

(Pub. L. 109–304, § 7, Oct. 6, 2006, 120 Stat. 1546; Pub. L. 113–281, title IV, § 402, Dec. 18, 2014, 128 Stat. 3056.)

HISTORICAL AND REVISION NOTES

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

AMENDMENTS

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

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

fendant 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.