

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

**JUSTIFICATION OF
APPROPRIATION ESTIMATES
FOR
CONGRESSIONAL APPROPRIATIONS**



FISCAL YEAR 2018

MAY 23, 2017

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

EXECUTIVE SUMMARY

The Federal Mine Safety and Health Review Commission (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. Section 113 of the Mine Act establishes the Commission 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 the Commission, 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.

The Commission is requesting a budget level of \$17,053,000 for FY 2018 to support the full-time equivalent (FTE) of 76 staff members. This Budget Level is level with the 2017 annualized Continuing Resolution amount.

Most cases that come before the Commission involve civil penalties proposed by the Department of Labor's Mine Safety and Health Administration (MSHA) against mine operators. The Commission is responsible for addressing whether the alleged violations occurred, as well as the assessment of appropriate civil penalties. Other types of cases include contests of MSHA orders to close a mine for health or safety reasons, miners' charges of discrimination based on their complaints regarding health or safety, and miners' requests for compensation after being idled by a mine closure order. Disputes involving the temporary reinstatement of a miner or an emergency response plan must be decided on an expedited basis.

The Commission's Administrative Law Judges (judges) decide cases at the trial level. The five-member Commission provides administrative appellate review. Review of a judge's decision by the Commission is not automatic, and requires the approval of at least two Commissioners. Most of the cases accepted for review are generated from petitions filed by parties adversely affected by a judge's decision. In addition, the Commission, on its own initiative, may decide to review a case. A judge's decision that is not accepted for review becomes a final, non-precedential order of the Commission. Appeals from the Commission's decisions are to the federal courts of appeals.

Cases at the trial level are handled by the Commission's Office of Administrative Law Judges (OALJ). From FY 2000 through FY 2005, the average number of cases filed was 2,307 per year. Starting in FY 2006, the number of new cases filed in a given year increased steadily to a peak of 11,100 in FY 2010, and although decreased it remains at high levels. It is expected that the OALJ will receive 4,051 new cases for review in FY 2018.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

“The Commission’s Review function (the five-member Commission) is expected to receive 103 new cases, including 33 substantive cases and 70 default cases.” The Commission projects 18 undecided substantive appellate level cases at the start of FY 2018. During FY 2018, 33 new cases are anticipated to be filed, and 33 cases are anticipated to be disposed. Thus, the case inventory at the end of the year is estimated to be 18.

Resolving substantive cases creates a great demand on the resources of the five-member Commission and the Office of General Counsel (OGC). Typically, in these substantive cases, the Commissioners, with the assistance of the OGC, review and analyze extensive briefs filed by the parties, sometimes conduct an oral argument, and issue a decision which addresses the major contentions raised by the parties.

In addition to petitions for review in substantive cases, the Commission at the appellate level considers requests to reopen cases in which a mine operator is in default for failing to timely respond to the Secretary’s proposed penalty or to a judge’s order. These cases are generically referred to as default cases. The number of these requests for reopening filed each year has remained at historically high levels.

The Commission’s overall management priority continues to be the expeditious, fair, and legally sound adjudication of cases at the trial and appellate levels.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

MISSION

The Federal Mine Safety and Health Review Commission is an independent adjudicatory agency charged with resolving disputes arising from the enforcement of safety and health standards in the nation's mines. Under its authorizing statute, the Mine Act, the Commission does not regulate the mining industry, nor does it enforce the Mine Act; those functions are delegated to the Secretary of Labor acting through MSHA. The Commission's mission is to provide just, speedy, and legally sound adjudication of proceedings authorized under the Mine Act, thereby enhancing compliance with the Act and contributing to the improved health and safety of the nation's miners.

The scope of the Commission's mission was expanded by the passage of the MINER Act in 2006. That statute amended the Mine Act and vested the Commission with the responsibility for resolving disputes over the contents of mine emergency plans adopted by underground coal mine operators and submitted to MSHA for review and approval. The MINER Act imposed tight deadlines on the Commission and its judges with respect to these proceedings and the Commission has adopted procedural rules to implement those deadlines.

FUNCTIONS AND PROCEDURES

The Commission carries out its responsibilities through trial-level adjudication by judges and appellate review of judges' decisions by a five-member Commission appointed by the President and confirmed by the Senate. Most cases involve civil penalties assessed against mine operators by MSHA, and address whether or not the alleged safety and health violations occurred and if so, the degree of gravity and negligence involved. Other types of cases involve mine operators' contests of mine closure orders, miners' complaints of safety or health related discrimination, miners' applications for compensation after a mine is idled by a closure order, and review of disputes between MSHA and underground coal mine operators relating to those operators' mine emergency plans.

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

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order of the Commission unless it is accepted for review by the five-member Commission.

The Commission also 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 Office of the Executive Director supports the above functions by providing budget and financial management, and administrative and technical services, including human resources and information technology, procurement and contracting, and facilities management.

STRATEGIC GOALS

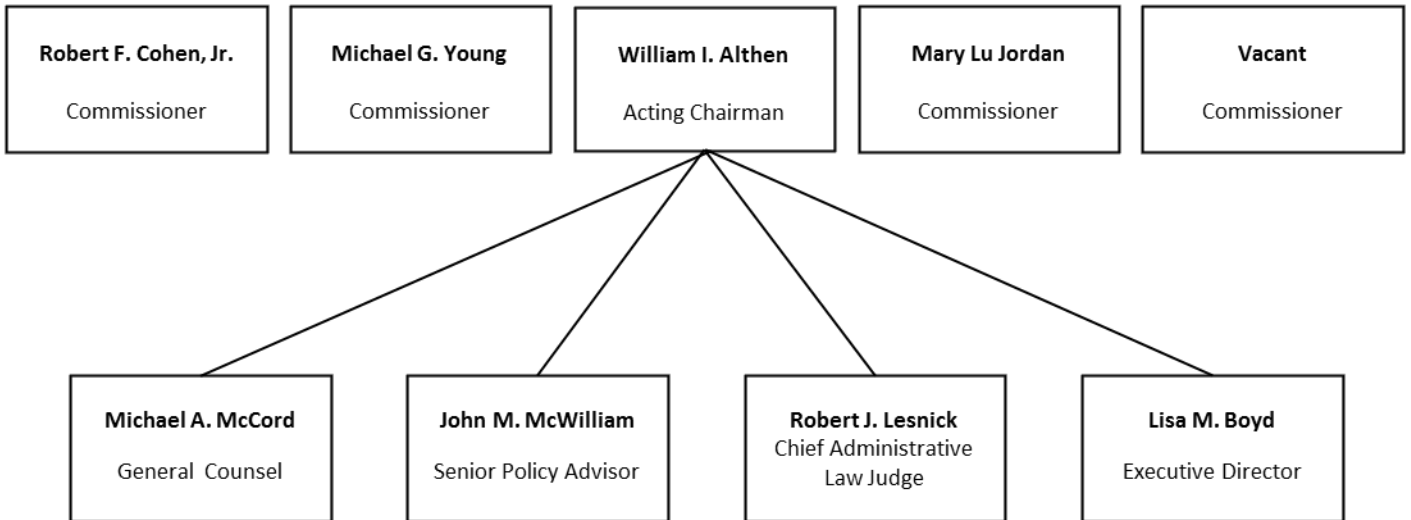
The Commission has two strategic goals:

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

Strategic Goal 2: Manage the Commission's human resources, operations, facilities, and information technology systems to ensure a continually improving, effective, and efficient organization

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

**KEY PERSONNEL
ORGANIZATION CHART**



FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

COMMISSION MEMBERS

<u>NAME</u>	<u>TERM EXPIRATION</u>
William I. Althen, Acting Chairman	August 30, 2018
Robert F. Cohen Jr.	August 30, 2018
Michael G. Young	August 30, 2020
Mary Lu Jordan	August 30, 2020
Vacant	
APPOINTMENT EXPIRED	
Patrick K. Nakamura	August 30, 2016

APPROPRIATION LANGUAGE

SALARIES AND EXPENSES

For necessary expenses of the Federal Mine Safety and Health Review Commission [\$17,053,000] \$17,053,000. (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2017.)

Note: A full-year 2017 appropriation for this account was not enacted at the time the budget was prepared; therefore, the budget assumes this account is operating under the Further Continuing Appropriations Act, 2017 (P.L. 114–254). The amounts included for 2017 reflect the annualized level provided by the continuing resolution, “FY2017 CR.”

Authorizing Legislation

Authorizing Legislation Containing Indefinite Authority
 Federal Mine Safety and Health Act of 1977, as amended (30 U.S.C. § 801 et seq.)

Dollars in thousands

	FY 2016 Enacted	FY 2017 CR	FY 2018 Request
Budget Authority	\$17,085	\$17,053	\$17,053
FTE	79	79	76

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

JUSTIFICATION BY FUNCTION

GENERAL STATEMENT

The Commission was established as an independent agency by section 113(a) of the Federal Mine Safety and Health Act of 1977. The Commission fulfills its mission through three functions.

The Office of the Administrative Law Judges (OALJ) function provides trial-level adjudication by judges. At the trial level, the Commission's judges 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 five-member Commission, its staff, and the Office of the General Counsel (OGC). The Commission 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, the Commission 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 Office of the Executive Director (OED) function supports both the trial-level and appellate functions by providing budget management, administrative and technical services.

In FY 2018, the Commission is requesting \$17,053,000 and 76 FTE.

Summary by Function

Dollars in thousands

Function	FY 2016 Enacted		FY 2017 CR		FY 2018 Request	
	FTE	Budget Authority	FTE	Budget Authority	FTE	Budget Authority
Administrative Law Judge	48	\$9,880	48	\$9,861	43	\$9,446
Commission Review	25	\$5,912	25	\$5,901	25	\$6,105
Office of Executive Director	6	\$1,293	6	\$1,291	8	\$1,502
Total	79	\$17,085	79	\$17,053	76	\$17,053

ADMINISTRATIVE LAW JUDGE FUNCTION

Administrative Law Judge Function

Dollars in thousands

	FY 2016 Enacted	FY 2017 CR	FY 2018 Request
Budget Authority	\$9,880	\$9,681	\$9,446
FTE	48	48	43

Introduction

The Commission employs administrative law judges to hear and decide contested cases at the trial level. The judges travel to hearing sites located at or near the mine involved in order to afford mine operators, miners and their representatives a full opportunity to participate in the hearing process. Commission judges are also responsible for evaluating and approving or denying settlement agreements proposed by the parties under the Mine Act.

The Commission’s FY 2018 budget includes the following strategic objective for the Administrative Law Judge function:

- Ensure timely issuance of decisions at the trial level.

FY 2018

The Commission’s FY 2018 budget request includes 43 FTEs and \$9,446,000 for OALJ.

The FY 2018 request includes law clerks and legal assistants to support the judges, and a number of docket clerks to maintain case files and process and record documents

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filed with the Commission. The Commission has established a pendency goal for trial level cases of 300 days for FY 2018. Pendency is the average time between receipt of a case and case disposition.

The Commission estimates that 3,058 trial level cases will be pending at the beginning of FY 2018. New case filings are expected to remain steady from the FY 2017 level. As such, the Commission anticipates that it will receive 4,051 new cases during FY 2018, and will dispose of 4,051 cases during the same period.

FY 2017

The Commission received a budget of \$9,861,000 and 48 FTE for OALJ activities in FY 2017.

There were 3,058 trial level cases pending at the beginning of FY 2017. New case filings are expected to remain steady from the FY 2016 level. As such, the Commission anticipates that it will receive 4,051 new cases during FY 2017, and will dispose of 4,051 cases during the same period.

FY 2016

The Commission received a budget of \$9,880,000 and 48 FTE for OALJ activities in FY 2016.

The Commission began FY 2016 with an inventory of 4,682 undecided cases, and 4,051 new cases were received for the year.

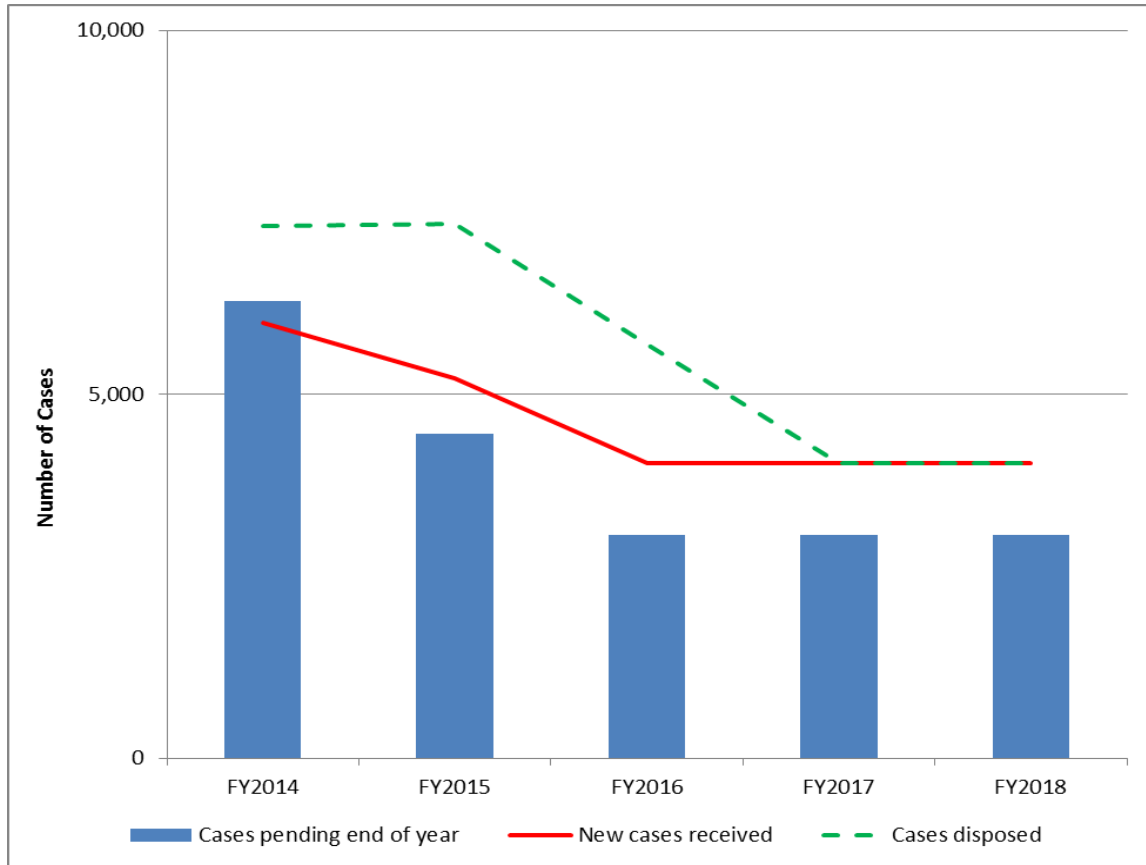
The Commission disposed of 5,675 cases in FY 2016. The Commission reached a pendency of 348 days in FY 2016. This resulted in a FY 2016 end-of-year inventory of 3,058 undecided cases.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Administrative Law Judge Function - Caseload Data

	FY 2016 Actual	FY 2017 Estimate	FY 2018 Estimate
Cases pending beginning of year	4,682	3,058	3,058
Assessment of civil penalty	3,384	2,492	2,492
Notice of contest	1,215	491	491
Discrimination proceeding	72	65	65
Compensation proceeding	9	9	9
Other	2	1	1
New cases received	4,051	4,051	4,051
Assessment of civil penalty	3,647	3,647	3,647
Notice of contest	309	309	309
Discrimination proceeding	69	69	69
Compensation proceeding	23	23	23
Other	3	3	3
Total case workload	8,733	7,109	7,109
Assessment of civil penalty	7,031	6,139	6,139
Notice of contest	1,524	800	800
Discrimination proceeding	141	134	134
Compensation proceeding	32	32	32
Other	5	4	4
Cases disposed	5,675	4,051	4,051
Assessment of civil penalty	4,539	3,647	3,647
Notice of contest	1,033	309	309
Discrimination proceeding	76	69	69
Compensation proceeding	23	23	23
Other	4	3	3
Cases pending end of year	3,058	3,058	3,058
Assessment of civil penalty	2,492	2,492	2,492
Notice of contest	491	491	491
Discrimination proceeding	65	65	65
Compensation proceeding	9	9	9
Other	1	1	1

Administrative Law Judge Function – Case Workload



FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Performance Metrics - Administrative Law Judge Function

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

Performance Goal	FY 2016		FY 2017	FY 2018
	Target	Results	Target	Target
1.1.1 Average time from receipt to disposition of all cases	300 days	348 days	300 days	300 days
1.1.2 Average time from receipt to disposition of penalty cases	330 days	309 days	300 days	300 days
1.1.3 Percent of all cases on hand over 365 days in age	20%	21%	20%	20%
Number of cases pending at year end	4,200	3,058	3,058	3,058

COMMISSION REVIEW FUNCTION

Commission Review Function			
Dollars in thousands			
	FY 2016 Enacted	FY 2017 CR	FY 2018 Request
Budget Authority	\$5,912	\$5,901	\$6,105
FTE	25	25	25

Introduction

The Commission Review function incorporates the responsibilities of the Commissioners and the Office of the General Counsel 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 the Commission 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 judges’ decisions is set forth in section 113(d)(1) of the Mine Act. The Act states that a judge’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 the Commission when two or more Commissioners vote to grant a petition for discretionary review filed by a party adversely affected or aggrieved by the judge’s decision. The Commission may also consider a judge’s interlocutory ruling under certain circumstances.

Two or more Commissioners may also direct any judge’s final decision for review *sua sponte* (on the Commission’s own motion, without the parties filing a petition). *Sua*

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sponte review is limited to judges' decisions that are contrary to law or Commission policy, or that present a novel question of policy.

By law, a quorum of three Commissioners is required to decide substantive cases. Many of the Commission'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 the Commission or the courts. Many cases involve the interpretation of safety and health standards and regulations promulgated by MSHA.

The Office of General Counsel (OGC) is responsible for conducting the initial research in substantive cases and preparing draft opinions for Commission members. OGC plays an important role in handling substantive cases that have been accepted for review by the Commissioners. The OGC attorneys also perform other duties, such as responding to FOIA requests, ethics counseling and training, and review of financial disclosure forms. Those duties have substantially increased with the size of the Commission's staff. In addition, OGC is primarily responsible for formulating and drafting the Commission's rulemaking initiatives, such as those involving more efficient settlement procedures and simplified proceedings for litigating certain categories of cases.

The Commission has established the following strategic objective for the Commission review function.

- Ensure timely issuance of decisions at the appellate level.

FY 2018

The Commission is requesting a budget of \$6,105,000 and 25 FTE for its appellate review activities in FY 2018.

The appellate caseload includes several types of cases, including those where by law the Commission must issue rulings very quickly. For example, the Commission hears appeals of temporary reinstatement cases; these are discrimination cases, and pursuant to the Commission's procedural rules, appeals of these types of decisions must be adjudicated within an extremely short timeframe. The 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.

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In FY 2018, it is expected that 120 substantive and default cases will be pending before the Commission at the beginning of the year, and an estimated 103 new cases will be filed during the year. Approximately 131 dispositions are expected, of which an estimated 33 will be substantive cases and 98 will be default cases. Thus, it is anticipated that the Commission's appellate docket will contain 92 undecided cases at the end of FY 2018. The legal proceedings involved in disposing of substantive cases is expected to average twelve months. Therefore, the cases disposed of during one year include both 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. The Commission will continue to work expeditiously to achieve the goals for case backlog and pendency.

FY 2017

The Commission received a budget of \$5,901,000 and 25 FTE for its appellate review activities in FY 2017.

In FY 2017, there were 148 cases before the Commission at the beginning of the year, and an estimated 103 new cases will be filed during the year. Approximately 131 dispositions are expected, of which an estimated 33 will be substantive cases and 98 will be default cases. Thus, it is anticipated that the Commission's appellate docket will contain 120 undecided cases at the end of FY 2017.

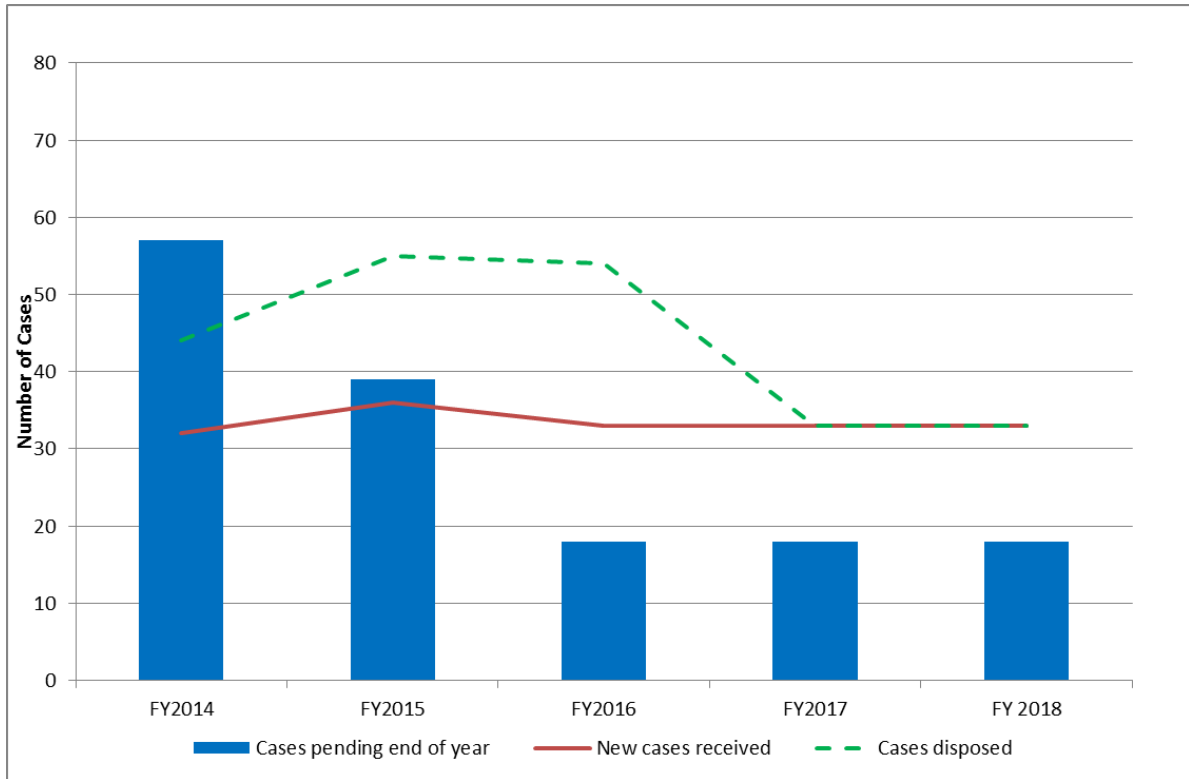
FY 2016

The Commission received \$5,912,000 and 25 FTE for FY 2016.

This funding included funding for an additional 3 FTEs to provide a full-time Counsel for each of the five Commissioners in order to reduce the pendency of the substantive case load on appeal before the five Commissioners.

In FY 2016, the Commission began the year with an inventory of 162 undecided cases, and 202 new cases were received for the year. There were 220 case dispositions, consisting of 54 substantive cases and 166 default cases. The Commission's appellate docket contained 148 undecided cases at the end of FY 2016.

Commission Review Function – Case Workload
Substantive Cases



FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Commission Review Function - Caseload Data

	FY 2016 Actual	FY 2017 Estimate	FY 2018 Estimate
Cases pending beginning of year	162	148	120
Substantive cases	39	18	18
Default cases	127	130	102
New cases received	202	103	103
Substantive cases	33	33	33
Default cases	169	70	70
Total case workload	364	251	223
Substantive cases	72	51	51
Default cases	296	200	172
Cases disposed	220	131	131
Substantive cases	54	33	33
Default cases	166	98	98
Cases pending end of year	148	120	92
Substantive cases	18	18	18
Default cases	130	102	74

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Performance Metrics - Commission Review Function

Performance Goal	FY 2016		FY 2017	FY 2018
	Target	Results	Target	Target
Strategic Objective 1.2 Ensure timely issuance of decisions for substantive appellate cases				
1.2.1 Average time to issuance of decision	31 months	22 months	12 months	12 months
1.2.2 Average time from briefing completion to issuance of decision	27 months	19 months	9 months	9 months
1.2.3 Percent of cases on hand over 18 months in age	40%	11%	30%	30%
Number of cases pending at year end	19	18	18	18
Strategic Objective 1.3 Issue orders in default cases in a timely manner				
1.3.1 Percent of default cases on hand over 6 months in age	12%	57%	30%	30%

Goal 1.2.1 measures the average time period from the date that review is granted to the date of issuance of a decision

OFFICE OF THE EXECUTIVE DIRECTOR FUNCTION

Office of the Executive Director Function			
Dollars in thousands			
	FY 2016 Enacted	FY 2017 CR	FY 2018 Request
Budget Authority	\$1,293	\$1,291	\$1,502
FTE	6	6	8

Introduction

The Office of the Executive Director (OED) provides administrative services to support the Commission in fulfilling its mission and strategic goals. The primary functions are financial management, human resources, procurement and contracting, information technology, facilities management, and general administrative service support. The financial management services function includes the areas of budget and accounting, such as budget formulation, budget execution, funds control, financial reporting, and vendor payments.

Human resources covers the areas of 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.

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

Information technology entails help desk functions, network administration, policy formulation, and telecommunications.

Facilities management covers property and space management, organization management, and physical security.

Other general administrative services provided by OED include the administration of employee travel authorizations and reimbursements, and the Metro subsidy program.

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The Commission has established the following strategic objectives for the Commission review function.

- Maintain and enhance secure electronic information systems for case management, legal research, management operations support, public access to data through the internet, and continuity of the Commission's operations during national emergencies or natural disasters which may disrupt normal office operations
- Recruit, train, and retain a diverse workforce of skilled, highly motivated employees to effectively and efficiently accomplish the Commission's mission

FY 2018

The Commission is requesting an FY 2018 budget of \$1,502,000 and 8 FTE.

FY 2017

The Commission received an FY 2017 budget of \$1,291,000 and 6 FTE.

FY 2016

The Commission received \$1,293,000 and 6 FTE for FY 2016.

TABLES

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Budget Authority by Object Class

FY 2018 Budget Request by Object Class			
Dollars in thousands			
	FY 2016 Enacted	FY2017 CR	FY 2018 Request
Personnel Compensation	8,594	8,758	8,521
Other than Full-Time Permanent	<u>0</u>	<u>0</u>	<u>0</u>
Total, Personnel Compensation	8,594	8,758	8,521
Personnel Benefits, Civilian	2,247	2,300	2,203
Benefits to Former Employees	12	5	5
Travel and Transportation of Persons	249	166	134
Transportation of Things	35	10	10
Rental Payments to GSA	1,917	1,948	1,966
Communications, Utilities, and Misc.	556	494	494
Printing and Reproduction	25	12	12
Other Services	3,040	3,036	3,299
Supplies and Materials	178	200	200
Equipment	232	124	209
Total	17,085	17,053	17,053

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Personnel Summary

	2016 Actual	2017 Estimate	2018 Estimate
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-1	1	1	1
AL-3	14	14	11
Administrative Law Judges	15	15	12
GS-15	5	6	6
GS-14	4	5	5
GS-13	7	8	8
GS-12	8	10	16
GS-11	18	17	3
GS-9	2	2	3
GS-8	13	9	15
GS-7	0	0	0
GS-6	0	0	1
GS-5	0	0	0
General Schedule	57	57	57
Total Permanent Full-time Positions	79	79	76

Average Salaries

	FY 2016 Enacted	FY 2017 CR	FY 2018 Request
Average EX Salary	\$158,767	\$157,950	\$157,460
Average ES Salary	\$170,530	\$174,815	\$176,523
Average AL Salary	\$166,412	\$171,675	\$173,069
Average GS Salary	\$83,233	\$83,233	\$79,709

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

**Amounts Available for Obligation
(in millions)**

	FY 2016 Enacted		FY 2017 CR		FY 2018 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
Appropriation, total estimated obligations	79	\$17.085	79	\$17.053	76	\$17.053

**Summary of Changes by Budget Authority
(in millions)**

Budget Authority	FY 2016 Enacted	FY 2017 CR	FY 2018 Request	Net Change (FY 2017 to FY 2018)
Appropriations	\$17.085	\$17.053	\$17.053	\$0.00
Full-time Equivalent	79	79	76	- 3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Appropriations and FTE History

Fiscal Year	Budget Estimate to Congress	House Allowance	Senate Allowance	Appropriation	FTE ¹
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	--	--	16,683,000 ¹⁴	74
2014	16,423,000	--	--	16,423,000	76
2015	17,601,000	--	--	16,751,000	76
2016	17,085,000	--	--	17,085,000	79
2017	17,085,000	--	--	17,053,000 ¹⁵	79(e)
2018	17,053,000				76

(e) = estimated

¹ FTE for FY 2013 and before represent 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.

¹⁴ Reflects the 2013 Continuing Resolution level.

¹⁵ Reflects the 2017 Continuing Resolution level.