

117TH CONGRESS  
2D SESSION

# S. 4511

To ensure that claims for benefits under the Black Lung Benefits Act are processed in a fair and timely manner, to better protect miners from pneumoconiosis (commonly known as “black lung disease”), and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 13, 2022

Mr. CASEY introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To ensure that claims for benefits under the Black Lung Benefits Act are processed in a fair and timely manner, to better protect miners from pneumoconiosis (commonly known as “black lung disease”), and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Black Lung Benefits  
5       Improvement Act of 2022”.

6       **SEC. 2. TABLE OF CONTENTS.**

7       The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Findings.

## TITLE I—BLACK LUNG BENEFITS

### PART A—IMPROVING THE PROCESS FOR FILING AND ADJUDICATING CLAIMS FOR BENEFITS

Sec. 101. Providing assistance with claims for miners and their dependent family members.

Sec. 102. Clarifying eligibility for black lung benefits.

Sec. 103. Development of medical evidence by the Secretary.

Sec. 104. False statements or misrepresentations, attorney disqualification, and discovery sanctions.

Sec. 105. Readjudicating cases involving certain chest radiographs.

Sec. 106. Attorneys' fees and medical expenses payment program.

Sec. 107. Restoring adequate benefit adjustments for miners suffering from black lung disease and for their dependent family members.

Sec. 108. Disclosure of employment and earnings information for black lung benefits claims.

### PART B—REPORTS TO IMPROVE THE ADMINISTRATION OF BENEFITS UNDER THE BLACK LUNG BENEFITS ACT

Sec. 121. Strategy to reduce delays in adjudication.

### PART C—IMPROVEMENT IN THE FINANCIAL SECURITY OF THE BLACK LUNG BENEFITS DISABILITY TRUST FUND

Sec. 131. Policies for securing the payment of benefits.

## TITLE II—ESTABLISHING THE OFFICE OF WORKERS' COMPENSATION PROGRAMS

Sec. 201. Office of Workers' Compensation Programs.

## TITLE III—ADDITIONAL PROVISIONS

Sec. 301. Technical and conforming amendments.

Sec. 302. Severability.

### 1 **SEC. 3. FINDINGS.**

2 Congress finds the following:

3 (1) The Black Lung Benefits Act (30 U.S.C.  
4 901 et seq.) was enacted to provide health care and  
5 modest benefits to coal miners who develop pneumo-  
6 coniosis (referred to in this section as “black lung  
7 disease”) resulting from exposure to coal dust dur-  
8 ing their employment. Yet, the determination of a

1 claimant's eligibility for these benefits often requires  
2 complex, adversarial litigation. Resource disparities  
3 between coal companies and such claimants are  
4 widespread within the statutory and regulatory  
5 framework. Comprehensive reforms are necessary to  
6 ensure that coal miners and their survivors can get  
7 access to the workers compensation benefits they are  
8 entitled to receive and are not at a disadvantage  
9 when filing claims for benefits.

10 (2) The Government Accountability Office has  
11 found that many claimants under the Black Lung  
12 Benefits Act are not equipped with the medical and  
13 legal resources necessary to develop evidence to meet  
14 the requirements for benefits. Without better options  
15 for legal representation, significant numbers of such  
16 claimants proceed with their claims through a com-  
17 plex and potentially long administrative process  
18 without resources that Department of Labor officials  
19 and black lung disease experts note are important  
20 for developing evidence and supporting their claims.  
21 Only 42 percent of claimants are represented by an  
22 attorney during the initial claims determination. Ab-  
23 sent efforts to remedy administrative problems and  
24 address structural weaknesses in the process for ob-  
25 taining benefits, claimants with meritorious claims

1 will not receive benefits. Reforms are necessary to  
2 help miners and their survivors access legal rep-  
3 resentation.

4 (3) Contrary to the intent of Congress, benefits  
5 payments under the Black Lung Benefits Act do not  
6 automatically increase with the rising cost of living.  
7 Benefit payments are tied to the monthly pay rate  
8 for Federal employees in grade GS-2, step 1. In  
9 multiple fiscal years between 2010 and the enact-  
10 ment of this Act, there was a pay freeze for Federal  
11 employees, which had the effect of eliminating cost-  
12 of-living adjustments for miners, surviving spouses,  
13 and dependents under the Black Lung Benefits Act  
14 during such years. Reforms are needed to ensure  
15 that benefits are not eroded due to inflation and are  
16 brought up to date to keep up with the cost of liv-  
17 ing.

18 (4) Congress intended for coal companies to  
19 have primary responsibility for benefits due to black  
20 lung disease acquired by their workers. However, be-  
21 cause many companies have self-insured their obliga-  
22 tions without proper collateral available and subse-  
23 quently defaulted on those obligations, too many  
24 former workers have had to rely on the public Black  
25 Lung Disability Trust Fund as a backstop. Reforms

1 are needed to ensure that companies are prepared to  
2 meet their primary responsibilities and that their  
3 plans for self-insurance are fiscally sound.

4 (5) Black lung disease has been the underlying  
5 or contributing cause of death of more than 78,000  
6 miners since 1968. After decades of decline, the inci-  
7 dence of coal miners with black lung disease is on  
8 the rise, recently reaching levels not seen in 25  
9 years. According to the National Institute for Occu-  
10 pational Safety and Health, miners are developing  
11 advanced cases of the disease at younger ages. In re-  
12 sponse, the Department of Labor took important  
13 steps to combat the disease, including promulgating  
14 a rule in 2014 that reduced the allowed concentra-  
15 tion of coal dust and addressed weaknesses in the  
16 dust sampling system. Retrospective studies should  
17 be continued to determine whether revisions to the  
18 standards are necessary to eliminate the disease.  
19 The Mine Safety and Health Administration of the  
20 Department of Labor has made clear its intent to  
21 issue rules around respirable crystalline silica. In the  
22 interim, the Mine Safety and Health Administration  
23 launched an enforcement initiative to protect miners  
24 from the health hazards of respirable crystalline sili-  
25 ca. Under this initiative, the Mine Safety and Health

1 Administration will conduct inspections on silica  
 2 hazards and expand silica sampling at mines. The  
 3 Mine Safety and Health Administration will also  
 4 provide mine operators with compliance assistance  
 5 and best practices to limit miners' exposure to harm-  
 6 ful silica dust.

## 7 **TITLE I—BLACK LUNG BENEFITS**

### 8 **PART A—IMPROVING THE PROCESS FOR FILING** 9 **AND ADJUDICATING CLAIMS FOR BENEFITS**

#### 10 **SEC. 101. PROVIDING ASSISTANCE WITH CLAIMS FOR MIN-** 11 **ERS AND THEIR DEPENDENT FAMILY MEM-** 12 **BERS.**

13 Section 427(a) of the Black Lung Benefits Act (30  
 14 U.S.C. 937(a)) is amended by striking “the analysis, ex-  
 15 amination, and treatment” and all that follows through  
 16 “coal miners.” and inserting “the analysis, examination,  
 17 and treatment of respiratory and pulmonary impairments  
 18 in active and inactive coal miners and for assistance on  
 19 behalf of miners, spouses, dependents, and other family  
 20 members with claims arising under this title.”.

#### 21 **SEC. 102. CLARIFYING ELIGIBILITY FOR BLACK LUNG BEN-** 22 **EFITS.**

23 Section 411(c) of the Black Lung Benefits Act (30  
 24 U.S.C. 921(c)) is amended by striking paragraph (3) and  
 25 inserting the following:

1           “(3)(A) If x-ray, CT scan, biopsy, autopsy, or  
2 other medically accepted and relevant test or proce-  
3 dure establishes that a miner is suffering or has suf-  
4 fered from a chronic dust disease of the lung, diag-  
5 nosed as complicated pneumoconiosis or progressive  
6 massive fibrosis (as determined in accordance with  
7 subparagraph (B)), then there shall be an  
8 irrebuttable presumption that such miner is totally  
9 disabled due to pneumoconiosis, that the miner’s  
10 death was due to pneumoconiosis, or that at the  
11 time of death the miner was totally disabled by  
12 pneumoconiosis, as the case may be.

13           “(B) For purposes of subparagraph (A), com-  
14 plicated pneumoconiosis or progressive massive fi-  
15 brosis can be established by any of the following:

16           “(i) A chest radiograph, which yields one  
17 or more large opacities whose greatest diameter  
18 exceeds 1 centimeter and would be classified in  
19 Category A, B, or C in the International Classi-  
20 fication of Radiographs of Pneumoconioses by  
21 the International Labour Organization, in the  
22 absence of more probative evidence sufficient to  
23 establish that the etiology of the large opacity  
24 is not pneumoconiosis.

1           “(ii) A chest CT scan, which yields one or  
2           more large opacities whose greatest diameter  
3           exceeds 1 centimeter, in the absence of more  
4           probative evidence sufficient to establish that  
5           the etiology of the large opacity is not pneumo-  
6           coniosis.

7           “(iii) A lung biopsy or autopsy, which  
8           would yield a lesion at least 1 centimeter in its  
9           long axis diameter if measured at the time of  
10          gross dissection.

11          “(iv) A diagnosis by other means that  
12          would reasonably be expected to yield results  
13          described in clause (i), (ii), or (iii).”.

14 **SEC. 103. DEVELOPMENT OF MEDICAL EVIDENCE BY THE**  
15 **SECRETARY.**

16          Part C of the Black Lung Benefits Act (30 U.S.C.  
17 931 et seq.) is amended by adding at the end the fol-  
18 lowing:

19 **“SEC. 435. DEVELOPMENT OF MEDICAL EVIDENCE BY THE**  
20 **SECRETARY.**

21          “(a) COMPLETE PULMONARY EVALUATION.—Upon  
22 request by a claimant for benefits under this title, the Sec-  
23 retary shall provide the claimant an opportunity to sub-  
24 stantiate the claim through a complete pulmonary evalua-  
25 tion of the miner that shall include—



1           “(1) an initial report, conducted by a qualified  
2           physician on the list provided under subsection (e),  
3           and in accordance with subsection (e)(5) and sec-  
4           tions 402(f)(1)(D) and 413(b); and

5           “(2) if the conditions under subsection (c) are  
6           met, any supplemental medical evidence described in  
7           subsection (d).

8           “(b) AUTHORIZING CHEST SCANS.—In diagnosing  
9           whether there is complicated pneumoconiosis as a part of  
10          the complete pulmonary evaluation conducted under sub-  
11          section (a), the Secretary shall authorize a high-quality,  
12          low-dose or standard computerized tomography scan  
13          where any or a combination of the following is found:

14           “(1) Any certified B reader of a chest  
15          radiograph associated with an exam conducted under  
16          section 413(b) finds pneumoconiosis (ILO category  
17          2/1 or greater).

18           “(2) Any certified B reader of a chest  
19          radiograph associated with an exam conducted under  
20          section 413(b) finds a coalescence of small opacities.

21          “(c) CONDITIONS FOR SUPPLEMENTAL MEDICAL  
22          EVIDENCE.—The Secretary shall develop supplemental  
23          medical evidence, in accordance with subsection (d)—

24           “(1) for any claim in which the Secretary rec-  
25          ommends an award of benefits based on the results

1 of the initial report under subsection (a)(1) and a  
2 party opposing such award submits evidence that  
3 could be considered contrary to the findings of the  
4 Secretary; and

5 “(2) for any compensation case under this title  
6 heard by an administrative law judge, in which—

7 “(A) the Secretary has awarded benefits to  
8 the claimant;

9 “(B) the party opposing such award has  
10 submitted evidence not previously reviewed that  
11 could be considered contrary to the award  
12 under subparagraph (A); and

13 “(C) the claimant or, if the claimant is  
14 represented by an attorney, the claimant’s at-  
15 torney consents to the Secretary developing  
16 supplemental medical evidence.

17 “(d) PROCESS FOR SUPPLEMENTAL MEDICAL EVI-  
18 DENCE.—

19 “(1) IN GENERAL.—Except as provided under  
20 paragraph (2), to develop supplemental medical evi-  
21 dence under conditions described in subsection (c),  
22 the Secretary shall request the physician who con-  
23 ducted the initial report under subsection (a)(1)  
24 to—

1           “(A) review any medical evidence sub-  
2           mitted after such report or the most recent sup-  
3           plemental report, as appropriate; and

4           “(B) update his or her opinion in a supple-  
5           mental report.

6           “(2) ALTERNATIVE PHYSICIAN.—If such physi-  
7           cian is no longer available or is unwilling to provide  
8           supplemental medical evidence under paragraph (1),  
9           the Secretary shall select another qualified physician  
10          from the list provided pursuant to subsection (e) to  
11          provide such evidence.

12          “(e) QUALIFIED PHYSICIANS FOR COMPLETE PUL-  
13          MONARY EVALUATION AND PROTECTIONS FOR SUIT-  
14          ABILITY AND POTENTIAL CONFLICTS OF INTEREST.—

15                 “(1) QUALIFIED PHYSICIANS LIST.—The Sec-  
16                 retary shall create and maintain a list of qualified  
17                 physicians to be selected by a claimant to perform  
18                 the complete pulmonary evaluation described in sub-  
19                 section (a).

20                 “(2) PUBLIC AVAILABILITY.—The Secretary  
21                 shall make the list under this subsection available to  
22                 the public.

23                 “(3) ANNUAL EVALUATION.—Each year, the  
24                 Secretary shall update such list by reviewing the

1 suitability of the listed qualified physicians and as-  
2 sessing any potential conflicts of interest.

3 “(4) CRITERIA FOR SUITABILITY.—The Sec-  
4 retary shall include on the list under this subsection  
5 only those physicians whom the Secretary deter-  
6 mines are qualified, capable, and willing to provide  
7 credible opinions consistent with the premises under-  
8 lying this Act. In determining whether a physician  
9 is suitable to be on such list, the Secretary shall con-  
10 sult the National Practitioner Data Bank of the De-  
11 partment of Health and Human Services and assess  
12 reports of adverse licensure, certifications, hospital  
13 privilege, and professional society actions involving  
14 the physician. In no case shall such list include any  
15 physician—

16 “(A) who is not licensed to practice medi-  
17 cine in any State or any territory, common-  
18 wealth, or possession of the United States;

19 “(B) whose license is revoked by a medical  
20 licensing board of any State, territory, common-  
21 wealth, or possession of the United States; or

22 “(C) whose license is suspended by a med-  
23 ical licensing board of any State, territory, com-  
24 monwealth, or possession of the United States.

1           “(5) CONFLICTS OF INTEREST.—The Secretary  
2 shall develop and implement policies and procedures  
3 to ensure that any actual or potential conflict of in-  
4 terest of qualified physicians on the list under this  
5 subsection, including both individual and organiza-  
6 tional conflicts of interest, are disclosed to the De-  
7 partment, and to provide such disclosure to claim-  
8 ants. Such policies and procedures shall provide that  
9 a physician shall not be used to perform a complete  
10 pulmonary medical evaluation under subsection (a)  
11 that is reimbursed pursuant to subsection (g), if—

12                   “(A) such physician is employed by, under  
13 contract to, or otherwise providing services to a  
14 private party opposing the claim, a law firm or  
15 lawyer representing such opposing party, or an  
16 interested insurer or other interested third  
17 party; or

18                   “(B) such physician has been retained by  
19 a private party opposing the claim, a law firm  
20 or lawyer representing such opposing party, or  
21 an interested insurer or other interested third  
22 party in the previous 24 months.

23           “(f) RECORD.—Upon receipt of any initial report or  
24 supplemental report under this section, the Secretary shall

1 enter the report in the record and provide a copy of such  
2 report to all parties to the proceeding.

3 “(g) EXPENSES.—All expenses related to obtaining  
4 the medical evidence under this section shall be paid for  
5 by the fund. If a claimant receives a final award of bene-  
6 fits, the operator liable for payment of benefits, if any,  
7 shall reimburse the fund for such expenses, which shall  
8 include interest.”.

9 **SEC. 104. FALSE STATEMENTS OR MISREPRESENTATIONS,**  
10 **ATTORNEY DISQUALIFICATION, AND DIS-**  
11 **COVERY SANCTIONS.**

12 Section 431 of the Black Lung Benefits Act (30  
13 U.S.C. 941) is amended to read as follows:

14 **“SEC. 431. FALSE STATEMENTS OR MISREPRESENTATIONS,**  
15 **ATTORNEY DISQUALIFICATION, AND DIS-**  
16 **COVERY SANCTIONS.**

17 “(a) IN GENERAL.—No person, including any claim-  
18 ant, physician, operator, duly authorized agent of such op-  
19 erator, or employee of an insurance carrier, shall—

20 “(1) knowingly and willfully make a false state-  
21 ment or misrepresentation for the purpose of obtain-  
22 ing, increasing, reducing, denying, or terminating  
23 benefits under this title; or

24 “(2) knowingly and willfully threaten, coerce,  
25 intimidate, deceive, or mislead a party, representa-

1       tive, witness, potential witness, judge, or anyone par-  
2       ticipating in a proceeding regarding any matter re-  
3       lated to a proceeding under this title.

4       “(b) FINE; IMPRISONMENT.—Any person who en-  
5       gages in the conduct described in subsection (a) shall,  
6       upon conviction, be subject to a fine in accordance with  
7       title 18, United States Code, imprisoned for not more than  
8       5 years, or both.

9       “(c) PROMPT INVESTIGATION.—The United States  
10      Attorney for the district in which the conduct described  
11      in subsection (a) is alleged to have occurred shall make  
12      every reasonable effort to promptly investigate each com-  
13      plaint of a violation of such subsection.

14      “(d) DISQUALIFICATION.—

15           “(1) IN GENERAL.—An attorney or expert wit-  
16      ness who engages in the conduct described in sub-  
17      section (a) shall, in addition to the fine or imprison-  
18      ment provided under subsection (b), be permanently  
19      disqualified from representing any party, or appear-  
20      ing in any proceeding, under this title.

21           “(2) ATTORNEY DISQUALIFICATION.—In addi-  
22      tion to the disqualification described in paragraph  
23      (1), the Secretary may disqualify an attorney from  
24      representing any party in any administrative pro-

1       ceeding under this title for either a limited term or  
2       permanently, if the attorney—

3               “(A) engages in any action or behavior  
4               that is prejudicial to the fair and orderly con-  
5               duct of such proceeding; or

6               “(B) is suspended or disbarred by any  
7               court of the United States, any State, or any  
8               territory, commonwealth, or possession of the  
9               United States with jurisdiction over the pro-  
10              ceeding.

11       “(e) DISCOVERY SANCTIONS.—An administrative law  
12       judge may sanction a party who fails to comply with an  
13       order to compel discovery or disclosure, or to supplement  
14       earlier responses, in a proceeding under this title. These  
15       sanctions may include, as appropriate—

16              “(1) drawing an adverse inference against the  
17              noncomplying party on the facts relevant to the dis-  
18              covery or disclosure order;

19              “(2) limiting the noncomplying party’s claims,  
20              defenses, or right to introduce evidence; and

21              “(3) rendering a default decision against the  
22              noncomplying party.

23       “(f) REGULATIONS.—The Secretary shall promulgate  
24       a proposed rule not later than 180 days after the date



1 of enactment of this Act and a final rule not later than  
 2 18 months after such date of enactment, that—

3 “(1) provides procedures for the disqualifica-  
 4 tions and sanctions under this section and is appro-  
 5 priate for all parties; and

6 “(2) distinguishes between parties that are rep-  
 7 resented by an attorney and parties that are not  
 8 represented by an attorney.”.

9 **SEC. 105. READJUDICATING CASES INVOLVING CERTAIN**  
 10 **CHEST RADIOGRAPHS.**

11 Part C of the Black Lung Benefits Act (30 U.S.C.  
 12 931 et seq.), as amended by section 103, is further amend-  
 13 ed by adding at the end the following:

14 **“SEC. 436. READJUDICATING CASES INVOLVING DISCRED-**  
 15 **ITED EXPERT OPINIONS.**

16 “(a) DEFINITIONS.—In this section:

17 “(1) COVERED CHEST RADIOGRAPH.—The term  
 18 ‘covered chest radiograph’ means a chest radiograph  
 19 that was interpreted as negative for simple pneumo-  
 20 coniosis, complicated pneumoconiosis, or progressive  
 21 massive fibrosis by a physician with respect to whom  
 22 the Secretary has directed, in writing and after an  
 23 evaluation by the Secretary, that such physician’s  
 24 negative interpretations of chest radiographs not be  
 25 credited, except where subsequently determined to be

1 credible by the Secretary in evaluating a claim for  
2 benefits under this title.

3 “(2) COVERED INDIVIDUAL.—The term ‘cov-  
4 ered individual’ means an individual whose record  
5 for a claim for benefits under this title includes a  
6 covered chest radiograph.

7 “(3) COVERED SURVIVOR.—The term ‘covered  
8 survivor’ means an individual who—

9 “(A) is a survivor of a covered individual  
10 whose claim under this Act was still pending at  
11 the time of the covered individual’s death; and

12 “(B) continued to seek an award with re-  
13 spect to the covered individual’s claim after the  
14 covered individual’s death.

15 “(b) CLAIMS.—A covered individual or a covered sur-  
16 vivor whose claim for benefits under this title was denied  
17 may file a new claim for benefits under this title.

18 “(c) ADJUDICATION ON THE MERITS.—

19 “(1) IN GENERAL.—Any new claim filed under  
20 subsection (b) shall be adjudicated on the merits and  
21 shall not include consideration of a covered chest  
22 radiograph.

23 “(2) COVERED SURVIVOR.—Any new claim filed  
24 under subsection (b) by a covered survivor shall be  
25 adjudicated as either a miner’s or a survivor’s claim

1 depending upon the type of claim pending at the  
2 time of the covered individual's death.

3 “(d) TIME OF PAYMENT.—

4 “(1) MINER'S CLAIM.—If a claim, filed under  
5 subsection (b) and adjudicated under subsection (c)  
6 as a miner's claim, results in an award of benefits,  
7 benefits shall be payable beginning with the month  
8 of the filing of the denied claim that had included  
9 in its record a covered chest radiograph.

10 “(2) SURVIVOR'S CLAIM.—If a claim, filed  
11 under subsection (b) and adjudicated under sub-  
12 section (c) as a survivor's claim, results in an award  
13 of benefits, benefits shall be payable beginning with  
14 the month of the miner's death.

15 “(e) CONTRIBUTING IMPACT.—The Secretary shall  
16 have the discretion to deny a new claim under subsection  
17 (b) in circumstances where the party opposing such claim  
18 establishes through clear and convincing evidence that a  
19 covered chest radiograph did not contribute to the decision  
20 to deny benefits in all prior claims filed by the covered  
21 individual or the covered survivor.

22 “(f) LIMITATION ON FILING OF NEW CLAIMS.—A  
23 new claim for benefits may be filed under subsection (b)  
24 only if the original claim was finally denied by a district  
25 director, an administrative law judge, or the Benefits Re-

1 view Board established under section 21(b) of the  
2 Longshore and Harbor Workers' Compensation Act (33  
3 U.S.C. 921(b)).”.

4 **SEC. 106. ATTORNEYS' FEES AND MEDICAL EXPENSES PAY-**  
5 **MENT PROGRAM.**

6 Part A of the Black Lung Benefits Act (30 U.S.C.  
7 901 et seq.) is amended by adding at the end the fol-  
8 lowing:

9 **“SEC. 403. ATTORNEYS' FEES AND MEDICAL EXPENSES PAY-**  
10 **MENT PROGRAM.**

11 “(a) PROGRAM ESTABLISHED.—

12 “(1) IN GENERAL.—Not later than 180 days  
13 after the date of enactment of the Black Lung Bene-  
14 fits Improvement Act of 2022, the Secretary shall  
15 establish a payment program to pay attorneys' fees  
16 and other reasonable and unreimbursed medical ex-  
17 penses incurred in establishing the claimant's case,  
18 using amounts from the fund, to the attorneys of  
19 claimants in qualifying claims.

20 “(2) QUALIFYING CLAIM.—A qualifying claim  
21 for purposes of this section is a contested claim for  
22 benefits under this title for which a final order has  
23 not been entered within 2 years of the filing of the  
24 claim.

1           “(3) USE OF PAYMENTS FROM THE FUND.—  
2           Notwithstanding any other provision of law,  
3           amounts in the fund shall be available for payments  
4           authorized by the Secretary under this section.

5           “(b) PAYMENTS AUTHORIZED.—

6           “(1) ATTORNEYS’ FEES.—If a claimant for ben-  
7           efits under this title obtains a proposed decision and  
8           order from a district director with an award of bene-  
9           fits for a qualifying claim, or an award for a quali-  
10          fying claim before an administrative law judge, the  
11          district director may approve attorneys’ fees for  
12          work done before such director in an amount not to  
13          exceed \$1,500 and an administrative law judge may  
14          approve attorneys’ fees for work done before such  
15          judge in an amount not to exceed \$3,000. The Sec-  
16          retary shall, through the program under this section,  
17          pay such amounts approved.

18          “(2) MEDICAL EXPENSES.—If a claimant for  
19          benefits under this title obtains a proposed decision  
20          and order from a district director with an award of  
21          benefits for a qualifying claim, or an award for a  
22          qualifying claim before an administrative law judge,  
23          such district director and administrative law judge  
24          may each approve an award to the claimant’s attor-  
25          ney of reasonable and unreimbursed medical ex-

1       penses incurred in establishing the claimant's case in  
2       an amount not to exceed \$1,500. The Secretary  
3       shall, through the program under this section, pay  
4       such amounts approved.

5               “(3) MAXIMUM.—The Secretary, through the  
6       program established under this section, shall for any  
7       single qualifying claim pay—

8                       “(A) not more than a total of \$4,500 in at-  
9                       torneys' fees; and

10                      “(B) not more than \$3,000 in medical ex-  
11                      penses.

12       “(c) REIMBURSEMENT OF FUNDS.—In any case in  
13       which a qualifying claim results in a final order awarding  
14       compensation, the liable operator shall reimburse the fund  
15       for any fees or expenses paid under this section, subject  
16       to enforcement by the Secretary under section 424 and  
17       in the same manner as compensation orders are enforced  
18       under section 21(d) of the Longshore and Harbor Work-  
19       ers' Compensation Act (33 U.S.C. 921(d)).

20       “(d) ADDITIONAL PROGRAM RULES.—Nothing in  
21       this section shall limit or otherwise affect an operator's  
22       liability for any attorneys' fees, medical expenses, or other  
23       allowable and unreimbursed expenses awarded by the dis-  
24       trict director or an administrative law judge that were not  
25       paid by the program under this section. Nothing in this

1 section shall limit or otherwise affect the Secretary’s au-  
 2 thority to use amounts in the fund to pay approved attor-  
 3 neys’ fees and other allowable and unreimbursed expenses  
 4 in claims for benefits under this title for which a final  
 5 order awarding compensation has been entered and the  
 6 operator is unable or refuses to pay.

7 “(e) NO RECOUPMENT.—Any payment for attorneys’  
 8 fees or medical expenses made by the Secretary under this  
 9 section shall not be recouped from the claimant or the  
 10 claimant’s attorney.”.

11 **SEC. 107. RESTORING ADEQUATE BENEFIT ADJUSTMENTS**  
 12 **FOR MINERS SUFFERING FROM BLACK LUNG**  
 13 **DISEASE AND FOR THEIR DEPENDENT FAM-**  
 14 **ILY MEMBERS.**

15 Section 412(a) of the Black Lung Benefits Act (30  
 16 U.S.C. 922(a)) is amended by striking paragraph (1) and  
 17 inserting the following:

18 “(1) In the case of total disability of a miner  
 19 due to pneumoconiosis, the disabled miner shall be  
 20 paid benefits during the disability—

21 “(A) for any calendar year preceding Jan-  
 22 uary 1, 2022, at a rate equal to 37½ percent  
 23 of the monthly pay rate for Federal employees  
 24 in grade GS–2, step 1;

1 “(B) for the calendar year beginning on  
2 January 1, 2022, at a rate of \$8,834.01 per  
3 year, payable in 12 equal monthly payments;  
4 and

5 “(C) for each calendar year thereafter, at  
6 a rate equal to the product of the rate in effect  
7 under this paragraph for the calendar year im-  
8 mediately preceding such calendar year multi-  
9 plied by the ratio (not less than 1) of—

10 “(i) the Consumer Price Index for  
11 Urban Wage Earners and Clerical Work-  
12 ers, as published by the Bureau of Labor  
13 Statistics, for the calendar year imme-  
14 diately preceding such calendar year; to

15 “(ii) such Consumer Price Index for  
16 the second calendar year preceding such  
17 calendar year.”.

18 **SEC. 108. DISCLOSURE OF EMPLOYMENT AND EARNINGS**  
19 **INFORMATION FOR BLACK LUNG BENEFITS**  
20 **CLAIMS.**

21 (a) TAX RETURN INFORMATION.—

22 (1) IN GENERAL.—Section 6103(l) of the Inter-  
23 nal Revenue Code of 1986 is amended by adding at  
24 the end the following new paragraph:



1           “(23) DISCLOSURE OF RETURN INFORMATION  
2 TO DEPARTMENT OF LABOR TO CARRY OUT BLACK  
3 LUNG BENEFITS ACT.—

4           “(A) IN GENERAL.—The Commissioner of  
5 Social Security shall, on written request with  
6 respect to any individual, disclose to officers or  
7 employees of the Department of Labor return  
8 information from returns with respect to net  
9 earnings from self-employment (as defined in  
10 section 1402) and wages (as defined in section  
11 3121(a) or 3401(a)) for employment for each  
12 employer of such individual.

13           “(B) RESTRICTION ON DISCLOSURE.—The  
14 Commissioner of Social Security shall disclose  
15 return information under subparagraph (A)  
16 only for purposes of, and the extent necessary  
17 in, carrying out the proper administration of  
18 the Black Lung Benefits Act (30 U.S.C. 901 et  
19 seq.).”.

20           (2) CONFORMING AMENDMENTS.—Section  
21 6103(p)(4) of such Code is amended—

22           (A) in the matter preceding subparagraph  
23 (A), by striking “or (22)” and inserting “(22),  
24 or (23)”; and

1 (B) in subparagraph (F)(ii), by striking  
2 “or (22),” and inserting “(22), or (23)”.

3 (b) SOCIAL SECURITY EARNINGS INFORMATION.—  
4 Notwithstanding section 552a of title 5, United States  
5 Code, or any other provision of Federal or State law, the  
6 Commissioner of Social Security shall make available to  
7 the officers and employees of the Department of Labor,  
8 upon written request, the Social Security earnings infor-  
9 mation of living or deceased individuals who are the sub-  
10 ject of a claim under the Black Lung Benefits Act (30  
11 U.S.C. 901 et seq.), which the Secretary of Labor may  
12 require to carry out such Act. Such information shall be  
13 made available in electronic form.

14 **PART B—REPORTS TO IMPROVE THE ADMINIS-**  
15 **TRATION OF BENEFITS UNDER THE BLACK**  
16 **LUNG BENEFITS ACT**

17 **SEC. 121. STRATEGY TO REDUCE DELAYS IN ADJUDICA-**  
18 **TION.**

19 (a) IN GENERAL.—Not later than 90 days after the  
20 date of enactment of this Act, the Secretary of Labor shall  
21 submit to the Committee on Health, Education, Labor,  
22 and Pensions and the Committee on Appropriations of the  
23 Senate and the Committee on Education and Labor and  
24 the Committee on Appropriations of the House of Rep-  
25 resentatives a comprehensive strategy to reduce the back-

1 log of cases pending on such date of enactment before the  
2 Office of Administrative Law Judges of the Department  
3 of Labor.

4 (b) CONTENTS OF STRATEGY.—The strategy under  
5 this section shall provide information relating to—

6 (1) the current and targeted pendency for each  
7 category of cases before the Office of Administrative  
8 Law Judges of the Department of Labor;

9 (2) the number of administrative law judges,  
10 attorney advisors supporting such judges, support  
11 staff, and other resources necessary to achieve and  
12 maintain the targeted pendency for each category of  
13 such cases;

14 (3) the necessary resources to improve effi-  
15 ciency and effectiveness, such as equipment for video  
16 conferences, training, use of reemployed annuitants,  
17 and administrative reforms; and

18 (4) with respect to claims filed under the Black  
19 Lung Benefits Act (30 U.S.C. 901 et seq.), the nec-  
20 essary resources needed to reduce the average pend-  
21 ency of cases to less than 12 months from the date  
22 of receipt of the case to the date of disposition of  
23 such case.

1 **PART C—IMPROVEMENT IN THE FINANCIAL SE-**  
2 **CURITY OF THE BLACK LUNG BENEFITS DIS-**  
3 **ABILITY TRUST FUND**

4 **SEC. 131. POLICIES FOR SECURING THE PAYMENT OF BEN-**  
5 **EFITS.**

6 (a) IN GENERAL.—

7 (1) INTERIM RULE.—Not later than 60 days  
8 after the date of enactment of this Act, the Sec-  
9 retary shall publish an interim final rule setting  
10 forth the requirements for an operator of a coal  
11 mine to qualify as a self-insurer with respect to any  
12 portion of the operator’s liabilities under the Black  
13 Lung Benefits Act, as described in section 423(a)(1)  
14 of such Act (30 U.S.C. 933(a)(1)).

15 (2) FINAL RULE.—Not later than 12 months  
16 after the date of enactment of this Act, the Sec-  
17 retary shall promulgate a final rule setting forth the  
18 requirements for an operator of a coal mine to qual-  
19 ify as a self-insurer with respect to any portion of  
20 the operator’s liabilities under the Black Lung Bene-  
21 fits Act, as described in section 423(a)(1) of such  
22 Act (30 U.S.C. 933(a)(1)).

23 (3) CONTENTS.—Any rule under this subsection  
24 shall—

25 (A) establish criteria, relating to the finan-  
26 cial health of the operator (including credit-

1           worthiness, long-term enterprise viability, and  
2           other liabilities), on which the eligibility of the  
3           operator to seek and maintain qualification as  
4           a self-insurer shall be determined;

5           (B) establish procedures to determine on  
6           an annual basis (or more frequently, as deter-  
7           mined necessary by the Secretary) the min-  
8           imum amount of security sufficient to insure  
9           current (as of the date of the determination)  
10          and projected liabilities; and

11          (C) establish procedures for review by the  
12          Secretary of operator appeals of determinations  
13          described in subparagraphs (A) and (B).

14       (b) PENALTIES.—

15           (1) IN GENERAL.—Section 423(d)(1) of the  
16       Black Lung Benefits Act (30 U.S.C. 933(d)(1)) is  
17       amended—

18           (A) by striking “\$1,000” and inserting  
19           “\$25,000”;

20           (B) by inserting “chief executive officer,  
21           chief operating officer,” after the word “presi-  
22           dent,” each place it appears;

23           (C) by striking “and treasurer” each place  
24           it appears and inserting “treasurer, and other  
25           responsible party”; and

1 (D) by striking “for any benefit” and all  
2 that follows through “this section.” and insert-  
3 ing “for—

4 “(A) any benefit which may accrue under this  
5 title in respect to any disability which may occur to  
6 any employee of such corporation while it shall so  
7 fail to secure the payment of benefits as required by  
8 this section; or

9 “(B) in the event of bankruptcy or other per-  
10 manent abandonment of the obligation to secure the  
11 payment of benefits, the difference between the actu-  
12 arial present value of the benefits to be paid by the  
13 fund under section 424(b)(1), projected as of the  
14 date of failure to secure such payment, and any se-  
15 curity recovered or surrendered, with interest.”.

16 (2) OTHER RESPONSIBLE PARTY DEFINED.—  
17 Section 402 of the Black Lung Benefits Act (30  
18 U.S.C. 902) is amended by adding at the end the  
19 following:

20 “(j) The term ‘other responsible party’ means—

21 “(1) an individual, partnership, joint venture,  
22 corporation, mutual company, joint-stock company,  
23 trust, estate, unincorporated organization, associa-  
24 tion, or other enterprise that possesses, directly or  
25 indirectly, the power to direct or cause the direction

1 of the management and policies of an operator or  
2 employer; or

3 “(2) any trade or business (whether or not in-  
4 corporated) that is under common control with an  
5 operator or employer.”.

6 **TITLE II—ESTABLISHING THE**  
7 **OFFICE OF WORKERS’ COM-**  
8 **PENSATION PROGRAMS**

9 **SEC. 201. OFFICE OF WORKERS’ COMPENSATION PRO-**  
10 **GRAMS.**

11 (a) ESTABLISHMENT.—There shall be established, in  
12 the Department of Labor, an Office of Workers’ Com-  
13 pensation Programs (referred to in this section as the “Of-  
14 fice”).

15 (b) DIRECTOR.—

16 (1) IN GENERAL.—The Office shall be directed  
17 by a Director for the Office of Workers’ Compensa-  
18 tion (referred to in this section as the “Director”)  
19 who shall be appointed by the President, by and  
20 with the advice and consent of the Senate.

21 (2) DUTIES.—The Director shall carry out all  
22 duties carried out by the Director for the Office of  
23 Workers’ Compensation as of the day before the  
24 date of enactment of this Act.

1           (c) FUNCTIONS.—The functions of the Office on and  
 2 after the date of enactment of this Act shall include the  
 3 functions of the Office on the day before the date of enact-  
 4 ment of this Act, including all of its personnel, assets, au-  
 5 thorities, and liabilities.

6           (d) REFERENCES TO BUREAU OF EMPLOYEES' COM-  
 7 PENSATION.—Reference in any other Federal law, Execu-  
 8 tive order, reorganization plan, rule, regulation, or delega-  
 9 tion of authority, or any document of or relating to the  
 10 Bureau of Employees' Compensation with regard to func-  
 11 tions carried out by the Office of Workers' Compensation  
 12 Programs, shall be deemed to refer to the Office of Work-  
 13 ers' Compensation Programs.

## 14                   **TITLE III—ADDITIONAL** 15                   **PROVISIONS**

### 16   **SEC. 301. TECHNICAL AND CONFORMING AMENDMENTS.**

17           The Black Lung Benefits Act (30 U.S.C. 901 et seq.)  
 18 is amended—

19                   (1) in section 401(a) (30 U.S.C. 901(a)), by in-  
 20 sserting “or who were found to be totally disabled by  
 21 such disease” after “such disease”;

22                   (2) in section 402 (30 U.S.C. 902)—

23                           (A) in subsection (a), by striking para-  
 24 graph (2) and inserting the following:



1           “(2) a spouse who is a member of the same  
2 household as the miner, or is receiving regular con-  
3 tributions from the miner for support, or whose  
4 spouse is a miner who has been ordered by a court  
5 to contribute to support, or who meets the require-  
6 ments of paragraph (1) or (2) of section 216(b) of  
7 the Social Security Act or paragraph (1) or (2) of  
8 section 216(f) of such Act. An individual is the  
9 ‘spouse’ of a miner when such individual is legally  
10 married to the miner under the laws of the State  
11 where the marriage was celebrated. The term  
12 ‘spouse’ also includes a ‘divorced wife’ or ‘divorced  
13 husband’, as such terms are defined in paragraph  
14 (1) or (4) of section 216(d) of such Act, who is re-  
15 ceiving at least one-half of his or her support, as de-  
16 termined in accordance with regulations prescribed  
17 by the Secretary, from the miner, or is receiving  
18 substantial contributions from the miner (pursuant  
19 to a written agreement), or there is in effect a court  
20 order for substantial contributions to the spouse’s  
21 support from such miner.”;

22           (B) by striking subsection (e) and insert-  
23 ing the following:

24           “(e) The term ‘surviving spouse’ includes the spouse  
25 living with or dependent for support on the miner at the

1 time of the miner’s death, or living apart for reasonable  
2 cause or because of the miner’s desertion, or who meets  
3 the requirements of subparagraph (A), (B), (C), (D), or  
4 (E) of section 216(c)(1) of the Social Security Act, sub-  
5 paragraph (A), (B), (C), (D), or (E) of section 216(g)(1)  
6 of such Act, or section 216(k) of such Act, who is not  
7 married. An individual is the ‘surviving spouse’ of a miner  
8 when legally married at the time of the miner’s death  
9 under the laws of the State where the marriage was cele-  
10 brated. Such term also includes a ‘surviving divorced wife’  
11 or ‘surviving divorced husband’, as such terms are defined  
12 in paragraph (2) or (5) of section 216(d) of such Act who  
13 for the month preceding the month in which the miner  
14 died, was receiving at least one-half of his or her support,  
15 as determined in accordance with regulations prescribed  
16 by the Secretary, from the miner, or was receiving sub-  
17 stantial contributions from the miner (pursuant to a writ-  
18 ten agreement) or there was in effect a court order for  
19 substantial contributions to the spouse’s support from the  
20 miner at the time of the miner’s death.”;

21 (C) in subsection (f)(2)—

22 (i) in subparagraph (A), by inserting  
23 “, as in effect on the day before the date  
24 of enactment of the Black Lung Consolida-  
25 tion of Administrative Responsibility Act

1 (Public Law 107–275)” after “section  
2 435(a)”;

3 (ii) in subparagraph (B), by inserting  
4 “, as in effect on the day before the date  
5 of enactment of the Black Lung Consolida-  
6 tion of Administrative Responsibility Act  
7 (Public Law 107–275)” after “section  
8 435(b)”;

9 (D) in subsection (g)—

10 (i) in paragraph (2)(B)(ii), by striking  
11 “he ceased” and inserting “the individual  
12 ceased”;

13 (ii) in the matter following paragraph  
14 (2)(C), by striking “widow” each place it  
15 appears and inserting “surviving spouse”;

16 (E) in subsection (h), by striking “Internal  
17 Revenue Code of 1954” and inserting “Internal  
18 Revenue Code of 1986”;

19 (F) in subsection (i), by striking “Internal  
20 Revenue Code of 1954” and inserting “Internal  
21 Revenue Code of 1986”;

22 (3) in section 411 (30 U.S.C. 921)—

23 (A) by striking subsection (a) and insert-  
24 ing the following:

1       “(a) The Secretary shall, in accordance with the pro-  
2 visions of this title, and the regulations promulgated by  
3 the Secretary under this title, make payments of benefits  
4 in respect of—

5               “(1) total disability of any miner due to pneu-  
6 moconiosis;

7               “(2) the death of any miner whose death was  
8 due to pneumoconiosis;

9               “(3) total disability of any miner at the time of  
10 the miner’s death with respect to a claim filed under  
11 part C prior to January 1, 1982;

12               “(4) survivors’ benefits for any survivor’s claim  
13 filed after January 1, 2005, that is pending on or  
14 after March 23, 2010, where the miner is found en-  
15 titled to receive benefits on a claim filed under part  
16 C; and

17               “(5) survivors’ benefits where the miner is  
18 found entitled to receive benefits on a claim filed  
19 under part C before January 1, 1982.”; and

20               (B) in subsection (c)—

21                       (i) in paragraph (1), by striking “his  
22 pneumoconiosis” and inserting “the min-  
23 er’s pneumoconiosis”; and

24                       (ii) in paragraph (2), by striking “his  
25 death” and inserting “the miner’s death”;

1 (4) in section 412 (30 U.S.C. 922)—

2 (A) in subsection (a)—

3 (i) by striking paragraph (2) and in-  
4 sserting the following:

5 “(2) In the case of a surviving spouse—

6 “(A) of a miner whose death is due to pneumo-  
7 coniosis;

8 “(B) in a claim filed after January 1, 2005,  
9 and that is pending on or after March 23, 2010, of  
10 a miner who is found entitled to receive benefits on  
11 a claim filed under part C;

12 “(C) of a miner who is found entitled to receive  
13 benefits on a claim filed under part C before Janu-  
14 ary 1, 1982; or

15 “(D) in a claim filed under part C before Janu-  
16 ary 1, 1982, of a miner who was totally disabled by  
17 pneumoconiosis at the time of the miner’s death,

18 benefits shall be paid to the miner’s surviving spouse at  
19 the rate the deceased miner would receive such benefits  
20 if the miner were totally disabled.”;

21 (ii) in paragraph (3)—

22 (I) by striking “(3) In the case”  
23 and all that follows through “section  
24 411(c)” and inserting the following:

25 “(3)(A) In the case of the child or

1 children of a miner described in sub-  
2 paragraph (B)”;

3 (II) by striking “he” each place  
4 it appears and inserting “the child”;

5 (III) by striking “widow” each  
6 place it appears and inserting “sur-  
7 viving spouse”; and

8 (IV) by adding at the end the fol-  
9 lowing:

10 “(B) Subparagraph (A) shall apply in the case of any  
11 child or children—

12 “(i) of a miner whose death is due to pneumo-  
13 coniosis;

14 “(ii) in a claim filed after January 1, 2005,  
15 that is pending on or after March 23, 2010, of a  
16 miner who is found entitled to receive benefits on a  
17 claim filed under part C;

18 “(iii) of a miner who is found entitled to receive  
19 benefits on a claim filed under part C before Janu-  
20 ary 1, 1982;

21 “(iv) in a claim filed under part C before Janu-  
22 ary 1, 1982, of a miner who was totally disabled by  
23 pneumoconiosis at the time of the miner’s death;

1           “(v) of a surviving spouse who is found entitled  
2 to receive benefits under this part at the time of the  
3 surviving spouse’s death; or

4           “(vi) entitled to the payment of benefits under  
5 paragraph (5) of section 411(e).”;

6           (iii) in paragraph (5)—

7           (I) by striking the first sentence  
8 and inserting the following: “In the  
9 case of the dependent parent or par-  
10 ents of a miner who is not survived at  
11 the time of death by a surviving  
12 spouse or a child and (i) whose death  
13 is due to pneumoconiosis, (ii) in a  
14 claim filed after January 1, 2005,  
15 that is pending on or after March 23,  
16 2010, who is found entitled to receive  
17 benefits on a claim filed under part C,  
18 (iii) who is found entitled to receive  
19 benefits on a claim filed under part C  
20 before January 1, 1982, or (iv) in a  
21 claim filed under part C before Janu-  
22 ary 1, 1982, who was totally disabled  
23 by pneumoconiosis at the time of the  
24 miner’s death; in the case of the de-  
25 pendent surviving brother(s) or sis-





1 (aa) by striking “brother  
2 only if he” and inserting “broth-  
3 er or sister only if the brother or  
4 sister”; and

5 (bb) by striking “before he  
6 ceased” and inserting “before the  
7 brother or sister ceased”; and

8 (iv) in paragraph (6), by striking  
9 “prescribed by him” and inserting “pre-  
10 scribed by the Secretary”;

11 (B) in subsection (b)—

12 (i) by striking “his” each place it ap-  
13 pears and inserting “such miner’s”; and

14 (ii) by striking “widow” each place it  
15 appears and inserting “surviving spouse”;

16 and

17 (C) in subsection (e), by striking “Internal  
18 Revenue Code of 1954” and inserting “Internal  
19 Revenue Code of 1986”;

20 (5) in section 413 (30 U.S.C. 923)—

21 (A) in subsection (b)—

22 (i) in the second sentence, by striking  
23 “his wife’s affidavits” and inserting “affi-  
24 davits of the miner’s spouse”;

1 (ii) in the ninth sentence, by striking  
2 “widow” and inserting “surviving spouse”;  
3 and

4 (iii) by striking the last sentence; and  
5 (B) in subsection (c), by striking “his  
6 claim” and inserting “the claim”;

7 (6) in section 414 (30 U.S.C. 924)—

8 (A) in subsection (a)—

9 (i) in paragraph (1), by striking  
10 “widow, within six months after the death  
11 of her husband” and inserting “surviving  
12 spouse, within six months after the death  
13 of the miner”; and

14 (ii) in paragraph (2)(C), by striking  
15 “his” and inserting “the child’s”; and

16 (B) in subsection (e)—

17 (i) by striking “widow” and inserting  
18 “surviving spouse”; and

19 (ii) by striking “his death” and insert-  
20 ing “the miner’s death”;

21 (7) in section 415(a) (30 U.S.C. 925(a))—

22 (A) in paragraph (1), by striking “Internal  
23 Revenue Code of 1954” and inserting “Internal  
24 Revenue Code of 1986”; and

25 (B) in paragraph (2)—

1 (i) by striking “he” and inserting “the  
2 Secretary”; and

3 (ii) by striking “him” and inserting  
4 “the Secretary”;

5 (8) in section 421 (30 U.S.C. 931)—

6 (A) in subsection (a), by striking “widows”  
7 and inserting “spouses”; and

8 (B) in subsection (b)(2)—

9 (i) in the matter preceding subpara-  
10 graph (A), by striking “he” and inserting  
11 “the Secretary”; and

12 (ii) in subparagraph (F), by striking  
13 “promulgated by him” and inserting “pro-  
14 mulgated by the Secretary”;

15 (9) in section 422 (30 U.S.C. 932)—

16 (A) in subsection (a)—

17 (i) by striking “Internal Revenue  
18 Code of 1954” and inserting “Internal  
19 Revenue Code of 1986”; and

20 (ii) by striking “he” and inserting  
21 “the Secretary”;

22 (B) in subsection (c), by inserting “, as in  
23 effect on the day before the date of enactment  
24 of the Black Lung Consolidation of Administra-

1           tive Responsibility Act (Public Law 107–275)”  
2           after “section 435”;

3           (C) in subsection (i)(4), by striking “Inter-  
4           nal Revenue Code of 1954” and inserting “In-  
5           ternal Revenue Code of 1986”; and

6           (D) in subsection (j)—

7           (i) by striking “Internal Revenue  
8           Code of 1954” each place it appears and  
9           inserting “Internal Revenue Code of  
10          1986”; and

11          (ii) in paragraph (3), by inserting “,  
12          as in effect on the day before the date of  
13          enactment of the Black Lung Consolida-  
14          tion of Administrative Responsibility Act  
15          (Public Law 107–275)” after “section  
16          435”;

17          (10) in section 423(a) (30 U.S.C. 933(a)), by  
18          striking “he” and inserting “such operator”;

19          (11) in section 424(b) (30 U.S.C. 934(b))—

20           (A) in the matter following subparagraph  
21           (B) of paragraph (1), by striking “him” and in-  
22           serting “such operator”;

23           (B) in paragraph (3), by striking “Internal  
24           Revenue Code of 1954” each place it appears

1 and inserting “Internal Revenue Code of  
2 1986”; and

3 (C) in paragraph (5), by striking “Internal  
4 Revenue Code of 1954” and inserting “Internal  
5 Revenue Code of 1986”;

6 (12) in section 428 (30 U.S.C. 938)—

7 (A) in subsection (a), by striking “him”  
8 and inserting “such operator”; and

9 (B) in subsection (b)—

10 (i) in the first sentence, by striking  
11 “he” and inserting “the miner”;

12 (ii) in the third sentence, by striking  
13 “he” and inserting “the Secretary”;

14 (iii) in the ninth sentence—

15 (I) by striking “he” each place it  
16 appears and inserting “the Sec-  
17 retary”; and

18 (II) by striking “his” and insert-  
19 ing “the miner’s”; and

20 (iv) in the tenth sentence, by striking  
21 “he” each place it appears and inserting  
22 “the Secretary”; and

23 (13) in section 430 (30 U.S.C. 940)—

24 (A) by striking “1977 and” and inserting  
25 “1977,”; and

1           (B) by striking “1981” and inserting  
2           “1981, and the Black Lung Benefits Improve-  
3           ment Act of 2022, and any amendments made  
4           after the date of enactment of such Act,”.

5 **SEC. 302. SEVERABILITY.**

6           If any provision of this Act or any amendment made  
7 by this Act, or the application of a provision of this Act  
8 or an amendment made by this Act to any person or cir-  
9 cumstance, is held to be unconstitutional, the remainder  
10 of this Act and the amendments made by this Act, and  
11 the application of the provisions or amendment to any  
12 other person or circumstance, shall not be affected by the  
13 holding.

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