



***FEDERAL MARITIME COMMISSION***  
***REVISED FINAL ANNUAL PERFORMANCE PLAN***  
***FOR FY 2005***  
**October 2004**

## LIST OF ACRONYMS

*1984 Act Shipping Act of 1984*

*ADR Alternative Dispute Resolution*

*ALJ Administrative Law Judge*

*BCL Bureau of Certification & Licensing*

*BOE Bureau of Enforcement*

*BTA Bureau of Trade Analysis*

*CIO Chief Information Officer*

*CPIC Capital Planning Investment Control*

*DHS Department of Homeland Security*

*DOT Department of Transportation*

*FISMA Federal Information Security Management Act of 2002*

*FMC/Commission Federal Maritime Commission*

*FTE Full Time Equivalent Employee*

*FY Fiscal Year*

*GC General Counsel*

*GPEA Government Paperwork Elimination Act*

*GPRA Government Performance and Results Act*

*IG Inspector General*

*IT Information Technology*

*ITMRA Information Technology Management Reform Act*

*NOI Notice of Inquiry*

*NPRM Notice of Proposed Rulemaking*

*OGC Office of General Counsel*

*OIT Office of Information Technology*

*OMB Office of Management and Budget*

*OSRA Ocean Shipping Reform Act of 1998*

*OTI Ocean Transportation Intermediary*

*POA&M Plan of Action and Milestones*

*SC Service Contract*

*SDLC Systems Development Life Cycle*

*SERVCON Service Contract Filing System*

*SES Senior Executive Service*

*VOCC Vessel-Operating Common Carrier*

## INTRODUCTION

This document comprises the FMC's Revised Final Annual Performance Plan for FY 2005. The Commission has made specific changes to its Final Plan based on a recent agency realignment, and an overall assessment of its planning process. This Revised Plan remains closely linked to the agency's Strategic Plan, and it sets forth objective performance goals and narrow, measurable performance indicators so as to facilitate implementation and performance assessment.

In August 2004, the FMC reallocated its resources so as to maximize staff effectiveness and enhance agency efforts to better serve the ocean transportation industry. Our aim is to provide an effective regulatory structure, serve our stakeholders more efficiently and responsively, and improve our internal business processes and operations. We have included specific performance goals in line with this restructuring, as more fully explained below.

This Revised Final Plan reflects a modified approach to our annual planning. We have determined that both effectiveness and efficiency can be improved if we operate pursuant to broader performance goals tied to the achievement of agency-wide objectives, as opposed to more narrowly focused goals tailored to the responsibilities of individual units. Accordingly, agency performance goals now are linked directly to our Strategic Goals instead of our Budget Program Activities. This will enable the Commission to pursue its strategic objectives in a more cohesive manner, with various agency components working toward common ends. It also will facilitate our aim of utilizing a more inclusive, collaborative approach in conducting ongoing activities, which we believe both enhances decision-making and improves ultimate results. Further, we anticipate that addressing our performance goals in this fashion will foster our efforts to link planning, budgeting and performance more effectively.

Additionally, with this Revised Final Plan, we now will allocate all agency resources for the fiscal year. OMB guidance requires agencies to reflect in their annual performance plans the resources needed to accomplish stated performance goals. Previously, the Commission's Plans have identified the FTEs and funding required to accomplish its stated performance goals, acknowledging that the remainder of its resources were dedicated to its various other day-to-day responsibilities. We now will set forth all of our myriad steady state functions, which enables our Plan to account for all Commission resources. We have presented performance goals and steady state functions for each Strategic Goal; the figures for these five Strategic Goals, when summed, reflect the full FTE and funding levels of the President's FY 2005 budget submission for the Commission.

For FY 2005, the Commission has placed a major emphasis on furthering its interactions with external parties to increase the value of its services and oversight operations. As an example, we plan to establish appropriate contacts with consumer protection agencies at the state and local levels to inform them how we can assist in redressing transportation-related complaints. We also intend to strengthen relationships with

government agencies responsible for maritime security to facilitate our mutual efforts to identify and address potential security threats. And we propose to improve our communication with the media, industry representatives, and other stakeholders to increase public awareness of Commission programs and policies, and to help address concerns before they become problems.

Our FY 2005 Plan also 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. 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. As aforementioned, we have set forth agency performance goals and steady state functions under each of our Strategic Goals. Each performance goal has been stated as a narrow, measurable objective. For each performance goal, we have identified the related "means to achieve" from the Strategic Plan, 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.

*Related Strategic Goals/Outcomes/Means* - A specific action identified in the agency's Strategic Plan as one means of achieving a particular Strategic Goal (actions to accomplish Strategic Goals).

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

*Outcome* - Intended result or consequence of carrying out the 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 efforts, and have responded to any inquiries. 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. Rulemakings and formal inquiries also were effective in soliciting industry views on particular issues. And, the Commission continued its regular seminars conducted by agency staff at various locations around the country, which provide a valuable forum for the exchange of information with the industry and the shipping public. We expanded on this concept late in FY 2004 by holding the first of what will be periodic briefings by industry experts designed to provide Commission staff with valuable information on industry services, operations, business practices, and regulatory concerns. The opinions and comments we received via these various efforts have assisted us in developing our performance goals and implementing approaches.

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.

**STRATEGIC GOAL: Efficient Regulatory Process** - 37 FTEs and \$5,743,000 will be required to accomplish this goal.

**2005 Steady State Activities:**

- Adjudication and resolution of complaints.
- Adjudication and resolution of investigatory proceedings, including fact-findings and show cause proceedings.
- Issuance of rules through the rulemaking process.
- Commission decision-making activities through meetings (formal and notation) that comply with the Government in the Sunshine Act.
- Public information and assistance processes such as press relations, responses to legislative and regulatory inquiries, and compliance with Freedom of Information Act and Privacy Act requirements.
- Other regulatory processes, including activities such as appeals of delegated authority actions, policy issuances, and formal petition processes.
- Providing timely legal counsel to the Commission in order to facilitate regulatory action that is consistent with statutory mandates, representing the Commission's interest in matters before Congress and OMB.
- Reviewing and refining Commission rules to determine their economic impact and ensure that they reflect the current industry environment, as well as meet the needs of the Commission's regulatory mandate.
- Compiling, organizing, and maintaining Commission records.
- Monitor, review and modify, as necessary, Commission regulations to address changing trade conditions, industry practices or statutory modifications.

<b>Performance Goal</b>	<b>Related Strategic Goals/Outcomes/Means</b>	<b>Outcome</b>	<b>Performance Indicator</b>	<b>Process/Activity</b>	<b>Performance Measure/Evaluation</b>
1.Promote the use of ADR to potential users & provide conflict resolution training to Commission managers.	Refine ADR Process.	Increased awareness & utilization of ADR by the industry, & Commission managerial officials better prepared to deal with human resource conflicts.	Increased use of ADR to resolve industry disputes, & improved Commission productivity.	Presentations & training sessions provided by the ADR function, whether by Commission officials or outside presenters/trainers.	-Number & variety of presentations & training sessions provided. -Feedback from participants.
2.Develop options for updating & modernizing the Commission's Rules of Practice & Procedure, including exploring the ability to utilize technology for electronic filing.	Review Procedural Rules.	-Definitive analysis of effect of prospective changes on the regulatory process, & 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.	Report to Commission with analysis of options & recommendations on what changes are warranted.	-Meetings are scheduled to present ideas, gather information & study options.  -Report to be filed with Commission with findings.  -Task force co-chaired by GC & Secretary, with legal input from ALJ & technical input from CIO, & participation by program bureaus.	-If public comment is solicited, assess comments received from industry & public.  -Final Commission determination of staff recommendation.  -Assess impact of any proposals finalized.
3.Develop automated FMC-18 to permit electronic filing & explore feasibility of electronic payment & e-signature capability.	Encourage use of electronic filing.	-Permit public the option to file Form FMC-18 electronically rather than typing & mailing form into the FMC.	-Volume of applications filed electronically.  -Feedback from filers & FMC staff.	-Design input screens & directions to facilitate application process.  Include various user-friendly features such as track progress of application, facilitate	-Number of applications filed electronically.  -Reduction of administrative processing time of applications.

-Reduce FMC administrative processing time of application.

-Easy accessibility to all information on Form FMC-18 for staff.

-Applicants can track progress of their applications online.

-Applicants have various options of payment.

-Applicants can sign application electronically.

-Allocation of FMC resources.

filing amendments to current application or provision of supplemental information & documentation, & 24 X 7 access to filing system.

-Develop standard procedures & systems to streamline & reduce processing time of applications.

-Perform internal audit to ensure data quality (accuracy, completeness, etc.) & security of system.

-Feedback from industry.

**STRATEGIC GOAL: Compliance** - 36 FTEs and \$5,403,000 will be required to accomplish this goal.

**2005 Steady State Activities:**

- Reviewing and maintaining a database of SCs between ocean common carriers and shippers, and using this database to guard against anticompetitive practices and other unfair prohibited activities under the 1984 Act.
- Ensuring that common carriers' rates and charges are accessible to the shipping public in private, electronically accessible systems.
- Ensuring that OTIs maintain bonds that protect the shipping public from financial losses.
- Providing formal and informal legal opinions and guidance to the Commission's staff and the general public to ensure clarity and understanding of Commission rules and regulations.
- Administering the Commission's international affairs program.
- Liaisoning with other agencies regarding maritime security.
- Reviewing operational and pricing agreements among ocean common carriers and marine terminals to ensure that they do not unduly restrict competition.
- Issuing passenger vessel certificates evidencing financial responsibility of vessel owners or charterers to pay judgments for personal injury or death or to repay fares for the nonperformance of voyage or cruise.
- Licensing OTIs to protect the public from unqualified, insolvent, or dishonest companies.
- Responding to informal complaints and informal inquiries from Congress and the public relating to Commission responsibilities.
- Acting as a liaison between the FMC and the public by responding and/or coordinating agency responses to public inquiries.
- Maintaining a specialized maritime law library for agency and public use.
- Conduct audit activity of regulated entities, including OTIs and VOCCs, to promote and ensure compliance with applicable statutes and Commission regulations.
- Respond to inquiries and complaints from the regulated industry and shipping public. Provide information, assistance and forms necessary to comply with applicable statutes and Commission regulations, including educational seminars.

<b>Performance Goal</b>	<b>Related Strategic Goals/Outcomes/Means</b>	<b>Outcome</b>	<b>Performance Indicator</b>	<b>Process/Activity</b>	<b>Performance Measure/Evaluation</b>
1. Develop public relations strategies & programs.	Foster dialogue w/industry.	<p>-Improve/establish relationships/image w/media, industry &amp; government instrumentalities.</p> <p>-Establish lines of communication w/constituents &amp; others to address concerns before they become problems.</p> <p>-Increased public awareness of Commission policies &amp; programs.</p>	<p>-Increased media contacts and/or more stories/articles re FMC activities in media outlets, particularly non-industry media.</p> <p>-Increased FMC representation at public meetings, particularly of the nontraditional variety, i.e., shippers, travel agents, etc.</p> <p>-More frequent contact/interaction w/individuals from the public, media &amp; industry.</p>	<p>-Meetings w/media, industry &amp; government representatives.</p> <p>-Attendance at conferences &amp; meetings, both social &amp; business.</p> <p>-Develop a plan for producing brochures &amp; other educational publications.</p> <p>-ADR</p> <p>-Explore webcasting for Commission meetings.</p>	<p>-Wider distribution of FMC publications.</p> <p>-More contacts w/media, industry &amp; other government representatives.</p>
2. Enhance industry outreach.	Increase outreach to industry.	<p>-Increased level of communication between agency &amp; industry stakeholders.</p> <p>-Positive &amp; effective relationships between agency representatives &amp; industry representatives.</p>	<p>-Number of outreach activities and FMC-sponsored seminars, and types of conferences attended.</p> <p>-Greater FMC voice in industry press.</p>	<p>-Improved staff-wide conference attendance.</p> <p>-Continue FMC-sponsored seminars.</p> <p>-Increased proactive press contact regarding FMC activities &amp; oversight initiatives.</p>	<p>-Number of seminars held &amp; feedback on quality of participation.</p> <p>-Improved Commission representation at select seminars/conferences relevant to agency oversight responsibilities.</p> <p>-Quantity &amp; quality of positive press coverage.</p>

-Greater industry awareness of benefits of FMC oversight.

3. Provide opportunity for VOCCs to establish a “best practices” program to limit participation of unlawful entities in ocean transportation. Increase outreach to industry.

-Promote equitable competition among entities acting as OTI service providers.

-VOCCs advised of opportunity to adopt “best practices” program.

-Use educational programs & public notice to advise VOCCs of “best practices” opportunity.

-Review of outreach & educational efforts & materials developed to advise industry of “best practices” opportunity.

-Promote voluntary compliance by vessel operators w/regard to statutory requirements to provide transportation services & service contracts to lawful OTI entities.

-Reduction in number of unlawful OTIs receiving ocean transportation services.

-Give appropriate “mitigation” recognition to entities with “best practices” programs in enforcement actions.

-Number of entities adopting “best practices” programs for voluntary compliance efforts.

-Usage of “best practices” in mitigation of enforcement actions.

-Improve maritime security by curtailing unlawful participation in the ocean transportation system.

**STRATEGIC GOAL: Balanced Enforcement** -16 FTEs and \$2,313,000 will be required to accomplish this goal.

**2005 Steady State Activities:**

- Investigating discriminatory rates, charges, classifications, and practices of common carriers, terminal operators, and OTIs operating in the foreign commerce of the U.S.
- Representing the FMC before U.S. courts and other administrative agencies.
- Reviewing staff recommendations and initial decisions for legal sufficiency and preparing final decisions and orders.
- Regulating rates, charges, and rules of government-owned or -controlled carriers to ensure that they are just and reasonable and are not unfairly undercutting private competitors.
- Protecting shippers and carriers engaged in the foreign commerce of the U.S. from restrictive or unfair foreign laws, regulations or business practices that harm U.S. shipping interests or ocean trade.
- Prosecute formal proceedings initiated by the Commission.
- Monitor activities and conduct investigations of regulated entities and of SC activity to ensure compliance with statutes and regulations administered by the Commission.
- Conduct non-adjudicatory fact-finding proceedings as directed by the Commission.
- Provide liaison between the Commission and the shipping industry, the public and other governmental entities.
- Coordinate and cooperate with other government entities to improve homeland security by effective exchange of information and assistance regarding foreign ocean transportation.

<b>Performance Goal</b>	<b>Related Strategic Goals/Outcomes/Means</b>	<b>Outcome</b>	<b>Performance Indicator</b>	<b>Process/Activity</b>	<b>Performance Measure/Evaluation</b>
1.Contact & educate consumer protection agencies on the state & local government level regarding Commission programs & remedies to protect & assist the public from the unlawful activities of transportation providers & intermediaries.	Increase dealings with industry & government.	<p>-Commission can provide assistance to consumer protection agencies in redressing transportation complaints.</p> <p>-Agencies can direct the Commission to entities unlawfully providing transportation services.</p>	Number of agencies contacted & identification of information provided & educational programs conducted.	<p>-Secretary &amp; Dir., Operations, coordinate &amp; conduct outreach, &amp; educational efforts reach agencies &amp; entities most likely to address ocean transportation concerns.</p> <p>-Disseminate materials discussing FMC &amp; its functions for distribution by other agencies &amp; entities.</p> <p>-Appear at seminars &amp; meetings to discuss FMC &amp; its functions.</p>	<p>-Number of agencies contacted &amp; educational programs conducted.</p> <p>-Feedback from consumer agencies &amp; the public with regard to Commission efforts.</p>
2.By 6/30/05, redesign internal agreement database to enable more efficient oversight of agreement activities.	Monitor competitive trade conditions.	<p>-Identification of agreements that have the potential for unreasonable market distortions.</p> <p>-Shifting of resources from those agreements that have little or no competitive impact to focus on those which possibly could distort the market.</p>	<p>-Ability to identify readily agreements for specific monitoring.</p> <p>-Number of shipper complaints.</p> <p>-Number of Commission agreement initiatives.</p> <p>-Number of requests for specific database reports from agency components.</p>	<p>-Review current agreement elements to determine which are outdated &amp; what new ones should be added.</p> <p>-Confer w/other agency components for their input on what current elements are still useful &amp; what additional elements would better support their program goals &amp; objectives.</p>	<p>-Fewer shipper complaints regarding agreement activities.</p> <p>-Feedback from users of the database reports on the effectiveness &amp; efficacy of such information in support of their program goals &amp; objectives.</p> <p>-Instances of agency interventions to address potential abuses.</p>

- More in-depth analyses of potentially problematic agreements resulting in a greater incidence of Commission agreement initiatives to address possible abuses.
- Number of agency inquiries to agreement parties regarding their activities.
- Review effective agreements to ensure accurate coding of agreement authorities into the database.
- Design database reports to meet the needs of various agency components.
- Fewer instances of market-distorting activities adversely affecting the shipping public.
- Quicker agency response to potential problems.

3. Review results of major enforcement actions (e.g., those targeted at anti-competitive practices of ports & ocean common carriers) during the past 3 years to assess effectiveness of remedies.

Monitor competitive trade conditions.

- Assure practices of carriers or ports are not unlawfully anti-competitive.
- Remedies of past enforcement & compliance efforts have been properly implemented.
- In coordination with BTA & BCL, review reports, minutes & activities of entities previously subject to enforcement actions.
- Remedial actions taken and currently effective in addressing anticompetitive activities.
- Assure Commission vigilance in monitoring use of antitrust immunity.
- How effectively compliance directives have been implemented.
- Director, BOE ensures appropriate parameters for review & assessment are in place.

<p>4. Develop additional relationships w/other agencies w/responsibilities related to maritime security, including DHS, DOT &amp; intelligence agencies.</p>	<p>Cooperate w/government agencies for marine security.</p>	<p>-Increased interagency communications &amp; information-sharing regarding national security as it applies to the maritime industry.</p>	<p>-FMC continues to be represented at interagency meetings of the Container Working Group &amp; other relevant interagency groups or task forces.</p>	<p>-Chairman provides policy direction to OGC. -OGC continues to serve as liaison &amp; coordinates with Commission bureaus.</p>	<p>-Feedback on Commission representatives' participation in activities &amp; meetings.</p>
		<p>-Positive relations among relevant agencies &amp; enhanced understanding of the FMC's role in maritime security issues.</p>	<p>-FMC views &amp; participation are reflected in appropriate reports &amp; communications memorializing meetings or consultations concerning maritime security.</p>	<p>-Regular meetings w/relevant agencies are attended or initiated by FMC liaison.</p>	<p>-Number of meetings, contacts &amp; interagency activities.</p>
		<p>-Continued FMC contribution to interagency efforts to identify potential security threats.</p>	<p>-Cohesive relationships continue to be formed.</p>	<p>-Communications are submitted to agencies to memorialize meetings &amp; conversations or to report recent developments in maritime security issues.</p>	
		<p>-Coordinated efficient approach to maritime security challenges.</p>	<p>-Concerted information-sharing &amp; coordination of agency activities have been accomplished.</p>		

**STRATEGIC GOAL: Technological Efficiencies** - 18 FTEs and \$2,374,000 will be required to accomplish this goal.

**2005 Steady State Activities:**

- Implementing a wide range of IT programs and services, including operating the agency’s local area network, strategic planning for short- and long-term IT initiatives, IT security, data telecommunications, database development and management, and Internet page development and maintenance to enhance productivity and efficiency.
- Maintaining and updating internal databases to enhance the ability of the public and Commission to obtain relevant program-related information and enhance staff productivity.
- Converting Commission records into electronic format to enable easier public access to information.

Performance Goal	Related Strategic Goals/Outcomes/Means	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
1.Enhance the reliability & efficiency of SERVCON by ensuring that filers use proper electronic document file names to identify each SC submission.	Use technology to improve agency work processes.	-All new SCs filed in SERVCON have proper document file names.  -Eliminate targeted SCs that are unnamed in SERVCON & unretrievable by the FMC’s search engine.	-All targeted SCs are retrievable through the FMC’s electronic search engine.  -No omission of critical information that is obtainable only in confidential contracts is detected.	-Audit existing contracts incorrectly named.  -Develop approach to ensure proper SC file name.  -Determine process for eliminating improperly named SCs.  -Identify targeted SCs to be corrected.	-Reports/studies based on information contained in SC filings are reliable due to appropriate naming of unique electronic document files.  -Problems associated w/improper file names, based on random searches, are eliminated.
*In addition, other changes to flag contract documents transmitted into the SERVCON system with problems, e.g., retroactive effective date. This performance goal is being modified to accelerate the					

streamlining & usefulness of the system for anticipated short- & long-term growth.

2. Assure that 95% of the security on agency systems is in conformance w/Administration & Congressional mandates.

Follow OMB regs to meet GPEA/FISMA requirements.

-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.

-Compliance w/OMB guidance under FISMA and GPEA.

-No IT systems reported to have unauthorized access.

-No, or minimal, viruses reported that have impact on network operation or performance.

-Net IT systems will incorporate security plans.

-All systems report latest security & virus detection tool installed.

-IT office will work with program offices to ensure system development will follow SDLC & include required plans.

-IT office applies FISMA guidelines to IT investments.

-IT office will work w/program offices to provide feedback on security matters & implement controls.

-POA&Ms for FISMA report to OMB.

-Forms collections pursuant to e-filing processes.

-Receive minimal corrective action findings on IG independent audit.

3. Analyze the current FMC Internet website & develop a plan to create a more efficient & comprehensive design.

Automate agency systems.

-Information & participation from all bureaus/offices will ensure that website material is comprehensive & correct.

-Information currently on the website will be revised & edited to be more user-friendly &

-Participation of all agency bureaus/offices in designing & agreement on design.

-Presentation of recommendation to Chairman & SES.

-Positive feedback from Chairman & SES.

-Create task force w/representatives from bureaus/offices.

-Hold periodic group & individual meetings to discuss design templates & compilation of information.

-Final determination by Chairman to begin implementation of website redesign.

-Compliance with all OMB guidelines & proposed guidelines.

reflect OMB's proposed website guidelines.

-Any relevant information not currently on the website will be compiled & formatted for addition to the website.

-Issues regarding the technological implementation of the design will be identified.

-Create a design plan, both visual (templates, colors, graphics, etc.) & organizational (what information, how the information is presented, etc.).

-Compile new information.

-Comprehensive editing of both new & old information.

-Hold meetings w/OIT to discuss technological needs.

-Prepare & give presentation to Chairman & SES.

**STRATEGIC GOAL: Management Capabilities** -26 FTEs and \$3,662,000 will be required to accomplish this goal.

**2005 Steady State Activities:**

- Executing financial management policies and programs, including developing annual budget justifications for submission to the Congress and OMB, managing agency appropriations, administering internal control systems for agency funds, travel and cash management, and coordinating with contractors who provide accounting and payroll services.
- Fostering human resource management principles, including recruitment and placement, position classification and pay administration, occupational safety and health, employee assistance, employee relations, workforce discipline, performance management and incentive awards, employee benefits, career transition, retirement, employee development and training, personnel security, and equal employment opportunity.
- Ensuring the program operations of the agency are administratively supported via telecommunications, procurement of administrative goods and services, property management, office space, printing and copying, mail and records services, facilities and equipment maintenance, and transportation.
- Promoting economy and efficiency in the administration of the agency’s programs, and detecting waste, fraud and abuse in same via auditing agency operations.
- Providing guidance to staff regarding administrative matters, including procurement, personnel and contracting issues.
- Ensuring program compliance with various rules and regulations regarding such areas as forms clearance, Paperwork Reduction, Small Business Paperwork Reduction Act, and other Federally required reports and submissions.

Performance Goal	Related Strategic Goals/Outcomes/Means	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
1. Implement an IT CPIC process for the Commission’s major IT investments.	Train & provide IT to improve workforce productivity.	-Commission’s IT expenditure decisions make the best use of scarce agency resources.	-New IT systems support multi-program requirements.  -New IT systems will share data across the	-Commission will provide solid business cases for projects that request funds to support IT investments.	-Requests for IT project funding comport with OMB guidelines.  -IG audits.

		<ul style="list-style-type: none"> <li>-Complying with OMB Commission &amp; externally, guidance under ITMRA &amp; GPRA.</li> </ul>	<ul style="list-style-type: none"> <li>as required.</li> <li>-IG audits identify minimal corrective actions needed to improve IT program management.</li> </ul>	<ul style="list-style-type: none"> <li>-Formal IT CPIC issued in fourth quarter of FY 2005.</li> <li>-Bureau/office heads ensure staff follows policy guidelines when developing proposals for applications.</li> </ul>	
<p>2.Complete implementation of strategic linkage of agency planning, budgeting &amp; performance.</p>	<p>Integrate performance review with budget.</p>	<ul style="list-style-type: none"> <li>-Managers have more control/flexibility over resources.</li> <li>-Managers have timely, thorough &amp; accurate information to plan activities &amp; monitor business processes.</li> <li>-Agency ensures that its major priorities &amp; objectives drive the allocation of resources, &amp; that staff is managed &amp; appraised in line with accomplishment of clearly articulated performance goals.</li> <li>-Improved performance, better service to stake-holders, &amp; more</li> </ul>	<ul style="list-style-type: none"> <li>-FY 06 &amp; 07 budgets &amp; annual performance plans are completed in line w/stated goals &amp; outcomes.</li> <li>-FY 05 resources allocated via collaborative senior management process that appropriately funds relevant priorities/functions/objectives.</li> <li>-Staff more fully engaged in agency-wide planning/business processes.</li> <li>-Awards/incentives based on accomplishment of stated performance goals.</li> </ul>	<ul style="list-style-type: none"> <li>-Complete implementation of a process whereby all senior managers collaborate in the identification of relevant priorities/functions, allocation of all resources, &amp; the consistent assessment of staff performance.</li> <li>-FY 06 budget &amp; annual performance plan are completed via refined collaborative process.</li> <li>-Broader use of participative management to include all levels of agency staff in planning efforts &amp; identification of most</li> </ul>	<ul style="list-style-type: none"> <li>-Feedback from OMB &amp; Congressional Committees.</li> <li>-Chairman's assessment of agency operations to ensure desired linkage occurred.</li> <li>-Managers' assessment of staff performance.</li> <li>-Managers' assessment of various business processes to determine impacts on efficiency/effectiveness.</li> </ul>

cost-effective use of  
resources.

viable regulatory  
approaches/actions.

-Budgets are  
developed based on  
agency-wide  
assessments, as  
opposed to singular  
bureau/office views.