

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; Pub. L. 117–146, § 11(a), June 16, 2022, 136 Stat. 1278; Pub. L. 118–159, div. C, title XXXV, § 3535(f), Dec. 23, 2024, 138 Stat. 2315.)

HISTORICAL AND REVISION NOTES

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

Editorial Notes

AMENDMENTS

2024—Subsec. (a). Pub. L. 118–159 substituted “conduct, agreement” for “conduct agreement”.

2022—Subsec. (a). Pub. L. 117–146, § 11(a)(1), substituted “agreement, fee, or charge” for “or agreement”.

Subsec. (b). Pub. L. 117–146, § 11(a)(2)(B), inserted “, fee, or charge” after “agreement”.

Pub. L. 117–146, § 11(a)(2)(A), substituted “Agreement, Fee, or Charge” for “Agreement” in heading. Quoted text appearing in directory language was conformed to the style used in this title to reflect the probable intent of Congress.

§ 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.)

HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|---|
| 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 substituted for “shall be in conformity with the rules applicable in civil proceedings in the district courts of the United States” for clarity.

§ 41304. Hearings and orders

(a) OPPORTUNITY FOR HEARING.—The Federal Maritime Commission shall provide an oppor-

tunity for a hearing before issuing an order relating to a violation of this part or a regulation prescribed under this part.

(b) MODIFICATION OF ORDER.—The Commission may reverse, suspend, or modify any of its orders.

(c) REHEARING.—On application of a party to a proceeding, the Commission may grant a rehearing of the same or any matter determined in the proceeding. Except by order of the Commission, a rehearing does not operate as a stay of an order.

(d) PERIOD OF EFFECTIVENESS.—An order of the Commission remains in effect for the period specified in the order or until suspended, modified, or set aside by the Commission or a court of competent jurisdiction.

(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> |
|------------------------|--|---|
| 41304(a) | 46 App.:1713(a) (1st sentence). | Pub. L. 98–237, § 14(a), (b), Mar. 20, 1984, 98 Stat. 83. |
| 41304(b) | 46 App.:1713(b) (1st sentence 1st–12th words). | |
| 41304(c) | 46 App.:1713(b) (1st sentence 13th–last words, last sentence). | |
| 41304(d) | 46 App.:1713(a) (last sentence). | |

In subsection (a), the words “upon sworn complaint or on its own motion” are omitted as unnecessary.

§ 41305. Award of reparations

(a) DEFINITION.—In this section, the term “actual injury” includes the loss of interest at commercial rates compounded from the date of injury.

(b) BASIC AMOUNT.—If the complaint was filed within the period specified in section 41301(a) of this title, the Federal Maritime Commission shall direct the payment of reparations to the complainant for actual injury caused by a violation of this part.

(c) ADDITIONAL AMOUNTS.—On a showing that the injury was caused by an activity prohibited by subsection (b) or (c) of section 41102, paragraph (3) or (6) of section 41104(a), or paragraph (1) or (3) of section 41105, the Commission may order the payment of additional amounts, but the total recovery of a complainant may not exceed twice the amount of the actual injury.

(d) DIFFERENCE BETWEEN RATES.—If the injury was caused by an activity prohibited by subparagraph (A) or (B) of section 41104(a)(4), the amount of the injury shall be the difference between the rate paid by the injured shipper and the most favorable rate paid by another shipper.

(e) ATTORNEY FEES.—In any action brought under section 41301, the prevailing party may be awarded reasonable attorney fees.

(Pub. L. 109–304, § 7, Oct. 6, 2006, 120 Stat. 1546; Pub. L. 113–281, title IV, § 402, Dec. 18, 2014, 128 Stat. 3056; Pub. L. 117–146, §§ 12, 15(c), June 16, 2022, 136 Stat. 1279; Pub. L. 118–159, div. C, title XXXV, § 3535(g), Dec. 23, 2024, 138 Stat. 2315.)