

Department of Transportation, Maritime Administration

SUPPORTING STATEMENT

Mariner Cadet Training-Agreements, Compliance Reporting, and Audits

INTRODUCTION

This is to request the Office of Management and Budget's (OMB) issue a 6-month emergency processing approval clearance for the information collection entitled, *Mariner Cadet Training-Agreements, Compliance Reporting, and Audits* (OMB Control No. 2133-XXXX). This is in support of a new MARAD policy initiative.

Part A. Justification.

1. Circumstances that make collection of information necessary. EXPLAIN THE CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY. IDENTIFY ANY LEGAL OR ADMINISTRATIVE REQUIREMENTS THAT NECESSITATE THE COLLECTION. ATTACH A COPY OF THE APPROPRIATE SECTION OF EACH STATUTE AND REGULATION MANDATING OR AUTHORIZING THE COLLECTION OF INFORMATION.

In accordance with its delegation of authority at 49 CFR 1.93(a), and pursuant to 46 U.S.C. 50101(a)(4), the Maritime Administration (MARAD) is charged with ensuring that the United States Merchant Marine is manned with trained and efficient citizen personnel. Furthermore, 46 U.S.C. 51322 requires MARAD to protect cadet mariners from sexual assault onboard vessels and in so doing, to set sexual assault policy and to conduct random and targeted unannounced checks of commercial vessels.

In September of 2021, a student at the USMMA published a disturbing account of sexual assault occurring while onboard a commercial vessel during her cadet at sea training. On October 2, 2021, the Deputy Secretary, Department of Transportation (DOT), issued a statement committing to "move swiftly and resolutely to address sexual assault and harassment, protect and support survivors, and fulfill our deep commitment to the vital work of the USMMA." Shortly thereafter, to protect the safety of cadet mariners, the DOT and the Maritime Administration (MARAD), which is responsible for providing oversight of the USMMA, and support to the nation's State Maritime Academies, paused the use of commercial vessels in what is called Sea Year training for cadets. From that time until now, MARAD has been working to develop and establish the means to protect cadets' personal safety and security in the course of their training onboard commercial vessels. As a result of these efforts, MARAD is now prepared to issue sexual assault and sexual harassment prevention measures to be agreed to and incorporated by commercial vessel operators before resuming cadet training on commercial vessels.

The inability to safely utilize commercial vessels for mariner training is presently disrupting

cadets' ability to predict when and how they may obtain the necessary experience required to obtain their U.S. Coast Guard Merchant Officer license while at the same time adversely impacting an industry that relies on the cadets as valued crew members. However, cadet safety being paramount, MARAD cannot resume training on commercial vessels until it solidifies an understanding with the vessel operators on how best to protect against sexual assault and harassment moving forward. Accordingly, MARAD needs to obtain information from commercial vessel operators in order to meet its statutory objective of setting sexual assault policy and monitoring compliance that is essential to meeting its mission of ensuring a well-trained U.S. Merchant Marine.

2. How, by whom, and for what purpose is the information used. INDICATE HOW, BY WHOM, AND FOR WHAT PURPOSE THE INFORMATION IS TO BE USED. EXCEPT FOR A NEW COLLECTION, INDICATE THE ACTUAL USE THE AGENCY HAS MADE OF THE INFORMATION RECEIVED FROM THE CURRENT COLLECTION.

The information to be collected will be used by MARAD to confirm the acceptance of MARAD sexual assault policies by commercial vessel operators and it will help establish a process to oversee and monitor compliance through reporting and auditing of commercial vessel operators.

3. Extent of automated information collection. DESCRIBE WHETHER, AND TO WHAT EXTENT, THE COLLECTION OF INFORMATION INVOLVES THE USE OF AUTOMATED, ELECTRONIC, MECHANICAL, OR OTHER TECHNOLOGICAL COLLECTION TECHNIQUES OR OTHER FORMS OF INFORMATION TECHNOLOGY, E.G. PERMITTING ELECTRONIC SUBMISSION OF RESPONSES, AND THE BASIS FOR THE DECISION FOR ADOPTING THIS MEANS OF COLLECTION. ALSO, DESCRIBE ANY CONSIDERATION OF USING INFORMATION TECHNOLOGY TO REDUCE BURDEN.

The collection of information will be administered electronically through the use of electronic documentation including email, reports, and other supporting documentation. MARAD audits may also result in the receipt of hard copy documentation when performed on site and may also include written communications and investigation reports. The adoption of these means of information collection supports conventional MARAD operations and will assist the ease at which commercial vessel operators may comply with MARAD requirements.

4. Efforts to identify duplication. DESCRIBE EFFORTS TO IDENTIFY DUPLICATION. SHOW SPECIFICALLY WHY ANY SIMILAR INFORMATION ALREADY AVAILABLE CANNOT BE USED OR MODIFIED FOR USE FOR THE PURPOSES DESCRIBED IN ITEM 2 ABOVE.

The information being sought is not available through other existing or planned sources. Acceptance of MARAD sexual assault and harassment policies and compliance monitoring of commercial vessel operators is not available from other sources.

5. Efforts to minimize the burden on small businesses. IF THE COLLECTION OF INFORMATION IMPACTS SMALL BUSINESSES OR OTHER SMALL ENTITIES,

DESCRIBE ANY METHODS USED TO MINIMIZE BURDEN.

This collection does not impact small businesses or other small entities.

6. Impact of less frequent collection of information. DESCRIBE THE CONSEQUENCE TO FEDERAL PROGRAM OR POLICY ACTIVITIES IF THE COLLECTION IS NOT CONDUCTED OR IS CONDUCTED LESS FREQUENTLY, AS WELL AS ANY TECHNICAL OR LEGAL OBSTACLES TO REDUCING BURDEN.

This collection of information specifically concerns vessel operator acceptance of MARAD safety and security tenets and compliance reporting and auditing requirements. The frequency of collecting information has been developed in order to allow cadets to safely train on commercial vessels, which is critical in meeting MARAD's mission requirements to provide for our nation's demand for licensed U.S. mariners. Routine reporting, aligned with MARAD statutory authority, is essential to ensuring cadets' personal safety and security while working on commercial vessels.

7. Special circumstances. EXPLAIN ANY SPECIAL CIRCUMSTANCES THAT WOULD CAUSE AN INFORMATION COLLECTION TO BE CONDUCTED IN A MANNER:

- **REQUIRING RESPONDENTS TO REPORT INFORMATION TO THE AGENCY MORE OFTEN THAN QUARTERLY;**
- **REQUIRING RESPONDENTS TO PREPARE A WRITTEN RESPONSE TO A COLLECTION OF INFORMATION IN FEWER THAN 30 DAYS AFTER RECEIPT OF IT;**
- **REQUIRING RESPONDENTS TO SUBMIT MORE THAN AN ORIGINAL AND TWO COPIES OF ANY DOCUMENT;**
- **REQUIRING RESPONDENTS TO RETAIN RECORDS, OTHER THAN HEALTH, MEDICAL, GOVERNMENT CONTRACT, GRANT-IN-AID, OR TAX RECORDS FOR MORE THAN THREE YEARS;**
- **IN CONNECTION WITH A STATISTICAL SURVEY, THAT IS NOT DESIGNED TO PRODUCE VALID AND RELIABLE RESULTS THAT CAN BE GENERALIZED TO THE UNIVERSE OF STUDY;**
- **REQUIRING THE USE OF A STATISTICAL DATA CLASSIFICATION THAT HAS NOT BEEN REVIEWED AND APPROVED BY OMB;**
- **THAT INCLUDES A PLEDGE OF CONFIDENTIALITY THAT IS NOT SUPPORTED BY AUTHORITY ESTABLISHED IN STATUE OR REGULATION, THAT IS NOT SUPPORTED BY DISCLOSURE AND DATA SECURITY POLICIES THAT ARE CONSISTENT WITH THE PLEDGE, OR WHICH UNNECESSARILY IMPEDES SHARING OF DATA WITH OTHER**

AGENCIES FOR COMPATIBLE CONFIDENTIAL USE; OR

- **REQUIRING RESPONDENTS TO SUBMIT PROPRIETARY TRADE SECRET, OR OTHER CONFIDENTIAL INFORMATION UNLESS THE AGENCY CAN DEMONSTRATE THAT IT HAS INSTITUTED PROCEDURES TO PROTECT THE INFORMATION'S CONFIDENTIALITY TO THE EXTENT PERMITTED BY LAW.**

This collection is necessary to carrying out, and consistent with, MARAD's statutory authority to perform targeted checks on commercial vessels carrying cadet mariners to protect against sexual assault and sexual harassment. (46 USC 51322). While it will allow for quarterly compliance reporting, it also provides for commercial operators to inform MARAD of events on the vessel contemporaneously, necessary to timely alert authorities to the occurrence of sexual assault or sexual harassment. Because of the seriousness of potential harm to cadet mariners, MARAD is seeking to establish very active and clear channels of communication with commercial vessel operators carrying cadets.

Except as noted above regarding collection of quarterly and contemporaneous reports, this collection does not include any special circumstances that would cause collection in any of the above identified manners.

8. Compliance with 5 CFR 1320.8: PROVIDE AN ELECTRONIC COPY AND IDENTIFY THE DATE, VOLUME NUMBER AND PAGE NUMBER OF THE PUBLICATION IN THE FEDERAL REGISTER OF THE AGENCY'S NOTICE (FOR A 60-DAY AND A 30-DAY NOTICE), REQUIRED BY 5 CFR 1320.8(d), SOLICITING COMMENTS ON THE INFORMATION COLLECTION PRIOR TO SUBMISSION TO OMB.

- **SUMMARIZE PUBLIC COMMENTS RECEIVED IN RESPONSE TO THAT NOTICE AND DESCRIBE ACTIONS TAKEN BY THE AGENCY IN RESPONSE TO THOSE COMMENTS. SPECIFICALLY ADDRESS COMMENTS RECEIVED ON COST AND HOUR BURDEN.**
- **DESCRIBE EFFORTS TO CONSULT WITH PERSONS OUTSIDE THE AGENCY TO OBTAIN THEIR VIEWS ON THE AVAILABILITY OF DATA, FREQUENCY OF COLLECTION, THE CLARITY OF INSTRUCTIONS AND RECORD KEEPING, DISCLOSURE, OR REPORTING FORMAT (IF ANY), AND ON THE DATA ELEMENTS TO BE RECORDED, DISCLOSED, OR REPORTED.**
- **CONSULTATION WITH REPRESENTATIVES OF THOSE FROM WHOM INFORMATION IS TO BE OBTAINED OR THOSE WHO MUST COMPILE RECORDS SHOULD OCCUR AT LEAST ONCE EVERY 3 YEARS--EVEN IF THE COLLECTION OF INFORMATION ACTIVITY IS THE SAME AS IN PRIOR PERIODS. THERE MAY BE CIRCUMSTANCES THAT MAY PRECLUDE CONSULTATION IN A SPECIFIC SITUATION. THESE**

CIRCUMSTANCES SHOULD BE EXPLAINED.

MARAD is seeking emergency processing approval in accordance with 5 CFR 1320.13 and is not planning to publish a notice in the Federal Register for comments until after the emergency collection is approved. Following approval, MARAD will seek notice and comment in compliance with 5 CFR 1320.8 to continue use of this collection.

9. Payments or gifts to respondents. EXPLAIN ANY DECISION TO PROVIDE A PAYMENT OR GIFT TO RESPONDENTS, OTHER THAN ENUMERATION OF CONTRACTORS OR GRANTEES.

There are no payments or gifts to commercial vessel operators under this action.

10. Assurance of confidentiality: DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS AND THE BASIS FOR THE ASSURANCE IN STATUTE, REGULATION, OR AGENCY POLICY.

The proprietary and confidential information gathered will be kept confidential pursuant to the Freedom of Information Act, 5 U.S.C. 552 and DOT Implementing regulations at 46 CFR Part 7.

11. Justification for collection of sensitive information: PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE, SUCH AS SEXUAL BEHAVIOR AND ATTITUDES, RELIGIOUS BELIEFS, AND OTHER MATTERS THAT ARE COMMONLY CONSIDERED PRIVATE. THIS JUSTIFICATION SHOULD INCLUDE THE REASONS WHY THE AGENCY CONSIDERS THE QUESTIONS NECESSARY, THE SPECIFIC USES TO BE MADE OF THE INFORMATION, THE EXPLANATION TO BE GIVEN TO PERSONS FROM WHOM THE INFORMATION IS REQUESTED, AND ANY STEPS TO BE TAKEN TO OBTAIN THEIR CONSENT.

This basic information gathered is not sensitive in nature. Information arriving under follow-on investigations, depending on whether they be criminal or otherwise, could be sensitive and will be protected under the Privacy Act or FERPA.

12. Estimate of burden hours for information requested: PROVIDE ESTIMATES OF THE HOUR BURDEN OF THE COLLECTION OF INFORMATION. THE STATEMENT SHOULD:

- **INDICATE THE NUMBER OF RESPONDENTS, FREQUENCY OF RESPONSES, CALCULATION FOR THE INDIVIDUAL BURDENS AND FOR THE TOTAL ANNUAL HOUR BURDEN, AND AN EXPLANATION OF HOW THE BURDEN WAS ESTIMATED. UNLESS DIRECTED TO DO SO, AGENCIES SHOULD NOT CONDUCT SPECIAL SURVEYS TO OBTAIN INFORMATION ON WHICH TO BASE HOUR BURDEN ESTIMATES. CONSULTATION WITH A SAMPLE (FEWER THAN 10) OF POTENTIAL RESPONDENTS IS DESIRABLE. IF THE HOUR BURDEN ON RESPONDENTS IS EXPECTED TO VARY WIDELY BECAUSE OF DIFFERENCES IN**

ACTIVITY, SIZE, OR COMPLEXITY, SHOW THE RANGE OF ESTIMATED HOUR BURDEN, AND EXPLAIN THE REASONS FOR THE VARIANCE. GENERALLY, ESTIMATES SHOULD NOT INCLUDE BURDEN HOUR FOR CUSTOMARY AND USUAL BUSINESS PRACTICES

- **IF THIS REQUEST FOR APPROVAL COVERS MORE THAN ONE FORM, PROVIDE SEPARATE HOUR BURDEN ESTIMATES FOR EACH FORM AND AGGREGATE THE HOUR BURDENS IN ITEMS 13 OF OMB FORM 83-I.**
- **PROVIDE ESTIMATES OF ANNUALIZED COST TO RESPONDENTS FOR THE HOURLY BURDENS FOR COLLECTIONS OF INFORMATION, IDENTIFYING AND USING APPROPRIATE WAGE RATE CATEGORIES. THE COST OF CONTRACTING OUT OR PAYING OUTSIDE PARTIES FOR INFORMATION COLLECTION ACTIVITIES SHOULD NOT BE INCLUDED HERE. INSTEAD, THIS COST SHOULD BE INCLUDED IN ITEM 14.**

Initial Submission (SASH Policy):

Number of Respondents		Responses Per Respondent	=	Total Annual Responses		Burden Hours Per Response	=	Total Annual Burden Hrs.
35	x	1	=	35	x	2	=	70

Estimated one-time cost to respondent:

Computation of data, completion of application form, letter, and mailing:

Est. 1 hr. of professional (Captains, Mates, Pilots) time @	\$ 43.14
Est. 1 hr. of clerical (typist) time @	\$ 19.43
Total	\$ 62.57
Number of applicants (annual response)	<u>x 35</u>
Total Estimated Annual Burden Cost	\$2,189.95

Enrollment (Statement of Compliance and Checklist)

Number of Respondents		Responses Per Respondent	=	Total Annual Responses		Burden Hours Per Response	=	Total Annual Burden Hrs.
35	x	1	=	35	x	2	=	70

Estimated one-time cost to respondent:

Computation of data, completion of application form, letter, and mailing:

Est. 1 hr. of professional (accountant) time @	\$ 39.26
Est. 1 hr. of clerical (typist) time @	\$ 19.43
Total	\$ 58.69

RATE(S), AND THE TIME PERIOD OVER WHICH COSTS WILL BE INCURRED. CAPITAL AND START-UP COSTS INCLUDE, AMONG OTHER ITEMS, PREPARATIONS FOR COLLECTING INFORMATION SUCH AS PURCHASING COMPUTERS AND SOFTWARE; MONITORING, SAMPLING, DRILLING AND TESTING EQUIPMENT; AND RECORD STORAGE FACILITIES.

- **IF COST ESTIMATES ARE EXPECTED TO VARY WIDELY, AGENCIES SHOULD PRESENT RANGES OF COST BURDENS AND EXPLAIN THE REASONS FOR THE VARIANCE. THE COST OF PURCHASING OR CONTRACTING OUT INFORMATION COLLECTION SERVICES SHOULD BE A PART OF THIS COST BURDEN ESTIMATE. IN DEVELOPING COST BURDEN ESTIMATES, AGENCIES MAY CONSULT WITH A SAMPLE OF RESPONDENTS (FEWER THAN 10), UTILIZE THE 60-DAY PRE-OMB SUBMISSION PUBLIC COMMENT PROCESS AND USE EXISTING ECONOMIC OR REGULATORY IMPACT ANALYSIS ASSOCIATED WITH THE RULEMAKING CONTAINING THE INFORMATION COLLECTION, AS APPROPRIATE.**

- **GENERALLY, ESTIMATES SHOULD NOT INCLUDE PURCHASES OF EQUIPMENT OR SERVICES, OR PORTIONS THEREOF, MADE (1) PRIOR TO OCTOBER 1, 1995, (2) TO ACHIEVE REGULATORY COMPLIANCE WITH REQUIREMENTS NOT ASSOCIATED WITH THE INFORMATION COLLECTION, (3) FOR REASONS OTHER THAN TO PROVIDE INFORMATION OR KEEP RECORDS FOR THE GOVERNMENT, OR (4) AS PART OF CUSTOMARY AND USUAL BUSINESS OR PRIVATE PRACTICES.**

(a) Total Capital and Start-Up Costs Estimate: There are no capital or start-up costs associated with this information collection.

(b) Total Operation and Maintenance and Purchase of Services Estimate: N/A

14. Estimate of cost to the Federal government. PROVIDE ESTIMATES OF ANNUALIZED COST TO THE FEDERAL GOVERNMENT. ALSO, PROVIDE A DESCRIPTION OF THE METHOD USED TO ESTIMATE COSTS, WHICH SHOULD INCLUDE QUANTIFICATION OF HOURS, OPERATIONAL EXPENSES SUCH AS EQUIPMENT, OVERHEAD, PRINTING, AND SUPPORT STAFF, AND ANY OTHER EXPENSE THAT WOULD NOT HAVE BEEN INCURRED WITHOUT THIS COLLECTION OF INFORMATION. AGENCIES ALSO MAY AGGREGATE COST ESTIMATES FROM ITEMS 12, 13, AND 14 IN A SINGLE TABLE.

The annual cost to the Federal Government is estimated as follows:

Initial Submission (SASH Policy)

Two Program Manager - GS-15 step 10 @ \$82.65 per hr. spend 1 hour of their time

to review SASH Policy @ \$82.65 x 2	=	\$ 165.30
Individual records		<u>x 35</u>
Total		\$5,785.50

Enrollment (Checklist and Statement of Compliance)

Two Compliance Specialist - GS-14 step 10 @ \$76.32 per hr. spend 1 hour of their time to review Training Agreement @ \$76.32 x 2	=	\$156.64
Individual records		<u>x 35</u>
Total		\$5,342.40

Vessel Operator Self Audits Reports

Two Program Manager - GS-15 step 10 @ \$82.65 per hr. spend 2 hours of their time to review the Vessel Operator Self Audits Reports @ \$82.65 x 4	=	\$ 330.60
Report records		<u>x 35</u>
Total		\$11,571.00

MARAD and 3rd Party Audits of the Vessel Operators

Two Program Manager - GS-15 step 10 @ \$82.65 per hr. spend 5 hours of their time to conduct an Audit of the Vessel Operators @ \$82.65 x 10	=	\$ 826.50
Audit records		<u>x 35</u>
Subtotal		\$ 28,927.50

Two Attorney GS-15 step 10 @ 82.65 spends 1 hr to review Vessel Operator Audits reports	=	\$ 165.30
Audit records		<u>x 35</u>
Subtotal		\$ 5,785.50

Total		\$34,713.00
-------	--	-------------

Vessel Operator Training Recordkeeping:

One Compliance Specialist - GS-14 step 10 @ \$76.32 per hr. spend 1 hour to maintain records of training compliance @ \$76.32 x 1	=	\$76.32
Individual records		<u>x 35</u>
Total		\$2,671.20

Onboarding Reports

Two Program Manager - GS-15 step 10 @ \$82.65 per hr. spend 2 hours of their time to review the Onboarding Compliance Reporting @ \$82.65 x 4	=	\$ 330.60
Onboarding records		<u>x 35</u>
Total		

\$11,571.00

Onboarding Reports Recordkeeping:

One Compliance Specialist - GS-14 step 10 @ \$76.32 per hr. spend 1 hour to maintain onboarding records @ \$76.32 x 1	=	\$76.32
Individual records		<u>x 35</u>
Total		\$2,671.20

SASH Violation Reporting

Two Program Manager - GS-15 step 10 @ \$82.65 per hr. spend 1 hour to review the SASH Violation Reports @ \$82.65 x 2	=	\$165.30
Individual records		<u>x 35</u>
Total		\$5,785.50

SASH Compliance Quarterly Meetings

Two Program Manager - GS-15 step 10 @ \$82.65 per hr. spend 3 hours to conduct Quarterly SASH Compliance meetings @ \$82.65 x 6	=	\$ 495.90
Self Audit Report		<u>x 35</u>
	Total	
=	\$69,426.00	

Estimated Grand Total (Cost): \$144,194.40

[\$5,785.50+\$5,342.40+\$11,571.00+\$34,713.00+\$2,671.20+\$11,571.00+\$2,671.20+\$5,785.50+\$69,426.00=\$146,865.60]

Benefits – \$146,865.60 x 1.4 = \$205,611.84

*The wages for the Federal employee was taken from the 1% General Schedule increase and locality payment of 30.48% for the locality pay area of Washington-Baltimore-Arlington, Dc-Md-Va-Wv-Pa Total Increase: 1% effective January 2021 @ [SALARY TABLE 2021-DCB \(opm.gov\)](https://www.opm.gov/policy-data-oversight/salary-tables/)

15. Explanation of program changes or adjustments. EXPLAIN THE REASONS FOR ANY PROGRAM CHANGES OR ADJUSTMENTS REPORTED IN ITEMS 13 OR 14 OF THE OMB FORM 83-I.

This is a new MARAD policy initiative.

16. Publication of results of data collection. FOR COLLECTIONS OF INFORMATION WHOSE RESULTS WILL BE PUBLISHED, OUTLINE PLANS FOR TABULATION, AND PUBLICATION. ADDRESS ANY COMPLEX ANALYTICAL TECHNIQUES THAT WILL BE USED. PROVIDE THE TIME SCHEDULE FOR THE ENTIRE

PROJECT, INCLUDING BEGINNING AND ENDING DATES OF THE COLLECTION OF INFORMATION, COMPLETION OF REPORT, PUBLICATION DATES, AND OTHER ACTIONS.

There are no plans to publish the results of this information collection for statistical purposes.

17. Approval for not displaying the expiration date of OMB approval. IF SEEKING APPROVAL TO NOT DISPLAY THE EXPIRATION DATE FOR OMB APPROVAL OF THE INFORMATION COLLECTION, EXPLAIN THE REASONS THAT DISPLAY WOULD BE INAPPROPRIATE.

Approval is not requested to not display the expiration date. MARAD is seeking to have this information collection approved for 6 months.

18. Exceptions to certification statement. EXPLAIN EACH EXCEPTION TO THE CERTIFICATION STATEMENT IDENTIFIED IN ITEM 19, "CERTIFICATION FOR PAPERWORK REDUCTION ACT SUBMISSIONS," OF OMB FORM 83-I.

There are no exceptions to the certificate statement.

ATTACHMENTS:

Provide any legal or other supporting documentation electronically (rulemaking, Federal Register notices, letter, instructions, report, survey, form, questionnaire, etc.). List numbered or lettered attachments.
