

able under this section and the terms and conditions under which, and the area within which, such insurance or reinsurance shall be available and such rates shall apply.

(2) Such premium rates shall be (A) based on a consideration of the risks involved, taking into account differences, if any, in risks based on location, type of operations, facilities, type of coal, experience, and any other matter which may be considered under accepted actuarial principles; and (B) adequate, on the basis of accepted actuarial principles, to provide reserves for anticipated losses.

(3) All premiums received by the Secretary shall be paid into the insurance fund.

(g) Black Lung Compensation Insurance Fund

(1) The Secretary may establish in the Department of Labor a Black Lung Compensation Insurance Fund which shall be available, without fiscal year limitation—

(A) to pay claims of miners for benefits covered by insurance or reinsurance issued under this section;

(B) to pay the administrative expenses of carrying out the black lung compensation insurance program under this section; and

(C) to repay to the Secretary of the Treasury such sums as may be borrowed in accordance with the authority provided in subsection (i).

(2) The insurance fund shall be credited with—

(A) premiums, fees, or other charges which may be collected in connection with insurance or reinsurance coverage provided under this section;

(B) such amounts as may be advanced to the insurance fund from appropriations in order to maintain the insurance fund in an operative condition adequate to meet its liabilities; and

(C) income which may be earned on investments of the insurance fund pursuant to paragraph (3).

(3) If, after all outstanding current obligations of the insurance fund have been liquidated and any outstanding amounts which may have been advanced to the insurance fund from appropriations authorized under subsection (i) have been credited to the appropriation from which advanced, the Secretary determines that the moneys of the insurance fund are in excess of current needs, he or she may request the investment of such amounts as he or she deems advisable by the Secretary of the Treasury in public debt securities with maturities suitable for the needs of the insurance fund and bearing interest at prevailing market rates.

(h) Omitted

(i) Authorization of appropriations

There are authorized to be appropriated to the insurance fund, as repayable advances, such sums as may be necessary to meet obligations incurred under subsection (g). All such sums shall remain available without fiscal year limitation. Advances made pursuant to this subsection shall be repaid, with interest, to the general fund of the Treasury when the Secretary determines that moneys are available in the insurance fund for such repayments. Interest on such advances shall be computed in the same manner

as provided in subsection (b)(2) of section 934a¹ of this title.

(Pub. L. 91-173, title IV, § 433, as added Pub. L. 95-239, § 13, Mar. 1, 1978, 92 Stat. 101.)

Editorial Notes

REFERENCES IN TEXT

Section 934a of this title, referred to in subsec. (i), was repealed by Pub. L. 97-119, title I, § 103(b), Dec. 29, 1981, 95 Stat. 1638. See section 9501(c) of Title 26, Internal Revenue Code.

CODIFICATION

Subsec. (h) of this section, which required the Secretary to report to Congress not later than April 1 of each year on the financial condition and operation of the insurance fund, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 124 of House Document No. 103-7.

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.

§ 944. Statement of reasons for denial of claim

Any individual whose claim for benefits under this subchapter is denied shall receive from the Secretary a written statement of the reasons for denial of such claim, and a summary of the administrative hearing record or, upon good cause shown, a copy of any transcript thereof.

(Pub. L. 91-173, title IV, § 434, as added Pub. L. 95-239, § 14, Mar. 1, 1978, 92 Stat. 103.)

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.

§ 945. Repealed. Pub. L. 107-275, § 2(c)(1), Nov. 2, 2002, 116 Stat. 1926

Section, Pub. L. 91-173, title IV, § 435, as added Pub. L. 95-239, § 15, Mar. 1, 1978, 92 Stat. 103; amended Pub. L. 103-296, title I, § 108(i)(4), Aug. 15, 1994, 108 Stat. 1488, related to review of claims pending on, or denied on or before, Mar. 1, 1978.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective 90 days after Nov. 2, 2002, see section 4 of Pub. L. 107-275, set out as an Effective Date of 2002 Amendment note under section 902 of this title.

SUBCHAPTER V—ADMINISTRATIVE PROVISIONS

§ 951. Studies and research

(a) Appropriate projects

The Secretary of the Interior and the Secretary of Health and Human Services, as appropriate, shall conduct such studies, research, ex-

¹ See References in Text note below.

periments, and demonstrations as may be appropriate—

(1) to improve working conditions and practices in coal or other mines, and to prevent accidents and occupational diseases originating in the coal or other mining industry;

(2) to develop new or improved methods of recovering persons in coal or other mines after an accident;

(3) to develop new or improved means and methods of communication from the surface to the underground area of a coal or other mine;

(4) to develop new or improved means and methods of reducing concentrations of respirable dust in the mine atmosphere of active workings of the coal or other mine;

(5) to develop epidemiological information to (A) identify and define positive factors involved in occupational diseases of miners, (B) provide information on the incidence and prevalence of pneumoconiosis and other respiratory ailments of miners, and (C) improve mandatory health standards;

(6) to develop techniques for the prevention and control of occupational diseases of miners, including tests for hypersusceptibility and early detection;

(7) to evaluate the effect on bodily impairment and occupational disability of miners afflicted with an occupational disease;

(8) to prepare and publish from time to time, reports on all significant aspects of occupational diseases of miners as well as on the medical aspects of injuries, other than diseases, which are revealed by the research carried on pursuant to this subsection;

(9) to study the relationship between coal or other mine environments and occupational diseases of miners;

(10) to develop new and improved underground equipment and other sources of power for such equipment which will provide greater safety;

(11) to determine, upon the written request by any operator or authorized representative of miners, specifying with reasonable particularity the grounds upon which such request is made, whether any substance normally found in a coal or other mine has potentially toxic effects in the concentrations normally found in the coal or other mine or whether any physical agents or equipment found or used in a coal or other mine has potentially hazardous effects, and shall submit such determinations to both the operators and miners as soon as possible; and

(12) for such other purposes as they deem necessary to carry out the purposes of this chapter.

(b) Responsibility for carrying out prescribed activities

Activities under this section in the field of coal or other mine health shall be carried out by the Secretary of Health and Human Services through the National Institute for Occupational Safety and Health established under the Occupational Safety and Health Act of 1970 [29 U.S.C. 651 et seq.], and activities under this section in the field of coal or other mine safety shall be

carried out by the Secretary of the Interior in coordination with the Secretary.

(c) Contracting with and grants to public and private agencies; availability of information; exceptions

In carrying out the provisions for research, demonstrations, experiments, studies, training, and education under this section and sections 861(b) and 952(a) of this title, the Secretary of the Interior and the Secretary of Health and Human Services in coordination with the Secretary may enter into contracts with, and make grants to, public and private agencies and organizations and individuals. No research, demonstrations, or experiments shall be carried out, contracted for, sponsored, cosponsored, or authorized under authority of this chapter, unless all information, uses, products, processes, patents, and other developments resulting from such research, demonstrations, or experiments will (with such exception and limitation, if any, as the Secretary of the Interior or the Secretary of Health and Human Services in coordination with the Secretary may find to be necessary in the public interest) be available to the general public.

(d) Prevention of diseases affecting persons working with mine products

The Secretary of Health and Human Services shall also conduct studies and research into matters involving the protection of life and the prevention of diseases in connection with persons, who although not miners, work with, or around the products of, coal or other mines in areas outside of such mines and under conditions which may adversely affect the health and well-being of such persons.

(e) Authorization of appropriations

There is authorized to be appropriated to the Secretary of the Interior such sums as may be necessary to carry out his responsibilities under this section and section 861(b) of this title at an annual rate of not to exceed \$20,000,000 for the fiscal year ending June 30, 1970, \$25,000,000 for the fiscal year ending June 30, 1971, and \$60,000,000 for the fiscal year ending June 30, 1972, and for each succeeding fiscal year thereafter. There is authorized to be appropriated annually to the Secretary of Health and Human Services such sums as may be necessary to carry out his responsibilities under this chapter. Such sums shall remain available until expended.

(f) Exceptions to mandatory health and safety standards for improving techniques and equipment

The Secretary is authorized to grant on a mine-by-mine basis an exception to any mandatory health or safety standard under this chapter for the purpose of permitting, under such terms and conditions as he may prescribe, accredited educational institutions the opportunity for experimenting with new and improved techniques and equipment to improve the health and safety of miners. No such exception shall be granted unless the Secretary finds that the granting of the exception will not adversely affect the health and safety of miners and publishes his findings.

(g) Grants for research and development of respiratory equipment

The Secretary of Health and Human Services is authorized to make grants to any public or private agency, institution, or organization, and operators or individuals for research and experiments to develop effective respiratory equipment.

(Pub. L. 91-173, title V, § 501, Dec. 30, 1969, 83 Stat. 798; Pub. L. 95-164, title III, § 303(a), Nov. 9, 1977, 91 Stat. 1320; Pub. L. 96-88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(12), (c), (e), and (f), was in the original “this Act”, meaning Pub. L. 91-173, Dec. 30, 1969, 83 Stat. 742, known as the Federal Mine Safety and Health Act of 1977, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables.

The Occupational Safety and Health Act of 1970, referred to in subsec. (b), is Pub. L. 91-596, Dec. 29, 1970, 84 Stat. 1590, which is classified principally to chapter 15 (§ 651 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 651 of Title 29 and Tables.

AMENDMENTS

1977—Subsec. (a). Pub. L. 95-164, § 303(a)(1), (2), (6), substituted “The Secretary of the Interior and” for “The Secretary and” in provisions preceding par. (1), inserted references to mines and mining other than coal mines and coal mining in pars. (1), (2), (3), (4), and (9), added par. (11), and redesignated former par. (11) as (12).

Subsec. (b). Pub. L. 95-164, § 303(a)(1), (3), inserted references to mines other than coal mines, inserted “through the National Institute for Occupational Safety and Health established under the Occupational Safety and Health Act of 1970” after “Secretary of Health, Education, and Welfare”, and substituted “carried out by the Secretary of the Interior in coordination with the Secretary” for “carried out by the Secretary”.

Subsec. (c). Pub. L. 95-164, § 303(a)(4), substituted “the Secretary of the Interior and the Secretary of Health, Education, and Welfare in coordination with the Secretary” for “the Secretary and the Secretary of Health, Education, and Welfare” and “the Secretary of the Interior or the Secretary of Health, Education, and Welfare in coordination with the Secretary” for “the Secretary or the Secretary of Health, Education, and Welfare”.

Subsec. (d). Pub. L. 95-164, § 303(a)(1), inserted reference to mines other than coal mines.

Subsec. (e). Pub. L. 95-164, § 303(a)(5), substituted “Secretary of the Interior” for “Secretary” and “\$60,000,000” for “\$30,000,000”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Secretary of Health and Human Services” substituted for “Secretary of Health, Education, and Welfare” in subsecs. (a) to (e) and (g) pursuant to section 509(b) of Pub. L. 96-88 which is classified to section 3508(b) of Title 20, Education.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-164 effective 120 days after Nov. 9, 1977, except as otherwise provided, see section 307 of Pub. L. 95-164, set out as a note under section 801 of this title.

EFFECTIVE DATE

Subchapter effective Dec. 30, 1969, see section 509 of Pub. L. 91-173, Dec. 30, 1969, 83 Stat. 742, set out as a note under section 801 of this title.

§ 951a. Health, Safety, and Mining Technology Research program

(a) Health, Safety, and Mining Technology Research Plan

(1) Every 5 years, the Secretary of the Interior, acting through the Director of the Bureau of Mines (hereinafter in this section referred to as the “Director”), shall develop a Plan for Health, Safety, and Mining Technology Research (hereinafter in this subsection referred to as the “Plan”).

(2) The Plan shall identify the goals and objectives of the Health, Safety, and Mining Technology program of the Bureau of Mines, and shall guide research and technology development under such program, over each 5-year period.

(3) In preparing the proposed Plan referred to in paragraph (1), the Director shall solicit suggestions, comments and proposals for research and technology development projects from the mining industry, labor, academia and other concerned groups and individuals.

(b) Technical amendment

For the purposes of section 951(b) of this title, as amended, activities in the field of coal or other mine health under such section shall also be carried out by the Secretary of the Interior acting through the Director of the Bureau of Mines. Nothing in this subsection is intended to preclude or duplicate the ongoing research activities of the Bureau of Mines on health hazards safety technology or research conducted by the National Institute of Occupational Safety and Health on coal mine safety and health effects.

(Pub. L. 102-486, title XXV, § 2512, Oct. 24, 1992, 106 Stat. 3111.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Energy Policy Act of 1992, and not as part of the Federal Mine Safety and Health Act of 1977 which comprises this chapter.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Bureau of Mines redesignated United States Bureau of Mines by section 10(b) of Pub. L. 102-285, set out as a note under section 1 of this title. For provisions relating to closure and transfer of functions of the United States Bureau of Mines, see Transfer of Functions note set out under section 1 of this title.

§ 952. Training and education

(a) Programs for operators, agents, and miners

The Secretary shall expand programs for the education and training of operators and agents thereof, and miners in—

(1) the recognition, avoidance, and prevention of accidents or unsafe or unhealthful working conditions in coal or other mines; and

(2) in the use of flame safety lamps, permissible methane detectors, and other means ap-

proved by the Secretary for detecting methane and other explosive gases accurately.

(b) Technical assistance to operators

The Secretary shall, to the greatest extent possible, provide technical assistance to operators in meeting the requirements of this chapter and in further improving the health and safety conditions and practices in coal or other mines.

(c) National Mine Health and Safety Academy

(1) The National Mine Health and Safety Academy shall be maintained as an agency of the Department of Labor. The Academy shall be responsible for the training of mine safety and health inspectors under section 954 of this title, and in training of technical support personnel of the Mine Safety and Health Administration established under section 557a of title 29; and for any other training programs for mine inspectors, mining personnel, or other persons as the Secretary of Labor shall designate. In performing this function, the Academy shall have the authority to enter into cooperative educational and training agreements with educational institutions, State governments, labor organizations, and mine operators and related industries. Such training shall be conducted by the Academy in accordance with curriculum needs and assignment of instructional personnel established by the user.

(2) Repealed. Pub. L. 96-38, title I, §100, July 25, 1979, 93 Stat. 111.

(3) The Secretary of the Interior shall conduct his safety research responsibilities under section 951 of this title in coordination with the Secretary of Labor, and the Secretaries of Labor and the Interior are authorized to enter into contractual or other agreements for the performance of such safety related research.

(Pub. L. 91-173, title V, §502, Dec. 30, 1969, 83 Stat. 800; Pub. L. 95-164, title III, §303(b), (h), Nov. 9, 1977, 91 Stat. 1320, 1321; Pub. L. 96-38, title I, §100, July 25, 1979, 93 Stat. 111.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original "this Act", meaning Pub. L. 91-173, Dec. 30, 1969, 83 Stat. 742, known as the Federal Mine Safety and Health Act of 1977, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables.

AMENDMENTS

1979—Subsec. (c)(1). Pub. L. 96-38 substituted "Department of Labor" for "Department of the Interior" and "Secretary of Labor" for "Secretaries of Labor and the Interior".

Subsec. (c)(2). Pub. L. 96-38 struck out par. (2) which directed that the National Mine Health and Safety Academy use the facilities and personnel of the Department of the Interior and that the Secretary of the Interior appoint or assign to the Academy necessary officers and employees.

1977—Subsecs. (a), (b). Pub. L. 95-164, §303(b), inserted references to mines other than coal mines.

Subsec. (c). Pub. L. 95-164, §303(h), added subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-164 effective 120 days after Nov. 9, 1977, except as otherwise provided, see section

307 of Pub. L. 95-164, set out as a note under section 801 of this title.

§ 953. Assistance to States

(a) Development and enforcement of health and safety regulations; improvement of workmen's compensation and occupational disease laws; promotion of Federal-State coordination in mine safety

The Secretary, in coordination with the Secretary of Health and Human Services and the Secretary of the Interior, is authorized to make grants in accordance with an application approved under this section to any State in which coal or other mining takes place—

(1) to assist such State in developing and enforcing effective coal or other mine health and safety laws and regulations consistent with the provisions of section 955 of this title;

(2) to improve State workmen's compensation and occupational disease laws and programs related to coal or other mine employment; and

(3) to promote Federal-State coordination and cooperation in improving the health and safety conditions in the coal or other mines.

(b) Application for grants; contents

The Secretary shall approve any application or any modification thereof, submitted under this section by a State, through its official coal or other mine inspection or safety agency, which—

(1) sets forth the programs, policies, and methods to be followed in carrying out the application in accordance with the purposes of subsection (a) of this section;

(2) provides research and planning studies to carry out plans designed to improve State workmen's compensation and occupational disease laws and programs, as they relate to compensation to miners for occupationally caused diseases and injuries arising out of employment in any coal or other mine;

(3) designates such State coal or other mine inspection or safety agency as the sole agency responsible for administering grants under this section throughout the State, and contains satisfactory evidence that such agency will have the authority to carry out the purposes of this section;

(4) gives assurances that such agency has or will employ an adequate and competent staff of trained inspectors qualified under the laws of such State to make coal or other mine inspections within such State;

(5) provides for the extension and improvement of the State program for the improvement of coal or other mine health and safety in the State, and provides that no advance notice of an inspection will be provided anyone;

(6) provides such fiscal control and fund accounting procedures as may be appropriate to assure proper disbursement and accounting of grants made to the States under this section;

(7) provides that the designated agency will make such reports to the Secretary in such form and containing such information as the Secretary may from time to time require;

(8) contains assurances that grants provided under this section will supplement, not sup-

plant, existing State coal or other mine health and safety programs; and

(9) meets additional conditions which the Secretary may prescribe in furtherance of, and consistent with, the purposes of this section.

(c) Approval by Secretary; notice and hearing

The Secretary shall not finally disapprove any State application or modification thereof without first affording the State agency reasonable notice and opportunity for a public hearing.

(d) Review by Court of Appeals; conclusiveness of findings of Secretary; filing of petition

Any State aggrieved by a decision of the Secretary under subsection (b) or (c) of this section may file within thirty days from the date of such decision with the United States Court of Appeals for the District of Columbia a petition praying that such action be modified or set aside in whole or in part. The court shall hear such appeal on the record made before the Secretary. The decision of the Secretary incorporating his findings of fact therein, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or remand the proceedings to the Secretary for such further action as it directs. The filing of a petition under this subsection shall not stay the application of the decision of the Secretary, unless the court so orders. The provisions of section 816(a), (b), and (c) of this title shall not be applicable to this section.

(e) Programs to train State inspectors

Any State application or modification thereof submitted to the Secretary under this section may include a program to train State inspectors.

(f) Cooperation in implementation of programs; exchange of reports between States

The Secretary shall cooperate with such State in carrying out the application or modification thereof and shall, as appropriate, develop and, where appropriate, construct facilities for, and finance a program of, training of Federal and State inspectors jointly. The Secretary shall also cooperate with such State in establishing a system by which State and Federal inspection reports of coal or other mines located in the State are exchanged for the purpose of improving health and safety conditions in such mines.

(g) Limitation on grants

The amount granted to any coal or other mining State for a fiscal year under this section shall not exceed 80 per centum of the amount expended by such State in such year for carrying out such application.

(h) Authorization of appropriations

There is authorized to be appropriated \$3,000,000 for fiscal year 1970, and \$10,000,000 annually in each succeeding fiscal year to carry out the provisions of this section, which shall remain available until expended. The Secretary shall provide for an equitable distribution of sums appropriated for grants under this section to the States where there is an approved application, except that no less than one-half of such sum shall be allocated to coal-producing States.

(Pub. L. 91-173, title V, § 503, Dec. 30, 1969, 83 Stat. 800; Pub. L. 95-164, title III, § 303(c), Nov. 9, 1977, 91 Stat. 1320; Pub. L. 96-88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

Editorial Notes

AMENDMENTS

1977—Subsec. (a). Pub. L. 95-164, § 303(c)(1), inserted reference to mines and mining other than coal mines and coal mining and substituted “Secretary of the Interior” for “Secretary of Labor”.

Subsecs. (b), (f), (g). Pub. L. 95-164, § 303(c)(1), inserted references to mines and mining other than coal mines and coal mining.

Subsec. (h). Pub. L. 95-164, § 303(c)(2), substituted “\$10,000,000” for “\$5,000,000” and inserted requirement that no less than one-half of sums appropriated for grants be allocated to coal-producing States.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Secretary of Health and Human Services” substituted for “Secretary of Health, Education, and Welfare” in subsec. (a) pursuant to section 509(b) of Pub. L. 96-88 which is classified to section 3508(b) of Title 20, Education.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-164 effective 120 days after Nov. 9, 1977, except as otherwise provided, see section 307 of Pub. L. 95-164, set out as a note under section 801 of this title.

§ 954. Appointment of administrative personnel and inspectors; qualifications; training programs

The Secretary may, subject to the civil service laws, appoint such employees as he deems requisite for the administration of this chapter and prescribe their duties. Persons appointed as authorized representatives of the Secretary shall be qualified by practical experience in mining or by experience as a practical mining engineer or by education: *Provided, however,* That, to the maximum extent feasible, in the selection of persons for appointment as mine inspectors, no person shall be so selected unless he has the basic qualification of at least five years practical mining experience and in assigning mine inspectors to the inspection and investigation of individual mines, due consideration shall be given to the extent possible to their previous experience in the particular type of mining operation where such inspections are to be made. Persons appointed to assist such representatives in the taking of samples of respirable dust for the purpose of enforcing subchapter II of this chapter shall be qualified by training, experience, or education. The provisions of section 201 of the Revenue and Expenditure Control Act of 1968 (82 Stat. 251, 270) shall not apply with respect to the appointment of such authorized representatives of the Secretary or to persons appointed to assist such representatives and to carry out the provisions of this chapter, and, in applying the provisions of such section to other agencies under the Secretary and to other agencies of the Government, such appointed persons shall not be taken into account. Such persons shall be adequately trained by the Secretary. The Secretary shall develop programs with edu-

cational institutions and operators designed to enable persons to qualify for positions in the administration of this chapter. In selecting persons and training and retraining persons to carry out the provisions of this chapter, the Secretary shall work with appropriate educational institutions, operators, and representatives of miners in developing and maintaining adequate programs for the training and continuing education of persons, particularly inspectors, and where appropriate, the Secretary shall cooperate with such institutions in carrying out the provisions of this section by providing financial and technical assistance to such institutions.

(Pub. L. 91-173, title V, § 505, Dec. 30, 1969, 83 Stat. 802; Pub. L. 95-164, title III, § 303(d), Nov. 9, 1977, 91 Stat. 1320.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 91-173, Dec. 30, 1969, 83 Stat. 742, known as the Federal Mine Safety and Health Act of 1977, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables.

Section 201 of the Revenue and Expenditure Control Act of 1968 (82 Stat. 251, 270), referred to in text, is section 201 of Pub. L. 90-364, title II, June 28, 1968, 82 Stat. 270, which was set out as a note under section 3101 of Title 5 and was repealed by Pub. L. 91-47, title V, § 503, July 22, 1969, 83 Stat. 83.

AMENDMENTS

1977—Pub. L. 95-164 substituted “practical experience in mining” for “practical experience in the mining of coal” and inserted provision requiring that mine inspectors, to the maximum feasible extent, be persons with at least five years practical mining experience and that in assigning inspectors due consideration be given to previous experience in the particular type mining operations where inspections are to be made.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-164 effective 120 days after Nov. 9, 1977, except as otherwise provided, see section 307 of Pub. L. 95-164, set out as a note under section 801 of this title.

NUMBER OF INSPECTORS

Pub. L. 95-164, title III, § 304, Nov. 9, 1977, 91 Stat. 1320, provided that: “Nothing contained in this Act [see Short Title of 1977 Amendment note under section 801 of this title] or any amendment made by this Act shall be construed to reduce the number of inspectors engaged in enforcement of the Federal Coal Mine Health and Safety Act of 1969 [this chapter] and the Federal Metal and Nonmetallic Mine Safety Act [section 721 et seq. of this title] as in effect prior to the effective date of this Act [120 days after Nov. 9, 1977] or to reduce the number of inspectors engaged in the enforcement of the Occupational Safety and Health Act of 1970 [section 651 et seq. of Title 29, Labor].”

§ 955. State laws

(a) No State law in effect on December 30, 1969 or which may become effective thereafter shall be superseded by any provision of this chapter or order issued or any mandatory health or safety standard, except insofar as such State law is in

conflict with this chapter or with any order issued or any mandatory health or safety standard.

(b) The provisions of any State law or regulation in effect upon the operative date of this chapter, or which may become effective thereafter, which provide for more stringent health and safety standards applicable to coal or other mines than do the provisions of this chapter or any order issued or any mandatory health or safety standard shall not thereby be construed or held to be in conflict with this chapter. The provisions of any State law or regulation in effect on December 30, 1969, or which may become effective thereafter, which provide for health and safety standards applicable to coal or other mines for which no provision is contained in this chapter or in any order issued or any mandatory health or safety standard, shall not be held to be in conflict with this chapter.

(Pub. L. 91-173, title V, § 506, Dec. 30, 1969, 83 Stat. 803; Pub. L. 95-164, title III, § 303(e), Nov. 9, 1977, 91 Stat. 1321.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 91-173, Dec. 30, 1969, 83 Stat. 742, known as the Federal Mine Safety and Health Act of 1977, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables.

For the operative date of this chapter, referred to in subsec. (b), see section 509 of Pub. L. 91-173, set out as an Effective Date note under section 801 of this title.

AMENDMENTS

1977—Subsec. (b). Pub. L. 95-164 inserted reference to mines other than coal mines.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-164 effective 120 days after Nov. 9, 1977, except as otherwise provided, see section 307 of Pub. L. 95-164, set out as a note under section 801 of this title.

§ 956. Applicability of administrative procedure provisions

Except as otherwise provided in this chapter, the provisions of sections 551 to 559 and sections 701 to 706 of title 5 shall not apply to the making of any order, notice, or decision made pursuant to this chapter, or to any proceeding for the review thereof.

(Pub. L. 91-173, title V, § 507, Dec. 30, 1969, 83 Stat. 803.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 91-173, Dec. 30, 1969, 83 Stat. 742, known as the Federal Mine Safety and Health Act of 1977, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables.

§ 957. Promulgation of regulations

The Secretary, the Secretary of Health and Human Services, the Commissioner of Social Se-

curity, and the Panel are authorized to issue such regulations as each deems appropriate to carry out any provision of this chapter.

(Pub. L. 91-173, title V, § 508, Dec. 30, 1969, 83 Stat. 803; Pub. L. 103-296, title I, § 108(i)(5), Aug. 15, 1994, 108 Stat. 1488.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 91-173, Dec. 30, 1969, 83 Stat. 742, known as the Federal Mine Safety and Health Act of 1977, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables.

AMENDMENTS

1994—Pub. L. 103-296 substituted “Secretary of Health and Human Services, the Commissioner of Social Security” for “Secretary of Health, Education, and Welfare”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-296 effective Mar. 31, 1995, see section 110(a) of Pub. L. 103-296, set out as a note under section 401 of Title 42, The Public Health and Welfare.

§ 958. Annual reports to Congress; contents

(a) Within one hundred and twenty days following the convening of each session of Congress the Secretary shall submit through the President to the Congress and to the Office of Science and Technology an annual report upon the subject matter of this chapter, the progress concerning the achievement of its purposes, the needs and requirements in the field of coal or other mine health and safety, the amount and status of each loan made pursuant to this chapter, a description and the anticipated cost of each project and program he has undertaken under sections 861(b) and 951 of this title, and any other relevant information, including any recommendations he deems appropriate.

(b) Repealed. Pub. L. 96-470, title I, § 106(f), Oct. 19, 1980, 94 Stat. 2238.

(Pub. L. 91-173, title V, § 511, Dec. 30, 1969, 83 Stat. 803; Pub. L. 95-164, title III, § 303(f), Nov. 9, 1977, 91 Stat. 1321; Pub. L. 96-470, title I, § 106(f), Oct. 19, 1980, 94 Stat. 2238.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, meaning Pub. L. 91-173, Dec. 30, 1969, 83 Stat. 742, known as the Federal Mine Safety and Health Act of 1977, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables.

AMENDMENTS

1980—Subsec. (b). Pub. L. 96-470 struck out subsec. (b) which provided that within 120 days following the convening of each session of Congress, the Secretary of Health, Education, and Welfare submit through the President to the Congress and to the Office of Science and Technology an annual report on health matters covered by this chapter.

1977—Subsecs. (a), (b). Pub. L. 95-164 inserted references to mines other than coal mines.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-164 effective 120 days after Nov. 9, 1977, except as otherwise provided, see section 307 of Pub. L. 95-164, set out as a note under section 801 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (a) of this section relating to requirement to submit annual report to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 124 of House Document No. 103-7.

Executive Documents

TRANSFER OF FUNCTIONS

Functions vested by law in Office of Science and Technology and in Director or Deputy Director of Office of Science and Technology transferred to Director of National Science Foundation, and Office of Science and Technology, including offices of Director and Deputy Director, provided for by sections 1 and 2 of Reorg. Plan No. 2 of 1962, eff. June 8, 1962, 27 F.R. 5419, 76 Stat. 1253, was abolished by sections 2 and 3(a)(5) of Reorg. Plan No. 1 of 1973, eff. July 1, 1973, 38 F.R. 9579, 87 Stat. 1089, set out in the Appendix to Title 5, Government Organization and Employees.

§ 959. Study of coordination of Federal and State activities; report

(a) The Secretary shall make a study to determine the best manner to coordinate Federal and State activities in the field of coal or other mine health and safety so as to achieve (1) maximum health and safety protection for miners, (2) an avoidance of duplication of effort, (3) maximum effectiveness, (4) a reduction of delay to a minimum, and (5) most effective use of Federal inspectors.

(b) The Secretary shall make a report of the results of his study to the Congress as soon as practicable after December 30, 1969.

(Pub. L. 91-173, title V, § 512, Dec. 30, 1969, 83 Stat. 804; Pub. L. 95-164, title III, § 303(g), Nov. 9, 1977, 91 Stat. 1321.)

Editorial Notes

AMENDMENTS

1977—Subsec. (a). Pub. L. 95-164 inserted reference to mines other than coal mines.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-164 effective 120 days after Nov. 9, 1977, except as otherwise provided, see section 307 of Pub. L. 95-164, set out as a note under section 801 of this title.

§ 960. Limitation on issuance of temporary restraining order or preliminary injunction

In any proceeding in which the validity of any interim mandatory health or safety standard set forth in subchapters II and III of this chapter is in issue, no justice, judge, or court of the United States shall issue any temporary restraining

order or preliminary injunction restraining the enforcement of such standard pending a determination of such issue on its merits.

(Pub. L. 91-173, title V, §513, Dec. 30, 1969, 83 Stat. 804.)

§ 961. Functions transferred under 1977 amendments

(a) Transfer of functions to Secretary of Labor

Except with respect to the functions assigned to the Secretary of the Interior pursuant to section 501 of the Federal Coal Mine Health and Safety Act of 1969 [30 U.S.C. 951], the functions of the Secretary of the Interior under the Federal Coal Mine Health and Safety Act of 1969, as amended [30 U.S.C. 801 et seq.], and the Federal Metal and Nonmetallic Mine Safety Act [30 U.S.C. 721 et seq.] are transferred to the Secretary of Labor, except those which are expressly transferred to the Commission by this Act. Effective on the date of enactment of this Act, Health¹ and Safety Academy is transferred to the Secretary of Labor.

(b) Existing mandatory standards; review by advisory committee; recommendations

(1) The mandatory standards relating to mines, issued by the Secretary of the Interior under the Federal Metal and Nonmetallic Mine Safety Act [30 U.S.C. 721 et seq.] and standards and regulations under the Federal Coal Mine Health and Safety Act of 1969 [30 U.S.C. 801 et seq.] which are in effect on November 9, 1977, shall remain in effect as mandatory health or safety standards applicable to metal and nonmetallic mines and to coal mines respectively under the Federal Mine Safety and Health Act of 1977 [30 U.S.C. 801 et seq.] until such time as the Secretary of Labor shall issue new or revised mandatory health or safety standards applicable to metal and nonmetallic mines and new or revised mandatory health or safety standards applicable to coal mines.

(2) Within 60 days after November 9, 1977, the Secretary of Labor in consultation with the Secretary of the Interior shall establish an advisory committee under section 102 of the Federal Mine Safety and Health Act of 1977 [30 U.S.C. 812] which shall, within 180 days after the date of the establishment of such advisory committee, review the advisory health and safety standards issued by the Secretary of the Interior under the Federal Metal and Nonmetallic Mine Safety Act and recommend to the Secretary of Labor which of those standards (or any modifications of such standards which do not substantially diminish the health and safety of miners) should be promulgated as mandatory health or safety standards. The Secretary of Labor shall publish, within 60 days after any recommendations of the advisory committee under this paragraph, each of the standards so recommended for adoption with or without modifications as a proposed mandatory health or safety standard under this section by publication of such standard in the Federal Register, and afford interested persons a period of 25 days after publication to submit written data or comment. Within 30 days after the close

of the comment period specified in the preceding sentence, the Secretary of Labor shall promulgate by publication in the Federal Register mandatory health or safety standards based upon the advisory committee recommendation with or without modification, and the data and comments received thereon, unless the Secretary of Labor determines that such standards will not promote the health and safety of miners and publishes an explanation of that determination in the Federal Register.

(c) Unexpended appropriations; personnel; property; records; obligations; commitments; savings provisions; pending proceedings and suits

(1) All unexpended balances of appropriations, personnel, property, records, obligations, and commitments which are used primarily with respect to any functions transferred under the provisions of subsection (a) to the Secretary of Labor shall be transferred to the Department of Labor or the Commission, as appropriate. The transfer of personnel pursuant to this paragraph shall be without reduction in classification or compensation for one year after such transfer, except that the Secretary of Labor shall have full authority to assign personnel during such one-year period in order to efficiently carry out functions transferred to him under this Act.

(2) All orders, decisions, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges (A) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this section by any department or agency, any functions of which are transferred by this section, and (B) which are in effect at the time this section takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, revoked, or repealed by the Secretary of Labor, the Federal Mine Safety and Health Review Commission or other authorized officials, by any court of competent jurisdiction, or by operation of law.

(3) The provisions of this section shall not affect any proceedings pending at the time this section takes effect before any department, agency, or component thereof, functions of which are transferred by this section, except that such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Secretary of Labor or the Federal Mine Safety and Health Review Commission. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, revoked, or repealed by the Secretary of Labor, the Federal Mine Safety and Health Review Commission, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued if this section had not been enacted.

(4) The provisions of this section shall not affect suits commenced prior to the date this sec-

¹ So in original. Probably should be "the Health".

tion takes effect and in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this section had not been enacted; except that if before the date on which this section takes effect, any department or agency (or officer thereof in his official capacity) is a party to a suit involving functions transferred to the Secretary, then such suit shall be continued by the Secretary of Labor. No cause of action, and no suit, action, or other proceeding, by or against any department or agency (or officer thereof in his official capacity) functions of which are transferred by this section, shall abate by reason of the enactment of this section. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or the Secretary as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this paragraph.

(d) "Function" defined

For purposes of this section, (1) the term "function" includes power and duty, and (2) the transfer of a function, under any provision of law, of an agency or the head of a department shall also be a transfer of all functions under such law which are exercised by any officer² or officer of such agency or department.

(e) Determinations by Director of Office of Management and Budget

The Director of the Office of Management and Budget in consultation with the Secretary of Labor and the Secretary of the Interior is authorized and directed to make such determinations as may be necessary with regard to the dispositions of personnel, personnel positions, property, records, assets, liabilities, contracts, obligations, commitments, unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, in connection with the functions transferred by this Act as he may deem necessary to accomplish the purposes of this Act.

(Pub. L. 95-164, title III, §301, Nov. 9, 1977, 91 Stat. 1317; Pub. L. 96-38, title I, §100, July 25, 1979, 93 Stat. 111.)

Editorial Notes

REFERENCES IN TEXT

The Federal Coal Mine Health and Safety Act of 1969, referred to in subsecs. (a) and (b)(1), is Pub. L. 91-173, Dec. 30, 1969, 83 Stat. 742, which was redesignated the Federal Mine Safety and Health Act of 1977 by Pub. L. 95-164, title I, §101, Nov. 9, 1977, 91 Stat. 1290, and is classified principally to this chapter (§801 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables.

The Federal Metal and Nonmetallic Mine Safety Act, referred to in subsecs. (a) and (b), is Pub. L. 89-577, Sept. 16, 1966, 80 Stat. 772, which was classified generally to chapter 21 (§721 et seq.) of this title and was repealed by Pub. L. 95-164, title III, §306(a), Nov. 9, 1977, 91 Stat. 1322.

² So in original. Probably should be "office".

This Act, referred to in subsecs. (a), (c)(1), and (e), means Pub. L. 95-164, Nov. 9, 1977, 91 Stat. 1290, known as the Federal Mine Safety and Health Amendments Act of 1977, which enacted sections 822 to 825 and 961 of this title and section 557a of Title 29, Labor, amended sections 801 to 804, 811 to 821, 842, 861, 878, 951 to 955, 958, and 959 of this title and sections 5314 and 5315 of Title 5, Government Organization and Employees, repealed sections 721 to 740 of this title and section 1456a of Title 43, Public Lands, and enacted provisions set out as notes under sections 801 and 954 of this title and section 11 of former Title 31, Money and Finance. For complete classification of this Act to the Code, see Short Title of 1977 Amendment note set out under section 801 of this title and Tables.

The date of enactment of this Act, referred to in subsec. (a), is the date of enactment of Pub. L. 95-164, which was approved Nov. 9, 1977.

The Health and Safety Academy, referred to in subsec. (a), probably means the National Mine Health and Safety Academy. See section 952(c) of this title.

The Federal Mine Safety and Health Act of 1977, referred to in subsec. (b)(1), is Pub. L. 91-173, Dec. 30, 1969, 83 Stat. 742, as amended by Pub. L. 95-164, title I, §101, Nov. 9, 1977, 91 Stat. 1290, which is classified principally to this chapter (§801 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables.

For the time this section takes effect, referred to in subsec. (c)(2) and (4), see Effective Date of 1977 Amendment note set out under section 801 of this title.

CODIFICATION

Section was enacted as part of Pub. L. 95-164, known as the Federal Mine Safety and Health Amendments Act of 1977, and not as part of Pub. L. 91-173, Dec. 30, 1969, 83 Stat. 742, known as the Federal Mine Safety and Health Act of 1977 which comprises this chapter.

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-38 inserted provision transferring the Health and Safety Academy to the Secretary of Labor.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

For the effective date of this section, see section 307 of Pub. L. 95-164, set out as an Effective Date of 1977 Amendment note under section 801 of this title.

§ 962. Acceptance of contributions and prosecution of projects; cooperative programs to promote health and safety education and training; recognition and funding of Joseph A. Holmes Safety Association; use of funds for costs of mine rescue and survival operations

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations: *Provided further*, That the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization:

Provided further, That any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

(Pub. L. 117-328, div. H, title I, Dec. 29, 2022, 136 Stat. 4845.)

Editorial Notes

REFERENCES IN TEXT

Secretary, referred to in text, is the Secretary of Labor as referred to in title I of division H of Pub. L. 117-328. See third proviso under the heading “Training and Employment Services” (136 Stat. 4834), which is not classified to the Code.

CODIFICATION

Section was enacted as part of the appropriation act cited as the credit to this section, and not as part of the Federal Mine Safety and Health Act of 1977 which comprises this chapter.

Statutory Notes and Related Subsidiaries

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

- Pub. L. 117-103, div. H, title I, Mar. 15, 2022, 136 Stat. 432.
- Pub. L. 116-260, div. H, title I, Dec. 27, 2020, 134 Stat. 1558.
- Pub. L. 116-94, div. A, title I, Dec. 20, 2019, 133 Stat. 2547.
- Pub. L. 115-245, div. B, title I, Sept. 28, 2018, 132 Stat. 3058.
- Pub. L. 115-141, div. H, title I, Mar. 23, 2018, 132 Stat. 706.
- Pub. L. 115-31, div. H, title I, May 5, 2017, 131 Stat. 512.
- Pub. L. 114-113, div. H, title I, Dec. 18, 2015, 129 Stat. 2593.
- Pub. L. 113-235, div. G, title I, Dec. 16, 2014, 128 Stat. 2460.
- Pub. L. 113-76, div. H, title I, Jan. 17, 2014, 128 Stat. 357.
- Pub. L. 112-74, div. F, title I, Dec. 23, 2011, 125 Stat. 1060.
- Pub. L. 111-117, div. D, title I, Dec. 16, 2009, 123 Stat. 3235.
- Pub. L. 111-8, div. F, title I, Mar. 11, 2009, 123 Stat. 759.
- Pub. L. 110-161, div. G, title I, Dec. 26, 2007, 121 Stat. 2164.
- Pub. L. 109-149, title I, Dec. 30, 2005, 119 Stat. 2841.
- Pub. L. 108-447, div. F, title I, Dec. 8, 2004, 118 Stat. 3120.
- Pub. L. 108-199, div. E, title I, Jan. 23, 2004, 118 Stat. 233.
- Pub. L. 108-7, div. G, title I, Feb. 20, 2003, 117 Stat. 305.
- Pub. L. 107-116, title I, Jan. 10, 2002, 115 Stat. 2183.
- Pub. L. 106-554, §1(a)(1) [title I], Dec. 21, 2000, 114 Stat. 2763, 2763A-9.
- Pub. L. 106-113, div. B, §1000(a)(4) [title I], Nov. 29, 1999, 113 Stat. 1535, 1501A-223.
- Pub. L. 105-277, div. A, §101(f) [title I], Oct. 21, 1998, 112 Stat. 2681-337, 2681-344.
- Pub. L. 105-78, title I, Nov. 13, 1997, 111 Stat. 1475.
- Pub. L. 104-208, div. A, title I, §101(e) [title I], Sept. 30, 1996, 110 Stat. 3009-233, 3009-240.
- Pub. L. 104-134, title I, §101(d) [title I], Apr. 26, 1996, 110 Stat. 1321-211, 1321-218; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.
- Pub. L. 103-333, title I, Sept. 30, 1994, 108 Stat. 2545.
- Pub. L. 103-112, title I, Oct. 21, 1993, 107 Stat. 1088.
- Pub. L. 102-394, title I, Oct. 6, 1992, 106 Stat. 1797.
- Pub. L. 102-170, title I, Nov. 26, 1991, 105 Stat. 1112.
- Pub. L. 101-517, title I, Nov. 5, 1990, 104 Stat. 2195.

- Pub. L. 101-166, title I, Nov. 21, 1989, 103 Stat. 1164.
- Pub. L. 100-436, title I, Sept. 20, 1988, 102 Stat. 1686.
- Pub. L. 100-202, §101(h) [title I], Dec. 22, 1987, 101 Stat. 1329-256, 1329-262.
- Pub. L. 99-500, §101(i) [H.R. 5233, title I], Oct. 18, 1986, 100 Stat. 1783-287, and Pub. L. 99-591, §101(i) [H.R. 5233, title I], Oct. 30, 1986, 100 Stat. 3341-287.
- Pub. L. 99-178, title I, Dec. 12, 1985, 99 Stat. 1107.
- Pub. L. 98-619, title I, Nov. 8, 1984, 98 Stat. 3310.
- Pub. L. 98-139, title I, Oct. 31, 1983, 97 Stat. 876.
- Pub. L. 97-377, title I, §101(e)(1) [title I], Dec. 21, 1982, 96 Stat. 1878, 1883.
- Pub. L. 97-92, §101(a) [H.R. 4560, title I], Dec. 15, 1981, 95 Stat. 1183.
- Pub. L. 96-536, §101(a) [incorporating H.R. 4389, title I, for FY 1980], Dec. 16, 1980, 94 Stat. 3166.
- Pub. L. 96-123, §101(g) [H.R. 4389, title I], Nov. 20, 1979, 93 Stat. 925.
- Pub. L. 95-480, title I, Oct. 18, 1978, 92 Stat. 1570.
- Pub. L. 95-355, title I, Sept. 8, 1978, 92 Stat. 529.

§ 963. Technical Study Panel

(a) Establishment

There is established a Technical Study Panel (referred to in this section as the “Panel”) which shall provide independent scientific and engineering review and recommendations with respect to the utilization of belt air and the composition and fire retardant properties of belt materials in underground coal mining.

(b) Membership

The Panel shall be composed of—

(1) two individuals to be appointed by the Secretary of Health and Human Services, in consultation with the Director of the National Institute for Occupational Safety and Health and the Associate Director of the Office of Mine Safety;

(2) two individuals to be appointed by the Secretary of Labor, in consultation with the Assistant Secretary for Mine Safety and Health; and

(3) two individuals, one to be appointed jointly by the majority leaders of the Senate and House of Representatives and one to be appointed jointly by the minority leader of the Senate and House of Representatives, each to be appointed prior to the sine die adjournment of the second session of the 109th Congress.

(c) Qualifications

Four of the six individuals appointed to the Panel under subsection (b) shall possess a masters or doctoral level degree in mining engineering or another scientific field demonstrably related to the subject of the report. No individual appointed to the Panel shall be an employee of any coal or other mine, or of any labor organization, or of any State or Federal agency primarily responsible for regulating the mining industry.

(d) Report

(1) In general

Not later than 1 year after the date on which all members of the Panel are appointed under subsection (b), the Panel shall prepare and submit to the Secretary of Labor, the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of

Representatives a report concerning the utilization of belt air and the composition and fire retardant properties of belt materials in underground coal mining.

(2) Response by Secretary

Not later than 180 days after the receipt of the report under paragraph (1), the Secretary of Labor shall provide a response to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives containing a description of the actions, if any, that the Secretary intends to take based upon the report, including proposing regulatory changes, and the reasons for such actions.

(e) Compensation

Members appointed to the Panel, while carrying out the duties of the Panel shall be entitled to receive compensation, per diem in lieu of subsistence, and travel expenses in the same manner and under the same conditions as that prescribed under section 210(c) of title 42.

(Pub. L. 91-173, title V, §514, as added Pub. L. 109-236, §11, June 15, 2006, 120 Stat. 501.)

§ 964. Scholarships

(a) Establishment

The Secretary of Education (referred to in this section as the “Secretary”), in consultation with the Secretary of Labor and the Secretary of Health and Human Services, shall establish a program to provide scholarships to eligible individuals to increase the skilled workforce for both private sector coal mine operators and mine safety inspectors and other regulatory personnel for the Mine Safety and Health Administration.

(b) Fundamental skills scholarships

(1) In general

Under the program under subsection (a), the Secretary may award scholarship to fully or partially pay the tuition costs of eligible individuals enrolled in 2-year associate’s degree programs at community colleges or other colleges and universities that focus on providing the fundamental skills and training that is of immediate use to a beginning coal miner.

(2) Skills

The skills described in paragraph (1) shall include basic math, basic health and safety, business principles, management and supervisory skills, skills related to electric circuitry, skills related to heavy equipment operations, and skills related to communications.

(3) Eligibility

To be eligible to receive a scholarship under this subsection an individual shall—

- (A) have a high school diploma or a GED;
- (B) have at least 2 years experience in full-time employment in mining or mining-related activities;
- (C) submit to the Secretary an application at such time, in such manner, and containing such information; and
- (D) demonstrate an interest in working in the field of mining and performing an in-

ternship with the Mine Safety and Health Administration or the National Institute for Occupational Safety and Health Office of Mine Safety.

(c) Mine safety inspector scholarships

(1) In general

Under the program under subsection (a), the Secretary may award scholarship to fully or partially pay the tuition costs of eligible individuals enrolled in undergraduate bachelor’s degree programs at accredited colleges or universities that provide the skills needed to become mine safety inspectors.

(2) Skills

The skills described in paragraph (1) include skills developed through programs leading to a degree in mining engineering, civil engineering, mechanical engineering, electrical engineering, industrial engineering, environmental engineering, industrial hygiene, occupational health and safety, geology, chemistry, or other fields of study related to mine safety and health work.

(3) Eligibility

To be eligible to receive a scholarship under this subsection an individual shall—

- (A) have a high school diploma or a GED;
- (B) have at least 5 years experience in full-time employment in mining or mining-related activities;
- (C) submit to the Secretary an application at such time, in such manner, and containing such information; and
- (D) agree to be employed for a period of at least 5 years at the Mine Safety and Health Administration or, to repay, on a pro-rated basis, the funds received under this program, plus interest, at a rate established by the Secretary upon the issuance of the scholarship.

(d) Advanced research scholarships

(1) In general

Under the program under subsection (a), the Secretary may award scholarships to fully or partially pay the tuition costs of eligible individuals enrolled in undergraduate bachelor’s degree, masters degree, and Ph.D. degree programs at accredited colleges or universities that provide the skills needed to augment and advance research in mine safety and to broaden, improve, and expand the universe of candidates for mine safety inspector and other regulatory positions in the Mine Safety and Health Administration.

(2) Skills

The skills described in paragraph (1) include skills developed through programs leading to a degree in mining engineering, civil engineering, mechanical engineering, electrical engineering, industrial engineering, environmental engineering, industrial hygiene, occupational health and safety, geology, chemistry, or other fields of study related to mine safety and health work.

(3) Eligibility

To be eligible to receive a scholarship under this subsection an individual shall—

(A) have a bachelor's degree or equivalent from an accredited 4-year institution;

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

(C) submit to the Secretary an application at such time, in such manner, and containing such information.

(e) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this section.

(Pub. L. 91-173, title V, §515, as added Pub. L. 109-236, §12, June 15, 2006, 120 Stat. 502.)

§ 965. Brookwood-Sago Mine Safety Grants

(a) In general

The Secretary of Labor shall establish a program to award competitive grants for education and training, to be known as Brookwood-Sago Mine Safety Grants, to carry out the purposes of this section.

(b) Purposes

It is the purpose of this section,¹ to provide for the funding of education and training programs to better identify, avoid, and prevent unsafe working conditions in and around mines.

(c) Eligibility

To be eligible to receive a grant under this section, an entity shall—

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

(2) submit to the Secretary of Labor an application at such time, in such manner, and containing such information as the Secretary may require.

(d) Use of funds

Amounts received under a grant under this section shall be used to establish and implement education and training programs, or to develop training materials for employers and miners, concerning safety and health topics in mines, as determined appropriate by the Mine Safety and Health Administration.

(e) Awarding of grants

(1) Annual basis

Grants under this section shall be awarded on an annual basis.

(2) Special emphasis

In awarding grants under this section, the Secretary of Labor shall give special emphasis to programs and materials that target workers in smaller mines, including training miners and employers about new Mine Safety and Health Administration standards, high risk activities, or hazards identified by such Administration.

(3) Priority

In awarding grants under this section, the Secretary of Labor shall give priority to the funding of pilot and demonstration projects that the Secretary determines will provide opportunities for broad applicability for mine safety.

¹ So in original. The comma probably should not appear.

(f) Evaluation

The Secretary of Labor shall use not less than 1 percent of the funds made available to carry out this section in a fiscal year to conduct evaluations of the projects funded under grants under this section.

(g) Authorization of appropriations

There are authorized to be appropriated for each fiscal year, such sums as may be necessary to carry out this section.

(Pub. L. 109-236, §14, June 15, 2006, 120 Stat. 504.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Mine Improvement and New Emergency Response Act of 2006, also known as the MINER Act, and not as part of the Federal Mine Safety and Health Act of 1977 which comprises this chapter.

§ 966. Retention of fees

The Mine Safety and Health Administration may retain up to \$2,499,000 in this fiscal year and each fiscal year thereafter from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities.

(Pub. L. 113-76, div. H, title I, Jan. 17, 2014, 128 Stat. 357.)

Editorial Notes

REFERENCES IN TEXT

This fiscal year, referred to in text, is fiscal year 2014.

CODIFICATION

Section was enacted as part of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2014, and also as part of the Consolidated Appropriations Act, 2014, and not as part of the Federal Mine Safety and Health Act of 1977 which comprises this chapter.

Statutory Notes and Related Subsidiaries

SIMILAR PROVISIONS

Similar provisions were contained in the following appropriation acts:

Pub. L. 117-328, div. H, title I, Dec. 29, 2022, 136 Stat. 4845.

Pub. L. 117-103, div. H, title I, Mar. 15, 2022, 136 Stat. 432.

Pub. L. 116-260, div. H, title I, Dec. 27, 2020, 134 Stat. 1558.

Pub. L. 116-94, div. A, title I, Dec. 20, 2019, 133 Stat. 2547.

Pub. L. 115-245, div. B, title I, Sept. 28, 2018, 132 Stat. 3058.

Pub. L. 115-141, div. H, title I, Mar. 23, 2018, 132 Stat. 706.

Pub. L. 115-31, div. H, title I, May 5, 2017, 131 Stat. 512.

Pub. L. 114-113, div. H, title I, Dec. 18, 2015, 129 Stat. 2593.

Pub. L. 113-235, div. G, title I, Dec. 16, 2014, 128 Stat. 2460.

CHAPTER 23—GEOTHERMAL RESOURCES

Sec.

1001. Definitions.

1002. Lands subject to geothermal leasing.

1002a. Repealed.