

Statutory Notes and Related Subsidiaries

RULE OF CONSTRUCTION

Pub. L. 117-146, §9(b), June 16, 2022, 136 Stat. 1277, provided that: “Nothing in this section [enacting this section], and the amendment made by this section, shall be construed to compel the public disclosure of any confidential or proprietary data, in accordance with section 552(b)(4) of title 5, United States Code.”

CHAPTER 413—ENFORCEMENT

Sec.

41301.	Complaints.
41302.	Investigations.
41303.	Discovery and subpoenas.
41304.	Hearings and orders.
41305.	Award of reparations.
41306.	Injunctive relief sought by complainants.
41307.	Injunctive relief sought by the Commission.
41308.	Enforcement of subpoenas and orders.
41309.	Enforcement of reparation orders.
41310.	Charge complaints.

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-146, §10(b), June 16, 2022, 136 Stat. 1278, added item 41310.

Statutory Notes and Related Subsidiaries

FEDERAL MARITIME COMMISSION ACTIVITIES

Pub. L. 117-146, §17, June 16, 2022, 136 Stat. 1280, provided that:

“(a) PUBLIC SUBMISSIONS TO COMMISSION.—The Federal Maritime Commission shall—

“(1) establish on the public website of the Commission a webpage that allows for the submission of comments, complaints, concerns, reports of noncompliance, requests for investigation, and requests for alternative dispute resolution; and

“(2) direct each submission under the link established under paragraph (1) to the appropriate component office of the Commission.

“(b) AUTHORIZATION OF OFFICE OF CONSUMER AFFAIRS AND DISPUTE RESOLUTION SERVICES.—The Commission shall maintain an Office of Consumer Affairs and Dispute Resolution Services to provide nonadjudicative ombuds assistance, mediation, facilitation, and arbitration to resolve challenges and disputes involving cargo shipments, household good shipments, and cruises subject to the jurisdiction of the Commission.

“(c) ENHANCING CAPACITY FOR INVESTIGATIONS.—

“(1) IN GENERAL.—Pursuant to section 41302 of title 46, United States Code, not later than 18 months after the date of enactment of this Act [June 16, 2022], the Chairperson of the Commission shall staff within the Bureau of Enforcement, the Bureau of Certification and Licensing, the Office of the Managing Director, the Office of Consumer Affairs and Dispute Resolution Services, and the Bureau of Trade Analysis not fewer than 7 total positions to assist in investigations and oversight, in addition to the positions within the Bureau of Enforcement, the Bureau of Certification and Licensing, the Office of the Managing Director, the Office of Consumer Affairs and Dispute Resolution Services, and the Bureau of Trade Analysis on that date of enactment.

“(2) DUTIES.—The additional staff appointed under paragraph (1) shall provide support—

“(A) to Area Representatives of the Bureau of Enforcement;

“(B) to attorneys of the Bureau of Enforcement in enforcing the laws and regulations subject to the jurisdiction of the Commission;

“(C) for the alternative dispute resolution services of the Commission; or

“(D) for the review of agreements and activities subject to the authority of the Commission.”

§ 41301. Complaints

(a) IN GENERAL.—A person may file with the Federal Maritime Commission a sworn complaint alleging a violation of this part, except section 41307(b)(1). If the complaint is filed within 3 years after the claim accrues, the complainant may seek reparations for an injury to the complainant caused by the violation.

(b) NOTICE AND RESPONSE.—The Commission shall provide a copy of the complaint to the person named in the complaint. Within a reasonable time specified by the Commission, the person shall satisfy the complaint or answer it in writing.

(c) IF COMPLAINT NOT SATISFIED.—If the complaint is not satisfied, the Commission shall investigate the complaint in an appropriate manner and make an appropriate order.

(Pub. L. 109-304, §7, Oct. 6, 2006, 120 Stat. 1545.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41301(a)	46 App.:1710(a), (g) (related to time limit).	Pub. L. 98-237, §11(a), (b), (g) (related to time limit), Mar. 20, 1984, 98 Stat. 80; Pub. L. 98-595, §3(b)(2), Oct. 30, 1984, 98 Stat. 3132; Pub. L. 105-258, title I, §110, Oct. 14, 1998, 112 Stat. 1911.
41301(b)	46 App.:1710(b) (1st sentence).	
41301(c)	46 App.:1710(b) (last sentence).	

In subsection (a), the words “If the complaint is filed within 3 years after the claim accrues” are substituted for “For any complaint filed within 3 years after the cause of action accrued” in 46 App. U.S.C. 1710(g) to alert the reader to that time limitation.

§ 41302. Investigations

(a) IN GENERAL.—The Federal Maritime Commission, on complaint or its own motion, may investigate any conduct, agreement, fee, or charge that the Commission believes may be in violation of this part. The Commission may by order disapprove, cancel, or modify any agreement that operates in violation of this part.

(b) EFFECTIVENESS OF AGREEMENT, FEE, OR CHARGE DURING INVESTIGATION.—Unless an injunction is issued under section 41306 or 41307 of this title, an agreement, fee, or charge under investigation by the Commission remains in effect until the Commission issues its order.

(c) DATE FOR DECISION.—Within 10 days after the initiation of a proceeding under this section or section 41301 of this title, the Commission shall set a date by which it will issue its final decision. The Commission by order may extend the date for good cause.

(d) SANCTIONS FOR DELAY.—If, within the period for final decision under subsection (c), the Commission determines that it is unable to issue a final decision because of undue delay caused by a party to the proceeding, the Commission may impose sanctions, including issuing a decision adverse to the delaying party.

(e) REPORT.—The Commission shall make a written report of every investigation under this part in which a hearing was held, stating its conclusions, decisions, findings of fact, and order. The Commission shall provide a copy of

the report to all parties and publish the report for public information. A published report is competent evidence in a court of the United States.

(Pub. L. 109–304, § 7, Oct. 6, 2006, 120 Stat. 1545; Pub. L. 117–146, § 11(a), June 16, 2022, 136 Stat. 1278; Pub. L. 118–159, div. C, title XXXV, § 3535(f), Dec. 23, 2024, 138 Stat. 2315.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
41302(a)	46 App.:1710(c) (1st, 3d sentences).	Pub. L. 98–237, § 11(c)–(f), Mar. 20, 1984, 98 Stat. 80.
41302(b)	46 App.:1710(c) (2d sentence).	
41302(c)	46 App.:1710(d).	
41302(d)	46 App.:1710(e).	
41302(e)	46 App.:1710(f).	

Editorial Notes

AMENDMENTS

2024—Subsec. (a). Pub. L. 118–159 substituted “conduct, agreement” for “conduct agreement”.

2022—Subsec. (a). Pub. L. 117–146, § 11(a)(1), substituted “agreement, fee, or charge” for “or agreement”.

Subsec. (b). Pub. L. 117–146, § 11(a)(2)(B), inserted “, fee, or charge” after “agreement”.

Pub. L. 117–146, § 11(a)(2)(A), substituted “Agreement, Fee, or Charge” for “Agreement” in heading. Quoted text appearing in directory language was conformed to the style used in this title to reflect the probable intent of Congress.

§ 41303. Discovery and subpoenas

(a) IN GENERAL.—In an investigation or adjudicatory proceeding under this part—

(1) the Federal Maritime Commission may subpoena witnesses and evidence; and

(2) a party may use depositions, written interrogatories, and discovery procedures under regulations prescribed by the Commission that, to the extent practicable, shall conform to the Federal Rules of Civil Procedure (28 App. U.S.C.).

(b) WITNESS FEES.—Unless otherwise prohibited by law, a witness is entitled to the same fees and mileage as in the courts of the United States.

(Pub. L. 109–304, § 7, Oct. 6, 2006, 120 Stat. 1545.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
41303	46 App.:1711.	Pub. L. 98–237, § 12, Mar. 20, 1984, 98 Stat. 81.

In subsection (a)(1), the words “may subpoena witnesses and evidence” are substituted for “may by subpoena compel the attendance of witnesses and the production of books, papers, documents, and other evidence” to eliminate unnecessary words.

In subsection (a)(2), the words “shall conform to the Federal Rules of Civil Procedure (28 App. U.S.C.)” are substituted for “shall be in conformity with the rules applicable in civil proceedings in the district courts of the United States” for clarity.

§ 41304. Hearings and orders

(a) OPPORTUNITY FOR HEARING.—The Federal Maritime Commission shall provide an oppor-

tunity for a hearing before issuing an order relating to a violation of this part or a regulation prescribed under this part.

(b) MODIFICATION OF ORDER.—The Commission may reverse, suspend, or modify any of its orders.

(c) REHEARING.—On application of a party to a proceeding, the Commission may grant a rehearing of the same or any matter determined in the proceeding. Except by order of the Commission, a rehearing does not operate as a stay of an order.

(d) PERIOD OF EFFECTIVENESS.—An order of the Commission remains in effect for the period specified in the order or until suspended, modified, or set aside by the Commission or a court of competent jurisdiction.

(Pub. L. 109–304, § 7, Oct. 6, 2006, 120 Stat. 1546.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
41304(a)	46 App.:1713(a) (1st sentence).	Pub. L. 98–237, § 14(a), (b), Mar. 20, 1984, 98 Stat. 83.
41304(b)	46 App.:1713(b) (1st sentence 1st–12th words).	
41304(c)	46 App.:1713(b) (1st sentence 13th–last words, last sentence).	
41304(d)	46 App.:1713(a) (last sentence).	

In subsection (a), the words “upon sworn complaint or on its own motion” are omitted as unnecessary.

§ 41305. Award of reparations

(a) DEFINITION.—In this section, the term “actual injury” includes the loss of interest at commercial rates compounded from the date of injury.

(b) BASIC AMOUNT.—If the complaint was filed within the period specified in section 41301(a) of this title, the Federal Maritime Commission shall direct the payment of reparations to the complainant for actual injury caused by a violation of this part.

(c) ADDITIONAL AMOUNTS.—On a showing that the injury was caused by an activity prohibited by subsection (b) or (c) of section 41102, paragraph (3) or (6) of section 41104(a), or paragraph (1) or (3) of section 41105, the Commission may order the payment of additional amounts, but the total recovery of a complainant may not exceed twice the amount of the actual injury.

(d) DIFFERENCE BETWEEN RATES.—If the injury was caused by an activity prohibited by subparagraph (A) or (B) of section 41104(a)(4), the amount of the injury shall be the difference between the rate paid by the injured shipper and the most favorable rate paid by another shipper.

(e) ATTORNEY FEES.—In any action brought under section 41301, the prevailing party may be awarded reasonable attorney fees.

(Pub. L. 109–304, § 7, Oct. 6, 2006, 120 Stat. 1546; Pub. L. 113–281, title IV, § 402, Dec. 18, 2014, 128 Stat. 3056; Pub. L. 117–146, §§ 12, 15(c), June 16, 2022, 136 Stat. 1279; Pub. L. 118–159, div. C, title XXXV, § 3535(g), Dec. 23, 2024, 138 Stat. 2315.)