

109TH CONGRESS
2D SESSION

S. 2803

AN ACT

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

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”.

1 **SEC. 2. EMERGENCY RESPONSE.**

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

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

6 (2) by striking “Telephone” and inserting “(a)
7 IN GENERAL.—Telephone”; and

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

9 “(b) ACCIDENT PREPAREDNESS AND RESPONSE.—

10 “(1) IN GENERAL.—Each underground coal
11 mine operator shall carry out on a continuing basis
12 a program to improve accident preparedness and re-
13 sponse at each mine.

14 “(2) RESPONSE AND PREPAREDNESS PLAN.—

15 “(A) IN GENERAL.—Not later than 60
16 days after the date of enactment of the Mine
17 Improvement and New Emergency Response
18 Act of 2006, each underground coal mine oper-
19 ator shall develop and adopt a written accident
20 response plan that complies with this subsection
21 with respect to each mine of the operator, and
22 periodically update such plans to reflect
23 changes in operations in the mine, advances in
24 technology, or other relevant considerations.
25 Each such operator shall make the accident re-

1 sponse plan available to the miners and the
2 miners' representatives.

3 “(B) PLAN REQUIREMENTS.—An accident
4 response plan under subparagraph (A) shall—

5 “(i) provide for the evacuation of all
6 individuals endangered by an emergency;
7 and

8 “(ii) provide for the maintenance of
9 individuals trapped underground in the
10 event that miners are not able to evacuate
11 the mine.

12 “(C) PLAN APPROVAL.—The accident re-
13 sponse plan under subparagraph (A) shall be
14 subject to review and approval by the Secretary.
15 In determining whether to approve a particular
16 plan the Secretary shall take into consideration
17 all comments submitted by miners or their rep-
18 resentatives. Approved plans shall—

19 “(i) afford miners a level of safety
20 protection at least consistent with the ex-
21 isting standards, including standards man-
22 dated by law and regulation;

23 “(ii) reflect the most recent credible
24 scientific research;

“(iii) be technologically feasible, make use of current commercially available technology, and account for the specific physical characteristics of the mine; and

“(iv) reflect the improvements in mine safety gained from experience under this Act and other worker safety and health laws.

“(D) PLAN REVIEW.—The accident response plan under subparagraph (A) shall be reviewed periodically, but at least every 6 months, by the Secretary. In such periodic reviews, the Secretary shall consider all comments submitted by miners or miners’ representatives and intervening advancements in science and technology that could be implemented to enhance miners’ ability to evacuate or otherwise survive in an emergency.

“(E) PLAN CONTENT-GENERAL REQUIREMENTS.—To be approved under subparagraph (C), an accident response plan shall include the following:

“(i) POST-ACCIDENT COMMUNICATIONS.—The plan shall provide for a redundant means of communication with the

1 surface for persons underground, such as
2 secondary telephone or equivalent two-way
3 communication.

4 “(ii) POST-ACCIDENT TRACKING.—
5 Consistent with commercially available
6 technology and with the physical con-
7 straints, if any, of the mine, the plan shall
8 provide for above ground personnel to de-
9 termine the current, or immediately pre-ac-
10 cident, location of all underground per-
11 sonnel. Any system so utilized shall be
12 functional, reliable, and calculated to re-
13 main serviceable in a post-accident setting.

14 “(iii) POST-ACCIDENT BREATHABLE
15 AIR.—The plan shall provide for—

16 “(I) emergency supplies of
17 breathable air for individuals trapped
18 underground sufficient to maintain
19 such individuals for a sustained period
20 of time;

21 “(II) in addition to the 2 hours
22 of breathable air per miner required
23 by law under the emergency tem-
24 porary standard as of the day before
25 the date of enactment of the Mine Im-

1 provement and New Emergency Re-
2 sponse Act of 2006, caches of self-res-
3 cuers providing in the aggregate not
4 less than 2 hours per miner to be kept
5 in escapeways from the deepest work
6 area to the surface at a distance of no
7 further than an average miner could
8 walk in 30 minutes;

9 “(III) a maintenance schedule for
10 checking the reliability of self res-
11 cuers, retiring older self-rescuers first,
12 and introducing new self-rescuer tech-
13 nology, such as units with inter-
14 changeable air or oxygen cylinders not
15 requiring doffing to replenish airflow
16 and units with supplies of greater
17 than 60 minutes, as they are approved
18 by the Administration and become
19 available on the market; and

20 “(IV) training for each miner in
21 proper procedures for donning self-
22 rescuers, switching from one unit to
23 another, and ensuring a proper fit.

24 “(iv) POST-ACCIDENT LIFELINES.—

25 The plan shall provide for the use of

1 flame-resistant directional lifelines or
2 equivalent systems in escapeways to enable
3 evacuation. The flame-resistance require-
4 ment of this clause shall apply upon the re-
5 placement of existing lifelines, or, in the
6 case of lifelines in working sections, upon
7 the earlier of the replacement of such life-
8 lines or 3 years after the date of enact-
9 ment of the Mine Improvement and New
10 Emergency Response Act of 2006.

11 “(v) TRAINING.—The plan shall pro-
12 vide a training program for emergency pro-
13 cedures described in the plan which will
14 not diminish the requirements for manda-
15 tory health and safety training currently
16 required under section 115.

17 “(vi) LOCAL COORDINATION.—The
18 plan shall set out procedures for coordina-
19 tion and communication between the oper-
20 ator, mine rescue teams, and local emer-
21 gency response personnel and make provi-
22 sions for familiarizing local rescue per-
23 sonnel with surface functions that may be
24 required in the course of mine rescue work.

1 “(F) PLAN CONTENT-SPECIFIC REQUIRE-
2 MENTS.—

3 “(i) IN GENERAL.—In addition to the
4 content requirements contained in subpara-
5 graph (E), and subject to the consider-
6 ations contained in subparagraph (C), the
7 Secretary may make additional plan re-
8 quirements with respect to any of the con-
9 tent matters.

10 “(ii) POST ACCIDENT COMMUNICA-
11 TIONS.—Not later than 3 years after the
12 date of enactment of the Mine Improve-
13 ment and New Emergency Response Act of
14 2006, a plan shall, to be approved, provide
15 for post accident communication between
16 underground and surface personnel via a
17 wireless two-way medium, and provide for
18 an electronic tracking system permitting
19 surface personnel to determine the location
20 of any persons trapped underground or set
21 forth within the plan the reasons such pro-
22 visions can not be adopted. Where such
23 plan sets forth the reasons such provisions
24 can not be adopted, the plan shall also set
25 forth the operator’s alternative means of

1 compliance. Such alternative shall approxi-
2 mate, as closely as possible, the degree of
3 functional utility and safety protection pro-
4 vided by the wireless two-way medium and
5 tracking system referred to in this subpart.

6 “(G) PLAN DISPUTE RESOLUTION.—

7 “(i) IN GENERAL.—Any dispute be-
8 tween the Secretary and an operator with
9 respect to the content of the operator’s
10 plan or any refusal by the Secretary to ap-
11 prove such a plan shall be resolved on an
12 expedited basis.

13 “(ii) DISPUTES.—In the event of a
14 dispute or refusal described in clause (i),
15 the Secretary shall issue a citation which
16 shall be immediately referred to a Commis-
17 sion Administrative Law Judge. The Sec-
18 retary and the operator shall submit all
19 relevant material regarding the dispute to
20 the Administrative Law Judge within 15
21 days of the date of the referral. The Ad-
22 ministrative Law Judge shall render his or
23 her decision with respect to the plan con-
24 tent dispute within 15 days of the receipt
25 of the submission.

“(iii) FURTHER APPEALS.—A party adversely affected by a decision under clause (ii) may pursue all further available appeal rights with respect to the citation involved, except that inclusion of the disputed provision in the plan will not be limited by such appeal unless such relief is requested by the operator and permitted by the Administrative Law Judge.

“(H) MAINTAINING PROTECTIONS FOR MINERS.—Notwithstanding any other provision of this Act, nothing in this section, and no response and preparedness plan developed under this section, shall be approved if it reduces the protection afforded miners by an existing mandatory health or safety standard.”.

SEC. 3. INCIDENT COMMAND AND CONTROL.

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

“SEC. 116. LIMITATION ON CERTAIN LIABILITY FOR RESCUE OPERATIONS.

“(a) IN GENERAL.—No person shall bring an action against any covered individual or his or her regular employer for property damage or an injury (or death) sus-

1 tained as a result of carrying out activities relating to
2 mine accident rescue or recovery operations. This sub-
3 section shall not apply where the action that is alleged to
4 result in the property damages or injury (or death) was
5 the result of gross negligence, reckless conduct, or illegal
6 conduct or, where the regular employer (as such term is
7 used in this Act) is the operator of the mine at which the
8 rescue activity takes place. Nothing in this section shall
9 be construed to preempt State workers' compensation
10 laws.

11 “(b) COVERED INDIVIDUAL.—For purposes of sub-
12 section (a), the term ‘covered individual’ means an
13 individual—

14 “(1) who is a member of a mine rescue team
15 or who is otherwise a volunteer with respect to a
16 mine accident; and

17 “(2) who is carrying out activities relating to
18 mine accident rescue or recovery operations.

19 “(c) REGULAR EMPLOYER.—For purposes of sub-
20 section (a), the term ‘regular employer’ means the entity
21 that is the covered employee’s legal or statutory employer
22 pursuant to applicable State law.”.

23 **SEC. 4. MINE RESCUE TEAMS.**

24 Section 115(e) of the Federal Mine Safety and
25 Health Act of 1977 (30 U.S.C. 825(e)) is amended—

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

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

4 “(2)(A) The Secretary shall issue regulations with re-
5 gard to mine rescue teams which shall be finalized and
6 in effect not later than 18 months after the date of enact-
7 ment of the Mine Improvement and New Emergency Re-
8 sponse Act of 2006.

9 “(B) Such regulations shall provide for the following:

10 “(i) That such regulations shall not be con-
11 strued to waive operator training requirements appli-
12 cable to existing mine rescue teams.

13 “(ii) That the Mine Safety and Health Admin-
14 istration shall establish, and update every 5 years
15 thereafter, criteria to certify the qualifications of
16 mine rescue teams.

17 “(iii)(I) That the operator of each underground
18 coal mine with more than 36 employees—

19 “(aa) have an employee knowledgeable in
20 mine emergency response who is employed at
21 the mine on each shift at each underground
22 mine; and

23 “(bb) make available two certified mine
24 rescue teams whose members—

1 “(AA) are familiar with the operations
2 of such coal mine;

3 “(BB) participate at least annually in
4 two local mine rescue contests;

5 “(CC) participate at least annually in
6 mine rescue training at the underground
7 coal mine covered by the mine rescue team;
8 and

9 “(DD) are available at the mine with-
10 in one hour ground travel time from the
11 mine rescue station.

12 “(II)(aa) For the purpose of complying with
13 subclause (I), an operator shall employ one team
14 that is either an individual mine site mine rescue
15 team or a composite team as provided for in item
16 (bb)(BB).

17 “(bb) The following options may be used by an
18 operator to comply with the requirements of item
19 (aa):

20 “(AA) An individual mine-site mine rescue
21 team.

22 “(BB) A multi-employer composite team
23 that is made up of team members who are
24 knowledgeable about the operations and ventila-
25 tion of the covered mines and who train on a

1 semi-annual basis at the covered underground
2 coal mine—

3 “(aaa) which provides coverage for
4 multiple operators that have team mem-
5 bers which include at least two active em-
6 ployees from each of the covered mines;

7 “(bbb) which provides coverage for
8 multiple mines owned by the same operator
9 which members include at least two active
10 employees from each mine; or

11 “(ccc) which is a State-sponsored
12 mine rescue team comprised of at least two
13 active employees from each of the covered
14 mines.

15 “(CC) A commercial mine rescue team pro-
16 vided by contract through a third-party vendor
17 or mine rescue team provided by another coal
18 company, if such team—

19 “(aaa) trains on a quarterly basis at
20 covered underground coal mines;

21 “(bbb) is knowledgeable about the op-
22 erations and ventilation of the covered
23 mines; and

24 “(ccc) is comprised of individuals with
25 a minimum of 3 years underground coal

1 mine experience that shall have occurred
2 within the 10-year period preceding their
3 employment on the contract mine rescue
4 team.

5 “(DD) A State-sponsored team made up of
6 State employees.

7 “(iv) That the operator of each underground
8 coal mine with 36 or less employees shall—

9 “(I) have an employee on each shift who is
10 knowledgeable in mine emergency responses;
11 and

12 “(II) make available two certified mine res-
13 cue teams whose members—

14 “(aa) are familiar with the operations
15 of such coal mine;

16 “(bb) participate at least annually in
17 two local mine rescue contests;

18 “(cc) participate at least semi-annu-
19 ally in mine rescue training at the under-
20 ground coal mine covered by the mine res-
21 cue team;

22 “(dd) are available at the mine within
23 one hour ground travel time from the mine
24 rescue station;

1 “(ee) are knowledgeable about the op-
 2 erations and ventilation of the covered
 3 mines; and

4 “(ff) are comprised of individuals with
 5 a minimum of 3 years underground coal
 6 mine experience that shall have occurred
 7 within the 10-year period preceding their
 8 employment on the contract mine rescue
 9 team.”.

10 **SEC. 5. PROMPT INCIDENT NOTIFICATION.**

11 (a) IN GENERAL.—Section 103(j) of the Federal
 12 Mine Safety and Health Act of 1977 (30 U.S.C. 813(j))
 13 is amended by inserting after the first sentence the fol-
 14 lowing: “For purposes of the preceding sentence, the noti-
 15 fication required shall be provided by the operator within
 16 15 minutes of the time at which the operator realizes that
 17 the death of an individual at the mine, or an injury or
 18 entrapment of an individual at the mine which has a rea-
 19 sonable potential to cause death, has occurred.”.

20 (b) PENALTY.—Section 110(a) of the Federal Mine
 21 Safety and Health Act of 1977 (30 U.S.C. 820(a)) is
 22 amended—

23 (1) by striking “The operator” and inserting
 24 “(1) The operator”; and

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

1 “(2) The operator of a coal or other mine who fails
 2 to provide timely notification to the Secretary as required
 3 under section 103(j) (relating to the 15 minute require-
 4 ment) shall be assessed a civil penalty by the Secretary
 5 of not less than \$5,000 and not more than \$60,000.”.

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

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

11 “(h) OFFICE OF MINE SAFETY AND HEALTH.—

12 “(1) IN GENERAL.—There shall be permanently
 13 established within the Institute an Office of Mine
 14 Safety and Health which shall be administered by an
 15 Associate Director to be appointed by the Director.

16 “(2) PURPOSE.—The purpose of the Office is to
 17 enhance the development of new mine safety tech-
 18 nology and technological applications and to expedite
 19 the commercial availability and implementation of
 20 such technology in mining environments.

21 “(3) FUNCTIONS.—In addition to all purposes
 22 and authorities provided for under this section, the
 23 Office of Mine Safety and Health shall be respon-
 24 sible for research, development, and testing of new
 25 technologies and equipment designed to enhance

1 mine safety and health. To carry out such functions
2 the Director of the Institute, acting through the Of-
3 fice, shall have the authority to—

4 “(A) award competitive grants to institu-
5 tions and private entities to encourage the de-
6 velopment and manufacture of mine safety
7 equipment;

8 “(B) award contracts to educational insti-
9 tutions or private laboratories for the perform-
10 ance of product testing or related work with re-
11 spect to new mine technology and equipment;
12 and

13 “(C) establish an interagency working
14 group as provided for in paragraph (5).

15 “(4) GRANT AUTHORITY.—To be eligible to re-
16 ceive a grant under the authority provided for under
17 paragraph (3)(A), an entity or institution shall—

18 “(A) submit to the Director of the Insti-
19 tute an application at such time, in such man-
20 ner, and containing such information as the Di-
21 rector may require; and

22 “(B) include in the application under sub-
23 paragraph (A), a description of the mine safety
24 equipment to be developed and manufactured
25 under the grant and a description of the rea-

1 sons that such equipment would otherwise not
2 be developed or manufactured, including rea-
3 sons relating to the limited potential commer-
4 cial market for such equipment.

5 “(5) INTERAGENCY WORKING GROUP.—

6 “(A) ESTABLISHMENT.—The Director of
7 the Institute, in carrying out paragraph (3)(D)
8 shall establish an interagency working group to
9 share technology and technological research and
10 developments that could be utilized to enhance
11 mine safety and accident response.

12 “(B) MEMBERSHIP.—The working group
13 under subparagraph (A) shall be chaired by the
14 Associate Director of the Office who shall ap-
15 point the members of the working group, which
16 may include representatives of other Federal
17 agencies or departments as determined appro-
18 priate by the Associate Director.

19 “(C) DUTIES.—The working group under
20 subparagraph (A) shall conduct an evaluation
21 of research conducted by, and the technological
22 developments of, agencies and departments who
23 are represented on the working group that may
24 have applicability to mine safety and accident
25 response and make recommendations to the Di-

1 rector for the further development and eventual
 2 implementation of such technology.

3 “(6) ANNUAL REPORT.—Not later than 1 year
 4 after the establishment of the Office under this sub-
 5 section, and annually thereafter, the Director of the
 6 Institute shall submit to the Committee on Health,
 7 Education, Labor, and Pensions of the Senate and
 8 the Committee on Education and the Workforce of
 9 the House of Representatives a report that, with re-
 10 spect to the year involved, describes the new mine
 11 safety technologies and equipment that have been
 12 studied, tested, and certified for use, and with re-
 13 spect to those instances of technologies and equip-
 14 ment that have been considered but not yet certified
 15 for use, the reasons therefore.

16 “(7) AUTHORIZATION OF APPROPRIATIONS.—
 17 There is authorized to be appropriated, such sums
 18 as may be necessary to enable the Institute and the
 19 Office of Mine Safety and Health to carry out this
 20 subsection.”.

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

22 The Secretary of Labor shall establish a policy that—

23 (1) requires the temporary assignment of an in-
 24 dividual Department of Labor official to be a liaison

1 between the Department and the families of victims
2 of mine tragedies involving multiple deaths;

3 (2) requires the Mine Safety and Health Ad-
4 ministration to be as responsive as possible to re-
5 quests from the families of mine accident victims for
6 information relating to mine accidents; and

7 (3) requires that in such accidents, that the
8 Mine Safety and Health Administration shall serve
9 as the primary communicator with the operator,
10 miners’ families, the press and the public.

11 **SEC. 8. PENALTIES.**

12 (a) IN GENERAL.—Section 110 of the Federal Mine
13 Safety and Health Act of 1977 (30 U.S.C. 820) is
14 amended—

15 (1) in subsection (a)—

16 (A) by inserting “(1)” after the subsection
17 designation; and

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

19 “(2) Any operator who willfully violates a mandatory
20 health or safety standard, or knowingly violates or fails
21 or refuses to comply with any order issued under section
22 104 and section 107, or any order incorporated in a final
23 decision issued under this title, except an order incor-
24 porated in a decision under paragraph (1) or section
25 105(c), shall, upon conviction, be punished by a fine of

1 not more than \$250,000, or by imprisonment for not more
 2 than one year, or by both, except that if the conviction
 3 is for a violation committed after the first conviction of
 4 such operator under this Act, punishment shall be by a
 5 fine of not more than \$500,000, or by imprisonment for
 6 not more than five years, or both.

7 “(3)(A) The minimum penalty for any citation or
 8 order issued under section 104(d)(1) shall be \$2,000.

9 “(B) The minimum penalty for any order issued
 10 under section 104(d)(2) shall be \$4,000.

11 “(4) Nothing in this subsection shall be construed to
 12 prevent an operator from obtaining a review, in accord-
 13 ance with section 106, of an order imposing a penalty de-
 14 scribed in this subsection. If a court, in making such re-
 15 view, sustains the order, the court shall apply at least the
 16 minimum penalties required under this subsection.”; and

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

1 could have been expected to cause, death or serious
2 bodily injury.”.

3 (b) REGULATIONS.—Not later than December 30,
4 2006, the Secretary of Labor shall promulgate final regu-
5 lations with respect to penalties.

6 **SEC. 9. FINE COLLECTIONS.**

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

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

14 Not later than 18 months after the issuance by the
15 Mine Safety and Health Administration of a final report
16 on the Sago Mine accident or the date of enactment of
17 the Mine Improvement and New Emergency Response Act
18 of 2006, whichever occurs earlier, the Secretary of Labor
19 shall finalize mandatory health and safety standards relat-
20 ing to the sealing of abandoned areas in underground coal
21 mines. Such health and safety standards shall provide for
22 an increase in the 20 psi standard currently set forth in
23 section 75.335(a)(2) of title 30, Code of Federal Regula-
24 tions.

1 **SEC. 11. TECHNICAL STUDY PANEL.**

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

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

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

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

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

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

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

1 representatives, each to be appointed prior to the sine
 2 die adjournment of the second session of the 109th
 3 Congress.

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

12 “(d) REPORT.—

13 “(1) IN GENERAL.—Not later than 1 year after
 14 the date on which all members of the Panel are ap-
 15 pointed under subsection (b), the Panel shall pre-
 16 pare and submit to the Secretary of Labor, the Sec-
 17 retary 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 utilization of belt air and the
 22 composition and fire retardant properties of belt ma-
 23 terials in underground coal mining.

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

1 paragraph (1), the Secretary of Labor shall provide
 2 a response 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 “(e) COMPENSATION.—Members appointed to the
 10 panel, while carrying out the duties of the Panel shall be
 11 entitled to receive compensation, per diem in lieu of sub-
 12 sistence, and travel expenses in the same manner and
 13 under the same conditions as that prescribed under section
 14 208(c) of the Public Health Service Act.”.

15 **SEC. 12. SCHOLARSHIPS.**

16 Title V of the Federal Mine Safety and Health Act
 17 of 1977 (30 U.S.C. 951 et seq.), as amended by section
 18 11, is further amended by adding at the end the following:

19 **“SEC. 515. SCHOLARSHIPS.**

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

1 tors and mine safety inspectors and other regulatory per-
 2 sonnel for the Mine Safety and Health Administration.

3 “(b) FUNDAMENTAL SKILLS SCHOLARSHIPS.—

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

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

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

21 “(A) have a high school diploma or a
 22 GED;

23 “(B) have at least 2 years experience in
 24 full-time employment in mining or mining-re-
 25 lated activities;

1 “(C) submit to the Secretary an applica-
 2 tion at such time, in such manner, and con-
 3 taining such information; and

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

9 “(c) MINE SAFETY INSPECTOR SCHOLARSHIPS.—

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

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

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

18 “(d) ADVANCED RESEARCH SCHOLARSHIPS.—

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

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

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

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

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

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

21 “(C) submit to the Secretary an applica-
22 tion at such time, in such manner, and con-
23 taining such information.

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. 13. RESEARCH CONCERNING REFUGE ALTERNATIVES.**

5 (a) IN GENERAL.—The National Institute of Occupa-
 6 tional Safety and Health shall provide for the conduct of
 7 research, including field tests, concerning the utility, prac-
 8 ticality, survivability, and cost of various refuge alter-
 9 natives in an underground coal mine environment, includ-
 10 ing commercially-available portable refuge chambers.

11 (b) REPORT.—

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

23 (2) RESPONSE BY SECRETARY.—Not later than
 24 180 days after the receipt of the report under para-
 25 graph (1), the Secretary of Labor shall provide a re-

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

8 **SEC. 14. BROOKWOOD-SAGO MINE SAFETY GRANTS.**

9 (a) IN GENERAL.—The Secretary of Labor shall es-
 10 tablish a program to award competitive grants for edu-
 11 cation and training, to be known as Brookwood-Sago Mine
 12 Safety Grants, to carry out the purposes of this section.

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

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

- 19 (1) be a public or private nonprofit entity; and
- 20 (2) submit to the Secretary of Labor an appli-
 21 cation at such time, in such manner, and containing
 22 such information as the Secretary may require.

23 (d) USE OF FUNDS.—Amounts received under a
 24 grant under this section shall be used to establish and im-
 25 plement education and training programs, or to develop

1 training materials for employers and miners, concerning
2 safety and health topics in mines, as determined appro-
3 priate by the Mine Safety and Health Administration.

4 (e) AWARDING OF GRANTS.—

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

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

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

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

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated for each fiscal year,
3 such sums as may be necessary to carry out this section.

Passed the Senate May 24, 2006.

Attest:

Secretary.

109TH CONGRESS
2D SESSION

S. 2803

AN ACT

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