

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5432

To amend the Federal Mine Safety and Health Act of 1977 to improve  
the safety of miners.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2006

Mrs. CAPITO (for herself, Mr. RAHALL, and Mr. MOLLOHAN) introduced the  
following bill; which was referred to the Committee on Education and the  
Workforce

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## A BILL

To amend the Federal Mine Safety and Health Act of 1977  
to improve the safety of 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 “Mine Improvement and  
5       New Emergency Response Act of 2006” or the “MINER  
6       Act”.

7       **SEC. 2. EMERGENCY PREPAREDNESS.**

8       Section 316 of the Federal Mine Safety and Health  
9       Act of 1977 (30 U.S.C. 876) is amended—

1 (1) in the section heading by adding at the end  
2 the following: “**AND EMERGENCY RESPONSE**  
3 **PLANS**”;

4 (2) by inserting “(a)” after the section designa-  
5 tion;

6 (3) by adding at the end the following:

7 “(b)(1) Each underground coal mine operator shall  
8 carry out on a continuing basis a program to improve acci-  
9 dent preparedness and response at each mine. Not later  
10 than 60 days after the date of enactment of the Mine Im-  
11 provement and New Emergency Response Act of 2006,  
12 each underground coal operator shall develop and adopt  
13 a written accident response plan that complies with this  
14 subsection with respect to each mine of the operator, and  
15 shall periodically update such plan to reflect changes in  
16 the operation of the mine, advances in technology, or other  
17 relevant considerations. Each such operator shall make  
18 the accident response plan available to the miners and the  
19 miners’ representatives. Such accident response plan  
20 shall—

21 “(A) provide for the evacuation of all individ-  
22 uals endangered by an emergency; and

23 “(B) provide for the maintenance of individuals  
24 trapped underground in the event that miners are  
25 not able to evacuate the mine.

1       “(2) The accident response plan developed under  
2 paragraph (1) shall be subject to review and approval by  
3 the Secretary. The Secretary shall periodically review each  
4 such plan not less than once every 6 months and in such  
5 reviews shall consider all comments submitted by miners  
6 and miners’ representatives and intervening advancements  
7 in science and technology. In determining whether to ap-  
8 prove a particular plan the Secretary shall take into con-  
9 sideration all comments submitted by miners or their rep-  
10 resentatives and must determine that the plan—

11               “(A) affords miners a level of safety at least  
12 consistent with the existing standards, including  
13 standards mandated by law and regulation;

14               “(B) reflects the most credible scientific re-  
15 search;

16               “(C) is technologically feasible, makes use of  
17 current commercially available technology, and ac-  
18 counts for the specific physical characteristics of the  
19 mine; and

20               “(D) reflects the improvements in mine safety  
21 gained from experience under this Act and other  
22 worker safety and health laws.

23       “(3) To be approved under paragraph (2), an acci-  
24 dent response plan shall include the following:

1           “(A) The plan shall provide for a redundant  
2 means of communications with the surface and res-  
3 cue teams for persons underground, such as sec-  
4 ondary telephone or equivalent two-way communica-  
5 tion.

6           “(B) Consistent with commercially available  
7 technology and with the physical constraints, if any,  
8 of the mine, the plan shall provide for above ground  
9 personnel to determine the current, or immediately  
10 pre-accident, location of all underground personnel.  
11 any system so utilized shall be functional, reliable,  
12 and calculated to remain serviceable in a post-acci-  
13 dent setting.

14           “(C) The plan shall provide for—

15           “(i) emergency supplies of breathable air  
16 for individuals trapped underground sufficient  
17 to maintain such individuals for a sustained pe-  
18 riod of time;

19           “(ii) caches of self-rescuers of not less than  
20 2 hours for each miner to be kept in escape  
21 ways from the deepest work areas to the sur-  
22 face at a distance of no further than an average  
23 miner could walk in 30 minutes;

24           “(iii) a maintenance schedule for checking  
25 the reliability of self rescuers, retiring older

1 self-rescuers first, and introducing new self-res-  
2 cuer technology, such as units with interchange-  
3 able air or oxygen cylinders not requiring doff-  
4 ing to replenish airflow and units with supplies  
5 great than 60 minutes, as they are approved by  
6 the Secretary and become available on the mar-  
7 ket; and

8 “(iv) training for each miner in proper  
9 procedures for donning self-rescuers to be con-  
10 ducted not less than once per quarter, switching  
11 from one unit to another, and ensuring proper  
12 fit.

13 “(D) The plan shall provide for the use of  
14 flame-resistant directional lifelines or equivalent sys-  
15 tems in escapeways to enable evacuation. Such re-  
16 quirement shall apply upon the replacement of exist-  
17 ing lifelines, or, in the case of lifelines in working  
18 sections, upon the earlier of the replacement of such  
19 lifelines or 3 years after the date of enactment of  
20 the Mine Improvement and New Emergency Re-  
21 sponse Act of 2006.

22 “(E) The plan shall provide a training program  
23 for emergency procedures described in the plan  
24 which will not diminish the requirements for manda-

1 tory health and safety training currently required  
2 under section 115.

3 “(F) The plan shall set out procedures for co-  
4 ordination and communication between the operator,  
5 mine rescue teams, and local emergency response  
6 personnel and make provisions for familiarizing local  
7 rescue personnel with surface functions that may be  
8 required in the course of mine rescue work.

9 “(G) The plan shall provide for—

10 “(i) the implementation, not later than 3  
11 years after the date of enactment of the Mine  
12 Improvement and New Emergency Response  
13 Act of 2006, of post-accident communication  
14 between underground and surface personnel via  
15 a wireless two-way medium, and

16 “(ii) an electronic tracking system permit-  
17 ting surface personnel to determine the location  
18 of any persons trapped underground.

19 If such two-way communication and electronic track-  
20 ing system cannot reasonably be implemented, the  
21 plan shall set forth the reasons such a system or  
22 systems cannot be adopted and shall state the opera-  
23 tor’s alternative means of compliance. Such alter-  
24 native shall approximate, as closely as possible, the  
25 degree of functional utility and safety protection

1 provided by the wireless two-way medium and track-  
2 ing system referred to in this subpart. The Secretary  
3 may make additional plan requirements with respect  
4 to any of the content matters.

5 “(4)(A) Any dispute between the Secretary and an  
6 operator with respect to the content of the operator’s plan  
7 or any refusal by the Secretary to approve such a plan  
8 shall be resolved on an expedited basis. In the event of  
9 such a dispute or refusal, the Secretary shall issue a tech-  
10 nical citation which shall be immediately referred to a De-  
11 partment of Labor Administrative Law Judge. The Sec-  
12 retary and the operator shall submit all relevant material  
13 regarding the dispute to the Administrative Law Judge  
14 within 15 days of the date of the referral. The Administra-  
15 tive Law Judge shall render his or her decision with re-  
16 spect to the plan content dispute within 15 days of the  
17 receipt of the submission.

18 “(B) A party adversely affected by a decision under  
19 clause (ii) may pursue all further available appeal rights  
20 with respect to the citation involved, except that inclusion  
21 of the disputed provision in the plan will not be limited  
22 by such appeal unless such relief is requested by the oper-  
23 ator and permitted by the Administrative Law Judge.

1 “(C) Nothing in this paragraph shall be construed to  
2 modify the authority of the Secretary to issue citations  
3 or orders as provided for in this Act.

4 “(5) Notwithstanding any other provision of this Act,  
5 nothing in this section, and no response and preparedness  
6 plan developed under this section, shall be approved if it  
7 reduces the protection afforded miners by an existing  
8 mandatory health or safety standard.”.

9 **SEC. 3. INCIDENT COMMAND AND CONTROL.**

10 Title I of the Federal Mine Safety and Health Act  
11 of 1977 (30 U.S.C. 811 et seq.) is amended by adding  
12 at the end the following:

13 “LIMITATION ON CERTAIN LIABILITY FOR RESCUE  
14 OPERATIONS

15 “SEC. 116. (a) No person shall bring an action  
16 against any covered individual or his or her regular em-  
17 ployer for an injury (or death) sustained as a result of  
18 carrying out activities relating to mine accident rescue or  
19 recovery operations. This subsection shall not apply where  
20 the action that is alleged to result in the injury (or death)  
21 was the result of gross negligence, reckless conduct, or ille-  
22 gal conduct or, where the regular employer (as such term  
23 is used in this Act) is the operator of the mine at which  
24 the rescue activity takes place.

25 “(b) For purposes of subsection (a), the term ‘cov-  
26 ered individual’ means an individual (1) who is a member

1 of a mine rescue team or who is otherwise a volunteer with  
2 respect to a mine accident; and (2) who is carrying out  
3 activities relating to mine accident rescue or recovery oper-  
4 ations.

5 “(c) For purposes of subsection (a), the term ‘regular  
6 employer’ means the entity that is the covered employee’s  
7 legal or statutory employer pursuant to applicable State  
8 law.”.

9 **SEC. 4. MINE RESCUE TEAMS.**

10 Section 115(e) of the Federal Mine Safety and  
11 Health Safety Act of 1977 (30 U.S.C. 825 (e)) is amend-  
12 ed—

13 (1) by inserting “(1)” after the subsection des-  
14 ignation; and

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

16 “(2) The Secretary shall issue regulations with re-  
17 gard to mine rescue teams which shall be finalized and  
18 in effect not later than 18 months after the date of enact-  
19 ment of the Mine Improvement and New Emergency Re-  
20 sponse Act of 2006. Such regulations shall provide for the  
21 following:

22 “(A) That such regulations shall not be con-  
23 strued to waive operator training requirements applic-  
24 able to existing mine rescue teams.

1           “(B) That the Mine Safety and Health Admin-  
2           istration shall establish, and update every 5 years  
3           thereafter, criteria to certify the qualifications of  
4           mine rescue teams.

5           “(C)(i) That the operator of each underground  
6           coal mine have an employee knowledgeable in mine  
7           emergency response who is employed at the mine on  
8           each shift at each underground mine and make  
9           available two certified mine rescue teams whose  
10          members—

11                  “(I) are familiar with the operations of  
12                  such coal mine;

13                  “(II) participate at least annually in two  
14                  local mine rescue contests;

15                  “(III) participate at least annually in mine  
16                  rescue training at the underground coal mine  
17                  covered by the mine rescue team;

18                  “(IV) are available at the mine within one  
19                  hour ground travel time from the mine rescue  
20                  station;

21                  “(V) are knowledgeable about the oper-  
22                  ations and ventilation of the covered mines; and

23                  “(VI) are comprised of individuals with  
24                  a minimum of 3 years underground coal mine  
25                  experience that shall have occurred within the

1           10-year period preceding their employment on  
2           the contract mine rescue team.

3           “(ii) For the purpose of complying with clause  
4           (i), an operator with more than 36 employees shall  
5           employ at least one team that is either an indi-  
6           vidual mine site rescue team or a multi-employer  
7           composite team as described in subclause (II) of this  
8           clause. The second team required by this subpara-  
9           graph may be any of the following:

10                   “(I) An individual mine site mine rescue  
11           team.

12                   “(II) A multi-employer composite team  
13           that is made up of team members who are  
14           knowledgeable about the operations and ventila-  
15           tion of the covered mines and who train on a  
16           semi-annual basis at the covered underground  
17           coal mine, and which—

18                           “(aa) provides coverage for multiple  
19           operators that have team members which  
20           include at least two active employees from  
21           each of the covered mines;

22                           “(bb) provides coverage for multiple  
23           mines owned by the same operator which  
24           members include at least two active em-  
25           ployees from each mine; or

1           “(cc) is a State-sponsored mine rescue  
2           team comprised of at least two active em-  
3           ployees from each of the covered mines.

4           “(III) A commercial mine rescue team pro-  
5           vided by contract through a third-party vendor  
6           or a mine rescue team provided by another coal  
7           company if such team—

8           “(aa) trains on a quarterly basis at  
9           covered underground coal mines;

10          “(bb) is knowledgeable about the op-  
11          erations and ventilation of the covered  
12          mines; and

13          “(cc) is comprised of individuals  
14          with a minimum of 3 years underground  
15          coal mine experience that shall have oc-  
16          curred within the 10-year period preceding  
17          their employment on the contract mine res-  
18          cue team.

19          “(IV) A State-sponsored team made up of  
20          State employees.”.

21 **SEC. 5. PROMPT INCIDENT NOTIFICATION.**

22          Section 103(j) of the Federal Mine Safety and Health  
23          Act of 1977 (30 U.S.C. 813(j)) is amended by inserting  
24          after the first sentence the following: “For purposes of the  
25          preceding sentence, the notification required shall be pro-

1 vided by the operator within 15 minutes of the time at  
2 which the operator realizes that the death of an individual  
3 at the mine, or an injury or entrapment of an individual  
4 at the mine which has a reasonable potential to cause  
5 death, has occurred.”.

6 **SEC. 6. NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY**  
7 **AND HEALTH.**

8 (a) ESTABLISHMENT.—Section 22 of the Occupa-  
9 tional Safety and Health Act of 1970 (29 U.S.C. 671)  
10 is amended by adding at the end the following:

11 “(h)(1) There shall be permanently established within  
12 the Institute an Office of Mine Safety and Health for the  
13 purpose of enhancing the development of new mine safety  
14 technology and technological applications and to expedite  
15 the commercial availability and implementation of such  
16 technology in mining environments. The office shall be ad-  
17 ministered by an Associate Director to be appointed by  
18 the Director.

19 “(2) In addition to all purposes and authorities pro-  
20 vided for under this section, the office of mine safety and  
21 health shall be responsible for research, development, and  
22 testing of new technologies and equipment designed to en-  
23 hance mine safety and health. to carry out such functions  
24 the director of the institute, acting through the office,  
25 shall have the authority to—

1           “(A) award competitive grants to institutions  
2           and private entities to encourage the development  
3           and manufacture of mine safety equipment;

4           “(B) award contracts to educational institutions  
5           or private laboratories for the performance of prod-  
6           uct testing or related work with respect to new mine  
7           technology and equipment; and

8           “(C) establish an interagency working group as  
9           provided for in paragraph (4).

10          “(3) To be eligible to receive a grant under the au-  
11          thority provided for under paragraph (2), an entity or in-  
12          stitution shall—

13               “(A) submit to the Director of the Institute an  
14               application at such time, in such manner, and con-  
15               taining such information as the Director may re-  
16               quire; and

17               “(B) include in the application under subpara-  
18               graph (A), a description of the mine safety equip-  
19               ment to be developed and manufactured under the  
20               grant and a description of the reasons that such  
21               equipment would otherwise not be developed or man-  
22               ufactured, including reasons relating to the limited  
23               potential commercial market for such equipment.

24          “(4)(A) The Director of the Institute, in carrying out  
25          paragraph (2)(D) shall establish an interagency working

1 group to share technology and technological research and  
2 developments that could be utilized to enhance mine safety  
3 and accident response.

4 “(B) The working group under subparagraph (A)  
5 shall be chaired by the Associate Director of the Office  
6 who shall appoint the members of the working group,  
7 which may include representatives of other Federal agen-  
8 cies or departments as determined appropriate by the As-  
9 sociate Director.

10 “(C) The working group under subparagraph (A)  
11 shall conduct an evaluation of research conducted by, and  
12 the technological developments of, agencies and depart-  
13 ments who are represented on the working group that may  
14 have applicability to mine safety and accident response  
15 and make recommendations to the Director for the further  
16 development and eventual implementation of such tech-  
17 nology.

18 “(5) Not later than 1 year after the establishment  
19 of the Office under this subsection, and annually there-  
20 after, the Director of the Institute shall submit to the  
21 Committee on Health, Education, Labor, and Pensions of  
22 the Senate and the Committee on Education and the  
23 Workforce of the House of Representatives a report that,  
24 with respect to the year involved, described the new mine  
25 safety technologies and equipment that have been studied,

1 tested, and certified for use, and with respect to those in-  
2 stances of technologies and equipment that have been con-  
3 sidered but not yet certified for use, there reasons there-  
4 fore.

5 “(6) There is authorized to be appropriated, such  
6 sums as may be necessary to enable the Institute and the  
7 office of Mine Safety and Health to carry out this sub-  
8 section.”.

9 **SEC. 7. REQUIREMENT CONCERNING FAMILY LIAISONS.**

10 The Secretary of Labor shall establish a policy that—

11 (1) requires the temporary assignment of an in-  
12 dividual Department of Labor official to be a liaison  
13 between the Department and the families of victims  
14 of mine tragedies involving multiple deaths;

15 (2) requires the Mine Safety and Health Ad-  
16 ministration to be as responsive as possible to re-  
17 quests from the families of mine accident victims for  
18 information relating to mine accidents; and

19 (3) requires that in such accidents, such Ad-  
20 ministration shall serve as the primary communi-  
21 cator with the operator, miners’ families, the press,  
22 and the public.

1 **SEC. 8. PENALTIES.**

2 (a) IN GENERAL.—Section 110 of the Federal Mine  
3 Safety and Health Act of 1977 (30 U.S.C. 820) is amend-  
4 ed—

5 (1) in subsection (a)—

6 (A) by inserting “(1)” after the subsection  
7 designation; and

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

9 “(2) The operator of a coal mine who fails to  
10 provide timely notification to the Secretary as  
11 required under section 103(j) (relating to the  
12 15 minute requirement) shall be assessed a civil  
13 penalty by the Secretary of not less than  
14 \$5,000 and not more than \$60,000.”;

15 (2) by adding at the end of subsection (b) the  
16 following: “Violations under this section that are  
17 deemed to be flagrant may be assessed a civil pen-  
18 alty of not more than \$220,000. For purposes of the  
19 preceding sentence, the term ‘flagrant’ with respect  
20 to a violation means a reckless or repeated failure to  
21 make reasonable efforts to eliminate a known viola-  
22 tion of a mandatory health or safety standard that  
23 substantially and proximately caused, or reasonably  
24 could have been expected to cause, death or serious  
25 bodily injuries.”; and

1           (3) by redesignating subsections (e) through (l)  
2           as subsections (f) through (m), respectively and in-  
3           serting after subsection (d) the following:

4           “(e)(1) Any operator who willfully violates a manda-  
5           tory health or safety standard, or knowingly violates or  
6           fails or refuses to comply with any order issued under sec-  
7           tion 104 and section 107, or any order incorporated in  
8           a final decision issued under this title, except an order  
9           incorporated in a decision under paragraph (1) or section  
10          105(c), shall, upon conviction, be punished by a fine of  
11          not more than \$250,000, or by imprisonment for not more  
12          than one year, or by both, except that if the conviction  
13          is for a violation committed after the first conviction of  
14          such operator under this Act, punishment shall be by a  
15          fine of not more than \$500,000, or by imprisonment for  
16          not more than five years, or both.

17          “(2) The minimum penalty for any citation issued  
18          under section 104(d)(1) shall be \$2,000. The minimum  
19          penalty for a failure or refusal to comply with any order  
20          issued under section 104(d)(2) shall be \$4,000.

21          “(3) Nothing in this subsection shall be construed to  
22          prevent an operator from obtaining a review, in accord-  
23          ance with section 106, of an order imposing a penalty de-  
24          scribed in this subsection. If a court, in making such re-

1 view, sustains the order, the court shall apply the min-  
2 imum penalties required under this subsection.”.

3 (b) REGULATIONS.—Not later than December 31,  
4 2006, the Secretary of Labor shall promulgate final regu-  
5 lations with respect to the penalties provided for under  
6 the amendments made by this section.

7 **SEC. 9. FINE COLLECTIONS.**

8 Section 108(a)(1)(A) of the Federal Mine Safety and  
9 Health Safety Act of 1977 (30 U.S.C. 818(a)(1)(A)) is  
10 amended by inserting before the comma, the following: “,  
11 or fails or refuses to comply with any order or decision,  
12 including a civil penalty assessment order, that is issued  
13 under this Act”.

14 **SEC. 10. SEALING OF ABANDONED AREAS.**

15 Not later than 18 months after the issuance by the  
16 Mine Safety and Health Administration of a final report  
17 on the Sago Mine accident or the date of enactment of  
18 the Mine Improvement and New Emergency Response Act  
19 of 2006, whichever occurs earlier, the Secretary of Labor  
20 shall finalize mandatory health and safety standards relat-  
21 ing to the sealing of abandoned areas in underground coal  
22 mines. Such health and safety standards shall provide for  
23 an increase in the 20 psi standard currently set forth in  
24 section 7335(a)(2) of title 30, Code of Federal Regula-  
25 tions.

1 **SEC. 11. TECHNICAL STUDY PANEL AND SCHOLARSHIP**  
2 **PROGRAM.**

3 Title V of the Federal Mine Safety and Health Act  
4 of 1977 (30 U.S.C. 951 et seq.) is amended by adding  
5 at the end the following:

6 **“SEC. 514. TECHNICAL STUDY PANEL.**

7 “(a) ESTABLISHMENT.—There is established a Tech-  
8 nical Study Panel (referred to in this section as the  
9 ‘Panel’) which shall provide independent scientific and en-  
10 gineering review and recommendations with respect to the  
11 utilization of belt air and the composition and fire retard-  
12 ant properties of belt materials in underground coal min-  
13 ing.

14 “(b) MEMBERSHIP.—The Panel shall be composed  
15 of—

16 “(1) two individuals to be appointed by the Sec-  
17 retary of Health and Human Services, in consulta-  
18 tion with the Director of the National Institute for  
19 Occupational Safety and Health and the Associate  
20 Director of the Office of Mine Safety;

21 “(2) two individuals to be appointed by the Sec-  
22 retary of Labor, in consultation with the Assistant  
23 Secretary for Mine Safety and Health; and

24 “(3) two individuals, one to be appointed jointly  
25 by the majority leaders of the Senate and House of  
26 Representatives and one to be appointed jointly by

1 the minority leader of the Senate and House of Rep-  
2 resentatives, each to be appointed prior to the sine  
3 die adjournment of the second session of the 109th  
4 Congress.

5 “(c) QUALIFICATIONS.—Four of the six individuals  
6 appointed to the Panel under subsection (b) shall possess  
7 a masters or doctoral level degree in mining engineering  
8 or another scientific field demonstrably related to the sub-  
9 ject of the report. No individual appointed to the Panel  
10 shall be an employee of any coal or other mine, or of any  
11 labor organization, or of any State or Federal agency pri-  
12 marily responsible for regulating the mining industry.

13 “(d) REPORT.—

14 “(1) IN GENERAL.—Not later than 1 year after  
15 the date on which all members of the Panel are ap-  
16 pointed under subsection (b), the Panel shall pre-  
17 pare and submit to the Secretary of Labor, the Sec-  
18 retary of Health and Human Services, the Com-  
19 mittee on Health, Education, Labor, and Pensions  
20 of the Senate, and the Committee on Education and  
21 the Workforce of the House of Representatives a re-  
22 port concerning the utilization of belt air and the  
23 composition and fire retardant properties of belt ma-  
24 terials in underground coal mining.

1           “(2) RESPONSE BY SECRETARY.—Not later  
2           than 180 days after the receipt of the report under  
3           paragraph (1), the Secretary of Labor shall provide  
4           a response to the Committee on Health, Education,  
5           Labor, and Pensions of the Senate, and the Com-  
6           mittee on Education and the Workforce of the  
7           House of Representatives containing a description of  
8           the actions, if any, that the Secretary intends to  
9           take based upon the report, including proposing reg-  
10          ulatory changes, and the reasons for such actions.

11          “(e) COMPENSATION.—Members appointed to the  
12          panel, while carrying out the duties of the Panel shall be  
13          entitled to receive compensation, per diem in lieu of sub-  
14          sistence, and travel expenses in the same manner and  
15          under the same conditions as that prescribed under section  
16          208(c) of the Public Health Service Act.

17          **“SEC. 515. SCHOLARSHIPS.**

18          “(a) ESTABLISHMENT.—The Secretary of Education  
19          (referred to in this section as the ‘Secretary’), in consulta-  
20          tion with the Secretary of Labor and the Secretary of  
21          Health and Human Services, shall establish a program to  
22          provide scholarships to eligible individuals to increase the  
23          skilled workforce for both private sector coal mine opera-  
24          tors and mine safety inspectors and other regulatory per-  
25          sonnel for the Mine Safety and Health Administration.

1 “(b) FUNDAMENTAL SKILLS SCHOLARSHIPS.—

2 “(1) IN GENERAL.—Under the program under  
3 subsection (a), the Secretary may award scholarship  
4 to fully or partially pay the tuition costs of eligible  
5 individuals enrolled in 2-year associate’s degree pro-  
6 grams at community colleges or other colleges and  
7 that focus on providing the fundamental skills and  
8 training that is of immediate use to a beginning coal  
9 miner.

10 “(2) SKILLS.—The skills described in para-  
11 graph (1) shall include basic math, basic health and  
12 safety, business principles, management and super-  
13 visory skills, skills related to electric circuitry, skills  
14 related to heavy equipment operations, and skills re-  
15 lated to communications.

16 “(3) ELIGIBILITY.—To be eligible to receive a  
17 scholarship under this subsection an individual  
18 shall—

19 “(A) have a high school diploma or a  
20 GED;

21 “(B) have at least two years experience in  
22 full-time employment in mining or mine-related  
23 activities;

24 “(C) submit to the Secretary an applica-  
25 tion at such time, in such manner, and con-

1           taining such information as the Secretary deter-  
2           mines; and

3           “(D) demonstrate an interest in working in  
4           the field of mining and performing an intern-  
5           ship with the Mine Safety and Health Adminis-  
6           tration or the Institute for Occupational Safety  
7           and Health Office of Mine Safety.

8           “(c) MINE SAFETY INSPECTOR SCHOLARSHIPS.—

9           “(1) IN GENERAL.—Under the program under  
10          subsection (a), the Secretary may award scholarship  
11          to fully or partially pay the tuition costs of eligible  
12          individuals enrolled in undergraduate bachelor’s de-  
13          gree programs at accredited colleges or universities  
14          that provide the skills needed to become mine safety  
15          inspectors.

16          “(2) SKILLS.—The skills described in para-  
17          graph (1) include skills developed through programs  
18          leading to a degree in mining engineering, civil engi-  
19          neering, mechanical engineering, electrical engineer-  
20          ing, industrial engineering, environmental engineer-  
21          ing, industrial hygiene, occupational health and safe-  
22          ty, geology, chemistry, or other fields of study re-  
23          lated to mine safety and health work.

1           “(3) ELIGIBILITY.—To be eligible to receive a  
2 scholarship under this subsection an individual  
3 shall—

4                   “(A) have a high school diploma or a  
5 GED;

6                   “(B) have at least 5 years experience in  
7 full-time employment in mining or mining-re-  
8 lated activities;

9                   “(C) submit to the Secretary an applica-  
10 tion at such time, in such manner, and con-  
11 taining such information as the Secretary deter-  
12 mines; and

13                   “(D) agree to be employed for a period of  
14 at least 5 years at the Mine Safety and Health  
15 Administration or, to repay, on a pro-rated  
16 basis, the funds received under this program,  
17 plus interest, at a rate established by the Sec-  
18 retary upon the issuance of the scholarship.

19           “(d) ADVANCED RESEARCHER SCHOLARSHIPS.—

20                   “(1) IN GENERAL.—Under the program under  
21 subsection (a), the Secretary may award scholar-  
22 ships to fully or partially pay the tuition costs of eli-  
23 gible individuals enrolled in undergraduate bach-  
24 elor’s degree, masters degree, and Ph.D. degree pro-  
25 grams at accredited colleges or universities that pro-

1       vide the skills needed to augment and advance re-  
2       search in mine safety and to broaden, improve, and  
3       expand the universe of candidates for mine safety in-  
4       specter and other regulatory positions in the Mine  
5       Safety and Health Administration.

6               “(2) SKILLS.—The skills described in para-  
7       graph (1) include skills developed through programs  
8       leading to a degree in mining engineering, civil engi-  
9       neering, mechanical engineering, electrical engineer-  
10      ing industrial engineering, environmental engineer-  
11      ing, industrial hygiene, occupational health and safe-  
12      ty, geology, chemistry, or other fields of study re-  
13      lated to mine safety and health work.

14              “(3) ELIGIBILITY.—To be eligible to receive a  
15      scholarship under this subsection an individual  
16      shall—

17                      “(A) have a bachelor’s degree or equivalent  
18                      from an accredited 4-year institution;

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

22                      “(C) submit to the Secretary an applica-  
23                      tion at such time, in such manner, and con-  
24                      taining such information as the secretary deter-  
25                      mines.

1       “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated such sums as may be  
3 necessary to carry out this section.”.

4 **SEC. 12. RESEARCH CONCERNING REFUGE ALTERNATIVES.**

5       (a) IN GENERAL.—The Director of the National In-  
6 stitute of Occupational Safety and Health shall provide  
7 for the conduct of research, including field tests, con-  
8 cerning the utility, practicality, survivability, and cost of  
9 various refuge alternatives in an underground coal mine  
10 environment, including commercially available portable  
11 refuge chambers.

12       (b) REPORT.—

13           (1) IN GENERAL.—Not later than 18 months  
14 after the date of enactment of this Act, the National  
15 Institute for Occupational Safety and Health shall  
16 prepare and submit to the Secretary of Labor, the  
17 Secretary of Health and Human Services, the Com-  
18 mittee on Health, Education, Labor, and Pensions  
19 of the Senate, and the Committee on Education and  
20 the Workforce of the House of Representatives a re-  
21 port concerning the results of the research con-  
22 ducted under subsection (a), including any field  
23 tests.

24           (2) RESPONSE BY SECRETARY.—Not later than  
25 180 days after the receipt of the report under para-

1 graph (1), the Secretary of Labor shall provide a re-  
2 sponse to the Committee on Health, Education,  
3 Labor, and Pensions of the Senate, and the Com-  
4 mittee on Education and the Workforce of the  
5 House of Representatives containing a description of  
6 the actions, if any, that the Secretary intends to  
7 take based upon the report, including proposing reg-  
8 ulatory changes, and the reasons for such actions.

9 **SEC. 13. SAGO MINE SAFETY GRANTS.**

10 (a) IN GENERAL.—The Secretary of Labor shall es-  
11 tablish a program to award competitive grants for edu-  
12 cation and training to carry out the purposes of this sec-  
13 tion.

14 (b) PURPOSES.—It is the purpose of this section, to  
15 provide for the funding of education and training pro-  
16 grams to better identify, avoid, and prevent unsafe work-  
17 ing conditions in and around mines.

18 (c) ELIGIBILITY.—To be eligible to receive a grant  
19 under this section, an entity shall—

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

21 (2) submit to the Secretary of Labor an appli-  
22 cation at such time, in such manner, and containing  
23 such information as the Secretary may require.

24 (d) USE OF FUNDS.—Amounts received under a  
25 grant under this section shall be used to establish and im-

1 plement education and training programs, or to develop  
2 training materials or employers and miners, concerning  
3 safety and health topics in mines, as determined appro-  
4 priate by the Mine Safety and Health Administration.

5 (e) AWARDING OF GRANTS.—

6 (1) ANNUAL BASIS.—Grants under this section  
7 shall be awarded on an annual basis.

8 (2) SPECIAL EMPHASIS.—In awarding grants  
9 under this section, the Secretary of Labor shall give  
10 special emphasis to programs and materials that tar-  
11 get workers in smaller mines, including training  
12 miners and employers about new Mine Safety and  
13 Health Administration standards, high risk activi-  
14 ties, or hazards identified by such Administration.

15 (3) PRIORITY.—In awarding grants under this  
16 section, the Secretary of Labor shall give priority to  
17 the funding of pilot and demonstration projects that  
18 the Secretary determines will provide opportunities  
19 for broad applicability for mine safety.

20 (f) EVALUATION.—The Secretary of Labor shall use  
21 not less than 1 percent of the funds made available to  
22 carry out this section in a fiscal year to conduct evalua-  
23 tions of the projects funded under grants under this sec-  
24 tion.

1           (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated such sums as may be nec-  
3 essary to carry out this section

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