AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 6102
OFFERED BY MS. ADAMS OF NORTH CAROLINA

Strike all after the enactment clause and insert the following:

1 SECTION 1. SHORT TITLE.

This Act may be cited as the “Black Lung Benefits Improvement Act of 2022”.

4 SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—BLACK LUNG BENEFITS

PART A—IMPROVING THE PROCESS FOR FILING AND ADJUDICATING CLAIMS FOR BENEFITS

Sec. 101. Providing assistance with claims for miners and their dependent family members.
Sec. 102. Clarifying eligibility for black lung benefits.
Sec. 103. Development of medical evidence by the Secretary.
Sec. 104. False statements or misrepresentations, attorney disqualification, and discovery sanctions.
Sec. 105. Readjudicating cases involving certain chest radiographs.
Sec. 106. Attorneys’ fees and medical expenses payment program.
Sec. 107. Restoring adequate benefit adjustments for miners suffering from black lung disease and for their dependent family members.
Sec. 108. Disclosure of employment and earnings information for Black Lung benefits claims.

PART B—REPORTS TO IMPROVE THE ADMINISTRATION OF BENEFITS UNDER THE BLACK LUNG BENEFITS ACT

Sec. 121. Strategy to reduce delays in adjudication.

PART C—IMPROVEMENT IN THE FINANCIAL SECURITY OF THE BLACK LUNG BENEFITS DISABILITY TRUST FUND
Sec. 131. Policies for securing the payment of benefits.

**TITLE II—ESTABLISHING THE OFFICE OF WORKERS’ COMPENSATION PROGRAMS**

Sec. 201. Office of Workers’ Compensation Programs.

**TITLE III—ADDITIONAL PROVISIONS**

Sec. 301. Technical and conforming amendments.
Sec. 302. Severability.

1 **TITLE I—BLACK LUNG BENEFITS**

2 **PART A—IMPROVING THE PROCESS FOR FILING**

3 **AND ADJUDICATING CLAIMS FOR BENEFITS**

4 **SEC. 101. PROVIDING ASSISTANCE WITH CLAIMS FOR MINERS AND THEIR DEPENDENT FAMILY MEMBERS.**

5 Section 427(a) of the Black Lung Benefits Act (30 U.S.C. 937(a)) is amended by striking “the analysis, examination, and treatment” and all that follows through “coal miners.” and inserting “the analysis, examination, and treatment of respiratory and pulmonary impairments in active and inactive coal miners and for assistance on behalf of miners, spouses, dependents, and other family members with claims arising under this title.”.

15 **SEC. 102. CLARIFYING ELIGIBILITY FOR BLACK LUNG BENEFITS.**

17 Section 411(c) of the Black Lung Benefits Act (30 U.S.C. 921(c)) is amended by striking paragraph (3) and inserting the following:
“(3)(A) If x-ray, CT scan, biopsy, autopsy, or other medically accepted and relevant test or procedure establishes that a miner is suffering or has suffered from a chronic dust disease of the lung, diagnosed as complicated pneumoconiosis or progressive massive fibrosis (as determined in accordance with subparagraph (B)), then there shall be an irrebuttable presumption that such miner is totally disabled due to pneumoconiosis, that the miner’s death was due to pneumoconiosis, or that at the time of death the miner was totally disabled by pneumoconiosis, as the case may be.

“(B) For purposes of subparagraph (A), complicated pneumoconiosis or progressive massive fibrosis can be established by any of the following:

“(i) A chest radiograph, which yields one or more large opacities whose greatest diameter exceeds 1 centimeter and would be classified in Category A, B, or C in the International Classification of Radiographs of Pneumoconiosis by the International Labor Organization, in the absence of more probative evidence sufficient to establish that the etiology of the large opacity is not pneumoconiosis.
“(ii) A chest CT scan, which yields one or more large opacities whose greatest diameter exceeds 1 centimeter, in the absence of more probative evidence sufficient to establish that the etiology of the large opacity is not pneumoconiosis.

“(iii) A lung biopsy or autopsy, which would yield a lesion at least 1 centimeter in its long axis diameter if measured at the time of gross dissection.

“(iv) A diagnosis by other means that would reasonably be expected to yield results described in clause (i), (ii), or (iii).”.

SEC. 103. DEVELOPMENT OF MEDICAL EVIDENCE BY THE SECRETARY.

Part C of the Black Lung Benefits Act (30 U.S.C. 931 et seq.) is amended by adding at the end the following:

“SEC. 435. DEVELOPMENT OF MEDICAL EVIDENCE BY THE SECRETARY.

“(a) Complete Pulmonary Evaluation.—Upon request by a claimant for benefits under this title, the Secretary shall provide the claimant an opportunity to substantiate the claim through a complete pulmonary evaluation of the miner that shall include—
“(1) an initial report, conducted by a qualified physician on the list provided under subsection (e), and in accordance with subsection (d)(5) and sections 402(f)(1)(D) and 413(b); and

“(2) if the conditions under subsection (b) are met, any supplemental medical evidence described in subsection (e).

“(b) AUTHORIZING CHEST SCANS.—In diagnosing whether there is complicated pneumoconiosis as a part of a medical examination conducted under subsection (a), the Secretary shall authorize a high-quality, low-dose or standard computerized tomography scan where any or a combination of the following is found:

“(1) Any certified B reader of a chest radiograph associated with an exam conducted under section 413(b) finds pneumoconiosis (ILO category 2/1 or greater).

“(2) Any certified B reader of a chest radiograph associated with an exam conducted under section 413(b) finds a coalescence of small opacities.

“(c) CONDITIONS FOR SUPPLEMENTAL MEDICAL EVIDENCE.—The Secretary shall develop supplemental medical evidence, in accordance with subsection (d)—

“(1) for any claim in which the Secretary recommends an award of benefits based on the results
of the initial report under subsection (a)(1) and a party opposing such award submits evidence that could be considered contrary to the findings of the Secretary; and

“(2) for any compensation case under this title heard by an administrative law judge, in which—

“(A) the Secretary has awarded benefits to the claimant;

“(B) the party opposing such award has submitted evidence not previously reviewed that could be considered contrary to the award under subparagraph (A); and

“(C) the claimant or, if the claimant is represented by an attorney, the claimant’s attorney consents to the Secretary developing supplemental medical evidence.

“(d) Process for Supplemental Medical Evidence.—

“(1) In General.—Except as provided under paragraph (2), to develop supplemental medical evidence under conditions described in subsection (c), the Secretary shall request the physician who conducted the initial report under subsection (a)(1) to—
“(A) review any medical evidence submitted after such report or the most recent supplemental report, as appropriate; and

“(B) update his or her opinion in a supplemental report.

“(2) ALTERNATIVE PHYSICIAN.—If such physician is no longer available or is unwilling to provide supplemental medical evidence under paragraph (1), the Secretary shall select another qualified physician from the list provided pursuant to subsection (e) to provide such evidence.

“(e) QUALIFIED PHYSICIANS FOR COMPLETE PULMONARY EVALUATION AND PROTECTIONS FOR SUITABILITY AND POTENTIAL CONFLICTS OF INTEREST.—

“(1) QUALIFIED PHYSICIANS LIST.—The Secretary shall create and maintain a list of qualified physicians to be selected by a claimant to perform the complete pulmonary evaluation described in subsection (a).

“(2) PUBLIC AVAILABILITY.—The Secretary shall make the list under this subsection available to the public.

“(3) ANNUAL EVALUATION.—Each year, the Secretary shall update such list by reviewing the
suitability of the listed qualified physicians and assessing any potential conflicts of interest.

“(4) CRITERIA FOR SUITABILITY.—The Secretary shall include on the list only those physicians whom the Secretary determines are qualified, capable, and willing to provide credible opinions consistent with the premises underlying this Act. In determining whether a physician is suitable to be on the list under this subsection, the Secretary shall consult the National Practitioner Data Bank of the Department of Health and Human Services and assess reports of adverse licensure, certifications, hospital privilege, and professional society actions involving the physician. In no case shall such list include any physician—

“(A) who is not licensed to practice medicine in any State or any territory, commonwealth, or possession of the United States;

“(B) whose license is revoked by a medical licensing board of any State, territory, commonwealth, or possession of the United States; or

“(C) whose license is suspended by a medical licensing board of any State, territory, commonwealth, or possession of the United States.
“(5) CONFLICTS OF INTEREST.—The Secretary shall develop and implement policies and procedures to ensure that any actual or potential conflict of interest of qualified physicians on the list under this subsection, including both individual and organizational conflicts of interest, are disclosed to the Department, and to provide such disclosure to claimants. Such policies and procedures shall provide that a physician with a conflict of interest shall not be used to perform a complete pulmonary medical evaluation under subsection (a) that is reimbursed pursuant to subsection (g) if—

“(A) such physician is employed by, under contract to, or otherwise providing services to a private party opposing the claim, a law firm or lawyer representing such opposing party, or an interested insurer or other interested third party; or

“(B) such physician has been retained by a private party opposing the claim, a law firm or lawyer representing such opposing party, or an interested insurer or other interested third party in the previous 24 months.

“(f) RECORD.—Upon receipt of any initial report or supplemental report under this section, the Secretary shall
enter the report in the record and provide a copy of such
report to all parties to the proceeding.

“(g) EXPENSES.—All expenses related to obtaining
the medical evidence under this section shall be paid for
by the fund. If a claimant receives a final award of bene-
fits, the operator liable for payment of benefits, if any,
shall reimburse the fund for such expenses, which shall
include interest.”.

SEC. 104. FALSE STATEMENTS OR MISREPRESENTATIONS,
ATTORNEY DISQUALIFICATION, AND DIS-
COVERY SANCTIONS.

Section 431 of the Black Lung Benefits Act (30
U.S.C. 941) is amended to read as follows:

“SEC. 431. FALSE STATEMENTS OR MISREPRESENTATIONS,
ATTORNEY DISQUALIFICATION, AND DIS-
COVERY SANCTIONS.

“(a) IN GENERAL.—No person, including any claim-
ant, physician, operator, duly authorized agent of such op-
erator, or employee of an insurance carrier, shall—

“(1) knowingly and willfully make a false state-
ment or misrepresentation for the purpose of obtain-
ing, increasing, reducing, denying, or terminating
benefits under this title; or

“(2) knowingly and willfully threaten, coerce,
intimidate, deceive, or mislead a party, representa-
tive, witness, potential witness, judge, or anyone par-
ticipating in a proceeding regarding any matter re-
lated to a proceeding under this title.

“(b) FINE; IMPRISONMENT.—Any person who en-
gages in the conduct described in subsection (a) shall,
upon conviction, be subject to a fine in accordance with
title 18, United States Code, imprisoned for not more than
5 years, or both.

“(c) PROMPT INVESTIGATION.—The United States
Attorney for the district in which the conduct described
in subsection (a) is alleged to have occurred shall make
every reasonable effort to promptly investigate each com-
plaint of a violation of such subsection.

“(d) DISQUALIFICATION.—

“(1) IN GENERAL.—An attorney or expert wit-
ness who engages in the conduct described in sub-
section (a) shall, in addition to the fine or imprison-
ment provided under subsection (b), be permanently
disqualified from representing any party, or appear-
ing in any proceeding, under this title.

“(2) ATTORNEY DISQUALIFICATION.—In addi-
tion to the disqualification described in paragraph
(1), the Secretary may disqualify an attorney from
representing any party in any administrative pro-
ceeding under this title for either a limited term or permanently, if the attorney—

“(A) engages in any action or behavior that is prejudicial to the fair and orderly conduct of such proceeding; or

“(B) is suspended or disbarred by any court of the United States, any State, or any territory, commonwealth, or possession of the United States with jurisdiction over the proceeding.

“(e) DISCOVERY SANCTIONS.—An administrative law judge may sanction a party who fails to comply with an order to compel discovery or disclosure, or to supplement earlier responses, in a proceeding under this title. These sanctions may include, as appropriate—

“(1) drawing an adverse inference against the noncomplying party on the facts relevant to the discovery or disclosure order;

“(2) limiting the noncomplying party’s claims, defenses, or right to introduce evidence; and

“(3) rendering a default decision against the noncomplying party.

“(f) REGULATIONS.—The Secretary shall promulgate a proposed rule not later than 180 days after the date
of enactment of this Act and a final rule not later than
18 months after such date of enactment that—

“(1) provides procedures for the disqualifications and sanctions under this section and is appropriate for all parties; and

“(2) distinguishes between parties that are represented by an attorney and parties that are not represented by an attorney.”.

SEC. 105. READJUDICATING CASES INVOLVING CERTAIN CHEST RADIOGRAPHS.

Part C of the Black Lung Benefits Act (30 U.S.C. 931 et seq.), as amended by section 103, is further amended by adding at the end the following:

“SEC. 436. READJUDICATING CASES INVOLVING DISCREDITED EXPERT OPINIONS.

“(a) DEFINITIONS.—In this section:

“(1) COVERED CHEST RADIOGRAPH.—The term ‘covered chest radiograph’ means a chest radiograph that was interpreted as negative for simple pneumoconiosis, complicated pneumoconiosis, or progressive massive fibrosis by a physician with respect to whom the Secretary has directed, in writing and after an evaluation by the Secretary, that such physician’s negative interpretations of chest radiographs not be credited, except where subsequently determined to be
credible by the Secretary in evaluating a claim for benefits under this Act.

“(2) COVERED INDIVIDUAL.—The term ‘covered individual’ means an individual whose record for a claim for benefits under this Act includes a covered chest radiograph.

“(3) COVERED SURVIVOR.—The term ‘covered survivor’ means an individual who—

“(A) is a survivor of a covered individual whose claim under this Act was still pending at the time of the covered individual’s death; and

“(B) who continued to seek an award with respect to the covered individual’s claim after the covered individual’s death.

“(b) CLAIMS.—A covered individual or a covered survivor whose claim for benefits under this Act was denied may file a new claim for benefits under this Act.

“(c) ADJUDICATION ON THE MERITS.—

“(1) IN GENERAL.—Any new claim filed under subsection (b) shall be adjudicated on the merits and shall not include consideration of a covered chest radiograph.

“(2) COVERED SURVIVOR.—Any new claim filed under subsection (b) by a covered survivor shall be adjudicated as either a miner’s or a survivor’s claim
depending upon the type of claim pending at the
time of the covered individual’s death.

“(d) TIME OF PAYMENT.—

“(1) MINER’S CLAIM.—If a claim, filed under
subsection (b) and adjudicated under subsection (c)
as a miner’s claim, results in an award of benefits,
benefits shall be payable beginning with the month
of the filing of the denied claim that had included
in its record a covered chest radiograph.

“(2) SURVIVOR’S CLAIM.—If a claim, filed
under subsection (b) and adjudicated under sub-
section (c) as a survivor’s claim, results in an award
of benefits, benefits shall be payable beginning with
the month of the miner’s death.

“(e) CONTRIBUTING IMPACT.—The Secretary shall
have the discretion to deny a new claim under subsection
(b) in circumstances where the party opposing such claim
establishes through clear and convincing evidence that a
covered chest radiograph did not contribute to the decision
to deny benefits in all prior claims filed by the covered
individual or the covered survivor.

“(f) LIMITATION ON FILING OF NEW CLAIMS.—A
new claim for benefits may be filed under subsection (b)
only if the original claim was finally denied by a district
director, an administrative law judge, or the Benefits Re-
view Board established under section 21(b) of the Longshore and Harbor Workers’ Compensation Act (33 U.S.C. 921(b)).

SEC. 106. ATTORNEYS’ FEES AND MEDICAL EXPENSES PAYMENT PROGRAM.

Part A of the Black Lung Benefits Act (30 U.S.C. 901 et seq.) is amended by adding at the end the following:

“SEC. 403. ATTORNEYS’ FEES AND MEDICAL EXPENSES PAYMENT PROGRAM.

“(a) Program Established.—

“(1) In general.—Not later than 180 days after the date of enactment of the Black Lung Benefits Improvement Act of 2022, the Secretary shall establish a payment program to pay attorneys’ fees and other reasonable and unreimbursed medical expenses incurred in establishing the claimant’s case, using amounts from the fund, to the attorneys of claimants in qualifying claims.

“(2) Qualifying claim.—A qualifying claim for purposes of this section is a contested claim for benefits under this title for which a final order has not been entered within two years of the filing of the claim.
“(3) USE OF PAYMENTS FROM THE FUND.—
Notwithstanding any other provision of law, amounts in the fund shall be available for payments authorized by the Secretary under this section.

“(b) PAYMENTS AUTHORIZED.—

“(1) ATTORNEYS’ FEES.—If a claimant for benefits under this title obtains a proposed decision and order from a district director with an award of benefits for a qualifying claim, or an award for a qualifying claim before an administrative law judge, the district director may approve attorneys’ fees for work done before such director in an amount not to exceed $1,500 and an administrative law judge may approve attorneys’ fees for work done before such judge in an amount not to exceed $3,000. The Secretary shall, through the program under this section, pay such amounts approved.

“(2) MEDICAL EXPENSES.—If a claimant for benefits under this title obtains a proposed decision and order from a district director with an award of benefits for a qualifying claim, or an award for a qualifying claim before an administrative law judge, such district director and administrative law judge may each approve an award to the claimant’s attorney of reasonable and unreimbursed medical ex-
penses incurred in establishing the claimant’s case in
an amount not to exceed $1,500. The Secretary
shall, through the program under this section, pay
such amounts approved.

“(3) MAXIMUM.—The program established
under this section shall not pay more than a total
of $4,500 in attorneys’ fees nor more than $3,000
in medical expenses for any single qualifying claim.

“(c) REIMBURSEMENT OF FUNDS.—In any case in
which a qualifying claim results in a final order awarding
compensation, the liable operator shall reimburse the fund
for any fees or expenses paid under this section, subject
to enforcement by the Secretary under section 424 and
in the same manner as compensation orders are enforced
under section 21(d) of the Longshore and Harbor Work-
ers’ Compensation Act (33 U.S.C. 921(d)).

“(d) ADDITIONAL PROGRAM RULES.—Nothing in
this section shall limit or otherwise affect an operator’s
liability for any attorneys’ fees, medical expenses, or other
allowable and unreimbursed expenses awarded by the dis-
trict director or an administrative law judge that were not
paid by the program under this section. Nothing in this
section shall limit or otherwise affect the Secretary’s au-
thority to use amounts in the fund to pay approved attor-
neys’ fees and other allowable and unreimbursed expenses
in claims for benefits under this title for which a final order awarding compensation has been entered and the operator is unable or refuses to pay.

“(e) No Recoupment.—Any payment for attorneys’ fees or medical expenses made by the Secretary under this section shall not be recouped from the claimant or the claimant’s attorney.”.

SEC. 107. RESTORING ADEQUATE BENEFIT ADJUSTMENTS FOR MINERS SUFFERING FROM BLACK LUNG DISEASE AND FOR THEIR DEPENDENT FAMILY MEMBERS.

Section 412(a) of the Black Lung Benefits Act (30 U.S.C. 922(a)) is amended by striking paragraph (1) and inserting the following:

“(1) In the case of total disability of a miner due to pneumoconiosis, the disabled miner shall be paid benefits during the disability—

“(A) for any calendar year preceding January 1, 2022, at a rate equal to 37 1⁄2 percent of the monthly pay rate for Federal employees in grade GS–2, step 1;

“(B) for the calendar year beginning on January 1, 2022, at a rate of $8,834.01 per year, payable in 12 equal monthly payments; and
“(C) for each calendar year thereafter, at
a rate equal to the product of the rate in effect
under this paragraph for the calendar year im-
mmediately preceding such calendar year multi-
plicated by the ratio (not less than 1) of—

“(i) the Consumer Price Index for
Urban Wage Earners and Clerical Workers
(CPI–W, as published by the Bureau of
Labor Statistics of the Department of
Labor) for the calendar year immediately
preceding such calendar year, to

“(ii) the CPI-W for the second cal-
endar year preceding such calendar year.”.

SEC. 108. DISCLOSURE OF EMPLOYMENT AND EARNINGS
INFORMATION FOR BLACK LUNG BENEFITS

CLAIMS.

(a) Tax Return Information.—

(1) In General.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at
the end the following new paragraph:

“(23) Disclosure of return information
to Department of Labor to carry out Black
Lung Benefits Act.—

“(A) In General.—The Commissioner of
Social Security shall, on written request with
respect to any individual, disclose to officers or employees of the Department of Labor return information from returns with respect to net earnings from self-employment (as defined in section 1402) and wages (as defined in section 3121(a) or 3401(a)) for employment for each employer of such individual.

“(B) Restriction on disclosure.—The Commissioner of Social Security shall disclose return information under subparagraph (A) only for purposes of, and the extent necessary in, carrying out the proper administration of the Black Lung Benefits Act (30 U.S.C. 901 et seq.).”.

(2) Conforming amendments.—Section 6103(p)(4) of such Code is amended—

(A) in the matter preceding subparagraph (A), by striking “or (22)” and inserting “(22), or (23)”;

and

(B) in subparagraph (F)(ii), by striking “or (22),” and inserting “(22), or (23)”.

(b) Social Security earnings information.—Notwithstanding section 552a of title 5, United States Code, or any other provision of Federal or State law, the Commissioner of Social Security shall make available to
the officers and employees of the Department of Labor, upon written request, the Social Security earnings information of living or deceased individuals who are the subject of a claim under the Black Lung Benefits Act (30 U.S.C. 901 et seq.), which the Secretary of Labor may require to carry out such Act. Such information shall be made available in electronic form.

PART B—REPORTS TO IMPROVE THE ADMINISTRATION OF BENEFITS UNDER THE BLACK LUNG BENEFITS ACT

SEC. 121. STRATEGY TO REDUCE DELAYS IN ADJUDICATION.

(a) In general.—Not later than 90 days after the date of enactment of this Act, the Secretary of Labor shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Education and Labor and the Committee on Appropriations of the House of Representatives a comprehensive strategy to reduce the backlog of cases pending on such date of enactment before the Office of Administrative Law Judges of the Department of Labor.

(b) Contents of strategy.—The strategy under this section shall provide information relating to—
(1) the current and targeted pendency for each category of cases before the Office of Administrative Law Judges of the Department of Labor;

(2) the number of administrative law judges, attorney advisors supporting such judges, support staff, and other resources necessary to achieve and maintain the targeted pendency for each category of such cases;

(3) the necessary resources to improve efficiency and effectiveness, such as equipment for video conferences, training, use of reemployed annuitants, and administrative reforms; and

(4) with respect to claims filed under the Black Lung Benefits Act (30 U.S.C. 901 et seq.), the necessary resources needed to reduce the average pendency of cases to less than 12 months from the date of receipt of the case to the date of disposition of such case.

PART C—IMPROVEMENT IN THE FINANCIAL SECURITY OF THE BLACK LUNG BENEFITS DISABILITY TRUST FUND

SEC. 131. POLICIES FOR SECURING THE PAYMENT OF BENEFITS.

(a) In General.—Not later than 60 days after the date of enactment of this Act, the Secretary shall publish
an interim final rule setting forth the requirements for an
operator of a coal mine to qualify as a self-insurer with
respect any portion of the operator’s liabilities under the
Black Lung Benefits Act, as described in section
423(a)(1) of such Act (30 U.S.C. 933(a)(1)). Such rule
shall—

(1) establish criteria, relating to the financial
health of the operator (including creditworthiness,
long-term enterprise viability, and other liabilities),
on which the eligibility of the operator to seek and
maintain qualification as a self-insurer shall be de-
determined;

(2) establish procedures to determine on an an-
nual basis (or more frequently, where deemed nec-
essary by the Secretary) the minimum amount of se-
curity sufficient to insure current and projected li-
abilities; and

(3) establish procedures for review by the Sec-
retary of operator appeals of determinations de-
scribed in paragraphs (1) and (2).

The Secretary shall promulgate a final rule not later than
12 months after the date of enactment of this Act.

(b) Penalties.—
(1) In general.—Section 423(d)(1) of the Black Lung Benefits Act (30 U.S.C. 933(d)(1)) is amended—

(A) by striking “$1,000” and inserting “$25,000”;

(B) by inserting “chief executive officer, chief operating officer,” after the word “president,” each place it appears;

(C) by striking “and treasurer” each place it appears and inserting “treasurer, and other responsible party”;

(D) by striking “for any benefit” and all that follows through “this section.” and inserting “for—

“(A) any benefit which may accrue under this title in respect to any disability which may occur to any employee of such corporation while it shall so fail to secure the payment of benefits as required by this section; or

“(B) in the event of bankruptcy or other permanent abandonment of the obligation to secure the payment of benefits, the actuarial present value of the benefits to be paid by the fund under section 424(b)(1), projected as of the date of failure to se-
cure such benefits, less any security recovered or
surrendered, plus interest.”.

(2) OTHER RESPONSIBLE PARTY DEFINED.—
Section 402 of the Black Lung Benefits Act (30
U.S.C. 902) is amended by inserting at the end the
following:
“(j) The term ‘other responsible party’ means—
“(1) an individual, partnership, joint venture,
corporation, mutual company, joint-stock company,
trust, estate, unincorporated organization, associa-
tion, or other enterprise that possesses, directly or
indirectly, the power to direct or cause the direction
of the management and policies of an operator or
employer; or
“(2) any trade or business (whether or not in-
corporated) which is under common control with an
operator or employer.”.

TITLE II—ESTABLISHING THE
OFFICE OF WORKERS’ COM-
PENSATION PROGRAMS

SEC. 201. OFFICE OF WORKERS’ COMPENSATION PRO-
GRAMS.

(a) Establishment.—There shall be established, in
the Department of Labor, an Office of Workers’ Com-
pensation Programs (referred to in this section as the “Office”).

(b) DIRECTOR.—

(1) IN GENERAL.—The Office shall be directed by a Director for the Office of Workers’ Compensation (referred to in this section as the “Director”) who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) DUTIES.—The Director shall carry out all duties carried out by the Director for the Office of Workers’ Compensation as of the day before the date of enactment of this Act.

(c) FUNCTIONS.—The functions of the Office on and after the date of enactment of this Act shall include the functions of the Office on the day before the date of enactment of this Act, including all of its personnel, assets, authorities, and liabilities.

(d) REFERENCES TO BUREAU OF EMPLOYEES’ COMPENSATION.—Reference in any other Federal law, Executive order, reorganization plan, rule, regulation, or delegation of authority, or any document of or relating to the Bureau of Employees’ Compensation with regard to functions carried out by the Office of Workers’ Compensation Programs, shall be deemed to refer to the Office of Workers’ Compensation Programs.
TITLE III—ADDITIONAL PROVISIONS

SEC. 301. TECHNICAL AND CONFORMING AMENDMENTS.

The Black Lung Benefits Act (30 U.S.C. 901 et seq.) is amended—

(1) in section 401(a) (30 U.S.C. 901(a)), by inserting “or who were found to be totally disabled by such disease” after “such disease”;

(2) in section 402—

(A) in subsection (a), by striking paragraph (2) and inserting the following:

“(2) a spouse who is a member of the same household as the miner, or is receiving regular contributions from the miner for support, or whose spouse is a miner who has been ordered by a court to contribute to support, or who meets the requirements of paragraph (1) or (2) of section 216(b) of the Social Security Act or paragraph (1) or (2) of section 216(f) of such Act. An individual is the ‘spouse’ of a miner when such individual is legally married to the miner under the laws of the State where the marriage was celebrated. The term ‘spouse’ also includes a ‘divorced wife’ or ‘divorced husband’, as such terms are defined in paragraph (1) or (4) of section 216(d) of such Act, who is re-
ceiving at least one-half of his or her support, as de-
determined in accordance with regulations prescribed
by the Secretary, from the miner, or is receiving
substantial contributions from the miner (pursuant
to a written agreement), or there is in effect a court
order for substantial contributions to the spouse’s
support from such miner.”;

(B) by striking subsection (e) and insert-
ing the following:

“(e) The term ‘surviving spouse’ includes the spouse
living with or dependent for support on the miner at the
time of the miner’s death, or living apart for reasonable
cause or because of the miner’s desertion, or who meets
the requirements of subparagraph (A), (B), (C), (D), or
(E) of section 216(c)(1) of the Social Security Act, sub-
paragraph (A), (B), (C), (D), or (E) of section 216(g)(1)
of such Act, or section 216(k) of such Act, who is not
married. An individual is the ‘surviving spouse’ of a miner
when legally married at the time of the miner’s death
under the laws of the State where the marriage was cele-
brated. Such term also includes a ‘surviving divorced wife’
or ‘surviving divorced husband’, as such terms are defined
in paragraph (2) or (5) of section 216(d) of such Act who
for the month preceding the month in which the miner
died, was receiving at least one-half of his or her support,
as determined in accordance with regulations prescribed by the Secretary, from the miner, or was receiving substantial contributions from the miner (pursuant to a written agreement) or there was in effect a court order for substantial contributions to the spouse’s support from the miner at the time of the miner’s death.”;

(C) in subsection (g)—

(i) in paragraph (2)(B)(ii), by striking “he ceased” and inserting “the individual ceased”; and

(ii) in the matter following paragraph (2)(C), by striking “widow” each place it appears and inserting “surviving spouse”;  

(D) in subsection (h), by striking “Internal Revenue Code of 1954” and inserting “Internal Revenue Code of 1986”; and

(E) in subsection (i), by striking “Internal Revenue Code of 1954” and inserting “Internal Revenue Code of 1986”;  

(3) in section 411 (30 U.S.C. 921)—

(A) by striking subsection (a) and inserting the following:

“(a) The Secretary shall, in accordance with the provisions of this title, and the regulations promulgated by
the Secretary under this title, make payments of benefits in respect of—

“(1) total disability of any miner due to pneumoconiosis;

“(2) the death of any miner whose death was due to pneumoconiosis;

“(3) total disability of any miner at the time of the miner’s death with respect to a claim filed under part C prior to January 1, 1982;

“(4) survivors’ benefits for any survivor’s claim filed after January 1, 2005, that is pending on or after March 23, 2010, where the miner is found entitled to receive benefits on a claim filed under part C; and

“(5) survivors’ benefits where the miner is found entitled to receive benefits on a claim filed under part C before January 1, 1982.”; and

(B) in subsection (e)—

(i) in paragraph (1), by striking “his pneumoconiosis” and inserting “the miner’s pneumoconiosis”; and

(ii) in paragraph (2), by striking “his death” and inserting “the miner’s death”; 

(4) in section 412 (30 U.S.C. 922)—

(A) in subsection (a)—
(i) by striking paragraph (2) and inserting the following:

“(2) In the case of a surviving spouse—

“(A) of a miner whose death is due to pneumoconiosis;

“(B) in a claim filed after January 1, 2005, and that is pending on or after March 23, 2010, of a miner who is found entitled to receive benefits on a claim filed under part C;

“(C) of a miner who is found entitled to receive benefits on a claim filed under part C before January 1, 1982; or

“(D) in a claim filed under part C before January 1, 1982, of a miner who was totally disabled by pneumoconiosis at the time of the miner’s death, benefits shall be paid to the miner’s surviving spouse at the rate the deceased miner would receive such benefits if he were totally disabled.”;

(ii) in paragraph (3)—

(I) by striking “(3) In the case” and all that follows through “section 411(c)” and inserting the following:

“(3)(A) In the case of the child or children of a miner described in sub-
paragraph (B)”;}
(II) by striking “he” each place it appears and inserting “the child”; 

(III) by striking “widow” each place it appears and inserting “surviving spouse”; and 

(IV) by adding at the end the following:

“(B) Subparagraph (A) shall apply in the case of any child or children—

“(i) of a miner whose death is due to pneumoconiosis;

“(ii) in a claim filed after January 1, 2005, that is pending on or after March 23, 2010, of a miner who is found entitled to receive benefits on a claim filed under part C;

“(iii) of a miner who is found entitled to receive benefits on a claim filed under part C before January 1, 1982;

“(iv) in a claim filed under part C before January 1, 1982, of a miner who was totally disabled by pneumoconiosis at the time of the miner’s death;

“(v) of a surviving spouse who is found entitled to receive benefits under this part at the time of the surviving spouse’s death; or
“(vi) entitled to the payment of benefits under paragraph (5) of section 411(e).”;

(iii) in paragraph (5)—

(I) by striking the first sentence and inserting the following: “In the case of the dependent parent or parents of a miner who is not survived at the time of death by a surviving spouse or a child and (i) whose death is due to pneumoconiosis, (ii) in a claim filed after January 1, 2005, that is pending on or after March 23, 2010, who is found entitled to receive benefits on a claim filed under part C, (iii) who is found entitled to receive benefits on a claim filed under part C before January 1, 1982, or (iv) in a claim filed under part C before January 1, 1982, who was totally disabled by pneumoconiosis at the time of the miner’s death; in the case of the dependent surviving brother(s) or sister(s) of such a miner who is not survived at the time of the miner’s death by a surviving spouse, child, or par-
ent; in the case of the dependent parent or parents of a miner (who is not survived at the time of the miner’s death by a surviving spouse or child) who are entitled to the payment of benefits under paragraph (5) of section 411(c); or in the case of the dependent surviving brother(s) or sister(s) of a miner (who is not survived at the time of the miner’s death by a surviving spouse, child, or parent) who are entitled to the payment of benefits under paragraph (5) of section 411(c), benefits shall be paid under this part to such parent(s), or to such brother(s), or sister(s), at the rate specified in paragraph (3) (as if such parent(s) or such brother(s) or sister(s), were the children of such miner).”;

(II) in the fourth sentence—

(aa) by striking “brother only if he” and inserting “brother or sister only if the brother or sister”; and
(bb) by striking “before he ceased” and inserting “before the brother or sister ceased”; and

(iv) in paragraph (6), by striking “prescribed by him” and inserting “prescribed by such Secretary”;  

(B) in subsection (b)—

(i) by striking “his” each place it appears and inserting “such miner’s”; and

(ii) by striking “widow” each place it appears and inserting “surviving spouse”; and

(C) in subsection (c), by striking “Internal Revenue Code of 1954” and inserting “Internal Revenue Code of 1986”;  

(5) in section 413 (30 U.S.C. 923)—

(A) in subsection (b)—

(i) in the second sentence, by striking “his wife’s affidavits” and inserting “affidavits of the miner’s spouse”;  

(ii) in the ninth sentence, by striking “widow” and inserting “surviving spouse”; and

(iii) by striking the last sentence; and
(B) in subsection (e), by striking “his claim” and inserting “the claim”;

(6) in section 414 (30 U.S.C. 924)—

(A) in subsection (a)—

(i) in paragraph (1), by striking “widow, within six months after the death of her husband” and inserting “surviving spouse, within six months after the death of the miner”; and

(ii) in paragraph (2)(C), by striking “his” and inserting “the child’s”; and

(B) in subsection (e)—

(i) by striking “widow” and inserting “surviving spouse”; and

(ii) by striking “his death” and inserting “the miner’s death”;

(7) in section 415(a) (30 U.S.C. 925(a))—

(A) in paragraph (1), by striking “Internal Revenue Code of 1954” and inserting “Internal Revenue Code of 1986”; and

(B) in paragraph (2)—

(i) by striking “he” and inserting “such Secretary”; and

(ii) by striking “him” and inserting “such Secretary”;
(8) in section 421 (30 U.S.C. 931)—

(A) in subsection (a), by striking “widows” and inserting “spouses”; and

(B) in subsection (b)(2)—

(i) in the matter preceding subparagraph (A), by striking “he” and inserting “such Secretary”; and

(ii) in subparagraph (F), by striking “promulgated by him” and inserting “promulgated by such Secretary”;

(9) in section 422 (30 U.S.C. 932)—

(A) in subsection (a)—

(i) by striking “Internal Revenue Code of 1954” and inserting “Internal Revenue Code of 1986”; and

(ii) by striking “he” and inserting “such Secretary”;

(B) in subsection (i)(4), by striking “Internal Revenue Code of 1954” and inserting “Internal Revenue Code of 1986”; and

(C) in subsection (j), by striking “Internal Revenue Code of 1954” each place it appears and inserting “Internal Revenue Code of 1986”;
(10) in section 423(a) (30 U.S.C. 933(a)), by striking “he” and inserting “such operator”;

(11) in section 424(b) (30 U.S.C. 934(b))—

(A) in the matter following subparagraph (B) of paragraph (1), by striking “him” and inserting “such operator”;

(B) in paragraph (3), by striking “Internal Revenue Code of 1954” each place it appears and inserting “Internal Revenue Code of 1986”; and

(C) in paragraph (5), by striking “Internal Revenue Code of 1954” and inserting “Internal Revenue Code of 1986”;

(12) in section 428 (30 U.S.C. 938)—

(A) in subsection (a), by striking “him” and inserting “such operator”; and

(B) in subsection (b)—

(i) in the first sentence, by striking “he” and inserting “the miner”;

(ii) in the third sentence, by striking “he” and inserting “the Secretary”;

(iii) in the ninth sentence—

(I) by striking “he” each place it appears and inserting “the Secretary”; and
(II) by striking “his” and inserting “the miner’s”; and

(iv) in the tenth sentence, by striking “he” each place it appears and inserting “the Secretary”; and

(13) in section 430 (30 U.S.C. 940)—

(A) by striking “1977 and” and inserting “1977,”; and

(B) by striking “1981” and inserting “1981, and the Black Lung Benefits Improvement Act of 2022, and any amendments made after the date of enactment of such Act,.”.

SEC. 302. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or the application of a provision of this Act or an amendment made by this Act to any person or circumstance, is held to be unconstitutional, the remainder of this Act, and the application of the provisions to any person or circumstance, shall not be affected by the holding.