

MANUAL OF ORDERS

REVOKES

MAO 440-1
dated 7/15/74

NO.

440-1

EFFECTIVE DATE

November 2, 1977

SUBJECT

FURNISHING OF SPECIAL STATISTICAL DATA TO
PUBLIC OR PRIVATE PARTIES

Section 1. Purpose:

This Order establishes the policy and procedure for furnishing special statistical data to a public or private person or organization, the establishment of charges therefor, and the disposition of moneys received for these services, pursuant to the authorities set forth in Section 3 of this Order.

Section 2. Applicability:

While this Order is directed primarily at the activities of the headquarters' organizations, its contents apply also to the Regions and the United States Merchant Marine Academy insofar as those activities receive and respond to requests for special statistical data from public or private parties.

Section 3. Authority:

3.01 Public Law 91-412 (15 U.S.C. 1525-1527) authorizes the Secretary of Commerce, upon request of any person, firm, organization, or others, public or private, to make special studies on matters within the authority of the Department, and to furnish transcripts or copies of its studies, compilations and other records, upon payment of the actual or estimated cost of such special work by the requesting party; to deposit the moneys received; and to utilize such funds to pay directly the costs incurred in performing the above services.

3.02 Office of Management and Budget Circular Number A-25, "User Charges," dated September 23, 1959, as amended, provides general policies and criteria to be used in establishing charges, and fees for Government services which convey special benefits to recipients above and beyond those accruing to the public at large.

3.03 Department Administrative Order 203-5 (DAO 203-5), "User Charges" delegates to the Assistant Secretary for Maritime Affairs the authorities vested in the Secretary of Commerce cited in Sections 3.01 and 3.02 above, insofar as such authorities relate to activities of the Maritime Administration.

Section 4. Related Regulations:

4.01 Title 46, Code of Federal Regulations, Parts 206 and 207 (46 CFR 206, 207) (previously General Order 85) set forth:

- 1 The policy of the Maritime Administration/Maritime Subsidy Board in providing data free of charge in the public interest,
- 2 The charges to be made for other data furnished to individuals or groups as determined pursuant to the provisions of DAO 203-5, and
- 3 The procedure to be followed in requesting such data from the Maritime Administration.

Section 5. Redelelegation of Authority:

5.01 Officials having responsibility for the maintenance of Agency data bases or records from which the requested information will be extracted are authorized to approve and process such requests subject to the following conditions:

- 1 Projects involving the expenditure of Agency or contractor ADP resources, except as described in Subsection 5.01 2 below, shall be submitted to the Head, ADP Planning and Evaluation Staff for appropriate action in accordance with Maritime Administrative Order 220-5, "Requests for ADP Services."
- 2 Any project which involves the generation of information and/or reports through Agency computer terminals using existing systems whose estimated cost exceeds \$2,000 shall be submitted for approval to the Assistant Secretary for Maritime Affairs through the Assistant Administrator for Policy and Administration.
- 3 Any project which does not require Agency or contractor ADP resources but whose estimated cost exceeds \$2,000 shall be submitted for approval to the Assistant Secretary for Maritime Affairs.

Section 6. Policy:

6.01 It shall be the policy of the Maritime Administration to facilitate the furnishing of special statistical data to public or private parties by:

- 1 Compiling standardized reports in such format and content determined to be useful to public or private parties and arranging for publication and sale of these reports.

- 2 Optimizing the use of parameter-driven systems which produce standard report formats from Agency computer-based records and using such reports to respond to requests for information.
- 3 Providing information to requesters on the availability of Agency data in standard formats and content so as to preclude unnecessary and costly processing of requests for information which may be satisfied by the standard publications.

6.02 Implementation of the above policy shall include consideration of all legal, regulatory and other binding restrictive conditions concerning the distribution of data from Agency records.

Section 7. Procedure:

7.01 46 CFR 206 requires that requests for special statistical data and reports other than those required by the Maritime Subsidy Board for the conduct of Section 605 (c) hearings be submitted in writing to the Assistant Secretary for Maritime Affairs. Requests for such data shall be referred for action to the appropriate office which has cognizance over the data requested.

7.02 The action office shall:

- 1 Analyze the request in terms of the following considerations: nature and scope of the work; feasibility and estimated cost; time required to perform the work in each organizational unit; availability of personnel and other services; current budgetary policy and authorization; requirements of Department of Commerce Orders relating to such work; and in consultation with the Office of the General Counsel, the appropriateness of the release of the information if it is not to be furnished in a previously approved standard format. Estimated cost data, based on charges prescribed in 46 CFR 206 and the factors set forth in Section 6, DAO 203-5, shall be prepared in coordination with the Division of Budget, Office of Budget and Program Analysis.
- 2 Based on the above determinations, and as necessary:
 - (1) Notify the applicant that the request cannot be undertaken in whole or in part, giving the reasons therefor; or
 - (2) Approve the request in whole or in part, if within its delegated authority (see Section 5.01); or

- (3) For projects described in Subsection 5.01 1 submit a recommendation for approval to the Head, ADP Planning and Evaluation Staff in the form and content prescribed for processing ADP projects; or
 - (4) For projects described in Subsections 5.01 2 and 3 submit a recommendation for approval to the Assistant Secretary for Maritime Affairs. Such recommendation shall cover all aspects of the work required, including the various factors set forth in Subsection 7.02 1 of this Order, and shall be routed through each participating office.
- 3 Upon approval of the request, negotiate and execute an agreement with the applicant covering the work to be performed and the conditions applicable thereto, including the charges referred to in Section 4 and such other conditions as may be appropriate. The agreement shall include the provision that advance payments submitted by the requester shall be applied to the final actual cost of the project and that additional payment will be required in the event the actual cost exceeds the advance payments, or the Maritime Administration will refund the difference in the event the actual cost is less than the advance payments. However, in either event, an adjustment shall not be made if the difference between the advance payment and the actual cost is less than \$50.
 - 4 Prepare Form MA-4774, Accounts Receivable Justification for Billing and submit the original, with a copy of the executed agreement, to the Division of Accounts, Office of Financial Management and a copy to the Division of Budget, Office of Budget and Program Analysis.
 - 5 Assign a document number consisting of the action office's code and sequential number. Reference shall be made to such number on Form MA-4774, accounting records, and other documents relating to the project.
 - 6 Begin work on the project upon notification from the Division of Accounts that payment has been received from the requester.

- 7 Monitor the actual cost of the project as it progresses. When the actual costs exceed the advance payment, suspend work on the project and prepare Form MA-4774 authorizing the Division of Accounts to request the applicant to transmit such additional payment as may be required.
- 8 Upon completion of the project forward two copies of a summary report on Form MA-463, Trust Fund Work Record, to the Division of Accounts. Additionally, prepare Form MA-4774 authorizing the Division of Accounts to either request additional payment from the applicant to cover the final actual cost or to refund any overpayment to the applicant, subject to the terms of the agreement described in Subsection 7.02 3.

7.03 MAFIS Project Code Number 15-100-00-907 is hereby established for use in connection with all projects covered by this Order.

7.04 Upon receipt of a check in the Maritime Administration, it shall be delivered to the Division of Accounts in accordance with provisions of MAO 240-3, "Correspondence and Mail Management."


7.05 The Division of Accounts shall:

- 1 Deposit the payments received pursuant to the above agreements in suspense account, symbol 13 X 6875(17), which shall be available for making refunds and for reimbursing the appropriations charged for the initial expenditures.
- 2 Notify the action office when payment has been received.
- 3 Upon completion of the project, prepare Form MA-4774 to reimburse the regular appropriations for that portion of the cost of each project which has been paid from such appropriations. The elements of cost which are proper for reimbursement to regular appropriations include but are not limited to the following: salaries for direct labor, cost of nonproductive time (such as annual leave and holidays), prorata share of supervision and administrative overhead, other costs directly related to above personnel services (such as contributions for insurance and retirement), data processing machine rentals, and other objects of administrative expense.

7.06 Upon undertaking the project, each participating office shall:

- 1 Maintain a separate record on Form MA-463 of the number of hours of regular time and overtime worked by each employee specifically assigned to the project.
- 2 As the work progresses, review periodically the actual costs of the work and advise the action office promptly if such costs are found to be significantly higher than the estimated costs.

7.07 Upon completion of each project, and for uncompleted projects at the close of each fiscal year, each participating office shall transmit to the action office a summary report on Form MA-463, showing the grades and hourly salary rates of all employees assigned to the project, and the total number of hours of regular time and total number of hours of overtime worked on the project by each.


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for Maritime Affairs