

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

**JUSTIFICATION OF
APPROPRIATION ESTIMATES
FOR
CONGRESSIONAL APPROPRIATIONS**



FISCAL YEAR 2017

FEBRUARY 9, 2016

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 of \$17,184,000 for FY 2017 to support the full-time equivalent (FTE) of 79 staff members. The increase will allow the Commission to cover inflationary costs in built-ins while continuing to fulfill their mission.

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 Commission will receive 5,214 new cases for review in FY 2017. The Commission's overall management priority continues to be the

Federal Mine Safety and Health Review Commission

expeditious, fair, and legally sound adjudication of cases at the trial and appellate levels.

The Commission projects 4,200 undecided trial cases at the start of FY 2017. During FY 2017, 5,214 new cases are anticipated to be filed, and 6,114 cases are anticipated to be disposed. Thus, the case inventory at the end of the year is estimated to be 3,300.

In recent years, the Commission's appellate review function has also seen a dramatic increase in the number of filings. The trend of parties filing this higher number of petitions for review is likely to continue for the foreseeable future.

Resolving these 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.

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

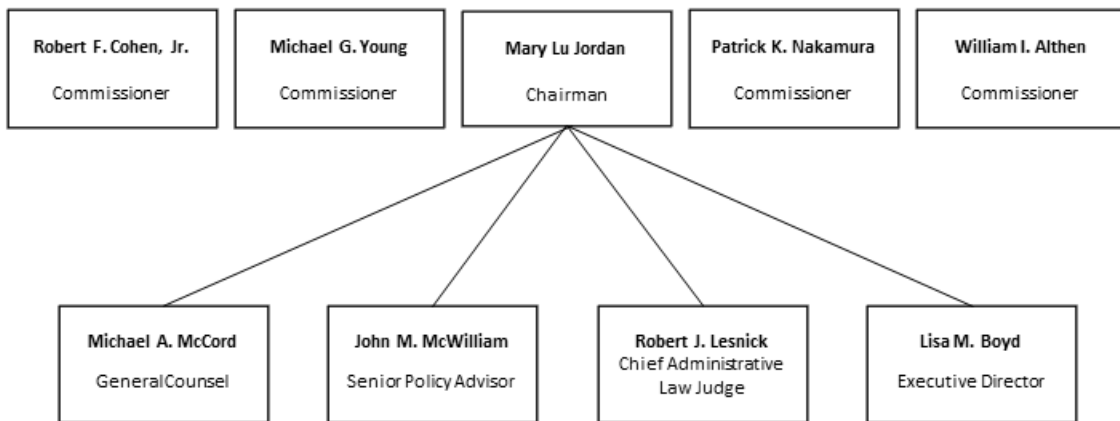
The Commission has two strategic goals:

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>
Mary Lu Jordan, Chairman	August 30, 2020
Patrick K. Nakamura	August 30, 2016
Robert F. Cohen Jr.	August 30, 2018
William I. Althen	August 30, 2018
Michael G. Young	August 30, 2020

Federal Mine Safety and Health Review Commission

APPROPRIATION LANGUAGE

SALARIES AND EXPENSES

For necessary expenses of the Federal Mine Safety and Health Review Commission [\$17,085,000] \$17,184,000. (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2016.)

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 2015 Enacted	FY 2016 Enacted	FY 2017 Request
Budget Authority	\$16,751	\$17,085	\$17,184
FTE	76	79	79

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 2017, the Commission is requesting \$17,184,000 and 79 FTE.

Summary by Function

Dollars in thousands

Function	FY 2015 Enacted		FY 2016 Enacted		FY 2017 Request	
	FTE	Budget Authority	FTE	Budget Authority	FTE	Budget Authority
Administrative Law Judge	48	\$11,578	48	\$11,653	48	\$11,721
Commission Review	22	\$4,294	25	\$4,535	25	\$4,561
Office of Executive Director	6	\$879	6	\$897	6	\$902
Total	76	\$16,751	79	\$17,085	79	\$17,184

Federal Mine Safety and Health Review Commission

ADMINISTRATIVE LAW JUDGE FUNCTION

Administrative Law Judge Function			
Dollars in thousands			
	FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request
Budget Authority	\$11,578	\$11,653	\$11,721
FTE	48	48	48

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 2017 budget includes the following strategic objective for the Administrative Law Judge function:

- Ensure timely issuance of decisions at the trial level.

FY 2017

The Commission's FY 2017 budget request includes 48 FTEs and \$11,721,000 for OALJ.

The FY 2017 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 200 days for FY 2017, a reduction from the pendency goal of 300 days in FY 2016. Pendency is the average time between receipt of a case and case disposition.

The Commission estimates that 4,200 trial level cases will be 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 5,214 new cases during FY 2017, and will dispose of 6,114 cases during the same period.

FY 2016

The Commission received a budget of \$11,653,000 and 48 FTE for OALJ activities in FY 2016.

The Commission has established a pendency goal for trial level cases of 300 days for FY 2016, a reduction from the pendency of 425 days in FY 2015. Pendency is the average time between receipt of a case and case disposition.

There were 4,452 trial level cases pending at the beginning of FY 2016. New case filings are expected to remain steady from the FY 2015 level. As such, the Commission anticipates that it will receive 5,214 new cases during FY 2016, and will dispose of 5,466 cases during the same period.

FY 2015

The Commission received a budget of \$11,578,000 and 48 FTE for OALJ activities in FY 2015.

The Commission began FY 2015 with an inventory of 6,582 undecided cases, and 5,214 new cases were received for the year.

The Commission disposed of 7,344 cases in FY 2015. The Commission reached a pendency of 425 days in FY 2015. This did not meet the goal of 360 days. The pendency figure fluctuated throughout FY 2015 as some of the Commission's oldest cases were disposed, which raised the pendency figure for FY 2015, but will result in a lower pendency figure for FY 2016 and FY 2017. This resulted in a FY 2015 end-of-year inventory of 4,452 undecided cases.

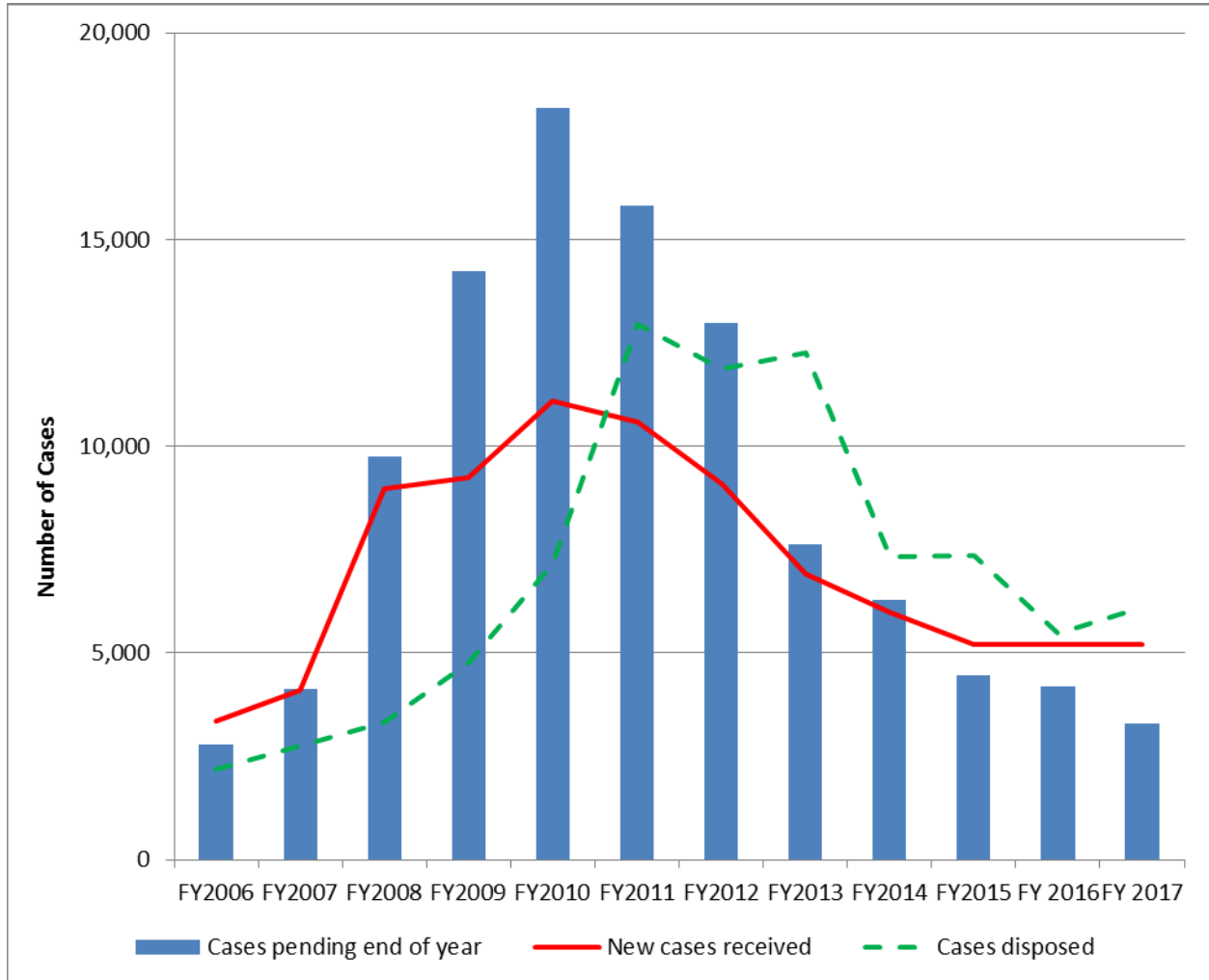
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Administrative Law Judge Function - Caseload Data

	FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request
Cases pending beginning of year	6,582	4,452	4,200
Assessment of civil penalty	5,059	3,226	3,043
Notice of contest	1,430	1,152	1,087
Discrimination proceeding	77	61	58
Compensation proceeding	1	1	1
Other	15	12	11
New cases received	5,214	5,214	5,214
Assessment of civil penalty	4,338	4,338	4,338
Notice of contest	787	787	787
Discrimination proceeding	56	56	56
Compensation proceeding	1	1	1
Other	32	32	32
Total case workload	11,796	9,666	9,414
Assessment of civil penalty	9,397	7,564	7,381
Notice of contest	2,217	1,939	1,874
Discrimination proceeding	133	117	114
Compensation proceeding	2	2	2
Other	47	44	43
Cases disposed	7,344	5,466	6,114
Assessment of civil penalty	6,171	4,521	4,990
Notice of contest	1,065	852	1,020
Discrimination proceeding	72	59	68
Compensation proceeding	1	1	1
Other	35	33	34
Cases pending end of year	4,452	4,200	3,300
Assessment of civil penalty	3,226	3,043	2,391
Notice of contest	1,152	1,087	854
Discrimination proceeding	61	58	45
Compensation proceeding	1	1	1
Other	12	11	9

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Administrative Law Judge Function – Case Workload



Federal Mine Safety and Health Review Commission

Performance Metrics - Office of the Administrative Law Judge Function

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

Performance Goal	FY 2015 Enacted		FY 2016 Enacted	FY 2017 Request
	Target	Results	Target	Target
1.1.1 Average time from receipt to disposition of all cases	360 days	425 days	300 days	200 days
1.1.2 Average time from receipt to disposition of penalty cases	360 days	387 days	330 days	250 days
1.1.3 Percent of all cases on hand over 365 days in age	30%	25%	20%	20%
Number of cases pending at year end	5,500	4,452	4,200	3,300

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COMMISSION REVIEW FUNCTION

Commission Review Function			
Dollars in thousands			
	FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request
Budget Authority	\$4,294	\$4,535	\$4,561
FTE	22	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 form. 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.

In recent years, the Commission's appellate review function has seen a significant increase in the number of filings of both substantive and default cases. The trend of this higher number of petitions being filed for substantive review is likely to continue for the foreseeable future.

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

- Ensure timely issuance of decisions at the appellate level.

FY 2017

The Commission is requesting a budget of \$4,561,000 and 25 FTE for its appellate review activities in FY 2017.

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

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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. Due in part to the increased trial caseload, the number of these requests for appeals has grown tremendously.

In FY 2017, it is expected that 114 substantive and default cases will be pending before the Commission at the beginning of the year, and an estimated 102 new cases will be filed during the year. Approximately 130 dispositions are expected, of which an estimated 32 will be substantive cases and 98 will be default cases. Thus, it is anticipated that the Commission's appellate docket will contain 86 undecided cases at the end of FY 2017. The legal proceedings involved in disposing of substantive cases often take twelve months or longer. 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 2016

The Commission received a budget of \$4,535,000 and 25 FTE for its appellate review activities in FY 2016.

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

In FY 2016, there were 162 cases before the Commission at the beginning of the year, and an estimated 102 new cases will be filed during the year. Approximately 150 dispositions are expected, of which an estimated 52 will be substantive cases and 98 will be default cases. Thus, it is anticipated that the Commission's appellate docket will contain 114 undecided cases at the end of FY 2016.

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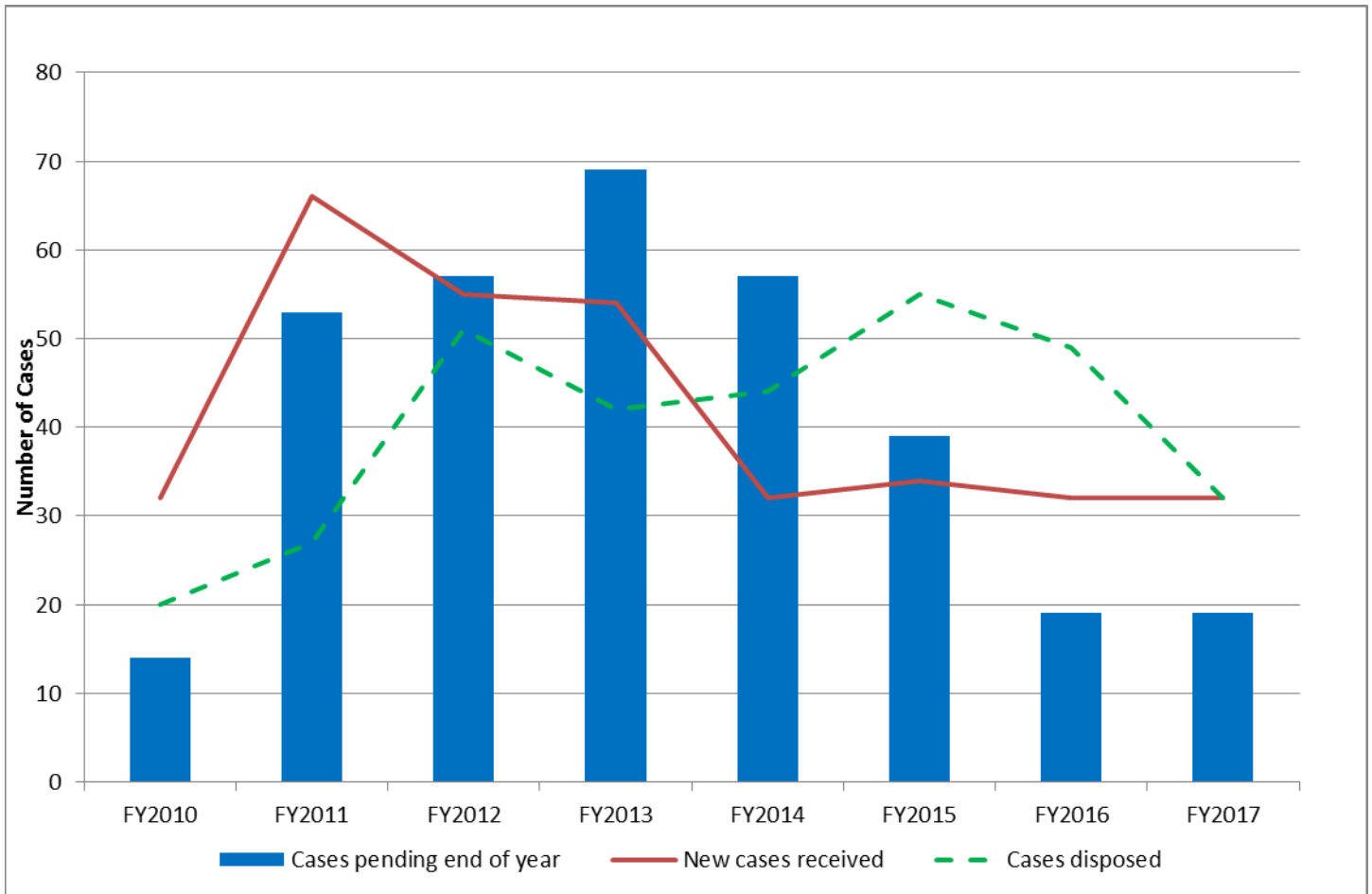
FY 2015

The Commission received \$4,294,000 and 22 FTE for FY 2015.

In FY 2015, the Commission began the year with an inventory of 178 undecided cases, and 123 new cases were received for the year. There were 139 case dispositions, consisting of 54 substantive cases and 85 default cases. The Commission's appellate docket contained 162 undecided cases at the end of FY 2015.

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Commission Review Function Substantive Cases



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Commission Review Function - Caseload

	FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request
Cases pending beginning of year	178	162	114
Substantive cases	57	39	19
Default cases	121	123	95
New cases received	123	102	102
Substantive cases	36	32	32
Default cases	87	70	70
Total case workload	270	264	216
Substantive cases	93	71	51
Default cases	208	193	165
Cases disposed	139	150	130
Substantive cases	54	52	32
Default cases	85	98	98
Cases pending end of year	162	114	86
Substantive cases	39	19	19
Default cases	123	95	67

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Performance Metrics - Commission Review Function

Performance Goal	FY 2015 Enacted		FY 2016 Enacted	FY 2017 Request
	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	26 months	21 months	12 months
1.2.2 Average time from briefing completion to issuance of decision	27 months	24 months	17 months	9 months
1.2.3 Percent of cases on hand over 18 months in age	40%	49%	30%	30%
Number of cases pending at year end	38	39	19	19
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%	59%	11%	11%

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

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OFFICE OF THE EXECUTIVE DIRECTOR FUNCTION

Office of the Executive Director Function			
Dollars in thousands			
	FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request
Budget Authority	\$879	\$897	\$902
FTE	6	6	6

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 2017

The Commission is requesting an FY 2017 budget of \$902,000 and 6 FTE. The FY 2017 request includes an increase for inflationary built-ins.

FY 2016

The Commission received an FY 2016 budget of \$897,000 and 6 FTE.

FY 2015

The Commission received \$879,000 and 6 FTE for FY 2015.

TABLES

Federal Mine Safety and Health Review Commission

Budget Authority by Object Class

FY 2017 Budget Request by Object Class

Dollars in thousands

	FY 2015 Enacted	FY2016 Enacted	FY 2017 Request
Personnel Compensation	8,446	8,594	8,597
Other than Full-Time Permanent	<u>0</u>	<u>0</u>	<u>0</u>
Total, Personnel Compensation	8,446	8,594	8,597
Personnel Benefits, Civilian	2,209	2,247	2,259
Benefits to Former Employees	12	12	12
Travel and Transportation of Persons	260	249	300
Transportation of Things	25	35	35
Rental Payments to GSA	1,883	1,917	1,943
Communications, Utilities, and Misc.	371	556	550
Printing and Reproduction	24	25	25
Other Services	2,988	3,040	3,031
Supplies and Materials	200	178	150
Equipment	333	232	282
Total	16,751	17,085	17,184

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Personnel Summary

	2015 Enacted	2016 Enacted	2017 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-1	1	1	1
AL-3	14	14	14
Administrative Law Judges	15	15	15
GS-15	5	5	5
GS-14	4	4	4
GS-13	7	7	7
GS-12	5	8	8
GS-11	16	16	16
GS-9	2	2	2
GS-8	7	7	7
GS-7	6	6	6
GS-6	2	2	2
GS-5	-	-	0
General Schedule	54	57	57
Total Permanent Full-time Positions	76	79	79
Unfilled positions end-of-year	3	-	-
Total, full-time permanent employment end-of-year	73	-	-
Cumulative Full-time equivalent (FTE) usage	75	-	-

Average Salaries

	FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request
Average EX Salary	\$158,767	\$158,767	\$158,767
Average ES Salary	\$174,178	\$170,530	\$177,585
Average AL Salary	\$166,412	\$166,412	\$166,415
Average GS Salary	\$82,003	\$83,233	\$84,481

Federal Mine Safety and Health Review Commission

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

	FY 2015 Enacted		FY 2016 Enacted		FY 2017 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
Appropriation, total estimated obligations	76	\$16.751	79	\$17.085	79	\$17.184

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

Budget Authority	FY 2015	FY 2016	FY 2017	Net Change (FY 2016 to FY 2017)
Appropriations	\$16.751	\$17.085	\$17.184	+ \$.099
Full-time Equivalent	76	79	79	0

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Appropriations and FTE History

Fiscal Year	Budget Estimate to Congress	House Allowance	Senate Allowance	Appropriation	FTE ¹
2000	6,159,000	6,060,000	6,159,000	6,136,000 ²	43
2001	6,320,000	6,200,000	6,320,000	6,320,000	42
2002	6,939,000	6,939,000	6,939,000	6,934,000 ³	38
2003	7,127,000	–	–	7,131,343 ⁴	35
2004	7,774,000	7,774,000	7,774,000	7,728,133 ⁵	40
2005	7,813,000	7,813,000	7,813,000	7,809,024 ⁶	40
2006	7,809,000	7,809,000	7,809,000	7,730,910 ⁷	40
2007	7,576,000	7,731,000	7,731,000	7,777,652 ⁸	44
2008	8,096,000	8,096,000	7,954,563	7,954,563	48
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 ⁹	63
Supplemental		3,800,000	3,800,000	3,800,000 ¹⁰	17 ¹¹
2011	13,105,000	13,905,000	15,755,000	10,337,000 ¹²	63
2012	22,417,000	–	17,637,000	17,604,000 ¹³	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 (e)
2017	17,184,000				79

(e) = estimated

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

² Reflects reduction of \$23,000 pursuant to the Consolidated Appropriations Act for 2000, P.L. 106-113.

³ Reflects reduction of \$5,000 pursuant to Section 1403 of P.L. 107-206.

⁴ Reflects adjustments pursuant to the Omnibus Appropriations Act, P.L. 108-7.

⁵ Reflects reduction of \$45,867 pursuant to the Consolidated Appropriations Act, P.L. 108-199.

⁶ Reflects a congressional add-on of \$59,000 and a reduction of \$62,976 pursuant to Section 122(a) of P.L.108-447.

⁷ Reflects reduction of \$78,090 pursuant to Title III, Chapter 8, of the Department of Defense Appropriations Act, P.L. 109-148.

⁸ Reflects reduction of \$144,437 pursuant to Sec. 528(a) of P.L. 110-161.

⁹ Reflects Senate approved mark-up of \$500,000 pursuant to P.L. 111-117.

¹⁰ Reflects supplemental funding of \$3,800,000 pursuant to P.L. 111-212.

¹¹ 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.

¹² 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.

¹³ 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.