

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. |
| 41307(b)(2) .. | 46 App.:1710(c) (last sentence). | |
| 41307(b)(3) .. | 46 App.:1705(h) (2d sentence). | |
| 41307(c) | 46 App.:1705(h) (3d, last sentences). | |
| 41307(d) | 46 App.:1705(i). | |
| | 46 App.:1705(k). | |

§ 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.)

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| 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 reparation, the person to whom the award was made 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 made an award of reparation by a single order may be joined as plaintiffs, and all other parties in the order 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 Com-

mission 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.)

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| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
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| 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). | |

PART B—ACTIONS TO ADDRESS FOREIGN PRACTICES

CHAPTER 421—REGULATIONS AFFECTING SHIPPING IN FOREIGN TRADE

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| 42101. | Regulations of the Commission. |
| 42102. | Regulations of other agencies. |
| 42103. | No preference to Government-owned vessels. |
| 42104. | Information, witnesses, and evidence. |
| 42105. | Disclosure to public. |
| 42106. | Other actions to remedy unfavorable conditions. |
| 42107. | Refusal of clearance and entry. |
| 42108. | Penalty for operating under suspended tariff or service contract. |
| 42109. | Consultation with other agencies. |

§ 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.