



FEDERAL MARITIME COMMISSION

FINAL ANNUAL PERFORMANCE PLAN

FOR FY 2005

February 2004

LIST OF ACRONYMS

<i>1984 Act</i>	<i>Shipping Act of 1984</i>
<i>ADR</i>	<i>Alternative Dispute Resolution</i>
<i>ALJ</i>	<i>Administrative Law Judge</i>
<i>BCCL</i>	<i>Bureau of Consumer Complaints & Licensing</i>
<i>BOE</i>	<i>Bureau of Enforcement</i>
<i>BTA</i>	<i>Bureau of Trade Analysis</i>
<i>CIO</i>	<i>Chief Information Officer</i>
<i>DHS</i>	<i>Department of Homeland Security</i>
<i>DOT</i>	<i>Department of Transportation</i>
<i>FAQ</i>	<i>Frequently Asked Questions</i>
<i>FISMA</i>	<i>Federal Information Security Management Act of 2002</i>
<i>FMC/Commission</i>	<i>Federal Maritime Commission</i>
<i>FTE</i>	<i>Full Time Equivalent Employee</i>
<i>FY</i>	<i>Fiscal Year</i>
<i>GC</i>	<i>General Counsel</i>
<i>GPEA</i>	<i>Government Paperwork Elimination Act</i>
<i>GPRA</i>	<i>Government Performance and Results Act</i>
<i>IG</i>	<i>Inspector General</i>

<i>IT</i>	<i>Information Technology</i>
<i>ITMRA</i>	<i>Information Technology Management Reform Act</i>
<i>NOI</i>	<i>Notice of Inquiry</i>
<i>NPRM</i>	<i>Notice of Proposed Rulemaking</i>
<i>OGC</i>	<i>Office of General Counsel</i>
<i>OMB</i>	<i>Office of Management and Budget</i>
<i>OSRA</i>	<i>Ocean Shipping Reform Act of 1998</i>
<i>OTI</i>	<i>Ocean Transportation Intermediary</i>
<i>POA&M</i>	<i>Plan of Action and Milestones</i>
<i>PVO</i>	<i>Passenger Vessel Operator</i>
<i>SDLC</i>	<i>Systems Development Life Cycle</i>
<i>SERVCON</i>	<i>Service Contract Filing System</i>
<i>SOP</i>	<i>Standard Operating Procedure</i>
<i>VOCC</i>	<i>Vessel-Operating Common Carrier</i>

INTRODUCTION

This document comprises the FMC's Final Annual Performance Plan for FY 2005. As set forth in GPRA and general guidelines published by OMB, the Commission has prepared a single Performance Plan so as to present a comprehensive picture of performance across the agency. This plan is closely linked to the agency's Strategic Plan, although its content is more detailed and specific as opposed to the general and long-term focus of the Strategic Plan. We also have concentrated on developing objective performance goals and narrow, measurable performance indicators, so as to facilitate the plan's implementation and assessment of performance.

For FY 2005, our Plan focuses on strategic human capital management, specifically on how we develop and evaluate our workforce. This effort dovetails with a primary initiative of the President's Management Agenda. Several performance goals were created to improve succession planning and to develop more comprehensive skills in newer employees, as well as to improve efficiencies in the workforce through improvements in processes and programs.

Our FY 2005 Plan broadens our efforts to implement the President's Management Agenda initiative to expand electronic government. Several performance goals were formulated to improve the management of information by utilizing technology, to streamline and simplify the delivery of services and information to regulated entities, other government agencies and the public, and to create more sophisticated databases which will allow staff to more effectively identify and target regulated activities, complaints, and potential abuses.

The Commission's Annual Performance Plan comports with the overall objectives of GPRA, while maintaining flexibility in its presentation and application. This modified approach has been authorized by OMB since the majority of Commission activities are statute-driven and our goals essentially are based upon legislative mandates which are clear and direct. Significant alteration of our existing programs is not possible, given that many measures and goals are required by statute.

Accordingly, OMB agreed that the Commission should use an appropriately scaled mechanism for GPRA process and development with a framework which would be productive, yet less resource-intensive. Nonetheless, our plan presents relevant information clearly and concisely, and strives to be as detailed as necessary while avoiding minutiae.

Our plan sets forth the mission statement and general goals from our Strategic Plan, as a point of reference for the reader. In accordance with general OMB guidance, we have prepared performance goals for each of the five Program Activities reflected in our budget.

The strategic goals aligned with these performance goals are appropriately displayed. Each performance goal has been stated as a narrow, measurable objective. For each performance goal, we have identified the intended outcomes, appropriate performance indicators, the processes and resources required to accomplish it, and the means for measuring/evaluating performance. To ensure a clear understanding of the plan's contents, set forth below are definitions of basic terms used. We relied on OMB's published guidance for these definitions, and have included parenthetically our interpretation of their practical application.

Budget Program Activity - The FMC's Program Activities as listed in the program and financing schedules of the agency budget (the agency's major activities).

Performance Goal - A target level of performance; a measurable objective (a specific, proposed performance action).

Outcome - Intended result or consequence of the Program Activity (the projected effect or what is hoped to be achieved).

Performance Indicator - A value or characteristic for measuring results (the quantifier or qualifier of performance).

Processes/Activities - The processes, skills, or resources that are required to effectively accomplish a performance goal (what is needed to achieve the goal).

Performance Measure/Evaluation - The means used to verify and validate measured values (methods used for assessing if programs achieved objectives, or, the specific means to measure if outcomes were realized).

The Commission used its existing consultation process in developing this plan. We have kept key Congressional Committees apprised of our planning process and efforts, and have responded to any inquiries. We also have remained fully apprised of the views and positions of all entities involved in the ocean shipping industry via regular and continuing contacts at all levels of the agency. We have used rulemakings and formal inquiries to solicit industry views on particular issues. And we continued our ad hoc meetings and visits with all sectors of the industry to discuss the state of U.S. ocean shipping and the FMC's oversight responsibilities. We continue to obtain industry feedback on specific areas of relevance that need to be addressed, and ensure that all appropriate channels of communication are utilized effectively. To this end, the Commission has instituted regular seminars conducted by agency staff at various locations around the country to provide a valuable forum for the exchange of information with, and obtain relevant input from, the

industry and the shipping public. The opinions and comments we received have assisted us in developing our performance goals and implementing approaches.

It is clear that those involved in the various sectors of U.S. ocean shipping have a full understanding of the Commission's major program activities, and at the same time, the Commission is fully cognizant of the views of all parties with whom it interacts. Therefore, it was not necessary for the Commission to embark on further outreach efforts when developing this plan.

In line with OMB guidance, the Commission has reflected the resources needed to accomplish its performance goals. We have provided an FTE and funding figure for each Budget Program Activity, which reflects what we believe will be required to accomplish the three performance goals under each respective Activity. It is important to note that these figures, when summed, do not reflect the full FTE and funding levels of our FY 2005 budget. Naturally, the Commission performs significant duties beyond those reflected in our performance goals, and also accomplishes a host of day-to-day responsibilities that do not rise to the level of a high-profile performance goal. Those activities clearly require the allocation of necessary resources. The portion of our FTEs and funding not specifically reflected in this plan is necessary to perform those other activities.

The Commission will post this Performance Plan on its Internet website to ensure that it is readily accessible to interested parties, and will advise all employees to take the time to review it. Additionally, all employee performance plans are required to comport with the agency's Strategic and Annual Performance Plans, and contain specific elements and standards with a clear explanation of what is expected of the employee in support of the agency achieving its goals. This process in turn has the effect of directly furthering the Administration's initiative on strategic human capital management. Performance of managers and staff is evaluated in part on how they achieve the objectives in this plan.

FMC MISSION

To achieve its vision, the FMC's mission is:

Advance the Nation's interests by fostering an efficient, competitive, secure, market-driven, and nondiscriminatory ocean transportation system that is free of unfair foreign maritime trade practices and market-distorting activities.

OSRA and the events of September 11, 2001, have significantly changed the manner in which the business of ocean shipping is being conducted. The industry continues to restructure its operations to adapt to dynamic economic conditions, emerging trends, and maritime security efforts. International trade remains dependent upon an efficient ocean transportation system. Therefore, it is imperative for the FMC to ensure that its oversight activities produce a competitive trading environment in U.S. ocean commerce that is in harmony with and responsive to international shipping practices, and permits fair and open commerce. We must focus our energies and efforts on this mission, and assure that the agency is organized and managed in a manner best suited to accomplish it with a minimum of government intervention and regulatory cost. Effective use of emerging information technologies will facilitate our efforts. Our actions also must encourage the development of a sound U.S.-flag liner fleet. Accordingly, the FMC has established the following five strategic goals to carry out its statutory mandates.

FMC STRATEGIC GOALS

1. *Efficient Regulatory Process:* Provide a timely, efficient and decisive regulatory process, including alternative dispute resolution, to enable all segments of the industry to operate more effectively, with a minimum of regulatory costs.
2. *Compliance:* Promote efficiency and fairness in U.S. foreign waterborne commerce through various means, including outreach and monitoring, to protect the public and assist stakeholders in achieving compliance with ocean transportation statutes administered by the FMC.
3. *Balanced Enforcement:* Foster economic efficiencies, reliance on marketplace factors and maritime security by administering U.S. shipping statutes in a balanced and equitable manner to redress excessive anticompetitive actions and other unlawful activities.
4. *Technological Efficiencies:* Employ technological enhancements to improve efficiency and to facilitate the exchange of information.
5. *Management Capabilities:* Ensure the FMC has the appropriate organizational framework and management systems to carry out its statutory mandates.

LINKAGE BETWEEN MISSION STATEMENT AND STRATEGIC GOALS

Our strategic goals address essential FMC statutory, programmatic, and management responsibilities. They were developed with a specific focus on accomplishing the basic purposes of our mission and attaining the competitive, nondiscriminatory shipping environment envisioned by the 1984 Act, as amended by OSRA.

The primary intention of Strategic Goal 1 is to minimize regulatory costs by maintaining timely and decisive regulatory processes, and providing various dispute resolution services. This will render the FMC more effective in addressing matters that perpetuate discrimination or preclude industry efficiency, while reducing the costs of pursuing matters before the Commission. Decisive action and effective assistance in resolving informal complaints or disputes will help to remove uncertainties as to statutory interpretations or the application of FMC rules. Such uncertainties may impede operational efficiencies or technological changes, each of which can foster a more economical ocean shipping system.

Our second strategic goal centers on achieving compliance with the substantive provisions of the shipping statutes the FMC administers, and protecting those involved in U.S. ocean commerce from unfair practices. We will address this goal particularly by interacting with all sectors of the industry, and by vigilant monitoring of ongoing commercial activities. Accomplishing this goal should minimize the unjust discrimination and undue preference or prejudice that precludes certain shipping interests from obtaining rates or service levels that can render their businesses more economic and efficient. Increasing industry compliance should enable stakeholders to concentrate on fair and legal means of enhancing operational efficiency, secure in the knowledge that competitors are not engaging in widespread illegal actions aimed at improving short-term profits. The agency's focus on the qualifications of intermediaries operating in the U.S. trades will afford greater protection to our stakeholders and contribute to national maritime security. And cruise passengers also will be protected through the demonstration of financial responsibility by passenger vessel operators.

Strategic Goal 3 is designed to foster economic efficiencies, assist maritime security initiatives, promote reliance on marketplace factors, and redress excessive anticompetitive practices harmful to international commerce. This is a direct link to our mission statement's call for an efficient, secure, competitive, market-driven ocean transportation system. Our continuing efforts to address the actions of foreign governments that adversely affect U.S. interests and our foreign trade comport with that aspect of our mission aimed at creating

an environment “free of unfair foreign maritime trade practices.” Our focus on commercial malpractices enhances our objective of limiting unlawful activities.

We also have a specific strategic goal that focuses on making effective use of advancements in IT to improve the efficiency of our operations and enhance our exchange of information with external parties. Carrying out the agency’s mission in times of budgetary limitations dictates that we appropriately utilize all available resources. Dynamic changes continue to be made in this area, and the Commission intends to take advantage of any improvement that can enable it to perform its functions more effectively. We hope to improve our business operations so as to add efficiency to the Commission’s dissemination and receipt of information. We intend to perform the research and analysis necessary to identify the best options for implementing technical enhancements to facilitate our efforts to achieve our mission.

Finally, our fifth strategic goal addresses Commission management and operations. In order to achieve the objectives of our mission, we must maintain effective processes that enhance efficiency, without serving as ends in themselves. It is essential that we manage for results, and that we effectively tie our budget needs to our performance. This strategic goal serves as the internal underpinning that enables us to accomplish the policy objectives set forth in our mission statement. This goal also ensures continuation of a comprehensive approach to the strategic management of our human capital.

Achieving these mission-driven goals will enable us to address the external factors we face, while assuring an equitable and efficient administration of the shipping statutes under our jurisdiction. Our processes and procedures will be refined or updated as necessary. We are committed to accomplishing our strategic goals and the outcome goals related to them. Therefore, specific means have been identified to enable the FMC to achieve these goals in the most cost-efficient and least disruptive manner possible.

Budget Program Activity:

Formal Proceedings - 13.7 FTEs and \$2,233,278 will be required to accomplish the goals under this Program Activity.

Related Strategic Goals:

1. *Efficient Regulatory Process:* Provide a timely, efficient and decisive regulatory process, including alternative dispute resolution, to enable all segments of the industry to operate more effectively, with a minimum of regulatory costs.
3. *Balanced Enforcement:* Foster economic efficiencies, reliance on marketplace factors and maritime security by administering U.S. shipping statutes in a balanced and equitable manner to redress excessive anticompetitive actions and other unlawful activities.
4. *Technological Efficiencies:* Employ technological enhancements to improve efficiency and to facilitate the exchange of information.

Performance Goal	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
<p>1. Update, organize and centralize database for efficient use by the attorneys and staff.</p> <p>Develop a comprehensive, searchable electronic index of the OGC paper files.</p>	<ul style="list-style-type: none"> - Easy accessibility to all OGC information for attorneys and staff. - Efficient facilitation of information-sharing for individual and group projects. - Centralized institutional knowledge and reference file. - Effective management of ongoing OGC reporting functions. - Up-to-date record of OGC information inventory. 	<ul style="list-style-type: none"> - All relevant information is maintained in systematic manner under proper headings to allow for efficiency and continuity. - Integrated, searchable index of all files is in place. - 100% of attorneys' work product has been backed-up to shared work area under appropriate headings. - Out-of-date information is purged and associated paper files are sent to archives, as appropriate. 	<ul style="list-style-type: none"> - Staff creates subject categories and relevant folders within the file. Attorneys/staff forward all written work to office coordinator to organize under appropriate categories/subject headings within the folders. - For the index, a comprehensive list of all paper files is created under relevant headings and subjects. OGC will work in conjunction with the IT office in the creation of the index. 	<ul style="list-style-type: none"> -Attorneys are well-versed in usage and function of centralized database. -Attorneys and staff are using the index and updating it, as necessary. -Assess feedback from users. -Progress achieved and feedback dictate how to proceed with long-range automation plan.

Performance Goal	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
<p>2. Develop additional relationships with other agencies with responsibilities related to maritime security, including DHS, DOT, and intelligence agencies.</p>	<ul style="list-style-type: none"> - Increased interagency communications and information-sharing regarding national security as it applies to the maritime industry. - Positive relations among relevant agencies and enhanced understanding of the FMC's role in maritime security issues. - Continued FMC contribution to inter-agency efforts to identify potential security threats. - Coordinated, efficient approach to maritime security challenges. 	<ul style="list-style-type: none"> - FMC continues to be represented at interagency meetings of the Container Working Group and other relevant interagency groups or task forces. - FMC views and participation are reflected in appropriate reports and communications memorializing meetings or consultations concerning maritime security. - Cohesive relationships continue to be formed. - Concerted information-sharing and coordination of agency activities have been accomplished. 	<ul style="list-style-type: none"> - Chairman provides policy direction to OGC. - OGC continues to serve as liaison and coordinates with Commission bureaus. - Regular meetings with relevant agencies are attended or initiated by FMC liaison. - Communications are submitted to agencies to memorialize meetings and conversations or to report recent developments in maritime security issues. 	<ul style="list-style-type: none"> -Feedback on Commission representatives' participation in activities and meetings. -Number of meetings, contacts and interagency activities.
<p>3. Develop options for updating and modernizing the Commission's Rules of Practice & Procedure, including exploring the ability to utilize technology for electronic filing.</p>	<ul style="list-style-type: none"> -Definitive analysis of effect of prospective changes on the regulatory process, and whether Commission action is warranted. Such actions could include NOI or NPRM to solicit public comment. -Plan of action to eliminate barriers to greater utilization of electronic business processes. 	<p>Report to Commission with analysis of options and recommendations on what changes are warranted.</p>	<ul style="list-style-type: none"> - Meetings are scheduled to present ideas, gather information and study options. - Report to be filed with Commission with findings. -Task force co-chaired by GC and Secretary, with legal input from ALJ and technical input from CIO, and participation by program bureaus. 	<ul style="list-style-type: none"> -If public comment is solicited, assess comments received from industry and public. -Final Commission determination of staff recommendation. -Assess impact of any proposals finalized.

Performance Goal	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
<p>4. By 9/30/05, make selected Opening/Reply Briefs and Exceptions and Replies in docketed proceedings available to the public through the Commission's website.</p>	<ul style="list-style-type: none"> - Reduce duplicating costs and costs associated with responding to public requests for copies of filings. - Provide for quicker access to such document filings. - Improve efficiency of providing Commission staff with access to public filings. 	<ul style="list-style-type: none"> -Selected Opening Briefs and Reply Briefs and Exceptions and Replies, if any, are made available through the website. -Filings and proceedings are placed on the homepage and are readily accessible in electronic format. 	<p>Office of the Secretary requests litigants to submit filings in electronic form or scans filings which are received in hard-copy form.</p>	<ul style="list-style-type: none"> -Office of the Secretary reviews the number of briefs, exceptions and replies available to the public. -Assess feedback from external and internal users.

Budget Program Activity:

Operational and Administrative - 12.1 FTEs and \$1,772,696 will be required to accomplish the goals under this Program Activity.

Related Strategic Goals:

4. *Technological Efficiencies:* Employ technological enhancements to improve efficiency and to facilitate the exchange of information.
5. *Management Capabilities:* Ensure the FMC has the appropriate organizational framework and management systems to carry out its statutory mandates.

Performance Goal	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
<p>1. Prepare and institute individual development plans on at least 75% of agency managers in furtherance of agency mission, workforce/succession planning and expected shortfalls in agency skill sets.</p>	<p>Significant strides in training and developing agency managers in spite of attrition losses, in furtherance of agency mission and strategic goals.</p>	<ul style="list-style-type: none"> - No discernible shortfalls in required employee skill sets. - Ability of agency to absorb expected attrition and meet current and ongoing mission needs. - Individual development plans in place. - Training/development pursuant to individual development plans. 	<ul style="list-style-type: none"> -Office of Human Resources, in conjunction with program managers, prepares individual development plans and relevant development/training assignments. -Bureau/office heads actively involved in development of individual development plans and determination of appropriate development/training assignments. 	<ul style="list-style-type: none"> -Executive Director’s Office assesses a sampling of individual development plans. -Evaluation of efficacy of training/developmental assignments by senior management.
<p>2. Implement an IT Capital Planning Investment Control Process for the Commission’s major IT investments.</p>	<ul style="list-style-type: none"> -Commission’s IT expenditure decisions make the best use of scarce agency resources - Complying with OMB guidance under ITMRA and GPRA,. 	<ul style="list-style-type: none"> - New IT systems will be developed to support multi-program requirements. - New IT systems will share data across the Commission and externally, as required. 	<ul style="list-style-type: none"> -Commission will provide solid business cases for projects that request funds to support IT investments. -Formal IT CPIC issued in fourth quarter of FY2005. -Bureau/office heads ensure staff follows policy guidelines when developing proposals for applications. 	<ul style="list-style-type: none"> -Requests for IT project funding according to OMB guidelines. - IG audits will identify minimal corrective action findings for improvement in IT program management.

Performance Goal	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
<p>3. Assure that 95% of the security on agency systems and facilities is in conformance with Administration and Congressional mandates.</p>	<ul style="list-style-type: none"> -More secure IT systems in furtherance of agency mission. -Provide users with a more stable working environment to allow for more efficient business processes. -Enhance safety of data. -Complying with OMB guidance under FISMA and GPEA 	<ul style="list-style-type: none"> - No IT systems reported to have unauthorized access. - No, or minimal, viruses reported that have impact on network operation or performance. - New IT systems will incorporate security plans. - All systems report latest security and virus detection tool installed. 	<ul style="list-style-type: none"> - IT office will work with program offices to ensure system development will follow SDLC and include required plans. -IT office applies FISMA guidelines to IT investments. - IT office will work with program offices and provide feedback on security matters and implement controls. 	<ul style="list-style-type: none"> - POA&Ms for FISMA report to OMB. - Forms collections pursuant to e-filing processes. - Receive minimal corrective action findings on IG independent audit.

Budget Program Activity:

Consumer Complaints & Licensing - 13.7 FTEs and \$1,909,306 will be required to accomplish the goals under this Program Activity.

Related Strategic Goals:

1. *Efficient Regulatory Process:* Provide a timely, efficient and decisive regulatory process, including alternative dispute resolution, to enable all segments of the industry to operate more effectively, with a minimum of regulatory costs.
2. *Compliance:* Promote efficiency and fairness in U.S. foreign waterborne commerce through various means, including outreach and monitoring, to protect the public and assist stakeholders in achieving compliance with ocean transportation statutes administered by the FMC.
4. *Technological Efficiencies:* Employ technological enhancements to improve efficiency and to facilitate the exchange of information.
5. *Management Capabilities:* Ensure the FMC has the appropriate organizational framework and management systems to carry out its statutory mandates.

Performance Goal	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
1. Revise internal procedures as a result of implementing the PVO final rule by 9/30/05.	<ul style="list-style-type: none"> -Standardized procedures for reviewing and processing applications. -Facilitate more efficient business processes. -Compliance with regulatory intent. 	<ul style="list-style-type: none"> -Issue written SOP. -Implementation of procedural changes necessary to enhance the effectiveness of the rule. 	<ul style="list-style-type: none"> - Discussion with staff and industry experts. - Review of standard procedures and systems. -Determine procedural changes necessary. -Develop methodology. 	<ul style="list-style-type: none"> -Bureau Director oversees staff efforts. -Bureau Director evaluates revised SOP. -Executive Director reviews final draft.
2. By 9/30/05, redesign BCCL’s section on the FMC Homepage to facilitate awareness of services and assistance provided.	<ul style="list-style-type: none"> - Increased public awareness through an interactive, updated website including FAQs, current information, general advice, and complaint filing procedures. - Assist the public with compliance. 	<ul style="list-style-type: none"> -Website up and running. -Activation of new web page. - Visits to relevant section of website. 	<ul style="list-style-type: none"> - Gather together information for website (e.g., cruise bankruptcy procedures, information on other helpful agencies such as Customs, passenger ticket contracts, demurrage laws, OTI information and ADR options). - Update periodically. 	<ul style="list-style-type: none"> -Assess comments from internal and external users on the usefulness of the redesigned page. -Greater amount of interaction with public.

Performance Goal	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
3. Evaluate OTI rules and suggest changes, if necessary, to address industry and agency concerns.	<ul style="list-style-type: none"> -Recommendations for up-to-date rules that reflect current industry environment. -Improved compliance with regulations. -Less uncertainty among regulated entities regarding requirements. 	<ul style="list-style-type: none"> -Recommendation to Commission. -Positive feedback from stakeholders and the public. 	<ul style="list-style-type: none"> - Discussion with staff and industry experts. - Internal analysis of rulemaking. 	<ul style="list-style-type: none"> -Final Commission determination on staff recommendations. -Assess impact of any proposals finalized.

Budget Program Activity:

Trade Analysis - 12.8 FTEs and \$1,904,008 will be required to accomplish the goals under this Program Activity.

Related Strategic Goals:

2. *Compliance:* Promote efficiency and fairness in U.S. foreign waterborne commerce through various means, including outreach and monitoring, to protect the public and assist stakeholders in achieving compliance with ocean transportation statutes administered by the FMC.
3. *Balanced Enforcement:* Foster economic efficiencies, reliance on marketplace factors and maritime security by administering U.S. shipping statutes in a balanced and equitable manner to redress excessive anticompetitive actions and other unlawful activities.
4. *Technological Efficiencies:* Employ technological enhancements to improve efficiency and to facilitate the exchange of information.
5. *Management Capabilities:* Ensure the FMC has the appropriate organizational framework and management systems to carry out its statutory mandates.

Performance Goal	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
1. Enhance the reliability and efficiency of SERVCON, the confidential service contract filing system, by ensuring that filers use proper electronic service contract document file names to identify each service contract submission.	<ul style="list-style-type: none">- All new service contracts filed in SERVCON have proper document file names.- Eliminate targeted service contracts that are unnamed in SERVCON and unretrievable by the FMC's search engine.	<ul style="list-style-type: none">- All targeted service contracts are retrievable through the FMC's electronic search engine.- No omission of critical information that is obtainable only in confidential contracts is detected.	<ul style="list-style-type: none">- Audit existing contracts incorrectly named.- Develop approach to ensure proper service contract file name.- Determine process for eliminating improperly named service contacts.- Identify targeted service contracts to be corrected.	<ul style="list-style-type: none">- Reports/studies based on information contained in service contract filings are reliable due to appropriate naming of unique electronic document files.-Problems associated with random searches to identify improper file names are eliminated.

Performance Goal	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
<p>2. By 6/30/05, redesign internal agreement database to enable more efficient oversight of agreement activities.</p>	<ul style="list-style-type: none"> - Identification of agreements that have the potential for unreasonable market distortions. - Shifting of resources from those agreements that have little or no competitive impact to focus on those which possibly could distort the market. - More in-depth analyses of potentially problematic agreements resulting in a greater incidence of Commission agreement initiatives to address possible abuses. - Fewer instances of market-distorting activities adversely affecting the shipping public. - Quicker agency response to potential problems. 	<ul style="list-style-type: none"> - Ability to identify readily agreements for specific monitoring. - Number of shipper complaints. - Number of Commission agreement initiatives. - Number of requests for specific database reports from agency components. - Number of agency inquiries to agreement parties regarding their activities. 	<ul style="list-style-type: none"> - Review current agreement elements to determine which are outdated and what new ones should be added. - Confer with other agency components for their input on what current elements are still useful and what additional elements would better support their program goals and objectives. - Review effective agreements to ensure accurate coding of agreement authorities into the database. - Design database reports to meet the needs of various agency components. 	<ul style="list-style-type: none"> - Fewer shipper complaints regarding agreement activities. - Feedback from users of the database reports on the effectiveness and efficacy of such information in support of their program goals and objectives. - Instances of agency interventions to address potential abuses.

Performance Goal	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
<p>3. Improve staff understanding of the shipping industry relating to activities of carriers agreements, tariffs, service contracts and marine terminal operators.</p>	<ul style="list-style-type: none"> - Ongoing industry outreach program. - More accurate and comprehensive analysis of related industry developments and conditions. - Better staff access to industry data sources. 	<ul style="list-style-type: none"> - Work products that reflect a more comprehensive understanding of the industry. - Positive feedback internally and from the industry on effectiveness of outreach program. 	<ul style="list-style-type: none"> - Establish contact list of representatives from the shipping industry. - Conduct interviews with representatives from industry segments, e.g., carriers, shippers, OTIs, ports. - Attend relevant industry conferences and seminars. - Visit certain ports. - Organize in-house briefings by industry experts. 	<ul style="list-style-type: none"> - Determine whether improved understanding of the shipping industry is reflected in work products. - Review agency cost/benefits of outreach/training program. - Feedback from industry on agency issuances.

Budget Program Activity:

Enforcement - 9.5 FTEs and \$1,475,530 will be required to accomplish the goals under this Program Activity.

Related Strategic Goals:

1. *Efficient Regulatory Process:* Provide a timely, efficient and decisive regulatory process, including alternative dispute resolution, to enable all segments of the industry to operate more effectively, with a minimum of regulatory costs.
2. *Compliance:* Promote efficiency and fairness in U.S. foreign waterborne commerce through various means, including outreach and monitoring, to protect the public and assist stakeholders in achieving compliance with ocean transportation statutes administered by the FMC.
3. *Balanced Enforcement:* Foster economic efficiencies, reliance on marketplace factors and maritime security by administering U.S. shipping statutes in a balanced and equitable manner to redress excessive anticompetitive actions and other unlawful activities.

Performance Goal	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
1. Review results of major enforcement actions (e.g., those targeted at anticompetitive practices of ports and ocean common carriers) during the past three years to assess effectiveness of remedies.	- Assure practices of carriers or ports are not unlawfully anticompetitive. - Assure Commission vigilance in monitoring use of antitrust immunity.	-Remedies of past enforcement and compliance efforts have been properly implemented. -How effectively compliance directives have been implemented.	-In coordination with BTA and BCCL, review reports, minutes and current activities of entities previously subject to enforcement actions. -Director, BOE ensures appropriate parameters for review and assessment are in place.	Remedial actions taken and currently effective in addressing anticompetitive activities.

Performance Goal	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
<p>2. Contact and educate consumer protection agencies on the State and local government level regarding Commission programs and remedies to protect and assist the public from the unlawful activities of transportation providers and intermediaries.</p>	<ul style="list-style-type: none"> - Commission can provide assistance to consumer protection agencies in redressing transportation complaints. - Agencies can direct the Commission to entities unlawfully providing transportation services. 	<p>Number of agencies contacted and identification of information provided and educational programs conducted.</p>	<ul style="list-style-type: none"> - BOE and BCCL coordinate and conduct outreach, and educational efforts reach agencies and entities most likely to address ocean transportation concerns. - Disseminate materials discussing FMC and its functions for distribution by other agencies and entities. - Appear at seminars and meetings to discuss FMC and its functions. 	<ul style="list-style-type: none"> - Number of agencies contacted and educational program conducted. - Feedback from consumer agencies and the public with regard to Commission efforts.
<p>3. Provide opportunity for VOCCs to establish a “best practices” program to limit participation of unlawful entities in ocean transportation.</p>	<ul style="list-style-type: none"> - Promote equitable competition among entities acting as OTI service providers. - Promote voluntary compliance by vessel operators with regard to statutory requirements to provide transportation services and service contracts to lawful OTI entities. - Improve maritime security by curtailing unlawful participation in the ocean transportation system. 	<ul style="list-style-type: none"> - VOCCs advised of opportunity to adopt “best practices” program. - Reduction in number of unlawful OTIs receiving ocean transportation services. 	<ul style="list-style-type: none"> - Use educational programs and public notice to advise VOCCs of “best practices” opportunity. - Give appropriate “mitigation” recognition to entities with “best practices” programs in enforcement actions. 	<ul style="list-style-type: none"> - Review of outreach and educational efforts and materials developed to advise industry of “best practices” opportunity. - Number of entities adopting “best practices” programs for voluntary compliance efforts. - Usage of “best practices” in mitigation of enforcement actions.