

§ 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows include 41301(a), 41301(b), and 41301(c).

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 conduct¹ 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

¹ So in original. Probably should be followed by a comma.

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.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows include 41302(a), 41302(b), 41302(c), 41302(d), and 41302(e).

Editorial Notes

AMENDMENTS

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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row includes 41303.

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 opportunity for a hearing before issuing an order re-