

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

CONGRESSIONAL BUDGET JUSTIFICATION

AND

ANNUAL PERFORMANCE PLAN



FISCAL YEAR 2021

February 6, 2020

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Table of Contents

Fiscal Year 2021 Congressional Budget Justification and Annual Performance Plan

Executive Summary 1

Mission 3

Functions and Procedures 3

Strategic Goals 4

Organization Chart 5

Commission Members 6

Appropriation Language 7

Authorizing Legislation 7

President’s Management Agenda 8

Justification by Function

 General Statement 9

 Activities

 Administrative Law Judge Function 10

 Commission Review Function 13

 Office of the Executive Director Function 19

Tables

 Budget Authority by Object Class 21

 Personnel Summary 22

 Average Salaries 22

 Amounts Available for Obligation 23

 Summary of Changes by Budget Authority 23

 Appropriations and Staffing History Table 24

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

EXECUTIVE SUMMARY

The Federal Mine Safety and Health Review Commission (FMSHRC) 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 FMSRHC 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 FMSRHC: resolving disputes between the Secretary of Labor (Secretary) and underground coal operators with respect to the contents of emergency response plans or the Secretary's refusal to approve such plans.

FMSHRC's overall management priority continues to be the expeditious, fair, and legally sound adjudication of cases at the trial and appellate levels. To accomplish this mission, FMSHRC is requesting a budget level of \$17,184,000 in FY 2021 to support the full-time equivalent (FTE) of 76 staff members. This budget level is the same as the FMSRHC's FY2020 Enacted level.

Most cases that come before FMSHRC involve civil penalties proposed by the Department of Labor's Mine Safety and Health Administration (MSHA) against mine operators. FMSHRC 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 emergency response plans or the temporary reinstatement of a miner must be decided on an expedited basis.

FMSHRC's administrative law judges (ALJs) decide cases at the trial level. The five-member Commission provides administrative appellate review. Review of an ALJ'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 an ALJ's decision. In addition, the Commission, on its own initiative, may decide to review a case. An ALJ'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 circuit courts of appeals.

Cases at the trial level are handled by FMSHRC's Office of Administrative Law Judges (OALJ). FMSHRC estimates the OALJ will have 1,161 cases on hand at the beginning of FY 2021. FMSHRC anticipates OALJ will receive 3,002 new cases for review in FY 2021. FMSHRC estimates there will be 2,959 dispositions, and that the year-end balance will be 1,204 cases.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Resolving substantive cases being appealed creates a great demand on the resources of the five-member Commission and the Office of General Counsel (OGC). The Commissioners, with the assistance of 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, at the appellate level commissioners consider requests to reopen cases in which a mine operator is in default for failing to respond in a timely manner to the Secretary's proposed penalty or to an ALJ'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.

We anticipate the Commission starting FY 2021 with 13 substantive and 72 "default" cases on hand. We expect that the Commission will accept 74 new cases for appellate review by commissioners, including 14 substantive cases and 60 "default" cases. During FY 2021, we anticipate that 14 substantive cases and 60 "default" cases will be disposed. Thus, the substantive case inventory at the end of the year is estimated to be 13 substantive and 72 "default" cases.

FMSHRC's overall management priority continues to be the expeditious, fair, and legally sound adjudication of cases at the trial and appellate levels. In FY 2019, FMSHRC substantially reduced its trial and appellate case backlog. FMSHRC continues to improve trial and appellate case pendency times, resulting in more timely resolutions for petitioners. FMSHRC is also mindful that mine emergencies and legislative changes may impact the number, complexity, and complexion of cases, and affect what cases might be appealed. The agency continues to build the systems, processes, and capacity to be scaled appropriately if new case filings increase.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

MISSION

FMSHRC 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, FMSHRC 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. FMSHRC'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 FMSHRC's mission was expanded by the passage of the MINER Act in 2006. That statute amended the Mine Act and vested FMSHRC 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 FMSHRC and its ALJs with respect to these proceedings and FMSHRC has adopted procedural rules to implement those deadlines.

FUNCTIONS AND PROCEDURES

FMSHRC carries out its responsibilities through trial-level adjudication by ALJs and appellate review of ALJs' 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 FMSHRC, it is referred to the agency's Chief Administrative Law Judge (CALJ), who leads the Office of Administrative Law Judges. Thereafter, litigants in the case must submit additional filings before the case is assigned by the CALJ to an ALJ. To expedite the decisional process, the CALJ may rule on certain motions and, where appropriate, issue orders of settlement, dismissal, or default. Otherwise, once a case is assigned by the CALJ to an individual ALJ, that ALJ is responsible for the case and rules upon motions and settlement proposals. If a hearing is necessary, the ALJ schedules and presides over the hearing, and issues a decision

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

based upon the record. An ALJ's decision becomes a final, non-precedential order of FMSHRC unless it is accepted for review by the five-member Commission.

FMSHRC also provides administrative appellate review. It may, in its discretion, review decisions issued by ALJs when requested by a litigant, or it may, on its own initiative, direct cases for review. FMSHRC's decisions are precedential, and appeals from FMSHRC's decisions are heard in the federal courts of appeals.

The Office of the Executive Director (OED) 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

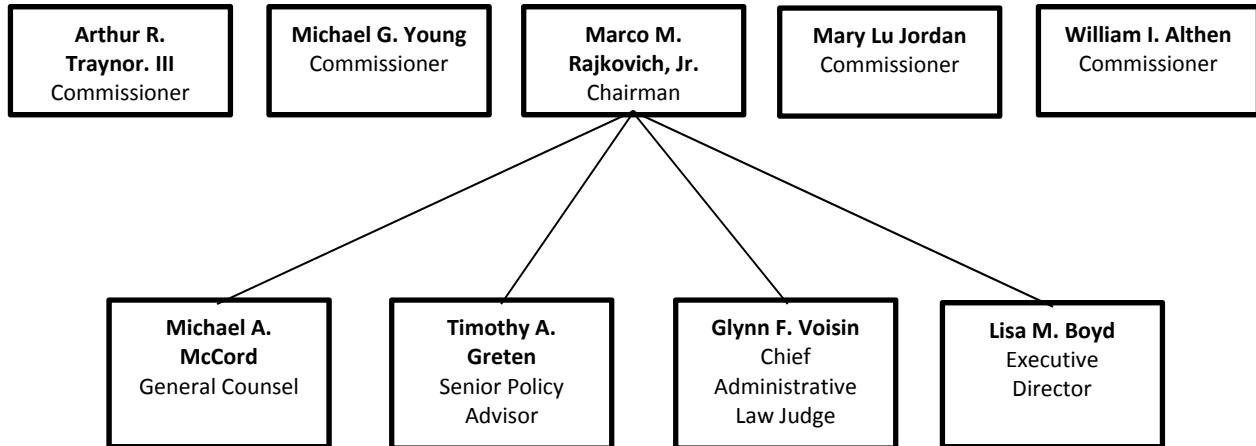
FMSHRC has two strategic goals:

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

Strategic Goal 2: Manage FMSHRC'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>
Michael G. Young	August 30, 2020
Mary Lu Jordan	August 30, 2020
Arthur R. Traynor, III	August 30, 2022
Marco M. Rajkovich, Jr. (Chairman)	August 30, 2024
William I. Althen	August 30, 2024

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

APPROPRIATION LANGUAGE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission \$17,184,000. (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2020.)

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 2019 Enacted	FY 2020 Enacted	FY 2021 Request
Budget Authority	\$17,184	\$17,184	\$17,184
Authorized FTE	76	76	76

PRESIDENT'S MANAGEMENT AGENDA

In accordance with the long-term vision for modernizing the Federal Government outlined in the President's Management Agenda, FMSHRC will continue initiatives to support:

- **IT Modernization:** FMSHRC seeks to 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 agency operations during national emergencies or natural disasters.
 - FMSHRC's IT Modernization Plan features improvements and maintenance to systematically meet FMSHRC's mission performance and cybersecurity requirements.
 - FMSHRC continues to implement steps found in Presidential Executive Order 13800 on "Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure." Cybersecurity risk management remains a high priority for FMSHRC, and includes protecting systems and data from unauthorized access, mitigating cyber threats, maintaining awareness of cyber threats, and detecting anomalies and incidents adversely affecting systems and data.
 - FMSHRC also partners with the Department of Homeland Security Continuous Diagnostic and Mitigation program. This effort assists FMSHRC in monitoring its IT infrastructure, and helps to prevent malicious attacks.
- **Data, Accountability, and Transparency:** FMSHRC continues to implement the guidelines outlined in the Digital Accountability and Transparency Act of 2014 and the Federal Funding Accountability and Transparency Act of 2006. FMSHRC initiatives include posting all spending information with usaspending.gov, and posting agency budget requests and annual performance reports to our public-facing website.
- **Developing a Workforce for the 21st Century:** FMSHRC continues to recruit talent both for the agency and as an entry point for more extensive Federal employment. FMSHRC will continue to leverage investments in employee training to develop a well-trained workforce.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

- **Improving Customer Experience:** FMSHRC will seek to maintain improvements to trial and appellate level case pendency, with an emphasis on resolving any remaining older cases. These actions serve to provide a timely resolution to parties before FMSHRC.
- **Sharing Quality Services:** FMSHRC will continue seeking improvement and efficiencies through Shared Service Providers. This includes interagency agreements for human resources, procurement, travel, financial management, and cybersecurity initiatives with Shared Service providers. FMSHRC will also seek efficiencies where practical with other Federal entities.

JUSTIFICATION BY FUNCTION

GENERAL STATEMENT

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

The OALJ function provides trial-level adjudication by ALJs. At the trial level, FMSHRC's ALJs hear and decide cases initiated by the Secretary of Labor, mine operators, miners, and miners' representatives.

FMSHRC Commission Review function is carried out by the Commissioners, their staff, and OGC. The Commission hears appeals of ALJ 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 OED function supports both the trial-level and appellate functions by providing budget management, administrative and technical services.

In FY 2021, FMSHRC is requesting \$17,184,000 and 76 FTE.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Summary by Function						
Dollars in thousands						
Function	FY 2019 Enacted		FY 2020 Enacted		FY 2021 Request	
	FTE	Actual	FTE	Budget Authority	FTE	Budget Authority
Administrative Law Judge	43	\$9,956	43	\$9,593	43	\$9,593
Commission Review	22	\$5,558	22	\$5,472	22	\$5,472
Office of the Executive Director	11	\$1,670	11	\$2,119	11	\$2,119
Total	76	\$17,184	76	\$17,184	76	\$17,184

ADMINISTRATIVE LAW JUDGE FUNCTION

Administrative Law Judge Function			
Dollars in thousands			
	FY 2019 Enacted	FY 2020 Enacted	FY 2021 Request
Budget Authority	\$9,956	\$9,593	\$9,593
FTE	43	43	43

Introduction

FMSHRC employs ALJs to hear and decide contested cases at the trial level. The ALJs travel to hearing sites located at or near the mine involved in order to afford mine

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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 has established the following strategic objective for the ALJ function:

- Ensure timely issuance of decisions at the trial level.

FY 2021

FMSHRC's FY 2021 budget request includes 43 FTEs and \$9,592,909 for OALJ. The FY 2021 request includes law clerks and legal assistants to support the ALJs, and a number of docket clerks to maintain case files and process and record documents filed with FMSHRC. FMSHRC has established a pendency goal for trial level cases of 230 days for FY 2021. Pendency is the average time between receipt of a case and case disposition.

FMSHRC estimates that 1,161 trial level cases will be pending at the beginning of FY 2021. FMSHRC anticipates that it will receive 3,002 new cases during FY 2021, and will dispose of 2,959 cases during the same period. This is slightly lower than FMSHRC's FY 2020 case disposal estimate, and is a function of fewer older cases awaiting resolution.

FY 2020

FMSHRC's FY 2020 Enacted budget level includes 43 FTEs and \$9,592,909 for OALJ.

The FY 2020 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 filed with FMSHRC. FMSHRC has established a pendency goal for trial level cases of 240 days for FY 2020.

FMSHRC had 1,212 trial level cases pending at the beginning of FY 2020. FMSHRC anticipates that it will receive 3,070 new cases during FY 2020, and will dispose of 3,121 cases during the same period.

FY 2019

FMSHRC received a budget of \$9,956,000 and 43 FTE for OALJ activities in FY 2019.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

There were 1,632 trial level cases pending at the beginning of FY 2019. FMSHRC received 3,019 new cases during FY 2019, and disposed of 3,439 cases during the same period.

Administrative Law Judge Function - Caseload Data

	FY 2019 Actual	FY 2020 Estimate	FY 2021 Estimate
Cases pending beginning of year	1,632	1,212	1,161
Assessment of civil penalty	1,448	1,003	976
Notice of contest	157	189	166
Discrimination and compensation	26	19	18
Other	1	1	1
New cases received	3,019	3,070	3,002
Assessment of civil penalty	2,697	2,740	2,684
Notice of contest	275	265	255
Discrimination and compensation	39	49	44
Other	8	16	19
Total case workload	4,651	4,282	4,163
Assessment of civil penalty	4,145	3,743	3,660
Notice of contest	432	454	421
Discrimination proceeding	65	68	62
Other	9	17	20
Cases disposed	3,439	3,121	2,959
Assessment of civil penalty	3,142	2,767	2,660
Notice of contest	243	288	236
Discrimination and compensation	46	50	44
Other	8	16	19
Cases pending end of year	1,212	1,161	1,204
Assessment of civil penalty	1,003	976	1,000
Notice of contest	189	166	185
Discrimination and compensation	19	18	18
Other	1	1	1

Administrative Law Judge Function – Strategic Objectives

Strategic Objective 1.1 Ensure timely issuance of decisions at the trial level			
Performance Goal	FY 2019 Actual	FY 2020 Target	FY 2021 Target
1.1.1 Average time from receipt to disposition of all cases	188 days	240 days	230 days
1.1.2 Average time from receipt to disposition of penalty cases	175 days	235 days	225 days
1.1.3 Percent of all cases on hand over 365 days in age	4%	20%	20%

FMSHRC ALJ performance targets were projected in the FMSHRC FY 2018-2022 Strategic Plan. In the coming year, FMSHRC anticipates updating these targets to reflect improved case pendency performance.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

COMMISSION REVIEW FUNCTION

Commission Review Function			
Dollars in thousands			
	FY 2019 Enacted	FY 2020 Request	FY 2021 Request
Budget Authority	\$5,558	\$5,472	\$5,472
FTE	22	22	22

Introduction

FMSHRC Commission Review function incorporates the responsibilities of the Commissioners and OGC in the appellate review function.

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

- (1) *substantive cases*, which are cases in which an ALJ 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

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

affected or aggrieved by the ALJ's decision. FMSHRC may also consider an ALJ's 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 preparing draft opinions for Commissioners. 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. In addition, OGC is primarily responsible for formulating and drafting FMSHRC's rulemaking initiatives, such as those involving more efficient settlement procedures.

FMSHRC has established the following strategic objective for FMSHRC Commission Review function.

- Ensure timely issuance of decisions at the appellate level.

FY 2021

FMSHRC is requesting a budget of \$5,472,217 and 22 FTE for its appellate review activities in FY 2021.

The appellate caseload includes several types of cases, including those where 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. The Commission's workload also includes

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

deciding whether to accept petitions for discretionary review, which by statute must generally be granted or denied within approximately ten days.

In FY 2021, FMSHRC expects that 85 substantive and default cases will be pending before the Commission at the beginning of the year, and an estimated 74 new cases will be filed during the year. Approximately 74 dispositions are expected, of which an estimated 14 will be substantive cases and 60 will be default cases. Thus, FMSHRC anticipates that the Commission's appellate docket will contain 85 undecided cases at the end of FY 2021. The legal proceedings involved in disposing of substantive cases are 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.

FY 2020

FMSHRC received a budget of \$5,472,217 and 22 FTE for its appellate review activities in FY 2020.

In FY 2020, 85 substantive and default cases were pending before the Commission at the beginning of the year, and an estimated 74 new cases will be filed during the year. Approximately 74 dispositions are expected, of which an estimated 14 will be substantive cases and 60 will be default cases. Thus, FMSHRC anticipates that the Commission's appellate docket will contain 85 undecided cases at the end of FY 2020. The legal proceedings involved in disposing of substantive cases are 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.

FY 2019

FMSHRC received a budget of \$5,558,000 and 22 FTE for its appellate review activities in FY 2019.

In FY 2019, there were 37 cases before the Commission at the beginning of the year, and 70 new cases were filed during the year. A total of 22 cases were disposed of, of which 7 were substantive cases and 15 were default cases. The Commission's appellate docket contained 85 undecided cases at the end of FY 2019.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Commission Review Function - Caseload Data			
	FY 2019	FY 2020	FY 2021
	Actual	Estimate	Estimate
Cases pending beginning of year	37	85	85
Substantive cases	9	13	13
Default cases	28	72	72
New cases received	70	74	74
Substantive cases	11	14	14
Default cases	59	60	60
Total case workload	107	159	159
Substantive cases	20	27	27
Default cases	87	132	132
Cases disposed	22	74	74
Substantive cases	7	14	14
Default cases	15	60	60
Cases pending end of year	85	85	85
Substantive cases	13	13	13
Default cases	72	72	72

Commission Review Function – Strategic Objectives

Strategic Objective 1.2 Ensure timely issuance of decisions at the appellate level			
Performance Goal	FY 2019 Actual	FY 2020 Target	FY 2021 Target
1.2.1 Average time to issuance of decision	17 months	12 months	12 months
1.2.2 Average time from briefing completion to issuance of decision	12 months	9 months	9 months
1.2.3 Percent of cases on hand over 18 months in age	20%	20%	20%

Strategic Objective 1.3 Issue orders in motions to reopen cases (i.e. “default cases”) in a timely manner			
Performance Goal	FY 2019 Actual	FY 2020 Target	FY 2021 Target
1.3.1 Average time to issuance of final order	143 days	120 days	120 days

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

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF THE EXECUTIVE DIRECTOR FUNCTION

Office of the Executive Director Function			
Dollars in thousands			
	FY 2019 Actual	FY 2020 Enacted	FY 2021 Request
Budget Authority	\$1,670	\$2,119	\$2,119
FTE	8	11	11

The Office of the Executive Director (OED) provides administrative services to support FMSHRC 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 includes 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 includes 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 includes help desk functions, network administration, policy formulation, and telecommunications.

Facilities management includes 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.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

FMSHRC has established the following strategic objectives for the OED 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 FMSHRC'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 FMSHRC's mission; and
- Develop and maintain a Cybersecurity Risk Management Strategy for FMSHRC's network infrastructure in order to assess, respond, and monitor risk, to protect FMSHRC's resources.

As part of FMSHRC's multi-year information system modernization, and aligning with the Presidential Management Agenda "Modernize IT Systems" priority, FMSHRC has added three (3) additional FTE. These positions in-source IT functions were previously carried out by contractors.

FY 2021

FMSHRC is requesting a FY 2021 budget of \$2,118,874 and 11 FTE for its Office of the Executive Director activity.

FY 2020

FMSHRC's OED received a FY 2020 budget of \$2,118,874 and 11 FTE.

FY 2019

FMSHRC's OED received a FY 2019 budget of \$1,670,000 and 8 FTE.

TABLES

Budget Authority by Object Class

FY 2021 Budget Request by Object Class			
Dollars in thousands			
	FY 2019 Enacted	FY 2020 Request	FY 2021 Request
Personnel Compensation	8,743	9,394	9,489
Other than Full-Time Permanent	<u>0</u>	<u>0</u>	<u>0</u>
Total, Personnel Compensation	8,743	9,394	9,489
Personnel Benefits, Civilian	2,296	2,479	2,512
Benefits to Former Employees	10	10	10
Travel and Transportation of Persons	166	166	167
Transportation of Things	10	10	10
Rental Payments to GSA	1,987	1,987	1,988
Communications, Utilities, and Misc.	564	563	563
Printing and Reproduction	12	12	12
Other Services	3,004	2,316	2,186
Supplies and Materials	150	150	150
Equipment	242	97	97
Total	17,184	17,184	17,184

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Personnel Summary

	2019 Actual	2020 Estimate	2021 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	11	11	11
Administrative Law Judges	12	12	12
GS-15	7	7	7
GS-14	5	5	5
GS-13	9	9	9
GS-12	16	16	16
GS-11	5	5	5
GS-9	4	4	4
GS-8	10	10	10
GS-7	0	0	0
GS-6	1	1	1
GS-5	0	0	0
General Schedule	57	57	57
Total Permanent Full-time Positions	76	76	76

Average Salaries

	FY 2019 Enacted (Actual)	FY 2020 Enacted (Estimate)	FY 2021 Request (Estimate)
Average EX Salary	\$160,480	\$160,480	\$160,480
Average ES Salary	\$173,300	\$173,300	\$175,033
Average AL Salary	\$176,900	\$181,500	\$183,315
Average GS Salary	\$98,075	\$100,711	\$101,718

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

	FY 2019 Enacted		FY 2020 Enacted		FY 2021 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
Appropriation, total estimated obligations	76	\$17.184	76	\$17.184	76	\$17.184

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

Budget Authority	FY 2019 Enacted	FY 2020 Enacted	FY 2021 Request	Net Change (FY 2020 to FY 2021)
Appropriations	\$17.184	\$17.184	\$17.184	\$0
Full-time Equivalent	76	76	76	0

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 ⁷	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	17,184,000	--	--	17,184,000	79
2018	17,053,000	--	--	17,184,000	76
2019	17,053,000			17,184,000	76
2020	17,184,000			17,184,000	76
2021	17,184,000				76

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.

⁷ Reflects the post-sequester 2013 Continuing Resolution level.