**RESOLUTION**

WHEREAS, the United States Carriage of Goods by Sea Act, 49 Stat. 1207, now published as a note to 49 U.S.C. 30701, (“COGSA”) was enacted in 1936, and has not been substantively amended since then;

WHEREAS the Maritime Law Association of the United States (“US MLA”) put a committee in place (the “MLA Rotterdam Rules Committee”) following the release of the U.S. Supreme Court’s 1995 decision in *Vimar Seguros y Reaseguros, S.A. v. M/V Sky Reefer*, 515 U.S. 528 (1995) (“*Sky Reefer* decision”), seeking to update COGSA;

WHEREAS the efforts of the MLA Rotterdam Rules Committee seeking to update COGSA culminated in the drafting of the UN Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea, known as the “Rotterdam Rules,” as an international treaty for ratification in 2008;

WHEREAS, since 2008 the US MLA has been attempting to convince the United States Senate to ratify the Rotterdam Rules as a treaty of the United States, but has not yet been successful;

WHEREAS, one of the goals of the US MLA is to promote international uniformity in maritime law;

WHEREAS, the Hague-Visby Rules have been in effect in scores of countries dating back to 1968, and in the absence of the ratification of the Rotterdam Rules, the Hague-Visby Rules are the most widely enacted update to COGSA in the world; and

WHEREAS the original COGSA was enacted as domestic legislation and convincing the US Congress to enact domestic legislation has historically been easier than convincing the Senate to ratify an international treaty;

IT IS HEREBY NOW RESOLVED THAT,

1. The US MLA should continue to fully and robustly support the efforts of the MLA Rotterdam Rules Committee seeking to have the Rotterdam Rules ratified; however,
2. If the Rotterdam Rules are not ratified by the US Senate on or before \_\_\_\_\_\_\_(date), the US MLA should continue to press for ratification of the Rotterdam Rules, but should also appoint a new committee (the “MLA Hague-Visby Rules Committee”) to press for the immediate enactment of the Hague-Visby Rules as domestic legislation in the United States, and
3. The MLA Hague-Visby Rules Committee (should) (should not) include in the new proposed legislation which it will seek to enact a provision limiting the effect of the 1995 *Sky Reefer* decision.