

118TH CONGRESS
1ST SESSION

S. _____

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

Mr. CASEY introduced the following bill; which was read twice and referred to the Committee on _____

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-
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), complicated
14 pneumoconiosis or progressive massive fibrosis can be es-
15 tablished by any of the following:

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

24 “(ii) A chest CT scan, which yields one or more large
25 opacities whose greatest diameter exceeds 1 centimeter, in

1 the absence of more probative evidence sufficient to estab-
2 lish that the etiology of the large opacity is not pneumo-
3 coniosis.

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

7 “(iv) A diagnosis by other means that would reason-
8 ably be expected to yield results described in clause (i),
9 (ii), or (iii).”.

10 **SEC. 103. DEVELOPMENT OF MEDICAL EVIDENCE BY THE**
11 **SECRETARY.**

12 Part C of the Black Lung Benefits Act (30 U.S.C.
13 931 et seq.) is amended by adding at the end the fol-
14 lowing:

15 **“SEC. 435. DEVELOPMENT OF MEDICAL EVIDENCE BY THE**
16 **SECRETARY.**

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

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

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

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

10 “(1) Any certified B reader of a chest
11 radiograph associated with an exam conducted under
12 section 413(b) finds pneumoconiosis (ILO category
13 2/1 or greater).

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

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

20 “(1) for any claim in which the Secretary rec-
21 ommends an award of benefits based on the results
22 of the initial report under subsection (a)(1) and a
23 party opposing such award submits evidence that
24 could be considered contrary to the findings of the
25 Secretary; and

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

3 “(A) the Secretary has awarded benefits to
4 the claimant;

5 “(B) the party opposing such award has
6 submitted evidence not previously reviewed that
7 could be considered contrary to the award
8 under subparagraph (A); and

9 “(C) the claimant or, if the claimant is
10 represented by an attorney, the claimant’s at-
11 torney consents to the Secretary developing
12 supplemental medical evidence.

13 “(d) PROCESS FOR SUPPLEMENTAL MEDICAL EVI-
14 DENCE.—

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

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

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

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

7 “(e) QUALIFIED PHYSICIANS FOR COMPLETE PUL-
8 MONARY EVALUATION AND PROTECTIONS FOR SUIT-
9 ABILITY AND POTENTIAL CONFLICTS OF INTEREST.—

10 “(1) QUALIFIED PHYSICIANS LIST.—The Sec-
11 retary shall create and maintain a list of qualified
12 physicians to be selected by a claimant to perform
13 the complete pulmonary evaluation described in sub-
14 section (a).

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

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

22 “(4) CRITERIA FOR SUITABILITY.—The Sec-
23 retary shall include on the list under this subsection
24 only those physicians whom the Secretary deter-
25 mines are qualified, capable, and willing to provide

1 credible opinions consistent with the premises under-
2 lying this Act. In determining whether a physician
3 is suitable to be on such list, the Secretary shall con-
4 sult the National Practitioner Data Bank of the De-
5 partment of Health and Human Services and assess
6 reports of adverse licensure, certifications, hospital
7 privilege, and professional society actions involving
8 the physician. In no case shall such list include any
9 physician—

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

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

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

19 “(5) CONFLICTS OF INTEREST.—The Secretary
20 shall develop and implement policies and procedures
21 to ensure that any actual or potential conflict of in-
22 terest of qualified physicians on the list under this
23 subsection, including both individual and organiza-
24 tional conflicts of interest, are disclosed to the De-
25 partment, and to provide such disclosure to claim-

1 ants. Such policies and procedures shall provide that
2 a physician shall not be used to perform a complete
3 pulmonary medical evaluation under subsection (a)
4 that is reimbursed pursuant to subsection (g), if—

5 “(A) such physician is employed by, under
6 contract to, or otherwise providing services to a
7 private party opposing the claim, a law firm or
8 lawyer representing such opposing party, or an
9 interested insurer or other interested third
10 party; or

11 “(B) such physician has been retained by
12 a private party opposing the claim, a law firm
13 or lawyer representing such opposing party, or
14 an interested insurer or other interested third
15 party in the previous 24 months.

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

20 “(g) EXPENSES.—All expenses related to obtaining
21 the medical evidence under this section shall be paid for
22 by the fund. If a claimant receives a final award of bene-
23 fits, the operator liable for payment of benefits, if any,
24 shall reimburse the fund for such expenses, which shall
25 include interest.”.

1 **SEC. 104. FALSE STATEMENTS OR MISREPRESENTATIONS,**
2 **ATTORNEY DISQUALIFICATION, AND DIS-**
3 **COVERY SANCTIONS.**

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

6 **“SEC. 431. FALSE STATEMENTS OR MISREPRESENTATIONS,**
7 **ATTORNEY DISQUALIFICATION, AND DIS-**
8 **COVERY SANCTIONS.**

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

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

16 “(2) knowingly and willfully threaten, coerce,
17 intimidate, deceive, or mislead a party, representa-
18 tive, witness, potential witness, judge, or anyone par-
19 ticipating in a proceeding regarding any matter re-
20 lated to a proceeding under this title.

21 “(b) FINE; IMPRISONMENT.—Any person who en-
22 gages in the conduct described in subsection (a) shall,
23 upon conviction, be subject to a fine in accordance with
24 title 18, United States Code, imprisoned for not more than
25 5 years, or both.

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

6 “(d) DISQUALIFICATION.—

7 “(1) IN GENERAL.—An attorney or expert wit-
8 ness who engages in the conduct described in sub-
9 section (a) shall, in addition to the fine or imprison-
10 ment provided under subsection (b), be permanently
11 disqualified from representing any party, or appear-
12 ing in any proceeding, under this title.

13 “(2) ATTORNEY DISQUALIFICATION.—In addi-
14 tion to the disqualification described in paragraph
15 (1), the Secretary may disqualify an attorney from
16 representing any party in any administrative pro-
17 ceeding under this title for either a limited term or
18 permanently, if the attorney—

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

22 “(B) is suspended or disbarred by any
23 court of the United States, any State, or any
24 territory, commonwealth, or possession of the

1 United States with jurisdiction over the pro-
2 ceeding.

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

8 “(1) drawing an adverse inference against the
9 noncomplying party on the facts relevant to the dis-
10 covery or disclosure order;

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

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

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

19 “(1) provides procedures for the disqualifica-
20 tions and sanctions under this section and is appro-
21 priate for all parties; and

22 “(2) distinguishes between parties that are rep-
23 resented by an attorney and parties that are not
24 represented by an attorney.”.

1 **SEC. 105. READJUDICATING CASES INVOLVING CERTAIN**
2 **CHEST RADIOGRAPHS.**

3 Part C of the Black Lung Benefits Act (30 U.S.C.
4 931 et seq.), as amended by section 103, is further amend-
5 ed by adding at the end the following:

6 **“SEC. 436. READJUDICATING CASES INVOLVING DISCRED-**
7 **ITED EXPERT OPINIONS.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) COVERED CHEST RADIOGRAPH.—The term
10 ‘covered chest radiograph’ means a chest radiograph
11 that was interpreted as negative for simple pneumo-
12 coniosis, complicated pneumoconiosis, or progressive
13 massive fibrosis by a physician with respect to whom
14 the Secretary has directed, in writing and after an
15 evaluation by the Secretary, that such physician’s
16 negative interpretations of chest radiographs not be
17 credited, except where subsequently determined to be
18 credible by the Secretary in evaluating a claim for
19 benefits under this title.

20 “(2) COVERED INDIVIDUAL.—The term ‘cov-
21 ered individual’ means an individual whose record
22 for a claim for benefits under this title includes a
23 covered chest radiograph.

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

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

4 “(B) continued to seek an award with re-
5 spect to the covered individual’s claim after the
6 covered individual’s death.

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

10 “(c) ADJUDICATION ON THE MERITS.—

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

15 “(2) COVERED SURVIVOR.—Any new claim filed
16 under subsection (b) by a covered survivor shall be
17 adjudicated as either a miner’s or a survivor’s claim
18 depending upon the type of claim pending at the
19 time of the covered individual’s death.

20 “(d) TIME OF PAYMENT.—

21 “(1) MINER’S CLAIM.—If a claim, filed under
22 subsection (b) and adjudicated under subsection (c)
23 as a miner’s claim, results in an award of benefits,
24 benefits shall be payable beginning with the month

1 of the filing of the denied claim that had included
2 in its record a covered chest radiograph.

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

8 “(e) CONTRIBUTING IMPACT.—The Secretary shall
9 have the discretion to deny a new claim under subsection
10 (b) in circumstances where the party opposing such claim
11 establishes through clear and convincing evidence that a
12 covered chest radiograph did not contribute to the decision
13 to deny benefits in all prior claims filed by the covered
14 individual or the covered survivor.

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

1 **SEC. 106. ATTORNEYS' FEES AND MEDICAL EXPENSES PAY-**
2 **MENT PROGRAM.**

3 Part A of the Black Lung Benefits Act (30 U.S.C.
4 901 et seq.) is amended by adding at the end the fol-
5 lowing:

6 **“SEC. 403. ATTORNEYS' FEES AND MEDICAL EXPENSES PAY-**
7 **MENT PROGRAM.**

8 “(a) PROGRAM ESTABLISHED.—

9 “(1) IN GENERAL.—Not later than 180 days
10 after the date of enactment of the Black Lung Bene-
11 fits Improvement Act of 2023, the Secretary shall
12 establish a payment program to pay attorneys' fees
13 and other reasonable and unreimbursed medical ex-
14 penses incurred in establishing the claimant's case,
15 using amounts from the fund, to the attorneys of
16 claimants in qualifying claims.

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

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

26 “(b) PAYMENTS AUTHORIZED.—

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

13 “(2) MEDICAL EXPENSES.—If a claimant for
14 benefits under this title obtains a proposed decision
15 and order from a district director with an award of
16 benefits for a qualifying claim, or an award for a
17 qualifying claim before an administrative law judge,
18 such district director and administrative law judge
19 may each approve an award to the claimant’s attor-
20 ney of reasonable and unreimbursed medical ex-
21 penses incurred in establishing the claimant’s case in
22 an amount not to exceed \$1,500. The Secretary
23 shall, through the program under this section, pay
24 such amounts approved.

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

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

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

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

16 “(d) ADDITIONAL PROGRAM RULES.—Nothing in
17 this section shall limit or otherwise affect an operator’s
18 liability for any attorneys’ fees, medical expenses, or other
19 allowable and unreimbursed expenses awarded by the dis-
20 trict director or an administrative law judge that were not
21 paid by the program under this section. Nothing in this
22 section shall limit or otherwise affect the Secretary’s au-
23 thority to use amounts in the fund to pay approved attor-
24 neys’ fees and other allowable and unreimbursed expenses
25 in claims for benefits under this title for which a final

1 order awarding compensation has been entered and the
2 operator is unable or refuses to pay.

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

7 **SEC. 107. RESTORING ADEQUATE BENEFIT ADJUSTMENTS**
8 **FOR MINERS SUFFERING FROM BLACK LUNG**
9 **DISEASE AND FOR THEIR DEPENDENT FAM-**
10 **ILY MEMBERS.**

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

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

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

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

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

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

11 “(ii) such Consumer Price Index for
12 the second calendar year preceding such
13 calendar year.”.

14 **SEC. 108. DISCLOSURE OF EMPLOYMENT AND EARNINGS**
15 **INFORMATION FOR BLACK LUNG BENEFITS**
16 **CLAIMS.**

17 (a) TAX RETURN INFORMATION.—

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

21 “(23) DISCLOSURE OF RETURN INFORMATION
22 TO DEPARTMENT OF LABOR TO CARRY OUT BLACK
23 LUNG BENEFITS ACT.—

24 “(A) IN GENERAL.—The Commissioner of
25 Social Security shall, on written request with

1 respect to any individual, disclose to officers or
2 employees of the Department of Labor return
3 information from returns with respect to net
4 earnings from self-employment (as defined in
5 section 1402) and wages (as defined in section
6 3121(a) or 3401(a)) for employment for each
7 employer of such individual.

8 “(B) RESTRICTION ON DISCLOSURE.—The
9 Commissioner of Social Security shall disclose
10 return information under subparagraph (A)
11 only for purposes of, and to the extent nec-
12 essary in, carrying out the proper administra-
13 tion of the Black Lung Benefits Act (30 U.S.C.
14 901 et seq.).”

15 (2) CONFORMING AMENDMENTS.—Section
16 6103(p)(4) of such Code is amended—

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

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

22 (b) SOCIAL SECURITY EARNINGS INFORMATION.—
23 Notwithstanding section 552a of title 5, United States
24 Code, or any other provision of Federal or State law, the
25 Commissioner of Social Security shall make available to

1 the officers and employees of the Department of Labor,
2 upon written request, the Social Security earnings infor-
3 mation of living or deceased individuals who are the sub-
4 ject of a claim under the Black Lung Benefits Act (30
5 U.S.C. 901 et seq.), which the Secretary of Labor may
6 require to carry out such Act. Such information shall be
7 made available in electronic form.

8 **PART B—REPORTS TO IMPROVE THE ADMINIS-**
9 **TRATION OF BENEFITS UNDER THE BLACK**
10 **LUNG BENEFITS ACT**

11 **SEC. 121. STRATEGY TO REDUCE DELAYS IN ADJUDICA-**
12 **TION.**

13 (a) IN GENERAL.—Not later than 90 days after the
14 date of enactment of this Act, the Secretary of Labor shall
15 submit to the Committee on Health, Education, Labor,
16 and Pensions and the Committee on Appropriations of the
17 Senate and the Committee on Education and the Work-
18 force and the Committee on Appropriations of the House
19 of Representatives a comprehensive strategy to reduce the
20 backlog of cases pending on such date of enactment before
21 the Office of Administrative Law Judges of the Depart-
22 ment of Labor.

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

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

4 (2) the number of administrative law judges,
5 attorney advisors supporting such judges, support
6 staff, and other resources necessary to achieve and
7 maintain the targeted pendency for each category of
8 such cases;

9 (3) the necessary resources to improve effi-
10 ciency and effectiveness, such as equipment for video
11 conferences, training, use of reemployed annuitants,
12 and administrative reforms; and

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

19 **PART C—IMPROVEMENT IN THE FINANCIAL SE-**
20 **CURITY OF THE BLACK LUNG BENEFITS DIS-**
21 **ABILITY TRUST FUND**

22 **SEC. 131. POLICIES FOR SECURING THE PAYMENT OF BEN-**
23 **EFITS.**

24 (a) IN GENERAL.—

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

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

17 (3) CONTENTS.—Any rule under this subsection
18 shall—

19 (A) establish criteria, relating to the finan-
20 cial health of the operator (including credit-
21 worthiness, long-term enterprise viability, and
22 other liabilities), on which the eligibility of the
23 operator to seek and maintain qualification as
24 a self-insurer shall be determined;

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

7 (C) establish procedures for review by the
8 Secretary of operator appeals of determinations
9 described in subparagraphs (A) and (B).

10 (b) PENALTIES.—

11 (1) IN GENERAL.—Section 423(d)(1) of the
12 Black Lung Benefits Act (30 U.S.C. 933(d)(1)) is
13 amended—

14 (A) by striking “\$1,000” and inserting
15 “\$25,000”;

16 (B) by inserting “chief executive officer,
17 chief operating officer,” after the word “presi-
18 dent,” each place it appears;

19 (C) by striking “and treasurer” each place
20 it appears and inserting “treasurer, and other
21 responsible party”; and

22 (D) by striking “for any benefit” and all
23 that follows through “this section.” and insert-
24 ing “for—

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

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

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

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

18 “(1) an individual, partnership, joint venture,
19 corporation, mutual company, joint-stock company,
20 trust, estate, unincorporated organization, associa-
21 tion, or other enterprise that possesses, directly or
22 indirectly, the power to direct or cause the direction
23 of the management and policies of an operator or
24 employer; or

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

4 **TITLE II—ESTABLISHING THE**
5 **OFFICE OF WORKERS’ COM-**
6 **PENSATION PROGRAMS**

7 **SEC. 201. OFFICE OF WORKERS’ COMPENSATION PRO-**
8 **GRAMS.**

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

13 (b) DIRECTOR.—

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

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

23 (c) FUNCTIONS.—The functions of the Office on and
24 after the date of enactment of this Act shall include the
25 functions of the Office on the day before the date of enact-

1 ment of this Act, including all of its personnel, assets, au-
2 thorities, and liabilities.

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

11 **TITLE III—ADDITIONAL** 12 **PROVISIONS**

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

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

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

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

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

22 “(2) a spouse who is a member of the same
23 household as the miner, or is receiving regular con-
24 tributions from the miner for support, or whose
25 spouse is a miner who has been ordered by a court

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

18 (B) by striking subsection (e) and insert-
19 ing the following:

20 “(e) The term ‘surviving spouse’ includes the spouse
21 living with or dependent for support on the miner at the
22 time of the miner’s death, or living apart for reasonable
23 cause or because of the miner’s desertion, or who meets
24 the requirements of subparagraph (A), (B), (C), (D), or
25 (E) of section 216(c)(1) of the Social Security Act, sub-

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

17 (C) in subsection (f)(2)—

18 (i) in subparagraph (A), by inserting
19 “, as in effect on the day before the date
20 of enactment of the Black Lung Consolida-
21 tion of Administrative Responsibility Act
22 (Public Law 107–275)” after “section
23 435(a)”;

24 (ii) in subparagraph (B), by inserting
25 “, as in effect on the day before the date

1 of enactment of the Black Lung Consolida-
2 tion of Administrative Responsibility Act
3 (Public Law 107–275)” after “section
4 435(b)”;

5 (D) in subsection (g)—

6 (i) in paragraph (2)(B)(ii), by striking
7 “he ceased” and inserting “the individual
8 ceased”; and

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

12 (E) in subsection (h), by striking “Internal
13 Revenue Code of 1954” and inserting “Internal
14 Revenue Code of 1986”; and

15 (F) in subsection (i), by striking “Internal
16 Revenue Code of 1954” and inserting “Internal
17 Revenue Code of 1986”;

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

19 (A) by striking subsection (a) and insert-
20 ing the following:

21 “(a) The Secretary shall, in accordance with the pro-
22 visions of this title, and the regulations promulgated by
23 the Secretary under this title, make payments of benefits
24 in respect of—

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

3 “(2) the death of any miner whose death was
4 due to pneumoconiosis;

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

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

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

16 (B) in subsection (c)—

17 (i) in paragraph (1), by striking “his
18 pneumoconiosis” and inserting “the min-
19 er’s pneumoconiosis”; and

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

22 (4) in section 412 (30 U.S.C. 922)—

23 (A) in subsection (a)—

24 (i) by striking paragraph (2) and in-
25 serting the following:

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

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

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

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

11 “(D) in a claim filed under part C before Janu-
12 ary 1, 1982, of a miner who was totally disabled by
13 pneumoconiosis at the time of the miner’s death,
14 benefits shall be paid to the miner’s surviving spouse at
15 the rate the deceased miner would receive such benefits
16 if the miner were totally disabled.”;

17 (ii) in paragraph (3)—

18 (I) by striking “(3) In the case”
19 and all that follows through “section
20 411(c)” and inserting the following:
21 “(3)(A) In the case of the child or
22 children of a miner described in sub-
23 paragraph (B)”;

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

1 (III) by striking “widow” each
2 place it appears and inserting “sur-
3 viving spouse”; and

4 (IV) by adding at the end the fol-
5 lowing:

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

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

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

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

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

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

23 “(vi) entitled to the payment of benefits under
24 paragraph (5) of section 411(c).”;

25 (iii) in paragraph (5)—

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

1 er's death by a surviving spouse or
2 child) who are entitled to the payment
3 of benefits under paragraph (5) of
4 section 411(c); or in the case of the
5 dependent surviving brother(s) or sis-
6 ter(s) of such a miner (who is not sur-
7 vived at the time of the miner's death
8 by a surviving spouse, child, or par-
9 ent) who are entitled to the payment
10 of benefits under paragraph (5) of
11 section 411(c), benefits shall be paid
12 under this part to such parent(s), or
13 to such brother(s) or sister(s), at the
14 rate specified in paragraph (3) (as if
15 such parent(s), or such brother(s) or
16 sister(s), were the children of such
17 miner)."; and

18 (II) in the fourth sentence—

19 (aa) by striking “brother
20 only if he” and inserting “broth-
21 er or sister only if the brother or
22 sister”; and

23 (bb) by striking “before he
24 ceased” and inserting “before the
25 brother or sister ceased”; and

1 (iv) in paragraph (6), by striking
2 “prescribed by him” and inserting “pre-
3 scribed by the Secretary”;

4 (B) in subsection (b)—

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

7 (ii) by striking “widow” each place it
8 appears and inserting “surviving spouse”;
9 and

10 (C) in subsection (e), by striking “Internal
11 Revenue Code of 1954” and inserting “Internal
12 Revenue Code of 1986”;

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

14 (A) in subsection (b)—

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

18 (ii) in the ninth sentence, by striking
19 “widow” and inserting “surviving spouse”;
20 and

21 (iii) by striking the last sentence; and

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

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

25 (A) in subsection (a)—

1 (i) in paragraph (1), by striking
2 “widow, within six months after the death
3 of her husband” and inserting “surviving
4 spouse, within six months after the death
5 of the miner”; and

6 (ii) in paragraph (2)(C), by striking
7 “his” and inserting “the child’s”; and
8 (B) in subsection (e)—

9 (i) by striking “widow” and inserting
10 “surviving spouse”; and

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

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

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

17 (B) in paragraph (2)—

18 (i) by striking “he” and inserting “the
19 Secretary”; and

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

22 (8) in section 421 (30 U.S.C. 931)—

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

25 (B) in subsection (b)(2)—

1 (i) in the matter preceding subpara-
2 graph (A), by striking “he” and inserting
3 “the Secretary”; and

4 (ii) in subparagraph (F), by striking
5 “promulgated by him” and inserting “pro-
6 mulgated by the Secretary”;

7 (9) in section 422 (30 U.S.C. 932)—

8 (A) in subsection (a)—

9 (i) by striking “Internal Revenue
10 Code of 1954” and inserting “Internal
11 Revenue Code of 1986”; and

12 (ii) by striking “he” and inserting
13 “the Secretary”;

14 (B) in subsection (c), by inserting “, as in
15 effect on the day before the date of enactment
16 of the Black Lung Consolidation of Administra-
17 tive Responsibility Act (Public Law 107–275)”
18 after “section 435”;

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

22 (D) in subsection (j)—

23 (i) by striking “Internal Revenue
24 Code of 1954” each place it appears and

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

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

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

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

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

15 (B) in paragraph (3), by striking “Internal
16 Revenue Code of 1954” each place it appears
17 and inserting “Internal Revenue Code of
18 1986”; and

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

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

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

25 (B) in subsection (b)—

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

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

5 (iii) in the ninth sentence—

6 (I) by striking “he” each place it
7 appears and inserting “the Sec-
8 retary”; and

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

11 (iv) in the tenth sentence, by striking
12 “he” each place it appears and inserting
13 “the Secretary”; and

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

15 (A) by striking “1977 and” and inserting
16 “1977,”; and

17 (B) by striking “1981” and inserting
18 “1981, and the Black Lung Benefits Improve-
19 ment Act of 2023, and any amendments made
20 after the date of enactment of such Act,”.

21 **SEC. 302. SEVERABILITY.**

22 If any provision of this Act or any amendment made
23 by this Act, or the application of a provision of this Act
24 or an amendment made by this Act to any person or cir-
25 cumstance, is held to be unconstitutional, the remainder

1 of this Act and the amendments made by this Act, and
2 the application of the provisions or amendment to any
3 other person or circumstance, shall not be affected by the
4 holding.