

Federal Mine Safety and Health Review Commission FMSHRC

Congressional Budget Justification FISCAL YEAR 2025



March 11, 2024

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TABLE OF CONTENTS

INTRODUCTION.....3

ABOUT US 3

OUR MISSION..... 3

FUNCTIONS AND PROCEDURES..... 3

LOCATION 4

STRATEGIC GOALS..... 4

CURRENT LEADERSHIP.....5

COMMISSION MEMBERS 5

KEY PERSONNEL ORGANIZATION CHART 5

BUDGET REQUEST SUMMARY.....6

REQUEST 6

PRESIDENT’S PRIORITIES 6

APPROPRIATIONS LANGUAGE8

SALARIES AND EXPENSES 8

AUTHORIZING LEGISLATION 8

JUSTIFICATION BY FUNCTION9

OVERVIEW 9

ADMINISTRATIVE LAW JUDGE FUNCTION 10

COMMISSION REVIEW FUNCTION 12

COMMISSION SUPPORT FUNCTION 15

BUDGET TABLES17

BUDGET BY OBJECT CLASSIFICATION 17

PERSONNEL SUMMARY 18

APPROPRIATIONS AND FTE HISTORY 19

INTRODUCTION

About Us

The Federal Mine Safety and Health Review Commission (FMSHRC, or the Commission) is an independent adjudicatory agency that provides administrative trial and appellate review of legal disputes arising under the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended. The Commission is entirely independent and is not a component of the Department of Labor (DOL) or Mine Safety and Health Administration (MSHA).

Section 113 of the Mine Act establishes FMSHRC and sets forth its responsibilities. The Mine Improvement and New Emergency Response Act of 2006, P.L. 109-236 (MINER Act) added an additional responsibility to FMSHRC, resolving disputes between the Secretary of Labor and underground coal operators with respect to the contents of emergency response plans or the Secretary's refusal to approve such plans.

Our Mission

The mission of FMSHRC is to provide just, speedy, and legally sound adjudication of proceedings authorized under the Mine Act in a manner that deters noncompliance with the Act and ensures that a penalty once proposed and contested before the Commission is not compromised out of view of the public or without justification.

Functions and Procedures

The Commission carries out its responsibilities through trial-level adjudication by administrative law judges and appellate review of the judges' decisions by a five-member Commission. The Commissioners are appointed by the President and confirmed by the Senate.

Most cases involve the contest of civil penalties proposed by MSHA to mine operators for alleged violations of mandatory health and safety standards, and address whether the alleged safety and health violations occurred as well as the assessment of appropriate civil penalties sufficient to deter operator noncompliance. The Commission is required by the Mine Act to review proposed penalty settlements between operators and MSHA to ensure that a penalty once proposed and contested before the Commission is not compromised out of the view of the public and without justification. Other types of cases include contests of MSHA orders to close a mine for health or safety reasons, miners' requests for compensation after being idled by such orders, review of MSHA's approval or disapproval of operators' emergency response and other mine safety plans, miners' complaints that they suffered discrimination because they exercised protected safety rights, and miners' allegations of interference with the exercise of such rights. Disputes involving the temporary reinstatement of a miner, or an emergency response plan must be decided on an expedited basis.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Once a case is filed with the Commission, it is referred to the Chief Administrative Law Judge (Chief Judge). Thereafter, litigants in the case must submit additional filings before the case is assigned to a judge. To expedite the decisional process, the Chief Judge may rule on certain motions and, where appropriate, issue orders of settlement, dismissal, or default. Otherwise, once a case is assigned to an individual judge, that judge is responsible for the case and rules upon motions and settlement proposals. If a hearing is necessary, the judge schedules and presides over the hearing, and issues a decision based upon the record. A judge's decision becomes a final, non-precedential order of the Commission unless it is accepted for review by the Commission. The Commission provides administrative appellate review. It may, in its discretion, review decisions issued by judges when requested by a litigant, or it may, on its own initiative, direct cases for review. The Commission's decisions are precedential and appeals from the Commission's decisions are heard in the federal courts of appeals.

The Chair of the Commission is responsible for the administrative operations of the Commission. The Chief Operating Officer oversees the Commission's daily operations and provides management guidance to the Chair to ensure Commission compliance with federal regulations and improve the Commission's overall efficiency and effectiveness.

Location

The Commission is headquartered in Washington, DC with satellite offices located in Denver, Colorado and Pittsburgh, Pennsylvania.

Strategic Goals

FMSHRC has three strategic goals:

Strategic Goal 1: Ensure expeditious, fair, and legally sound adjudication of cases.

Strategic Goal 2: Increase the Commission's overall operational efficiency and effectiveness.

Strategic Goal 3: Achieve organizational excellence through workforce development.

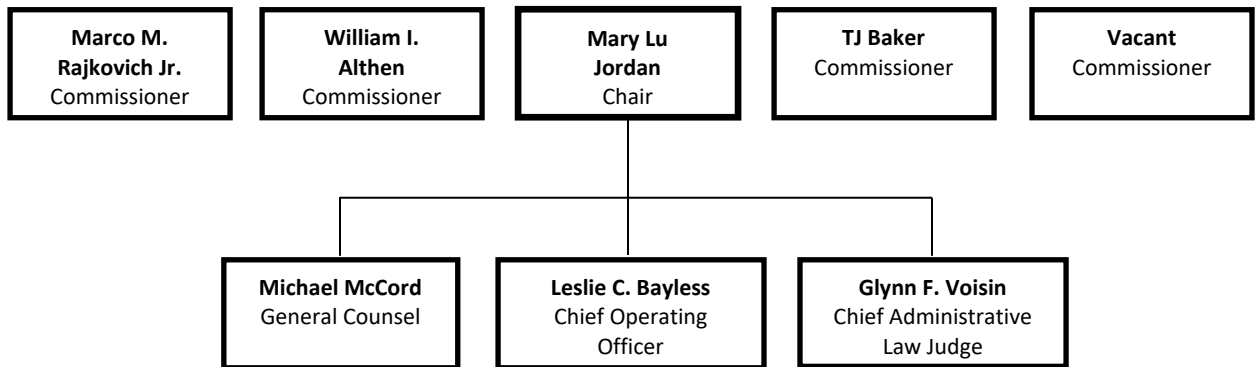
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

CURRENT LEADERSHIP

Commission Members

Name	Term Expiration
Marco M. Rajkovich Jr.	August 30, 2024
William I. Althen	August 30, 2024
Mary Lu Jordan, Chair	August 30, 2026
TJ Baker	August 30, 2026
Vacant	August 30, 2028

Key Personnel Organization Chart



FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

BUDGET REQUEST SUMMARY

Request

FMSHRC is requesting a budget level of \$17.572 million in FY 2025 to support the full-time equivalent (FTE) of 67 staff members, which will allow the Commission to carry out its mission, support Administration priorities, and absorb inflationary increases.

President's Priorities

In addition to carrying out its substantive mission, the budget request allows FMSHRC to focus on advancing the following priorities outlined within the President's Management Agenda (PMA).

MANAGEMENT ISSUES

Building Pipelines into the Federal Workforce

FMSHRC supports cultivating a workforce that draws from the full diversity of the Nation and aims to serve as a role model for diversity, equity, inclusion, and accessibility. FMSHRC continues to recruit talent both for the agency and as an entry point for more extensive federal employment. Most agency hiring is done through the Office of the Chief Administrative Law Judge (OCALJ) for the law clerk and summer internship programs. OCALJ hiring focuses on early career talent as law clerks are hired from pools of recent law school graduates. OCALJ fully leverages the flexibility of the Pathways Program to hire law school students for its summer internship positions. On a regular basis, hiring personnel discuss special emphasis hiring initiatives with the EEO Director and consider these initiatives during recruitment. To ensure a diverse pool of candidates, hiring personnel are encouraged to seek applicants through public interest job fairs; law school on-campus interviewing; affinity groups including bar associations, other professional legal associations, or professional networks; and the Department of Labor Workforce Recruitment Program, especially when recruiting for the law clerk and summer intern programs. Hiring personnel may solicit candidates directly from the Department of Labor Workforce Recruitment Program database. Hiring personnel may also consider unsolicited applications from law schools, community groups, and individuals looking for paid or unpaid opportunities. Hiring personnel track and retain all applications not submitted through USA Jobs.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Cybersecurity

FMSHRC continues to prioritize IT Modernization and Cybersecurity with a specific emphasis on Executive Order 14028, “Improving the Nation’s Cybersecurity.” FMSHRC plans to align its investments in cybersecurity according to NIST guidelines. For example, investment categories will include security acquisition, standardized cybersecurity vulnerabilities and incident response, as well as maturing priority capabilities. FMSHRC priorities also include Zero Trust security, cloud adoption, modernization of the public-facing website, leveraging data as a strategic investment, expanding digital services to a wider user base, and modernization of information systems associated with Privacy Act processes.

Travel System Modernization

FMSHRC utilizes a shared service provider through an interagency agreement for its travel services. As a result, we benefit from travel system integration with our financial management platforms. By relying on an external provider, we can leverage our external provider’s travel system modernization efforts.

Personnel System Vetting

The Commission’s Trusted Workforce 2.0 Implementation Plan is under development. The Commission continues to improve how it vets its civilian, military, and contractor workforce. The Commission has provided adequate funding to expand continuous vetting enrollment to include the agency’s Non-Sensitive Public Trust (NSPT) personnel through an Interagency Agreement with DOI and DCSA. The collection and reporting of performance metrics mandated in the Performance Management Implementation Guidance is under development.

Equity

In response to Executive Order 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, created to address outward barriers to equity and inclusion for members of underserved communities, FMSHRC continues initiatives to promote racial and economic equity, beginning with making our public-facing website accessible to the Spanish-speaking mining community and offering documents and information processes in Spanish. Additional initiatives will include distribution of bilingual written guidance in mining communities, so that miners are able to fully exercise their right to file a claim under section 105(c)(3) on their own behalf.

In response to Executive Order 14035: Diversity, Equity, Inclusion, and Accessibility in the Federal Workplace (DEIA), created to address inward barriers to equity and inclusion for members of underserved communities, FMSHRC continues to assess its recruitment, hiring, promotion, and retention policies and practices to identify any barriers. In addition, FMSHRC continues to assess whether members of underserved communities encounter any reasonable accommodation or religious accommodation barriers.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

APPROPRIATIONS LANGUAGE

Salaries and Expenses

For expenses necessary for the Federal Mine Safety and Health Review Commission, \$17,572,000. (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2023.)

Note. — A full-year 2024 appropriation for this account was not enacted at the time the Budget was prepared; therefore, the Budget assumes this account is operating under the Continuing Appropriations Act, 2024 and Other Extensions Act (Division A of Public Law 118–15, as amended). The amounts included for 2024 reflect the annualized level provided by the continuing resolution.

Authorizing Legislation

(containing indefinite authority)

Federal Mine Safety and Health Act of 1977, as amended (30 U.S.C. § 801 etseq.)

Dollars in thousands

	FY 2023 Enacted	FY 2024 C.R.	FY 2025 Request
Budget Authority	\$18.012	\$18.012	\$17.572
FTE	58	70	67

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

JUSTIFICATION BY FUNCTION

Overview

The Commission fulfills its mission through three main functions:

1. Administrative Law Judge Function
2. Commission Review Function
3. Commission Support Function

Dollars in thousands	FY 2023 Enacted		FY 2024 C.R.		FY 2025 Request	
Function	FTE	Budget Authority	FTE	Budget Authority	FTE	Budget Authority
Administrative Law Judge	35	\$9.893	42	\$9.893	39	\$10.228
Commission Review	19	\$5.756	22	\$5.756	15	\$3.934
Commission Support	4	\$2.363	6	\$2.363	13	\$3.410
Total	58	\$18.012	70	\$18.012	67	\$17.572

The Administrative Law Judge (ALJ) function is led by the Chief Administrative Law Judge and provides trial-level adjudication by ALJs. ALJs hear and decide cases initiated by the Secretary of Labor, mine operators, miners, and miners’ representatives.

The Commission Review function is carried out by the Commissioners and the Office of the General Counsel (OGC). OGC is led by the General Counsel. FMSHRC hears appeals of judges’ decisions by granting a petition for discretionary review from one or more of the parties or by directing review on its own motion. In addition, at the appellate level, FMSHRC considers motions to reopen cases where an operator has failed to timely contest a proposed penalty or to timely respond to the Secretary of Labor’s penalty petition.

The Commission Support function is led by the Chief Operating Officer and supports the Commission through financial management, human resources, and information technology services.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Administrative Law Judge Function

Dollars in thousands			
	FY 2023 Enacted	FY 2024 C.R.	FY 2025 Request
Budget Authority	\$9.893	\$9.893	\$10.228
FTE	35	42	39

Cases at the trial level are handled by FMSHRC’s Office of the Chief Administrative Law Judge (OCALJ). FMSHRC employs ALJs to hear and decide contested cases at the trial level. The ALJs afford mine operators, miners, and their representatives a full opportunity to participate in the hearing process. FMSHRC ALJs are also responsible for evaluating and approving or denying settlement agreements proposed by the parties under the Mine Act.

FMSHRC’s FY 2025 budget request includes the following strategic objective for theALJ function:

Strategic Objective 1.1 Ensure timely issuance of decisions at the trial level

	FY 2023	FY 2024	FY 2025
Performance Goal	Actual	Target	Target
1.1.1 Average time from receipt to disposition of all cases.	186 days	180 days	180 days
1.1.2 Average time from receipt to disposition of penalty cases.	184 days	180 days	180 days
1.1.3 Percent of all cases on hand over 365 days in age.	10%	10%	10%

FY 2025

FMSHRC’s FY 2025 budget request includes \$10.228 million and 39 FTEs for its Administrative Law Judge function.

The FY 2025 request includes law clerks, management analysts, and legal assistants to support the judges, and several docket office management analysts and clerks to maintain case files and process and record documents filed with FMSHRC.

FMSHRC established a pendency goal for trial level cases of 180 days for FY 2025. Pendency is the average time between receipt of a case and case disposition.

FMSHRC estimates that 1,573 trial level cases will be pending at the beginning of FY 2025. FMSHRC anticipates that it will receive 2,250 new cases during FY 2025 and will dispose of 2,150 cases during the same period.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

FY 2024

At the FY 2024 C.R. level, FMSHRC would receive \$9.893 million and 42 FTEs for its Administrative Law Judge function.

FMSHRC established a pendency goal for trial level cases of 180 days for FY 2024.

At the beginning of FY 2024, 1,373 trial level cases were pending. FMSHRC anticipates that it will receive 2,300 new cases during FY 2024 and will dispose of 2,100 cases during the same period.

FY 2023

FMSHRC’s FY 2023 enacted budget included \$9.893 million and 35 FTEs for its Administrative Law Judge function.

FMSHRC established a pendency goal for trial level cases of 180 days for FY 2023.

FMSHRC had 1,126 trial level cases pending at the beginning of FY 2023. FMSHRC received 2,280 new cases during FY 2023 and disposed of 2,033 cases during the same period.

Administrative Law Judge Function – Caseload Data

	FY 2023	FY 2024	FY 2025
	Actual	Estimate	Estimate
Cases pending beginning of year	1126	1373	1573
Assessment of civil penalty	939	1128	1327
Notice of contest	155	203	207
Discrimination and compensation	32	42	39
Other	0	0	0
New cases received	2280	2300	2250
Assessment of civil penalty	1938	1984	1950
Notice of contest	302	276	260
Discrimination and compensation	40	40	40
Other	0	0	0
Total case workload	3406	3673	3823
Assessment of civil penalty	2877	3112	3277
Notice of contest	457	479	467
Discrimination proceeding	72	82	79
Other	0	0	0

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Cases disposed	2033	2100	2150
Assessment of civil penalty	1749	1785	1835
Notice of contest	254	272	272
Discrimination and compensation	30	43	43
Other	0	0	0
Cases pending end of year	1373	1573	1673
Assessment of civil penalty	1128	1327	1442
Notice of contest	203	207	195
Discrimination and compensation	42	39	36
Other	0	0	0

Commission Review Function

Dollars in thousands

	FY 2023 Enacted	FY 2024 C.R.	FY 2025 Request
Budget Authority	\$5.756	\$5.756	\$3.934
FTE	19	22	15

The Commission Review function incorporates the responsibilities of the Commissioners and staff in the Office of the Chair and Commissioners (OCC) and the Office of the General Counsel (OGC) in the appellate review function.

The five-member Commission decides two principal types of cases:

1. *Substantive cases*, which are cases in which a judge has issued a final or interlocutory decision on the merits and FMSHRC has granted a petition for review filed by either party, or at least two Commissioners have decided to grant review on their own initiative.
2. *Default cases*, which are cases where an operator has failed to timely contest a proposed penalty or to timely respond to a judge's order and the operator has filed a motion to reopen the final order.

The general authority for the review of ALJs' decisions is set forth in section 113(d)(1) of the Mine Act. The Act states that an ALJ's decision shall become final 40 days after its issuance, unless within that period any two Commissioners direct that the decision be reviewed. Most substantive cases come before FMSHRC when two or more Commissioners vote to grant a petition for discretionary review filed by a party adversely affected or aggrieved by the ALJ's decision. FMSHRC may also consider an ALJ's

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

interlocutory ruling under certain circumstances.

Two or more Commissioners may also direct any ALJ’s final decision for review *sua sponte* (on FMSHRC’s own initiative, without the parties filing a petition). *Sua sponte* review is limited to judges’ decisions that are contrary to law or FMSHRC policy, or that present a novel question of policy.

By law, a quorum of three Commissioners is required to decide substantive cases. When FMSHRC lacks a quorum of Commissioners, it cannot issue decisions, and this affects the average time required to reach decisions. Many of FMSHRC’s cases present issues of first impression under the Mine Act. That is, the cases raise issues that have not been resolved by prior decisions of FMSHRC or the courts. Many cases involve the interpretation of safety and health standards and regulations promulgated by MSHA.

OGC is responsible for conducting the initial research in substantive cases and sometimes, when requested, will prepare the draft opinions for Commissioners. Each Commissioner is assigned an attorney advisor, who reports directly to the individual Commissioner and assists with research and preparation of opinions. The OGC attorneys also perform other duties, such as responding to FOIA requests, ethics counseling and training, and review of financial disclosure forms. In addition, OGC is primarily responsible for formulating and drafting FMSHRC’s rulemaking initiatives.

FMSHRC has established the following strategic objectives for FMSHRC Commission Review function:

Strategic Objective 1.2 Ensure timely issuance of decisions at the appellate level

	FY 2023	FY 2024	FY 2025
Performance Goal	Actual	Target	Target
1.2.1 Average time from direction for review to issuance of decision.	12 months	12 months	12 months
1.2.2 Average time from briefing completion to issuance of decision.	9 months	9 months	9 months
1.2.3 Percent of cases on hand over 18 months in age.	29%	20%	20%

Strategic Objective 1.3 Issue orders in motions to reopen cases in a timely manner

	FY 2023	FY 2024	FY 2025
Performance Goal	Actual	Target	Target
1.3.1 Average time from receipt of the motion to issuance of final order.	145 days	120 days	120 days

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

FY 2025

FMSHRC's FY 2025 budget request includes \$3.934 million and 15 FTEs for its Commission Review function.

The appellate caseload includes several types of cases, including those which by law, FMSHRC must issue rulings very quickly. For example, FMSHRC hears appeals of temporary reinstatement cases; these are discrimination cases, and pursuant to FMSHRC's procedural rules, appeals of these types of decisions must be adjudicated within an extremely short timeframe. Commissioners' workload also includes deciding whether to accept petitions for discretionary review, which by statute must generally be granted or denied within approximately ten days.

In FY 2025, it is expected that 78 substantive and default cases will be pending at the beginning of the year, and an estimated 65 new cases will be filed during the year. Approximately 60 dispositions are expected, of which an estimated 17 will be substantive cases and 43 will be default cases. It is anticipated that FMSHRC's appellate docket will contain 83 cases at the end of FY 2025.

The legal proceedings involved in disposing of substantive cases are expected to average 12 months. Therefore, the cases disposed of during the year would include cases that were received in a previous year but not disposed of that year (cases pending end of year), and new cases received during the current year. FMSHRC will continue to work expeditiously to achieve the goals for case backlog and pendency.

FY 2024

At the FY 2024 C.R. level, FMSHRC would receive \$5.756 million and 22 FTEs for its Commission Review function.

In FY 2024, a total of 71 substantive and default cases were pending at the beginning of the year, and an estimated 65 new cases will be filed during the year. Approximately 58 dispositions are expected, of which an estimated 17 will be substantive cases and 41 will be default cases. It is anticipated that FMSHRC's appellate docket will contain 78 cases at the end of FY 2024.

FY 2023

FMSHRC's FY 2023 enacted budget included \$5.756 million and 19 FTEs for its Commission Review function.

In FY 2023, a total of 59 substantive and default cases were pending before the Commission at the beginning of the year. 68 new cases were filed during the year. 56 dispositions took place, of which 13 were substantive and 43 were default cases. FMSHRC's docket contained 71 undecided cases at the end of FY 2023.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Commission Review Function – Caseload Data

	FY 2023 Actual	FY 2024 Estimate	FY 2025 Estimate
Cases pending beginning of year	59	71	78
Substantive cases	7	17	21
Default cases	52	54	57
New cases received	68	65	65
Substantive cases	18	21	21
Default cases	50	44	44
Total case workload	127	136	143
Substantive cases	25	38	42
Default cases	102	98	101
Cases disposed	56	58	60
Substantive cases	13	17	17
Default cases	43	41	43
Cases pending end of year	71	78	83
Substantive cases	17	21	25
Default cases	54	57	58

Commission Support Function

Dollars in thousands			
	FY 2023 Enacted	FY 2024 C.R.	FY 2025 Request
Budget Authority	\$2.363	\$2.363	\$3.410
FTE	4	6	13

The Chief Operating Officer oversees the Commission’s daily operations and leads the Commission Support Function, which provides administrative services to support FMSHRC in fulfilling its mission and strategic goals. The primary functions are financial management, human resources, and information technology services, in addition to procurement and contracting, facilities management, and general administrative service support.

The financial management services function includes budget and accounting, such as budget formulation, budget execution, funds control, financial reporting, and vendor payments.

Human resources services include recruitment and placement, classification and pay administration, performance management and incentive awards, employee benefits and retirement, personnel security, coordination of employee training programs, and wellness and employee assistance programs.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Information technology includes help-desk functions, network administration, Cybersecurity oversight and implementation, policy formulation, and telecommunications.

Procurement and contracting include specific matters such as maintaining a simplified acquisition program for supplies and services, contract implementation and oversight, and coordination of services and supplies.

Facilities management includes property and space management, OSHA Compliance, emergency evacuation, and physical security.

The Commission Support function's other general administrative services include oversight and administration of employee travel authorizations and reimbursements and the metro subsidy program.

FMSHRC has established the following strategic objectives for FMSHRC Commission Support function:

Strategic Objective 2.1 – Modernize Information Technology infrastructure, resources, and capabilities.

Strategic Objective 2.2 – Increase internal transparency.

Strategic Objective 3.1 – Advance diversity, equity, inclusion, and accessibility.

Strategic Objective 3.2 – Improve talent management.

Strategic Objective 3.3 – Promote work-life programs.

Performance measures will be established to track progress toward achieving these strategic objectives.

FY 2025

FMSHRC's FY 2025 budget request includes 13 FTEs and \$3.410 million for its Commission Support function.

FY 2024

At the FY 2024 C.R. level, FMSHRC would receive 6 FTEs and \$2.363 million for its Commission Support function.

FY 2023

FMSHRC's FY 2023 enacted budget included 4 FTEs and \$2.363 million for its Commission Support function.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

BUDGET TABLES

Budget by Object Classification

Dollars in thousands			
	FY 2023 Enacted	FY 2024 C.R.	FY 2025 Budget Request
Personnel Compensation	10.284	10.284	9.434
Other than Full-Time Permanent	<u>0</u>	<u>0</u>	<u>0</u>
Total, Personnel Compensation	10.284	10.284	9.434
Personnel Benefits, Civilian	2.697	2.697	3.137
Benefits to Former Employees	.010	.010	.009
Travel and Transportation of Persons	.151	.151	.075
Transportation of Things	.011	.011	.001
Rental Payments to GSA	1.875	1.875	1.530
Communications, Utilities, and Misc.	.807	.807	.232
Printing and Reproduction	.015	.015	.008
Other Services	1.889	1.889	2.567
Supplies and Materials	.150	.150	.031
Equipment	.123	.123	.123
Total	18.012	18.012	17.572

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Personnel Summary

	FY 2023 Enacted	FY 2024 C.R.	FY 2025 Request
Executive Level III	1	1	1
Executive Level IV	4	4	4
Executive Schedule	5	5	5
ES	2	2	2
Senior Executive Service	2	2	2
AL-2	1	1	1
AL-3	9	9	9
Administrative Law Judges	10	10	10
GS-15	7	8	7
GS-14	5	5	5
GS-13	6	8	8
GS-12	4	3	6
GS-11	4	10	6
GS-9	13	15	12
GS-8	1	1	1
GS-7	1	3	5
General Schedule	41	53	50
Total Permanent Full-Time Positions	58	70	67

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Appropriations and FTE History

Fiscal Year	Budget Estimate to Congress	House Allowance	Senate Allowance	Appropriation	FTE¹
2009	8,653,000	8,653,000	8,653,000	8,653,000	50
2010	9,857,567	9,857,567	10,358,000	10,358,000 ²	63
Supplemental		3,800,000	3,800,000	3,800,000 ³	17 ⁴
2011	13,105,000	13,905,000	15,755,000	10,337,000 ⁵	63
2012	22,417,000	--	17,637,000	17,604,000 ⁶	72
2013	16,000,000	--	--	16,683,00 ⁷	74
2014	16,423,000	--	--	16,423,000	82
2015	17,601,000	--	--	16,751,000	73
2016	17,085,000	--	--	17,085,000	72
2017	17,184,000	--	--	17,184,000	65
2018	17,053,000	--	--	17,184,000	60
2019	17,053,000	--	--	17,184,000	66
2020	17,184,000	--	--	17,184,000	59
2021	17,184,000	--	--	17,184,000	76
2022	17,539,000	--	--	17,184,000	65
2023	18,012,000	--	--	18,012,000	58
2024	18,012,000	--	--	--	70*
2025	17,572,000	--	--	--	67*

*Estimated FTE Level

¹ FTE for FY 2013 and before representing the FTE ceiling given budget authority, not the actual FTE.

² Reflects Senate approved mark-up of \$500,000 pursuant to P.L. 111-117.

³ Reflects supplemental funding of \$3,800,000 pursuant to P.L. 111-212.

⁴ Temporary FTE provided July 29, 2010—July 28, 2011, though FY 2010 supplemental appropriation. The Commission carried this staff over for the last two months of FY 2011, using FY 2011 funding.

⁵ Reflects reduction of \$21,000 pursuant to Sec. 1119(a) of the Department of Defense and Full-Year Continuing Appropriations Act, 2013, P.L. 112-10.

⁶ Reflects reduction of \$33,334 pursuant to Section 527(a) of the Consolidated Appropriations Act, 2013, P.L. 112-74.

⁷ Reflects the post-sequester 2013 Continuing Resolution level.