

FEDERAL MARITIME COMMISSION



FINAL ANNUAL PERFORMANCE PLAN

FOR FY 2001

May 2000

INTRODUCTION

This document comprises the Federal Maritime Commission's Annual Performance Plan for FY 2001. As set forth in the Government Performance and Results Act 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.

This Performance Plan differs from our FY 1999 and FY 2000 Plans in two respects. First, it more completely reflects the Commission's new statutory responsibilities and mandates under the Ocean Shipping Reform Act of 1998 ("OSRA"). While our FY 2000 Plan reflects certain impacts of OSRA, we now are in a position in our FY 2001 Plan to base our performance goals and outcomes more fully on the altered oversight responsibilities we assumed pursuant to OSRA.

Second, our FY 2001 Plan is presented in accordance with the Budget Program Activities that resulted from the agency's reorganization of February 27, 2000. This reorganization was effectuated to enable the Commission to more effectively accomplish its new statutory mission under OSRA. Additionally, it sought to streamline agency operations where possible to enhance our oversight efforts, and reallocated agency resources to improve the efficiency and effectiveness of our daily activities. As in our prior Plans, our intent is to achieve desired results via the approaches and processes best suited to our budgetary and resource situations. The FMC has streamlined its organizational structure so that we now have five Budget Program Activities as opposed to six (two prior Activities have been combined into one so as to remove unnecessary management layers). We also have reallocated responsibilities and resources, and established new functions in two of our Program Activities. The five Budget Program Activities under our reorganization are: (1) Formal Proceedings, (2) Operational and Administrative, (3) Trade Analysis, (4) Consumer Complaints and Licensing, and (5) Enforcement.

The Commission continues to tailor its annual performance plan to comport 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. Additionally, the Commission has undergone an unusually exhaustive evaluative process with respect to its statutory goals and performance due to legislative

proposals which culminated in our new statute, OSRA, that significantly changed a number of its major functions.

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 program activities reflected in our budget submission. 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 outcome, the processes and resources required to accomplish it, an appropriate performance indicator, 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).

It should be noted that, in response to the legislative reform effort that resulted in OSRA, every segment of the maritime industry has taken the opportunity to inform Congress of its assessment of the Commission's current statutory goals and our performance of them. This assessment of Commission activities continues today.

Our oversight committee in the House of Representatives held a hearing on May 3, 2000, to assess the industry one year after OSRA's effectiveness. The Commission's Chairman testified at that hearing, as did representatives from various sectors of the industry. Additionally, the House Judiciary Committee held a hearing in March 2000 to review antitrust immunity in ocean shipping. Again, our Chairman and leading representatives of the industry testified. Moreover, the Commission has acted on several petitions for either reconsideration of its OSRA rules or clarification of Commission policy under this new statute. We remain in daily contact with all sectors of the industry, and Commission oversight operations under OSRA continue to be the subject of news articles, conferences, seminars, and other industry events.

Accordingly, the industry has provided the Commission with a clear perspective of what the Commission's future goals should be. While there is no consensus, 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 an extensive outreach effort when developing this plan.

The Commission has provided all employees with copies of this performance plan. We also have modified all employee performance plans to ensure that they comport with the agency's Strategic and Annual Performance Plans, and that they contain specific elements and standards aimed at achieving the agency's strategic and performance goals. Performance of managers and staff will be evaluated in part on how they achieve the objectives in this plan.

FMC MISSION

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

Ensure the Nation's interests are met through an efficient, competitive, market-driven, and nondiscriminatory ocean transportation system that is free of unfair foreign maritime trade practices.

The basic principles of liner shipping regulation still are being challenged. The shipping industry continues to restructure itself, while shippers place an increasing importance on rates and service. International trade remains dependent upon an efficient and economic ocean transportation system. And OSRA significantly changes the commercial environment and oversight of U.S. ocean shipping. Therefore, it is imperative that the FMC identify the actions necessary to ensure that its regulatory and legislative initiatives produce a competitive and nondiscriminatory trading environment in the U.S. ocean commerce that is in harmony with and responsive to international shipping practices. 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 costs. Our actions also must encourage the development of a sound U.S.-flag liner fleet, and allow the dynamics of the marketplace to prevail. Accordingly, and in conformity with the Shipping Act of 1984, as amended by OSRA, the FMC has established the following four strategic goals.

FMC STRATEGIC GOALS

1. *Compliance:* Promote the development of U.S. exports and the efficiency of ocean shipping by ensuring compliance with shipping statutes administered by the FMC.
2. *Balanced Enforcement:* Foster economic efficiencies and reliance on marketplace factors by administering U.S. shipping statutes in a balanced and equitable manner that redresses excessive anticompetitive actions and restrictive practices of foreign governments.
3. *Efficient Regulatory Process:* Promote a timely, efficient and decisive regulatory process, to enable all segments of the industry to plan and conduct their operations more effectively and with minimal regulatory costs.
4. *Internal Capabilities:* Ensure the FMC has the organizational ability and the managerial leadership necessary to meet its regulatory, enforcement and educational responsibilities.

LINKAGE BETWEEN MISSION STATEMENT AND STRATEGIC GOALS

Our strategic goals address all important FMC programmatic, policy, and management responsibilities. They were developed with a specific focus on accomplishing the basic thrusts of our mission.

Therefore, Strategic Goal No. 1 is designed to enable the FMC to carry out its regulatory mandates concerning international waterborne commerce in a manner that ensures compliance with the substantive provisions of the shipping statutes it administers. 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. Curbing other malpractices should enable all industry participants to concentrate on fair and legal means of increasing operational efficiency, secure in the knowledge that competitors are not engaging in widespread illegal actions aimed at enhancing short-term bottom-line profits without concern for the harmful long-term effects on the industry. Effective accomplishment of this goal also can help to promote the growth of U.S. exports.

The purpose of Strategic Goal No. 2 is to foster economic efficiencies and reliance on typical 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, competitive, market-driven ocean transportation system. We must be prepared to address malpractice activity that has market-distorting consequences. And our continuing efforts to effectively address the actions of foreign governments that adversely affect our foreign trade and U.S. interests operating in that trade comport with that aspect of our mission aimed at creating an environment "free of unfair foreign maritime trade practices."

The primary intention of Strategic Goal No. 3 is to minimize regulatory costs by increasing the efficiency and decisiveness of the FMC's various regulatory processes. Increasing our efficiency and timeliness will produce more expedient action to address matters that are perpetuating discrimination or precluding industry efficiency, thereby reducing the industry's costs in pursuing matters before the Commission. More decisive action on our part will help to remove uncertainties as to statutory interpretations or the application of FMC rules. Such uncertainties can delay either operational efficiencies or technological changes which would foster a more economical ocean shipping system.

Finally, we have developed a single comprehensive goal designed to improve internal Commission management and operations. Enhancing our management

oversight and improving employee morale can both foster the accomplishment of various Administration directives and programs in this regard, while putting us in a position to more effectively address the specific aims of our mission.

Achieving these mission-driven goals will enable us to effectively 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

- Related Strategic Goals:**
2. *Balanced Enforcement:* Foster economic efficiencies and reliance on marketplace factors by administering U.S. shipping statutes in a balanced and equitable manner that redresses excessive anticompetitive actions and restrictive practices of foreign governments.
 3. *Efficient Regulatory Process:* Promote a timely, efficient and decisive regulatory process, to enable all segments of the industry to plan and conduct their operations more effectively and with minimal regulatory costs.

Performance Goal	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
<p>By 6/30/01 increase information/data distributed through the Commission's homepage to include, at a minimum, ALJ initial decisions, significant Commission & ALJ interlocutory decisions, and all Commission Orders of Investigation, Show Cause Orders or similar documents.</p>	<ul style="list-style-type: none"> - Provide broader dissemination of Commission & ALJ decisions. - Enhance efficiency of agency operations by reducing costs & time expended on reproducing & disseminating documents. 	<ul style="list-style-type: none"> - Secretary's Office monitors issuances placed on homepage. - Increased number of "hits" on FMC homepage in last quarter FY 2001. 	<ul style="list-style-type: none"> - Secretary's Office & OIRM coordinate on timely placement of issuances on homepage. - Originating offices, i.e., ALJ, GC or BOE, coordinate with Secretary's Office to ensure concurrent publication in hardcopy & electronic form. 	<ul style="list-style-type: none"> - Assess annual reproduction costs to determine if reduced. - Feedback from regulated entities & interested parties.

Performance Goal	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
<p>Continue to streamline responses to FOIA requests, with average response time no greater than 15 working days from date of receipt (5 days less than the statutory requirement).</p>	<ul style="list-style-type: none"> - Provide requesters with releasable information in a timely & efficient manner. - Enable parties to plan & conduct operations more effectively. 	<ul style="list-style-type: none"> - Actual length of time to respond to FOIA requests. 	<ul style="list-style-type: none"> - FOIA Officer monitors date of receipt & response date. - Disseminate requests to staff components who may have requested documents no later than 2 days from the date of receipt, & shorten the return date to the FOIA Officer. - FOIA Officer expedites & streamlines process for reviewing responsive documents as to their releasability. 	<ul style="list-style-type: none"> - Feedback from requesters. - Required annual reports on FOIA activity.
<p>Ensure that the Permanent Task Force on International Affairs identifies both foreign laws and practices that disadvantage U.S. shipping and other foreign or multilateral developments that may impact the Commission's programs, and provides appropriate analysis, options, or recommendations to the Commission or program offices.</p>	<ul style="list-style-type: none"> - Appropriately addresses unfair non-market barriers to U.S. ocean commerce. - Adds value to program area decisionmaking by providing information about potential international effects and implications. - Helps eliminate restrictions or requirements that unjustly disadvantage U.S. interests. - Increases reliance on marketplace factors in U.S. ocean trade. 	<ul style="list-style-type: none"> - Regular reports, updates, and analyses to the Commission or affected program offices to promptly notify of developments in foreign shipping laws or practices. - Submit 2 general briefing papers to FMC during course of the fiscal year. - Prompt response to requests for information on international affairs matters from the Commission, program offices, other U.S. foreign government agencies or FMC stakeholders, as appropriate. 	<ul style="list-style-type: none"> - Task Force of attorneys, economists & trans. specialists (headed by Asst. GC) who meet regularly to address involved matters. - Task Force performs research & analysis, exchanges information & prepares updates & recommendations to FMC. - Head of Task Force engages in and reports on regular discussions w/U.S. executive agencies, & contacts w/representatives of foreign governments. 	<ul style="list-style-type: none"> - GC monitors Task Force activities. - Reports to FMC. - Feedback from executive agencies, U.S.-flag carriers & affected U.S. interests. - Annual Report to Congress & budget submissions to OMB/Congress.

Budget Program Activity: Operational and Administrative

- Related Strategic Goals:**
1. *Compliance:* Promote the development of U.S. exports and the efficiency of ocean shipping by ensuring compliance with shipping statutes administered by the FMC.
 3. *Efficient Regulatory Process:* Promote a timely, efficient and decisive regulatory process, to enable all segments of the industry to plan and conduct their operations more effectively and with minimal regulatory costs.
 4. *Internal Capabilities:* Ensure the FMC has the organizational ability and the managerial leadership necessary to meet its regulatory, enforcement and educational responsibilities.

Performance Goal	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
<p>Prepare a report on the impact of OSRA identifying industry practices since the passage of that Act, and evaluating effects of those practices on U.S. ocean commerce. Final report with findings and any recommendations to be issued by 7/30/01.</p>	<ul style="list-style-type: none"> - Advise Congress and the Administration of the impact of the changes resulting from this major legislative reform, to facilitate consideration of any potential additional changes or refinements. - Enable FMC to recommend possible changes to achieve Congressional policy objectives regarding U.S. ocean commerce and international trade. - Apprise industry of general overall impact of Act to enhance its strategic and operational planning and to provide flexibility in conducting business. - Facilitate FMC oversight efforts. 	<ul style="list-style-type: none"> - Final report timely issued. - Assist Congress in its policy-making determinations. - Report provides useful, accurate information concerning industry operations and effects of OSRA. - Enhance FMC's ability to effectively administer oversight role via initiation of necessary rulemakings, redirection of operations, and reallocation of resources. 	<ul style="list-style-type: none"> - Small working group headed by agency senior executive. - Informal consultations/discussions with all sectors of industry to confirm relevant areas for review. - Formal process to obtain industry comments. - Staff compiles/analyzes data and information, and prepares draft report for Commission consideration. 	<ul style="list-style-type: none"> - Lead SES monitors staff activities and ensures timely completion of high-quality product. - Commission assessment of staff work product. - Feedback from Congressional officials and industry entities on report and any recommendations.

Performance Goal	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
<p>Develop by 3/31/01 a competitive SES Candidate Development Program to be used for selecting qualified employees to fill future leadership positions in the agency's SES corp.</p>	<ul style="list-style-type: none"> - Efficient, orderly, and procedurally correct process for identifying, selecting, and eventually training employees who can assume Senior Executive positions. - Agency is better prepared to fill impending executive vacancies with qualified & trained successors. 	<ul style="list-style-type: none"> - Final plan comports with all procedural, legal and personnel requirements. - Plan for program approved by Chairman in second quarter FY 01. - Program ready for implementation, budget circumstances permitting, by 3/31/01. - Candidates are selected, budget circumstances permitting, prior to end of FY01. 	<ul style="list-style-type: none"> - Agency ERB performs research/analysis and develops plan. - Agency Training Officer & Director of Human Resources assist ERB in developing program. - Chairman approves final plan, which is forwarded to OPM for approval. - ERB implements plan, budget circumstances permitting, by receiving/reviewing applications, interviewing candidates, and recommending selections to Chairman. - Chairman selects final candidates. 	<ul style="list-style-type: none"> - Chairman monitors activities of ERB. - ERB submits reports to Chairman. - Agency obtains OPM approval for program.

Performance Goal	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
<p>By 3/31/01, assess agency's February 2000 reorganization to determine if it is facilitating accomplishment of OSRA's objectives, resources continue to be allocated to obtain optimal efficiency, and further streamlining or organizational changes dictated by current industry circumstances or Administration/Congressional policy directives are necessary.</p>	<ul style="list-style-type: none"> - Agency is best positioned to implement Congressional and Administration policy objectives for U.S. ocean shipping. - Appropriate resource allocation to enhance efficiency and facilitate accomplishment of agency strategic objectives and performance goals. - More effective assistance to industry in its attempts to comply with shipping statutes. - Enhance ocean commerce business operations by more timely providing certainty as to acceptable activities/ operations. 	<ul style="list-style-type: none"> - Agency's appropriation for FY 2001 enables effectuation of any changes deemed necessary. - Necessary changes/refinements identified by 3/31/01. - Necessary changes implemented by 7/31/01. 	<ul style="list-style-type: none"> - Executive Director's Office develops plan to assess operations to date, to include: consultations with SES/agency managers, evaluation of efficiency and success of major program activities, assessment of the timeliness and effectiveness of delegated authority actions, - Draft recommendations presented to Chairman. - Chairman decides on appropriate changes via normal deliberative process. 	<ul style="list-style-type: none"> - Chairman monitors via ongoing discussions with Executive Director and biweekly meetings with SES. - Redirection of resources and processes as appropriate by 7/31/01. - Increase of timeliness and quality on major projects as well as routine matters handled via delegated authority.

Budget Program Activity: Consumer Complaints & Licensing

- Related Strategic Goals:**
3. *Efficient Regulatory Process:* Promote a timely, efficient and decisive regulatory process, to enable all segments of the industry to plan and conduct their operations more effectively and with minimal regulatory costs.
 4. *Internal Capabilities:* Ensure the FMC has the organizational ability and the managerial leadership necessary to meet its regulatory, enforcement and educational responsibilities.

Performance Goal	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
By 6/30/01 ensure accurate/useful listing of licensed/bonded OTIs on homepage.	<ul style="list-style-type: none"> - Public receives timely, accurate/useful information about licensed and bonded OTIs. - Provides vessel operating carriers with more certainty as to whether OTIs are compliant. - Facilitates cargo interests' access to legitimate OTIs with whom they can conduct business. 	<ul style="list-style-type: none"> - Accurate listing on Homepage by 6/30/01. - Requesters have access to information on demand. 	<ul style="list-style-type: none"> - Maintenance of a database by BCCL(input updated information provided by OTIs/sureties, i.e., changes to bond, company name, Qualifying Individual, etc.). - Audit OTI files for current information (address, company name, Qualifying Individual, telephone number, corporate structure, branch offices, etc.) 	<ul style="list-style-type: none"> - Database integrity, i.e., accuracy of data input & timeliness of data entry. - Feedback from vessel operators and other interested parties.

Performance Goal	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
<p>By 9/30/01, enhance consumer guidance and assistance via e-mail and Homepage improvements.</p>	<ul style="list-style-type: none"> - Consumers receive assistance promptly and more efficiently. - Matters outside FMC jurisdiction are directed to the proper governmental and nongovernmental agencies without unnecessary investment of agency resources. -Communication and cooperation with other consumer assistance bodies are enhanced. 	<ul style="list-style-type: none"> - Increased number of hits on homepage. - Reduction of complaints/ assistance requests pertaining to matters outside FMC jurisdiction. - Growth of assistance requests by e-mail as a percentage of all such requests. 	<ul style="list-style-type: none"> - Develop a hyperlink system for external internet referrals. - Enhance the hyperlink system for internal referrals. - Instruct staff to direct inquiries to the homepage, to the extent possible. - Require the use of e-mail responses to consumer inquiries, to the extent practical. 	<ul style="list-style-type: none"> - Review on a quarterly basis the quantity and validity of external hyperlinks. - Measure on a quarterly basis “hits” on Office of Consumer Complaints items on the homepage. - Measure during performance reviews and appraisals the amount of staff time devoted to routine responses and referrals to outside agencies.
<p>By 9/30/01 develop and implement an enhanced ADR program.</p>	<ul style="list-style-type: none"> - Lower costs to agency and the public in pursuing formal proceedings and quicker resolution of disputes. - Accessible and more cost effective means of dispute resolution available to the shipping public. 	<ul style="list-style-type: none"> - Number of complaints where ADR is employed. - Reduction in time for processing formal proceedings. - Increased use of informal dispute means by the shipping public. - Agency savings re: costs of conducting formal proceedings. 	<ul style="list-style-type: none"> - Task force to develop ADR plan (including training), and appropriate rule changes. - Provide 3rd party neutrals for resolution of disputes through mediation and other ADR means. 	<ul style="list-style-type: none"> - Measure length of time for formal proceedings. - Measure stages of litigation where settlements are reached (e.g., pre-discovery, pre-trial, etc.). - Measure the number of cases resolved informally through ADR (i.e., without resort to formal proceedings or court litigation).

Budget Program Activity: Trade Analysis

- Related Strategic Goals:**
2. *Balanced Enforcement:* Foster economic efficiencies and reliance on marketplace factors by administering U.S. shipping statutes in a balanced and equitable manner that redresses excessive anticompetitive actions and restrictive practices of foreign governments.
 3. *Efficient Regulatory Process:* Promote a timely, efficient and decisive regulatory process, to enable all segments of the industry to plan and conduct their operations more effectively and with minimal regulatory costs.

Performance Goal	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
<p>By 12/31/2000 institute software enhancements to the agency INTERNET service contract filing system to assure the long term viability of the system which receives the service contracts required to be filed by OSRA.</p>	<ul style="list-style-type: none"> - Improve password security. - Facilitate filing. - Assure sufficient system capacity. - Enhance retrieval of contracts in order to more efficiently accommodate statutory requirements concerning the filing and review of service contracts. 	<ul style="list-style-type: none"> - Modify system for administering passwords. - Enable carriers to efficiently file notices to contracts. - Enable both fuzzy and Boolean search capability suitable/feasible for the users. - Give filers "read only" visibility to the contracts they file in their own directories. 	<ul style="list-style-type: none"> - Coordination with Contractor, OMS and OIRM, to assure compliance with the Statement of Work. - Periodic contact with carriers and Commission staff to capture feedback from filers and users. 	<ul style="list-style-type: none"> - Assess system by 12/31/2000 to ensure new password system in place. - Ensure filers have the ability to file service contract notices using the INTERNET by 11/1/2000. - Log on to INTERNET to see filer and user enhancements as Contractor makes them.
<p>Develop and implement by 1/31/01 a more efficient review process to analyze confidentially filed service contracts for competitive problems, potential malpractices, and evidence of a liberalized contracting process.</p>	<ul style="list-style-type: none"> - Elimination of significantly anticompetitive concerted or individual carrier activity that has a negative effect on shippers or U.S. commerce. - Adherence to OSRA policy objectives. 	<ul style="list-style-type: none"> - Quarterly service contract review and analysis based on statistical random sampling. - Review and analysis of service contracts upon specific complaint. 	<ul style="list-style-type: none"> - Bureau working group of economists & transportation specialists. - Cooperation with BOE on potential malpractices. - Ongoing contacts with industry regarding alleged malpractices and complaints. 	<ul style="list-style-type: none"> - Assessment of process for reviewing and reporting findings. - Assessment of report and/or possible recommendations re Commission's two-year OSRA Study.

Performance Goal	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
<p>By 3/31/01 propose amendment to Commission's regulations for agreement minutes reporting to clarify filer's responsibility, and to develop and implement an alternative reporting requirement for carrier alliances.</p>	<ul style="list-style-type: none"> - Require only necessary and useful information from filing parties. - Improve Commission's access to reports and documents used by agreement members in their discussions and decision-making. - Increase timeliness of minutes filing. - Clarify and standardize the level of specificity for required submissions. - Clarify potential penalties for failure to file minutes. 	<ul style="list-style-type: none"> - Staff recommendation for proposed rule completed by 3/31/01. - Commission consideration of proposed rule. 	<ul style="list-style-type: none"> - Bureau working group of economists & transportation specialists. - Consult with BOE on legal aspects. - Consult with industry representatives to obtain additional ideas for periodic reporting process for carrier alliances. 	<ul style="list-style-type: none"> - Comments in rulemakings. - Agreement analysis and periodic reports are enhanced by utilizing information from agreement minutes.

Budget Program Activity: Enforcement

- Related Strategic Goals:**
1. *Compliance:* Promote the development of U.S. exports and the efficiency of ocean shipping by ensuring compliance with shipping statutes administered by the FMC.
 2. *Balanced Enforcement:* Foster economic efficiencies and reliance on marketplace factors by administering U.S. shipping statutes in a balanced and equitable manner that redresses excessive anticompetitive actions and restrictive practices of foreign governments.
 3. *Efficient Regulatory Process:* Promote a timely, efficient and decisive regulatory process, to enable all segments of the industry to plan and conduct their operations more effectively and with minimal regulatory costs.

Performance Goal	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
By 3/31/01, create program to more effectively identify unlicensed, untariffed or unbonded entities and promote compliance by OTIs with OSRA's licensing, bonding & tariff requirements.	<ul style="list-style-type: none"> - Improve public protection by insuring compliance by OTIs providing transportation services. - Reduction in number of unlicensed, unbonded, untariffed entities. - Increased compliance with OSRA and regulatory requirements. 	<ul style="list-style-type: none"> - Program timely developed and implemented. - Reduction in complaints regarding unlicensed, untariffed activity. - Increase in number of licensed OTIs. 	<ul style="list-style-type: none"> - Coordinate w/BCCL to identify licensed and bonded entities. - Audit of licensees and published tariffs to determine level of compliance. 	<ul style="list-style-type: none"> - Review of bureau statistics on OTI enforcement activity. - Audit results provide indicator of level of compliance.
Initiate at least 3 actions during FY 2001 to address significant market-distorting activities by VOCCs.	<ul style="list-style-type: none"> - Reduce market-distorting effect of carrier activity. - Serve as deterrent effect for similar activity. 	<ul style="list-style-type: none"> - Cases initiated. - Increased stability/more equitable trading conditions in involved trades. 	<ul style="list-style-type: none"> - Utilize intelligence, monitoring and information-gathering techniques to identify market-distorting activities. - Respond to shipper complaints of market-distorting carrier activity. - Strong reliance on information gathering by Area Reps. 	<ul style="list-style-type: none"> - Review of bureau statistics on VOCC enforcement activity. - Assess trade conditions after cases initiated.

Performance Goal	Outcome	Performance Indicator	Process/Activity	Performance Measure/Evaluation
<p>Throughout FY 2001, when possible, resolve issues of compliance and informal complaints by providing regulatory assistance and encouraging voluntary compliance and use of ADR resources.</p>	<ul style="list-style-type: none"> - Increased understanding and compliance with OSRA requirements and FMC regulations by the shipping public and industry. - Improved utilization of Commission and industry resources. - Increased opportunity to achieve the market-driven objectives of OSRA. 	<ul style="list-style-type: none"> - Number of compliance and complaint matters resolved informally. - Effective use of ADR techniques and resources. 	<ul style="list-style-type: none"> - ARs make referrals to BCCL whenever possible. - ARs and enforcement staff provide assistance to the public in complying with regulatory requirements. - Encourage voluntary compliance by shipping industry. 	<ul style="list-style-type: none"> - Review bureau statistics regarding referrals and informal resolution of compliance or complaint matters. - Feedback from shipping public on AR assistance. - Feedback from BCCL regarding coordination of compliance and complaint activities.