

SUBCHAPTER VIII—CIVIL LIABILITY

§ 4041. Enforcement by the Attorney General

(a) Civil action

The Attorney General may commence a civil action in any appropriate district court of the United States against any person who—

(1) engages in a pattern or practice of violating this chapter; or

(2) engages in a violation of this chapter that raises an issue of significant public importance.

(b) Relief

In a civil action commenced under subsection (a), the court may—

(1) grant any appropriate equitable or declaratory relief with respect to the violation of this chapter;

(2) award all other appropriate relief, including monetary damages, to any person aggrieved by the violation; and

(3) may, to vindicate the public interest, assess a civil penalty—

(A) in an amount not exceeding \$55,000 for a first violation; and

(B) in an amount not exceeding \$110,000 for any subsequent violation.

(c) Intervention

Upon timely application, a person aggrieved by a violation of this chapter with respect to which the civil action is commenced may intervene in such action, and may obtain such appropriate relief as the person could obtain in a civil action under section 4042 of this title with respect to that violation, along with costs and a reasonable attorney fee.

(Oct. 17, 1940, ch. 888, title VIII, § 801, as added Pub. L. 111-275, title III, § 303(a), Oct. 13, 2010, 124 Stat. 2877.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 597 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

§ 4042. Private right of action

(a) In general

Any person aggrieved by a violation of this chapter may in a civil action—

(1) obtain any appropriate equitable or declaratory relief with respect to the violation;

(2) recover all other appropriate relief, including monetary damages; and

(3) be a representative party on behalf of members of a class or be a member of a class, in accordance with the Federal Rules of Civil Procedure, notwithstanding any previous agreement to the contrary.

(b) Costs and attorney fees

The court may award to a person aggrieved by a violation of this chapter who prevails in an action brought under subsection (a) the costs of the action, including a reasonable attorney fee.

(Oct. 17, 1940, ch. 888, title VIII, § 802, as added Pub. L. 111-275, title III, § 303(a), Oct. 13, 2010, 124

Stat. 2877; amended Pub. L. 116-92, div. A, title V, § 547(a), Dec. 20, 2019, 133 Stat. 1378.)

Editorial Notes

REFERENCES IN TEXT

The Federal Rules of Civil Procedure, referred to in subsec. (a)(3), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

CODIFICATION

Section was formerly classified to section 597a of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2019—Subsec. (a)(3). Pub. L. 116-92 added par. (3).

Statutory Notes and Related Subsidiaries

CONSTRUCTION

Pub. L. 116-92, div. A, title V, § 547(b), Dec. 20, 2019, 133 Stat. 1378, provided that: “The amendments made by subsection (a) [amending this section] shall not be construed to imply that a person aggrieved by a violation of such Act [the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.)] did not have a right to bring a civil action as a representative party on behalf of members of a class or be a member of a class in a civil action before the date of the enactment of this Act [Dec. 20, 2019].”

§ 4043. Preservation of remedies

Nothing in section 4041 or 4042 of this title shall be construed to preclude or limit any remedy otherwise available under other law, including consequential and punitive damages.

(Oct. 17, 1940, ch. 888, title VIII, § 803, as added Pub. L. 111-275, title III, § 303(a), Oct. 13, 2010, 124 Stat. 2877.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 597b of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

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