Section 1544, added Pub. L. 89–651, § 8(c)(1), Oct. 14, 1966, 80 Stat. 901, gave the Court of Customs and Patent Appeals jurisdiction to review, by appeal on questions of law only, findings of the Secretary of Commerce under headnote 6 to schedule 8, part 4, of the Tariff Schedules of the United States (relating to importation of instruments or apparatus). See section 1295(a)(7) of this title.

Section 1545, added Pub. L. 91–577, title III, § 143(a), Dec. 24, 1970, 84 Stat. 1558, gave the Court of Customs and Patent Appeals nonexclusive jurisdiction of appeals under section 71 of the Plant Variety Protection Act, classified to section 2461 of Title 7, Agriculture. See section 1295(a)(8) of this title.

Section 1546, added Pub. L. 96–417, title IV, § 402(a), Oct. 10, 1980, 94 Stat. 1740, gave the Court of Customs and Patent Appeals all of the powers in law and in equity of, or conferred by statute upon, a court of appeals of the United States.

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 95—COURT OF INTERNATIONAL TRADE

Sec.
1581. Civil actions against the United States and agencies and officers thereof.
1582. Civil actions commenced by the United States.
1583. Counterclaims, cross-claims, and third-party actions.
1584. Civil actions under the North American Free Trade Agreement or the United States-Canada Free-Trade Agreement.
1585. Powers in law and equity.

AMENDMENTS

1993—Pub. L. 103–182, title IV, § 414(a)(3), Dec. 8, 1993, 107 Stat. 2147, inserted ''the North American Free Trade Agreement or'' in item 1584.

1988—Pub. L. 100–449, title IV, § 402(d)(2), Sept. 28, 1988, 102 Stat. 1884, added item 1584.

1982—Pub. L. 97–164, title I, § 135, Apr. 2, 1982, 96 Stat. 41, struck out item 1584 ''Cure of defects''.

1980—Pub. L. 96–417, title II, § 201, Oct. 10, 1980, 94 Stat. 1728, substituted ''COURT OF INTERNATIONAL TRADE'' for ''CUSTOMS COURT'' in heading for chapter 95, ''Civil actions against the United States and agencies and officers thereof'' for ''Powers generally'' in item 1581, ''Civil actions commenced by the United States'' for ''Jurisdiction of the Customs Court'' in item 1582, and added items 1583 to 1585.

§ 1581. Civil actions against the United States and agencies and officers thereof

(a) The Court of International Trade shall have exclusive jurisdiction of any civil action commenced to contest the denial of a protest, in whole or in part, under section 515 of the Tariff Act of 1930.

(b) The Court of International Trade shall have exclusive jurisdiction of any civil action commenced under section 516 of the Tariff Act of 1930.

(c) The Court of International Trade shall have exclusive jurisdiction of any civil action commenced under section 516A of the Tariff Act of 1930.

(d) The Court of International Trade shall have exclusive jurisdiction of any civil action commenced to review—

(1) 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;

(2) 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;

(3) any final determination of the Secretary of Commerce under section 273 of the Trade Act of 1974 with respect to the eligibility of a community for adjustment assistance under such Act; and

(4) any final determination of the Secretary of Agriculture under section 293 or 296 of the Trade Act of 1974 (19 U.S.C. 2401b)[1] with respect to the eligibility of a group of agricultural commodity producers for adjustment assistance under such Act.

(e) The Court of International Trade shall have exclusive jurisdiction of any civil action commenced to review any final determination of the Secretary of the Treasury under section 305(b)(1) of the Trade Agreements Act of 1979.

(f) The Court of International Trade shall have exclusive jurisdiction of any civil action involving an application for 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.

(g) The Court of International Trade shall have exclusive jurisdiction of any civil action commenced to review—

(1) 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 a license or permit under section 641(b)(5) or (c)(2) of such Act;

(2) 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; and

(3) 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.

(h) The Court of International Trade shall have exclusive jurisdiction of any civil action commenced to review, prior to the importation of the goods involved, a ruling issued by the Secretary of the Treasury, or a refusal to issue or change such a ruling, relating to classification, valuation, rate of duty, marking, restricted merchandise, entry requirements, drawbacks, vessel repairs, or similar matters, but only if the party commencing the civil action demonstrates to the court that he would be irreparably harmed unless given an opportunity to obtain judicial review prior to such importation.

(i) In addition to the jurisdiction conferred upon the Court of International Trade by subsections (a)–(h) of this section and subject to the exception set forth in subsection (j) of this section, the Court of International Trade shall have exclusive jurisdiction of any civil action commenced against the United States, its agencies,

[1] See References in Text note below.

or its officers, that arises out of any law of the United States providing for—

(1) revenue from imports or tonnage;

(2) tariffs, duties, fees, or other taxes on the importation of merchandise for reasons other than the raising of revenue;

(3) embargoes or other quantitative restrictions on the importation of merchandise for reasons other than the protection of the public health or safety; or

(4) administration and enforcement with respect to the matters referred to in paragraphs (1)–(3) of this subsection and subsections (a)–(h) of this section.

This subsection shall not confer jurisdiction over an antidumping or countervailing duty determination which is reviewable either by the Court of International Trade under section 516A(a) of the Tariff Act of 1930 or by a binational panel under article 1904 of the North American Free Trade Agreement or the United States-Canada Free-Trade Agreement and section 516A(g) of the Tariff Act of 1930.

(j) The Court of International Trade shall not have jurisdiction of any civil action arising under section 305 of the Tariff Act of 1930.

(Added Pub. L. 96–417, title II, §201, Oct. 10, 1980, 94 Stat. 1728; amended Pub. L. 98–573, title II, §212(b)(1), Oct. 30, 1984, 98 Stat. 2983; Pub. L. 99–514, title XVIII, §1891(1), Oct. 22, 1986, 100 Stat. 2926; Pub. L. 100–449, title IV, §402(a), Sept. 28, 1988, 102 Stat. 1883; Pub. L. 103–182, title IV, §414(a)(1), title VI, §684(a)(1), Dec. 8, 1993, 107 Stat. 2147, 2219; Pub. L. 111–5, div. B, title I, §1873(b)(2), Feb. 17, 2009, 123 Stat. 414.)

PRIOR HISTORY OF COURT

The United States Customs Court, the predecessor of the Court of International Trade, was omitted in the general revision of this chapter by Pub. L. 96–417.

The predecessor of the United States Customs Court was the Board of General Appraisers which was created by the Customs Administrative Act of June 10, 1890. The Board was under the administrative supervision of the Secretary of the Treasury.

From 1890 to 1926, the Board of General Appraisers had jurisdiction over all protests from decisions of the collectors of customs and appeals for reappraisement under sections 13 and 14 of the Customs Administrative Act of June 10, 1890, ch. 407, 26 Stat. 136.

The Customs Court was established by act May 28, 1926, ch. 411, §§1, 2, 44 Stat. 669, sections 405a and 405b of Title 19, Customs Duties, and said act transferred to it all the jurisdiction and powers of the former Board of General Appraisers. The Tariff Act of June 1930, ch. 497, title IV, §518, 46 Stat. 737, section 1518 of Title 19, continued the Customs Court as constituted on June 17, 1930 with, however, several important changes.

REFERENCES IN TEXT

Section 515 of the Tariff Act of 1930, referred to in subsec. (a), is classified to section 1515 of Title 19, Customs Duties.

Section 516 of the Tariff Act of 1930, referred to in subsec. (b), is classified to section 1516 of Title 19, Customs Duties.

Section 516A of the Tariff Act of 1930, referred to in subsecs. (c) and (i), is classified to section 1516a of Title 19, Customs Duties.

The Trade Act of 1974, referred to in subsec. (d), is Pub. L. 93–618, Jan. 3, 1975, 88 Stat. 1978, which is classified principally to chapter 12 (§2101 et seq.) of Title 19, Customs Duties. Sections 223, 251, 273, 293, and 296 of the Act are classified to sections 2273, 2341, 2371b, 2401b, and 2401e, respectively, of Title 19. 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 subsec. (e), is classified to section 2515(b)(1) of Title 19, Customs Duties.

Section 777(c)(2) of the Tariff Act of 1930, referred to in subsec. (f), is classified to section 1677f(c)(2) of Title 19, Customs Duties.

Section 641 of the Tariff Act of 1930, referred to in subsec. (g)(1), (2), is classified to section 1641 of Title 19, Customs Duties.

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

Section 305 of the Tariff Act of 1930, referred to in subsec. (j), is classified to section 1305 of Title 19, Customs Duties.

PRIOR PROVISIONS

A prior section 1581, act June 25, 1948, ch. 646, 62 Stat. 943, related to powers of the Customs Court generally, prior to the general revision of this chapter by Pub. L. 96–417. See section 1585 of this title.

AMENDMENTS

2009—Subsec. (d)(3), (4). Pub. L. 111–5 substituted ''273'' for ''271'' in par. (3) and added par. (4).

1993—Subsec. (g)(3). Pub. L. 103–182, §684(a)(1), added par. (3).

Subsec. (i). Pub. L. 103–182, §414(a)(1), inserted ''the North American Free Trade Agreement or'' before ''the United States-Canada Free-Trade Agreement'' in last sentence.

1988—Subsec. (i). Pub. L. 100–449 inserted at end ''This subsection shall not confer jurisdiction over an antidumping or countervailing duty determination which is reviewable either by the Court of International Trade under section 516A(a) of the Tariff Act of 1930 or by a binational panel under article 1904 of the United States-Canada Free-Trade Agreement and section 516A(g) of the Tariff Act of 1930.''

1986—Subsec. (g)(1). Pub. L. 99–514 substituted ''(3)'' for ''(3) or (c)''.

1984—Subsec. (g)(1). Pub. L. 98–573 amended par. (1) generally, substituting ''a customs broker's license under section 641(b)(2) or (3) or (c) 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 a license or permit under section 641(b)(5) or (c)(2) of such Act'' for ''or revoke a customhouse broker's license under section 641(a) of the Tariff Act of 1930''.

Subsec. (g)(2). Pub. L. 98–573 amended par. (2) generally, substituting ''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'' for ''any order of the Secretary of the Treasury to revoke or suspend a customhouse broker's license under section 641(b) of the Tariff Act of 1930''.

EFFECTIVE DATE OF 2009 AMENDMENT

Except as otherwise provided and subject to certain applicability provisions, amendment by Pub. L. 111–5 effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1891 of Pub. L. 111–5, set out as an Effective and Termination Dates of 2009 Amendment note under section 2271 of Title 19, Customs Duties.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by section 414(a)(1) of Pub. L. 103–182 effective on the date the North American Free Trade Agreement enters into force with respect to the United States [Jan. 1, 1994], but not applicable to any final determination described in section 1516a(a)(1)(B) or (2)(B)(i), (ii), or (iii) of Title 19, Customs Duties, notice of which is published in the Federal Register before such date, or to a determination described in section

1516a(a)(2)(B)(vi) of Title 19, notice of which is received by the Government of Canada or Mexico before such date, or to any binational panel review under the United States-Canada Free-Trade Agreement, or to any extraordinary challenge arising out of any such review, that was commenced before such date, see section 416 of Pub. L. 103–182, set out as an Effective Date note under section 3431 of Title 19.

EFFECTIVE AND TERMINATION DATES OF 1988 AMENDMENT

Amendment by Pub. L. 100–449 effective on date United States-Canada Free-Trade Agreement enters into force (Jan. 1, 1989), and to cease to have effect on date Agreement ceases to be in force, see section 501(a), (c) of Pub. L. 100–449, set out in a note under section 2112 of Title 19, Customs Duties.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by 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.

EFFECTIVE DATE

Chapter effective Nov. 1, 1980, 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 (i) of this section applicable with respect to civil actions commenced on or after Nov. 1, 1980, see section 701(b)(1)(A) of Pub. L. 96–417.

APPLICATION OF 1993 AMENDMENT

Section 684(b) of Pub. L. 103–182 provided that: ''For purposes of applying the amendments made by subsection (a) [amending this section and sections 2631, 2636, 2640, and 2642 of this title], any decision or order of the Customs Service denying, suspending, or revoking the accreditation of a private laboratory on or after the date of the enactment of this Act [Dec. 8, 1993] and before regulations to implement section 499(b) of the Tariff Act of 1930 [19 U.S.C. 1499(b)] are issued shall be treated as having been denied, suspended, or revoked under such section 499(b).''

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.

EFFECT OF TERMINATION OF NAFTA COUNTRY STATUS

For provisions relating to effect of termination of NAFTA country status on sections 401 to 416 of Pub. L. 103–182, see section 3451 of Title 19, Customs Duties.

§ 1582. Civil actions commenced by the United States

The Court of International Trade shall have exclusive jurisdiction of any civil action which arises out of an import transaction and which is commenced by the United States—

(1) to recover a civil penalty under section 592, 593A, 641(b)(6), 641(d)(2)(A), 704(i)(2), or 734(i)(2) of the Tariff Act of 1930;

(2) to recover upon a bond relating to the importation of merchandise required by the laws of the United States or by the Secretary of the Treasury; or

(3) to recover customs duties.

(Added Pub. L. 96–417, title II, § 201, Oct. 10, 1980, 94 Stat. 1729; amended Pub. L. 98–573, title II, § 212(b)(2), Oct. 30, 1984, 98 Stat. 2983; Pub. L. 99–514, title XVIII, § 1891(2), Oct. 22, 1986, 100 Stat. 2926; Pub. L. 103–182, title VI, § 684(c), Dec. 8, 1993, 107 Stat. 2219.)

REFERENCES IN TEXT

Sections 592, 593A, 641(b)(6), 641(d)(2)(A), 704(i)(2), and 734(i)(2) of the Tariff Act of 1930, referred to in par. (1), are classified to sections 1592, 1593a, 1641(b)(6), 1641(d)(2)(A), 1671c(i)(2), and 1673c(i)(2), respectively, of Title 19, Customs Duties.

PRIOR PROVISIONS

A prior section 1582, acts June 25, 1948, ch. 646, 62 Stat. 943; June 2, 1970; Pub. L. 91–271, title I, § 110, 84 Stat. 278; July 26, 1979, Pub. L. 96–39, title X, § 1001(b)(4)(B), 93 Stat. 305, related to the jurisdiction of the Customs Court, prior to the general revision of this chapter by Pub. L. 96–417.

AMENDMENTS

1993—Par. (1). Pub. L. 103–182 inserted ''593A,'' after ''592,''.

1986—Par. (1). Pub. L. 99–514 substituted ''641(b)(6)'' for ''641(a)(1)(C)''.

1984—Par. (1). Pub. L. 98–573 inserted references to section 641(a)(1)(C) and 641(d)(2)(A) of the Tariff Act of 1930.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by 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.

EFFECTIVE DATE

Section applicable with respect to civil actions commenced on or after the 90th day after Nov. 1, 1980, see section 701(c)(1)(A) of Pub. L. 96–417, set out as an Effective Date of 1980 Amendment note under section 251 of this title.

§ 1583. Counterclaims, cross-claims, and third-party actions

In any civil action in the Court of International Trade, the court shall have exclusive jurisdiction to render judgment upon any counterclaim, cross-claim, or third-party action of any party, if (1) such claim or action involves the imported merchandise that is the subject matter of such civil action, or (2) such claim or action is to recover upon a bond or customs duties relating to such merchandise.

(Added Pub. L. 96–417, title II, § 201, Oct. 10, 1980, 94 Stat. 1729.)

PRIOR PROVISIONS

A prior section 1583, act June 25, 1948, ch. 646, 62 Stat. 943, related to certain cases of exclusive jurisdiction of the Customs Court, prior to repeal by Pub. L. 91–271, title I, § 111, June 2, 1970, 84 Stat. 278.

EFFECTIVE DATE

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

§ 1584. Civil actions under the North American Free Trade Agreement or the United States-Canada Free-Trade Agreement

The United States Court of International Trade shall have exclusive jurisdiction of any