

section must be commenced within 5 years after the date of the violation.

(f) REVIEW OF CIVIL PENALTY.—A person against whom a civil penalty is assessed, or that is ordered to refund money, under this section may obtain review under chapter 158 of title 28.

(g) CIVIL ACTIONS TO COLLECT.—If a person does not pay an assessment of a civil penalty or a refund required under this section after it has become final or after the appropriate court has entered final judgment in favor of the Commission, the Attorney General at the request of the Commission may seek to collect the amount assessed in an appropriate district court of the United States. The court shall enforce the order of the Commission unless it finds that the order was not regularly made and duly issued.

(Pub. L. 109–304, § 7, Oct. 6, 2006, 120 Stat. 1544; Pub. L. 117–146, §§ 8(a)(2), 15(b), June 16, 2022, 136 Stat. 1276, 1279.)

HISTORICAL AND REVISION NOTES

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

Editorial Notes

AMENDMENTS

2022—Subsecs. (a), (b). Pub. L. 117–146, § 8(a)(2)(A), added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which related to general authority to assess a civil penalty and factors in determining the amount of a civil penalty.

Subsec. (c). Pub. L. 117–146, § 15(b), substituted “subsection (a) or (d) of section 41102 or paragraph (1) or (2) of section 41104(a)” for “section 41102(a) or 41104(1) or (2) of this title”.

Pub. L. 117–146, § 8(a)(2)(B), substituted “or refund of money under subparagraph (A) or (B), respectively, of subsection (a)(1) may not be imposed” for “may not be imposed”.

Subsec. (e). Pub. L. 117–146, § 8(a)(2)(C), inserted “or order a refund of money” after “penalty”.

Subsec. (f). Pub. L. 117–146, § 8(a)(2)(D), inserted “, or that is ordered to refund money,” after “assessed”.

Subsec. (g). Pub. L. 117–146, § 8(a)(2)(E), inserted “or a refund required under this section” after “penalty”.

§ 41110. Data collection

The Federal Maritime Commission shall publish on its website a calendar quarterly report that describes the total import and export tonnage and the total loaded and empty 20-foot equivalent units per vessel (making port in the United States, including any territory or possession of the United States) operated by each ocean common carrier covered under this chapter. Ocean common carriers under this chapter shall provide to the Commission all necessary information, as determined by the Commission, for completion of this report.

(Added Pub. L. 117–146, § 9(a), June 16, 2022, 136 Stat. 1277.)

Statutory Notes and Related Subsidiaries

RULE OF CONSTRUCTION

Pub. L. 117–146, § 9(b), June 16, 2022, 136 Stat. 1277, provided that: “Nothing in this section [enacting this section], and the amendment made by this section, shall be construed to compel the public disclosure of any confidential or proprietary data, in accordance with section 552(b)(4) of title 5, United States Code.”

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.
- 41310. Charge complaints.

Editorial Notes

AMENDMENTS

2022—Pub. L. 117–146, § 10(b), June 16, 2022, 136 Stat. 1278, added item 41310.

Statutory Notes and Related Subsidiaries

FEDERAL MARITIME COMMISSION ACTIVITIES

Pub. L. 117–146, § 17, June 16, 2022, 136 Stat. 1280, provided that:

“(a) PUBLIC SUBMISSIONS TO COMMISSION.—The Federal Maritime Commission shall—

- “(1) establish on the public website of the Commission a webpage that allows for the submission of comments, complaints, concerns, reports of noncompliance, requests for investigation, and requests for alternative dispute resolution; and
- “(2) direct each submission under the link established under paragraph (1) to the appropriate component office of the Commission.

“(b) AUTHORIZATION OF OFFICE OF CONSUMER AFFAIRS AND DISPUTE RESOLUTION SERVICES.—The Commission shall maintain an Office of Consumer Affairs and Dispute Resolution Services to provide nonadjudicative ombuds assistance, mediation, facilitation, and arbitration to resolve challenges and disputes involving cargo shipments, household good shipments, and cruises subject to the jurisdiction of the Commission.

“(c) ENHANCING CAPACITY FOR INVESTIGATIONS.—

“(1) IN GENERAL.—Pursuant to section 41302 of title 46, United States Code, not later than 18 months after the date of enactment of this Act [June 16, 2022], the Chairperson of the Commission shall staff within the Bureau of Enforcement, the Bureau of Certification and Licensing, the Office of the Managing Director, the Office of Consumer Affairs and Dispute Resolution Services, and the Bureau of Trade Analysis not fewer than 7 total positions to assist in investigations and oversight, in addition to the positions within the Bureau of Enforcement, the Bureau of Certification and Licensing, the Office of the Managing Director, the Office of Consumer Affairs and Dispute Resolution Services, and the Bureau of Trade Analysis on that date of enactment.

“(2) DUTIES.—The additional staff appointed under paragraph (1) shall provide support—

- “(A) to Area Representatives of the Bureau of Enforcement;
- “(B) to attorneys of the Bureau of Enforcement in enforcing the laws and regulations subject to the jurisdiction of the Commission;
- “(C) for the alternative dispute resolution services of the Commission; or
- “(D) for the review of agreements and activities subject to the authority of the Commission.”