

#### **§ 941. Penalty for false statements or representations**

Any person who willfully makes any false or misleading statement or representation for the purpose of obtaining any benefit or payment under this subchapter shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than one year, or both.

(Pub. L. 91-173, title IV, § 431, as added Pub. L. 92-303, § 6, May 19, 1972, 86 Stat. 156; amended Pub. L. 95-239, § 12(a), Mar. 1, 1978, 92 Stat. 101.)

#### **Editorial Notes**

##### **AMENDMENTS**

1978—Pub. L. 95-239 substituted provisions setting the penalty for making false or misleading statements or representations for the purpose of obtaining benefits or payments for provisions relating to the Secretary's duty to disseminate to all persons who filed claims under this subchapter prior to May 19, 1972, information on the review provisions under the Black Lung Benefits Act of 1972.

#### **Statutory Notes and Related Subsidiaries**

##### **EFFECTIVE DATE OF 1978 AMENDMENT**

Amendment by Pub. L. 95-239 effective Mar. 1, 1978, see section 20(a) of Pub. L. 95-239, set out as a note under section 901 of this title.

#### **§ 942. Miner benefit entitlement reports; penalty for failure or refusal to file**

(a) The Secretary may by regulation require employers to file reports concerning miners who may be or are entitled to benefits under this part, including the date of commencement and cessation of benefits and the amount of such benefits. Any such report shall not be evidence of any fact stated therein in any proceeding relating to death or total disability due to pneumoconiosis of any miner to which such report relates.

(b) Any employer who fails or refuses to file any report required of such employer under this section shall be subject to a civil penalty of not more than \$500 for each such failure or refusal.

(Pub. L. 91-173, title IV, § 432, as added Pub. L. 95-239, § 12(b), Mar. 1, 1978, 92 Stat. 101.)

#### **Statutory Notes and Related Subsidiaries**

##### **EFFECTIVE DATE**

Section effective Mar. 1, 1978, see section 20(a) of Pub. L. 95-239, set out as an Effective Date of 1978 Amendment note under section 901 of this title.

#### **§ 943. Black lung insurance program**

##### **(a) Authorization to establish and carry out**

The Secretary is authorized to establish and carry out a black lung insurance program which will enable operators of coal mines to purchase insurance covering their obligations under section 932 of this title.

##### **(b) Non-availability of other insurance coverage**

The Secretary may exercise his or her authority under this section only if, and to the extent

that, insurance coverage is not otherwise available, at reasonable cost, to operators of coal mines.

##### **(c) Agreements with coal mine operators; reinsurance agreements**

(1) The Secretary may enter into agreements with operators of coal mines who may be liable for the payment of benefits under section 932 of this title, under which the Black Lung Compensation Insurance Fund established under subsection (a) (hereinafter in this section referred to as the "insurance fund") shall assume all or part of the liability of such operator in return for the payment of premiums to the insurance fund, and on such terms and conditions as will fully protect the financial solvency of the insurance fund. During any period in which such agreement is in effect the operator shall be deemed in compliance with the requirements of section 933 of this title with respect to the risks covered by such agreement.

(2) The Secretary may also enter into reinsurance agreements with one or more insurers or pools of insurers under which, in return for the payment of premiums to the insurance fund, and on such terms and conditions as will fully protect the financial solvency of the insurance fund, the insurance fund shall provide reinsurance coverage for benefits required to be paid under section 932 of this title.

##### **(d) Terms and conditions of insurability**

The Secretary may by regulation provide for general terms and conditions of insurability as applicable to operators of coal mines or insurers eligible for insurance or reinsurance under this section, including—

- (1) the types, classes, and locations of operators or facilities which shall be eligible for such insurance or reinsurance;
- (2) the classification, limitation, and rejection of any operator or facility which may be advisable;
- (3) appropriate premiums for different classifications of operators or facilities;
- (4) appropriate loss deductibles;
- (5) experience rating; and
- (6) any other terms and conditions relating to insurance or reinsurance coverage or exclusion which may be appropriate to carry out the purposes of this section.

##### **(e) Premium schedule studies and investigations**

The Secretary may undertake and carry out such studies and investigations, and receive or exchange such information, as may be necessary to formulate a premium schedule which will enable the insurance and reinsurance authorized by this section to be provided on a basis which is (1) in accordance with accepted actuarial principles; and (2) fair and equitable.

##### **(f) Regulations relating to premium rates**

(1) On the basis of estimates made by the Secretary in formulating a premium schedule under subsection (e), and such other information as may be available, the Secretary shall from time to time prescribe by regulation the chargeable premium rates for types and classes of insurers, operators of coal mines, and facilities for which insurance or reinsurance coverage shall be avail-