

97-164, title I, §139(k), Apr. 2, 1982, 96 Stat. 43; Pub. L. 102-572, title IX, §902(a)(1), Oct. 29, 1992, 106 Stat. 4516; Pub. L. 104-316, title II, §202(l), Oct. 19, 1996, 110 Stat. 3843; Pub. L. 111-350, §5(g)(11), Jan. 4, 2011, 124 Stat. 3848.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §285, and sections 225, 228, of title 31, U.S.C., 1940 ed., Money and Finance, (R.S. §§236, 1089; Feb. 18, 1904, ch. 160, §1, 33 Stat. 41; Mar. 3, 1911, ch. 231, §178, 36 Stat. 1141; June 10, 1921, ch. 18, §§304, 305, 42 Stat. 24; Feb. 13, 1925, ch. 229, §3(c), 43 Stat. 939).

Section consolidates section 285 of title 28, U.S.C., 1940 ed., and sections 225 and 228 of title 31, U.S.C., 1940 ed., Money and Finance.

Words “chief judge” were substituted for “the chief justice, or, in his absence, by the presiding judge of said court” in section 225 of title 31, U.S.C., 1940 ed., Money and Finance, in conformity with chapter 7 of this title.

Words “or, on review, by the Supreme Court, where the same are affirmed in favor of the claimant” in section 225 of title 31, U.S.C., 1940 ed., were omitted as unnecessary.

Provisions of section 228 of title 31, U.S.C., 1940 ed., for payment of district court judgments are incorporated in section 2414 of this title.

Changes were made in phraseology.

AMENDMENTS

2011—Subsec. (a). Pub. L. 111-350 substituted “chapter 71 of title 41” for “the Contract Disputes Act of 1978”.

1996—Subsec. (a). Pub. L. 104-316 substituted “Secretary of the Treasury” for “General Accounting Office”.

1992—Subsec. (a). Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court”.

1982—Subsec. (a). Pub. L. 97-164, §139(k)(1), substituted “United States Claims Court” for “Court of Claims”.

Subsec. (b). Pub. L. 97-164, §139(k)(2), struck out the comma after “shall be discharged” thereby correcting a technical error in the directory language in Pub. L. 95-563 which placed both a comma and a period after “shall be discharged”.

1978—Subsec. (a). Pub. L. 95-563, §14(e), inserted Contract Disputes Act of 1978 exception.

Subsec. (b). Pub. L. 95-563, §14(f), inserted provision relating to discharge of partial judgments.

EFFECTIVE DATE OF 1992 AMENDMENT

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

EFFECTIVE DATE OF 1982 AMENDMENT

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

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-563 effective with respect to contracts entered into 120 days after Nov. 1, 1978, and, at the election of the contractor, with respect to any claim pending at such time before the contracting officer or initiated thereafter, see section 16 of Pub. L. 95-563, Nov. 1, 1978, 92 Stat. 2391, formerly set out as an Effective Date note under section 601 of former Title 41, Public Contracts.

[§ 2518. Repealed. Pub. L. 97-164, title I, § 139(l), Apr. 2, 1982, 96 Stat. 43]

Section, act June 25, 1948, ch. 646, 62 Stat. 979, related to certification of Court of Claims judgments for appropriation.

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.

§ 2519. Conclusiveness of judgment

A final judgment of the United States Court of Federal Claims against any plaintiff shall forever bar any further claim, suit, or demand against the United States arising out of the matters involved in the case or controversy.

(June 25, 1948, ch. 646, 62 Stat. 979; Pub. L. 97-164, title I, §139(m), Apr. 2, 1982, 96 Stat. 43; Pub. L. 102-572, title IX, §902(a)(1), Oct. 29, 1992, 106 Stat. 4516.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §286 (Mar. 3, 1911, ch. 231, §179, 36 Stat. 1141).

Changes were made in phraseology.

AMENDMENTS

1992—Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court”.

1982—Pub. L. 97-164 substituted “United States Claims Court” for “Court of Claims”.

EFFECTIVE DATE OF 1992 AMENDMENT

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

EFFECTIVE DATE OF 1982 AMENDMENT

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

[§ 2520. Repealed. Pub. L. 106-518, title II, § 207, Nov. 13, 2000, 114 Stat. 2414]

Section, acts June 25, 1948, ch. 646, 62 Stat. 979; Sept. 3, 1954, ch. 1263, §58, 68 Stat. 1248; Pub. L. 89-507, §2, July 18, 1966, 80 Stat. 308; Pub. L. 97-164, title I, §139(n)(1)-(3), Apr. 2, 1982, 96 Stat. 43, 44; Pub. L. 100-702, title X, §1012(a)(1), Nov. 19, 1988, 102 Stat. 4668; Pub. L. 102-572, title IX, §902(a)(1), Oct. 29, 1992, 106 Stat. 4516, required the Court of Federal Claims to impose a fee not exceeding \$120 for petition filings.

§ 2521. Subpoenas and incidental powers

(a) Subpoenas requiring the attendance of parties or witnesses and subpoenas requiring the production of books, papers, documents or tangible things by any party or witness having custody or control thereof, may be issued for purposes of discovery or for use of the things produced as evidence in accordance with the rules and orders of the court. Such subpoenas shall be issued and served and compliance therewith shall be compelled as provided in the rules and orders of the court.

(b) The United States Court of Federal Claims shall have power to punish by fine or imprisonment, at its discretion, such contempt of its authority as—

(1) misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice;

(2) misbehavior of any of its officers in their official transactions; or

(3) disobedience or resistance to its lawful writ, process, order, rule, decree, or command.

(c) The United States Court of Federal Claims shall have such assistance in the carrying out of its lawful writ, process, order, rule, decree, or command as is available to a court of the United States. The United States marshal for any district in which the Court of Federal Claims is sitting shall, when requested by the chief judge of the Court of Federal Claims, attend any session of the Court of Federal Claims in such district. (Added Sept. 3, 1954, ch. 1263, §59(a), 68 Stat. 1248; amended Pub. L. 102-572, title IX, §910(a), Oct. 29, 1992, 106 Stat. 4519.)

AMENDMENTS

1992—Pub. L. 102-572 inserted “and incidental powers” in section catchline, designated existing provisions as subsec. (a), and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1992 AMENDMENT

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

§ 2522. Notice of appeal

Review of a decision of the United States Court of Federal Claims shall be obtained by filing a notice of appeal with the clerk of the Court of Federal Claims within the time and in the manner prescribed for appeals to United States courts of appeals from the United States district courts.

(Added Pub. L. 97-164, title I, §139(q)(1), Apr. 2, 1982, 96 Stat. 44; amended Pub. L. 102-572, title IX, §902(a), Oct. 29, 1992, 106 Stat. 4516.)

AMENDMENTS

1992—Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court” and “Court of Federal Claims” for “Claims Court”.

EFFECTIVE DATE OF 1992 AMENDMENT

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

EFFECTIVE DATE

Section 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 167—REPEALED]**[§§ 2601 to 2604. Repealed. Pub. L. 97-164, title I, § 140, Apr. 2, 1982, 96 Stat. 44]**

Section 2601, acts June 25, 1948, ch. 646, 62 Stat. 979; June 2, 1970, Pub. L. 91-271, title I, §103, 84 Stat. 275; Oct. 10, 1980, Pub. L. 96-417, title IV, §403(a)-(d), title V, §501(27), (28), 94 Stat. 1740-1742, provided for appeals to the Court of Customs and Patent Appeals from final judgments or orders of the Court of International Trade and for the procedures to be followed in such appeals. See section 1295(a)(5) of this title.

Section 2602, acts June 25, 1948, ch. 646, 62 Stat. 980; Oct. 14, 1966, Pub. L. 89-651, §8(c)(3), 80 Stat. 902; June 2, 1970, Pub. L. 91-271, title I, §104, 84 Stat. 276; Oct. 10, 1980, Pub. L. 96-417, title IV, §403(e)(1), 94 Stat. 1741, provided for the precedence of enumerated civil actions in the Court of Customs and Patent Appeals. See section 1296 of this title.

Section 2603, added Pub. L. 96-417, title IV, §404(a), Oct. 10, 1980, 94 Stat. 1741, provided that, except as provided in section 2639 or 2641(b) of this title or in the

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