

### § 41310. Charge complaints

(a) **IN GENERAL.**—A person may submit to the Federal Maritime Commission, and the Commission shall accept, information concerning complaints about charges assessed by a common carrier. The information submitted to the Commission shall include the bill of lading numbers and invoices, and may include any other relevant information.

(b) **INVESTIGATION.**—Upon receipt of a submission under subsection (a), with respect to a charge assessed by a common carrier, the Commission shall promptly investigate the charge with regard to compliance with section 41104(a) and section 41102. The common carrier shall—

(1) be provided an opportunity to submit additional information related to the charge in question; and

(2) bear the burden of establishing the reasonableness of any demurrage or detention charges pursuant to section 545.5 of title 46, Code of Federal Regulations (or successor regulations).

(c) **REFUND.**—Upon receipt of submissions under subsection (a), if the Commission determines that a charge does not comply with section 41104(a) or 41102, the Commission shall promptly order the refund of charges paid.

(d) **PENALTIES.**—In the event of a finding that a charge does not comply with section 41104(a) or 41102 after submission under subsection (a), a civil penalty under section 41107 shall be applied to the common carrier making such charge.

(e) **CONSIDERATIONS.**—If the common carrier assessing the charge is acting in the capacity of a non-vessel-operating common carrier, the Commission shall, while conducting an investigation under subsection (b), consider—

(1) whether the non-vessel-operating common carrier is responsible for the noncompliant assessment of the charge, in whole or in part; and

(2) whether another party is ultimately responsible in whole or in part and potentially subject to action under subsections (c) and (d).

(Added Pub. L. 117-146, §10(a), June 16, 2022, 136 Stat. 1278.)

## PART B—ACTIONS TO ADDRESS FOREIGN PRACTICES

### CHAPTER 421—REGULATIONS AFFECTING SHIPPING IN FOREIGN TRADE

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#### § 42101. Regulations of the Commission

(a) **UNFAVORABLE CONDITIONS.**—To further the objectives and policy set forth in section 50101 of this title, the Federal Maritime Commission

shall prescribe regulations affecting shipping in foreign trade, not in conflict with law, to adjust or meet general or special conditions unfavorable to shipping in foreign trade, whether in a particular trade or on a particular route or in commerce generally, including intermodal movements, terminal operations, cargo solicitation, agency services, ocean transportation intermediary services and operations, and other activities and services integral to transportation systems, and which arise out of or result from laws or regulations of a foreign country or competitive methods, pricing practices, or other practices employed by owners, operators, agents, or masters of vessels of a foreign country.

(b) **INITIATION OF REGULATION.**—A regulation under subsection (a) may be initiated by the Commission on its own motion or on the petition of any person, including another component of the United States Government.

(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)
42101(a) .....	46 App.:876(a)(2).	June 5, 1920, ch. 250, §19(a)(2), (e), 41 Stat. 995; Ex. Ord. No. 6166, §12, eff. June 10, 1933; June 29, 1936, ch. 858, title II, §204, title IX, §904, 49 Stat. 1987, 2016; Pub. L. 97-31, §12(46), Aug. 6, 1981, 95 Stat. 157; Pub. L. 101-595, title I, §103, Nov. 16, 1990, 104 Stat. 2979; Pub. L. 102-587, title VI, §6205(b), Nov. 4, 1992, 106 Stat. 5094; Pub. L. 105-258, title III, §301, Oct. 14, 1998, 112 Stat. 1915.
	46 App.:1710a(h) (related to 876(a)(2)).	Pub. L. 100-418, title X, §10002(h) (related to §19(b)(1)(b)), Aug. 23, 1988, 102 Stat. 1572; Pub. L. 105-258, title I, §111(7), Oct. 14, 1998, 112 Stat. 1911.
42101(b) .....	46 App.:876(e).	

In subsection (a), the word “shall” is substituted for “is authorized and directed”, and the words “prescribe regulations” are substituted for “make rules and regulations”, for consistency in the revised title and to eliminate unnecessary words. The text of 46 App. U.S.C. 1710a(h), insofar as it relates to 46 App. U.S.C. 876(a)(2), is omitted as unnecessary because this chapter already provides for the same remedies as those authorized by the omitted provision.

In subsection (b), the words “on the petition of any person, including another component of the United States Government” are substituted for “pursuant to a petition. Any person, including a common carrier, tramp operator, bulk operator, shipper, shippers’ association, ocean transportation intermediary, marine terminal operator, or any component of the Government of the United States, may file a petition for relief under subsection (a)(2) of this section.” for consistency with section 42302(b) of the revised title and to eliminate unnecessary words.

#### § 42102. Regulations of other agencies

(a) **REQUEST TO AGENCY.**—To further the objectives and policy set forth in section 50101 of this title, the Federal Maritime Commission shall request the head of a department, agency, or instrumentality of the United States Government to suspend, modify, or annul any existing regulations, or to make new regulations, affecting shipping in the foreign trade, except regulations