

rules prescribed by the court, the Federal Rules of Evidence would apply in the Court of Customs and Patent Appeals in any appeal from the Court of International Trade.

Section 2604, added Pub. L. 96-417, title IV, §405(a), Oct. 10, 1980, 94 Stat. 1741, authorized the chief judge of the Court of Customs and Patent Appeals to summon annually the judges of the court to a judicial conference for the purpose of considering the business of the court and improvements in the administration of justice of the court.

#### EFFECTIVE DATE OF REPEAL

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

### CHAPTER 169—COURT OF INTERNATIONAL TRADE 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.	Interest.
2645.	Decisions.
2646.	Retrial or rehearing.
[2647.	Repealed.]

#### AMENDMENTS

1984—Pub. L. 98-620 title IV, §402(29)(G), Nov. 8, 1984, 98 Stat. 3359, struck out item 2647 “Precedence of cases”.

1980—Pub. L. 96-417, title III, §301, Oct. 10, 1980, 94 Stat. 1730, substituted “COURT OF INTERNATIONAL TRADE PROCEDURE” for “CUSTOMS COURT PROCEDURE” in chapter heading, “Persons entitled to commence a civil action” for “Time for commencement of action” in item 2631, “Commencement of a civil action” for “Customs Court procedures and fees” in item 2632, “Procedure and fees” for “Precedence of cases” in item 2633, “Filing of official documents” for “Burden of proof; evidence of value” in item 2635, “Time for commencement of action” for “Analysis of imported merchandise” in item 2636, “Exhaustion of administrative remedies” for “Witnesses; inspection of documents” in item 2637, “New grounds in support of a civil action” for “Decisions; findings of fact and conclusions of law; effect of opinions” in item 2638, “Burden of proof; evidence of value” for “Retrial or rehearing” in item 2639, and added items 2640 to 2647.

1979—Pub. L. 96-39, title X, §1001(b)(4)(F), July 26, 1979, 93 Stat. 306, substituted “Precedence of cases” for “Precedence of American manufacturer, producer, or wholesaler cases” in item 2633.

1970—Pub. L. 91-271, title I, §123(e), June 2, 1970, 84 Stat. 282, substituted “Time for commencement of action” for “Appeal for reappraisal; assignment to single judge; hearing” in item 2631, “Customs Court procedures and fees” for “Notice” in item 2632, “Precedence of American manufacturer, producer, or wholesaler cases” for “Evidence of value, upon reappraisal; burden of proof” in item 2633, “Notice” for “Witnesses; inspection of documents” in item 2634, “Burden of proof; evidence of value” for “Decision of single judge in reappraisal appeal” in item 2635, “Analysis of imported merchandise” for “Review of single judge’s decision; disqualification of judges; remand; presumption” in item 2636, “Witnesses; inspection of

documents” for “Review of decisions of divisions” in item 2637, “Decisions; findings of fact and conclusions of law; effect of opinions” for “Precedence of classification cases” in item 2638, and “Retrial or rehearing” for “Analysis of imported merchandise” in item 2639, and struck out item 2640 “Rehearing or retrial”, item 2641 “Fivolous protest or appeal”, and item 2642 “Amendment of protests, appeals, and pleadings”.

1949—Act May 24, 1949, ch. 139, §121, 63 Stat. 106, substituted “Amendment of protests, appeals, and pleadings” for “Disqualification of judge” in item 2642.

### § 2631. Persons entitled to commence a civil action

(a) A civil action contesting the denial of a protest, in whole or in part, under section 515 of the Tariff Act of 1930 may be commenced in the Court of International Trade by the person who filed the protest pursuant to section 514 of such Act, or by a surety on the transaction which is the subject of the protest.

(b) A civil action contesting the denial of a petition under section 516 of the Tariff Act of 1930 may be commenced in the Court of International Trade by the person who filed such petition.

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

(d)(1) A civil action to review any final determination of the Secretary of Labor under section 223 of the Trade Act of 1974 with respect to the eligibility of workers for adjustment assistance under such Act may be commenced in the Court of International Trade by a worker, group of workers, certified or recognized union, or authorized representative of such worker or group that applies for assistance under such Act and is aggrieved by such final determination.

(2) A civil action to review any final determination of the Secretary of Commerce under section 251 of the Trade Act of 1974 with respect to the eligibility of a firm for adjustment assistance under such Act may be commenced in the Court of International Trade by a firm or its representative that applies for assistance under such Act and is aggrieved by such final determination, or by any other interested domestic party that is aggrieved by such final determination.

(3) A civil action to review any final determination of the Secretary of Commerce under section 271 of the Trade Act of 1974 with respect to the eligibility of a community for adjustment assistance under such Act may be commenced in the Court of International Trade by a community that applies for assistance under such Act and is aggrieved by such final determination, or by any other interested domestic party that is aggrieved by such final determination.

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

(f) A civil action involving an application for the issuance of an order directing the administering authority or the International Trade

Commission to make confidential information available under section 777(c)(2) of the Tariff Act of 1930 may be commenced in the Court of International Trade by any interested party whose application for disclosure of such confidential information was denied under section 777(c)(1) of such Act.

(g)(1) A civil action to review any decision of the Secretary of the Treasury to deny a customs broker's license under section 641(b)(2) or (3) of the Tariff Act of 1930, or to deny a customs broker's permit under section 641(c)(1) of such Act, or to revoke such license or permit under section 641(b)(5) or (c)(2) of such Act, may be commenced in the Court of International Trade by the person whose license or permit was denied or revoked.

(2) A civil action to review any decision of the Secretary of the Treasury to revoke or suspend a customs broker's license or permit or impose a monetary penalty in lieu thereof under section 641(d)(2)(B) of the Tariff Act of 1930 may be commenced in the Court of International Trade by the person against whom the decision was issued.

(3) A civil action to review any decision or order of the Customs Service to deny, suspend, or revoke accreditation of a private laboratory under section 499(b) of the Tariff Act of 1930 may be commenced in the Court of International Trade by the person whose accreditation was denied, suspended, or revoked.

(h) A civil action described in section 1581(h) of this title may be commenced in the Court of International Trade by the person who would have standing to bring a civil action under section 1581(a) of this title if he imported the goods involved and filed a protest which was denied, in whole or in part, under section 515 of the Tariff Act of 1930.

(i) Any civil action of which the Court of International Trade has jurisdiction, other than an action specified in subsections (a)–(h) of this section, may be commenced in the court by any person adversely affected or aggrieved by agency action within the meaning of section 702 of title 5.

(j)(1) Any person who would be adversely affected or aggrieved by a decision in a civil action pending in the Court of International Trade may, by leave of court, intervene in such action, except that—

(A) no person may intervene in a civil action under section 515 or 516 of the Tariff Act of 1930;

(B) in a civil action under section 516A of the Tariff Act of 1930, only an interested party who was a party to the proceeding in connection with which the matter arose may intervene, and such person may intervene as a matter of right; and

(C) in a civil action under section 777(c)(2) of the Tariff Act of 1930, only a person who was a party to the investigation may intervene, and such person may intervene as a matter of right.

(2) In those civil actions in which intervention is by leave of court, the Court of International Trade shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

(k) In this section—

(1) “interested party” has the meaning given such term in section 771(9) of the Tariff Act of 1930; and

(2) “party-at-interest” means—

(A) a foreign manufacturer, producer, or exporter, or a United States importer, of merchandise which is the subject of a final determination under section 305(b)(1) of the Trade Agreements Act of 1979;

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

(C) United States members of a labor organization or other association of workers whose members are employed in the manufacture, production, or wholesale in the United States of a like product;

(D) a trade or business association a majority of whose members manufacture, produce, or wholesale a like product in the United States,<sup>1</sup> and

(E) an association composed of members who represent parties-at-interest described in subparagraph (B), (C), or (D).

(Added Pub. L. 96-417, title III, §301, Oct. 10, 1980, 94 Stat. 1730; amended Pub. L. 98-573, title II, §212(b)(3), title VI, §612(b)(3), Oct. 30, 1984, 98 Stat. 2983, 3034; Pub. L. 103-182, title VI, §684(a)(2), Dec. 8, 1993, 107 Stat. 2219.)

#### REFERENCES IN TEXT

Section 515 of the Tariff Act of 1930, referred to in subsections (a), (h), (j)(1)(A), is classified to section 1515 of Title 19, Customs Duties.

Section 514 of the Tariff Act of 1930, referred to in subsection (a), is classified to section 1514 of Title 19.

Section 516 of the Tariff Act of 1930, referred to in subsections (b), (j)(1)(A), is classified to section 1516 of Title 19.

Section 516A of the Tariff Act of 1930, referred to in subsections (c), (j)(1)(B), is classified to section 1516a of Title 19.

The Trade Act of 1974, referred to in subsection (d)(1) to (3), is Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, as amended, which is classified principally to chapter 12 (§2101 et seq.) of Title 19. Sections 223, 251, and 271 of the Trade Act of 1974 are classified to sections 2273, 2341, and 2371, respectively, of Title 19. Section 2371 of Title 19 was omitted from the Code as terminated Sept. 30, 1982. For complete classification of this Act to the Code, see References in Text note set out under section 2101 of Title 19 and Tables.

Section 305(b)(1) of the Trade Agreements Act of 1979, referred to in subsections (e), (k)(2)(A), is classified to section 2515(b)(1) of Title 19.

Section 777 of the Tariff Act of 1930, referred to in subsections (f), (j)(1)(C), is classified to section 1677f of Title 19.

Section 641 of the Tariff Act of 1930, referred to in subsection (g), is classified to section 1641 of Title 19.

Section 499(b) of the Tariff Act of 1930, referred to in subsection (g)(3), is classified to section 1499(b) of Title 19.

Section 771(9) of the Tariff Act of 1930, referred to in subsection (k)(1), is classified to section 1677(9) of Title 19.

#### PRIOR PROVISIONS

A prior section 2631, acts June 25, 1948, ch. 646, 62 Stat. 980; May 24, 1949, ch. 139, §122, 63 Stat. 106; June 2, 1970, Pub. L. 91-271, title I, §112, 84 Stat. 278; Jan. 3, 1975, Pub. L. 93-618, title III, §321(f)(2), 88 Stat. 2048, related to time for commencement of action, prior to the general revision of this chapter by Pub. L. 96-417. See section 2636 of this title.

<sup>1</sup> So in original. The comma probably should be a semicolon.

## AMENDMENTS

1993—Subsec. (g)(3). Pub. L. 103-182 added par. (3).

1984—Subsec. (g). Pub. L. 98-573, §212(b)(3), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows:

“(1) A civil action to review any decision of the Secretary of the Treasury to deny or revoke a custom-house broker's license under section 641(a) of the Tariff Act of 1930 may be commenced in the Court of International Trade by the person whose license was denied or revoked.

“(2) A civil action to review any order of the Secretary of the Treasury to revoke or suspend a custom-house broker's license under section 641(b) of the Tariff Act of 1930 may be commenced in the Court of International Trade by the person whose license was revoked or suspended.”

Subsec. (k)(2)(E). Pub. L. 98-573, §612(b)(3), added subpar. (E).

## EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by section 212(b)(3) of Pub. L. 98-573 effective on close of 180th day after Oct. 30, 1984, see section 214(d) of Pub. L. 98-573, set out as a note under section 1304 of Title 19, Customs Duties.

Amendment by section 612(b)(3) of Pub. L. 98-573 applicable with respect to investigations initiated by petition or by the administering authority under subtitle A or B of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq., 1673 et seq.), and to reviews begun under section 751 of that Act (19 U.S.C. 1675), on or after Oct. 30, 1984, see section 626(b)(1) of Pub. L. 98-573, as amended, set out as a note under section 1671 of Title 19.

## EFFECTIVE DATE

Chapter effective Nov. 1, 1980, unless otherwise provided, and applicable with respect to civil actions pending on or commenced on or after such date, see section 701(a) of Pub. L. 96-417, set out as an Effective Date of 1980 Amendment note under section 251 of this title.

Subsecs. (d) and (g) to (j) of this section applicable with respect to civil actions commenced on or after Nov. 1, 1980, see section 701(b)(1)(B) of Pub. L. 96-417.

## APPLICATION OF 1993 AMENDMENT

For purposes of applying amendment by Pub. L. 103-182, any decision or order of Customs Service denying, suspending, or revoking accreditation of a private laboratory on or after Dec. 8, 1993, and before regulations to implement 19 U.S.C. 1499(b) are issued to be treated as having been denied, suspended, or revoked under such section 1499(b), see section 684(b) of Pub. L. 103-182, set out as a note under section 1581 of this title.

## TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

## § 2632. Commencement of a civil action

(a) Except for civil actions specified in subsections (b) and (c) of this section, a civil action in the Court of International Trade shall be commenced by filing concurrently with the clerk of the court a summons and complaint, with the content and in the form, manner, and style prescribed by the rules of the court.

(b) A civil action in the Court of International Trade under section 515 or section 516 of the Tariff Act of 1930 shall be commenced by filing with

the clerk of the court a summons, with the content and in the form, manner, and style prescribed by the rules of the court.

(c) A civil action in the Court of International Trade under section 516A of the Tariff Act of 1930 shall be commenced by filing with the clerk of the court a summons or a summons and a complaint, as prescribed in such section, with the content and in the form, manner, and style prescribed by the rules of the court.

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

(Added Pub. L. 96-417, title III, §301, Oct. 10, 1980, 94 Stat. 1732.)

## REFERENCES IN TEXT

Sections 515 and 516 of the Tariff Act of 1930, referred to in subsec. (b), are classified to sections 1515 and 1516, respectively, of Title 19, Customs Duties.

Section 516A of the Tariff Act of 1930, referred to in subsec. (c), is classified to section 1516a of Title 19.

## PRIOR PROVISIONS

A prior section 2632, acts June 25, 1948, ch. 646, 62 Stat. 980; June 2, 1970, Pub. L. 91-271, title I, §113, 84 Stat. 279; Jan. 3, 1975, Pub. L. 93-618, title III, §321(f)(3), 88 Stat. 2048; July 26, 1979, Pub. L. 96-39, title X, §1001(b)(4)(C), 93 Stat. 306, related to Customs Court procedure and fees, prior to the general revision of this chapter by Pub. L. 96-417. See section 2633 of this title.

## EFFECTIVE DATE

Subsec. (a) of this section applicable with respect to civil actions commenced on or after Nov. 1, 1980, see section 701(b)(1)(B) of Pub. L. 96-417, set out as an Effective Date of 1980 Amendment note under section 251 of this title.

## § 2633. Procedure and fees

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

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

(c) All summons, pleadings, and other papers filed in the Court of International Trade shall be served on all parties in accordance with rules prescribed by the court. When the United States, its agencies, or its officers are adverse parties, service of the summons shall be made upon the Attorney General and the head of the Government agency whose action is being contested. When injunctive relief is sought, the summons, pleadings, and other papers shall also be served upon the named officials sought to be enjoined.

(Added Pub. L. 96-417, title III, §301, Oct. 10, 1980, 94 Stat. 1732.)