



US Department
of Transportation
**Maritime
Administration**

MANUAL OF ORDERS

MARITIME ADMINISTRATIVE ORDER

REVOKES

NO.

260-4

EFFECTIVE DATE

October 15, 1998

SUBJECT

Maritime Administration (MARAD) Assistance to Non-Government, Entertainment-Oriented Motion Picture, Television, and Video Productions.

Section 1. Purpose: This order establishes guidelines, policies, and procedures for MARAD assistance to non-Government theatrical and television motion pictures, television mini-series, network, cable, syndicated television, or direct video release productions that are primarily entertainment-oriented. It does not apply to productions that are intended for fast-breaking or developing news stories.

Section 2. Background: In recent years, MARAD has received an increasing number of requests for the use of assets, particularly vessels in the Ready Reserve Force (RRF) and National Defense Reserve Fleet (NDRF), for entertainment productions. While general responsibilities for handling such requests were followed, specific procedures had not been established. Unlike some larger government organizations, such as the Department of Defense, MARAD has no staff whose primary duties are to process such requests, or to work with producers should requests be approved. The ability to process and/or fulfill such requests must be secondary to accomplishing MARAD's primary missions.

Section 3. Policy: It is MARAD's policy that:

3.01 The following factors will be considered in reviewing requests for assistance to an entertainment-oriented production. They include:

- 1 Is the production in the best national interest? Will the production result in the expenditure of substantial private monies in the U.S. maritime industry, i.e., shipyards and U.S. maritime services?
- 2 Is the production of informational value and considered to be in the best public understanding of the U.S. maritime and other transportation industries, or does it in other ways support the mission of MARAD and the U.S. Department of Transportation?
- 3 Does the production appear to condone or endorse activities by private citizens or organizations when such activities are contrary to U.S. Government policy?

3.02 The production company shall reimburse the Government, either directly to MARAD or to the U.S. Treasury, for any additional expenses incurred as the result of assistance rendered.

3.03 The operational readiness of MARAD and its resources to support the Armed Forces shall not be impaired.

3.04 There shall be no deviation from established safety and security standards and policies.

3.05 MARAD personnel and assets shall not be employed in such a manner as to compete directly with commercial and private enterprises. Use of MARAD assets may be provided only when similar private sector assets are not reasonably available.

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3.06 All Government property and facilities used in the production shall be restored by the production company to the same or better condition as when they were made available for the company's use.

3.07 The production company shall provide proof of adequate industry standard liability insurance. The production company must also agree to hold the Government harmless in case of accident, injury, damage, or loss of property in connection with MARAD assistance to the project. Before filming, legally sufficient "Hold Harmless" agreements shall be executed.

3.08 If NDRF assets are used, property insurance must be carried to cover replacement costs, especially if RRF vessels are to be made available.

3.09 Film, video, and audio recordings made with MARAD assistance for a specific production may not be reused for or sold for other productions without prior MARAD written approval.

3.10 The production company will utilize U.S. companies for any services or vessel modifications required to make an NDRF vessel usable for the production and for its eventual return to the NDRF.

Section 4. Responsibilities:

4.01 The Maritime Administrator is the sole authority for approving MARAD assistance to non-Government entertainment-oriented motion picture, television, and video productions.

4.02 The Public Affairs Officer will coordinate MARAD staff review of requests covered by this order and will inform the Department of Transportation's Office of Public Affairs of any requests being considered. After consultation with appropriate offices, the Public Affairs Officer may make recommendations to the Maritime Administrator regarding:

- 1 Whether the project is found to qualify under the policies outlined above.
- 2 Whether the script is found to be appropriate.
- 3 Whether the stated requirements are appropriate from an operational point of view.

Section 5. Procedures:

5.01 **Initiation of request.** The producer shall make the request to MARAD's Office of Congressional and Public Affairs at least 90 days prior to the proposed activity involving MARAD's asset(s). Because of mission-related activities and the varying complexity of proposed projects, MARAD cannot make a firm commitment to making a determination within this time frame, and may decline to process requests with less lead time. Requests are to be sent to the Maritime Administration, Office of Congressional and Public Affairs, MAR-240, Room 7219, 400 7th St., SW, Washington, DC 20590, with the following information:

- 1 A letter describing the proposal to produce a specific motion picture, television program, or video product, stating the story/project objectives, and addressing the policy considerations stated above.

- 2 A statement acknowledging that the producer has read and agrees to abide by this order, and designating the producer's authorized representative to act on behalf of the producer in any matters pertinent to the request for MARAD assistance.
- 3 Two copies of the script for review and evaluation.
- 4 A detailed list of requirements. If a detailed list is not available when the script is initially submitted, requirements should be stated in general terms. However, no MARAD commitment shall be made until the detailed list of requirements is approved by MARAD.
- 5 A statement as to what private sector resources were identified and considered.

5.02 Script review. The Office of Congressional and Public Affairs shall coordinate the review of scripts submitted for production assistance consideration. Although no commitment for assisting the production is implied, that office may provide, or authorize others to provide, further guidance and suggestions for changes that might resolve problems which might otherwise prevent MARAD assistance.

5.03 Operational review. The Associate Administrator for National Security (or other official responsible for the operational mission of the asset requested for use) shall determine whether the stated requirements reasonably can be accommodated from an operational point of view.

5.04 Insurance review. The Director, Office of Subsidy and Insurance, shall develop standard insurance requirements for both personal injury and property damage insurance. The Director also shall advise the Public Affairs Officer whether the insurance arrangements are acceptable.

5.05 Government Property. Appropriate region personnel shall inventory and account for all Government property and materials used in the production.

5.06 Reimbursement. Reimbursement of MARAD expenses shall be as prescribed in a reimbursable agreement between the production company and MARAD under Maritime Administrative Order 410-2, "Transfer of Funds for Work or Services," policies and procedures.

5.07 Legal review. The Chief Counsel shall determine if overall arrangements and specific documentation protect the Government's interests as described herein.

5.08 Post production requirements.

- 1 Review of productions. MARAD reserves the right to request a screening in Washington, DC, before delivery of the production for general public release.
- 2 Credit titles. The Office of Congressional and Public Affairs may suggest appropriate wording or approve wording submitted by the producer to be used in the credit titles.
- 3 Publicity Photos and Promotional Material. If requested, the producer shall provide the Office of Congressional and Public Affairs with still photos and promotional material which may be used both for

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historical documentation and, at MARAD's discretion, for informing MARAD employees, constituent groups, and the news media.

- 4 Billing requirements. The Office of Accounting shall bill for reimbursement of MARAD's expenses in accordance with the usual billing procedures for reimbursable agreements.

5.09 **Point of Contact:** Maritime Administration, Office of Congressional and Public Affairs, MAR-240, Room 7219, 400 7th St., SW, Washington, DC 20590. Telephone: 202/366-5807. Facsimile: 202/366-5063. E-mail: pao.marad@marad.dot.gov. Information about MARAD also is available on the World Wide Web at <http://marad.dot.gov>.



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