

At a Glance

H.R. 6102 , Black Lung Benefits Improvement Act of 2022

As ordered reported by the House Committee on Education and Labor on March 16, 2022

By Fiscal Year, Millions of Dollars	2022	2022-2027	2022-2032
Direct Spending (Outlays)	0	36	74
Revenues	*	*	*
Increase or Decrease (-) in the Deficit	*	36	74
Spending Subject to Appropriation (Outlays)	0	*	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2033?	< \$5 billion	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	Yes, Under Threshold

* = between -\$500,000 and \$500,000.

The bill would

- Increase black lung benefits paid to miners and their survivors
- Make it easier for miners to substantiate their claims using computerized tomography (or CT) scans
- Increase the maximum penalty for coal operators who violate self-insurance rules
- Codify existing regulations and practices for paying black lung benefits

Estimated budgetary effects would mainly stem from

- Increasing benefits for miners and survivors
- Increasing the number of people who receive black lung benefits
- Reimbursing some attorneys' fees associated with black lung claims

Areas of significant uncertainty include

- The number of additional claims that would be paid because of changes to rules for medical evidence

Detailed estimate begins on the next page.



Bill Summary

H.R. 6102 would increase benefits for miners, and their survivors, who are affected by coal workers’ pneumoconiosis (commonly referred to as black lung disease) or other lung diseases and would allow certain attorneys’ fees to be paid by the federal government. In addition, the bill would expand use of computerized tomography (CT) scans as medical evidence to substantiate miners’ black lung claims, resulting in more people receiving benefits. Some of those costs would be paid by responsible coal operators.

Estimated Federal Cost

The estimated budgetary effect of H.R. 6102 is shown in Table 1. The costs of the legislation fall within budget function 600 (income security).

Table 1. Estimated Budgetary Effects of H.R. 6102													
By Fiscal Year, Millions of Dollars												2022-	2022-
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2027	2032
Increases in Direct Spending													
Estimated Budget Authority	0	9	6	7	7	7	7	7	8	8	8	36	74
Estimated Outlays	0	9	6	7	7	7	7	7	8	8	8	36	74

Enacting H.R. 6102 would increase revenue by an insignificant amount over the 2023-2032 period. The bill also would increase spending subject to appropriation by an insignificant amount over the 2023-2027 period.

Basis of Estimate

For this estimate, CBO assumes that H.R. 6102 will be enacted by the end of calendar year 2022. Estimated outlays are based on historical spending patterns for the affected programs.

Direct Spending

Under current law, miners, and their survivors, affected by black lung and related diseases can receive benefits if their disease is connected to coal mining. If the responsible mine operator cannot pay benefits, the federal government pays benefits out of the Black Lung Disability Trust Fund (BLDTF). H.R. 6102 would increase direct spending chiefly by increasing benefits for people who are disabled and their survivors, increasing the number of miners who could claim those benefits, and reimbursing attorneys for certain legal fees. Over the 2023-2032 period, CBO estimates the bill would cost \$74 million.

Benefit Rates. H.R. 6102 would increase the payment for disability and survivors’ benefits, retroactively starting on January 1, 2022, by about 4 percent, and would increase those benefits each year based on the change in the Consumer Price Index. CBO estimates that the



number of people receiving black lung benefits is roughly 25,000 annually; benefits for about two-thirds of those people will be paid out of the BLDTF. On that basis, and using the inflation rates that underlie CBO's baseline, we estimate that enacting this provision would increase direct spending by \$53 million over the 2023-2032 period.

Attorneys' Fees. Under the bill, attorneys for people applying for black lung benefits would be reimbursed up to \$1,500 for legal fees if the claimant is awarded benefits by a district director and up to \$3,000 if benefits are awarded by an administrative law judge. Initially, those amounts would be paid by the federal government, but mine operators would be required to reimburse the Department of Labor (DOL) if the operators are also responsible for the claimants' black lung benefits. Using information from the department, CBO estimates that, on net, the bill would increase direct spending from the BLDTF by \$15 million over the 2023-2032 period for attorneys' fees.

Medical Evidence. More weight is placed on some types of evidence when evaluating claims for black lung benefits during the adjudication process. Under H.R. 6102, pneumoconiosis or related diseases diagnosed by a CT scan would be weighted equally as other forms of medical evidence in certain cases. Additionally, DOL would be obligated to authorize those scans in certain cases; the cost of authorized medical examination and tests would ultimately be paid for by the BLDTF or responsible coal operator. Because the early stages of pneumoconiosis and related diseases are more likely to be identified through CT scans than other methods, CBO expects that 60 additional people would be awarded black lung benefits over the 2023-2032 period. The federal government would pay the benefits for about 40 of those people through the BLDTF. CBO estimates that the cost of additional scans and benefits would be \$6 million over the 2023-2032 period.

Criminal Penalties. CBO estimates that H.R. 6102 would increase collections of criminal penalties, which are recorded as revenues, as discussed below under the heading "Revenues." Criminal penalties are deposited in the Crime Victims Fund and later spent without further appropriation action. CBO estimates those additional penalties would increase direct spending by an insignificant amount over the 2023-2032 period.

Other Provisions. H.R. 6102 would amend the descriptions of eligibility for black lung benefits and the Office of Workers' Compensation Programs. Because these provisions would codify existing practices and procedures, they would not affect federal spending.

Revenues

Under current law, people who make false statements or submit false claims to obtain black lung benefits can face criminal fines and imprisonment. H.R. 6102 would encourage additional investigations of violators, explicitly define the types of violations that may result in fines, and increase the maximum prison sentence for making a false statement. Criminal fines are recorded as revenues, deposited in the Crime Victims Fund, and later spent without



further appropriation action. CBO estimates that those increased penalties would not be significant.

In addition, H.R. 6102 would increase the maximum daily civil penalty from \$3,011 to \$25,000 if coal mine operators fail to maintain required security or insurance. Finally, the bill would expand the list of corporate executives and entities that can be held jointly or severally liable in the event of a failure to pay black lung benefits; the liability would extend beyond bankruptcy filings or other permanent abandonment. Those fines also are recorded as revenues. Given that DOL has not assessed such penalties in recent years, CBO expects those changes would not increase revenues by a significant amount.

Spending Subject to Appropriation

The bill would require DOL to issue new regulations concerning self-insurance, procedures for disqualification of attorneys, and discovery sanctions. The bill also would require the Social Security Administration to make earnings information for living or deceased miners available to DOL in electronic form rather than on paper. CBO estimates that the cost of those provisions would be insignificant over the 2023-2032 period.

Uncertainty

CBO's estimates of the budgetary effects of H.R. 6102 are subject to uncertainty. In particular, the number of claims that would be accepted as a result of new rules concerning medical evidence could differ from CBO's projections. Therefore, the cost of benefits could be higher or lower than CBO estimated.

Pay-As-You-Go Considerations

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays and revenues that are subject to those pay-as-you-go procedures are shown in Table 1.

Increase in Long-Term Deficits

CBO estimates that enacting H.R. 6102 would not increase on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2033.

Mandates

H.R. 6102 would impose a private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA) by increasing the amount and availability of benefits paid under the Black Lung Benefits Act. Benefits currently are paid in part by the employers of claimants; therefore, the changes in the bill would increase the cost of an existing mandate. Because of the small number of additional new beneficiaries, CBO estimates that the cost of the mandate



would not exceed the private-sector threshold established in UMRA (\$184 million in 2022, adjusted annually for inflation).

The bill contains no intergovernmental mandates as defined in UMRA.

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