

## HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i>              | <i>Source (Statutes at Large)</i>                                                                                         |
|------------------------|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| 41109(a) .....         | 46 App.:1712(c) (1st, last sentences). | Pub. L. 98-237, §13(c)-(f), Mar. 20, 1984, 98 Stat. 82; Pub. L. 105-258, title I, §112(c), Oct. 14, 1998, 112 Stat. 1912. |
| 41109(b) .....         | 46 App.:1712(c) (2d sentence).         |                                                                                                                           |
| 41109(c) .....         | 46 App.:1712(f)(1) (1st sentence).     |                                                                                                                           |
| 41109(d) .....         | 46 App.:1712(f)(1) (last sentence).    |                                                                                                                           |
| 41109(e) .....         | 46 App.:1712(f)(2).                    |                                                                                                                           |
| 41109(f) .....         | 46 App.:1712(d).                       |                                                                                                                           |
| 41109(g) .....         | 46 App.:1712(e).                       |                                                                                                                           |

## 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.           |

## § 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.)

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| <i>Revised Section</i> | <i>Source (U.S. Code)</i>                     | <i>Source (Statutes at Large)</i>                                                                                                                                                                            |
|------------------------|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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 or agreement 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 DURING INVESTIGATION.—Unless an injunction is issued under section 41306 or 41307 of this title, an agreement 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.)

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|------------------------|--------------------------------------|---------------------------------------------------------|
| 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).                     |                                                         |

## § 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.)

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|------------------------|---------------------------|--------------------------------------------------|
| 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