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From: FOIA <foia@FMC.gov>
Cc: FOIA <foia@FMC.gov>
Sent: Tuesday, February 2, 2021 at 04:13:04 PM EST
Subject: FMC FOIA 21-008 response

This is in response to your Freedom of Information Act (FOIA) request FMC 21-008, submitted to the Federal Maritime Commission (Commission; FMC) via the National FOIA Portal, seeking a digital/electronic copy of the transition briefing document(s) (late 2020) prepared by FMC for the incoming Biden Administration.

The document found to be responsive to your request is attached and provided in full.

With this response, we will consider your request closed. There will be no charge for responding to your FOIA request. When corresponding with the Commission regarding this FOIA request, please refer to the assigned FMC FOIA number provided above.

Administrative appeals should be submitted to the Chairman of the Federal Maritime Commission pursuant to 46 C.F.R. §503.32.

Feel free to contact Linda Hale of my staff at or me by reply to this email if you have any questions regarding this response.

Sincerely,

Rachel E. Dickon
Secretary/FOIA Public Liaison
Federal Maritime Commission

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Federal Maritime Commission Presidential Transition Guide

November 2020



**Office of the Managing Director
800 North Capitol St, NW
Washington, DC 20573**



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Organization

5 Commissioners – political appointees serve staggered 5-year terms.

Commissioners appointed and confirmed may serve no more than two terms (effective December 2014).

President designates one Commissioner to serve as Chairman (Chief Executive and Administrative Officer).

See Appendix A for Commissioner **Biographies** and terms.

Agency Information:

116 authorized FTEs for FY 2021 budget.

115 current employees (including political appointees).

Annual appropriations:

The President's FY 2021 budget projects a \$28,900,000 funding level.

FY 2020 appropriation was \$28,000,000.

The FMC has no other funding sources.

Contacts:

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Briefings

In-person or remote briefings may be scheduled by appointment.

FMC At-A-Glance

The Federal Maritime Commission (FMC or Commission) is an independent agency responsible for regulating oceanborne transportation in the foreign commerce of the United States for the benefit of U.S. exporters, importers, and the U.S. consumer. The Commission is responsible for maintaining competitive and reliable practices in the more than \$1 trillion¹ international ocean transportation industry.

The Commission fulfills its oversight responsibilities in three primary ways: (1) ensuring that agreements between competitors which would otherwise violate the U.S. antitrust laws produce efficiencies for consumers; (2) protecting the public from financial harm by licensing and overseeing intermediaries, and by ensuring that shippers will not be subject to undue economic discrimination; and (3) ensuring that passenger cruise lines have adequate financial safeguards in place in the event that a cruise is cancelled, or to cover rare catastrophic events.

Mission Statement and Strategic Goals

Ensure a competitive and reliable international ocean transportation supply system that supports the U.S. economy and protects the public from unfair and deceptive practices.

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

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

¹ According to the U.S. Census Bureau: Economic Indicators Division USA Trade Online. *Source: U.S. Import and Export Merchandise trade statistics*, U.S. exports and imports totaled \$1,083,854,025,082 in 2019.

FMC Responsibilities

The FMC has a number of oversight responsibilities designed to ensure competitive and efficient ocean transportation services for the shipping public, and to protect the public from unfair and deceptive practices.

Ocean carriers, ports, and terminal operators often compete fiercely for customers, but sometimes customers can receive better service when competitors cooperate. The Commission ensures that ports, carriers, and terminal operators file agreements with the FMC, and it reviews those agreements to confirm there will not be an unreasonable reduction in service or increase in costs to customers. These agreements could present problems under the other U.S. antitrust laws, but under the FMC's oversight of Shipping Act antitrust provisions, U.S. consumers receive the benefits of cooperation.

The Commission ensures that ocean transportation intermediaries (OTIs) have appropriate experience and adequate financial security to assist shippers to move their cargo. These intermediaries are often the only points of contact that shippers, including a person moving their household goods overseas, will have when they move their goods, and the FMC ensures intermediaries who do so are licensed and bonded. Should problems arise, shippers can also bring their claims to the FMC.

The FMC also requires cruise lines to maintain adequate deposits to provide refunds to passengers when a cruise is unexpectedly cancelled. The FMC also ensures that cruise lines have adequate insurance to cover rare catastrophic events.

Statutory Authority

Principal statutes administered, codified at 46 U.S.C. §§ 40101-44106 and § 3503, are:

- The Shipping Act of 1984, as amended (Shipping Act);
- The Foreign Shipping Practices Act of 1988 (FSPA);
- Section 19 of the Merchant Marine Act, 1920;
- Sections 2 and 3 of Pub. L. No. 89-777, 80 Stat. 1350; and
- Section 834 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (LoBiondo Act).

Budget

The FMC's Fiscal Year (FY) 2021 Budget Request is \$28,900,000 supporting 116 full time equivalent (FTE) positions. The Commission is funded through a single, one-year appropriation with no additional funding sources. The FY 2021 request is a net increase of \$900,000, or 3.2 percent, over the Commission's FY 2020 enacted appropriation. The Commission's budget is allocated across two major "programs, projects and activities (PPAs)": Operations & Administration (O&A) and the Office of Inspector General (OIG), which comprise approximately 98 and 2 percent of the budget, respectively. The Commission does not provide grants, research and development, nor federal assistance funds.

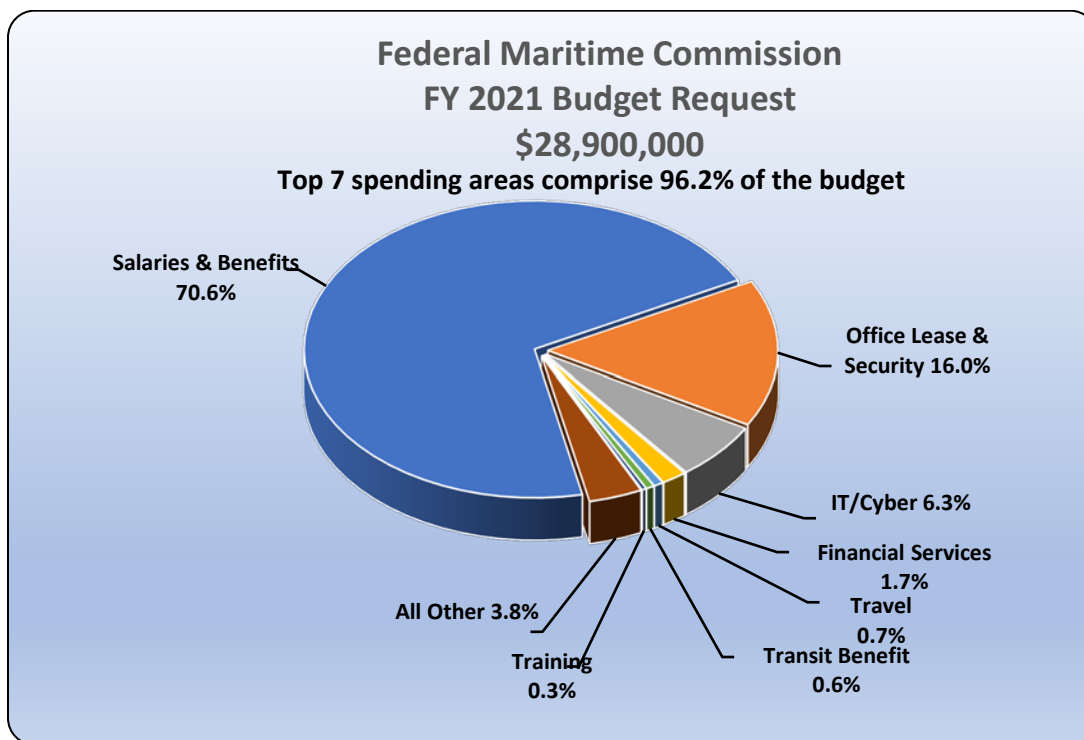
Since the last Presidential Transition, the FMC experienced a 3-year period of flat budgets (see chart below). During this time, the Commission absorbed increases to federal salaries and benefits due to pay raises, increases to retirement contributions, and mandated budgeting of performance award spending. The FMC reevaluated and reduced its organizational structure (full-time positions or FTP)

from 135 to 129. It also experienced a steady decline in the number of FTEs it could fund. The FY 2021 budget request will enable the FMC to modestly increase FTEs.

| Appropriations History | | | |
|-------------------------------|-----------------------|------------|------------|
| FY | APPROPRIATIONS | FTP | FTE |
| 2021* | \$28,900,000 | 129 | 116 |
| 2020 | \$28,000,000 | 129 | 111 |
| 2019 | \$27,490,000 | 129 | 112 |
| 2018 | \$27,490,000 | 128 | 116 |
| 2017 | \$27,490,000 | 134 | 125 |
| 2016 | \$25,660,000 | 135 | 123 |

*FY 2021 is the FMC request. Previous years are actuals.

The Commission’s budget is dominated by staff salaries and benefits at approximately 70.6 percent. Office lease and security, along with financial services, which are predominantly procured from other federal agencies with pricing set by them, absorb another 17.7 percent, and 6.3 percent is used for high priority information technology (IT) and cybersecurity initiatives. Continued investments in IT/cyber are needed for mission-critical technologies to effectively and efficiently carry out the Commission’s statutory duties. These four spending categories (salaries & benefits, office lease and security, financial services, and IT/cyber) comprise 94.6 percent of the budget. The remaining approximately 5.4 percent is comprised of sources of data for regulatory efforts, and economic analysis, as well as purchasing of supplies, office equipment, staff training and official travel. To the extent possible, these costs have been straight-lined or reduced. The full budget submission for FY 2021 is provided as Appendix E.



The FMC does not anticipate any closings, consolidations, or reductions of agency offices after November 1, 2020. The FMC has not had any closings, consolidations, or relocations of any offices since January 21, 2001. Several Commission field offices have moved to new office space in their respective areas during this time period, however, these field offices remain open in the same local commuting area. One field location, New Orleans, is currently unoccupied on a full-time basis, however, it is being periodically monitored and used by one of our other Area Representatives. In November 2019, the Commission vacated its office space, where it was co-located with U.S. Customs and Border Protection, upon the closure of the MSY Airport Terminal in the New Orleans airport complex. A decision on locating new space has been placed on hiatus pending determination to fill the current AR vacancy.

OMB Relations: The FMC’s primary contact with OMB for specific budget-related matters is Bruce Rayno, Director, Office of Budget and Finance. Mary T. Hoang, Chief of Staff, is the primary contact for all other OMB-related matters.

Workforce

The FMC’s current 115 employees include:

- 5 Political Appointees (Chairman, 4 Commissioners)
- 6 Senior Executive Service employees, including 1 Inspector General
- 1 Administrative Law Judge
- 14 non-SES managers
- 2 Schedule C employees

The FY 2021 budget request allocates 70.6 percent to direct personnel costs, including benefits. The FMC, as a small agency with a limited budget, has been challenged with creating hiring incentives available in the private sector and other larger Federal agencies. A Commission Order was created related to recruiting and retaining talent and the FMC has utilized the policy to attract top talent for mission critical occupations.

Continuity of Operations: The FMC has an active Continuity of Operations Plan (COOP) providing for emergency operations for its personnel. Included in the COOP is the Commission’s Order of Succession, as follows:

| Position | Designated Successor |
|-----------------|--|
| FMC Chairman | 1. Commissioner |
| | 2. Commissioner |
| | 3. Commissioner |
| | 4. Commissioner |
| | 5. Managing Director |
| | 6. Deputy Managing Director |
| | 7. Chief of Staff |
| | 8. General Counsel |
| | 9. Director, Bureau of Trade Analysis |
| | 10. Director, Bureau of Certification and Licensing |
| | 11. Director, Office of Consumer Affairs and Dispute Resolution Services |
| | 12. Director, Bureau of Enforcement |
| | 13. Secretary |

The FMC has identified successors for key leadership positions during an emergency event. The Order of Succession listed above applies only for short-term, temporary operating decisions in emergency situations. Once normal operations are able to resume, FMC leadership will be reorganized according to federal law and through appropriate channels.

In the event that FMC leadership becomes unreachable or incapable of performing their authorized legal duties, roles and responsibilities, the Managing Director/Deputy Managing Director, when available, will initiate a notification of the next successor in line, as well as internal and external stakeholders. In the event that the Managing Director/Deputy Managing Director are unavailable, a member of the Emergency Relocation Group will initiate successor notification. Telephone, and/or email/electronic notification will be used to notify internal and external stakeholders of the change in leadership.

Federal Advisory Committees: The FMC does not have any Federal Advisory Committees.

Contractors: The FMC obtains contractors on an as-needed basis to support its mission. Currently, the Commission has four major ongoing contracts: (1) an enterprise content management and application development contract with Microsoft; (2) a scanning services contract with a woman-owned small business; (3) a contract with an auditing firm to provide financial statement audits, FISMA, and other audits as deemed necessary to support the agency's Inspector General; and (4) a contract to provide lease, change, and construction management support services with a small disadvantaged business.

Information Technology: The Commission has prioritized funding in support of IT development, inclusive of mission-critical IT contract support. This multiyear strategy committed a dedicated funding stream to planned IT initiatives for both currently underway and projected initiative development. Current and future investments in IT development are necessary to sustaining and improving future performance and quality of the IT network systems and applications essential to support the FMC's mission and operations.

These planned IT improvements are critical to restraining future personnel growth and permitting options for the FMC to reallocate existing personnel to the strategic program needs of the future, consistent with OMB Memorandum M-17-22, *Reforming the Federal Government and Reducing the Federal Workforce*.

- Completed IT Initiatives:

- Successfully modernized and transitioned the second largest of its applications (SERVCON) into a cloud-based enterprise application.

- Transitioned a workstation application (PIERS) into a cloud-based application.

- Finalized development of a paper-based process (E-Bonds) into a cloud-based process that will become a part of a comprehensive, enterprise-wide application (FMC18); and

- Transitioned smaller workstation applications (BOE Hear, BOE Index, OLTD and CADRS) to SharePoint into the cloud to allow remote access to these applications under working conditions including maximum telework and flexible schedules.

- IT Initiatives in Progress, due to be completed over the next three years:

FMC18, the largest of the on-premise applications will be redeveloped as an enterprise-wide application encompassing seven of the FMC's major on-premise applications:

- E-Bonds
- FMC 1
- FMC 18 License Renewal
- FMC 65 Registration Renewal
- Regulated Persons Index (RPI)
- FMC 18 Applications & Bond Fillable/fileable forms
- FMC 18 OTI license & Registration Application

The Commission continually works to improve access to its public documents and provide relevant trade-related information on its website. The public is regularly updated on current issues in the trade via consumer alerts and public service announcements published on the website and other social media; provided with continuous updates to key public information, including docketing activity and documents for cases filed before the Commission; provided public access to filed agreements through the FMC's agreements library, accessible through the website; and provided with key FMC studies and economic analysis of shipping industry trends, when applicable.

Functions of the Commission

The FMC maintains a competitive and reliable ocean transportation supply system by:

- Reviewing and monitoring agreements among and between vessel-operating common carriers (VOCCs or carriers) and among and between marine terminal operators (MTOs) serving the U.S. foreign oceanborne trades to ensure they do not cause unreasonable increases in transportation costs or decreases in transportation services;
- Requiring reports and other information filed by MTOs and OTIs;
- Maintaining and reviewing confidentially-filed service contracts which provides a critical source of data and information on trends in carrier pricing and services;
- Providing a forum for exporters, importers, and other members of the shipping public to obtain relief from ocean shipping practices or disputes that impede the flow of commerce;
- Ensuring common carriers' tariff rates and charges are published in private, automated tariff systems and publicly available;
- Providing regulatory oversight of competition and remedies for violations of the Shipping Act's antitrust provisions;
- Monitoring rates, charges, and rules of government-owned or -controlled carriers to ensure they are just and reasonable; and
- Acting to address unfavorable conditions caused by foreign government or foreign business practices in U.S. foreign shipping trades.

The FMC protects the public from financial harm and contributes to the integrity and security of the Nation's import and export supply chains and ocean transportation system. The FMC's activities include:

- Licensing and registering non-vessel-operating common carriers (NVOCCs), and licensing U.S.-based freight forwarders, collectively known as OTIs;

- Administering and enforcing a surety bond program to ensure payment of judgments for damages by OTIs;
- Investigating and prosecuting violations of the Shipping Act and related statutes;
- Registering and annually verifying VOCC status of ocean common carriers operating in U.S. trades and the status of U.S.-based MTOs;
- Helping resolve disputes involving the shipment of goods or the carriage of passengers;
- Adjudicating private party complaints alleging Shipping Act violations; and
- Ensuring that passenger vessel operators maintain proper financial coverage to reimburse cruise passengers in the event their cruise is cancelled or to cover liability in the event of death or injury at sea.

FMC Issues in the News

- [Fact Finding No. 29](#), *International Ocean Transportation Supply Chain Engagement*, was initiated in March 2020, to identify operational solutions to cargo delivery system challenges related to COVID-19. Commissioner Rebecca F. Dye leads this effort to convene Supply Chain Innovation Teams to engage key executives from all facets of the ocean cargo system.
- [Fact Finding No. 30](#), *COVID-19 Impact on the Cruise Industry*, was initiated in April 2020, to identify commercial measures passenger cruise lines can adopt to mitigate COVID-19-related impacts. Reports have been completed focusing on Florida, Alaska, Washington, and Oregon to date. Commissioner Louis E. Sola leads this effort to work with key industry stakeholders.
- To provide continued stability and certainty to ocean carriers and shippers impacted by COVID-19, the Commission voted to initiate a Notice of Proposed Rulemaking (NPRM) to make permanent the current temporary exemption that allows initial service contracts to be filed at the Commission up to 30 days after the agreement’s effective date.
- The Commission issued an Advance Notice of Proposed Rulemaking (ANPRM) on Possible Changes to Regulations Governing Cruise Lines which will include a 30-day public comment period. These changes may include adjustments to the definition of “non-performance” by a cruise line and the process for obtaining a refund when a vessel does not sail. This action was a recommendation of the July Fact Finding 30 Interim Report examining the refund policies of cruise lines.
- The Commission initiated a formal investigation into whether proposed Canadian ballast water regulations create unfavorable conditions on U.S. shipping. This action was the subject of a petition by the Lake Carriers’ Association (LCA) and the investigation is being conducted pursuant to Section 19(1)(b) of the Merchant Marine Act, 1920 (1920 Act), which gives the Commission the authority to take regulatory or other corrective actions.

LCA contends that the proposed regulations are not mandated by the IMO treaty, that compliance with the Canadian performance standard would be cost prohibitive for its members, and that the proposed regulations are intended to drive U.S. operators from the cross-lakes trade. The Commission found that the petition met the threshold requirements for consideration and voted on May 20, 2020, to accept the petition.

- The Federal Maritime Commission issued a [Notice of Inquiry \(NOI\)](#) on October 7, 2020, to examine allegations that Vessel Operating Common Carriers (VOCCs) may be attempting to hold companies financially responsible for transportation services that they did not contract for and may not legally be required to pay. Comments filed in [Docket No. 19-05, Interpretative Rule on Detention and Demurrage Under the Shipping Act](#), raised concerns about the billing practices of ocean carriers. Allegations were made that VOCCs have expansively defined “merchant” in their respective bills of lading to include persons or entities with no beneficial interest in the cargo and who had not consented to be bound by the terms of the underlying bill of lading.

Coronavirus (COVID-19) Impact and Actions

Impact on Commission Operations

As a result of advanced planning and preparation, the Commission has remained fully open and operational throughout these difficult times. Commission employees have maximum flexibility to work remotely, which has been successful due to its strong IT position. Every bureau and office of the Commission is fully engaged and available virtually, or by email or telephone.

- Meetings and other public-facing activities are conducted via phone, e-mail, and video conferencing technology platforms that allow for reduced in-person contact.
- Agreements continue to be filed and are reviewed by the Bureau of Trade Analysis, which monitors the cooperative activities of ocean common carriers and marine terminal operators under the standards of the Shipping Act of 1984.
- Complaints brought to the Commission for violations of the Shipping Act are being adjudicated before the Administrative Law Judge.
- The Commission’s ARs continue to investigate Shipping Act violations.
- The Office of Consumer Affairs and Dispute Resolution Services continues to offer ombuds assistance, mediation, facilitation, and arbitration to resolve challenges and disputes involving cargo shipments, household goods shipments, and cruises.
- An important role for the Commission is its ability to bring stakeholders in the ocean supply chain together to address problems proactively and prospectively and to collaboratively pursue non-regulatory solutions. This role continues to be robust, even in the current environment.

In Fact Finding 29, Commissioner Dye is using this approach to help address supply chain bottlenecks as economic activity resumes and commerce begins to flow. Teams have been at work in Los Angeles/Long Beach, New York/New Jersey, and in New Orleans.

In Fact Finding 30, Commissioner Sola is working with key industry stakeholders of the passenger cruise industry to identify commercial measures that can be adopted to mitigate COVID-19 related impacts to this sector of the maritime industry and those stakeholders who are reliant on the cruise industry but with primary focus on passengers who book cruises departing U.S. ports.

On September 10, 2020, Commissioners Dye and Sola briefed Acting Secretary of Homeland Security Chad F. Wolf, representatives from Congressional offices, state and local government, port authorities, the travel and hospitality industries, longshore labor, and trade associations

about the Commission's response to COVID-19, including fact finding investigations examining impacts to the [passenger cruise industry](#) and the [intermodal freight delivery system](#). The Commissioners addressed the economic impact the passenger and ocean freight industries have incurred related to COVID-19 and outlined recommendations they have made as Fact Finding Officers for appropriate policy and regulatory responses.

In July, Commissioners Dye and Sola had a similar meeting with the Acting Under Secretary for Policy for the Department of Transportation.

Impact on the International Ocean Shipping and Cruising Industries

The COVID-19 pandemic has had a devastating effect on the global shipping and the cruise industries, and global markets are significantly impacted.

Consistent with the Administration's response to the negative impacts to the U.S. economy caused by the Coronavirus pandemic and OMB M-20-25 guidance, *Implementation of Executive Order 13924, Regulatory Relief to Support Economic Recovery*, calling for a whole-of-government effort to jumpstart the economic recovery through deregulation, the Commission aggressively responded by taking quick and meaningful action to help the shipping industry and the American economy in recovery, including implementing service contract filing relief, facilitating stakeholder discussions on supply chain challenges, and implementing temporary relief for small U.S. cruise businesses. These actions will continue into FY 2021 and relief extended to the industry made during this period is likely to continue indefinitely, requiring staff resources to manage Commission assistance to the shipping public.

Providing Industry Regulatory Relief: The FMC granted a temporary exemption from Certain Service Contract Requirements Action to temporarily (through June 1, 2021) allow carrier parties to file original service contracts with their shippers up to 30 days after the contract takes effect. The 30-day relief is being reviewed by Commission staff as suitable for permanent action as it would provide for the consistent treatment of initial service contracts and amendments and provide continued flexibility for carriers while retaining filing and FMC oversight of service contracts. In making its decision on permanent action, the Commission will carefully weigh the regulatory burden on regulated entities and the need for the FMC to carry out its mission and statutory oversight of service contracts.

Addressing Supply Chain Challenges: The COVID-19 pandemic has highlighted the economic urgency of responsive port and terminal operations to the effectiveness of the United States' international freight delivery system. Given the Commission's mandate to ensure an efficient and reliable transportation system for ocean commerce, the Commission has a clear and compelling responsibility to actively respond to current challenges impacting the global supply chain and the American economy. On March 31, 2020, the Commission initiated [Fact Finding 29, International Ocean Transportation Supply Chain Engagement](#). This ongoing Fact Finding convened supply chain innovation teams to address port and terminal operational challenges in the wake of the COVID-19 pandemic and will make industry recommendations as warranted.

Addressing Cruise Industry Challenges: COVID-19 has severely impacted the cruise industry. On March 14, 2020, the Centers for Disease Control and Prevention (CDC) issued a No Sail Order and Suspension of Further Embarkation causing all but the smallest PVOs to cease all operations, which has been extended through October 31, 2020. Consequently, questions concerning future travel and passengers' ability to obtain refunds of monies remitted for transportation disrupted by COVID-

19 are legion. On April 30, 2020, the Commission initiated [Fact Finding 30, COVID-19 Impact on Cruise Industry](#), to engage industry stakeholders, including PVOs, passengers, and MTOs, to identify commercial solutions to COVID-19-related issues that interfere with the operation of the cruise industry. On July 23, 2020, the Commission adopted a proposal put forward by the Fact Finding Officer providing limited and temporary relief to small U.S. passenger vessel operators whose operations and business were disrupted by the response to COVID-19. Small passenger vessel operators may now qualify for alternative forms of evidence of financial responsibility, provided applicants meet key conditions. The relief will remain in effect until April 1, 2021. Fact Finding efforts will continue during the pandemic and recovery to assist with identifying commercial solutions to COVID-19-related issues that interfere with the operation of the cruise industry.

Rulemakings

The Commission, including its ALJs and legal staff, issues legal opinions, recommendations, case summaries, decisions, and final orders. The Commission also reviews and revises its regulations through rulemakings. The following are recent Commission actions and litigation matters.

During FY 2020, the Commission sought public comment in considering revisions to its regulations via several advanced notices of proposed rulemaking, and then published several final rulemakings. The following represent some of the more notable rulemakings in FY 2020:

- **Licensing, Registration and Financial Responsibility Requirements for Ocean Transportation Intermediaries [Docket No. 18-11]**

The Commission proposed changes to the requirements for ocean transportation intermediaries in a Notice of Proposed Rulemaking published on December 17, 2018. The proposed changes involved minor adjustments to the application and renewal procedures for licenses and registrations, such as changes to the form, type, and timing of information required to be submitted to the Commission. The Commission issued a final rule on November 15, 2019, adopting all but one of the proposed changes.

- **Hearing Procedures Governing Denial, Revocation, or Suspension of an OTI License [Docket No. 19-04]**

The Commission issued a final rule on January 31, 2020, modifying the hearing procedures governing the denial, revocation, or suspension of OTI licenses. The revised hearing procedures align more with other Commission hearing procedures, ensure a more streamlined process, and fulfill the need for more detailed procedural requirements.

- **Interpretative Rule on Demurrage and Detention under the Shipping Act [Docket No. 19-05]**

In March 2018, based in part on a petition filed by a group of importers, exporters, freight forwarders, and truckers, the Commission initiated Fact Finding Investigation No. 28 to investigate port demurrage, detention, and free time practices. Commissioner Rebecca F. Dye was appointed as the Fact Finding Officer. After an almost eighteen month investigation, Commissioner Dye recommended that the Commission: (1) issue an interpretive rule clarifying how the Commission will assess the reasonableness of detention and demurrage practices; (2) establish a Shipper Advisory Board; and (3) continue to support the Supply Chain Innovation Team working to address chassis availability issues in Memphis, TN. The Commission approved

the Fact Finding Officer's recommendations and issued a proposed interpretive rule on detention and demurrage in September 2019. The Commission received over one hundred comments on the proposed interpretive rule, and, on May 18, 2020, the Commission published a final rule setting forth guidance on how the Commission will determine the reasonableness of demurrage and detention practices under 46 U.S.C. § 41102(c).

- **Regulatory Amendments Implementing the Frank LoBiondo Coast Guard Authorization Act of 2018 [Docket No. 19-06]**

The Commission issued a notice of proposed rulemaking on October 9, 2019, proposing to revise its regulations to reflect the statutory changes in the Frank LoBiondo Coast Guard Authorization Act of 2018, Public Law 115-282 (LoBiondo Act). The Commission published a final rule on February 20, 2020. The more significant changes adopted by the final rule included: (1) revising the regulations governing Commission meetings to include provisions on "nonpublic collaborative discussions," a new type of meeting established by the LoBiondo Act that is not open to public observation; (2) revising the regulations governing ocean transportation intermediary licensing and financial responsibility to reflect changes to the types of activities that require a license; and (3) revising the regulations to reflect the statutory change making confidential any comments on filed ocean common carrier and marine terminal operator agreements.

- **Delegations to Bureau of Enforcement and Enforcement Procedures [Docket No. 19-07]**

The Commission published a direct final rule on October 9, 2019, revising its enforcement procedures. The revised procedures include: (1) providing notice to the subjects of investigations that the Commission's Bureau of Enforcement intends to recommend that the Commission initiate enforcement proceedings and allowing them an opportunity to respond; (2) requiring Commission approval before formal or informal enforcement action is undertaken; and (3) requiring Commission approval of any proposed compromise agreements.

- **Petition of the World Shipping Council for an Exemption and Rulemaking [Petition P3-18] / Service Contract Rulemaking [Docket No. 20-02]**

The World Shipping Council (WSC), a trade association of ocean common carriers, petitioned the Commission for an exemption from the service contract filing and essential terms publication requirements set forth at 46 U.S.C. § 40502(b) and (d), and further petitioned for the initiation of a rulemaking proceeding to amend the Commission's service contract regulations in 46 C.F.R. Part 530 consistent with the requested exemption.

On December 20, 2019, the Commission issued an order denying in part and granting in part the petition. Specifically, the Commission denied WSC's request for an exemption from the requirement in 46 U.S.C. § 40502(b) that ocean common carriers file service contracts with the Commission. In contrast, the Commission granted WSC's request for an exemption from the requirement in § 40502(d) that carriers publish essential terms with each service contract, determining that an exemption from § 40502(d) would not result in a substantial reduction in competition or be detrimental to commerce.

In accordance with the December 20, 2019 Order, the Commission published a notice of proposed rulemaking on February 14, 2020, to eliminate the essential terms requirements in the Commission's regulations. The Commission published a final rule amending its regulations

governing service contracts to eliminate the requirement that ocean carriers publish a concise statement of essential terms with each service contract, effective June 25, 2020.

- **Temporary Exemption from Certain Service Contract Requirements [20-06]**

Responding to the impact of COVID-19 on commercial shipping operations, the Commission issued an order on April 27, 2020, temporarily exempting carriers from the requirement that service contracts be filed with the Commission before becoming effective, so long as carriers file the contracts within 30 days of the effective date. The exemption is in effect until June 1, 2021.

Workforce for the 21st Century - FMC Actions to Implement M-17-22

The FMC has a small, dedicated workforce to carry out its mission. In FY 2017, the FMC first outlined its initiatives to reshape and reinvigorate the FMC workforce under a 5-year Workforce Reform Plan developed in response to OMB Memorandum M-17-22, *Reforming the Federal Government and Reducing the Federal Workforce*. Our guiding objectives were twofold—meet the spirit and the letter of the Executive Order and OMB’s directives and minimize adverse impacts upon Commission employees. We have carried out all the objectives laid out in the FMC’s 11-point Workforce Reform Plan and completed our goals ahead of deadlines.

FMC proposed and implemented changes that directly impact the management structure and budgetary costs affecting offices and work units:

- Reduced the number of SES positions from 10 to a total of 6.
- Introduced a Tier System to the current SES Pay Policy to ensure comparability and transparency, and control SES salary costs. The former SES pay setting policy did not allow for distinctions in levels of complexity and overall impact. Initiative has been fully implemented. The FMC was granted certification of its SES system by OPM in FY 2019.

At the middle-management level, the FMC was equally conscientious in seeking to promote better and more direct internal communications and responsiveness through reduced layers of management.

The FMC’s changes have not been limited to individual personnel. Through administrative action, the FMC has streamlined portions of our organizational structure to further improve efficiencies, reduce costs, and create a more accountable agency:

- The Office of Consumer Affairs and Dispute Resolution Services (CADRS) was realigned under the Managing Director for a more uniform and consistent reporting structure with other operating bureaus and offices. This structural reorganization was completed in FY 2018 following notice and approval by the Congressional committees having jurisdiction.
- An organizational review was conducted to determine the most efficient structural organizational for the Bureau of Trade Analysis. Following a joint study by BTA and the OMD, the FMC discontinued several smaller offices within BTA in FY 2019, eliminating unnecessary levels of supervision and promoting greater staff accountability.

In alignment with the objectives of M-17-22 to improve organizational efficiency, the FMC also proposed and has implemented technological improvements to FMC processes:

- Streamline the CADRS consumer assistance intake process. Revised e-mail intake process in joint effort with the Office of the Secretary, improving initial response time to address stakeholders, referring requests to other offices where technical or program responses are appropriate, and reducing administrative burden on CADRS' staff.
- Automate the Commission's OTI licensing program by implementing the E-Bond Initiative to reduce the burden of filing paper bonds, establish cross-agency uniformity, and expedite receipt and review of bonds by FMC staff. Originally a completely paper-driven process, BCL has worked with IT staff to conceptualize, program, and test a new system to permit surety companies electronically to file OTI bonds on behalf of their licensed or registered customers. Industry testing will commence in September 2020, and the E-Bond filing system made operative shortly thereafter. Further automation of the licensing process is already underway.

Through concerted efforts conducted under the FMC's Workforce Reform Plan developed in response to OMB Memorandum M-17-22, the FMC is seeing the outcomes of its efforts both in its management structure (smaller SES cadre, employing fewer supervisors), and in containing future budget and staffing levels. With OMB and OPM approval, the FMC has pursued and successfully deployed Voluntary Early Retirement Authority (VERA) and Voluntary Separation Incentive Payments (VSIP) authority to reduce senior management counts. Wherever possible, new staff are brought on board at the lowest appropriate grade and pay level.

Workplace Satisfaction

To ensure that the FMC attracts and retains qualified candidates with the skillsets necessary to provide exceptional service to the public, the FMC has taken concrete steps to maintain and improve employee satisfaction in the workplace. The FMC is committed to improving workplace satisfaction particularly in the areas of leadership, transparency, matching skills to its mission, and work/life balance. Agency-wide employee teams have been used to address employee suggestions, training needs assessments, peer recognition, updates to Commission policies, and other workplace initiatives. Senior leadership continues to encourage involvement and provide opportunities for participation in agency-sponsored programs.

A cornerstone to the Commission's efforts to improve the workplace is its Workforce Improvement Plan (WIP). Over the past 7 years, the WIP has identified and communicated a number of projects or initiatives through the Management Team (consisting of its Senior Executives and senior managers), working with the approval and guidance of the Chairman, to improve and support a positive and effective working environment and engaged employees. The WIP is updated annually to incorporate input from the entire agency, as well as marking the addition, revision, and completion of specific projects and initiatives.

The agency's success in employee engagement is measured in part through the results of the Federal Employee Viewpoint Survey (FEVS). Using the FEVS data, the Partnership for Public Service calculates the annual rankings of the best places to work. The FMC moved into the top *10 Best Places to Work for Small Agencies*, climbing from its position of 17th place in 2017 to 9th place in 2018, and retained its position among the top 10 places to Work for 2019. The FMC will continue its positive momentum moving forward to build on these successes, guided by its Workplace Improvement Plan.

Reducing Regulatory Burden and Improving Necessary Information Collection

As economic conditions alter the state of our oceanborne export and import trades, FMC regulations are revised to respond to new circumstances. Toward the goal of eliminating or reforming outdated regulations, the Commission's Managing Director serves as the Regulatory Reform Officer (RRO). The RRO leads an internal team to identify regulations that have become less relevant or are unduly burdensome. The Commission's [Plan for Regulatory Reform of Existing FMC Rules](#) (Regulatory Reform Plan) outlines the FMC's plan to identify regulations that may be suitable for reform or elimination, and establishes a schedule to consider further review and action on each identified regulation. The Regulatory Reform Plan's list of administrative and regulatory provisions, that when amended or eliminated, will make it easier and less costly for companies to do business, while permitting the FMC to maintain competition and integrity for America's ocean supply chain. The FMC is also looking to expand recently granted COVID-19-related relief in service contract filing requirements to allow the industry to quickly respond to changing conditions.

Appendix A. Commissioner Biographies

Chairman Michael A. Khouri

Counsel: John A. Moran

Chief of Staff: Mary T. Hoang

Senior Advisor – Legislative/Public Affairs: John K. DeCrosta

Contact

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Michael A. Khouri of Kentucky was designated by President Trump as Chairman of the Federal Maritime Commission on March 7, 2019. He had previously served as Acting Chairman from January 23, 2017. He was first nominated by President Obama and confirmed by the U.S. Senate in December 2009, was re-nominated and confirmed for a full five-year term in November, 2011, and was re-nominated and confirmed for his current term in June, 2016.

Chairman Khouri is a forty-nine year veteran in the maritime industry from positions held in marine vessel operations, legal and executive positions. He also served on the boards of directors at the Waterways Council, Inc., and the American Waterways Operators Association.

Mr. Khouri began his career as a deck crewman for Paducah, KY-based Crouse Corp., where he worked up in rank with service in the engine room and then into the wheelhouse as Pilot and Captain, earning his U.S. Merchant Marine Officer's License as Master and First Class Pilot on Steam and Motor Vessels. He then served for twenty-three years with American Commercial Lines, the largest U.S. inland marine company, holding executive positions including General Counsel & Secretary, Senior Vice President for Law & Corporate Affairs, and Senior Vice President for Transportation Services-marine operations. Mr. Khouri then joined MERS/Economy Boat, serving as President & COO before moving home to Louisville to join the law firm of Pedley & Gordinier.

Mr. Khouri received his BA in Economics in 1971 from Tulane University, and his JD from the Brandeis School of Law-University of Louisville in 1980. He is also a graduate of the Harvard Business School's Advanced Management Program.



Chairman Michael A. Khouri
Appointed 2009
Term Expires 2021

Commissioner Rebecca F. Dye

Counsel: Robert M. Blair

Contact

Phone: (202) 523-5715

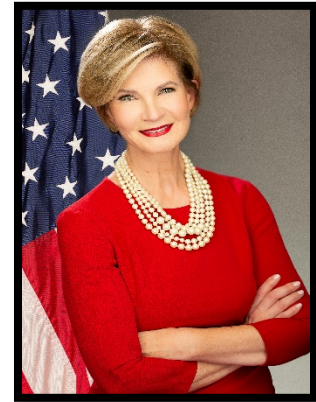
E-mail: rdye@fmc.gov

Rebecca F. Dye, of North Carolina, was nominated by President George W. Bush on June 13, 2002 and was confirmed by the United States Senate on November 14, 2002. She was nominated to her second term by President Bush on July 12, 2005 and confirmed by the Senate on July 22, 2005. She was nominated to her third term, which expires on June 30, 2015, by President Barack Obama and confirmed by the Senate on April 14, 2011. On May 26, 2016, Commissioner Dye was nominated by President Obama and confirmed by the Senate on June 29, 2016, for a term which expired June 30, 2020.

Prior to her appointment to the FMC, Commissioner Dye was Counsel to the Transportation and Infrastructure Committee of the U.S. House of Representatives. She held that position from 1995 until 2002. As Counsel, she provided advice to Members of Congress on issues pertaining to commercial shipping, international maritime agreements, oil pollution, maritime safety and law enforcement, the Federal budget process and Federal financing.

Commissioner Dye comes to the Commission with an extensive background in maritime matters. She began her Federal career as a commissioned officer and attorney in the Coast Guard's Office of the Chief Counsel, then served as a law instructor at the Coast Guard Academy. After two years as an attorney at the U.S. Maritime Administration, she joined the staff of the former Committee on Merchant Marine and Fisheries, and served there as Minority Counsel from 1987 to 1995.

Commissioner Dye graduated from the University of North Carolina at Chapel Hill in 1974, and earned a law degree from the University of North Carolina at Chapel Hill in 1977.



Commissioner Rebecca F. Dye
Appointed 2002
Term Expired 2020

Commissioner Daniel B. Maffei

Counsel: Katharine Primosch

Contact

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Daniel B. Maffei, of New York, was first nominated to serve on the Federal Maritime Commission (FMC) by President Barack Obama and confirmed by the United States Senate on June 29, 2016. He was then nominated by President Donald Trump and confirmed for by the United States Senate on January 2, 2019.

As a Commissioner, Mr. Maffei has shown a particular interest in addressing the vulnerability of the global transportation system to industry-wide financial and security risks. He has spoken at national and international conferences on the changing nature of the economics of international shipping due to technological advances and the pressures that newer and larger carriers have placed on U.S. transportation infrastructure.

A native of Syracuse, New York, Commissioner Maffei's career in government spans more than twenty years. He was elected to two terms in the United States House of Representatives from 2009 to 2011 and from 2013 to 2015. Immediately prior to his initial appointment to the FMC, Mr. Maffei was a Senior Advisor at the United States Department of Commerce.

Commissioner Maffei's time in Congress included service on the House Armed Services Committee, House Financial Services Committee, and House Judiciary Committee. His priority on the Armed Services Committee was to improve the military's capacity to defend the country from terrorist and cyber threats. He worked on several provisions in the 2013 and 2014 armed services authorization bills to support and promote new and better technologies. On the Financial Services Committee, he focused on consumer protection and helped improve and pass, with increased bipartisan support, the Credit Cardholder's Bill of Rights of 2009, a law that took important steps to level the playing field between customers and card issuers. Commissioner Maffei also served on the House Committee on Science and Technology and was Ranking Member of its Oversight Subcommittee.

While serving in Congress, Commissioner Maffei's Central New York district included the Port of Oswego, the first U.S. port of call and deepwater port on the Great Lakes. Working closely with Representative Richard L. Hanna and New York's Senators, he was able to secure vital funding to improve the port's rail link and the resources to better dredge the port.

Commissioner Maffei has substantial experience teaching and researching at universities and think tanks. In 2018, Mr. Maffei spent six months away as a Professor of Practice at the George Washington University Graduate School of Political Management before returning to the FMC. He has taught on the faculty of the New York State College of Environmental Science and Forestry (SUNY-ESF) and has been a Senior Fellow at the Center for the Study of the Presidency and Congress (CSPC) and a Distinguished Senior Fellow at Third Way. For several years, he served on the American Board of Advisors for Global Panel, a Prague-based organization that



Commissioner Daniel B. Maffei
Appointed 2016
Term Expires 2022

works primarily behind the scenes to facilitate solutions to various international conflicts and crises.

Commissioner Maffei's private sector experience includes time as an independent consultant, a Senior Policy Advisor at Manatt, Phelps, Phillips LLP, and an executive at Pinnacle Capital Management, LLC (Syracuse, NY).

From 1998 to 2005, Commissioner Maffei worked on the Democratic staff of the House Ways and Means Committee. Previously, he had been Press Secretary for U.S. Senator Daniel Patrick Moynihan from 1997 to 1998 and Press Secretary for U.S. Senator Bill Bradley in 1996.

Commissioner Maffei received his bachelor's degree in History and American Civilization from Brown University and holds master's degrees from the Columbia University's Graduate School of Journalism and Harvard University's John F. Kennedy School of Government.

Commissioner Louis E. Sola

Counsel: Clark Jennings

Contact

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Louis E. Sola was nominated by President Trump on November 15, 2018 to a term expiring on June 30, 2023. The United States Senate confirmed his nomination on January 2, 2019 and he was sworn into office on January 23, 2019. Commissioner Sola was a 2018 candidate for Florida's 24th Congressional District in his hometown of Miami, Florida.



Commissioner Louis E. Sola
Appointed 2019
Term Expires 2023

Commissioner Sola was previously appointed by then-Governor Rick Scott to serve as a Commissioner on the Florida Board of Pilots Commissioners in 2015. As a Commissioner of the Board of Pilots, Commissioner Sola was responsible for licensing and regulating harbor pilots and served on the Probable Cause Panel for Marine Accidents.

Between 2005 and 2018, Commissioner Sola was a licensed ship and mega yacht broker who served as Chief Executive Officer of Evermarine, and as an executive with prestigious yachting firms Northup and Johnson Yacht and Campers & Nicholsons (including winning the Cannes – Azimut Benetti Sales Award).

Between 1998 and 2004, Commissioner Sola served as a consultant with Berkshire Capital and Arden & Price while raising his family in the Panama Canal Zone. During this time, he authored, *inter alia*, studies for the Inter-American Development Bank regarding the creation of a Central American Index fund through the region's equity markets. Commissioner Sola also developed international finance strategies focusing on the maritime sector in Latin America (including ports, free trade zones and ship repairs) as well as management of greenfield projects.

Commissioner Sola served in the U.S. Army between 1986 and 1997 as a strategic debriefer and as a counter intelligence agent. He served the U.S. Army's Intelligence and Security Command in Munich, Germany, after the fall of the Berlin Wall by strategically debriefing refugees from Eastern Europe. Subsequently, Commissioner Sola served the U.S. Army's Southern Command as a Spanish linguist involved with counter intelligence activities in Panama during the War on Drugs in the 1990s. Mr. Sola earned the U.S. Army Parachutist Badge (Airborne) and was awarded the Humanitarian Service Medal for his efforts during the Cuban Refugee Crisis. He has also received the National Defense Service Medal, the Joint Meritorious Unit Award, the Army Commendation Medal and has received the Army Achievement Award three times. He is a two-time graduate of the Defense Language Institute Foreign Language Center, Presidio of Monterey, CA (Spanish, German).

Commissioner Sola earned his A.A. in history from Parkland College; a B.S. in Management from the Nova Southeastern University and a M.S in international finance from the University of Illinois, and served as an adjunct professor at Florida State University between 1999 and 2001 where he taught classes in small business, finance and entrepreneurship.

Commissioner Carl W. Bentzel

Counsel: John Young

Contact

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Carl Bentzel was nominated by President Trump on June 12, 2019, to a term expiring on June 30, 2024. The United States Senate confirmed his nomination on November 21, 2019, and he was sworn into office on December 9, 2019.

Prior to his appointment at the Federal Maritime Commission, Commissioner Bentzel created and established a consulting services company where he represented clients on regulatory and legislative issues within the areas of transportation, energy and other areas of federal regulatory oversight. From 2004-2014, Commissioner Bentzel served as Vice President and head of the federal advocacy division of a full-scale public relations firm, the DCI Group.

Prior to working in the private sector, Mr. Bentzel served the public sector for ten years as a Senate professional committee staffer including, most recently, as Senior Democratic Counsel of the Senate Committee on Commerce, Science & Transportation. He moved to his role in the Senate after spending four years on the House Committee on Merchant Marine and Fisheries Committee where he served as Counsel for Maritime Policy.

Commissioner Bentzel's primary areas of responsibility on the Senate Committee on Commerce, Science & Transportation were issues on maritime transportation; rail, surface and pipeline transportation; energy transportation and hazardous materials; and homeland security in these areas. While working in the Senate, Commissioner Bentzel served as one of the principals in crafting the Maritime Security Act of 1996, the Ocean Shipping Reform Act of 1998, and in 2002, after the attacks on 9/11, the requirements mandated for maritime security through the Maritime Transportation Security Act of 2002. He also dealt with matters impacting economic regulation of rail and surface industries before the Surface Transportation Board, and a variety of energy related regulatory issues.

For his efforts in developing and negotiating passage of Maritime Transportation Security Act of 2002, Commissioner Bentzel was awarded the Coast Guard's Medal for Meritorious Public Service and the Maritime Security Council's Man of the Year award. Mr. Bentzel is also the author of the chapter on Port Security within McGraw-Hill's *Handbook on Homeland Security*.

Commissioner Bentzel earned his Bachelor of Arts from St. Lawrence University, his Juris Doctor from the University of Alabama, and his Master of Laws from the Admiralty Law Institute, Tulane University.

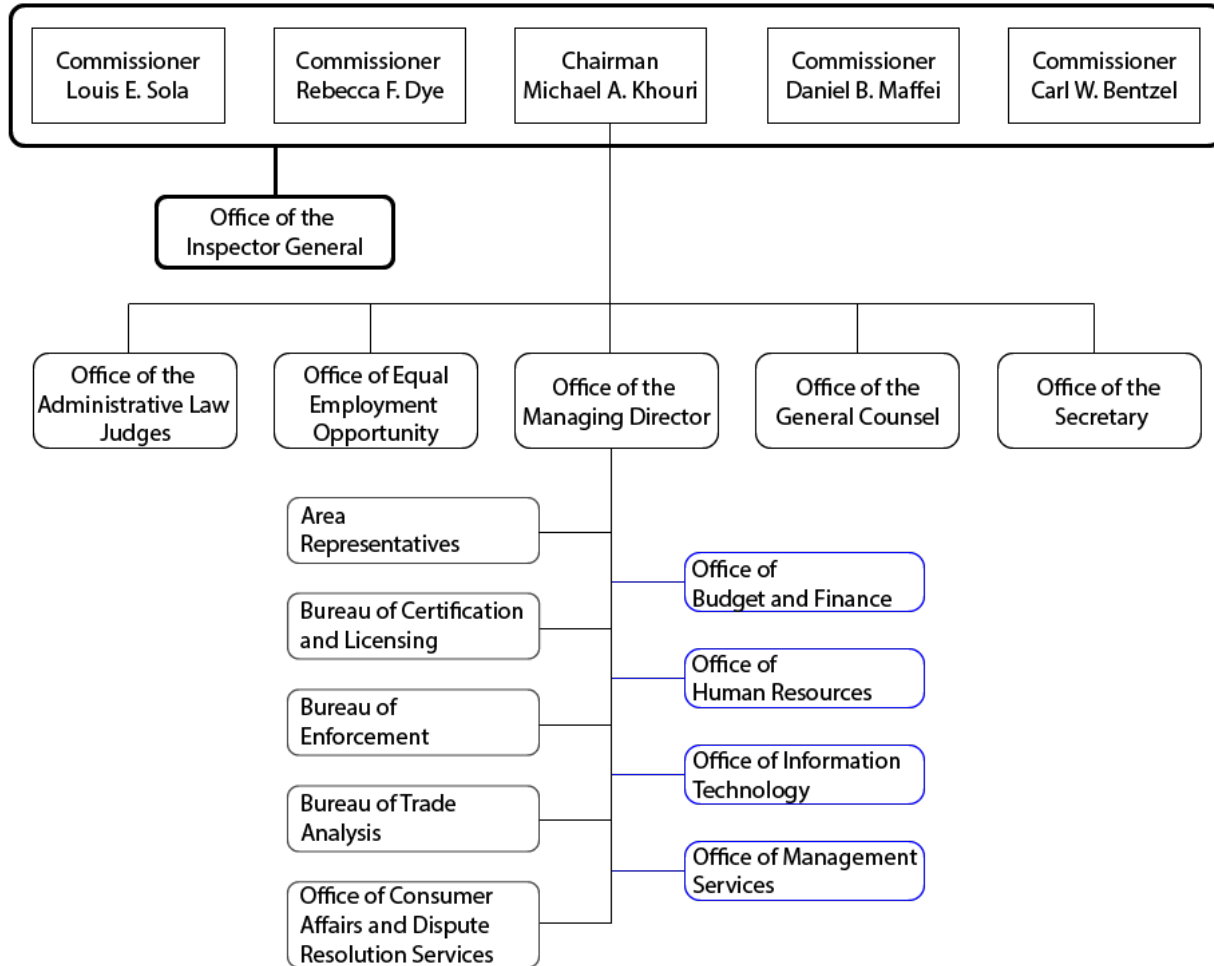


Commissioner Carl Bentzel
Appointed 2019
Term Expires 2024

Appendix B. Organization Chart and Commission Offices

FMC Organization Chart

January 2020



*This is the organization chart for the Commission, depicting a Congressionally-authorized re-alignment of the Office of Consumer Affairs and Dispute Resolution Services under the Managing Director, approved April 27, 2018. Counterpart changes in 46 C.F.R. Part 501 are currently pending publication. Michael A. Khouri was designated Chairman on March 7, 2019.

Commission Offices

The FMC’s staff is comprised of economists, attorneys and experts in ocean transportation and government administration. The Commission’s main workforce is located at its Washington, D.C., headquarters, and it maintains a presence in six major port locations nationwide (Southern California, South Florida, New Orleans, New York/New Jersey, Houston, and Seattle/Tacoma).

In addition to its Commissioners’ offices, the Commission is organized into bureaus and offices to accomplish its mission:

Office of the Managing Director (OMD)

Karen V. Gregory, Managing Director

Peter J. King, Deputy Managing Director

The OMD is responsible for implementing the administrative directives of the Chairman, the management and coordination of Commission Bureaus, and overseeing the agency’s Area Representatives. It has direct oversight of the administrative offices of the Commission, which include the Offices of Budget and Finance, Human Resources, Information Technology, and Management Services.

Area Representatives (ARs)

Robert E. Borden, Director, Field Investigations

Activities of the ARs are primarily supervised by the Director, Field Investigations, at FMC headquarters. The ARs serve major ports and transportation centers, and facilitate the flow of information to and from the maritime industry and the shipping public, resolve complaints and disputes between parties involved in international oceanborne shipping (often coordinating with the Commission’s dispute resolution specialists), investigate alleged violations of shipping statutes, and function as an intelligence resource.

Administrative Offices:

Office of Budget and Finance – Bruce Rayno, Director and Deputy CFO

Office of Human Resources – Courtney Killion, Director

Office of Information Technology – Edward “Tony” Anthony, Director and CIO

Office of Management Services – Katona Bryan-Wade, Director

Bureau of Certification and Licensing (BCL)

Cindy Hennigan, Director

BCL is responsible for the Passenger Vessel Certification and Ocean Transportation Intermediary programs. BCL issues certificates to operators of passenger vessels (PVOs) with 50 or more berths and that embark passengers from U.S. ports. The Certificate (Performance) evidences that the PVO has on file with the Commission acceptable coverage to satisfy any liability incurred for nonperformance of transportation, such as when a PVO declares bankruptcy and fails to complete the cruises booked. The coverage is used to reimburse passengers when the PVO fails to perform cruises as contracted and has taken no further actions to refund passengers. The Certificate (Casualty) evidences that the PVO has acceptable coverage on file with the Commission to satisfy any liability incurred for death or injury. BCL reviews OTI license applications and, after investigation, recommends the issuance of licenses to qualified applicants upon receipt of acceptable proof of financial responsibility. When appropriate, the Office recommends denial. BCL receives, reviews, and processes all OTI bonds and bond riders.

Bureau of Enforcement (BOE)

Benjamin K. Trogdon, Director

BOE is the prosecutorial arm of the FMC. Bureau attorneys participate as trial counsel in formal proceedings, and work closely with the ARs to investigate potential violations of the Shipping Act and Commission regulations. BOE negotiates settlements and informal compromises of civil penalties, and may act as investigative officers in formal fact-finding investigations initiated under the Shipping Act or the FSPA.

Bureau of Trade Analysis (BTA)

Florence A. Carr, Director

BTA reviews agreements and monitors the concerted activities of ocean common carriers and marine terminal operators under the standards of the Shipping Act. BTA also reviews and analyzes service contracts, monitors rates of government owned controlled carriers, reviews carrier published tariff systems under the accessibility and accuracy standards of the Shipping Act and responds to inquiries or issues that arise concerning service contracts or tariffs. BTA is responsible for competition oversight and market analysis, focusing on activity that is substantially anti-competitive under the standards of 6(g) of the Shipping Act.

Office of Consumer Affairs and Dispute Resolution Services (CADRS)

Philip Lee, Acting Director

CADRS assists shippers, OTIs, cruise operators and passengers, and truckers and marine terminal operators by providing alternative dispute resolution services, ombuds assistance, mediation, facilitation, and arbitration to resolve challenges and disputes involving cargo shipments, household goods shipments, and cruise issues.

Office of the Administrative Law Judge (OALJ)

Erin M. Wirth, Chief Administrative Law Judge

The OALJ resolve cases of alleged violations of the Shipping Act and other laws within the Commission's jurisdiction.

Office of Equal Employment Opportunity (OEEO)

Ebony Jarrett, Director

The OEEO advises and assists the Commission in carrying out its responsibilities relative to Titles VI and VII of the Civil Rights Act of 1964 (as amended), other laws, executive orders, and regulatory guidelines affecting affirmative employment, and the processing of EEO complaints.

Office of the Inspector General (OIG)

Jonathan Hatfield, Inspector General

The OIG is an independent and objective oversight office created within the FMC by the Inspector's General Act of 1978 (as amended) to conduct and supervise audits, inspections, and investigations relating to FMC programs; detect and prevent waste, fraud and abuse; promote economy, efficiency, and effectiveness; review existing and proposed legislation and regulations; keep the Chairman, Commissioners, and Congress fully informed of serious problems and deficiencies and recommend corrective actions; and report violations of law to the U.S. Attorney General.

Office of the General Counsel (OGC)

Steven Andersen, General Counsel

The OGC provides legal services to the Commission. Some key responsibilities include: providing advice and recommendations; preparing final decisions, orders and regulations for Commission approval and issuance; representing the Commission in litigation before the courts; representing the Commission's interests in matters before Congress; providing technical and policy assistance to other government agencies engaged international negotiations or discussions on shipping matters; and providing legal advice to the Commission, its staff, and the general public in appropriate instances. OGC also oversees the Commission's international affairs activities.

Office of the Secretary (OS)

Rachel E. Dickon, Secretary

The OS serves as the focal point for all matters and documents submitted to and emanating from the Commission. It receives and processes a variety of documents in regulatory and administrative proceedings; and subpoenas served on the Commission or its members. The OS is responsible for preparing and submitting agenda matters for consideration by the Commission; maintaining official files and records of all formal proceedings; compliance with Freedom of Information, Government in the "Sunshine," and Privacy Acts; maintaining a Public Reference/Law Library and a Docket Library; and overseeing the organization and content of the Commission's public website.

Appendix C. FY 2019 Annual Report

<https://www.fmc.gov/wp-content/uploads/2020/04/58thAnnualReport.pdf>

Appendix D. FMC Strategic Plan FY 2018-2022

<https://www.fmc.gov/wp-content/uploads/2019/12/FMCStrategic-PlanFY18-22.pdf>

Appendix E. FY 2021 Congressional Budget Justification

<https://www.fmc.gov/wp-content/uploads/2020/02/FMCFY2021ConBudget.pdf>