

113TH CONGRESS
1ST SESSION

H. R. 2627

To amend the Surface Mining Control and Reclamation Act of 1977 to
protect the health care benefits of our Nation’s miners.

IN THE HOUSE OF REPRESENTATIVES

JULY 8, 2013

Mr. WHITFIELD (for himself, Mr. MCKINLEY, and Mrs. CAPITO) introduced
the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Surface Mining Control and Reclamation Act
of 1977 to protect the health care benefits of our Na-
tion’s miners.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Caring for Coal Miners
5 Act”.

6 **SEC. 2. INCLUSION OF RETIREES AFTER 2006.**

7 (a) IN GENERAL.—Section 402(h)(2)(C) of the Sur-
8 face Mining Control and Reclamation Act of 1977 (30
9 U.S.C. 1232(h)(2)(C)) is amended—

10 (1) by inserting “(i)” before “A transfer”;

1 (2) by redesignating clauses (i) and (ii) (as in
2 effect immediately before the enactment of this Act)
3 as subclauses (I) and (II) of clause (i) as designated
4 by the amendment made by paragraph (1) of this
5 section, and moving such subclauses 2 ems to the
6 right; and

7 (3) by striking the matter following such sub-
8 clause (II) and inserting the following:

9 “(ii) Such excess shall be calculated by
10 taking into account only—

11 “(I) those beneficiaries actually en-
12 rolled in the Plan as of the date of enact-
13 ment of the Caring for Coal Miners Act,
14 who are eligible to receive health benefits
15 under the Plan on the first day of the cal-
16 endar year for which the transfer is made;
17 and

18 “(II) those beneficiaries who would be
19 denied health benefits payable directly by
20 an employer in the bituminous coal indus-
21 try under a coal wage agreement, as that
22 term is defined in section 9701(b)(1) of
23 the Internal Revenue Code of 1986 (26
24 U.S.C. 9701(b)(1)), as a result of a bank-
25 ruptcy proceeding commenced in 2012.

1 “(iii) An individual referred to in clause
2 (ii)(II) shall be considered eligible to receive
3 health benefits under the Plan.”.

4 (b) LIMITATION ON DUPLICATION OF BENEFITS.—

5 (1) LIMITATION.—The amount made available
6 as a result of the enactment of this Act shall be re-
7 duced by the amount of any benefits actually paid
8 by a Voluntary Employees’ Beneficiary Association
9 to or on behalf of a covered beneficiary, so that no
10 covered beneficiary receives a greater benefit than
11 would have been payable before the establishment of
12 such association.

13 (2) DEFINITIONS.—In this subsection:

14 (A) COVERED BENEFICIARY.—The term
15 “covered beneficiary” means a person eligible
16 for health benefits under both the plan referred
17 to in section 402(h)(C) of the Surface Mining
18 Control and Reclamation Act of 1977 (30
19 U.S.C. 1232(h)(2)(C)) and a Voluntary Em-
20 ployees’ Beneficiary Association.

21 (B) VOLUNTARY EMPLOYEES’ BENE-
22 FICIARY ASSOCIATION.—The term “Voluntary
23 Employees’ Beneficiary Association” means
24 such an association established pursuant to the
25 Order entered May 29, 2013, by the Court in

1 the case In re: Patriot Coal Corporation (Case
2 No. 12–51502, Bankruptcy Court for the East-
3 ern District of Missouri).

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