

110TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To improve the laws concerning judicial review of international trade and customs law matters, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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\_\_\_\_\_ introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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## **A BILL**

To improve the laws concerning judicial review of international trade and customs law 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States Court  
5 of International Trade Improvement Act of 2008”.

6 **TITLE I—AMENDMENTS TO THE**  
7 **TARIFF ACT OF 1930**

8 **SEC. 101. TESTIMONY AND PRODUCTION OF PAPERS.**

9 Section 333 of the Tariff Act of 1930 (19 U.S.C.  
10 1333) is amended—

1 (1) in subsection (b)—

2 (A) by striking “any district or territorial  
3 court of the United States” and inserting “the  
4 United States Court of International Trade”;

5 (B) by striking “such court within the ju-  
6 risdiction of which such inquiry is carried on”  
7 and inserting “the United States Court of  
8 International Trade”; and

9 (C) by striking “such” after “punished by”  
10 and inserting “the”; and

11 (2) in subsection (c), by striking “any such  
12 court” and inserting “the United States Court of  
13 International Trade”.

14 **SEC. 102. CEASE AND DESIST ORDERS.**

15 Section 337(f)(2) of the Tariff Act of 1930 (19  
16 U.S.C. 1337(f)(2)) is amended—

17 (1) by striking “Federal District Court for the  
18 District of Columbia or for the district in which the  
19 violation occurs” and inserting “United States Court  
20 of International Trade”;

21 (2) by striking “the United States district  
22 courts” and inserting “the United States Court of  
23 International Trade”; and

24 (3) by striking “they deem” and inserting “it  
25 deems”.

1 **SEC. 103. FINALITY OF CUSTOMS SERVICE DECISIONS.**

2 Section 514(a) of the Tariff Act of 1930 (19 U.S.C.  
3 1514(a)) is amended—

4 (1) in paragraph (4), by inserting after “deliv-  
5 ery” the following: “(including a decision prohibiting  
6 a carrier from transporting merchandise to the cus-  
7 toms territory of the United States)”;

8 (2) in paragraph (6), by striking “or” at the  
9 end;

10 (3) by inserting after paragraph (7) the fol-  
11 lowing new paragraphs:

12 “(8) the assessment or collection of duties,  
13 taxes, or fees, whether or not voluntarily tendered,  
14 under section 592 (c) or (d) or section 593A (c) or  
15 (d) of this Act; or

16 “(9) a demand for payment or repayment of  
17 duties, taxes, and fees other than in accordance with  
18 sections 500 and 501 of this Act, including denials  
19 of requests for offsets pursuant to section  
20 509(b)(6)(A) of this Act;”; and

21 (4) by inserting after “within the time pre-  
22 scribed by section 2636 of that title.” the following:  
23 “Notwithstanding the previous sentence, if a protest  
24 is not filed with respect to a decision described in  
25 paragraph (9), the existence and amount of liability  
26 for duties, taxes, or fees requested to be paid or re-

1       paid in the decision shall not be final and conclusive  
2       on any party for purposes of a civil action com-  
3       menced by the United States in the United States  
4       Court of International Trade in accordance with sec-  
5       tion 1582 of title 28, United States Code.”.

6   **SEC. 104. PROTESTS.**

7       Section 514(c)(2) of the Tariff Act of 1930 (19  
8   U.S.C. 1514(c)(2)) is amended—

9           (1) by redesignating subparagraph (F) as sub-  
10       paraphrase (H);

11          (2) in subparagraph (H), as redesignated, by  
12       striking “(E)” and inserting “(G)”; and

13          (3) by striking “or” at the end of subparagraph  
14       (E) and inserting after subparagraph (E) the fol-  
15       lowing new subparagraphs:

16           “(F) with respect to a decision described in  
17       paragraph (4) of subsection (a) prohibiting a  
18       carrier from transporting merchandise to the  
19       customs territory of the United States, a ship-  
20       per, consignee, or carrier of the merchandise in-  
21       volved;

22           “(G) with respect to a decision described  
23       in paragraph (8) or (9) of subsection (a)—

1 “(i) any person against whom duties  
2 taxes, or fees are assessed, or from whom  
3 duties, taxes, or fees are collected;

4 “(ii) any person to whom a demand is  
5 made by U.S. Customs and Border Protec-  
6 tion for payment or repayment of duties,  
7 taxes, and fees;

8 “(iii) any person who tenders duties,  
9 taxes, or fees to U.S. Customs and Border  
10 Protection, whether or not voluntarily; or

11 “(iv) any person whose request for an  
12 offset pursuant to section 509(b)(6)(A) is  
13 denied, in whole or in part; or”.

14 **SEC. 105. JUDICIAL REVIEW IN COUNTERVAILING DUTY**  
15 **AND ANTIDUMPING PROCEEDINGS.**

16 Section 516A(b) of the Tariff Act of 1930 (19 U.S.C.  
17 1516a(b)) is amended—

18 (1) in paragraph (1)—

19 (A) by striking “REMEDY” in the heading  
20 and inserting “LEGAL STANDARD”; and

21 (B) by striking “court” and inserting  
22 “United States Court of International Trade”;

23 (2) by redesignating paragraphs (2) and (3) as  
24 paragraphs (3) and (4), respectively; and

1           (3) by inserting after paragraph (1) the fol-  
2           lowing:

3           “(2) APPELLATE REVIEW.—

4                   “(A) IN GENERAL.—Except as provided in  
5                   subparagraphs (B) and (C) of this paragraph,  
6                   the United States Court of Appeals for the  
7                   Federal Circuit shall, for purposes of appellate  
8                   review in any appeal from any decision of the  
9                   United States Court of International Trade  
10                  governed by paragraph (1) of this subsection,  
11                  apply anew the legal standard set out in para-  
12                  graph (1) of this subsection.

13                   “(B) REVIEW UNDER SUBPARAGRAPH (A)  
14                   OR (B)(ii).—For purposes of the appellate re-  
15                   view of any ruling by the United States Court  
16                   of International Trade pursuant to subpara-  
17                   graph (A) or (B)(ii) of paragraph (1) of this  
18                   subsection as to whether the agency determina-  
19                   tion, finding, or conclusion was arbitrary, capri-  
20                   cious, or an abuse of discretion, the United  
21                   States Court of Appeals for the Federal Circuit  
22                   shall determine whether the United States  
23                   Court of International Trade misapprehended  
24                   or grossly misapplied the standard of arbitrary,  
25                   capricious, or an abuse of discretion.

1                   “(C) REVIEW UNDER SUBPARAGRAPH  
2                   (B)(i).—For purposes of the appellate review of  
3                   any ruling by the United States Court of Inter-  
4                   national Trade pursuant to clause (B)(i) of  
5                   paragraph (1) of this subsection as to whether  
6                   the agency determination, finding, or conclusion  
7                   was unsupported by substantial evidence on the  
8                   record, the United States Court of Appeals for  
9                   the Federal Circuit shall determine whether the  
10                  United States Court of International Trade  
11                  misapprehended or grossly misapplied the  
12                  standard of unsupported by substantial evi-  
13                  dence on the record.”.

14 **SEC. 106. CUSTOMS BROKERS.**

15                  Section 641(e)(1) of the Tariff Act of 1930 (19  
16 U.S.C. 1641(e)(1)) is amended—

17                  (1) in the first sentence, by striking “written  
18                  petition” and inserting “summons and complaint”;

19                  (2) in the second sentence, by striking “peti-  
20                  tion” and inserting “summons and complaint”; and

21                  (3) in the third sentence, by striking “petition”  
22                  and inserting “summons and complaint”.

1 **TITLE II—AMENDMENT TO THE**  
2 **NORTH AMERICAN FREE**  
3 **TRADE AGREEMENT IMPLE-**  
4 **MENTATION ACT**

5 **SEC. 201. NAFTA.**

6 Section 403 of the North American Free Trade  
7 Agreement Implementation Act (19 U.S.C. 3433) is  
8 amended—

9 (1) in subsection (b)—

10 (A) by striking “any district or territorial  
11 court of the United States” and inserting “the  
12 United States Court of International Trade”;  
13 and

14 (B) by striking “Such court, within the ju-  
15 risdiction of which such inquiry is carried on”  
16 and inserting “the United States Court of  
17 International Trade”; and

18 (2) in subsection (c), by striking “Any court re-  
19 ferred to in subsection (b) of this section” and in-  
20 serting “The United States Court of International  
21 Trade”.



1       **TITLE III—AMENDMENTS TO**  
2       **TITLE 28, UNITED STATES CODE**

3       **SEC. 301. CIVIL ACTIONS AGAINST THE UNITED STATES.**

4       Section 1581 of title 28, United States Code, is  
5 amended—

6               (1) in subsection (d)—

7                       (A) in paragraph (1), by inserting “and”  
8                       at the end;

9                       (B) in paragraph (2), by striking “; and”  
10                      and inserting a period; and

11                     (C) by striking paragraph (3);

12               (2) in subsection (g)—

13                     (A) by amending paragraph (1) to read as  
14                     follows:

15                     “(1) any decision of the Secretary of the Treas-  
16                     ury under section 641 of the Tariff Act of 1930 to  
17                     suspend, revoke, or deny a customs broker’s license  
18                     or permit or impose a monetary penalty in lieu  
19                     thereof or; and”;

20                     (B) by striking paragraph (2); and

21                     (C) by redesignating paragraph (3) as  
22                     paragraph (2);

23                     (3) in subsection (h), by striking “he would be  
24                     irreparably harmed unless” and inserting “there is  
25                     good cause for the party to be”;

1           (4) by redesignating subsections (i) and (j) as  
2 subsections (j) and (l), respectively;

3           (5) by inserting after subsection (h) the fol-  
4 lowing:

5           “(i) The United States Court of International Trade  
6 shall have exclusive jurisdiction of any civil action com-  
7 menced against the United States, its agencies, or its offi-  
8 cers, that arises out of any of the following statutes:

9           “(1) The Export Administration Act of 1979  
10 (50 U.S.C. App. 2401 et seq.).

11           “(2) The International Emergency Economic  
12 Powers Act (50 U.S.C. 1701 et seq.).

13           “(3) The Trading with the Enemy Act (50  
14 U.S.C. App. 1–44).

15           “(4) Sections 38, 72, 73, and 81 of the Arms  
16 Export Control Act (22 U.S.C. 2778, 2797a, 2797b,  
17 and 2798).

18           “(5) The Iraq Sanctions Act of 1990 (50  
19 U.S.C. 1701 note).

20           “(6) The Foreign Narcotics Kingpin Designa-  
21 tion Act (21 U.S.C. 1901 et seq.).

22           “(7) The Clean Diamond Trade Act (19 U.S.C.  
23 3901–3913).”;

24           (6) in subsection (j), as redesignated by para-  
25 graph (4) of this section—

1 (A) by striking “subsections (a)–(h) of this  
2 section and subject to the exception set forth in  
3 subsection (j)” and inserting “subsections (a)  
4 through (i) and the exceptions set forth in sub-  
5 section (l)”;

6 (B) in paragraph (3), by striking “for rea-  
7 sons other than the protection of the public  
8 health or safety”; and

9 (C) in paragraph (4), by striking “, and  
10 subsections (a)–(h) of this section” and insert-  
11 ing “, subsections (a) through (i) of this sec-  
12 tion, and subsections (a) and (b) of section  
13 1582 of this title”;

14 (7) by inserting before subsection (l), as reded-  
15 igned by paragraph (4) of this subsection, the fol-  
16 lowing:

17 “(k) In addition to the jurisdiction conferred upon  
18 the United States Court of International Trade by sub-  
19 sections (a) through (j) of this section, and subject to the  
20 exceptions set forth in subsection (1) of this section, the  
21 United States Court of International Trade shall have  
22 original jurisdiction, concurrent with the United States  
23 Court of Federal Claims and with the district courts, of  
24 any other civil action arising out of any provision set forth  
25 in the Tariff Act of 1930 (19 U.S.C. 1304 et seq.).”; and

1 (8) in subsection (l) as redesignated by para-  
2 graph (4) of this section, by inserting before the pe-  
3 riod “or any civil action arising under section 337  
4 of the Tariff Act of 1930 (19 U.S.C. 1337), for  
5 which jurisdiction is specifically conferred upon the  
6 United States International Trade Commission or  
7 the United States Court of Appeals for the Federal  
8 Circuit”.

9 **SEC. 302. CIVIL ACTIONS COMMENCED BY THE UNITED**  
10 **STATES.**

11 (a) IN GENERAL.—Section 1582 of title 28, United  
12 States Code is amended to read as follows:

13 **“§ 1582. Civil actions commenced by the United**  
14 **States**

15 “(a) The United States Court of International Trade  
16 shall have exclusive jurisdiction of any civil action which  
17 is commenced by the United States—

18 “(1) to recover a civil penalty under—

19 “(A) section 304 or 305 of title 13, United  
20 States Code;

21 “(B) section 2339B(b) of title 18, United  
22 States Code;

23 “(C) any provision set forth in the Tariff  
24 Act of 1930 (19 U.S.C. 1304 et seq.);

1           “(D) section 1906 (b) of the Intelligence  
2           Authorization Act for Fiscal Year 2000 (21  
3           U.S.C. 1906(b));

4           “(E) section 38(e), 39A(c), or 40(k) of the  
5           Arms Export Control Act (22 U.S.C. 2778(e),  
6           2779a(c), or 2780(k));

7           “(F) the Cuban Democracy Act of 1992  
8           (22 U.S.C. 6001 et seq.);

9           “(G) section 234 of the Atomic Energy Act  
10          of 1954 (42 U.S.C. 2282) (to the extent the  
11          penalty involves a violation of section 53, 57,  
12          62, 81, 82, 101, 103, or 109 of such Act (42  
13          U.S.C. 2073, 2077, 2092, 2111, 2112, 2131,  
14          2133, and 2139) and is related to imports or  
15          exports);

16          “(H) the International Emergency Eco-  
17          nomic Powers Act (50 U.S.C. 1701 et seq.);

18          “(I) the Iraq Sanctions Act of 1990 (50  
19          U.S.C. 1701 note);

20          “(J) section 16(b) of the Trading with the  
21          Enemy Act (50 U.S.C. App. 16(b)); or

22          “(K) section 11(e) of the Export Adminis-  
23          tration Act of 1979 (50 U.S.C. App. 2410(c));

1           “(2) to recover upon a bond relating to the im-  
2           portation of merchandise required by the laws of the  
3           United States or by the Secretary of the Treasury;

4           “(3) to recover customs duties; or

5           “(4) to enforce a summons under section 510  
6           of the Tariff Act of 1930 (19 U.S.C. 1510).

7           “(b) SEIZURES.—The United States Court of Inter-  
8           national Trade shall have exclusive jurisdiction of any sei-  
9           zure, other than a seizure of narcotics or other controlled  
10          substance, under—

11           “(1) the Tariff Act of 1930 (19 U.S.C. 1304 et  
12          seq.);

13           “(2) the Trading with the Enemy Act (50  
14          U.S.C. App. 1 et seq.); or

15           “(3) section 1 of title VI of the Act of June 15,  
16          1917 (22 U.S.C. 401).

17          “(c) DECLARATIONS WITH RESPECT TO CONSIST-  
18          ENCY WITH INTERNATIONAL AGREEMENTS.—The United  
19          States Court of International Trade shall have exclusive  
20          jurisdiction of any civil action which is commenced by the  
21          United States for the purpose of declaring a provision of  
22          State law, or its application, invalid as inconsistent with  
23          any international agreement giving the United States such  
24          a cause of action.”.

1 **SEC. 303. PERSONS ENTITLED TO COMMENCE A CIVIL AC-**  
2 **TION.**

3 Section 2631 of title 28, United States Code, is  
4 amended—

5 (1) by striking paragraph (3) of subsection (d);  
6 (2) in subsection (g)—

7 (A) by amending paragraph (1) to read as  
8 follows:

9 “(1) A civil action to review any decision of the  
10 Secretary of the Treasury to suspend, revoke, or  
11 deny a customs broker’s license or permit or impose  
12 a monetary penalty in lieu thereof under section 641  
13 of the Tariff Act of 1930 (19 U.S.C. 1641) may be  
14 commenced in the United States Court of Inter-  
15 national Trade by the person whose license or per-  
16 mit was suspended, revoked, or denied, or by the  
17 person against whom the decision was issued.”;

18 (B) by striking paragraph (2); and

19 (C) by redesignating paragraph (3) as  
20 paragraph (2); and

21 (3) in subsection (i), by striking “(a)–(h)” and  
22 inserting “(a)–(j)”.

23 **SEC. 304. TIME FOR COMMENCEMENT OF ACTION.**

24 Section 2636 of title 28, United States Code is  
25 amended—

1           (1) in subsection (d), by striking “or section  
2       271 of such Act”;

3           (2) by amending subsection (g) to read as fol-  
4       lows:

5       “(g) A civil action contesting any decision of the Sec-  
6       retary of the Treasury to suspend, revoke, or deny a cus-  
7       toms broker’s license or permit or impose a monetary pen-  
8       alty in lieu thereof under section 641 of the Tariff Act  
9       of 1930 (19 U.S.C. 1641) is barred unless commenced in  
10      accordance with the rules of the United States Court of  
11      International Trade within 60 days after the date of the  
12      entry of the decision or order of such Secretary.”; and

13           (3) in subsection (i), by striking “(a)–(h)” and  
14      inserting “(a)–(j)”.

15   **SEC. 305. EXHAUSTION OF ADMINISTRATIVE REMEDIES.**

16      Section 2637(a) of title 28, United States Code, is  
17      amended—

18           (1) by inserting “(1)” after “A civil action”;

19      and

20           (2) by adding at the end the following:

21      “(2) In this subsection, the term ‘liquidated duties,  
22      charges, or exactions’ does not include duties, taxes, or  
23      fees that are the subject of a demand for payment or re-  
24      payment other than in accordance with sections 500 and  
25      501 of the Tariff Act of 1930 (19 U.S.C. 1500 and 1501),



1 including denials of requests for offsets under section  
2 509(b)(6)(A) of such Act (19 U.S.C. 1509(b)(6)(A)).”.

3 **SEC. 306. SCOPE AND STANDARD OF REVIEW.**

4 Section 2640(c) of title 28, United States Code, is  
5 amended by striking “or section 271”.

6 **SEC. 307. RELIEF.**

7 Section 2643 of title 28, United States Code, is  
8 amended—

9 (1) in subsection (c)(2), by striking “or section  
10 271”; and

11 (2) in subsection (e), by striking “641(b)(6) or  
12 641(d)(2)(A)” and inserting “641”.

13 **SEC. 308. ALTERNATIVE DISPUTE RESOLUTION PROCE-**  
14 **DURES.**

15 (a) IN GENERAL.—Chapter 169 of title 28, United  
16 States Code, is amended by adding at the end the fol-  
17 lowing:

18 **“§ 2647. Alternative dispute resolution procedures**

19 “(a) The United States Court of International Trade  
20 shall authorize by rule the use of alternative dispute reso-  
21 lution processes in civil actions other than civil actions  
22 arising under title VII of the Tariff Act of 1930 (19  
23 U.S.C. 1671 et seq.) (relating to countervailing duty and  
24 antidumping duty proceedings), except that the use of ar-  
25 bitration may be authorized only as provided in subsection

1 (j). For purposes of this section, an alternative dispute  
2 resolution process includes any process or procedure, other  
3 than an adjudication by a presiding judge, in which a neu-  
4 tral third party participates to assist in the resolution of  
5 issues in controversy, through processes such as early neu-  
6 tral evaluation, mediation, minitrial, and arbitration.

7 “(b) The Chief Judge of the United States Court of  
8 International Trade shall designate an employee, or a judi-  
9 cial officer, who is knowledgeable in alternative dispute  
10 resolution practices and processes to implement, admin-  
11 ister, oversee, and evaluate the court’s alternative dispute  
12 resolution program. Such person may also be responsible  
13 for recruiting, screening, and training attorneys to serve  
14 as neutrals and arbitrators in the court’s alternative dis-  
15 pute resolution program.

16 “(c) This section shall not affect title 9, United  
17 States Code.

18 “(d) The Federal Judicial Center and the Adminis-  
19 trative Office of the United States Courts are authorized  
20 to assist the United States Court of International Trade  
21 in the establishment and improvement of alternative dis-  
22 pute resolution programs by identifying particular prac-  
23 tices employed in successful programs and providing addi-  
24 tional assistance as needed and appropriate.

1           “(e) Except as provided under subsections (f) and  
2 (g), the United States Court of International Trade shall  
3 provide by rule that litigants in all civil cases other than  
4 civil actions arising under title VII of the Tariff Act of  
5 1930 (19 U.S.C. 1671 et seq.) consider the use of an alter-  
6 native dispute resolution process at an appropriate stage  
7 in the litigation. The court shall provide litigants in civil  
8 cases with at least 1 alternative dispute resolution process,  
9 including early neutral evaluation, mediation, minitrial,  
10 and arbitration, as authorized under this section.

11           “(f) The United States Court of International Trade  
12 may exempt from the requirements of this section specific  
13 cases or categories of cases in which the use of alternative  
14 dispute resolution would not be appropriate. In defining  
15 the exemptions, the court shall consult with members of  
16 the bar, including the responsible Assistant Attorney Gen-  
17 eral.

18           “(g) Nothing in this section shall alter or conflict  
19 with the authority of the Attorney General to conduct liti-  
20 gation on behalf of the United States, with the authority  
21 of any Federal agency authorized to conduct litigation in  
22 the United States courts, or with any delegation of litiga-  
23 tion authority by the Attorney General.

24           “(h) The United States Court of International Trade  
25 shall provide by rule for the confidentiality of alternative

1 dispute resolution processes and for the prohibition of dis-  
2 closure of confidential dispute resolution communications.

3       “(i) The United States Court of International Trade  
4 shall adopt appropriate processes for making neutrals  
5 available for use by the parties for each category of proce-  
6 ess offered. The Court shall promulgate criteria and proce-  
7 dures for the selection of neutrals on its panels. Each per-  
8 son serving as a neutral in an alternative dispute resolu-  
9 tion process should be qualified and trained to serve as  
10 a neutral in the appropriate alternative dispute resolution  
11 process. For this purpose, the court may use, among oth-  
12 ers, magistrate judges who have been trained to serve as  
13 neutrals in alternative dispute resolution processes, profes-  
14 sional neutrals from the private sector, and persons who  
15 have been trained to serve as neutrals in alternative dis-  
16 pute resolution processes. The United States Court of  
17 International Trade shall issue rules relating to the dis-  
18 qualification of neutrals.

19       “(j)(1) Except as provided under subsections (f) and  
20 (g), the United States Court of International Trade may  
21 allow the referral to arbitration of any civil action pending  
22 before it where the parties consent, except that referral  
23 to arbitration may not be made if—

1           “(A) the action is based on an alleged violation  
2           of a right secured by the Constitution of the United  
3           States; or

4           “(B) the amount in controversy, or the amount  
5           of relief sought, is greater than \$150,000.

6           “(2) The court shall establish procedures to ensure  
7           that consent to arbitration is freely and knowingly ob-  
8           tained, and that no party or attorney is prejudiced for re-  
9           fusing to participate in arbitration. For purposes of this  
10          subsection, the court may presume that the amount in  
11          controversy, or the amount of relief sought, is less than  
12          \$150,000 unless counsel certifies that the amount in con-  
13          troversy or amount of relief sought exceeds that amount.

14          “(k)(1) An arbitrator to whom an action is referred  
15          under subsection (j) of this section shall have the power—

16                 “(A) to conduct arbitration hearings;

17                 “(B) to administer oaths and affirmations; and

18                 “(C) to make awards.

19          “(2) The United States Court of International Trade  
20          shall establish standards for the certification of arbitrators  
21          and shall certify arbitrators to perform services in accord-  
22          ance with such standards and this section. All individuals  
23          serving as arbitrators in an alternative dispute resolution  
24          program under this section shall be—

25                 “(A) performing quasi-judicial functions; and

1           “(B) entitled to the immunities and protections that  
2 the law affords to persons serving in such capacity.

3           “(l) The rules of the United States Court of Inter-  
4 national Trade relating to subpoenas shall apply to sub-  
5 poenas for the attendance of witnesses and the production  
6 of documentary evidence at an arbitration hearing under  
7 this section.

8           “(m) An arbitration award made by an arbitrator  
9 under this section, along with proof of service of such  
10 award on the other party by the prevailing party or by  
11 the plaintiff, shall be filed with the clerk of the United  
12 States Court of International Trade promptly after the ar-  
13 bitration hearing is concluded. Such award shall be en-  
14 tered as the judgment of the court after the time has ex-  
15 pired for requesting a trial de novo or judicial determina-  
16 tion. The judgment so entered shall be subject to the same  
17 provisions of law and shall have the same effect as a judg-  
18 ment of the court in a civil action, except that the judg-  
19 ment shall not be subject to review in any other court by  
20 appeal or otherwise. The court may provide, by rule, that  
21 the contents of any arbitration award made under this sec-  
22 tion shall not be made known to any judge who might be  
23 assigned to the case until the court has entered final judg-  
24 ment in the action or the action has otherwise terminated.

1           “(n) Within 30 days after the filing of an arbitration  
2 award with the United States Court of International  
3 Trade under subsection (m), any party may file a demand  
4 for a trial de novo (in cases for which a trial de novo is  
5 provided by law) or a judicial determination (in cases  
6 where no trial de novo is provided). Upon demand for a  
7 trial de novo or judicial determination, the action shall be  
8 restored to the docket of the court and treated for all pur-  
9 poses as if it had not been referred to arbitration. The  
10 court shall not admit at any trial de novo evidence that  
11 there has been an arbitration proceeding, the nature and  
12 amount of any award, or any other matter concerning the  
13 conduct of the proceeding, unless—

14           “(1) the evidence would otherwise be admissible  
15       in the court under the Federal Rules of Evidence; or

16           “(2) the parties have otherwise stipulated.

17           “(o) The United States Court of International Trade  
18 shall, subject to regulations approved by the Judicial Con-  
19 ference of the United States, establish the amount of com-  
20 pensation, if any, that each arbitrator or neutral shall re-  
21 ceive for services rendered in each case under this section.  
22 Under regulations prescribed by the Director of the Ad-  
23 ministrative Office of the United States Courts, the  
24 United States Court of International Trade may reim-  
25 burse arbitrators and any other neutrals for actual trans-

1 portation expenses incurred in the performance of duties  
2 under this section.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
4 The table of sections at the beginning of chapter 169 of  
5 title 28, United States Code, is amended by adding at the  
6 end the following:

“2647. Alternate dispute resolution procedures.”.

7 **TITLE IV—AMENDMENTS TO**  
8 **OTHER ACTS**

9 **SEC. 401. TRADING WITH THE ENEMY ACT.**

10 The Trading with the Enemy Act (50 U.S.C. App.  
11 1 et seq.) is amended—

12 (1) in section 9(a), by striking “United States  
13 District Court for the District of Columbia or in the  
14 district court of the United States for the district in  
15 which the claimant resides, or, if a corporation  
16 where it has its principal place of business” and in-  
17 serting “United States Court of International  
18 Trade”; and

19 (2) in section 17—

20 (A) in the heading, by inserting “; **THE**  
21 **UNITED STATES COURT OF INTER-**  
22 **NATIONAL TRADE**” after “**DISTRICT**  
23 **COURTS;**”;



1 (B) by striking “The” and inserting “(a)  
2 IN GENERAL.—Except as provided in sub-  
3 section (b), the”; and

4 (C) by adding at the end the following:

5 “(b) UNITED STATES COURT OF INTERNATIONAL  
6 TRADE.—The United States Court of International Trade  
7 shall have jurisdiction to make and enter all such rules  
8 as to notice and otherwise, and all such orders and de-  
9 crees, and to issue such process as may be necessary and  
10 proper in the premises to enforce the provisions of section  
11 16(b) of this Act, with right of appeal as provided in sec-  
12 tion 1295 of title 28, United States Code.”.

13 **SEC. 402. EXPORT ADMINISTRATION ACT.**

14 (a) APPEAL.—Section 10(j)(3) of the Export Admin-  
15 istration Act of 1979 (50 U.S.C. App. 2409(j)(3)) is  
16 amended—

17 (1) in the first sentence, by striking “an appro-  
18 priate United States district court” and inserting  
19 “the United States Court of International Trade”;  
20 and

21 (2) in the second sentence, by striking “United  
22 States district courts” and inserting “United States  
23 Court of International Trade”.

24 (b) PROCEDURES RELATING TO CIVIL PENALTIES  
25 AND SANCTIONS.—Section 13(c)(3) of the Export Admin-

1 istration Act of 1979 (50 U.S.C. App. 2412(c)(3)) is  
2 amended by striking “United States Court of Appeals for  
3 the District of Columbia Circuit” and inserting “United  
4 States Court of International Trade”.

5 (c) TEMPORARY DENIAL ORDERS.—Section 13(d)(3)  
6 of the Export Administration Act of 1979 (50 U.S.C. App.  
7 2412(d)(3)) is amended by striking “United States Court  
8 of Appeals for the District of Columbia Circuit” and in-  
9 serting “United States Court of International Trade”.

10 **SEC. 403. SECTION 219 OF INA.**

11 Section 219(c)(1) of the Immigration and Nationality  
12 Act (8 U.S.C. 1189(c)(1)) is amended by striking “United  
13 States Court of Appeals for the District of Columbia Cir-  
14 cuit” and inserting “United States Court of International  
15 Trade”.

16 **TITLE V—REFERENCES AND**  
17 **EFFECTIVE DATE**

18 **SEC. 501. REFERENCES.**

19 Except as otherwise expressly provided in this Act,  
20 any reference in this Act, including any amendment made  
21 by this Act, or in any other Act to the “Bureau of Cus-  
22 toms and Border Protection” or the “Customs Service”  
23 shall be considered to be a reference to the U.S. Customs  
24 and Border Protection of the Department of Homeland  
25 Security.

**1 SEC. 502. EFFECTIVE DATE.**

2       This Act and the amendments made by this Act shall  
3 take effect on the date that is 60 days after the date of  
4 the enactment of this Act.