

117TH CONGRESS
2D SESSION

H. R. 6791

To amend title IV of the Federal Mine Safety and Health Act of 1977 to provide for the timely payment of black lung benefits pending liability determinations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2022

Mr. ROGERS of Kentucky (for himself and Mr. BISHOP of Georgia) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title IV of the Federal Mine Safety and Health Act of 1977 to provide for the timely payment of black lung benefits pending liability determinations, and for other purposes.

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 “John White Ensuring
5 Timely Black Lung Benefits Act”.

1 **SEC. 2. PAYMENT OF BLACK LUNG BENEFITS PENDING LI-**
2 **ABILITY DETERMINATIONS.**

3 (a) IN GENERAL.—Section 422(h) of the Federal
4 Mine Safety and Health Act of 1977 (30 U.S.C. 932(h))
5 is amended—

6 (1) by striking “The Secretary of Labor” and
7 inserting “(1) The Secretary of Labor”; and

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

9 “(2)(A) In any case in which a determination of li-
10 ability described in paragraph (1) has not been made with
11 respect to a benefit determination for a miner by the date
12 that is 60 days after the date of such a benefit determina-
13 tion, the Secretary shall pay the benefits to which the
14 miner is entitled under section 422 out of the fund (as
15 defined in section 402(h)).

16 “(B) In no case shall payment of benefits under this
17 paragraph be construed to relieve any operator subse-
18 quently determined responsible for the payment of such
19 benefits of repayment liability described in section 424(b).

20 “(C) For purposes of this paragraph, the term ‘ben-
21 efit determination for a miner’ means a determination by
22 the Secretary that the miner is totally disabled due to
23 pneumoconiosis or that the death of the miner was due
24 to pneumoconiosis.”.

1 (b) AUTHORIZATION FOR EXPENDITURES FROM
2 TRUST FUND.—Section 9501(d)(1) of the Internal Rev-
3 enue Code of 1986 is amended—

4 (1) in subparagraph (A), by striking “or” at
5 the end;

6 (2) by redesignating subparagraph (B) as sub-
7 paragraph (C); and

8 (3) by inserting after subparagraph (A) the fol-
9 lowing:

10 “(B) a determination of liability described
11 in paragraph (1) of section 422(h) of such Act
12 has not been made with respect to a benefit de-
13 termination for a miner (as defined in para-
14 graph (2)(C) of such section) by the date that
15 is 60 days after the date of such a benefit de-
16 termination, or”.

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