

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 934a<sup>1</sup> 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-

<sup>1</sup> 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-