

118TH CONGRESS
1ST SESSION

S. 3304

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.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2023

Mr. CASEY (for himself, Mr. FETTERMAN, Mr. KAINE, Mr. WARNER, Mr. MANCHIN, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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 2023”.

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-

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

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

1 taining benefits, claimants with meritorious claims
2 will not receive benefits. Reforms are necessary to
3 help miners and their survivors access legal rep-
4 resentation.

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

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

1 Lung Disability Trust Fund as a backstop. Reforms
2 are needed to ensure that companies are prepared to
3 meet their primary responsibilities and that their
4 plans for self-insurance are fiscally sound.

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

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

8 **TITLE I—BLACK LUNG BENEFITS**

9 **PART A—IMPROVING THE PROCESS FOR FILING**

10 **AND ADJUDICATING CLAIMS FOR BENEFITS**

11 **SEC. 101. PROVIDING ASSISTANCE WITH CLAIMS FOR MIN-**

12 **ERS AND THEIR DEPENDENT FAMILY MEM-**

13 **BERS.**

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

1 **SEC. 102. CLARIFYING ELIGIBILITY FOR BLACK LUNG BEN-**
2 **EFITS.**

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

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

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

21 “(i) A chest radiograph, which yields one
22 or more large opacities whose greatest diameter
23 exceeds 1 centimeter and would be classified in
24 Category A, B, or C in the International Classi-
25 fication of Radiographs of Pneumoconioses by
26 the International Labour Organization, in the

1 absence of more probative evidence sufficient to
 2 establish that the etiology of the large opacity
 3 is not pneumoconiosis.

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

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

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

17 **SEC. 103. DEVELOPMENT OF MEDICAL EVIDENCE BY THE**
 18 **SECRETARY.**

19 Part C of the Black Lung Benefits Act (30 U.S.C.
 20 931 et seq.) is amended by adding at the end the fol-
 21 lowing:

22 **“SEC. 435. DEVELOPMENT OF MEDICAL EVIDENCE BY THE**
 23 **SECRETARY.**

24 “(a) COMPLETE PULMONARY EVALUATION.—Upon
 25 request by a claimant for benefits under this title, the Sec-

1 retary shall provide the claimant an opportunity to sub-
2 stantiate the claim through a complete pulmonary evalua-
3 tion of the miner that shall include—

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

8 “(2) if the conditions under subsection (c) are
9 met, any supplemental medical evidence described in
10 subsection (d).

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

17 “(1) Any certified B reader of a chest
18 radiograph associated with an exam conducted under
19 section 413(b) finds pneumoconiosis (ILO category
20 2/1 or greater).

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

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

4 “(1) for any claim in which the Secretary rec-
5 ommends an award of benefits based on the results
6 of the initial report under subsection (a)(1) and a
7 party opposing such award submits evidence that
8 could be considered contrary to the findings of the
9 Secretary; and

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

12 “(A) the Secretary has awarded benefits to
13 the claimant;

14 “(B) the party opposing such award has
15 submitted evidence not previously reviewed that
16 could be considered contrary to the award
17 under subparagraph (A); and

18 “(C) the claimant or, if the claimant is
19 represented by an attorney, the claimant’s at-
20 torney consents to the Secretary developing
21 supplemental medical evidence.

22 “(d) PROCESS FOR SUPPLEMENTAL MEDICAL EVI-
23 DENCE.—

24 “(1) IN GENERAL.—Except as provided under
25 paragraph (2), to develop supplemental medical evi-

1 dence under conditions described in subsection (c),
2 the Secretary shall request the physician who con-
3 ducted the initial report under subsection (a)(1)
4 to—

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

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

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

16 “(e) QUALIFIED PHYSICIANS FOR COMPLETE PUL-
17 MONARY EVALUATION AND PROTECTIONS FOR SUIT-
18 ABILITY AND POTENTIAL CONFLICTS OF INTEREST.—

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

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

4 “(3) ANNUAL EVALUATION.—Each year, the
5 Secretary shall update such list by reviewing the
6 suitability of the listed qualified physicians and as-
7 sessing any potential conflicts of interest.

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

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

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

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

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

18 “(A) such physician is employed by, under
19 contract to, or otherwise providing services to a
20 private party opposing the claim, a law firm or
21 lawyer representing such opposing party, or an
22 interested insurer or other interested third
23 party; or

24 “(B) such physician has been retained by
25 a private party opposing the claim, a law firm

1 or lawyer representing such opposing party, or
 2 an interested insurer or other interested third
 3 party in the previous 24 months.

4 “(f) RECORD.—Upon receipt of any initial report or
 5 supplemental report under this section, the Secretary shall
 6 enter the report in the record and provide a copy of such
 7 report to all parties to the proceeding.

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

14 **SEC. 104. FALSE STATEMENTS OR MISREPRESENTATIONS,**
 15 **ATTORNEY DISQUALIFICATION, AND DIS-**
 16 **COVERY SANCTIONS.**

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

19 **“SEC. 431. FALSE STATEMENTS OR MISREPRESENTATIONS,**
 20 **ATTORNEY DISQUALIFICATION, AND DIS-**
 21 **COVERY SANCTIONS.**

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

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

5 “(2) knowingly and willfully threaten, coerce,
6 intimidate, deceive, or mislead a party, representa-
7 tive, witness, potential witness, judge, or anyone par-
8 ticipating in a proceeding regarding any matter re-
9 lated to a proceeding under this title.

10 “(b) FINE; IMPRISONMENT.—Any person who en-
11 gages in the conduct described in subsection (a) shall,
12 upon conviction, be subject to a fine in accordance with
13 title 18, United States Code, imprisoned for not more than
14 5 years, or both.

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

20 “(d) DISQUALIFICATION.—

21 “(1) IN GENERAL.—An attorney or expert wit-
22 ness who engages in the conduct described in sub-
23 section (a) shall, in addition to the fine or imprison-
24 ment provided under subsection (b), be permanently

1 disqualified from representing any party, or appear-
2 ing in any proceeding, under this title.

3 “(2) ATTORNEY DISQUALIFICATION.—In addi-
4 tion to the disqualification described in paragraph
5 (1), the Secretary may disqualify an attorney from
6 representing any party in any administrative pro-
7 ceeding under this title for either a limited term or
8 permanently, if the attorney—

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

12 “(B) is suspended or disbarred by any
13 court of the United States, any State, or any
14 territory, commonwealth, or possession of the
15 United States with jurisdiction over the pro-
16 ceeding.

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

22 “(1) drawing an adverse inference against the
23 noncomplying party on the facts relevant to the dis-
24 covery or disclosure order;

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

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

5 “(f) REGULATIONS.—The Secretary shall promulgate
6 a proposed rule not later than 180 days after the date
7 of enactment of this Act and a final rule not later than
8 18 months after such date of enactment, that—

9 “(1) provides procedures for the disqualifica-
10 tions and sanctions under this section and is appro-
11 priate for all parties; and

12 “(2) distinguishes between parties that are rep-
13 resented by an attorney and parties that are not
14 represented by an attorney.”.

15 **SEC. 105. READJUDICATING CASES INVOLVING CERTAIN**
16 **CHEST RADIOGRAPHS.**

17 Part C of the Black Lung Benefits Act (30 U.S.C.
18 931 et seq.), as amended by section 103, is further amend-
19 ed by adding at the end the following:

20 **“SEC. 436. READJUDICATING CASES INVOLVING DISCRED-**
21 **ITED EXPERT OPINIONS.**

22 “(a) DEFINITIONS.—In this section:

23 “(1) COVERED CHEST RADIOGRAPH.—The term
24 ‘covered chest radiograph’ means a chest radiograph
25 that was interpreted as negative for simple pneumo-

1 coniosis, complicated pneumoconiosis, or progressive
2 massive fibrosis by a physician with respect to whom
3 the Secretary has directed, in writing and after an
4 evaluation by the Secretary, that such physician's
5 negative interpretations of chest radiographs not be
6 credited, except where subsequently determined to be
7 credible by the Secretary in evaluating a claim for
8 benefits under this title.

9 “(2) COVERED INDIVIDUAL.—The term ‘cov-
10 ered individual’ means an individual whose record
11 for a claim for benefits under this title includes a
12 covered chest radiograph.

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

15 “(A) is a survivor of a covered individual
16 whose claim under this Act was still pending at
17 the time of the covered individual's death; and

18 “(B) continued to seek an award with re-
19 spect to the covered individual's claim after the
20 covered individual's death.

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

24 “(c) ADJUDICATION ON THE MERITS.—

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

5 “(2) COVERED SURVIVOR.—Any new claim filed
6 under subsection (b) by a covered survivor shall be
7 adjudicated as either a miner’s or a survivor’s claim
8 depending upon the type of claim pending at the
9 time of the covered individual’s death.

10 “(d) TIME OF PAYMENT.—

11 “(1) MINER’S CLAIM.—If a claim, filed under
12 subsection (b) and adjudicated under subsection (c)
13 as a miner’s claim, results in an award of benefits,
14 benefits shall be payable beginning with the month
15 of the filing of the denied claim that had included
16 in its record a covered chest radiograph.

17 “(2) SURVIVOR’S CLAIM.—If a claim, filed
18 under subsection (b) and adjudicated under sub-
19 section (c) as a survivor’s claim, results in an award
20 of benefits, benefits shall be payable beginning with
21 the month of the miner’s death.

22 “(e) CONTRIBUTING IMPACT.—The Secretary shall
23 have the discretion to deny a new claim under subsection
24 (b) in circumstances where the party opposing such claim
25 establishes through clear and convincing evidence that a

1 covered chest radiograph did not contribute to the decision
2 to deny benefits in all prior claims filed by the covered
3 individual or the covered survivor.

4 “(f) LIMITATION ON FILING OF NEW CLAIMS.—A
5 new claim for benefits may be filed under subsection (b)
6 only if the original claim was finally denied by a district
7 director, an administrative law judge, or the Benefits Re-
8 view Board established under section 21(b) of the
9 Longshore and Harbor Workers’ Compensation Act (33
10 U.S.C. 921(b)).”.

11 **SEC. 106. ATTORNEYS’ FEES AND MEDICAL EXPENSES PAY-**
12 **MENT PROGRAM.**

13 Part A of the Black Lung Benefits Act (30 U.S.C.
14 901 et seq.) is amended by adding at the end the fol-
15 lowing:

16 **“SEC. 403. ATTORNEYS’ FEES AND MEDICAL EXPENSES PAY-**
17 **MENT PROGRAM.**

18 “(a) PROGRAM ESTABLISHED.—

19 “(1) IN GENERAL.—Not later than 180 days
20 after the date of enactment of the Black Lung Bene-
21 fits Improvement Act of 2023, the Secretary shall
22 establish a payment program to pay attorneys’ fees
23 and other reasonable and unreimbursed medical ex-
24 penses incurred in establishing the claimant’s case,

1 using amounts from the fund, to the attorneys of
2 claimants in qualifying claims.

3 “(2) QUALIFYING CLAIM.—A qualifying claim
4 for purposes of this section is a contested claim for
5 benefits under this title for which a final order has
6 not been entered within 2 years of the filing of the
7 claim.

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

12 “(b) PAYMENTS AUTHORIZED.—

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

1 “(2) MEDICAL EXPENSES.—If a claimant for
2 benefits under this title obtains a proposed decision
3 and order from a district director with an award of
4 benefits for a qualifying claim, or an award for a
5 qualifying claim before an administrative law judge,
6 such district director and administrative law judge
7 may each approve an award to the claimant’s attor-
8 ney of reasonable and unreimbursed medical ex-
9 penses incurred in establishing the claimant’s case in
10 an amount not to exceed \$1,500. The Secretary
11 shall, through the program under this section, pay
12 such amounts approved.

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

16 “(A) not more than a total of \$4,500 in at-
17 torneys’ fees; and

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

20 “(c) REIMBURSEMENT OF FUNDS.—In any case in
21 which a qualifying claim results in a final order awarding
22 compensation, the liable operator shall reimburse the fund
23 for any fees or expenses paid under this section, subject
24 to enforcement by the Secretary under section 424 and
25 in the same manner as compensation orders are enforced

1 under section 21(d) of the Longshore and Harbor Work-
2 ers' Compensation Act (33 U.S.C. 921(d)).

3 “(d) **ADDITIONAL PROGRAM RULES.**—Nothing in
4 this section shall limit or otherwise affect an operator's
5 liability for any attorneys' fees, medical expenses, or other
6 allowable and unreimbursed expenses awarded by the dis-
7 trict director or an administrative law judge that were not
8 paid by the program under this section. Nothing in this
9 section shall limit or otherwise affect the Secretary's au-
10 thority to use amounts in the fund to pay approved attor-
11 neys' fees and other allowable and unreimbursed expenses
12 in claims for benefits under this title for which a final
13 order awarding compensation has been entered and the
14 operator is unable or refuses to pay.

15 “(e) **NO RECOUPMENT.**—Any payment for attorneys'
16 fees or medical expenses made by the Secretary under this
17 section shall not be recouped from the claimant or the
18 claimant's attorney.”.

19 **SEC. 107. RESTORING ADEQUATE BENEFIT ADJUSTMENTS**
20 **FOR MINERS SUFFERING FROM BLACK LUNG**
21 **DISEASE AND FOR THEIR DEPENDENT FAM-**
22 **ILY MEMBERS.**

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

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

4 “(A) for any calendar year preceding Jan-
5 uary 1, 2024, at a rate equal to 37½ percent
6 of the monthly pay rate for Federal employees
7 in grade GS–2, step 1;

8 “(B) for the calendar year beginning on
9 January 1, 2024, at a rate of \$9,627.60 per
10 year, payable in 12 equal monthly payments;
11 and

12 “(C) for each calendar year thereafter, at
13 a rate equal to the product of the rate in effect
14 under this paragraph for the calendar year im-
15 mediately preceding such calendar year multi-
16 plied by the ratio (not less than 1) of—

17 “(i) the Consumer Price Index for
18 Urban Wage Earners and Clerical Work-
19 ers, as published by the Bureau of Labor
20 Statistics, for the calendar year imme-
21 diately preceding such calendar year; to

22 “(ii) such Consumer Price Index for
23 the second calendar year preceding such
24 calendar year.”.

1 **SEC. 108. DISCLOSURE OF EMPLOYMENT AND EARNINGS**
2 **INFORMATION FOR BLACK LUNG BENEFITS**
3 **CLAIMS.**

4 (a) TAX RETURN INFORMATION.—

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

8 “(23) DISCLOSURE OF RETURN INFORMATION
9 TO DEPARTMENT OF LABOR TO CARRY OUT BLACK
10 LUNG BENEFITS ACT.—

11 “(A) IN GENERAL.—The Commissioner of
12 Social Security shall, on written request with
13 respect to any individual, disclose to officers or
14 employees of the Department of Labor return
15 information from returns with respect to net
16 earnings from self-employment (as defined in
17 section 1402) and wages (as defined in section
18 3121(a) or 3401(a)) for employment for each
19 employer of such individual.

20 “(B) RESTRICTION ON DISCLOSURE.—The
21 Commissioner of Social Security shall disclose
22 return information under subparagraph (A)
23 only for purposes of, and to the extent nec-
24 essary in, carrying out the proper administra-
25 tion of the Black Lung Benefits Act (30 U.S.C.
26 901 et seq.).”.

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

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

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

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

19 **PART B—REPORTS TO IMPROVE THE ADMINIS-**
20 **TRATION OF BENEFITS UNDER THE BLACK**
21 **LUNG BENEFITS ACT**

22 **SEC. 121. STRATEGY TO REDUCE DELAYS IN ADJUDICA-**
23 **TION.**

24 (a) IN GENERAL.—Not later than 90 days after the
25 date of enactment of this Act, the Secretary of Labor shall

1 submit to the Committee on Health, Education, Labor,
2 and Pensions and the Committee on Appropriations of the
3 Senate and the Committee on Education and the Work-
4 force and the Committee on Appropriations of the House
5 of Representatives a comprehensive strategy to reduce the
6 backlog of cases pending on such date of enactment before
7 the Office of Administrative Law Judges of the Depart-
8 ment of Labor.

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

11 (1) the current and targeted pendency for each
12 category of cases before the Office of Administrative
13 Law Judges of the Department of Labor;

14 (2) the number of administrative law judges,
15 attorney advisors supporting such judges, support
16 staff, and other resources necessary to achieve and
17 maintain the targeted pendency for each category of
18 such cases;

19 (3) the necessary resources to improve effi-
20 ciency and effectiveness, such as equipment for video
21 conferences, training, use of reemployed annuitants,
22 and administrative reforms; and

23 (4) with respect to claims filed under the Black
24 Lung Benefits Act (30 U.S.C. 901 et seq.), the nec-
25 essary resources needed to reduce the average pend-

1 ency of cases to less than 12 months from the date
2 of receipt of the case to the date of disposition of
3 such case.

4 **PART C—IMPROVEMENT IN THE FINANCIAL SE-**
5 **CURITY OF THE BLACK LUNG BENEFITS DIS-**
6 **ABILITY TRUST FUND**

7 **SEC. 131. POLICIES FOR SECURING THE PAYMENT OF BEN-**
8 **EFITS.**

9 (a) IN GENERAL.—

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

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

1 (3) CONTENTS.—Any rule under this subsection
2 shall—

3 (A) establish criteria, relating to the finan-
4 cial health of the operator (including credit-
5 worthiness, long-term enterprise viability, and
6 other liabilities), on which the eligibility of the
7 operator to seek and maintain qualification as
8 a self-insurer shall be determined;

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

15 (C) establish procedures for review by the
16 Secretary of operator appeals of determinations
17 described in subparagraphs (A) and (B).

18 (b) PENALTIES.—

19 (1) IN GENERAL.—Section 423(d)(1) of the
20 Black Lung Benefits Act (30 U.S.C. 933(d)(1)) is
21 amended—

22 (A) by striking “\$1,000” and inserting
23 “\$25,000”;

1 (B) by inserting “chief executive officer,
2 chief operating officer,” after the word “presi-
3 dent,” each place it appears;

4 (C) by striking “and treasurer” each place
5 it appears and inserting “treasurer, and other
6 responsible party”; and

7 (D) by striking “for any benefit” and all
8 that follows through “this section.” and insert-
9 ing “for—

10 “(A) any benefit which may accrue under this
11 title in respect to any disability which may occur to
12 any employee of such corporation while it shall so
13 fail to secure the payment of benefits as required by
14 this section; or

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

22 (2) OTHER RESPONSIBLE PARTY DEFINED.—
23 Section 402 of the Black Lung Benefits Act (30
24 U.S.C. 902) is amended by adding at the end the
25 following:

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

2 “(1) an individual, partnership, joint venture,
3 corporation, mutual company, joint-stock company,
4 trust, estate, unincorporated organization, associa-
5 tion, or other enterprise that possesses, directly or
6 indirectly, the power to direct or cause the direction
7 of the management and policies of an operator or
8 employer; or

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

12 **TITLE II—ESTABLISHING THE**
13 **OFFICE OF WORKERS’ COM-**
14 **PENSATION PROGRAMS**

15 **SEC. 201. OFFICE OF WORKERS’ COMPENSATION PRO-**
16 **GRAMS.**

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

21 (b) DIRECTOR.—

22 (1) IN GENERAL.—The Office shall be directed
23 by a Director for the Office of Workers’ Compensa-
24 tion Programs (referred to in this section as the

1 “Director”) who shall be appointed by the President,
2 by and with the advice and consent of the Senate.

3 (2) DUTIES.—The Director shall carry out all
4 duties carried out by the Director for the Office of
5 Workers’ Compensation Programs as of the day be-
6 fore the date of enactment of this Act.

7 (c) FUNCTIONS.—The functions of the Office on and
8 after the date of enactment of this Act shall include the
9 functions of the Office on the day before the date of enact-
10 ment of this Act, including all of its personnel, assets, au-
11 thorities, and liabilities.

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

20 **TITLE III—ADDITIONAL** 21 **PROVISIONS**

22 **SEC. 301. TECHNICAL AND CONFORMING AMENDMENTS.**

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

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

4 (2) in section 402 (30 U.S.C. 902)—

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

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

1 order for substantial contributions to the spouse's
2 support from such miner.”;

3 (B) by striking subsection (e) and insert-
4 ing the following:

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

1 substantial contributions to the spouse’s support from the
2 miner at the time of the miner’s death.”;

3 (C) in subsection (f)(2)—

4 (i) in subparagraph (A), by inserting
5 “, as in effect on the day before the date
6 of enactment of the Black Lung Consolida-
7 tion of Administrative Responsibility Act
8 (Public Law 107–275)” after “section
9 435(a)”;

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

16 (D) in subsection (g)—

17 (i) in paragraph (2)(B)(ii), by striking
18 “he ceased” and inserting “the individual
19 ceased”;

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

23 (E) in subsection (h), by striking “Internal
24 Revenue Code of 1954” and inserting “Internal
25 Revenue Code of 1986”;

1 (F) in subsection (i), by striking “Internal
2 Revenue Code of 1954” and inserting “Internal
3 Revenue Code of 1986”;

4 (3) in section 411 (30 U.S.C. 921)—

5 (A) by striking subsection (a) and insert-
6 ing the following:

7 “(a) The Secretary shall, in accordance with the pro-
8 visions of this title, and the regulations promulgated by
9 the Secretary under this title, make payments of benefits
10 in respect of—

11 “(1) total disability of any miner due to pneu-
12 moconiosis;

13 “(2) the death of any miner whose death was
14 due to pneumoconiosis;

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

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

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

1 (B) in subsection (c)—

2 (i) in paragraph (1), by striking “his
3 pneumoconiosis” and inserting “the min-
4 er’s pneumoconiosis”; and

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

7 (4) in section 412 (30 U.S.C. 922)—

8 (A) in subsection (a)—

9 (i) by striking paragraph (2) and in-
10 sserting the following:

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

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

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

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

21 “(D) 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 benefits shall be paid to the miner’s surviving spouse at
 2 the rate the deceased miner would receive such benefits
 3 if the miner were totally disabled.”;

4 (ii) in paragraph (3)—

5 (I) by striking “(3) In the case”
 6 and all that follows through “section
 7 411(c)” and inserting the following:
 8 “(3)(A) In the case of the child or
 9 children of a miner described in sub-
 10 paragraph (B)”;

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

13 (III) by striking “widow” each
 14 place it appears and inserting “sur-
 15 viving spouse”; and

16 (IV) by adding at the end the fol-
 17 lowing:

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

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

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

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

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

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

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

12 (iii) in paragraph (5)—

13 (I) by striking the first sentence
14 and inserting the following: “In the
15 case of the dependent parent or par-
16 ents of a miner who is not survived at
17 the time of death by a surviving
18 spouse or a child and (i) whose death
19 is due to pneumoconiosis, (ii) in a
20 claim filed after January 1, 2005,
21 that is pending on or after March 23,
22 2010, who is found entitled to receive
23 benefits on a claim filed under part C,
24 (iii) who is found entitled to receive
25 benefits on a claim filed under part C

1 before January 1, 1982, or (iv) in a
2 claim filed under part C before Janu-
3 ary 1, 1982, who was totally disabled
4 by pneumoconiosis at the time of the
5 miner's death; in the case of the de-
6 pendent surviving brother(s) or sis-
7 ter(s) of such a miner who is not sur-
8 vived at the time of the miner's death
9 by a surviving spouse, child, or par-
10 ent; in the case of the dependent par-
11 ent or parents of such a miner (who
12 is not survived at the time of the min-
13 er's death by a surviving spouse or
14 child) who are entitled to the payment
15 of benefits under paragraph (5) of
16 section 411(c); or in the case of the
17 dependent surviving brother(s) or sis-
18 ter(s) of such a miner (who is not sur-
19 vived at the time of the miner's death
20 by a surviving spouse, child, or par-
21 ent) who are entitled to the payment
22 of benefits under paragraph (5) of
23 section 411(c), benefits shall be paid
24 under this part to such parent(s), or
25 to such brother(s) or sister(s), at the

1 rate specified in paragraph (3) (as if
2 such parent(s), or such brother(s) or
3 sister(s), were the children of such
4 miner).”; and

5 (II) in the fourth sentence—

6 (aa) by striking “brother
7 only if he” and inserting “broth-
8 er or sister only if the brother or
9 sister”; and

10 (bb) by striking “before he
11 ceased” and inserting “before the
12 brother or sister ceased”; and

13 (iv) in paragraph (6), by striking
14 “prescribed by him” and inserting “pre-
15 scribed by the Secretary”;

16 (B) in subsection (b)—

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

19 (ii) by striking “widow” each place it
20 appears and inserting “surviving spouse”;
21 and

22 (C) in subsection (e), by striking “Internal
23 Revenue Code of 1954” and inserting “Internal
24 Revenue Code of 1986”;

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

1 (A) in subsection (b)—

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

5 (ii) in the ninth sentence, by striking
6 “widow” and inserting “surviving spouse”;
7 and

8 (iii) by striking the last sentence; and

9 (B) in subsection (c), by striking “his
10 claim” and inserting “the claim”;

11 (6) in section 414 (30 U.S.C. 924)—

12 (A) in subsection (a)—

13 (i) in paragraph (1), by striking
14 “widow, within six months after the death
15 of her husband” and inserting “surviving
16 spouse, within six months after the death
17 of the miner”; and

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

20 (B) in subsection (e)—

21 (i) by striking “widow” and inserting
22 “surviving spouse”; and

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

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

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

4 (B) in paragraph (2)—

5 (i) by striking “he” and inserting “the
6 Secretary”; and

7 (ii) by striking “him” and inserting
8 “the Secretary”;

9 (8) in section 421 (30 U.S.C. 931)—

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

12 (B) in subsection (b)(2)—

13 (i) in the matter preceding subpara-
14 graph (A), by striking “he” and inserting
15 “the Secretary”; and

16 (ii) in subparagraph (F), by striking
17 “promulgated by him” and inserting “pro-
18 mulgated by the Secretary”;

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

20 (A) in subsection (a)—

21 (i) by striking “Internal Revenue
22 Code of 1954” and inserting “Internal
23 Revenue Code of 1986”; and

24 (ii) by striking “he” and inserting
25 “the Secretary”;

1 (B) in subsection (c), by inserting “, as in
2 effect on the day before the date of enactment
3 of the Black Lung Consolidation of Administra-
4 tive Responsibility Act (Public Law 107–275)”
5 after “section 435”;

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

9 (D) in subsection (j)—

10 (i) by striking “Internal Revenue
11 Code of 1954” each place it appears and
12 inserting “Internal Revenue Code of
13 1986”; and

14 (ii) in paragraph (3), by inserting “,
15 as in effect on the day before the date of
16 enactment of the Black Lung Consolida-
17 tion of Administrative Responsibility Act
18 (Public Law 107–275)” after “section
19 435”;

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

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

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

1 (B) in paragraph (3), by striking “Internal
2 Revenue Code of 1954” each place it appears
3 and inserting “Internal Revenue Code of
4 1986”; and

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

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

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

11 (B) in subsection (b)—

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

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

16 (iii) in the ninth sentence—

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

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

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

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

1 (A) by striking “1977 and” and inserting
2 “1977,”; and

3 (B) by striking “1981” and inserting
4 “1981, and the Black Lung Benefits Improve-
5 ment Act of 2023, and any amendments made
6 after the date of enactment of such Act,”.

7 **SEC. 302. SEVERABILITY.**

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

○