

# Latest push in House for US shipping reform stalls, for now



*The latest attempt to reform US shipping law seeks to end ocean carrier antitrust immunity and possibly dismantle carrier alliances. Photo credit: Shutterstock.com.*

Teri Errico Griffis, Associate Editor | Aug 14, 2023 at 2:15 PM EDT

The latest attempt to implement fresh reforms in US shipping law remains in limbo, five months after the bill was introduced in the House of Representatives. Industry observers say the lack of movement is likely tied to federal regulators still sorting through the fallout of last year's passage of the Ocean Shipping Reform Act of 2022.

"Implementing further changes to the [US] Shipping Act as the industry adapts to the OSRA-2022 would be confusing, costly, and

not well received by those on the front line of the supply chain,” Robert Murray, president of the National Association of Waterfront Employers (NAWE), told the *Journal of Commerce* Friday.

Reps. John Garamendi (D-Calif.) and Dusty Johnson (R-S.D.), who helped spearhead the passage of OSRA-22, introduced in March an updated version of the bill that would seek, among other things, to end ocean carrier antitrust immunity and possibly dismantle carrier alliances and other forms of carrier cooperation, while drawing a sharp line on the involvement of China-based entities in US shipping.

But the bill, the Ocean Shipping Reform Technical Act of 2023 — or OSRA 2.0 — has been stalled in the House since May 23 when the House Transportation and Infrastructure Committee passed an amended version of the bill.

Murray said the version of OSRA 2.0 passed by the House committee is “a lot better than the original circulated draft.” But he believes it’s too soon to update the shipping reform that was signed into law in June 2022 and is still being implemented. For example, the Federal Maritime Commission (FMC) has yet to finalize rules on detention and demurrage processes that were due June 15 and will be sorting through a second proposed rulemaking in the months ahead as the agency attempts to define what is considered unreasonable refusal by ocean carriers to

## negotiate vessel capacity for shippers

“Legislating on top of a rulemaking process would have unintended consequences for the supply chain and the waterfront workforce,” Murray said.

Johnson tried to push part of the OSRA 2.0 legislation through before Congress left for its August recess by hitching it onto the National Defense Authorization Act (NDAA) of 2024. But the House Committee on Rules eventually stripped the \$886 billion NDAA of all proposed amendments that weren’t directly tied to national defense, putting OSRA 2.0 in limbo again. The amendment is not being considered in the Senate’s version of the NDAA.

Congress reconvenes on Sept. 5.

“We will be fighting to get this back into the NDAA when the two versions go to conference,” a spokesperson for Johnson’s office told the *Journal of Commerce*.

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