

# Federal Maritime Commission

## Proposed FY 2022-2026 Strategic Goals and Stewardship Objective

### Draft Strategic Goals

**Strategic Goal 1:** Maintain a competitive and reliable international ocean transportation supply system.

**Objective 1.1:** Ensure that actions under filed agreements do not result in unreasonable increases in transportation costs and/or unreasonable decreases in transportation services.

**Performance Measure:** Percentage of newly filed vessel sharing agreements and amendments to agreements analyzed and presented to the Commission within 32 days.

**Validation:** This outcome goal is measured using data from the eAgreements electronic filing system and tracking the time elapsed between the agreement submission and review.

**Performance Measure:** Percentage of agreement monitoring reports reviewed within 30 days of receipt to detect actionable information including market-distorting behavior.

**Validation:** This outcome goal is measured using data contained in the eMonitoring system used for the electronic filing of agreement monitoring submissions. Performance is measured by comparing the file receipt date to the date that the filing was reviewed by staff analyst. The data is constantly under review and frequently updated.

**Objective 1.2:** Develop and implement a comprehensive monitoring program to assess covered services defined in 46 U.S.C. § 40102(5).

**Performance measure:** Percentage of alternative agreement reports indicating joint contracting/procurement of covered services analyzed and escalated to regular monitoring status within 30 days of receipt to ensure systematic analysis of data for actionable information.

**Validation:** This outcome goal is measured using data from a dedicated FMC email address. Performance is measured by reviewing information received via email and identifying whether reports indicating covered services are moved from this system to eMonitoring system within 30 days.

**Strategic Goal 2:** Protect the public from unlawful, unfair, and deceptive ocean transportation practices.

**Objective 2.1:** Identify and take action to deter unlawful, unfair, and deceptive practices.

**Performance Measure:** Percentage of enforcement actions taken under the Shipping Act successfully resolved through favorable judgment, settlement, compromise agreement, issuance of default judgment, or warning letter or notice.

**Validation:** This outcome goal is measured by examining enforcement case inventory and physically counting the number of cases resolved. The inventory is maintained for case load management, and monthly and quarterly reporting purposes. The data is constantly under review and frequently updated.

**Performance Measure:** After pre-enforcement contact and education from an Area Representative, percentage of contacted unlicensed OTIs that submit license applications in response.

**Validation:** This outcome goal is measured by correlating Area Representatives approved pre-enforcement case inventory with the data and notices on the status of Ocean Transportation Intermediary (OTI) licenses. This data is collected and maintained by the Bureau of Certification and Licensing on the Regulated Persons Index (RPI) and the list of FMC Licensed & Bonded OTIs. The data is constantly under review and frequently updated.

**Objective 2.2:** Prevent public harm through licensing and financial responsibility requirements.

**Performance Measure:** Percentage of decisions on completed OTI license applications rendered within 60 calendar days of receipt, facilitating lawful operation of OTIs with appropriate character and experience requirements.

**Validation:** This outcome goal is measured by comparing the total number of OTI applications assigned to an analyst (X) and the number of renewals completed by

an analyst on or before the 60<sup>th</sup> calendar day following assignment (Y) during a specific time period. The outcome goal is calculated as  $(Y / X) \times 100 = \%$

**Performance Measure:** Percentage of license renewals completed on or prior to the 3-year renewal deadlines to timely verify regulatory compliance.

**Validation:** The Completion Status Report, generated in the license renewal system, provides the total number of renewals completed (X) and the number of renewals completed on or before the renewal deadline (Y) during a specific time period. The outcome goal is calculated as  $(Y / X) \times 100 = \%$

**Performance Measure:** Percentage of PVOs examined during the year that have the full financial coverage required by regulation to protect against loss from non-performance or casualty.

**Validation:** This outcome goal is measured by comparing reported financial coverage amounts against required coverage amounts. Approximately 200 cruise vessels are registered in and monitored by the Commission's Passenger Vessel (Cruise) Operator program. Operators covered by this program file semi-annual, monthly, and weekly unearned passenger revenue reports. This information is used to compare reported coverage against required coverage amounts.

**Objective 2.3:** Enhance public awareness of agency resources, remedies, and regulatory requirements through education and outreach.

**Performance Measure:** Percentage of Commission issuances, orders, and reports available through the Commission's website within 5 working days of receipt.

**Validation:** This outcome goal is measured by reviewing the workflow processes for posting documents to the Commission's website docket activity logs. The date that each docket activity log is updated with new filings or issuances is compared to the date the document is filed with or issued by the Commission in a particular proceeding. The case logs are used on a daily basis by agency staff and by the public, and as such, any discrepancies are discovered and remedied quickly.

**Objective 2.4:** Impartially and timely resolve international shipping disputes through alternative dispute resolution and adjudication.

**Performance Measure:** Percentage of dispute resolution matters closed within 6 months of request for assistance.

**Validation:** This outcome goal is measured using data maintained by the Commission on each dispute resolution matter opened. Cases are opened upon the request of the public for assistance and are subject to the normal fluctuations in businesses and consumers seeking help from the Commission. Cases are closed upon resolution, voluntary termination by the parties, refusal to participate or failure to respond by a party or when the CADRS mediator determines that particular issues prevent the possibility for successful resolution.

**Performance Measure:** Percentage of formal complaints or Commission-initiated orders of investigation completed within 2 years of filing or Commission initiation.

**Validation:** This outcome goal is measured by using docket activity logs maintained by the Commission and used for docket management, and monthly and annual reporting purposes. The docket logs are used on a daily basis by agency staff and by the public, and as such, any discrepancies are discovered and remedied quickly.

## Draft Stewardship Objective

**Stewardship Objective: Advance the FMC's mission through organizational excellence and efficiency.**

**Stewardship Sub-objective 1:** Strengthen infrastructure and effective resource management.

**S.1.1.** Manage risks and continue mission essential operations.

**Performance Measure:** COOP activities, including annual training, quarterly notification exercises, and an annual COOP exercise conducted throughout the year consistent with the FMC COOP Plan.

**Validation:** Complete and document all activities between July 1 and June 30. Sources include annual training materials and sign-in sheets/confirmation emails and after-action reports.

**S.1.2.** FMC's financial management systems and practices demonstrate fiscal responsibility and proper accounting.

**Performance Measure:** Achieve an 'unmodified (clean) opinion' from the Independent Auditors on the Commission's fiscal year's end financial statements. (Data: Office Inspector General Independent Auditor's Report)

**Validation:** This outcome goal is a 'unmodified (clean) opinion' by the Office of the Inspector General's Report on findings from the independent auditor's review of the FMC's annual financial statements and internal controls over financial reporting. Each year, the independent auditors review approximately seventy-five processes, documents, procedures, checklists, transaction types, reports, etc. that are all considered as part of the overall final assessment.

**S.1.3** Information Technology is optimized and IT systems are protected.

**Performance Measure:** Percentage of the overall cybersecurity compliance with mandates that are issued.

**Validation:** This objective is measured through the report card from the Cybersecurity and Infrastructure Security Agency (CISA) report card.

**S.1.4** Maintain the Commission’s cloud-based website to allow industry access to FMC resources and applications.

**Performance Measure:** FMC website uptime percentage.

**Validation:** This objective is measured through the Commission’s Azure server uptime report.

**Stewardship Sub-objective 2:** Foster a high performing, engaged, and diverse workforce where staff understand how their efforts contribute to the goals of the Commission.

**S.2.1** Management promotes a culture that is open, diverse, and inclusive.

**Performance Measure:** Benchmarking EEI index is above the average for Small Agencies; no more than 10% drop from the prior year.

**Validation:** Annual employee responses from the Federal Employee Viewpoint Survey (FEVS) and employee feedback received from exit interviews.

**S.2.2** Management promotes a results-oriented performance culture.

**Performance Measure:** Staffing levels within 5% (above or below) the beginning of FY planned FTE as measured at the end of the FY.

**Validation:** End of year staffing data; quarterly reports to the Office of the Managing Director.

**Performance Measure:** Percent of staff with the majority of (3 or more expectations per performance element) performance goals rated as meeting the characteristics of a SMART goal. Targets are for non-SES/supervisor staff. SES and supervisor targets exceed listed staff targets.

**Validation:** Review of Performance Plans each performance year.