HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41305	46 App.:1710(g) (less time limit).	Pub. L. 98–237, §11(g) (less 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.

In subsection (b), the words ''within the period specified in section 41301(a) of this title'' are substituted for ''within 3 years after the cause of action accrued'' because the time limit is restated in section 41301(a) instead of in this section. The words ''upon petition of the complainant'' are omitted as unnecessary. The words ''after notice and hearing'' are omitted as unnecessary because of section 41304(a) of the revised title.

Editorial Notes

AMENDMENTS

2024—Subsec. (c). Pub. L. 118–159 substituted ''subsection'' for ''section subsection''.

2022—Subsec. (c). Pub. L. 117–146, §15(c)(1), substituted ''paragraph (3) or (6) of section 41104(a), or paragraph (1) or (3) of section 41105'' for ''41104(3) or (6), or 41105(1) or (3) of this title''.

Pub. L. 117–146, §12, substituted ''subsection (b) or (c) of section 41102'' for ''41102(b)''.

Subsec. (d). Pub. L. 117–146, §15(c)(2), substituted ''subparagraph (A) or (B) of section 41104(a)(4)'' for ''section 41104(4)(A) or (B) of this title''.

2014—Subsec. (b). Pub. L. 113–281, §402(1), struck out '', plus reasonable attorney fees'' before period at end.

Subsec. (e). Pub. L. 113–281, §402(2), added subsec. (e).

§ 41306. Injunctive relief sought by complainants

(a) IN GENERAL.—After filing a complaint with the Federal Maritime Commission under section 41301 of this title, the complainant may bring a civil action in a district court of the United States to enjoin conduct in violation of this part.

(b) VENUE.—The action must be brought in the judicial district in which—

(1) the Commission has brought a civil action against the defendant under section 41307(a) of this title; or

(2) the defendant resides or transacts business, if the Commission has not brought such an action.

(c) REMEDIES BY COURT.—After notice to the defendant, and a showing that the standards for granting injunctive relief by courts of equity are met, the court may grant a temporary restraining order or preliminary injunction for a period not to exceed 10 days after the Commission has issued an order disposing of the complaint.

(d) ATTORNEY FEES.—A defendant prevailing in a civil action under this section shall be allowed reasonable attorney fees to be assessed and collected as part of the costs of the action.

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

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41306	46 App.:1710(h)(2).	Pub. L. 98–237, §11(h)(2), Mar. 20, 1984, 98 Stat. 81.

§ 41307. Injunctive relief sought by the Commission

(a) GENERAL VIOLATIONS.—In connection with an investigation under section 41301 or 41302 of this title, the Federal Maritime Commission may bring a civil action to enjoin conduct in violation of this part. The action must be brought in the district court of the United States for any judicial district in which the defendant resides or transacts business. After notice to the defendant, and a showing that the standards for granting injunctive relief by courts of equity are met, the court may grant a temporary restraining order or preliminary injunction for a period not to exceed 10 days after the Commission has issued an order disposing of the issues under investigation.

(b) REDUCTION IN COMPETITION.—

(1) ACTION BY COMMISSION.—If, at any time after the filing or effective date of an agreement under chapter 403 of this title, the Commission determines that the agreement is likely, by a reduction in competition, to produce an unreasonable reduction in transportation service or an unreasonable increase in transportation cost or to substantially lessen competition in the purchasing of certain covered services, the Commission, after notice to the person filing the agreement, may bring a civil action in the United States District Court for the District of Columbia to enjoin the operation of the agreement. The Commission's sole remedy with respect to an agreement likely to have such an effect is an action under this subsection.

(2) REMEDIES BY COURT.—In an action under this subsection, the court may issue—

(A) a temporary restraining order or a preliminary injunction; and

(B) a permanent injunction after a showing that the agreement is likely to have the effect described in paragraph (1).

(3) BURDEN OF PROOF AND THIRD PARTIES.—In an action under this subsection, the burden of proof is on the Commission. The court may not allow a third party to intervene.

(4) COMPETITION FACTORS.—In making a determination under this subsection regarding whether an agreement is likely to substantially lessen competition in the purchasing of certain covered services, the Commission may consider any relevant competition factors in affected markets, including, without limitation, the competitive effect of agreements other than the agreement under review.

(c) FAILURE TO PROVIDE INFORMATION.—If a person filing an agreement, or an officer, director, partner, agent, or employee of the person, fails substantially to comply with a request for the submission of additional information or documents within the period provided in section 40304(c) of this title, the Commission may bring a civil action in the United States District Court for the District of Columbia. At the request of the Commission, the Court—

(1) may order compliance;

(2) shall extend the period specified in section 40304(c)(2) of this title until there has been substantial compliance; and

(3) may grant other equitable relief that the court decides is appropriate.

(d) REPRESENTATION.—The Commission may represent itself in a proceeding under this section in—

(1) a district court of the United States, on notice to the Attorney General; and

(2) a court of appeals of the United States, with the approval of the Attorney General.

(Pub. L. 109–304, §7, Oct. 6, 2006, 120 Stat. 1547; Pub. L. 115–282, title VII, §710(a), Dec. 4, 2018, 132 Stat. 4297.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41307(a)	46 App.:1710(h)(1).	Pub. L. 98–237, §11(c) (last sentence), (h)(1), Mar. 20, 1984, 98 Stat. 80, 81.
41307(b)(1) ..	46 App.:1705(g), (h) (1st sentence).	Pub. L. 98–237, §6(g)–(i), (k), Mar. 20, 1984, 98 Stat. 72, 73.
	46 App.:1710(c) (last sentence).	
41307(b)(2) ..	46 App.:1705(h) (2d sentence).	
41307(b)(3) ..	46 App.:1705(h) (3d, last sentences).	
41307(c)	46 App.:1705(i).	
41307(d)	46 App.:1705(k).	

Editorial Notes

AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115–282, §710(a)(1), inserted ''or to substantially lessen competition in the purchasing of certain covered services'' after ''transportation cost''.

Subsec. (b)(4). Pub. L. 115–282, §710(a)(2), added par. (4).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115–282, title VII, §710(b), Dec. 4, 2018, 132 Stat. 4297, provided that: ''Section 41307(b) of title 46, United States Code, as amended, shall apply to any agreement filed or with an effective date before, on, or after the date of enactment of this Act [Dec. 4, 2018].''

§ 41308. Enforcement of subpoenas and orders

(a) CIVIL ACTION.—If a person does not comply with a subpoena or order of the Federal Maritime Commission, the Attorney General, at the request of the Commission, or an injured party, may seek enforcement in a district court of the United States having jurisdiction over the parties. If, after hearing, the court determines that the subpoena or order was regularly made and duly issued, the court shall enforce the subpoena or order.

(b) TIME LIMIT ON BRINGING ACTIONS.—An action under this section to enforce an order of the Commission must be brought within 3 years after the date the order was violated.

(Pub. L. 109–304, §7, Oct. 6, 2006, 120 Stat. 1548.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41308(a)	46 App.:1713(c).	Pub. L. 98–237, §14(c), (e), Mar. 20, 1984, 98 Stat. 83, 84.
41308(b)	46 App.:1713(e).	

In subsection (a), the words ''subpoena or'' are added in the second sentence for consistency in the subsection. The words ''by an appropriate injunction or other process, mandatory or otherwise'' are omitted as unnecessary. The words ''regularly made and duly issued'' are substituted for ''properly made and duly issued'' for consistency in the subtitle.

§ 41309. Enforcement of reparation orders

(a) CIVIL ACTION.—If a person does not comply with an order of the Federal Maritime Commission for the payment of a refund of money or reparation, the person to which the refund or reparation was awarded may seek enforcement of the order in a district court of the United States having jurisdiction over the parties.

(b) PARTIES AND SERVICE OF PROCESS.—All parties in whose favor the Commission has ordered a refund of money or any other award of reparation by a single order may be joined as plaintiffs, and all other parties in the order (except for the Commission or any component of the Commission) may be joined as defendants, in a single action in a judicial district in which any one plaintiff could maintain an action against any one defendant. Service of process against a defendant not found in that district may be made in a district in which any office of that defendant is located or in which any port of call on a regular route operated by that defendant is located. Judgment may be entered for any plaintiff against the defendant liable to that plaintiff.

(c) NATURE OF REVIEW.—In an action under this section, the findings and order of the Commission are prima facie evidence of the facts stated in the findings and order.

(d) COSTS AND ATTORNEY FEES.—The plaintiff is not liable for costs of the action or for costs of any subsequent stage of the proceedings unless they accrue on the plaintiff's appeal. A prevailing plaintiff shall be allowed reasonable attorney fees to be assessed and collected as part of the costs of the action.

(e) TIME LIMIT ON BRINGING ACTIONS.—An action under this section to enforce an order of the Commission must be brought within 3 years after the date the order was violated.

(Pub. L. 109–304, §7, Oct. 6, 2006, 120 Stat. 1548; Pub. L. 117–146, §13, June 16, 2022, 136 Stat. 1279.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41309(a)	46 App.:1713(d)(1).	Pub. L. 98–237, §14(d), (e), Mar. 20, 1984, 98 Stat. 83, 84.
41309(b)	46 App.:1713(d)(3).	
41309(c)	46 App.:1713(d)(2) (1st sentence 1st–23d words).	
41309(d)	46 App.:1713(d)(2) (1st sentence 24th–last words, last sentence).	
41309(e)	46 App.:1713(e).	

Editorial Notes

AMENDMENTS

2022—Subsec. (a). Pub. L. 117–146, §13(1), substituted ''a refund of money or reparation, the person to which the refund or reparation was awarded'' for ''reparation, the person to whom the award was made''.

Subsec. (b). Pub. L. 117–146, §13(2), substituted ''ordered a refund of money or any other award of reparation'' for ''made an award of reparation'' and inserted ''(except for the Commission or any component of the Commission)'' after ''parties in the order''.