



FEDERAL MARITIME COMMISSION
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**TIMING OF CERTAIN PROVISIONS OF THE OCEAN SHIPPING
REFORM ACT OF 2022**

This notice contains the opinion of the General Counsel and does not constitute the judgment of the Commission or bind the Commission in any subsequent matter.

The Ocean Shipping Reform Act of 2022 (OSRA 22) became Public Law 117-146 on June 16, 2022. Certain provisions of OSRA 22 are self-executing and therefore became effective immediately, including those in Section 7(a) of the law directed towards common carriers. This includes the prohibitions on assessing non-compliant charges¹ or issuing non-compliant invoices for demurrage or detention charges,² as well all of the new requirements related to demurrage and detention invoices.³

The provisions above apply to any charge assessed or invoice issued by, or on behalf of or for the benefit of, a common carrier. The provisions apply to imports and exports and regardless of whether the charge is assessed or invoiced electronically or in paper form. The provisions do not apply to charges or invoices issued by non-common carriers solely for their own account.

Finally, these provisions apply to all charges and invoices over which the Commission has existing jurisdiction. OSRA 22 neither contracted nor expanded the Commission's jurisdiction related to this issue.

Regulated entities must comply with all relevant statutory requirements of OSRA 22 and should consult with their legal counsel for questions related to their respective obligations.

S. J. Andersen

¹ New statutory provision found at 46 U.S.C. 41104(a)(14).

² New statutory provision found at 46 U.S.C. 41104(a)(15).

³ New statutory provision found at 46 USC 41104(d).