

(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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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”.