

**Department of Transportation
Maritime Administration
Information Collection Request (ICR)
2133-0532
Voluntary Intermodal Sealift Agreement (VISA)**

SUPPORTING STATEMENT

INTRODUCTION

This submission requests a three-year approval from the Office of Management and Budget (OMB) for the information collection entitled OMB 2133-0532 (Voluntary Intermodal Sealift Agreement (VISA)), which expires on October 31, 2024. There are programmatic changes to the form associated with this collection, which will be submitted as *a revision of a currently approved collection*.

A. JUSTIFICATION

1. Circumstances Making the Collection of Information Necessary

The Voluntary Intermodal Sealift Agreement (VISA) is a voluntary agreement and plan of action established under Section 708 of the Defense Production Act, 1950, as amended (50 United States Code (U.S.C.) § 4558) (DPA Section 708)), under which participants agree to provide commercial sealift capacity and shoreside intermodal shipping services and systems as necessary, to meet national defense requirements. Specifically, in order to meet national defense requirements, the Government must assure the continued availability of commercial sealift resources. VISA is also the designated emergency preparedness program for the Maritime Security Program (MSP) in accordance with 46 U.S.C. § 53107.

The Maritime Administrator recertifies the need for the agreement every five years, with the concurrence of the Attorney General (whose authority has been delegated to the Assistant Attorney General for the Antitrust Division by regulation at 28 Code of Federal Regulations (C.F.R.) § 0.40(l)) and the Chair of the Federal Trade Commission. DPA Section 708, as implemented by regulations of the Federal Emergency Management Agency (44 C.F.R. Part 332), authorizes the President, upon identifying conditions that may pose a direct threat to the national defense or its preparedness programs, to consult with representatives of industry, business, financing, agriculture, labor, or other interests, when making voluntary agreements and plans of action for preparedness programs and expansion of production capacity and supply. DPA Section 708 further authorizes the President to delegate that authority to individuals who are appointed with the advice and consent of the Senate, upon the condition that such individuals obtain the prior approval of the Attorney General after the Attorney General's consultation with the Federal Trade Commission. Executive Order 13603 (Mar. 6, 2012) delegates the sponsorship authority for any DPA Section 708 agreement to any Senate-confirmed official whose mandate cover the subject of a Section 708 agreement. Under 49 C.F.R. § 1.93(l), the Secretary of

Transportation specifically delegated his authority to implement DPA Section 708 agreements covering maritime transportation and to sponsor VISA to the Maritime Administrator. Through advance arrangements in joint planning, participants in VISA will provide capacity to support a significant portion of surge and sustainment requirements in the deployment of U.S. military forces during armed conflicts or other national emergencies.

The information collected on the form associated with OMB 2133-0532 (Voluntary Intermodal Sealift Agreement (VISA)), is used by the Maritime Administration (MARAD) and the Department of Defense (DoD), and representatives from United States Transportation Command (USTRANSCOM) and its components, to assess a respondent's eligibility for participation in the VISA program. Representatives from respondent companies will submit specific information regarding the U.S.-flag fleet assets under their control through either ownership or bareboat charter. MARAD also requests pertinent data on business operations as well as the citizenship status of each respondent. MARAD will maintain all submitted information and utilize it to determine a respondent's eligibility for VISA. As necessary, this information will be provided to USTRANSCOM and its components.

This information collection supports the Department of Transportation's strategic goal on Security, Preparedness and Response by ensuring a balance of transportation security requirements with the safety, mobility, and economic needs of the U.S., and assuring a readiness to respond to emergencies that affecting national security interests and the viability of the transportation sector.

MARAD is requesting approval to make the following modifications to OMB-2133-0532 (Voluntary Intermodal Sealift Agreement (VISA)), so that it may better align with current MSP, MARAD, and USTRANSCOM programmatic operations:

- Throughout the document, updates to statutory references in Titles 46 and 50, United States Code to reflect positive enactment of those titles by Congress or updates to their statutory codification.
- In the Instructions, removal of requests to collect information on **Vessel Class** and forty-foot equivalent units (**FEU**) carried onboard, as these are no longer used for VISA planning purposes.
- In the Instructions, removal of requests for information on **CDS** and **Expiration Date**, as these refer to a since-terminated program.
- Throughout the document, substitution of the term **Jones Act** with the term **Coastwise** or **Coastwise-qualified**, as this is a more legally accurate information request under Title 46, United States Code for vessels that are eligible to trade domestically.
- In Part II(2), substitution of reference to **Section 2 of the Shipping Act of 1916, as amended (46 U.S.C. App. 802)** with **46 U.S.C. § 50501**, as this is the positively enacted codified statutory language.
- In Part II(7), substitution of the phrase **ABS or Lloyds classed and USCG licensed**

with **classed by the American Bureau of Shipping or another United States Coast Guard-recognized class society and endorsed by USCG**, as this better reflects USCG practice regarding vessel endorsements and its relationship with classification societies.

- In Part II(8), substitution of reference to **U.S. Gulf Coast, International, Great Lakes, U.S. Inland, etc.** with **International, U.S. coastwise, Great Lakes, Inland, etc.**, to better reflect current maritime trading practices.
- In Part II(9), substitute the term **Commodities** with **Cargoes**, for accuracy.
- In Part II(10), substitute **AID** with **USAID**, for accuracy.

2. Purpose and Use of the Information Collection

MARAD personnel use the information received on the form associated with OMB 2133-0532 (Voluntary Intermodal Sealift Agreement (VISA)), to evaluate the respondents' eligibility for the VISA program, specifically to ensure the continued availability of commercial sealift resources to meet DoD's worldwide logistical requirements.

3. Automation and Use of Information Technology

A majority of information for this collection may be submitted electronically for processing. Only a small portion of data must be mailed in for processing via U.S. Mail or private carrier service (e.g. FedEx, UPS, DHL). MARAD makes available fillable forms and other related program information on MARAD's website (www.maritime.dot.gov) to assist potential VISA applicants in completing the VISA application. While applicants may choose to electronically submit portions of the application to reduce their burden, MARAD requires either original or verified digital signatures and notarization on Part I – "Application to Participate in the Voluntary Intermodal Sealift Agreement". Other supporting application documents may be submitted for all other parts of the VISA Application. The Maritime Administrator and MARAD Secretary will sign and countersign all final approved VISA application. MARAD will continue to explore digital alternatives to the original signature and notarization requirements for implementation.

4. Efforts to Identify Duplication

An examination of the Catalog of Federal Domestic Assistance and the Catalog of Federal Paperwork Requirements did not reveal any similar information collection as this effort.

The requested data from each potential VISA applicant is unique and necessary in order to determine the applicant's qualification for VISA participation. The submitted data must be the most current available to meet DoD requirements.

5. Impact on Small Businesses or Other Small Entities

Applicants normally do not meet the definition of small business. MARAD does not expect that the data submissions will impose any unnecessary burden on small businesses or small entities.

6. Impact of Not Conducting or Less Frequent Collection of Information

MARAD and USTRANSCOM have determined that the enrollment process for VISA should be conducted on an as-needed basis, but that active participants must update their VISA commitments when they increase or decrease their controlled U.S.-flag shipping capacity. Due to the changing environment of the U.S. shipping industry, this determination was made to maintain an adequate commercial sealift base to meet national defense requirements.

7. Special Circumstances Relating to the Guidelines 5 CFR 1320.5.

With respect to the above, MARAD requires respondents to submit two original VISA applications. In order to validate a company's participation in VISA, it is necessary that the company and MARAD each have an original. The original applications contain signatures and seals of the applicant as well as MARAD officials. There are no other special circumstances associated with this collection such as those set out below:

- Requiring respondents to report information to MARAD more often than quarterly;
- Requiring respondents to prepare a written response in fewer than 30 days after receipt of a collection instrument;
- Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
- Requiring the use of any statistical data 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;
- Requiring any pledge of confidentiality; or
- Requiring respondents to submit any proprietary or trade secrets.

8. Public Comments in Response to the Federal Register Notice and Outside Consultation

MARAD published a 60-day notice and request for comments on this information collection in the Federal Register (89 Fed. Reg. 65486) on August 9, 2024, indicating comments should be submitted on or before October 8, 2024. MARAD received no comments responding to this notice. A 30-day notice will now be published in the Federal Register to solicit public comments.

9. Explanation of Any Payment or Gift to Respondents

No payments or gifts are provided to respondents.

10. Assurance of Confidentiality and Protection of Privacy

All data collected from individual companies will be maintained, treated as confidential by MARAD personnel, and will not be released to the general public. MARAD assures the public that their application information will be held in confidence in the VISA document that was extended on September 30, 2020. The VISA document states that all information identified as privileged or business confidential shall be withheld from public disclosure per 5 U.S.C. § 552(b), DPA Sections 708(h)(3) & 705(d) (50 U.S.C. §§ 4558(h)(3) & 4555(d)), and 46 C.F.R. Part 332. Paper applications are secured in office records storage cabinets that are locked at all times. Electronic information is maintained by office personnel in a directory that requires a password.

11. Justification for Sensitive Questions

There are no questions of a sensitive nature.

12. Estimate of Annualized Burden Hours and Cost

a. Estimated Annualized Burden Hours

An estimated 40 respondents will take approximately 5 hours to respond once annually to the form associated with this collection for a total 200 hours, which can be calculated as shown in the table below:

Total Respondents		Total Responses per Respondent		Total Responses		Average Time Taken to Respond (Hour)		Total Burden Hours
40	*	1	=	40	*	5	=	200

b. Estimated Annualized Burden Costs

The Bureau of Labor and Statistics (BLS)¹ estimates that the average hourly wage for an Executive Secretary and or Executive Assistant (43-6011) is \$ 35.42. When combined the total compensation rate of 29%², the annualized hourly rate for Executive Secretary and or Executive Assistant (43-6011) is \$45.70. Therefore the total annualized cost burden for all

1 The hourly wage estimate is taken from current BLS tables: https://www.bls.gov/oes/current/oes_nat.htm.

2 Per BLS Employee Compensation Memo, the total compensation rate for the private sector is 29%, :<https://www.bls.gov/news.release/pdf/ecec.pdf>

individuals associated with preparing and submitting data in response to this collection is \$9,140, which can be calculated as show in the table below:

Title and Code of Respondents	Hourly Wage	Compensation Rate of 29%		Number of Employees		Total Compensation Rate for Each Respondent		Total Annualized Burden Hours		Total Annualized Cost Burden
Executive Secretary and or Executive Assistant (43-6011)	\$35.42	\$45.70	*	1	=	\$45.70	*	200	=	\$9,140.00

13. Estimate of Total Annual Cost burden to respondents or Recordkeepers

- a. Total Estimated Annual Cost:** The total annual cost for Materials and Postage for sending applications to MARAD is \$ 960, which is calculated as follows:

\$24.00 (Total material & postage costs per respondent) * 40 (Total applications) = \$960.00.

- b. Total Operation and Maintenance and Purchase of Services Estimate:**

There are no operation and maintenance costs associated with this collection as most applicants have a notary within their organization and therefore do not pay a fee.

14. Estimate of Federal Government Costs

The total annual cost to the Federal Government for processing the collection is estimated as follows:

According to the Office of Personnel Management (OPM)³ wage tables, the hourly wage rate for two employees with a Washington-Baltimore-Arlington locality pay are as follows: one GS 14 (Step 4) is \$ 73.47, and one GS-13 (Step 4) is \$ 62.17 respectively. When combined with the Federal Employee Compensation rate of 31%⁴, the total hourly wage rate for these employees (i.e., one GS 14 (Step 4) is \$ 96.25, and one GS-13 (Step 4) is \$ 81.44. These employees are assigned specific tasks related to the VISA program enrollment including: the preparation of materials to be mailed to potential VISA applicants, receiving incoming information from the VISA applicants, analysis of the information (ensuring that each potential VISA applicant has submitted all requested data), follow-up communication with the applicants where applicable, and the preparation

³ The hourly Federal Government wage is taken from OMB 2024 wage tables: https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/24Tables/html/DCB_h.aspx

⁴ Per BLS Employee Compensation Memo, the total compensation rate for the Federal Government is 31%, :<https://www.bls.gov/news.release/pdf/ecec.pdf>

of material to be sent to applicants that are approved for the VISA. The total time each employee dedicates to the VISA program enrollment process varies according to the assigned task. The total combined time is approximately 5 hours per application for a total combined cost: \$ 35,538.00.

FTE Grade and Step	Hourly Wage	Average Hourly Wage Rate with 31% Compensation		Total Employees		Total Time for Per application (Hours)		Total Applications		Total Federal Government Wages
GS 14 (Step 4)	\$73.47	\$96.25	*	1	*	5		40	=	\$ 19,250.00
GS 13 (Step 4)	\$62.17	\$81.44								\$ 16,288.00
TOTAL COMBINED FEDERAL WAGES										\$ 35,538.00

15. Explanation of Program Changes or Adjustments

The form associated with this collection was updated to correspond with current program needs. There is a minor increase in public mailing costs associated with this collection due to an increase in postage since the last renewal.

16. Publication of Data Collections Results

The results of this information collection will not be published.

17. Display of the OMB Expiration Date

MARAD is not seeking approval to omit displaying the expiration date.

18. Exception to the Certification Statement

There are no exceptions to the certificate statement.