the classification and rate and amount of
11 duties chargeable;

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

15 “(4) 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 provision of the customs laws, except a determination
19 appealable under section 337 of the Tariff Act of 1930;

20 “(5) the liquidation or reliquidation of an entry, or
21 any modification thereof;

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

23 “(7) the refusal to reliquidate an entry under sec-
24 tion 520(c) of the Tariff Act of 1930.

1 “(b) The Court of International Trade shall have exclu-
2 sive jurisdiction of any civil action commenced under section
3 516 of the Tariff Act of 1930.

4 “(c) The Court of International Trade shall have exclu-
5 sive jurisdiction of any civil action commenced under section
6 516A of the Tariff Act of 1930.

7 “(d)(1) After the decision of the President has become
8 final and has been published in the Federal Register, the
9 Court of International Trade shall have exclusive jurisdiction
10 of any civil action commenced to review the advice, findings,
11 recommendations, and determinations of the International
12 Trade Commission under sections 131, 201, 202, 203, 304,
13 406, and 503 of the Trade Act of 1974, sections 336 and
14 338 of the Tariff Act of 1930, and section 22 of the Agricul-
15 tural Adjustment Act, solely for the purpose of determining
16 the procedural regularity of such actions.

17 “(2) If no advice, findings, recommendations, or deter-
18 minations have been provided to the President by the Inter-
19 national Trade Commission, the Court of International Trade
20 shall have exclusive jurisdiction to review the advice, find-
21 ings, recommendations, and determinations of the Commis-
22 sion under the sections specified in paragraph (1) of this sub-
23 section, solely for the purposes of determining the procedural
24 regularity of such actions.

1 “(e) After the decision of the President has become final
2 and has been published in the Federal Register, the Court of
3 International Trade shall have exclusive jurisdiction to
4 review any action of the Office of the United States Trade
5 Representative under section 302(b)(1) or 304 of the Trade
6 Act of 1974, solely for the purposes of determining the pro-
7 cedural regularity of such action.

8 “(f) The Court of International Trade shall have exclu-
9 sive jurisdiction of any civil action commenced to review any
10 determination of the Secretary of Labor or the Secretary of
11 Commerce certifying or refusing to certify workers, commu-
12 nities, or firms as eligible for adjustment assistance under the
13 Trade Act of 1974.

14 “(g) The Court of International Trade shall have exclu-
15 sive jurisdiction of any civil action commenced to review a
16 final determination of the Secretary of the Treasury under
17 section 305(b)(1) of the Trade Agreements Act of 1979.

18 “(h) The Court of International Trade shall have exclu-
19 sive jurisdiction of any civil action involving an application
20 for an order directing the administering authority or the In-
21 ternational Trade Commission to make confidential informa-
22 tion available under section 777(c)(2) of the Tariff Act of
23 1930.

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

1 this section and subject to the exceptions set forth in subsec-
2 tion (j) of this section, the Court of International Trade shall
3 have exclusive jurisdiction of any civil action against the
4 United States, its agencies, or its officers, which—

5 “(1) arises directly from an import transaction;
6 and

7 “(2)(A) involves the Tariff Act of 1930, the Trade
8 Expansion Act of 1962, the Trade Act of 1974, or the
9 Trade Agreements Act of 1979; or

10 “(B) involves a provision of—

11 “(i) the Constitution of the United States;

12 “(ii) a treaty of the United States;

13 “(iii) an executive agreement executed by the
14 President; or

15 “(iv) an Executive order of the President,
16 which directly and substantially involves international
17 trade.

18 “(j) The Court of International Trade shall not have
19 jurisdiction—

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

22 “(2) to review any ruling or refusal to issue or
23 change a ruling relating to classification, valuation,
24 rate of duty, marking, restricted merchandise, entry re-
25 quirements, drawbacks, vessel repairs, and similar mat-

1 ters issued by the Secretary of the Treasury other than
2 in connection with a civil action commenced under sub-
3 section (a), (b), or (c) of this section, except that this
4 exclusion shall not apply if a person demonstrates that
5 he would be irreparably harmed without an opportunity
6 to obtain judicial review under subsection (a), (b), or (c)
7 of this section.

8 **“§ 1582. Civil actions commenced by the United States**

9 “(a) The Court of International Trade shall have origi-
10 nal jurisdiction of any civil action which arises from an
11 import transaction and which is commenced by the United
12 States—

13 “(1) to recover a civil penalty under section 592,
14 704(i)(2), or 734(i)(2) of the Tariff Act of 1930;

15 “(2) to recover upon a bond relating to the impor-
16 tation of merchandise required by the laws of the
17 United States or by the Secretary of the Treasury; or

18 “(3) to recover customs duties.

19 “(b)(1) Any party to a civil action described in subsec-
20 tion (a) of this section who desires to have such action tried
21 before a jury may, within thirty days after the date such
22 action is commenced, file a motion with the Court of Interna-
23 tional Trade requesting a transfer of such action to the dis-
24 trict court of the United States for the district in which such
25 action arose.

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

5 “(c) Within ten days after the issuance of an order of
6 transfer under subsection (b)(2) of this section, the clerk of
7 the Court of International Trade shall transmit the summons,
8 pleadings, and other papers to the clerk of the appropriate
9 district court. The action shall proceed in the district court as
10 if it had been commenced in such court in the first instance.

11 **“§ 1583. Counterclaims**

12 “The Court of International Trade shall have exclusive
13 jurisdiction to render judgment upon (1) any counterclaim as-
14 serted by the United States which arises out of an import
15 transaction that is the subject matter of a civil action pending
16 before the court, or (2) any counterclaim of the United States
17 to recover upon a bond or customs duties relating to such
18 transaction.

19 **“§ 1584. Cure of defects**

20 “(a) If a civil action within the exclusive jurisdiction of
21 the Court of International Trade is commenced in a district
22 court of the United States, the district court shall, in the
23 interest of justice, transfer such civil action to the Court of
24 International Trade, where such action shall proceed as if it

1 had been commenced in the Court of International Trade in
2 the first instance.

3 “(b) If a civil action within the exclusive jurisdiction of a
4 district court, a court of appeals, or the Court of Appeals for
5 International Trade, Patents, and Trademarks is commenced
6 in the Court of International Trade, the Court of Interna-
7 tional Trade shall, in the interest of justice, transfer such civil
8 action to the appropriate district court or court of appeals or
9 to the Court of Appeals for International Trade, Patents, and
10 Trademarks, where such action shall proceed as if it had
11 been commenced in such court in the first instance.

12 **“§ 1585. Powers in law and equity**

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

16 (b) The item relating to chapter 95 in the table of chap-
17 ters for part IV of title 28, United States Code, is amended
18 by striking out “Customs Court” and inserting “Court of In-
19 ternational Trade” in lieu thereof.

20 **TITLE III—COURT OF INTERNATIONAL TRADE**

21 **PROCEDURE**

22 **COURT PROCEDURE**

23 **SEC. 301.** (a) Chapter 169 of title 28, United States
24 Code, is amended to read as follows:

1 **“CHAPTER 169—COURT OF INTERNATIONAL TRADE**
 2 **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.

“2645. Retrial or rehearing.

“2646. Precedence of cases.

3 **“§ 2631. Persons entitled to commence a civil action**

4 “(a) A civil action contesting the denial, in whole or in
 5 part, of a protest under section 515 of the Tariff Act of 1930
 6 may be commenced in the Court of International Trade by
 7 the person who filed the protest pursuant to section 514 of
 8 such Act.

9 “(b) A civil action contesting the denial of a petition
 10 under section 516 of the Tariff Act of 1930 may be com-
 11 menced in the Court of International Trade by the domestic
 12 interested party who filed such petition.

13 “(c) A civil action contesting a determination listed in
 14 section 516A of the Tariff Act of 1930 may be commenced in
 15 the Court of International Trade by any interested party who
 16 was a party to the proceeding in connection with which the
 17 matter arose.

1 “(d) A civil action to review a final determination made
2 under section 305(b)(1) of the Trade Agreements Act of 1979
3 may be commenced in the Court of International Trade by
4 any person who was a party-at-interest with respect to such
5 determination.

6 “(e) A civil action involving an application for the issu-
7 ance of an order directing the administering authority or the
8 International Trade Commission to make confidential infor-
9 mation available under section 777(c)(2) of the Tariff Act of
10 1930 may be commenced in the Court of International Trade
11 by any interested party who was a party to the investigation.

12 “(f) Any civil action of which the Court of International
13 Trade has jurisdiction, other than an action specified in sub-
14 sections (a) through (e) of this section, may be commenced in
15 the court by any person adversely affected or aggrieved by
16 agency action within the meaning of section 702 of title 5.

17 “(g) Except in civil actions described in section 1581(a)
18 or 1581(b) of this title, any person who would be adversely
19 affected or aggrieved by a decision in a civil action pending in
20 the Court of International Trade may, by leave of court, in-
21 tervene in such action. In exercising its discretion, the court
22 shall consider whether the intervention will unduly delay or
23 prejudice the adjudication of the rights of the original parties.

24 “(h) Any person who was a party to the investigation
25 and who would be adversely affected or aggrieved by the

1 issuance of an order under section 777(c)(2) of the Tariff Act
2 of 1930 may, by leave of court, intervene with respect to the
3 issuance of such order.

4 “(i) In this section—

5 “(1) ‘interested party’ means—

6 “(A) a foreign manufacturer, producer, or ex-
7 porter, or the United States importer, of merchan-
8 dise which is the subject of an investigation under
9 title VII of the Tariff Act of 1930, or a trade or
10 business association a majority of the members of
11 which are importers of such merchandise;

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

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

16 “(D) a certified union or recognized union or
17 group of workers which is representative of an in-
18 dustry engaged in the manufacture, production, or
19 wholesale in the United States of a like product;
20 and

21 “(E) a trade or business association a major-
22 ity of whose members manufacture, produce, or
23 wholesale a like product in the United States;

1 “(2) ‘domestic interested party’ means an inter-
2 ested party as defined in subparagraphs (C), (D), and
3 (E) of paragraph (1) of this subsection;

4 “(3) ‘party-at-interest’ means—

5 “(A) a foreign manufacturer, producer, or ex-
6 porter, or a United States importer, of merchan-
7 dise which is the subject of a final determination
8 under section 305(b)(1) of the Trade Agreements
9 Act of 1979;

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

12 “(C) United States members of a labor orga-
13 nization or other association of workers whose
14 members are employed in the manufacture, pro-
15 duction, or wholesale in the United States of a
16 like product; and

17 “(D) a trade or business association a major-
18 ity of whose members manufacture, produce, or
19 wholesale a like product in the United States; and

20 “(4) ‘like product’ means a product which is like,
21 or in the absence of like, most similar in characteristics
22 and uses with, the article subject to an investigation
23 under title VII of the Tariff Act of 1930 or a final de-
24 termination under section 305(b)(1) of the Trade
25 Agreements Act of 1979, as the case may be.

1 **“§ 2632. Commencement of a civil action**

2 “(a) Except for civil actions specified in subsections (b)
3 and (c) of this section, each civil action in the Court of Inter-
4 national Trade shall be commenced by filing concurrently
5 with the clerk of the court a summons and complaint, with
6 the content and in the form, manner, and style prescribed by
7 the rules of the court.

8 “(b) Each civil action in the Court of International
9 Trade under section 515 or section 516 of the Tariff Act of
10 1930 shall be commenced by filing with the clerk of the court
11 a summons, with the content and in the form, manner, and
12 style prescribed by the rules of the court.

13 “(c) Each civil action in the Court of International
14 Trade under section 516A of the Tariff Act of 1930 shall be
15 commenced by filing with the clerk of the court a summons
16 and a complaint, as prescribed in such section, with the con-
17 tent and in the form, manner, and style prescribed by the
18 rules of the court.

19 “(d) The Court of International Trade may prescribe by
20 rule that any summons, pleading, or other paper mailed by
21 registered or certified mail properly addressed to the clerk of
22 the court with the proper postage affixed and return receipt
23 requested shall be deemed filed as of the date of mailing.

1 **“§ 2633. Procedure and fees**

2 “(a) A filing fee shall be payable to the clerk of the
3 Court of International Trade upon the commencement of a
4 civil action in such court. The amount of the fee shall be
5 prescribed by the rules of the court, but shall be not less than
6 \$5 nor more than the filing fee for commencing a civil action
7 in a district court of the United States. The court may fix all
8 other fees to be charged by the clerk of the court.

9 “(b) The Court of International Trade shall prescribe
10 rules governing the summons, pleadings, and other papers,
11 for their amendment, service, and filing, for consolidations,
12 severances, suspensions of cases, and for other procedural
13 matters.

14 “(c) All summons, pleadings, and other papers filed in
15 the Court of International Trade shall be served on all par-
16 ties in accordance with rules prescribed by the court. When
17 the United States, its agencies, or its officers are adverse
18 parties, service of the summons shall be made upon the At-
19 torney General and the head of the Government agency
20 whose actions are complained of. When injunctive relief is
21 sought, the summons, pleadings, and other papers shall also
22 be served upon the named officials sought to be enjoined.

23 **“§ 2634. Notice**

24 “Reasonable notice of the time and place of trial or
25 hearing before the Court of International Trade shall be

1 given to all parties to any civil action, as prescribed by the
2 rules of the court.

3 **“§ 2635. Filing of official documents**

4 “(a)(1) Upon service of the summons on the Secretary of
5 the Treasury in any civil action contesting the denial of a
6 protest under section 515 of the Tariff Act of 1930 or the
7 denial of a petition under section 516 of such Act, the appro-
8 priate customs officer shall forthwith transmit to the clerk of
9 the Court of International Trade, as prescribed by its rules,
10 and as a part of the official record—

11 “(A) the consumption or other entry and the entry
12 summary;

13 “(B) the commercial invoice;

14 “(C) the special customs invoice;

15 “(D) a copy of the protest or petition;

16 “(E) a copy of the denial, in whole or in part, of
17 the protest or petition;

18 “(F) the importer’s exhibits;

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

20 “(H) any official laboratory reports; and

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

22 “(2) If any of the items listed in paragraph (1) of this
23 subsection do not exist in a particular civil action, an affirma-
24 tive statement to that effect shall be transmitted to the clerk
25 of the court.

1 “(b)(1) In any civil action commenced in the Court of
2 International Trade under section 516A of the Tariff Act of
3 1930, within forty days or within such other period of time as
4 the court may specify, after the date of service of a complaint
5 on the Secretary of the Treasury, the administering authority
6 established to administer title VII of the Tariff Act of 1930,
7 or the United States International Trade Commission, the
8 Secretary, the administering authority, or the Commission
9 shall transmit to the clerk of the court the record of such
10 action, as prescribed by the rules of the court. The record
11 shall, unless otherwise stipulated by the parties, consist of—

12 “(A) a copy of all information presented to or ob-
13 tained by the Secretary, the administering authority, or
14 the Commission during the course of the administrative
15 proceedings, including all governmental memoranda
16 pertaining to the case and the record of ex parte meet-
17 ings required to be maintained by section 777(a)(3) of
18 the Tariff Act of 1930; and

19 “(B)(i) a copy of the determination and the facts
20 and conclusions of law upon which such determination
21 was based, (ii) all transcripts or records of conferences
22 or hearings, and (iii) all notices published in the Fed-
23 eral Register.

24 “(2) The Secretary, the administering authority, or the
25 Commission shall identify and transmit under seal to the

1 clerk of the court any document, comment, or information
2 that is accorded confidential or privileged status by the Gov-
3 ernment agency whose action is being contested and that is
4 required to be transmitted to the clerk under paragraph (1) of
5 this subsection. Any such document, comment, or information
6 shall be accompanied by a nonconfidential description of the
7 nature of the material being transmitted. The confidential or
8 privileged status of such material shall be preserved in the
9 civil action, but the court may examine the confidential or
10 privileged material in camera and may make such material
11 available under such terms and conditions as the court may
12 order.

13 “(c) Within fifteen days, or within such other period of
14 time as the Court of International Trade may specify, after
15 service of a summons and complaint in a civil action involv-
16 ing an application for an order directing the administering
17 authority or the International Trade Commission to make
18 confidential information available under section 777(c)(2) of
19 the Tariff Act of 1930, the administering authority or the
20 Commission shall transmit under seal to the clerk of the
21 Court of International Trade, as prescribed by its rules, the
22 confidential information involved, together with pertinent
23 parts of the record.

24 “(d)(1) In any other civil action in the Court of Interna-
25 tional Trade in which judicial review is to proceed upon the

1 basis of the record made before an agency, the agency shall,
2 within forty days or within such other period of time as the
3 court may specify, after the date of service of the summons
4 and complaint upon the agency, transmit to the clerk of the
5 court, as prescribed by its rules—

6 “(A) a copy of the contested determination and
7 the findings or report upon which such determination
8 was based;

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

11 “(C) any documents, comments, or other papers
12 filed by the public, interested parties, or governments
13 with respect to the agency’s action.

14 “(2) The agency shall identify and transmit under seal
15 to the clerk of the court any document, comment, or other
16 information that was obtained on a confidential basis and that
17 is required to be transmitted to the clerk under paragraph (1)
18 of this subsection. Any such document, comment, or informa-
19 tion shall include a nonconfidential description of the nature
20 of the material being transmitted. The confidential or privi-
21 leged status of such material shall be preserved in the civil
22 action, but the court may examine such material in camera
23 and may make such material available under such terms and
24 conditions as the court may order.

1 “(3) The parties may stipulate that fewer documents,
2 comments, or other information than those specified in para-
3 graph (1) of this subsection shall be transmitted to the clerk
4 of the court.

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 under section 515(a) of such Act;

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

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

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

1 “(c) A civil action contesting a reviewable determination
2 listed in section 516A of the Tariff Act of 1930, other than a
3 determination under section 703(c) or 733(c) of that Act, is
4 barred unless commenced in accordance with the rules of the
5 Court of International Trade within thirty days after the date
6 of the publication of such determination in the Federal
7 Register.

8 “(d) A civil action contesting a determination by the
9 administering authority, under section 703(c) or 733(c) of the
10 Tariff Act of 1930, that a case is extraordinarily complicated
11 is barred unless commenced in accordance with the rules of
12 the Court of International Trade within five days after the
13 date of the publication of such determination in the Federal
14 Register.

15 “(e) A civil action contesting a final determination made
16 under section 305(b)(1) of the Trade Agreements Act of 1979
17 is barred unless commenced in accordance with the rules of
18 the Court of International Trade within thirty days after the
19 date of the publication of such determination in the Federal
20 Register.

21 “(f) A civil action involving an application for the issu-
22 ance of an order making confidential information available
23 under section 777(c)(2) of the Tariff Act of 1930 is barred
24 unless commenced in accordance with the rules of the Court

1 of International Trade within ten days after the date of the
2 denial of the request for such confidential information.

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

9 **“§ 2637. Exhaustion of administrative remedies**

10 “(a) A civil action contesting the denial of a protest
11 under section 515 of the Tariff Act of 1930 may be com-
12 menced only if all liquidated duties, charges, or exactions
13 have been paid at the time the action is commenced, except
14 that a surety’s obligation to pay such liquidated duties,
15 charges, or exactions is limited to the sum of any bond
16 related to each entry included in the denied protest. If a
17 surety commences a civil action in the Court of International
18 Trade, such surety shall recover only the amount of the liqui-
19 dated duties, charges, or exactions paid on the entries includ-
20 ed in the action.

21 “(b) A civil action contesting the denial of a petition
22 under section 516 of the Tariff Act of 1930 may be com-
23 menced only by a person who has first exhausted the proce-
24 dures set forth in that section.

1 “(c) In any civil action not specified in this section, the
2 Court of International Trade shall, where appropriate, re-
3 quire the exhaustion of administrative remedies.

4 **“§ 2638. New grounds in support of a civil action**

5 “In any civil action under section 515 of the Tariff Act
6 of 1930 in which the denial, in whole or in part, of a protest
7 is a precondition to the commencement of a civil action in the
8 Court of International Trade, the court, by rule, may consid-
9 er any new ground in support of the civil action if such new
10 ground—

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

13 “(2) is related to the same administrative decision
14 listed in section 514 of the Tariff Act of 1930 that was
15 contested in the protest.

16 **“§ 2639. Burden of proof; evidence of value**

17 “(a) In any civil action commenced in the Court of In-
18 ternational Trade under section 515, 516, or 516A of the
19 Tariff Act of 1930, the decision of the Secretary of the
20 Treasury or his delegate is presumed to be correct. The
21 burden of proving otherwise shall rest upon the party chal-
22 lenging such decision.

23 “(b) Where the value of merchandise is in issue in any
24 civil action in the Court of International Trade—

1 “(1) reports or depositions of consuls, customs
2 officers, and other officers of the United States, and
3 depositions and affidavits of other persons whose at-
4 tendance cannot reasonably be had, may be admitted
5 into evidence when served upon the opposing party as
6 prescribed by the rules of the court; and

7 “(2) price lists and catalogs may be admitted in
8 evidence when duly authenticated, relevant, and
9 material.

10 “(c) The provisions of subsection (a) of this section shall
11 not apply to any civil action commenced in the Court of In-
12 ternational Trade under section 1582 of this title.

13 **“§ 2640. Scope and standard of review**

14 “(a) The Court of International Trade shall make its
15 determinations upon the basis of the record made before the
16 court in the following categories of civil actions:

17 “(1) Civil actions contesting the denial of a pro-
18 test under section 515 of the Tariff Act of 1930.

19 “(2) Civil actions commenced under section 516
20 of the Tariff Act of 1930.

21 “(3) Civil actions commenced to review a final de-
22 termination made under section 305(b)(1) of the Trade
23 Agreements Act of 1979.

24 “(4) Civil actions commenced under section
25 777(c)(2) of the Tariff Act of 1930.

1 “(5) Civil actions commenced under section 1582
2 of this title.

3 “(b) In any civil action commenced in the Court of In-
4 ternational Trade under section 516A of the Tariff Act of
5 1930, the court shall review the matter as specified in sub-
6 section (b) of that section.

7 “(c) In any civil action commenced in the Court of In-
8 ternational Trade under subsection (d) or (e) of section 1581
9 of this title, the court shall review the matter as specified in
10 those subsections.

11 “(d) In any civil action commenced in the Court of In-
12 ternational Trade to review any determination of the Secre-
13 tary of Labor or the Secretary of Commerce certifying or
14 refusing to certify workers, communities, or firms as eligible
15 for assistance under the Trade Act of 1974, the court shall
16 review the matter as specified in section 250 of such Act.

17 “(e) In any civil action not specified in this section, the
18 court shall review the matter as provided in section 706 of
19 title 5.

20 **“§ 2641. Witnesses; inspection of documents**

21 “(a) Except as otherwise provided by law, in any civil
22 action in the Court of International Trade, the parties and
23 their attorneys shall have an opportunity to introduce evi-
24 dence, to hear and cross-examine the witnesses of the other
25 party, and to inspect all samples and papers admitted or of-

1 fered as evidence, as prescribed by the rules of the court.
2 Except as provided in section 2639 of this title, subsection (b)
3 of this section, or the rules of the court, the Federal Rules of
4 Evidence shall apply to all civil actions in the Court of Inter-
5 national Trade.

6 “(b) The Court of International Trade may order that
7 trade secrets and commercial or financial information which
8 is privileged and confidential, or any information provided to
9 the United States by any foreign government or foreign
10 person, may be disclosed to a party, its counsel, or any other
11 person under such terms and conditions as the court may
12 order.

13 **“§ 2642. Analysis of imported merchandise**

14 “The Court of International Trade may order an analy-
15 sis of imported merchandise and reports thereon by laborato-
16 ries or agencies of the United States.

17 **“§ 2643. Relief**

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

23 “(b) If, in any civil action commenced under section 515
24 or 516 of the Tariff Act of 1930, the Court of International
25 Trade is unable to determine the correct decision on the basis

1 of the evidence presented, the court may order a retrial or
2 rehearing for all purposes, or may order such further admin-
3 istrative or adjudicative procedures as the court deems neces-
4 sary to enable it to reach the correct decision.

5 “(c)(1) Except as provided in paragraph (2) of this sub-
6 section, the Court of International Trade may, in addition to
7 the orders specified in subsections (a) and (b) of this section,
8 order any other form of relief that is appropriate in a civil
9 action, including, but not limited to, declaratory judgments,
10 orders of remand, injunctions, and writs of mandamus and
11 prohibition. A preliminary or permanent injunction may be
12 granted by the court upon the motion of a person who would
13 have the right to commence a civil action after exhausting all
14 appropriate administrative remedies. In ruling on such a
15 motion, the court shall consider whether the person making
16 the request will be irreparably harmed if such injunction is
17 not granted, and the effect of granting such injunction on the
18 public interest.

19 “(2) The Court of International Trade may not grant an
20 injunction or issue a writ of mandamus in any civil action
21 commenced to review any determination of the Secretary of
22 Labor or the Secretary of Commerce certifying or refusing to
23 certify workers, communities, or firms as eligible for adjust-
24 ment assistance under the Trade Act of 1974.

1 **“§ 2644. Decisions**

2 “(a) A final decision of the Court of International Trade
3 in a contested civil action or a decision granting or refusing a
4 preliminary injunction shall be supported by—

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

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

9 “(b) After the Court of International Trade has rendered
10 a judgment, the court may, upon the motion of a party or
11 upon its own motion, amend its findings or make additional
12 findings and may amend the decision and judgment accord-
13 ingly. A motion of a party or the court shall be made not
14 later than thirty days after the date of entry of the judgment.

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

21 **“§ 2645. Retrial or rehearing**

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

1 not later than thirty days after the date of entry of the judg-
2 ment or order.

3 **“§ 2646. Precedence of cases**

4 “The following civil actions in the Court of Interna-
5 tional Trade shall be given precedence, in the following
6 order, over other civil actions pending before the court, and
7 shall be assigned for hearing and expedited in every way:

8 “(1) First, a civil action involving the exclusion of
9 perishable merchandise.

10 “(2) Second, a civil action for the review of a de-
11 termination under section 516A(a)(1)(B) or section
12 516A(a)(1)(E) of the Tariff Act of 1930.

13 “(3) Third, a civil action commenced under sec-
14 tion 515 of the Tariff Act of 1930 involving the exclu-
15 sion or redelivery of merchandise.

16 “(4) Fourth, a civil action commenced under sec-
17 tion 516 or 516A of the Tariff Act of 1930, other than
18 a civil action described in paragraph (2) of this
19 section.”.

20 (b) The item relating to chapter 169 in the table of
21 chapters for part V of title 28 of the United States Code is
22 amended by striking out “Court of Claims” and inserting
23 “Court of International Trade” in lieu thereof.

1 TITLE IV—COURT OF APPEALS FOR INTERNA-
2 TIONAL TRADE, PATENTS, AND TRADE-
3 MARKS

4 JURISDICTION OF THE COURT

5 SEC. 401. (a)(1) Section 1541(a) of title 28, United
6 States Code, is amended to read as follows:

7 “(a) The Court of Appeals for International Trade, Pat-
8 ents, and Trademarks shall have exclusive jurisdiction of ap-
9 peals from all final decisions of the Court of International
10 Trade.”.

11 (2) Section 1541 of title 28, United States Code, is
12 amended by adding at the end thereof the following new sub-
13 section:

14 “(c) The Court of Appeals for International Trade, Pat-
15 ents, and Trademarks, shall have exclusive jurisdiction of ap-
16 peals from interlocutory orders of the Court of International
17 Trade granting, continuing, modifying, refusing, or dissolving
18 injunctions, or refusing to dissolve or modify injunctions.”.

19 (b)(1) Section 1543 of title 28, United States Code, is
20 amended to read as follows:

21 **“§ 1543. International Trade Commission determinations**

22 “The Court of Appeals for International Trade, Pat-
23 ents, and Trademarks shall have jurisdiction to review the
24 final determinations of the United States International Trade

1 Commission made under section 337 of the Tariff Act of
2 1930 relating to unfair trade practices in import trade.”.

3 (2) The item relating to section 1543 in the table of
4 sections for chapter 93 of title 28, United States Code, is
5 amended to read as follows:

“1543. International Trade Commission determinations.”.

6 (c)(1) Chapter 93 of title 28, United States Code, is
7 amended by adding at the end thereof the following new
8 section:

9 **“§1546. Certain decisions of the Secretary of the Treasury**

10 “The Court of Appeals for International Trade, Pat-
11 ents, and Trademarks shall have exclusive jurisdiction to
12 review—

13 “(1) any decision of the Secretary of the Treasury
14 to deny or revoke a customs broker’s license under
15 section 641(a) of the Tariff Act of 1930; or

16 “(2) any action challenging an order of the Secre-
17 tary of the Treasury to revoke or suspend a license
18 under section 641(b) of the Tariff Act of 1930.”.

19 (2) The table of sections for chapter 93 of title 28,
20 United States Code, is amended by adding at the end thereof
21 the following new item:

“1546. Certain decisions of the Secretary of the Treasury.”.

1 POWERS OF THE COURT

2 SEC. 402. (a) Chapter 93 of title 28, United States
3 Code, as amended by section 401 of this Act, is further
4 amended by adding at the end thereof the following new
5 section:

6 **“§ 1547. Powers in law and equity**

7 “The Court of Appeals for International Trade, Pat-
8 ents, and Trademarks shall have all the powers in law and
9 equity of, or as conferred by statute upon, a court of appeals
10 of the United States.”.

11 (b) The table of sections for chapter 93 of title 28,
12 United States Code, as amended by section 401 of this Act,
13 is further amended by adding at the end thereof the following
14 new item:

“1547. Powers in law and equity.”.

15 COURT OF APPEALS FOR INTERNATIONAL TRADE,

16 PATENTS, AND TRADEMARKS PROCEDURE

17 SEC. 403. (a) Section 2601(a) of title 28, United States
18 Code, is amended by adding at the end thereof the following
19 new sentence: “If a timely notice of appeal is filed by a
20 party, any other party may file a notice of appeal within
21 fourteen days after the date on which the first notice of
22 appeal was filed.”.

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

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

3 (2) by striking out “which shall include a concise
4 statement of the errors complained of”.

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

9 (d) Section 2601(c) of title 28, United States Code, is
10 amended by inserting immediately after the first sentence the
11 following new sentences: “Findings of fact shall not be set
12 aside unless clearly erroneous and due regard shall be given
13 to the opportunity of the Court of International Trade to
14 judge the credibility of the witnesses. A party may raise on
15 appeal the question of whether the findings of fact are clearly
16 erroneous, whether or not the party raising such question
17 made an objection to such findings in the Court of Interna-
18 tional Trade or made a motion to amend such findings.”.

19 (e)(1) Section 2602 of title 28, United States Code, is
20 amended to read as follows:

21 **“§ 2602. Precedence of cases**

22 “The following civil actions in the Court of Appeals for
23 International Trade, Patents, and Trademarks shall be given
24 precedence, in the following order, over other civil actions

1 pending before the court, and shall be assigned for hearing
2 and expedited in every way:

3 “(1) First, a civil action involving the exclusion of
4 perishable merchandise.

5 “(2) Second, a civil action for the review of a de-
6 termination under section 516A(a)(1)(B) or section
7 516A(a)(1)(E) of the Tariff Act of 1930.

8 “(3) Third, a civil action commenced under sec-
9 tion 515 of the Tariff Act of 1930 involving the exclu-
10 sion or redelivery of merchandise.

11 “(4) Fourth, a civil action commenced under sec-
12 tion 516 or 516A of the Tariff Act of 1930, other than
13 a civil action described in paragraph (2) of this section.

14 “(5) Fifth, an appeal from findings of the Secre-
15 tary of Commerce provided for in headnote 6 to sched-
16 ule 8, part 4, of the Tariff Schedules of the United
17 States (19 U.S.C. 1202).”.

18 (2) The item relating to section 2602 in the table of
19 sections for chapter 167 of title 28, United States Code, is
20 amended to read as follows:

“2602. Precedence of cases.”.

21

RULES OF EVIDENCE,

22 SEC. 404. (a) Chapter 167 of title 28, United States
23 Code, is amended by adding at the end thereof the following
24 new section:

1 **“§ 2603. Rules of evidence**

2 “Except as provided in section 2639 of this title, sub-
3 section (b) of section 2641 of this title, or the rules prescribed
4 by the court, the Federal Rules of Evidence shall apply in
5 the Court of Appeals for International Trade, Patents, and
6 Trademarks in any appeal from the Court of International
7 Trade.”.

8 (b) The table of sections for chapter 93 of title 28,
9 United States Code, is amended by adding at the end thereof
10 the following new item:

“2603. Rules of evidence.”.

11

JUDICIAL CONFERENCE

12 SEC. 405. (a) Chapter 167 of title 28, United States
13 Code, as amended by section 404 of this Act, is further
14 amended by adding at the end thereof the following new
15 section:

16 **“§ 2604. Judicial conference**

17 “The chief judge of Court of Appeals for International
18 Trade, Patents, and Trademarks is authorized to summon
19 annually the judges of such court to a judicial conference, at
20 a time and place that such chief judge designates, for the
21 purpose of considering the business of such court and im-
22 provements in the administration of justice in such court.”.

23 (b) The table of contents for chapter 167 of title 28,
24 United States Code, as amended by section 404 of this Act,

1 is further amended by adding at the end thereof the following
2 new item:

“2604. Judicial conference.”.

3 **TITLE V—TECHNICAL AND CONFORMING**
4 **AMENDMENTS TO TITLE 28**

5 **SEC. 501.** (a) The chapter heading for chapter 11 of
6 title 28, United States Code, is amended by striking out
7 “CUSTOMS COURT” and inserting “COURT OF INTER-
8 NATIONAL TRADE” in lieu thereof.

9 (b) The item relating to chapter 11 in the table of chap-
10 ters for part I of title 28, United States Code, is amended by
11 striking out “Customs Court” and inserting “Court of Inter-
12 national Trade” in lieu thereof.

13 **SEC. 502.** Section 252 of title 28, United States Code,
14 is amended by striking out “Judge of the Customs Court”
15 and inserting “Judges of the Court of International Trade”
16 in lieu thereof.

17 **SEC. 503.** Sections 253(a), 254, 255(a), and 257 of title
18 28, United States Code, are each amended by striking out
19 “Customs Court” each place it appears and inserting “Court
20 of International Trade” in lieu thereof.

21 **SEC. 504.** Section 256 of title 28, United States Code,
22 is amended by striking out “Court of Customs and Patent
23 Appeals” and inserting “Court of Appeals for International
24 Trade, Patents, and Trademarks” in lieu thereof.

1 SEC. 505. Section 293(e) of title 28, United States
2 Code, is amended by striking out “Court of Customs and
3 Patent Appeals or the Customs Court” and inserting “Court
4 of Appeals for International Trade, Patents, and Trademarks
5 or the Court of International Trade” in lieu thereof.

6 SEC. 506. Section 751 of title 28, United States Code,
7 is amended by adding at the end thereof the following new
8 subsection:

9 “(f) When the Court of International Trade is sitting in
10 a judicial district, other than the Southern District or Eastern
11 District of New York, the clerk of the district court of such
12 judicial district or an authorized deputy clerk, upon the re-
13 quest of the chief judge of the Court of International Trade
14 and with the approval of such district court, shall act in the
15 district as clerk of the Court of International Trade, as pre-
16 scribed by the rules and orders of the Court of International
17 Trade for all purposes relating to the civil action then pend-
18 ing before such court.”.

19 SEC. 507. Section 1337 of title 28, United States Code,
20 is amended by adding at the end thereof the following new
21 subsection:

22 “(c) The district courts shall not have jurisdiction under
23 this section of any matter within the exclusive jurisdiction of
24 the Court of International Trade under chapter 95 of this
25 title.”.

1 SEC. 508. Section 1340 of title 28, United States Code,
2 is amended by striking out “Customs Court” and inserting
3 “Court of International Trade” in lieu thereof.

4 SEC. 509. Section 1352 of title 28, United States Code,
5 is amended by inserting before the period at the end thereof
6 the following: “, except matters within the jurisdiction of the
7 Court of International Trade under section 1582 of this
8 title”.

9 SEC. 510. Section 1355 of title 28, United States Code,
10 is amended by inserting before the period at the end thereof
11 the following: “, except matters within the jurisdiction of the
12 Court of International Trade under section 1582 of this
13 title”.

14 SEC. 511. Section 1356 of title 28, United States Code,
15 is amended by inserting before the period at the end thereof
16 the following: “, except matters within the jurisdiction of the
17 Court of International Trade under section 1582 of this
18 title”.

19 SEC. 512. The second paragraph of section 1491 of title
20 28, United States Code, is amended by striking out “in
21 suits” and inserting “of any civil action within the exclusive
22 jurisdiction of the Court of International Trade, or of any
23 action” in lieu thereof.

24 SEC. 513. (a) The section heading for section 1541 of
25 title 28, United States Code, is amended by striking out

1 “Customs Court” and inserting “Court of International
2 Trade” in lieu thereof.

3 (b) Section 1541(b) of title 28, United States Code, is
4 amended—

5 (1) by striking out “Customs Court” each place it
6 appears and inserting “Court of International Trade”
7 in lieu thereof; and

8 (2) by striking out “Court of Customs and Patent
9 Appeals” each place it appears and inserting “Court of
10 Appeals for International Trade, Patents, and Trade-
11 marks” in lieu thereof.

12 (c) The table of sections for chapter 93 of title 28,
13 United States Code, is amended—

14 (1) by striking out “COURT OF CUSTOMS
15 AND PATENT APPEALS” and inserting “COURT
16 OF APPEALS FOR INTERNATIONAL TRADE,
17 PATENTS, AND TRADEMARKS” in lieu thereof;
18 and

19 (2) in the item relating to section 1541, by strik-
20 ing out “Customs Court” and inserting “Court of In-
21 ternational Trade” in lieu thereof.

22 SEC. 514. Section 1919 of title 28, United States Code,
23 is amended by inserting “or the Court of International
24 Trade” after “court” the first place it appears.

1 SEC. 515. (a) Chapter 125 of title 28, United States
2 Code, is amended by inserting immediately after section
3 1963 the following new section:

4 **“§1963A. Registration of judgments of the Court of Inter-**
5 **national Trade**

6 “(a) A judgment in any civil action for the recovery of
7 money or property entered by the Court of International
8 Trade which has become final by appeal or expiration of time
9 for appeal may be registered in any district by filing a certi-
10 fied copy of such judgment. A judgment so registered shall
11 have the same effect as a judgment of the district court of the
12 district where registered and may be enforced in like manner.

13 “(b) A certified copy of the satisfaction of any judgment
14 in whole or in part may be registered in like manner in any
15 district in which the judgment is a lien.”.

16 (b) The table of sections for chapter 125 of title 28,
17 United States Code, is amended by inserting immediately
18 after the item relating to section 1963 the following:

“1963A. Registration of judgments of the Court of International Trade.”.

19 SEC. 513. The first paragraph of section 2414 of title
20 28, United States Code, is amended by inserting “or the
21 Court of International Trade” immediately after “court” in
22 the first sentence.

23 SEC. 514. Section 2601 of title 28, United States Code,
24 is amended by striking out “Court of Customs and Patent

1 Appeals” each place it appears and inserting “Court of Ap-
2 peals for International Trade, Patents, and Trademarks” in
3 lieu thereof.

4 TITLE VI—TECHNICAL AND CONFORMING
5 AMENDMENTS TO OTHER ACTS

6 SEC. 601. Section 210 of the Antidumping Act, 1921
7 (19 U.S.C. 169), is amended by striking out “Customs Court,
8 and the Court of Customs and Patent Appeals” and inserting
9 “Court of International Trade, and the Court of Appeals for
10 International Trade, Patents, and Trademarks” in lieu there-
11 of.

12 SEC. 602. Section 337(c) of the Tariff Act of 1930 (19
13 U.S.C. 1337(c)) is amended—

14 (1) by striking out “United States Court of Cus-
15 toms and Patents Appeals” and inserting “United
16 States Court of Appeals for International Trade, Pat-
17 ents, and Trademarks, subject to chapter 7 of title 5,
18 United States Code” in lieu thereof; and

19 (2) by striking out the last sentence and inserting
20 in lieu thereof the following new sentence: “Notwith-
21 standing the foregoing provisions of this subsection,
22 review of Commission determinations under subsections
23 (d), (e), and (f) with respect to its findings on the public
24 health and welfare, competitive conditions in the
25 United States economy, the production of like or di-

1 rectly competitive articles in the United States, and
2 United States consumers, the amount and nature of
3 bond, or the appropriate remedy shall be reviewable
4 only for abuse of administrative discretion.”.

5 SEC. 603. (a) Section 514(a) of the Tariff Act of 1930
6 (19 U.S.C. 1514(a)) is amended—

7 (1) by striking out “Customs Court” each place it
8 appears and inserting “Court of International Trade”
9 in lieu thereof;

10 (2) by striking out “section 2632 of title 28 of the
11 United States Code within the time prescribed by sec-
12 tion 2631” and inserting “chapter 169 of title 28 of
13 the United States Code within the time prescribed by
14 section 2636” in lieu thereof.

15 (b) Section 514(b) of the Tariff Act of 1930 (19 U.S.C.
16 1514(b)) is amended by striking out “Customs Court” and
17 inserting “Court of International Trade” in lieu thereof.

18 SEC. 604. Section 515(b) of the Tariff Act of 1930 (19
19 U.S.C. 1515(b)) is amended by striking out “section 1582”
20 and inserting “section 1581” in lieu thereof.

21 SEC. 605. (a) Section 516A(a) of the Tariff Act of 1930
22 (19 U.S.C. 1516A(a)) is amended by striking out “Customs
23 Court” each place it appears and inserting “Court of Inter-
24 national Trade” in lieu thereof.

1 (b) Section 516A(c) of the Tariff Act of 1930 (19 U.S.C.
2 1516A(c)) is amended—

3 (1) in paragraphs (1) and (2), by striking out
4 “Customs Court” and inserting “Court of International
5 Trade” in lieu thereof;

6 (2) in paragraph (1), by striking out “Court of
7 Customs and Patent Appeals” and inserting “Court of
8 Appeals for International Trade, Patents, and Trade-
9 marks” in lieu thereof; and

10 (3) by amending the second sentence of paragraph
11 (2) to read as follows: “In ruling upon a request for
12 such injunctive relief, the court shall consider the fac-
13 tors set forth in section 2643(d) of title 28, United
14 States Code.”.

15 (c) Section 516A(d) of the Tariff Act of 1930 (19 U.S.C.
16 1516A(d)) is amended—

17 (1) by striking out “Customs Court” and inserting
18 “Court of International Trade” in lieu thereof; and

19 (2) by amending the second sentence to read as
20 follows: “The party filing the action shall notify all
21 such interested parties of the filing of an action under
22 this section, in the form, manner, style, and within the
23 time prescribed by rules of the court”.

24 SEC. 606. Section 592(e) of the Tariff Act of 1930 (19
25 U.S.C. 1592(e)) is amended by striking out “(e) DISTRICT

1 COURT PROCEEDINGS.—” and all that follows through
2 “under this section—” and inserting in lieu thereof the
3 following:

4 “(e) COURT OF INTERNATIONAL TRADE AND DIS-
5 TRICT COURT PROCEEDINGS.—Notwithstanding any other
6 provision of law, in any proceeding commenced by the United
7 States in the Court of International Trade or in a district
8 court of the United States under section 604 of this Act for
9 the recovery of any monetary penalty claimed under this sec-
10 tion, or transferred from the Court of International Trade to
11 a district court under section 1582 of title 28, United States
12 Code—”.

13 SEC. 607. (a) The second sentence of the second para-
14 graph of section 641(b) of the Tariff Act of 1930 (19 U.S.C.
15 1641(b)) is amended by striking out “in the circuit court” and
16 all that follows through “District of Columbia” and inserting
17 “in the Court of Appeals for International Trade, Patents,
18 and Trademarks” in lieu thereof.

19 (b) Section 641(b) of the Tariff Act of 1930 (19 U.S.C.
20 1641(b)) is amended by inserting immediately after the third
21 sentence of the second paragraph the following new sentence:
22 “For purposes of this paragraph, all relevant rules prescribed
23 in accordance with sections 2072 and 2112 of title 28,
24 United States Code, apply to the Court of Appeals for Inter-
25 national Trade, Patents, and Trademarks.”.

1 SEC. 608. (a) Section 250(a) of the Trade Act of 1974
2 (19 U.S.C. 2322(a)) is amended by striking out “court of
3 appeals” and all that follows through “District of Columbia
4 Circuit” and inserting “Court of International Trade” in lieu
5 thereof.

6 (b)(1) Section 250(c) of the Trade Act of 1974 (19
7 U.S.C. 2322(c)) is amended by inserting immediately after
8 the first sentence the following new sentence: “The judgment
9 of the Court of International Trade shall be subject to review
10 by the United States Court of Appeals for International
11 Trade, Patents, and Trademarks as prescribed by the rules of
12 such court.”.

13 (2) Section 250(c) of the Trade Act of 1974 (19 U.S.C.
14 2322(c)) is further amended by striking out “court” the
15 second place it appears and inserting “Court of Customs and
16 Patent Appeals for International Trade, Patents, and Trade-
17 marks” in lieu thereof.

18 SEC. 609. Section 3 of the Act of July 5, 1884 (23 Stat.
19 119), is amended to read as follows:

20 “SEC. 3. The decision of the Commissioner of Customs
21 on all questions of interpretation arising out of the execution
22 of the laws relating to the collection of tonnage tax and to
23 the refund of such tax when collected erroneously or illegally,
24 shall be subject to judicial review in the Court of Interna-
25 tional Trade as provided in title 28, United States Code. In

1 the Court of International Trade, and upon any appeal from
2 such court, the findings of the Commissioner with respect to
3 any fact, if supported by substantial evidence, shall be con-
4 clusive.”.

5 TITLE VII—EFFECTIVE DATES AND

6 MISCELLANEOUS PROVISIONS

7 EFFECTIVE DATES

8 SEC. 701. (a) Except as otherwise provided in this sec-
9 tion, this Act and the amendments made by this Act shall
10 become effective on the date on which title VII of the Tariff
11 Act of 1930, as added by title I of the Trade Agreements Act
12 of 1979, took effect.

13 (b) The amendments made by section 405 of this Act
14 shall take effect on October 1, 1980.

15 (c) The provisions of subsections (c), (d), (e), and (f) of
16 section 2631 of title 28, United States Code, as added by
17 section 301 of this Act, apply to entries liquidated on and
18 after the date of enactment of this Act.

19 (d)(1) Except as provided in paragraph (2) of this sub-
20 section, in reviewing any determination made before January
21 1, 1980, under section 303 of the Tariff Act of 1930 or the
22 Antidumping Act, 1921, the Court of International Trade
23 and the Court of Appeals for International Trade, Patents,
24 and Trademarks shall each base its review on the law as it
25 existed on the date of such determination.

1 any individual serving as chief judge on or after the date of
2 enactment of this Act.

3 EFFECT ON PENDING CASES

4 SEC. 704. Nothing in this Act shall cause the dismissal
5 of any action commenced prior to the date of enactment of
6 this Act under jurisdictional statutes relating to the Customs
7 Court or the Court of Customs and Patent Appeals in effect
8 before such date of enactment.

