

109TH CONGRESS
2^D SESSION

H. R. 5432

To amend the Federal Mine Safety and Health Act of 1977 to improve
the safety of miners.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2006

Mrs. CAPITO (for herself, Mr. RAHALL, and Mr. MOLLOHAN) introduced the
following bill; which was referred to the Committee on Education and the
Workforce

A BILL

To amend the Federal Mine Safety and Health Act of 1977
to improve the safety of miners.

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 “Mine Improvement and
5 New Emergency Response Act of 2006” or the “MINER
6 Act”.

7 **SEC. 2. EMERGENCY PREPAREDNESS.**

8 Section 316 of the Federal Mine Safety and Health
9 Act of 1977 (30 U.S.C. 876) is amended—

1 (1) in the section heading by adding at the end
2 the following: “**AND EMERGENCY RESPONSE**
3 **PLANS**”;

4 (2) by inserting “(a)” after the section designa-
5 tion;

6 (3) by adding at the end the following:

7 “(b)(1) Each underground coal mine operator shall
8 carry out on a continuing basis a program to improve acci-
9 dent preparedness and response at each mine. Not later
10 than 60 days after the date of enactment of the Mine Im-
11 provement and New Emergency Response Act of 2006,
12 each underground coal operator shall develop and adopt
13 a written accident response plan that complies with this
14 subsection with respect to each mine of the operator, and
15 shall periodically update such plan to reflect changes in
16 the operation of the mine, advances in technology, or other
17 relevant considerations. Each such operator shall make
18 the accident response plan available to the miners and the
19 miners’ representatives. Such accident response plan
20 shall—

21 “(A) provide for the evacuation of all individ-
22 uals endangered by an emergency; and

23 “(B) provide for the maintenance of individuals
24 trapped underground in the event that miners are
25 not able to evacuate the mine.

1 “(2) The accident response plan developed under
2 paragraph (1) shall be subject to review and approval by
3 the Secretary. The Secretary shall periodically review each
4 such plan not less than once every 6 months and in such
5 reviews shall consider all comments submitted by miners
6 and miners’ representatives and intervening advancements
7 in science and technology. In determining whether to ap-
8 prove a particular plan the Secretary shall take into con-
9 sideration all comments submitted by miners or their rep-
10 resentatives and must determine that the plan—

11 “(A) affords miners a level of safety at least
12 consistent with the existing standards, including
13 standards mandated by law and regulation;

14 “(B) reflects the most credible scientific re-
15 search;

16 “(C) is technologically feasible, makes use of
17 current commercially available technology, and ac-
18 counts for the specific physical characteristics of the
19 mine; and

20 “(D) reflects the improvements in mine safety
21 gained from experience under this Act and other
22 worker safety and health laws.

23 “(3) To be approved under paragraph (2), an acci-
24 dent response plan shall include the following:

1 “(A) The plan shall provide for a redundant
2 means of communications with the surface and res-
3 cue teams for persons underground, such as sec-
4 ondary telephone or equivalent two-way communica-
5 tion.

6 “(B) Consistent with commercially available
7 technology and with the physical constraints, if any,
8 of the mine, the plan shall provide for above ground
9 personnel to determine the current, or immediately
10 pre-accident, location of all underground personnel.
11 any system so utilized shall be functional, reliable,
12 and calculated to remain serviceable in a post-acci-
13 dent setting.

14 “(C) The plan shall provide for—

15 “(i) emergency supplies of breathable air
16 for individuals trapped underground sufficient
17 to maintain such individuals for a sustained pe-
18 riod of time;

19 “(ii) caches of self-rescuers of not less than
20 2 hours for each miner to be kept in escape
21 ways from the deepest work areas to the sur-
22 face at a distance of no further than an average
23 miner could walk in 30 minutes;

24 “(iii) a maintenance schedule for checking
25 the reliability of self rescuers, retiring older

1 self-rescuers first, and introducing new self-res-
2 cuer technology, such as units with interchange-
3 able air or oxygen cylinders not requiring doff-
4 ing to replenish airflow and units with supplies
5 great than 60 minutes, as they are approved by
6 the Secretary and become available on the mar-
7 ket; and

8 “(iv) training for each miner in proper
9 procedures for donning self-rescuers to be con-
10 ducted not less than once per quarter, switching
11 from one unit to another, and ensuring proper
12 fit.

13 “(D) The plan shall provide for the use of
14 flame-resistant directional lifelines or equivalent sys-
15 tems in escapeways to enable evacuation. Such re-
16 quirement shall apply upon the replacement of exist-
17 ing lifelines, or, in the case of lifelines in working
18 sections, upon the earlier of the replacement of such
19 lifelines or 3 years after the date of enactment of
20 the Mine Improvement and New Emergency Re-
21 sponse Act of 2006.

22 “(E) The plan shall provide a training program
23 for emergency procedures described in the plan
24 which will not diminish the requirements for manda-

1 tory health and safety training currently required
2 under section 115.

3 “(F) The plan shall set out procedures for co-
4 ordination and communication between the operator,
5 mine rescue teams, and local emergency response
6 personnel and make provisions for familiarizing local
7 rescue personnel with surface functions that may be
8 required in the course of mine rescue work.

9 “(G) The plan shall provide for—

10 “(i) the implementation, not later than 3
11 years after the date of enactment of the Mine
12 Improvement and New Emergency Response
13 Act of 2006, of post-accident communication
14 between underground and surface personnel via
15 a wireless two-way medium, and

16 “(ii) an electronic tracking system permit-
17 ting surface personnel to determine the location
18 of any persons trapped underground.

19 If such two-way communication and electronic track-
20 ing system cannot reasonably be implemented, the
21 plan shall set forth the reasons such a system or
22 systems cannot be adopted and shall state the opera-
23 tor’s alternative means of compliance. Such alter-
24 native shall approximate, as closely as possible, the
25 degree of functional utility and safety protection

1 provided by the wireless two-way medium and track-
2 ing system referred to in this subpart. The Secretary
3 may make additional plan requirements with respect
4 to any of the content matters.

5 “(4)(A) Any dispute between the Secretary and an
6 operator with respect to the content of the operator’s plan
7 or any refusal by the Secretary to approve such a plan
8 shall be resolved on an expedited basis. In the event of
9 such a dispute or refusal, the Secretary shall issue a tech-
10 nical citation which shall be immediately referred to a De-
11 partment of Labor Administrative Law Judge. The Sec-
12 retary and the operator shall submit all relevant material
13 regarding the dispute to the Administrative Law Judge
14 within 15 days of the date of the referral. The Administra-
15 tive Law Judge shall render his or her decision with re-
16 spect to the plan content dispute within 15 days of the
17 receipt of the submission.

18 “(B) A party adversely affected by a decision under
19 clause (ii) may pursue all further available appeal rights
20 with respect to the citation involved, except that inclusion
21 of the disputed provision in the plan will not be limited
22 by such appeal unless such relief is requested by the oper-
23 ator and permitted by the Administrative Law Judge.

1 “(C) Nothing in this paragraph shall be construed to
2 modify the authority of the Secretary to issue citations
3 or orders as provided for in this Act.

4 “(5) Notwithstanding any other provision of this Act,
5 nothing in this section, and no response and preparedness
6 plan developed under this section, shall be approved if it
7 reduces the protection afforded miners by an existing
8 mandatory health or safety standard.”.

9 **SEC. 3. INCIDENT COMMAND AND CONTROL.**

10 Title I of the Federal Mine Safety and Health Act
11 of 1977 (30 U.S.C. 811 et seq.) is amended by adding
12 at the end the following:

13 “LIMITATION ON CERTAIN LIABILITY FOR RESCUE
14 OPERATIONS

15 “SEC. 116. (a) No person shall bring an action
16 against any covered individual or his or her regular em-
17 ployer for an injury (or death) sustained as a result of
18 carrying out activities relating to mine accident rescue or
19 recovery operations. This subsection shall not apply where
20 the action that is alleged to result in the injury (or death)
21 was the result of gross negligence, reckless conduct, or ille-
22 gal conduct or, where the regular employer (as such term
23 is used in this Act) is the operator of the mine at which
24 the rescue activity takes place.

25 “(b) For purposes of subsection (a), the term ‘cov-
26 ered individual’ means an individual (1) who is a member

1 of a mine rescue team or who is otherwise a volunteer with
2 respect to a mine accident; and (2) who is carrying out
3 activities relating to mine accident rescue or recovery oper-
4 ations.

5 “(c) For purposes of subsection (a), the term ‘regular
6 employer’ means the entity that is the covered employee’s
7 legal or statutory employer pursuant to applicable State
8 law.”.

9 **SEC. 4. MINE RESCUE TEAMS.**

10 Section 115(e) of the Federal Mine Safety and
11 Health Safety Act of 1977 (30 U.S.C. 825 (e)) is amend-
12 ed—

13 (1) by inserting “(1)” after the subsection des-
14 ignation; and

15 (2) by adding at the end the following:

16 “(2) The Secretary shall issue regulations with re-
17 gard to mine rescue teams which shall be finalized and
18 in effect not later than 18 months after the date of enact-
19 ment of the Mine Improvement and New Emergency Re-
20 sponse Act of 2006. Such regulations shall provide for the
21 following:

22 “(A) That such regulations shall not be con-
23 strued to waive operator training requirements appli-
24 cable to existing mine rescue teams.

1 “(B) That the Mine Safety and Health Admin-
2 istration shall establish, and update every 5 years
3 thereafter, criteria to certify the qualifications of
4 mine rescue teams.

5 “(C)(i) That the operator of each underground
6 coal mine have an employee knowledgeable in mine
7 emergency response who is employed at the mine on
8 each shift at each underground mine and make
9 available two certified mine rescue teams whose
10 members—

11 “(I) are familiar with the operations of
12 such coal mine;

13 “(II) participate at least annually in two
14 local mine rescue contests;

15 “(III) participate at least annually in mine
16 rescue training at the underground coal mine
17 covered by the mine rescue team;

18 “(IV) are available at the mine within one
19 hour ground travel time from the mine rescue
20 station;

21 “(V) are knowledgeable about the oper-
22 ations and ventilation of the covered mines; and

23 “(VI) are comprised of individuals with
24 a minimum of 3 years underground coal mine
25 experience that shall have occurred within the

1 10-year period preceding their employment on
2 the contract mine rescue team.

3 “(ii) For the purpose of complying with clause
4 (i), an operator with more than 36 employees shall
5 employ at least one team that is either an indi-
6 vidual mine site rescue team or a multi-employer
7 composite team as described in subclause (II) of this
8 clause. The second team required by this subpara-
9 graph may be any of the following:

10 “(I) An individual mine site mine rescue
11 team.

12 “(II) A multi-employer composite team
13 that is made up of team members who are
14 knowledgeable about the operations and ventila-
15 tion of the covered mines and who train on a
16 semi-annual basis at the covered underground
17 coal mine, and which—

18 “(aa) provides coverage for multiple
19 operators that have team members which
20 include at least two active employees from
21 each of the covered mines;

22 “(bb) provides coverage for multiple
23 mines owned by the same operator which
24 members include at least two active em-
25 ployees from each mine; or

1 “(cc) is a State-sponsored mine rescue
2 team comprised of at least two active em-
3 ployees from each of the covered mines.

4 “(III) A commercial mine rescue team pro-
5 vided by contract through a third-party vendor
6 or a mine rescue team provided by another coal
7 company if such team—

8 “(aa) trains on a quarterly basis at
9 covered underground coal mines;

10 “(bb) is knowledgeable about the op-
11 erations and ventilation of the covered
12 mines; and

13 “(cc) is comprised of individuals
14 with a minimum of 3 years underground
15 coal mine experience that shall have oc-
16 curred within the 10-year period preceding
17 their employment on the contract mine res-
18 cue team.

19 “(IV) A State-sponsored team made up of
20 State employees.”.

21 **SEC. 5. PROMPT INCIDENT NOTIFICATION.**

22 Section 103(j) of the Federal Mine Safety and Health
23 Act of 1977 (30 U.S.C. 813(j)) is amended by inserting
24 after the first sentence the following: “For purposes of the
25 preceding sentence, the notification required shall be pro-

1 vided by the operator within 15 minutes of the time at
2 which the operator realizes that the death of an individual
3 at the mine, or an injury or entrapment of an individual
4 at the mine which has a reasonable potential to cause
5 death, has occurred.”.

6 **SEC. 6. NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY**
7 **AND HEALTH.**

8 (a) ESTABLISHMENT.—Section 22 of the Occupa-
9 tional Safety and Health Act of 1970 (29 U.S.C. 671)
10 is amended by adding at the end the following:

11 “(h)(1) There shall be permanently established within
12 the Institute an Office of Mine Safety and Health for the
13 purpose of enhancing the development of new mine safety
14 technology and technological applications and to expedite
15 the commercial availability and implementation of such
16 technology in mining environments. The office shall be ad-
17 ministered by an Associate Director to be appointed by
18 the Director.

19 “(2) In addition to all purposes and authorities pro-
20 vided for under this section, the office of mine safety and
21 health shall be responsible for research, development, and
22 testing of new technologies and equipment designed to en-
23 hance mine safety and health. to carry out such functions
24 the director of the institute, acting through the office,
25 shall have the authority to—

1 “(A) award competitive grants to institutions
2 and private entities to encourage the development
3 and manufacture of mine safety equipment;

4 “(B) award contracts to educational institutions
5 or private laboratories for the performance of prod-
6 uct testing or related work with respect to new mine
7 technology and equipment; and

8 “(C) establish an interagency working group as
9 provided for in paragraph (4).

10 “(3) To be eligible to receive a grant under the au-
11 thority provided for under paragraph (2), an entity or in-
12 stitution shall—

13 “(A) submit to the Director of the Institute an
14 application at such time, in such manner, and con-
15 taining such information as the Director may re-
16 quire; and

17 “(B) include in the application under subpara-
18 graph (A), a description of the mine safety equip-
19 ment to be developed and manufactured under the
20 grant and a description of the reasons that such
21 equipment would otherwise not be developed or man-
22 ufactured, including reasons relating to the limited
23 potential commercial market for such equipment.

24 “(4)(A) The Director of the Institute, in carrying out
25 paragraph (2)(D) shall establish an interagency working

1 group to share technology and technological research and
2 developments that could be utilized to enhance mine safety
3 and accident response.

4 “(B) The working group under subparagraph (A)
5 shall be chaired by the Associate Director of the Office
6 who shall appoint the members of the working group,
7 which may include representatives of other Federal agen-
8 cies or departments as determined appropriate by the As-
9 sociate Director.

10 “(C) The working group under subparagraph (A)
11 shall conduct an evaluation of research conducted by, and
12 the technological developments of, agencies and depart-
13 ments who are represented on the working group that may
14 have applicability to mine safety and accident response
15 and make recommendations to the Director for the further
16 development and eventual implementation of such tech-
17 nology.

18 “(5) Not later than 1 year after the establishment
19 of the Office under this subsection, and annually there-
20 after, the Director of the Institute shall submit to the
21 Committee on Health, Education, Labor, and Pensions of
22 the Senate and the Committee on Education and the
23 Workforce of the House of Representatives a report that,
24 with respect to the year involved, described the new mine
25 safety technologies and equipment that have been studied,

1 tested, and certified for use, and with respect to those in-
2 stances of technologies and equipment that have been con-
3 sidered but not yet certified for use, there reasons there-
4 fore.

5 “(6) There is authorized to be appropriated, such
6 sums as may be necessary to enable the Institute and the
7 office of Mine Safety and Health to carry out this sub-
8 section.”.

9 **SEC. 7. REQUIREMENT CONCERNING FAMILY LIAISONS.**

10 The Secretary of Labor shall establish a policy that—

11 (1) requires the temporary assignment of an in-
12 dividual Department of Labor official to be a liaison
13 between the Department and the families of victims
14 of mine tragedies involving multiple deaths;

15 (2) requires the Mine Safety and Health Ad-
16 ministration to be as responsive as possible to re-
17 quests from the families of mine accident victims for
18 information relating to mine accidents; and

19 (3) requires that in such accidents, such Ad-
20 ministration shall serve as the primary communi-
21 cator with the operator, miners’ families, the press,
22 and the public.

1 **SEC. 8. PENALTIES.**

2 (a) IN GENERAL.—Section 110 of the Federal Mine
3 Safety and Health Act of 1977 (30 U.S.C. 820) is amend-
4 ed—

5 (1) in subsection (a)—

6 (A) by inserting “(1)” after the subsection
7 designation; and

8 (B) by adding at the end the following:

9 “(2) The operator of a coal mine who fails to
10 provide timely notification to the Secretary as
11 required under section 103(j) (relating to the
12 15 minute requirement) shall be assessed a civil
13 penalty by the Secretary of not less than
14 \$5,000 and not more than \$60,000.”;

15 (2) by adding at the end of subsection (b) the
16 following: “Violations under this section that are
17 deemed to be flagrant may be assessed a civil pen-
18 alty of not more than \$220,000. For purposes of the
19 preceding sentence, the term ‘flagrant’ with respect
20 to a violation means a reckless or repeated failure to
21 make reasonable efforts to eliminate a known viola-
22 tion of a mandatory health or safety standard that
23 substantially and proximately caused, or reasonably
24 could have been expected to cause, death or serious
25 bodily injuries.”; and

1 (3) by redesignating subsections (e) through (l)
2 as subsections (f) through (m), respectively and in-
3 serting after subsection (d) the following:

4 “(e)(1) Any operator who willfully violates a manda-
5 tory health or safety standard, or knowingly violates or
6 fails or refuses to comply with any order issued under sec-
7 tion 104 and section 107, or any order incorporated in
8 a final decision issued under this title, except an order
9 incorporated in a decision under paragraph (1) or section
10 105(c), shall, upon conviction, be punished by a fine of
11 not more than \$250,000, or by imprisonment for not more
12 than one year, or by both, except that if the conviction
13 is for a violation committed after the first conviction of
14 such operator under this Act, punishment shall be by a
15 fine of not more than \$500,000, or by imprisonment for
16 not more than five years, or both.

17 “(2) The minimum penalty for any citation issued
18 under section 104(d)(1) shall be \$2,000. The minimum
19 penalty for a failure or refusal to comply with any order
20 issued under section 104(d)(2) shall be \$4,000.

21 “(3) Nothing in this subsection shall be construed to
22 prevent an operator from obtaining a review, in accord-
23 ance with section 106, of an order imposing a penalty de-
24 scribed in this subsection. If a court, in making such re-

1 view, sustains the order, the court shall apply the min-
2 imum penalties required under this subsection.”.

3 (b) REGULATIONS.—Not later than December 31,
4 2006, the Secretary of Labor shall promulgate final regu-
5 lations with respect to the penalties provided for under
6 the amendments made by this section.

7 **SEC. 9. FINE COLLECTIONS.**

8 Section 108(a)(1)(A) of the Federal Mine Safety and
9 Health Safety Act of 1977 (30 U.S.C. 818(a)(1)(A)) is
10 amended by inserting before the comma, the following: “,
11 or fails or refuses to comply with any order or decision,
12 including a civil penalty assessment order, that is issued
13 under this Act”.

14 **SEC. 10. SEALING OF ABANDONED AREAS.**

15 Not later than 18 months after the issuance by the
16 Mine Safety and Health Administration of a final report
17 on the Sago Mine accident or the date of enactment of
18 the Mine Improvement and New Emergency Response Act
19 of 2006, whichever occurs earlier, the Secretary of Labor
20 shall finalize mandatory health and safety standards relat-
21 ing to the sealing of abandoned areas in underground coal
22 mines. Such health and safety standards shall provide for
23 an increase in the 20 psi standard currently set forth in
24 section 7335(a)(2) of title 30, Code of Federal Regula-
25 tions.

1 **SEC. 11. TECHNICAL STUDY PANEL AND SCHOLARSHIP**
2 **PROGRAM.**

3 Title V of the Federal Mine Safety and Health Act
4 of 1977 (30 U.S.C. 951 et seq.) is amended by adding
5 at the end the following:

6 **“SEC. 514. TECHNICAL STUDY PANEL.**

7 “(a) ESTABLISHMENT.—There is established a Tech-
8 nical Study Panel (referred to in this section as the
9 ‘Panel’) which shall provide independent scientific and en-
10 gineering review and recommendations with respect to the
11 utilization of belt air and the composition and fire retard-
12 ant properties of belt materials in underground coal min-
13 ing.

14 “(b) MEMBERSHIP.—The Panel shall be composed
15 of—

16 “(1) two individuals to be appointed by the Sec-
17 retary of Health and Human Services, in consulta-
18 tion with the Director of the National Institute for
19 Occupational Safety and Health and the Associate
20 Director of the Office of Mine Safety;

21 “(2) two individuals to be appointed by the Sec-
22 retary of Labor, in consultation with the Assistant
23 Secretary for Mine Safety and Health; and

24 “(3) two individuals, one to be appointed jointly
25 by the majority leaders of the Senate and House of
26 Representatives and one to be appointed jointly by

1 the minority leader of the Senate and House of Rep-
2 resentatives, each to be appointed prior to the sine
3 die adjournment of the second session of the 109th
4 Congress.

5 “(c) QUALIFICATIONS.—Four of the six individuals
6 appointed to the Panel under subsection (b) shall possess
7 a masters or doctoral level degree in mining engineering
8 or another scientific field demonstrably related to the sub-
9 ject of the report. No individual appointed to the Panel
10 shall be an employee of any coal or other mine, or of any
11 labor organization, or of any State or Federal agency pri-
12 marily responsible for regulating the mining industry.

13 “(d) REPORT.—

14 “(1) IN GENERAL.—Not later than 1 year after
15 the date on which all members of the Panel are ap-
16 pointed under subsection (b), the Panel shall pre-
17 pare and submit to the Secretary of Labor, the Sec-
18 retary of Health and Human Services, the Com-
19 mittee on Health, Education, Labor, and Pensions
20 of the Senate, and the Committee on Education and
21 the Workforce of the House of Representatives a re-
22 port concerning the utilization of belt air and the
23 composition and fire retardant properties of belt ma-
24 terials in underground coal mining.

1 “(2) RESPONSE BY SECRETARY.—Not later
2 than 180 days after the receipt of the report under
3 paragraph (1), the Secretary of Labor shall provide
4 a response to the Committee on Health, Education,
5 Labor, and Pensions of the Senate, and the Com-
6 mittee on Education and the Workforce of the
7 House of Representatives containing a description of
8 the actions, if any, that the Secretary intends to
9 take based upon the report, including proposing reg-
10 ulatory changes, and the reasons for such actions.

11 “(e) COMPENSATION.—Members appointed to the
12 panel, while carrying out the duties of the Panel shall be
13 entitled to receive compensation, per diem in lieu of sub-
14 sistence, and travel expenses in the same manner and
15 under the same conditions as that prescribed under section
16 208(c) of the Public Health Service Act.

17 **“SEC. 515. SCHOLARSHIPS.**

18 “(a) ESTABLISHMENT.—The Secretary of Education
19 (referred to in this section as the ‘Secretary’), in consulta-
20 tion with the Secretary of Labor and the Secretary of
21 Health and Human Services, shall establish a program to
22 provide scholarships to eligible individuals to increase the
23 skilled workforce for both private sector coal mine opera-
24 tors and mine safety inspectors and other regulatory per-
25 sonnel for the Mine Safety and Health Administration.

1 “(b) FUNDAMENTAL SKILLS SCHOLARSHIPS.—

2 “(1) IN GENERAL.—Under the program under
3 subsection (a), the Secretary may award scholarship
4 to fully or partially pay the tuition costs of eligible
5 individuals enrolled in 2-year associate’s degree pro-
6 grams at community colleges or other colleges and
7 that focus on providing the fundamental skills and
8 training that is of immediate use to a beginning coal
9 miner.

10 “(2) SKILLS.—The skills described in para-
11 graph (1) shall include basic math, basic health and
12 safety, business principles, management and super-
13 visory skills, skills related to electric circuitry, skills
14 related to heavy equipment operations, and skills re-
15 lated to communications.

16 “(3) ELIGIBILITY.—To be eligible to receive a
17 scholarship under this subsection an individual
18 shall—

19 “(A) have a high school diploma or a
20 GED;

21 “(B) have at least two years experience in
22 full-time employment in mining or mine-related
23 activities;

24 “(C) submit to the Secretary an applica-
25 tion at such time, in such manner, and con-

1 taining such information as the Secretary deter-
2 mines; and

3 “(D) demonstrate an interest in working in
4 the field of mining and performing an intern-
5 ship with the Mine Safety and Health Adminis-
6 tration or the Institute for Occupational Safety
7 and Health Office of Mine Safety.

8 “(c) MINE SAFETY INSPECTOR SCHOLARSHIPS.—

9 “(1) IN GENERAL.—Under the program under
10 subsection (a), the Secretary may award scholarship
11 to fully or partially pay the tuition costs of eligible
12 individuals enrolled in undergraduate bachelor’s de-
13 gree programs at accredited colleges or universities
14 that provide the skills needed to become mine safety
15 inspectors.

16 “(2) SKILLS.—The skills described in para-
17 graph (1) include skills developed through programs
18 leading to a degree in mining engineering, civil engi-
19 neering, mechanical engineering, electrical engineer-
20 ing, industrial engineering, environmental engineer-
21 ing, industrial hygiene, occupational health and safe-
22 ty, geology, chemistry, or other fields of study re-
23 lated to mine safety and health work.

1 “(3) ELIGIBILITY.—To be eligible to receive a
2 scholarship under this subsection an individual
3 shall—

4 “(A) have a high school diploma or a
5 GED;

6 “(B) have at least 5 years experience in
7 full-time employment in mining or mining-re-
8 lated activities;

9 “(C) submit to the Secretary an applica-
10 tion at such time, in such manner, and con-
11 taining such information as the Secretary deter-
12 mines; and

13 “(D) agree to be employed for a period of
14 at least 5 years at the Mine Safety and Health
15 Administration or, to repay, on a pro-rated
16 basis, the funds received under this program,
17 plus interest, at a rate established by the Sec-
18 retary upon the issuance of the scholarship.

19 “(d) ADVANCED RESEARCHER SCHOLARSHIPS.—

20 “(1) IN GENERAL.—Under the program under
21 subsection (a), the Secretary may award scholar-
22 ships to fully or partially pay the tuition costs of eli-
23 gible individuals enrolled in undergraduate bach-
24 elor’s degree, masters degree, and Ph.D. degree pro-
25 grams at accredited colleges or universities that pro-

1 vide the skills needed to augment and advance re-
2 search in mine safety and to broaden, improve, and
3 expand the universe of candidates for mine safety in-
4 spector and other regulatory positions in the Mine
5 Safety and Health Administration.

6 “(2) SKILLS.—The skills described in para-
7 graph (1) include skills developed through programs
8 leading to a degree in mining engineering, civil engi-
9 neering, mechanical engineering, electrical engineer-
10 ing industrial engineering, environmental engineer-
11 ing, industrial hygiene, occupational health and safe-
12 ty, geology, chemistry, or other fields of study re-
13 lated to mine safety and health work.

14 “(3) ELIGIBILITY.—To be eligible to receive a
15 scholarship under this subsection an individual
16 shall—

17 “(A) have a bachelor’s degree or equivalent
18 from an accredited 4-year institution;

19 “(B) have at least 5 years experience in
20 full-time employment in underground mining or
21 mining-related activities; and

22 “(C) submit to the Secretary an applica-
23 tion at such time, in such manner, and con-
24 taining such information as the secretary deter-
25 mines.

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as may be
3 necessary to carry out this section.”.

4 **SEC. 12. RESEARCH CONCERNING REFUGE ALTERNATIVES.**

5 (a) IN GENERAL.—The Director of the National In-
6 stitute of Occupational Safety and Health shall provide
7 for the conduct of research, including field tests, con-
8 cerning the utility, practicality, survivability, and cost of
9 various refuge alternatives in an underground coal mine
10 environment, including commercially available portable
11 refuge chambers.

12 (b) REPORT.—

13 (1) IN GENERAL.—Not later than 18 months
14 after the date of enactment of this Act, the National
15 Institute for Occupational Safety and Health shall
16 prepare and submit to the Secretary of Labor, the
17 Secretary of Health and Human Services, the Com-
18 mittee on Health, Education, Labor, and Pensions
19 of the Senate, and the Committee on Education and
20 the Workforce of the House of Representatives a re-
21 port concerning the results of the research con-
22 ducted under subsection (a), including any field
23 tests.

24 (2) RESPONSE BY SECRETARY.—Not later than
25 180 days after the receipt of the report under para-

1 graph (1), the Secretary of Labor shall provide a re-
2 sponse to the Committee on Health, Education,
3 Labor, and Pensions of the Senate, and the Com-
4 mittee on Education and the Workforce of the
5 House of Representatives containing a description of
6 the actions, if any, that the Secretary intends to
7 take based upon the report, including proposing reg-
8 ulatory changes, and the reasons for such actions.

9 **SEC. 13. SAGO MINE SAFETY GRANTS.**

10 (a) IN GENERAL.—The Secretary of Labor shall es-
11 tablish a program to award competitive grants for edu-
12 cation and training to carry out the purposes of this sec-
13 tion.

14 (b) PURPOSES.—It is the purpose of this section, to
15 provide for the funding of education and training pro-
16 grams to better identify, avoid, and prevent unsafe work-
17 ing conditions in and around mines.

18 (c) ELIGIBILITY.—To be eligible to receive a grant
19 under this section, an entity shall—

20 (1) be a public or private nonprofit entity; and

21 (2) submit to the Secretary of Labor an appli-
22 cation at such time, in such manner, and containing
23 such information as the Secretary may require.

24 (d) USE OF FUNDS.—Amounts received under a
25 grant under this section shall be used to establish and im-

1 plement education and training programs, or to develop
2 training materials or employers and miners, concerning
3 safety and health topics in mines, as determined appro-
4 priate by the Mine Safety and Health Administration.

5 (e) AWARDING OF GRANTS.—

6 (1) ANNUAL BASIS.—Grants under this section
7 shall be awarded on an annual basis.

8 (2) SPECIAL EMPHASIS.—In awarding grants
9 under this section, the Secretary of Labor shall give
10 special emphasis to programs and materials that tar-
11 get workers in smaller mines, including training
12 miners and employers about new Mine Safety and
13 Health Administration standards, high risk activi-
14 ties, or hazards identified by such Administration.

15 (3) PRIORITY.—In awarding grants under this
16 section, the Secretary of Labor shall give priority to
17 the funding of pilot and demonstration projects that
18 the Secretary determines will provide opportunities
19 for broad applicability for mine safety.

20 (f) EVALUATION.—The Secretary of Labor shall use
21 not less than 1 percent of the funds made available to
22 carry out this section in a fiscal year to conduct evalua-
23 tions of the projects funded under grants under this sec-
24 tion.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated such sums as may be nec-
3 essary to carry out this section

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