

109TH CONGRESS
2D SESSION

S. 2803

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

IN THE SENATE OF THE UNITED STATES

MAY 16, 2006

Mr. ENZI (for himself, Mr. KENNEDY, Mr. ISAKSON, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. BYRD, Mr. DEWINE, and Mr. SANTORUM) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

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

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 RESPONSE.**

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 PLANS”;

3 (2) by striking “Telephone” and inserting “(a)
4 IN GENERAL.—Telephone”; and

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

6 “(b) ACCIDENT PREPAREDNESS AND RESPONSE.—

7 “(1) IN GENERAL.—Each underground coal
8 mine operator shall carry out on a continuing basis
9 a program to improve accident preparedness and re-
10 sponse at each mine.

11 “(2) RESPONSE AND PREPAREDNESS PLAN.—

12 “(A) IN GENERAL.—Not later than 60
13 days after the date of enactment of the Mine
14 Improvement and New Emergency Response
15 Act of 2006, each underground coal mine oper-
16 ator shall develop and adopt a written accident
17 response plan that complies with this subsection
18 with respect to each mine of the operator, and
19 periodically update such plans to reflect
20 changes in operations in the mine, advances in
21 technology, or other relevant considerations.
22 Each such operator shall make the accident re-
23 sponse plan available to the miners and the
24 miners’ representatives.

1 “(B) PLAN REQUIREMENTS.—An accident
2 response plan under subparagraph (A) shall—

3 “(i) provide for the evacuation of all
4 individuals endangered by an emergency;
5 and

6 “(ii) provide for the maintenance of
7 individuals trapped underground in the
8 event that miners are not able to evacuate
9 the mine.

10 “(C) PLAN APPROVAL.—The accident re-
11 sponse plan under subparagraph (A) shall be
12 subject to review and approval by the Secretary.
13 In determining whether to approve a particular
14 plan the Secretary shall take into consideration
15 all comments submitted by miners or their rep-
16 resentatives. Approved plans shall—

17 “(i) afford miners a level of safety
18 protection at least consistent with the ex-
19 isting standards, including standards man-
20 dated by law and regulation;

21 “(ii) reflect the most recent credible
22 scientific research;

23 “(iii) be technologically feasible, make
24 use of current commercially available tech-

1 nology, and account for the specific phys-
2 ical characteristics of the mine; and

3 “(iv) reflect the improvements in mine
4 safety gained from experience under this
5 Act and other worker safety and health
6 laws.

7 “(D) PLAN REVIEW.—The accident re-
8 sponse plan under subparagraph (A) shall be
9 reviewed periodically, but at least every 6
10 months, by the Secretary. In such periodic re-
11 views, the Secretary shall consider all comments
12 submitted by miners and miners’ representa-
13 tives and intervening advancements in science
14 and technology that could be implemented to
15 enhance miners’ ability to evacuate or otherwise
16 survive in an emergency.

17 “(E) PLAN CONTENT-GENERAL REQUIRE-
18 MENTS.—To be approved under subparagraph
19 (C), an accident response plan shall include the
20 following:

21 “(i) POST-ACCIDENT COMMUNICA-
22 TIONS.—The plan shall provide for a re-
23 dundant means of communication with the
24 surface for persons underground, such as

1 secondary telephone or equivalent two-way
2 communication.

3 “(ii) POST-ACCIDENT TRACKING.—

4 Consistent with commercially available
5 technology and with the physical con-
6 straints, if any, of the mine, the plan shall
7 provide for above ground personnel to de-
8 termine the current, or immediately pre-ac-
9 cident, location of all underground per-
10 sonnel. Any system so utilized shall be
11 functional, reliable, and calculated to re-
12 main serviceable in a post-accident setting.

13 “(iii) POST-ACCIDENT BREATHABLE

14 AIR.—The plan shall provide for—

15 “(I) emergency supplies of
16 breathable air for individuals trapped
17 underground sufficient to maintain
18 such individuals for a sustained period
19 of time;

20 “(II) caches of self-rescuers pro-
21 viding in the aggregate not less than
22 2 hours for each miner to be kept in
23 escapeways from the deepest work
24 area to the surface at a distance of no

1 further than an average miner could
2 walk in 30 minutes;

3 “(III) a maintenance schedule for
4 checking the reliability of self res-
5 cuers, retiring older self-rescuers first,
6 and introducing new self-rescuer tech-
7 nology, such as units with inter-
8 changeable air or oxygen cylinders not
9 requiring doffing to replenish airflow
10 and units with supplies of greater
11 than 60 minutes, as they are approved
12 by the Administration and become
13 available on the market; and

14 “(IV) training for each miner in
15 proper procedures for donning self-
16 rescuers, switching from one unit to
17 another, and ensuring a proper fit.

18 “(iv) POST-ACCIDENT LIFELINES.—
19 The plan shall provide for the use of
20 flame-resistant directional lifelines or
21 equivalent systems in escapeways to enable
22 evacuation. The flame-resistance require-
23 ment of this clause shall apply upon the re-
24 placement of existing lifelines, or, in the
25 case of lifelines in working sections, upon

1 the earlier of the replacement of such life-
2 lines or 3 years after the date of enact-
3 ment of the Mine Improvement and New
4 Emergency Response Act of 2006.

5 “(v) TRAINING.—The plan shall pro-
6 vide a training program for emergency pro-
7 cedures described in the plan which will
8 not diminish the requirements for manda-
9 tory health and safety training currently
10 required under section 115.

11 “(vi) LOCAL COORDINATION.—The
12 plan shall set out procedures for coordina-
13 tion and communication between the oper-
14 ator, mine rescue teams, and local emer-
15 gency response personnel and make provi-
16 sions for familiarizing local rescue per-
17 sonnel with surface functions that may be
18 required in the course of mine rescue work.

19 “(F) PLAN CONTENT-SPECIFIC REQUIRE-
20 MENTS.—

21 “(i) IN GENERAL.—In addition to the
22 content requirements contained in subpara-
23 graph (E), and subject to the consider-
24 ations contained in subparagraph (C), the
25 Secretary may make additional plan re-

1 requirements with respect to any of the con-
2 tent matters.

3 “(ii) POST ACCIDENT COMMUNICA-
4 TIONS.—Not later than 3 years after the
5 date of enactment of the Mine Improve-
6 ment and New Emergency Response Act of
7 2006, a plan shall, to be approved, provide
8 for post accident communication between
9 underground and surface personnel via a
10 wireless two-way medium, and provide for
11 an electronic tracking system permitting
12 surface personnel to determine the location
13 of any persons trapped underground or set
14 forth within the plan the reasons such pro-
15 visions can not be adopted. Where such
16 plan sets forth the reasons such provisions
17 can not be adopted, the plan shall also set
18 forth the operator’s alternative means of
19 compliance. Such alternative shall approxi-
20 mate, as closely as possible, the degree of
21 functional utility and safety protection pro-
22 vided by the wireless two-way medium and
23 tracking system referred to in this subpart.

24 “(G) PLAN DISPUTE RESOLUTION.—

1 “(i) IN GENERAL.—Any dispute be-
2 tween the Secretary and an operator with
3 respect to the content of the operator’s
4 plan or any refusal by the Secretary to ap-
5 prove such a plan shall be resolved on an
6 expedited basis.

7 “(ii) DISPUTES.—In the event of a
8 dispute or refusal described in clause (i),
9 the Secretary shall issue a technical cita-
10 tion which shall be immediately referred to
11 a Department of Labor Administrative
12 Law Judge. The Secretary and the oper-
13 ator shall submit all relevant material re-
14 garding the dispute to the Administrative
15 Law Judge within 15 days of the date of
16 the referral. The Administrative Law
17 Judge shall render his or her decision with
18 respect to the plan content dispute within
19 15 days of the receipt of the submission.

20 “(iii) FURTHER APPEALS.—A party
21 adversely affected by a decision under
22 clause (ii) may pursue all further available
23 appeal rights with respect to the citation
24 involved, except that inclusion of the dis-
25 puted provision in the plan will not be lim-

1 ited by such appeal unless such relief is re-
 2 quested by the operator and permitted by
 3 the Administrative Law Judge.

4 “(iv) RULE OF CONSTRUCTION.—
 5 Nothing in this subparagraph shall be con-
 6 strued to modify the authority of the Sec-
 7 retary to issue citations or orders as pro-
 8 vided for in this Act.

9 “(H) MAINTAINING PROTECTIONS FOR
 10 MINERS.—Notwithstanding any other provision
 11 of this Act, nothing in this section, and no re-
 12 sponse and preparedness plan developed under
 13 this section, shall be approved if it reduces the
 14 protection afforded miners by an existing man-
 15 datory health or safety standard.”.

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

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

20 **“SEC. 116. LIMITATION ON CERTAIN LIABILITY FOR RES-**
 21 **CUE OPERATIONS.**

22 “(a) IN GENERAL.—No person shall bring an action
 23 against any covered individual or his or her regular em-
 24 ployer for property damage or an injury (or death) sus-
 25 tained as a result of carrying out activities relating to

1 mine accident rescue or recovery operations. This sub-
2 section shall not apply where the action that is alleged to
3 result in the property damages or injury (or death) was
4 the result of gross negligence, reckless conduct, or illegal
5 conduct or, where the regular employer (as such term is
6 used in this Act) is the operator of the mine at which the
7 rescue activity takes place. Nothing in this section shall
8 be construed to preempt State workers' compensation laws

9 “(b) COVERED INDIVIDUAL.—For purposes of sub-
10 section (a), the term ‘covered individual’ means an indi-
11 vidual—

12 “(1) who is a member of a mine rescue team
13 or who is otherwise a volunteer with respect to a
14 mine accident; and

15 “(2) who is carrying out activities relating to
16 mine accident rescue or recovery operations.

17 “(c) REGULAR EMPLOYER.—For purposes of sub-
18 section (a), the term ‘regular employer’ means the entity
19 that is the covered employee’s legal or statutory employer
20 pursuant to applicable State law.”.

21 **SEC. 4. MINE RESCUE TEAMS.**

22 Section 115(e) of the Federal Mine Safety and
23 Health Act of 1977 (30 U.S.C. 825(e)) is amended—

24 (1) by inserting “(1)” after the subsection des-
25 ignation; and

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

2 “(1)(A) The Secretary shall issue regulations with re-
3 gard to mine rescue teams which shall be finalized and
4 in effect not later than 18 months after the date of enact-
5 ment of the Mine Improvement and New Emergency Re-
6 sponse Act of 2006.

7 “(B) Such regulations shall provide for the following:

8 “(i) That such regulations shall not be con-
9 strued to waive operator training requirements appli-
10 cable to existing mine rescue teams.

11 “(ii) That the Mine Safety and Health Admin-
12 istration shall establish, and update every 5 years
13 thereafter, criteria to certify the qualifications of
14 mine rescue teams.

15 “(iii)(I) That the operator of each underground
16 coal mine with more than 36 employees—

17 “(aa) have an employee knowledgeable in
18 mine emergency response who is employed at
19 the mine on each shift at each underground
20 mine; and

21 “(bb) make available two certified mine
22 rescue teams whose members—

23 “(AA) are familiar with the operations
24 of such coal mine;

1 “(BB) participate at least annually in
2 two local mine rescue contests;

3 “(CC) participate at least annually in
4 mine rescue training at the underground
5 coal mine covered by the mine rescue team;
6 and

7 “(DD) are available at the mine with-
8 in one hour ground travel time from the
9 mine rescue station.

10 “(II)(aa) For the purpose of complying with
11 subclause (I), an operator shall employ one team
12 that is either an individual mine site mine rescue
13 team or a composite team as provided for in item
14 (bb).

15 “(bb) The following options may be used by an
16 operator to comply with the requirements of item
17 (aa):

18 “(AA) An individual mine-site mine rescue
19 team.

20 “(BB) A multi-employer composite team
21 that is made up of team members who are
22 knowledgeable about the operations and ventila-
23 tion of the covered mines and who train on a
24 semi-annual basis at the covered underground
25 coal mine—

1 “(aaa) which provides coverage for
2 multiple operators that have team mem-
3 bers which include at least two active em-
4 ployees from each of the covered mines;

5 “(bbb) which provides coverage for
6 multiple mines owned by the same operator
7 which members include at least two active
8 employees from each mine; or

9 “(ccc) which is a State-sponsored
10 mine rescue team comprised of at least two
11 active employees from each of the covered
12 mines.

13 “(CC) A commercial mine rescue team pro-
14 vided by contract through a third-party vendor
15 or mine rescue team provided by another coal
16 company, if such team—

17 “(aaa) trains on a quarterly basis at
18 covered underground coal mines;

19 “(bbb) is knowledgeable about the op-
20 erations and ventilation of the covered
21 mines; and

22 “(ccc) is comprised of individuals with
23 a minimum of 3 years underground coal
24 mine experience that shall have occurred
25 within the 10-year period preceding their

1 employment on the contract mine rescue
2 team.

3 “(DD) A State-sponsored team made up of
4 State employees.

5 “(iv) That the operator of each underground
6 coal mine with 36 or less employees shall—

7 “(I) have an employee on each shift who is
8 knowledgeable in mine emergency responses;
9 and

10 “(II) make available two certified mine res-
11 cue teams whose members—

12 “(aa) are familiar with the operations
13 of such coal mine;

14 “(bb) participate at least annually in
15 two local mine rescue contests;

16 “(cc) participate at least semi-annu-
17 ally in mine rescue training at the under-
18 ground coal mine covered by the mine res-
19 cue team;

20 “(dd) are available at the mine within
21 one hour ground travel time from the mine
22 rescue station;

23 “(ee) are knowledgeable about the op-
24 erations and ventilation of the covered
25 mines; and

1 “(ff) are comprised of individuals with
2 a minimum of 3 years underground coal
3 mine experience that shall have occurred
4 within the 10-year period preceding their
5 employment on the contract mine rescue
6 team.”.

7 **SEC. 5. PROMPT INCIDENT NOTIFICATION.**

8 (a) IN GENERAL.—Section 103(j) of the Federal
9 Mine Safety and Health Act of 1977 (30 U.S.C. 813(j))
10 is amended by inserting after the first sentence the fol-
11 lowing: “For purposes of the preceding sentence, the noti-
12 fication required shall be provided by the operator within
13 15 minutes of the time at which the operator realizes that
14 the death of an individual at the mine, or an injury or
15 entrapment of an individual at the mine which has a rea-
16 sonable potential to cause death, has occurred.”.

17 (b) PENALTY.—Section 110(a) of the Federal Mine
18 Safety and Health Act of 1977 (30 U.S.C. 820(a)) is
19 amended—

20 (1) by striking “The operator” and inserting
21 “(1) The operator”; and

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

23 “(2) The operator of a coal or other mine who fails
24 to provide timely notification to the Secretary as required
25 under section 103(j) (relating to the 15 minute require-

1 ment) shall be assessed a civil penalty by the Secretary
2 of not less than \$5,000 and not more than \$60,000.”.

3 **SEC. 6. NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY**
4 **AND HEALTH.**

5 (a) GRANTS.—Section 22 of the Occupational Safety
6 and Health Act of 1970 (29 U.S.C. 671) is amended by
7 adding at the end the following:

8 “(h) OFFICE OF MINE SAFETY AND HEALTH.—

9 “(1) IN GENERAL.—There shall be permanently
10 established within the Institute an Office of Mine
11 Safety and Health which shall be administered by an
12 Associate Director to be appointed by the Director.

13 “(2) PURPOSE.—The purpose of the Office is to
14 enhance the development of new mine safety tech-
15 nology and technological applications and to expedite
16 the commercial availability and implementation of
17 such technology in mining environments.

18 “(3) FUNCTIONS.—In addition to all purposes
19 and authorities provided for under this section, the
20 Office of Mine Safety and Health shall be respon-
21 sible for research, development, and testing of new
22 technologies and equipment designed to enhance
23 mine safety and health. To carry out such functions
24 the Director of the Institute, acting through the Of-
25 fice, shall have the authority to—

1 “(A) award competitive grants to institu-
2 tions and private entities to encourage the de-
3 velopment and manufacture of mine safety
4 equipment;

5 “(B) award contracts to educational insti-
6 tutions or private laboratories for the perform-
7 ance of product testing or related work with re-
8 spect to new mine technology and equipment;
9 and

10 “(C) establish an interagency working
11 group as provided for in paragraph (5).

12 “(4) GRANT AUTHORITY.—To be eligible to re-
13 ceive a grant under the authority provided for under
14 paragraph (3)(A), an entity or institution shall—

15 “(A) submit to the Director of the Insti-
16 tute an application at such time, in such man-
17 ner, and containing such information as the Di-
18 rector may require; and

19 “(B) include in the application under sub-
20 paragraph (A), a description of the mine safety
21 equipment to be developed and manufactured
22 under the grant and a description of the rea-
23 sons that such equipment would otherwise not
24 be developed or manufactured, including rea-

1 sons relating to the limited potential commer-
2 cial market for such equipment.

3 “(5) INTERAGENCY WORKING GROUP.—

4 “(A) ESTABLISHMENT.—The Director of
5 the Institute, in carrying out paragraph (3)(D)
6 shall establish an interagency working group to
7 share technology and technological research and
8 developments that could be utilized to enhance
9 mine safety and accident response.

10 “(B) MEMBERSHIP.—The working group
11 under subparagraph (A) shall be chaired by the
12 Associate Director of the Office who shall ap-
13 point the members of the working group, which
14 may include representatives of other Federal
15 agencies or departments as determined appro-
16 priate by the Associate Director.

17 “(C) DUTIES.—The working group under
18 subparagraph (A) shall conduct an evaluation
19 of research conducted by, and the technological
20 developments of, agencies and departments who
21 are represented on the working group that may
22 have applicability to mine safety and accident
23 response and make recommendations to the Di-
24 rector for the further development and eventual
25 implementation of such technology.

1 “(6) ANNUAL REPORT.—Not later than 1 year
2 after the establishment of the Office under this sub-
3 section, and annually thereafter, the Director of the
4 Institute shall submit to the Committee on Health,
5 Education, Labor, and Pensions of the Senate and
6 the Committee on Education and the Workforce of
7 the House of Representatives a report that, with re-
8 spect to the year involved, described the new mine
9 safety technologies and equipment that have been
10 studied, tested, and certified for use, and with re-
11 spect to those instances of technologies and equip-
12 ment that have been considered but not yet certified
13 for use, there reasons therefore.

14 “(7) AUTHORIZATION OF APPROPRIATIONS.—
15 There is authorized to be appropriated, such sums
16 as may be necessary to enable the Institute and the
17 Office of Mine Safety and Health to carry out this
18 subsection.”.

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

20 The Secretary of Labor shall establish a policy that—

21 (1) requires the temporary assignment of an in-
22 dividual Department of Labor official to be a liaison
23 between the Department and the families of victims
24 of mine tragedies involving multiple deaths;

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

5 (3) requires that in such accidents, that the
6 Mine Safety and Health Administration shall serve
7 as the primary communicator with the operator,
8 miners' families, the press and the public.

9 **SEC. 8. PENALTIES.**

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

13 (1) in subsection (a)—

14 (A) by inserting “(1)” after the subsection
15 designation; and

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

17 “(2) Any operator who willfully violates a mandatory
18 health or safety standard, or knowingly violates or fails
19 or refuses to comply with any order issued under section
20 104 and section 107, or any order incorporated in a final
21 decision issued under this title, except an order incor-
22 porated in a decision under paragraph (1) or section
23 105(e), shall, upon conviction, be punished by a fine of
24 not more than \$250,000, or by imprisonment for not more
25 than one year, or by both, except that if the conviction

1 is for a violation committed after the first conviction of
2 such operator under this Act, punishment shall be by a
3 fine of not more than \$500,000, or by imprisonment for
4 not more than five years, or both.

5 “(3)(A) The minimum penalty for any citation issued
6 under section 104(d)(1) shall be \$2,000.

7 “(B) The minimum penalty for a failure or refusal
8 to comply with any order issued under section 104(d)(2)
9 shall be \$4,000.

10 “(4) Nothing in this subsection shall be construed to
11 prevent an operator from obtaining a review, in accord-
12 ance with section 106, of an order imposing a penalty de-
13 scribed in this subsection. If a court, in making such re-
14 view, sustains the order, the court shall apply the min-
15 imum penalties required under this subsection.”; and

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

1 could have been expected to cause, death or serious
2 bodily injury.”.

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 Act of 1977 (30 U.S.C. 818(a)(1)(A)) is amended
10 by inserting before the comma, the following: “, or fails
11 or refuses to comply with any order or decision, including
12 a civil penalty assessment order, that is issued under this
13 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 75.335(a)(2) of title 30, Code of Federal Regula-
25 tions.

1 **SEC. 11. TECHNICAL STUDY PANEL.**

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

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

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

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

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

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

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

1 representatives, each to be appointed prior to the sine
2 die adjournment of the second session of the 109th
3 Congress.

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

12 “(d) REPORT.—

13 “(1) IN GENERAL.—Not later than 1 year after
14 the date on which all members of the Panel are ap-
15 pointed under subsection (b), the Panel shall pre-
16 pare and submit to the Secretary of Labor, the Sec-
17 retary 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 utilization of belt air and the
22 composition and fire retardant properties of belt ma-
23 terials in underground coal mining.

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

1 paragraph (1), the Secretary of Labor shall provide
2 a response 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 “(e) COMPENSATION.—Members appointed to the
10 panel, while carrying out the duties of the Panel shall be
11 entitled to receive compensation, per diem in lieu of sub-
12 sistence, and travel expenses in the same manner and
13 under the same conditions as that prescribed under section
14 208(e) of the Public Health Service Act.”.

15 **SEC. 12. SCHOLARSHIPS.**

16 Title V of the Federal Mine Safety and Health Act
17 of 1977 (30 U.S.C. 951 et seq.), as amended by section
18 12, is further amended by adding at the end the following:

19 **“SEC. 515. SCHOLARSHIPS.**

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

1 tors and mine safety inspectors and other regulatory per-
2 sonnel for the Mine Safety and Health Administration.

3 “(b) FUNDAMENTAL SKILLS SCHOLARSHIPS.—

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

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

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

21 “(A) have a high school diploma or a
22 GED;

23 “(B) have at least 2 years experience in
24 full-time employment in mining or mining-re-
25 lated activities;

1 “(C) submit to the Secretary an applica-
2 tion at such time, in such manner, and con-
3 taining such information; and

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

9 “(c) MINE SAFETY INSPECTOR SCHOLARSHIPS.—

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

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

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

18 “(d) ADVANCED RESEARCH SCHOLARSHIPS.—

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

1 search in mine safety and to broaden, improve, and
2 expand the universe of candidates for mine safety in-
3 spector and other regulatory positions in the Mine
4 Safety and Health Administration.

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

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

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

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

21 “(C) submit to the Secretary an applica-
22 tion at such time, in such manner, and con-
23 taining such information.

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. 13. RESEARCH CONCERNING REFUGE ALTERNATIVES.**

5 (a) IN GENERAL.—The National Institute of Occupa-
6 tional Safety and Health shall provide for the conduct of
7 research, including field tests, concerning the utility, prac-
8 ticality, survivability, and cost of various refuge alter-
9 natives in an underground coal mine environment, includ-
10 ing commercially-available portable refuge chambers.

11 (b) REPORT.—

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

23 (2) RESPONSE BY SECRETARY.—Not later than
24 180 days after the receipt of the report under para-
25 graph (1), the Secretary of Labor shall provide a re-

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

8 **SEC. 14. SAGO MINE SAFETY GRANTS.**

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

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

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

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

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

23 (d) USE OF FUNDS.—Amounts received under a
24 grant under this section shall be used to establish and im-
25 plement education and training programs, or to develop

1 training materials for employers and miners, concerning
2 safety and health topics in mines, as determined appro-
3 priate by the Mine Safety and Health Administration.

4 (e) AWARDING OF GRANTS.—

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

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

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

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

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated for each fiscal year,
3 such sums as may be necessary to carry out this section.

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