

(Pub. L. 93–618, title II, § 283, Jan. 3, 1975, 88 Stat. 2041.)

### § 2395. Judicial review

#### (a) Petition for review; time and place of filing

A worker, group of workers, certified or recognized union, or authorized representative of such worker or group aggrieved by a final determination of the Secretary of Labor under section 2273 of this title, a firm or its representative or any other interested domestic party aggrieved by a final determination of the Secretary of Commerce under section 2341 of this title, an agricultural commodity producer (as defined in section 2401(2) of this title) aggrieved by a determination of the Secretary of Agriculture under section 2401b of this title, or a community or any other interested domestic party aggrieved by a final determination of the Secretary of Commerce under section 2371<sup>1</sup> of this title may, within sixty days after notice of such determination, commence a civil action in the United States Court of International Trade for review of such determination. The clerk of such court shall send a copy of the summons and the complaint in such action to the Secretary of Labor, the Secretary of Commerce, or the Secretary of Agriculture, as the case may be. Upon receiving a copy of such summons and complaint, such Secretary shall promptly certify and file in such court the record on which he based such determination.

#### (b) Findings of fact by Secretary; conclusiveness; new or modified findings

The findings of fact by the Secretary of Labor, the Secretary of Commerce, or the Secretary of Agriculture, as the case may be, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to such Secretary to take further evidence, and such Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

#### (c) Determination; review by Supreme Court

The Court of International Trade shall have jurisdiction to affirm the action of the Secretary of Labor, the Secretary of Commerce, or the Secretary of Agriculture, as the case may be, or to set such action aside, in whole or in part. The judgment of the Court of International Trade shall be subject to review by the United States Court of Appeals for the Federal Circuit as prescribed by the rules of such court. The judgment of the Court of Appeals for the Federal Circuit shall be subject to review by the Supreme Court of the United States upon certiorari as provided in section 1256<sup>1</sup> of title 28.

(Pub. L. 93–618, title II, § 284, as added Pub. L. 96–417, title VI, § 613(a), Oct. 10, 1980, 94 Stat. 1746; amended Pub. L. 97–164, title I, § 163(a)(5), Apr. 2, 1982, 96 Stat. 49; Pub. L. 103–182, title V, § 503(d), Dec. 8, 1993, 107 Stat. 2151; Pub. L.

107–210, div. A, title I, §§ 123(b)(4), 142(a), Aug. 6, 2002, 116 Stat. 944, 953; Pub. L. 108–429, title II, § 2004(a)(11)(A), Dec. 3, 2004, 118 Stat. 2590; Pub. L. 111–5, div. B, title I, § 1873(b)(1), Feb. 17, 2009, 123 Stat. 414; Pub. L. 112–40, title II, § 201(b), (c), Oct. 21, 2011, 125 Stat. 403; Pub. L. 114–27, title IV, § 402(b), (c), June 29, 2015, 129 Stat. 374.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 2371 of this title, referred to in subsec. (a), means section 271 of Pub. L. 93–618, which related to determinations by the Secretary of Commerce for community eligibility for adjustment assistance and was omitted from the Code as terminated Sept. 30, 1982, pursuant to section 285 of Pub. L. 93–618, set out as a Termination Date note preceding section 2271 of this title. Section 285 of Pub. L. 93–618 was amended generally by Pub. L. 107–210, div. A, title I, § 111(c), Aug. 6, 2002, 116 Stat. 936, after which it no longer contained such termination provisions. Another section 271 of Pub. L. 93–618, added as section 278 by Pub. L. 111–5 and renumbered as section 271 by Pub. L. 112–40, relates to a Community College and Career Training Grant Program and is classified to section 2371 of this title.

Section 1256 of title 28, referred to in subsec. (c), was repealed by Pub. L. 97–164, title I, § 123, Apr. 2, 1982, 96 Stat. 36.

#### CODIFICATION

Section reflects the July 1, 2021, reversion to provisions in effect on Jan. 1, 2014. See Effective and Termination Dates of 2015 Revival note below.

Section 233 of Pub. L. 112–40, which provided for the Jan. 1, 2014, revival of this section as in effect on Feb. 13, 2011, was repealed by Pub. L. 114–27, title IV, § 402(a), June 29, 2015, 129 Stat. 374, and the provisions of this section, as in effect on Dec. 31, 2013, were temporarily revived, effective June 29, 2015, until July 1, 2021, by Pub. L. 114–27, §§ 402(b), (c), 406. See 2011 and 2015 Amendment notes, Effective and Termination Dates of 2011 Revival notes, and Effective and Termination Dates of 2015 Revival notes below.

Section 1893 of Pub. L. 111–5, which provided for Feb. 13, 2011, termination of amendment by Pub. L. 111–5, was repealed by Pub. L. 112–40, title II, § 201(a), Oct. 21, 2011, 125 Stat. 403, and the provisions of this section, as amended by Pub. L. 111–5 and as in effect on Feb. 12, 2011, were temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112–40, §§ 201(b), (c), 233. See 2009 and 2011 Amendment notes, Effective and Termination Dates of 2009 Amendment notes, and Effective and Termination Dates of 2011 Revival notes below.

#### AMENDMENTS

2015—Pub. L. 114–27, §§ 402(b), (c), 406, temporarily revived the provisions of this section, as in effect on Dec. 31, 2013. See Codification note above and 2011 Amendment and Effective and Termination Dates of 2015 Revival notes below.

2011—Pub. L. 112–40, §§ 201(b), (c), 233, temporarily revived the provisions of this section, as in effect on Feb. 12, 2011. See Codification note above and 2009 Amendment and Effective and Termination Dates of 2011 Revival notes below.

2009—Subsec. (a). Pub. L. 111–5, §§ 1873(b)(1)(C), 1893, temporarily substituted “section 2371b” for “section 2371”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Pub. L. 111–5, §§ 1873(b)(1)(B), 1893, which directed the temporary substitution of “or authorized representative of a community” for “or any other interested domestic party”, was executed by making the temporary substitution for “or any other interested domestic party” the second time appearing to reflect the probable intent of Congress. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

<sup>1</sup> See References in Text note below.

Pub. L. 111-5, §§1873(b)(1)(A), 1893, temporarily inserted “or 2401e” after “section 2401b”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

2004—Pub. L. 108-429, §2004(a)(11)(A), amended directory language of Pub. L. 107-210, §142(a)(1). See 2002 Amendment notes below.

2002—Subsec. (a). Pub. L. 107-210, §142(a)(1), as amended by Pub. L. 108-429, §2004(a)(11)(A), inserted “an agricultural commodity producer (as defined in section 2401(2) of this title) aggrieved by a determination of the Secretary of Agriculture under section 2401b of this title,” after “section 2341 of this title,” in first sentence and substituted “, the Secretary of Commerce, or the Secretary of Agriculture” for “or the Secretary of Commerce” in second sentence.

Pub. L. 107-210, §123(b)(4), struck out “or section 2331(c) of this title” after “section 2273 of this title”.

Subsecs. (b), (c). Pub. L. 107-210, §142(a)(1)(B), as amended by Pub. L. 108-429, §2004(a)(11)(A)(i), substituted “, the Secretary of Commerce, or the Secretary of Agriculture” for “or the Secretary of Commerce”.

1993—Subsec. (a). Pub. L. 103-182 inserted reference to section 2331(c) of this title.

1982—Subsec. (c). Pub. L. 97-164 substituted “Court of Appeals for the Federal Circuit” for “Court of Customs and Patent Appeals”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE AND TERMINATION DATES OF 2015 REVIVAL

For revival and applicability, beginning on June 29, 2015, of the provisions of this section as in effect on Dec. 31, 2013, see section 402(b), (c) of Pub. L. 114-27, set out as a note preceding section 2271 of this title.

For reversion, beginning on July 1, 2021, to the provisions of this section as in effect on Jan. 1, 2014, with certain exceptions and subject to section 406(b) of Pub. L. 114-27, see section 406 of Pub. L. 114-27, set out as a note preceding section 2271 of this title.

##### EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For revival and applicability, beginning on Oct. 21, 2011, of the provisions of this section as in effect on Feb. 12, 2011, see section 201(b), (c) of Pub. L. 112-40, set out as a note preceding section 2271 of this title.

Section 233 of Pub. L. 112-40, formerly set out as a note preceding section 2271 of this title, which provided for the reversion, beginning on Jan. 1, 2014, of the provisions of this section to those in effect on Feb. 13, 2011, subject to certain exceptions, was repealed by Pub. L. 114-27, title IV, §402(a), June 29, 2015, 129 Stat. 374, effective June 29, 2015. See Codification note above.

##### EFFECTIVE AND TERMINATION DATES 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 a note under section 2271 of this title.

Section 1893 of Pub. L. 111-5, formerly set out as a Termination Date of 2009 Amendment note preceding section 2271 of this title, which provided that, except as otherwise provided, amendment by Pub. L. 111-5 not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if amendment by Pub. L. 111-5 had never been enacted, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403, effective Oct. 21, 2011. See Codification note above.

##### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by section 123(b)(4) of Pub. L. 107-210 applicable with respect to petitions filed under this part on or after the date that is 90 days after Aug. 6, 2002, except with respect to certain workers, see section 123(c) of Pub. L. 107-210, set out as an Effective Date of Repeal note under section 2331 of this title.

Amendment by section 142(a) of Pub. L. 107-210 effective on the date that is 180 days after Aug. 6, 2002, see section 141(b) of Pub. L. 107-210, set out as an Effective Date note under section 2401 of this title.

##### EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by 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), see section 506(a) of Pub. L. 103-182, formerly set out as a note under section 2271 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 Title 28, Judiciary and Judicial Procedure.

##### EFFECTIVE DATE

Section applicable with respect to civil actions commenced on or after Nov. 1, 1980, see section 701(b)(3) of Pub. L. 96-417 set out as an Effective Date of 1980 Amendment note under section 251 of Title 28, Judiciary and Judicial Procedure.

## § 2396. Omitted

#### Editorial Notes

##### CODIFICATION

Section, Pub. L. 93-618, title II, §286, as added Pub. L. 100-418, title I, §1427(a), Aug. 23, 1988, 102 Stat. 1251, which established the Trade Adjustment Assistance Trust Fund, did not become effective pursuant to section 1430(c) of Pub. L. 100-418, set out as an Effective Date note under section 2397 of this title.

## § 2397. Omitted

#### Editorial Notes

##### CODIFICATION

Section, Pub. L. 93-618, title II, §287, as added Pub. L. 100-418, title I, §1428(b), Aug. 23, 1988, 102 Stat. 1255, which imposed an additional fee, did not become effective pursuant to section 1430(b) of Pub. L. 100-418, set out below.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Pub. L. 100-418, title I, §1430, Aug. 23, 1988, 102 Stat. 1256, as amended by Pub. L. 100-647, title IX, §9001(a)(21), Nov. 10, 1988, 102 Stat. 3808, provided that:

“(a) IN GENERAL.—Except as otherwise provided by this section, the amendments made by this part [part 3 (§§1421-1430) of subtitle D of title I of Pub. L. 100-418, enacting this section and sections 2318 and 2396 of this title, amending sections 2272, 2275, 2291 to 2293, 2295, 2296, 2311, 2317, 2341, and 2346 of this title, and amending provisions set out as a note preceding section 2271 of this title] shall take effect on the date of enactment of this Act [Aug. 23, 1988].

##### “(b) ADDITIONAL FEE.—

“(1) Except as otherwise provided in this subsection, the amendment made by section 1428(b) [enacting this section] shall apply (if at all) to any article entered, or withdrawn from warehouse for consumption, after the date that is 30 days after the earlier of—

“(A) the date on which the President submits to the Congress the written statement described in section 1428(a)(3)(A) [set out as a note below],

“(B) the date that is 2 years after the date of enactment of this Act [Aug. 23, 1988], or

“(C) the date of the enactment of a disapproval resolution that passes both Houses of the Congress within the 90-day period beginning on the date that is 2 years after the date of enactment of this Act.