



US Department
of Transportation
Maritime
Administration

MANUAL OF ORDERS

MARITIME ADMINISTRATIVE ORDER

REVOKES
MAO 240-1, dtd.
3-30-84

NO. 240-1
EFFECTIVE DATE
September 16, 1992

SUBJECT

PROCESSING FORMAL RECOMMENDATIONS TO THE MARITIME ADMINISTRATOR,
DEPUTY MARITIME ADMINISTRATORS, AND THE MARITIME SUBSIDY BOARD

Section 1. Purpose:

1.01 This order prescribes procedures for preparing and submitting formal recommendations to the Maritime Administrator (Administrator), Deputy Maritime Administrators (Deputy(s)), the Maritime Subsidy Board (Board), and the Director, National Shipping Authority (NSA).

1.02 When the NSA is operative, recommendations to the Administrator, in his or her capacity as the Director, NSA, shall follow the procedures and formats prescribed in this order, to the extent practicable.

Section 2. Preparation of Formal Recommendations:

2.01 Recommendations shall be prepared in memorandum form in the format shown in the appendix and shall be signed by the originating Associate Administrator, Office Director, or an authorized staff official with concurrence of one of the preceding.

2.02 For lengthy (over 10 page) recommendations, a one-page executive summary shall be prepared by the originating office and attached to each recommendation to the Administrator. Upon request, such summary will accompany the recommendations to the Deputy(s), the Board, or the Secretary, Board/Maritime Administration (Secretary). The summary shall be attached to the front of the recommendation, typed on plain paper, and concisely relate the principal points of the recommendation.

2.03 If a particular action requires the processing of two or more recommendations, the offices concerned shall develop a joint recommendation designed to resolve the entire matter at one time.

2.04 Recommendations to the Administrator, Deputy(s), or Board shall be accompanied by:

- 1 The application, request or other matter upon which the recommendations are based, as well as all other relevant documents filed by the applicant or others in connection with the application or request (original copy if available) for retention in the files of the Secretary, after action has been taken thereon.
- 2 Letters of advice to applicants or other appropriate persons, including persons filing comments in response to a Federal Register notice regarding the Administrator, Deputy(s), or Board action.

Section 3. Routing, Clearance, and Processing:

3.01 Each recommendation shall be routed by use of Concurrence Record, Form MA-71 or MA-71A, for the clearance of appropriate offices.

- 1 Recommendations to the Administrator or Deputy(s) shall be routed through appropriate Associate Administrator(s), independent office director(s) and the Chief Counsel.
- 2 Recommendations to the Board, and joint recommendations to the Administrator and Board, shall be routed to the Secretary through the appropriate Associate Administrator(s), independent office director(s), and the Office of the Chief Counsel.
- 3 Recommendations involving proposed contracts shall be routed to the Director, Office of Financial Approvals, for determination as to financial ability of the contractor to fulfill the provisions of the contract.
- 4 Recommendations involving the obligation of funds not previously allocated shall be referred to the Budget Officer for determination of fund availability and propriety of expenditures within funding authority.
- 5 As appropriate, recommendations involving a financial impact on the Government shall be referred to the Budget Officer for information and advice.
- 6 Recommendations proposing adoption of Maritime Administration regulations, Board regulations, NSA regulations, or amendments thereto, shall be prepared in accordance with the procedures set forth in Maritime Administrative Order 200-2, appendix 1, and shall be referred to the Assistant Chief Counsel for Regulations and Administrative Law for concurrence.

3.02 Reviewing officials or their designees shall indicate their concurrence by initialing and dating the Concurrence Record form. All major comments and/or changes from a reviewing office and its divisions shall be made collectively to the originating office and should represent the complete and final position of that office.

3.03 If a reviewing official does not concur in the recommendation, the initiating official shall be contacted to resolve the difference. If this cannot be done, the reviewing official shall set forth the reasons for nonconcurrence in a memorandum to the Board, Administrator, or Deputy(s), as appropriate, with a copy to the initiating official. The memorandum shall be attached to the Concurrence Record, and nonconcurrence shall be indicated on the Concurrence Record. Recommendations shall not be delayed because of nonconcurrence.

3.04 The originating office shall be responsible for follow-up with all the reviewing offices to assure prompt handling and for monitoring, through the use of a control record, the progress of each recommendation from the originating office to the deciding official.

3.05 After clearance of all offices concerned, the recommendations shall be processed, as follows:

1 Recommendations to the Board and Joint Recommendations to the Board and Administrator.

- (1) The Secretary shall review, record, and process the recommendation for action by the Board and/or Administrator, as appropriate.
- (2) After action by the Board and/or Administrator, the Secretary shall affix the appropriate approval, date, and distribute copies, as required. The Secretary shall retain the Concurrence Record, the original recommendation, and all attachments thereto.

2 Recommendations to the Administrator or the Deputy(s).

- (1) After action by the Administrator or Deputy(s), as appropriate, the recommendation shall be forwarded to the Secretary to affix approvals, date, and distribute copies. The Secretary shall retain the Concurrence Record, the original recommendation, and all attachments thereto.

Section 4. Time Allowances:

All offices should expeditiously review each recommendation. Reviewing offices should notify the originating office in cases of delayed clearance.

Section 5. Documents for Publication in the Federal Register:

Attachments to recommendations that require publication in the Federal Register shall be prepared in accordance with Maritime Administrative Order 260-2, "Publication of Documents in the Federal Register."

Section 6. Restrictions in Effect Prior to Official Action on Recommendations:

No information on the status, location, or possible action with respect to a recommendation shall be given to any person outside the Maritime Administration prior to official action thereon.



CAPTAIN WARREN G. LEBACK
Maritime Administrator

General Format for Preparation of Formal Recommendations

- I The recommendation shall be in the format of a memorandum and consist of five major parts: Part I: subject, Part II: statement of purpose, Part III: discussion, Part IV: signatures of officials, and Part V: specific recommendations.
- II Recommendations and enclosures 1/ shall be typed, single spaced, with the first page on memorandum paper and subsequent pages on plain 8 1/2 X 11 paper. Copies shall be reproduced on one side of the page.
- III Including the five major parts, the memorandum shall contain the following (omit numbers):
- 1 Subject: (Part I) ACTION: (Identify clearly and concisely the subject of the recommendation.)
 - 2 Date: (Use the date on which it is actually signed and dispatched by transmitting office.)
 - 3 From: (Use full name and title of addressee(s), not codes. Originator's signature to appear here.)
 - 4 Reply to Attention of: (Office Code)
 - 5 To: (Maritime Subsidy Board) or (Maritime Administrator), (Deputy Maritime Administrator), (Deputy Maritime Administrator for Inland Waterways and Great Lakes), or (Maritime Administrator/Maritime Subsidy Board)
 - 6 Purpose: (Part II)
Set forth the reason for the recommendation, whether it establishes or revises existing policy or procedure, and the anticipated effect of approval.
 - 7 Discussion: (Part III)
The discussion should provide a complete analysis of the recommendation to include the following elements:
 - (1) A statement of the issues, problems, and relevant facts in such a manner that the basis upon which the recommendation was made is clear;

1/ However, photocopies may be made of existing documents.

- (2) The date and substance of the application, request, or action which caused the recommendation to be prepared should be indicated, and any unusual delays which have occurred in preparing the recommendation should be explained;
- (3) Establishment of the applicant's purpose and motives, explaining what the applicant hopes to gain and what is the Government's interest;
- (4) Where applicable, a discussion of the implications of the recommendation with respect to the following: the White House, Congressional relations, public relations, the shipping industry, shippers, labor unions, port authorities, etc.;
- (5) Where applicable, a statement of the financial impact of the recommended action on the Government; and
- (6) A discussion of alternative courses of action, their advantages, disadvantages, and consequences, including need for new legislation or regulations as appropriate.
- (7) The last paragraph shall read as follows:

In view of the foregoing it is recommended that the recommendation(s) contained on the attached page(s) of this memorandum be approved.

8 Signatures: (Part IV)

Immediately following the discussion, provision shall be made for the signature of all concurring officials directly concerned with the recommendation in accordance with their assigned responsibilities and authorities. For example:

Attachments

No legal objection: 2/

Concurrence:

[When required] _____ [When required]
Chief Counsel [Typed title of
concurring official]

2/Omit for recommendations initiated or co-signed by the Chief Counsel or Deputy Chief Counsel or when legal clearance is not required. The signature block should be prepared for the Deputy Chief Counsel for Board actions and the Chief Counsel for Administrator or Deputy(s) actions.

9 Additional Requirements:

- (1) Copy distribution shall be shown at the left margin, following the signatures.
- (2) The name of the originator and typist's initials shall be shown only on courtesy copies within the Maritime Administration.
- (3) Attachments shall follow the format of the recommendation's text and shall include (in addition to supporting material which may assist in evaluating the recommendation) forms, letters, memoranda, addenda, etc., to implement the recommendation, if approved.

10 Recommendation(s): (Part V)

- (1) This section should be prepared on a separate page, without clearances or distribution. If the recommendations require more than one page, the second page and each page thereafter shall be numbered consecutively. Each recommendation should be clearly stated so that reference to other sections of the recommendation is not necessary.
- (2) For recommendations to the Board, appropriate space should be provided to type the addressee's action of approval or disapproval. Space should also be provided for the signature block of the Secretary who shall sign on behalf of the Board.
- (3) On recommendations to the Administrator or Deputy(s), type the following on the right side, several spaces below the last line of the recommendation:

Approved:

Maritime Administrator (or Deputy
Maritime Administrator) (or Deputy Maritime
Administrator for Inland Waterways and Great
Lakes)

Date _____