

**Department of Transportation  
Maritime Administration  
Information Collection Request (ICR)  
2133-0545**

**Maritime Administration (MARAD) Jones Act Vessel Availability Determinations**

**SUPPORTING STATEMENT**

**INTRODUCTION**

This submission is to request a three-year approval from the Office of Management and Budget (OMB) for the information collection entitled OMB 2133-0545 (Maritime Administration (MARAD) Jones Act Vessel Availability Determinations), which expires on March 31, 2025. Since the last renewal, there were less respondents, responses, and burden hours. There are no program changes, so this collection will be submitted as *an extension without change of a currently approved collection*.

**A. JUSTIFICATION**

**1. Circumstances Making the Collection of Information Necessary.**

Pursuant to 46 United States Code (U.S.C.) Section (§) 501(b), the Maritime Administrator is required to make determinations about the availability of coastwise-qualified (United States owned, built, and crewed) vessels to transport merchandise in response to all requests to waive the Jones Act (46 U.S.C. § 55102). Based on vessel non-availability determinations, the head of the Department of Homeland Security can waive compliance with the Jones Act.

This collection supports the Maritime Administrator's determination of coastwise-qualified vessel availability, as well as the Department of Transportation's strategic goal of strengthening U.S. maritime capabilities. Specifically, support is needed for U.S. shipyard capacity and U.S. mariner employment, to sustain an emergency fleet for contingencies. This is done by both reserving domestic waterborne trade to U.S. coastwise qualified vessels only, and by maximizing the use of U.S.-flag, U.S.-built vessels when Jones Act waivers are requested.

Excerpt of applicable law:

46 U.S.C. § 501(b)-

**(b) By Head of Agency.—**

**(1) In general.**—Upon a determination by the President that a waiver of the navigation or vessel-inspection laws is necessary in the interest of national defense, the head of an agency responsible for the administration of such laws, [1] may waive compliance with such laws—

**(A)** Following a determination in accordance with the requirements of

paragraph (3) by the Maritime Administrator, acting in the Administrator's capacity as Director, National Shipping Authority, of the non-availability of qualified United States flag capacity to meet national defense requirements;

(B) not earlier than 48 hours after a waiver request is published under paragraph (6)(A); and

(C) on a vessel specific basis to the extent, in the manner, and on the terms the head of such agency, in consultation with the Administrator, acting in such capacity, prescribes.

...

**(6) Publication requirements.—**

(A) Publication of waiver requests.—

Upon receiving a request for a waiver under this subsection, the head of an agency referred to in paragraph (1) shall publish such request on the website of such agency.

**2. Purpose and Use of the Information Collection**

*Availability determinations.* MARAD personnel will use this information collection to fulfill its statutory obligation in determining availability of Jones Act (i.e., coastwise-qualified vessels) upon receiving requests to waive the Jones Act. The information collected ensures that the Maritime Administrator has sufficient information regarding the capacities and schedules of qualified vessels to make determinations required by 46 U.S.C. § 501(b).

*Availability determination planning.* In certain instances, information collection may occur during incident to scenario planning, which is essential to refinement of the process, and will also familiarize respondents with the information collection.

**3. Automation or Use of Information Technology**

Information will be collected electronically via email or direct phone calls for scenario planning purposes or confirmation of technical information. Emails will be sent in a systematic fashion to allow respondents an equal opportunity (i.e., no initial email to a respondent is contingent upon the response of another respondent), to respond to the collection. MARAD personnel will contact respondents without email via telephone and will follow-up with respondents via telephone or email. However, they will not request different information across different modes of collection, but rather employ direct phone contact in a manner that is systematic and solicits substantially the same information reflected in email format. Direct phone contact with respondents during scenario planning will enable MARAD staff to clarify the planning nature of the inquiry and respond to any questions respondents may have. Responses from all coastwise-qualified vessel owners will be evaluated.

**4. Efforts to Identify Duplication**

There is no duplication of effort with this information collection since no other entity collects similar data.

**5. Impact on Small Businesses or Other Small Entities**

This collection has minimal impact on small business and other small entities.

**6. Impact of Not conducting or Less Frequent Collection of Information**

If the collection is not conducted, the Maritime Administrator would not have sufficiently accurate, timely, or complete information regarding the availability of coastwise-qualified vessels, to discharge his/her statutory duties to make coastwise-qualified vessel availability determinations, and possibly overlook available coastwise-qualified vessels that could conduct the transportation set forth in a waiver request.

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

This information collection is undertaken in anticipation of, and in response to requests for waivers of the Jones Act, which may or may not occur in any cyclical pattern. Otherwise, there are no special circumstances that require this collection of information to be conducted in the manner described 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 submit more than one original copy 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;
- 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 (FR 725, Vol 90, No. 3) on January 6, 2025, indicating comments should be submitted on or before March 10, 2025. No comments were received. 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**

The information requested is not of a confidential nature. Consequently, no assurance of confidentiality is given.

## **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**

Currently there are approximately 65 respondents, owners, and operators of coastwise-qualified vessels, from whom the desired information could be collected on an ad hoc basis. The specific number of respondents contacted may vary depending upon the specific transportation needs set forth in the request to waive the Jones Act. For example, if a waiver request indicates that transportation of generator is needed, all 65 of the respondents may be contacted.

MARAD personnel compile the list of available vessels by utilizing its industry knowledge obtained through other maritime-related programmatic duties and communications. The information collection procedure indicates that the availability of coastwise qualified vessels suitable for transportation of merchandise under any circumstance be voluntarily provided at the time a waiver has been requested by a person who would otherwise employ a non-Jones Act-qualified/foreign-flag vessel. All coastwise-qualified vessel owners are encouraged to respond.

Frequency of reporting is irregular, perhaps only two or three times per year. It is estimated that the time required to provide the requested information is approximately one hour. Data is usually prepared by a Trade Specialist.

(Note: "Responses Per Respondent" anticipates one response per respondent for an estimated two Jones Act waiver scenarios per year.)

For the current renewal, it is estimated that 65 respondents will respond twice a year to *scenario planning* sessions, for a total 130 responses. Each respondent will take 30 minutes (.5 hours) to prepare their responses for a total 65 hours. On the other hand, it is estimated that the 65 respondents will also file two *waiver requests* per year for a total 130 responses. Each respondent will take 1 hour to complete each request for a total 130 hours. Altogether, the 65 respondents will take an average .75 hours (3/4 hours) to respond four (4) times to this collection for a combined 260 responses, which will take a total 195 hours. The total public burden can be calculated as shown in the table below:

Type of Forum/Action	Total Respondents		Total Responses per Respondent		Total Responses		Time Taken to Respond (Hour)		Total Burden Hours
Scenario Planning	65	*	2	=	130	*	0.5	=	65
Waiver Request			2		130		1		130
<b>TOTAL</b>	65	*	4	=	260	*	.75 (avg.)		195

### b. Estimated Annualized Cost Burden

The Bureau of Labor and Statistics (BLS)<sup>1</sup> estimates that the average hourly wage for the Business Operation Specialist (13-1199) is \$42.85. When combined the total compensation rate of 29%<sup>2</sup>, the annualized hourly rate is \$55.28. Therefore, the total annualized burden cost burden associated with supporting the scenario sessions and preparing waiver requests for this collection is \$ 10,779.60, which can be calculated as shown 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
Business Operations Specialist (13-1199)	\$ 42.85	\$ 55.28	*	1	=	\$ 55.28	*	195	=	\$ 10,779.60

### 13. Estimate of the Total Annual Cost Burden to Respondents and/or Record Keepers

There is no capital, start-up, operational, maintenance, or service cost associated with this information collection.

### 14. Estimates of Federal Government Costs

According to the Office of Personnel Management (OPM)<sup>3</sup> wage table, the average hourly wage for the following Federal Employees (i.e. GS-11, Step 1 is \$ 39.66, GS-12, Step 1 is \$ 47.53, and a GS-13, Step 1 is \$ 56.52). When combined with the Federal Compensation Rate of 31%<sup>4</sup>, the hourly rate for each professional is as follows: GS-11, Step 1 is \$51.95, GS-12, Step 1 is \$ 62.26, and a GS-13, Step 1 is \$ 74.04). One of three employees (i.e., GS-11, Step

1 The hourly wage estimate is taken from current BLS tables: <https://www.bls.gov/oes/2023/may/oes131199.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](https://www.bls.gov/news.release/pdf/ecec.pdf)

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/pdf/2024/DCB\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2024/DCB_h.pdf)

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](https://www.bls.gov/news.release/pdf/ecec.pdf)

1, GS-12, Step 1 and GS-13, Step 1), will take 30 minutes (.5 hours) to call respondents for scenario planning information twice a year for a total \$12,236.25. One of three employees (GS-11, Step 1, GS-12, Step 1 and GS-13, Step 1) will also take four hours to process waiver requests for each respondent twice a year for a total \$ 97,890.00. Additionally one GS-11, Step 1 employee will take four hours to receive reports, review the responses, and develop assessment of U.S.-flag vessel availability, four times (i.e. two scenario and two waivers) per year for a total \$54,028.00.

Therefore, the combined total Federal Government cost associated with conducting all activities and processing responses for this collection annually is \$164,154.25, which can be calculated as shown in the table:

FTE Grade and Step & CRF Program Related Task	Hourly Wage	Average Hourly Wage Rate with 31% Compensation		Total Employees		Total Time for Per application (Hours)		Total Applications/Agreements/Reports		Frequency of Task Per Year		Total Federal Government Wages
GS-11 (Step 1): Phone call for Scenario Planning	\$ 39.66	\$ 51.95		1		0.5						\$ 3,376.75
GS-12 (Step 1): Phone call for Scenario Planning	\$ 47.53	\$ 62.26		1		0.5						\$ 4,046.90
GS-13 (Step 1): Phone call for Scenario Planning	\$ 56.52	\$ 74.04		1		0.5						\$ 4,812.60
GS-11 (Step 1): Waiver Request Processing	\$ 39.66	\$ 51.95	*	1	*	4	*	65	*	2	=	\$ 27,014.00
GS-12 (Step1): Waiver Request Processing	\$ 47.53	\$ 62.26		1		4						\$ 32,375.20
GS-13 (Step 1): Waiver Request Processing	\$ 56.52	\$ 74.04		1		4						\$ 38,500.80
GS-11 (Step1): Government Record Keeping	\$39.66	\$ 51.95		1		4				4		\$ 54,028.00
<b>TOTAL COMBINED FEDERAL WAGES</b>												<b>\$164,154.25</b>

### 15. Explanation of Program Changes or Adjustments

Since the last renewal in 2021, the total respondents, responses, and burden hours have reduced from 85, 510, and 383 hours to 65, 260, and 195 hours respectively. There are no program changes or adjustments.

**16. Publication of Data Collection Results**

The information collected is not intended for publication, it may be shared with the head of the Department of Homeland Security to comply with MARAD’s statutory responsibilities as set forth in Item 1 of this Supporting Statement. MARAD will also maintain records of the information collected, including responses received by e-mail or telephone.

**17. Display of the OMB Expiration Date**

MARAD is not seeking approval to avoid publication of the OMB expiration date.

**18. Exception to the Certification Statement**

There are no exceptions to the certification statement.