Public Law 97-119
97th Congress

# An Act

To amend the Internal Revenue Code of 1954 to provide a temporary increase in the tax imposed on producers of coal, and for other purposes.

Dec. 29, 1981
[H.R. 5159]

*Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Internal Revenue Code of 1954, amendment.

# TITLE I—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954

## Subtitle A—Black Lung Benefits Revenue Provisions

Black Lung Benefits Revenue Act of 1981.

### SEC. 101. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) SHORT TITLE.—This subtitle may be cited as the "Black Lung Benefits Revenue Act of 1981". 26 USC 1 note.

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this subtitle or subtitle B an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

### SEC. 102. TEMPORARY INCREASE IN AMOUNT OF TAX.

(a) GENERAL RULE.—Section 4121 (relating to tax on coal) is amended by adding at the end thereof the following new subsection: 26 USC 4121.

"(e) TEMPORARY INCREASE IN AMOUNT OF TAX.—

"(1) IN GENERAL.—Effective with respect to sales after December 31, 1981, and before the temporary increase termination date—

"(A) subsection (a) shall be applied—

"(i) by substituting '$1' for '50 cents', and

"(ii) by substituting '50 cents' for '25 cents', and

"(B) subsection (b) shall be applied by substituting '4 percent' for '2 percent'.

"(2) TEMPORARY INCREASE TERMINATION DATE.—For purposes of paragraph (1), the temporary increase termination date is the earlier of—

"(A) January 1, 1996, or

"(B) the first January 1 after 1981 as of which there is—

"(i) no balance of repayable advances made to the Black Lung Disability Trust Fund, and

"(ii) no unpaid interest on such advances.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to sales after December 31, 1981. 26 USC 4121 note.

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**SEC. 103. BLACK LUNG DISABILITY TRUST FUND.**

(a) GENERAL RULE.—The Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subtitle:

Trust Fund Code of 1981.

# "Subtitle I—Trust Fund Code

26 USC 9500.

**"SEC. 9500. SHORT TITLE.**

"This subtitle may be cited as the 'Trust Fund Code of 1981'.

## "CHAPTER 98—TRUST FUND CODE

"SUBCHAPTER A. Establishment of Trust Funds.
"SUBCHAPTER B. General provisions.

### "Subchapter A—Establishment of Trust Funds

"Sec. 9501. Establishment of Black Lung Disability Trust Fund.

26 USC 9501.

**"SEC. 9501. ESTABLISHMENT OF BLACK LUNG DISABILITY TRUST FUND.**

"(a) CREATION OF TRUST FUND.—

"(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the 'Black Lung Disability Trust Fund', consisting of such amounts as may be appropriated or credited to the Black Lung Disability Trust Fund.

"(2) TRUSTEES.—The trustees of the Black Lung Disability Trust Fund shall be the Secretary of the Treasury, the Secretary of Labor, and the Secretary of Health and Human Services.

"(b) TRANSFER OF CERTAIN TAXES; OTHER RECEIPTS.—

"(1) TRANSFER TO BLACK LUNG DISABILITY TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN TAXES.—There are hereby appropriated to the Black Lung Disability Trust Fund amounts equivalent to the taxes received in the Treasury under section 4121 or subchapter B of chapter 42.

*Ante*, p. 1635, 26 USC 4951.

"(2) CERTAIN REPAID AMOUNTS, ETC.—The following amounts shall be credited to the Black Lung Disability Trust Fund:

"(A) Amounts repaid or recovered under subsection (b) of section 424 of the Black Lung Benefits Act (including interest thereon).

*Post*, p. 1639.

"(B) Amounts paid as fines or penalties, or interest thereon, under section 423, 431, or 432 of the Black Lung Benefits Act.

30 USC 933, 941, 942.

"(C) Amounts paid into the Black Lung Disability Trust Fund by a trust described in section 501(c)(21).

"(c) REPAYABLE ADVANCES.—

"(1) AUTHORIZATION.—There are authorized to be appropriated to the Black Lung Disability Trust Fund, as repayable advances, such sums as may from time to time be necessary to make the expenditures described in subsection (d).

"(2) REPAYMENT WITH INTEREST.—Repayable advances made to the Black Lung Disability Trust Fund shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary of the Treasury determines that moneys are available in the Black Lung Disability Trust Fund for such purposes.

"(3) RATE OF INTEREST.—Interest on advances made pursuant to this subsection shall be at a rate determined by the Secretary

of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding.

"(d) EXPENDITURES FROM TRUST FUND.—Amounts in the Black Lung Disability Trust Fund shall be available, as provided by appropriation Acts, for—

"(1) the payment of benefits under section 422 of the Black Lung Benefits Act in any case in which the Secretary of Labor determines that— 30 USC 932.

"(A) the operator liable for the payment of such benefits—

"(i) has not commenced payment of such benefits within 30 days after the date of an initial determination of eligibility by the Secretary of Labor, or

"(ii) has not made a payment within 30 days after that payment is due,

except that, in the case of a claim filed on or after the date of the enactment of the Black Lung Benefits Revenue Act of 1981, amounts will be available under this subparagraph only for benefits accruing after the date of such initial determination, or

"(B) there is no operator who is liable for the payment of such benefits,

"(2) the payment of obligations incurred by the Secretary of Labor with respect to all claims of miners or their survivors in which the miner's last coal mine employment was before January 1, 1970,

"(3) the repayment into the Treasury of the United States of an amount equal to the sum of the amounts expended by the Secretary of Labor for claims under part C of the Black Lung Benefits Act which were paid before April 1, 1978, except that the Black Lung Disability Trust Fund shall not be obligated to pay or reimburse any such amounts which are attributable to periods of eligibility before January 1, 1974, 30 USC 931.

"(4) the repayment of, and the payment of interest on, repayable advances to the Black Lung Disability Trust Fund,

"(5) the payment of all expenses of administration on or after March 1, 1978—

"(A) incurred by the Department of Labor or the Department of Health and Human Services under part C of the Black Lung Benefits Act (other than under section 427(a) or 433), or 30 USC 937, 943.

"(B) incurred by the Department of the Treasury in administering subchapter B of chapter 32 and in carrying out its responsibilities with respect to the Black Lung Disability Trust Fund, 26 USC 4121.

"(6) the reimbursement of operators for amounts paid by such operators (other than as penalties or interest) before April 1, 1978, in satisfaction (in whole or in part) of claims of miners whose last employment in coal mines was terminated before January 1, 1970, and

"(7) the reimbursement of operators and insurers for amounts paid by such operators and insurers (other than amounts paid as penalties, interest, or attorney fees) at any time in satisfaction (in whole or in part) of any claim denied (within the meaning of section 402(i) of the Black Lung Benefits Act) before March 1, *Post*, p. 1645.

30 USC 945.

1978, and which is or has been approved in accordance with the provisions of section 435 of the Black Lung Benefits Act.

*Post*, pp. 1645, 1639, 1644, 1645.

For purposes of the preceding sentence, any reference to section 402(i), 422, or 435 of the Black Lung Benefits Act shall be treated as a reference to such section as in effect immediately after the enactment of this section.

## "Subchapter B—General Provisions

"Sec. 9601. Transfer of amounts.
"Sec. 9602. Management of Trust Funds.

26 USC 9601.

### "SEC. 9601. TRANSFER OF AMOUNTS.

*Ante*, p. 1636.

"The amounts appropriated by any section of subchapter A to any Trust Fund established by such subchapter shall be transferred at least monthly from the general fund of the Treasury to such Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in such section. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

26 USC 9602.

### "SEC. 9602. MANAGEMENT OF TRUST FUNDS.

"(a) REPORT.—It shall be the duty of the Secretary of the Treasury to hold each Trust Fund established by subchapter A, and (after consultation with any other trustees of the Trust Fund) to report to the Congress each year on the financial condition and the results of the operations of each such Trust Fund during the preceding fiscal year and on its expected condition and operations during the next 5 fiscal years. Such report shall be printed as a House document of the session of the Congress to which the report is made.

"(b) INVESTMENT.—

"(1) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of any Trust Fund established by subchapter A as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired—

"(A) on original issue at the issue price, or

"(B) by purchase of outstanding obligations at the market price.

"(2) SALE OF OBLIGATIONS.—Any obligation acquired by a Trust Fund established by subchapter A may be sold by the Secretary of the Treasury at the market price.

"(3) INTEREST ON CERTAIN PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in a Trust Fund established by subchapter A shall be credited to and form a part of the Trust Fund.".

30 USC 934a.

(b) REPEAL OF SUBSECTIONS (a), (b), AND (c) OF SECTION 3 OF THE BLACK LUNG BENEFITS REVENUE ACT OF 1977.—Subsections (a), (b), and (c) of section 3 of the Black Lung Benefits Revenue Act of 1977 are hereby repealed.

(c) CLERICAL AMENDMENTS.—

26 USC 501.

(1) Clause (iii) of section 501(c)(21)(B) is amended by striking out "established under section 3 of the Black Lung Benefits Revenue Act of 1977" and inserting in lieu thereof "established under section 9501".

*Ante*, p. 1636.

(2) The table of subtitles for such Code is amended by adding at the end thereof the following new item:

"SUBTITLE I. Trust Fund Code.".

(d) EFFECTIVE DATE.— 26 USC 9501 note.

(1) IN GENERAL.—The amendments made by this section shall take effect on January 1, 1982. Section 9501(c)(3) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall only apply to advances made after December 31, 1981. *Ante*, p. 1636.

(2) SAVINGS PROVISIONS.—The Black Lung Disability Trust Fund established by the amendments made by this section shall be treated for all purposes of law as the continuation of the Black Lung Disability Trust Fund established by section 3 of the Black Lung Benefits Revenue Act of 1977. Any reference in any law to the Black Lung Disability Trust Fund established by such section 3 shall be deemed to include a reference to the Black Lung Disability Trust Fund established by the amendments made by this section. 30 USC 934a, 934 and note.

**SEC. 104. AMENDMENTS TO SECTION 424 OF THE BLACK LUNG BENEFITS ACT.**

(a) INTEREST ON OPERATOR LIABILITIES.—

(1) RATE OF INTEREST.—Subsection (b) of section 424 of the Black Lung Benefits Act is amended by adding at the end thereof the following new paragraph: 30 USC 934.

"(5) The rate of interest under this subsection—

"(A) for any period during calendar year 1982, shall be 15 percent, and

"(B) for any period after calendar year 1982, shall be the rate established by section 6621 of the Internal Revenue Code of 1954 which is in effect for such period.". 26 USC 6621.

(2) CLARIFYING AMENDMENT.—The first sentence of section 424(b)(1) of the Black Lung Benefits Act is amended by inserting "plus interest thereon" after "attributed to him".

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 1982, and shall apply to amounts outstanding on such date or arising thereafter. 30 USC 934 note.

(b) CONFORMING AMENDMENTS.—

(1) Section 402(h) of the Black Lung Benefits Act is amended to read as follows: "Fund." 30 USC 902.

"(h) The term 'fund' means the Black Lung Disability Trust Fund established by section 9501 of the Internal Revenue Code of 1954.".

(2) Section 415(a)(1) of the Black Lung Benefits Act is amended by striking "section 424 of this title" and inserting in lieu thereof "section 9501(d) of the Internal Revenue Code of 1954". 30 USC 925.

(3) Section 422(a) of the Black Lung Benefits Act is amended by striking "section 424" and inserting in lieu thereof "section 9501(d) of the Internal Revenue Code of 1954". 30 USC 932.

(4) Section 422(i)(4) of the Black Lung Benefits Act is amended by striking "section 424" and inserting in lieu thereof "section 9501(d) of the Internal Revenue Code of 1954".

(5) Section 422(j) of the Black Lung Benefits Act is amended by striking "section 424 shall" and inserting in lieu thereof "section 9501 of the Internal Revenue Code of 1954 shall"; and by striking "section 424(a)(1)" and inserting in lieu thereof "section 9501(d)(1) of the Internal Revenue Code of 1954".

(6) Section 424(a) of the Black Lung Benefits Act is amended to read as follows: 30 USC 934.

"(a) For purposes of this section, the term 'fund' has the meaning set forth in section 402(h).". *Supra*.

# Subtitle B—Miscellaneous Revenue Amendments

**SEC. 111. ADDITIONAL 2-YEAR DELAY IN APPLICATION OF THE NET OPERATING LOSS RULES ADDED BY THE TAX REFORM ACT OF 1976.**

26 USC 382 note.
26 USC 382, 383.

Paragraphs (2) and (3) of section 806(g) of the Tax Reform Act of 1976 (relating to effective dates for the amendments to sections 382 and 383 of the Internal Revenue Code of 1954) are amended by striking out "1982" each place it appears and inserting in lieu thereof "1984".

**SEC. 112. INFORMATION RETURNS WITH RESPECT TO SAFE HARBOR LEASES.**

26 USC 168 note.

(a) REQUIREMENT OF RETURN.—

*Ante*, p. 204.

(1) IN GENERAL.—Except as provided in paragraph (2), paragraph (8) of section 168(f) of the Internal Revenue Code of 1954 (relating to special rule for leases) shall not apply with respect to an agreement unless a return, signed by the lessor and lessee and containing the information required to be included in the return pursuant to subsection (b), has been filed with the Internal Revenue Service not later than the 30th day after the date on which the agreement is executed.

(2) SPECIAL RULES FOR AGREEMENTS EXECUTED BEFORE JANUARY 1, 1982.—

(A) IN GENERAL.—In the case of an agreement executed before January 1, 1982, such agreement shall cease on February 1, 1982, to be treated as a lease under section 168(f)(8) unless a return, signed by the lessor and containing the information required to be included in subsection (b), has been filed with the Internal Revenue Service not later than January 31, 1982.

(B) FILING BY LESSEE.—If the lessor does not file a return under subparagraph (A), the return requirement under subparagraph (A) shall be satisfied if such return is filed by the lessee before January 31, 1982.

(3) CERTAIN FAILURE TO FILE.—If—

(A) a lessor or lessee fails to file any return within the time prescribed by this subsection, and

(B) such failure is shown to be due to reasonable cause and not due to willful neglect,

the lessor or lessee shall be treated as having filed a timely return if a return is filed within a reasonable time after the failure is ascertained.

(b) INFORMATION REQUIRED.—The information required to be included in the return pursuant to this subsection is as follows:

(1) The name, address, and taxpayer identifying number of the lessor and the lessee (and parent company if a consolidated return is filed);

(2) The district director's office with which the income tax returns of the lessor and lessee are filed;

(3) A description of each individual property with respect to which the election is made;

(4) The date on which the lessee places the property in service, the date on which the lease begins and the term of the lease;

(5) The recovery property class and the ADR midpoint life of the leased property;

(6) The payment terms between the parties to the lease transaction;

(7) Whether the ACRS deductions and the investment tax credit are allowable to the same taxpayer;

(8) The aggregate amount paid to outside parties to arrange or carry out the transaction;

(9) For the lessor only: the unadjusted basis of the property as defined in section 168(d)(1);

*Ante*, p. 204.

(10) For the lessor only: if the lessor is a partnership or a grantor trust, the name, address, and taxpayer identifying number of the partners or the beneficiaries, and the district director's office with which the income tax return of each partner or beneficiary is filed; and

(11) Such other information as may be required by the return or its instructions.

Paragraph (8) shall not apply with respect to any person for any calendar year if it is reasonable to estimate that the aggregate adjusted basis of the property of such person which will be subject to subsection (a) for such year is $1,000,000 or less.

(c) COORDINATION WITH OTHER INFORMATION REQUIREMENTS.—In the case of agreements executed after December 31, 1982, to the extent provided in regulations prescribed by the Secretary of the Treasury or his delegate, the provisions of this section shall be modified to coordinate such provisions with the other information requirements of the Internal Revenue Code of 1954.

**SEC. 113. EXPENSES IN CONNECTION WITH BUSINESS USE OF A HOME, ETC.**

(a) RENTAL TO FAMILY MEMBERS AND SHARED EQUITY AGREEMENTS PERMITTED.—

(1) IN GENERAL.—Subsection (d) of section 280A (relating to disallowance of certain expenses in connection with business use of home, rental of vacation homes, etc.) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

26 USC 280A.

"(3) RENTAL TO FAMILY MEMBER, ETC., FOR USE AS PRINCIPAL RESIDENCE.—

"(A) IN GENERAL.—A taxpayer shall not be treated as using a dwelling unit for personal purposes by reason of a rental arrangement for any period if for such period such dwelling unit is rented, at a fair rental, to any person for use as such person's principal residence.

"(B) SPECIAL RULES FOR RENTAL TO PERSON HAVING INTEREST IN UNIT.—

"(i) RENTAL MUST BE PURSUANT TO SHARED EQUITY FINANCING AGREEMENT.—Subparagraph (A) shall apply to a rental to a person who has an interest in the dwelling unit only if such rental is pursuant to a shared equity financing agreement.

"(ii) DETERMINATION OF FAIR RENTAL.—In the case of a rental pursuant to a shared equity financing agreement, fair rental shall be determined as of the time the agreement is entered into and by taking into account the occupant's qualified ownership interest.

"(C) SHARED EQUITY FINANCING AGREEMENT.—For purposes of this paragraph, the term 'shared equity financing agreement' means an agreement under which—

"(i) 2 or more persons acquire qualified ownership interests in a dwelling unit, and

"(ii) the person (or persons) holding 1 or more of such interests—

"(I) is entitled to occupy the dwelling unit for use as a principal residence, and

"(II) is required to pay rent to 1 or more other persons holding qualified ownership interests in the dwelling unit.

"(D) QUALIFIED OWNERSHIP INTEREST.—For purposes of this paragraph, the term 'qualified ownership interest' means an undivided interest for more than 50 years in the entire dwelling unit and appurtenant land being acquired in the transaction to which the shared equity financing agreement relates.".

26 USC 280A.

(2) DEFINITION OF QUALIFIED RENTAL PERIOD.—Subparagraph (B) of section 280A(d)(4) (defining qualified rental period), as redesignated by paragraph (1), is amended by striking out "to a person other than a member of the family (as defined in section 267(c)(4)) of the taxpayer".

(b) TREATMENT OF EXPENSES WHILE AWAY FROM HOME IN PURSUIT OF TRADE OR BUSINESS.—

"(1) IN GENERAL.—Subsection (f) of section 280A is amended by adding at the end thereof the following new paragraph:

"(4) COORDINATION WITH SECTION 162(a)(2), ETC.—

"(A) IN GENERAL.—Nothing in this section shall be construed to disallow any deduction allowable under section 162(a)(2) (or any deduction which meets the tests of section 162(a)(2) but is allowable under another provision of this title) by reason of the taxpayer's being away from home in the pursuit of a trade or business (other than the trade or business of renting dwelling units).

"(B) LIMITATION.—The Secretary shall prescribe amounts deductible (without substantiation) pursuant to the last sentence of section 162(a), but nothing in subparagraph (A) or any other provision of this title shall permit such a deduction for any taxable year of amounts in excess of the amounts determined to be appropriate under the circumstances.".

(c) PRINCIPAL PLACE OF BUSINESS APPLIES TO ANY TRADE OR BUSINESS.—Subparagraph (A) of section 280A(c)(1) (relating to certain business use) is amended to read as follows:

"(A) the principal place of business for any trade or business of the taxpayer.".

(d) REPAIR AND MAINTENANCE OF DWELLING UNIT.—The last sentence of paragraph (2) of section 280A(d) (relating to personal use of residence) is amended by inserting ", except that if the taxpayer is engaged in repair and maintenance on a substantially full time basis for any day, such authority shall not allow the Secretary to treat a dwelling unit as being used for personal use by the taxpayer on such day merely because other individuals who are on the premises on such day are not so engaged" after "paragraph".

26 USC 280A note.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1975, except that in the case of taxable years beginning after December 31, 1975, and

before January 1, 1980, the amendment made by this section shall apply only to taxable years for which, on the date of the enactment of this Act, the making of a refund, or the assessment of a deficiency, was not barred by law or any rule of law.

# TITLE II—BENEFITS AMENDMENTS

Black Lung Benefits Amendments of 1981.

### SHORT TITLE; GENERAL REFERENCE

SEC. 201. (a) This title may be cited as the "Black Lung Benefits Amendments of 1981". 30 USC 801 note.

(b) Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Black Lung Benefits Act.

### ELIGIBILITY STANDARDS

SEC. 202. (a) The fourth sentence of subsection (b) of section 413 is amended by inserting immediately after the words "In any case" a comma and the following: "other than that involving a claim filed on or after the effective date of the Black Lung Benefits Amendments of 1981,". 30 USC 923.

(b)(1) Paragraphs (2) and (4) of subsection (c) of section 411 are each amended by inserting a new sentence at the end of each as follows: "The provisions of this paragraph shall not apply with respect to claims filed on or after the effective date of the Black Lung Benefits Amendments of 1981.". 30 USC 921.

(2) Paragraph (5) of subsection (c) of section 411 is amended by inserting a new sentence at the end thereof as follows: "The provisions of this paragraph shall not apply with respect to claims filed on or after the day that is 180 days after the effective date of the Black Lung Benefits Amendments of 1981.".

(c) The third sentence of subsection (b) of section 413 is amended by inserting immediately after the word "affidavits" a comma and the following: "from persons not eligible for benefits in such case with respect to claims filed on or after the effective date of the Black Lung Benefits Amendments of 1981,". 30 USC 923.

(d) Section 430 is amended by striking the words "and by" and inserting in lieu thereof a comma, and by inserting immediately after the phrase "the Black Lung Benefits Reform Act of 1977" the phrase "and the Black Lung Benefits Amendments of 1981". 30 USC 940.

(e) The Secretary of Labor, in consultation with the Secretary of Health and Human Services, shall undertake a study of current medical methods for the diagnosis of pneumoconiosis, and of the nature and extent of impairment and disability that are attributable to the existence of both simple and complicated pneumoconiosis. The study, together with appropriate recommendations, shall be transmitted to the Congress no later than eighteen months after the effective date of this title. Study. 30 USC 901 note. Transmittal to Congress.

### BENEFITS

SEC. 203. (a)(1) Section 412(a)(2) is amended by inserting immediately after the word "or" a comma and the following: "except with respect to a claim filed under part C of this title on or after the effective date of the Black Lung Benefits Amendments of 1981,". 30 USC 922. 30 USC 931.

(2) Section 412(a)(3) is amended by striking the first comma therein, and by inserting immediately after the word "or" the second time it

appears therein a comma and the following: "except with respect to a claim filed under part C of this title on or after the effective date of the Black Lung Benefits Amendments of 1981,".

30 USC 931.

30 USC 922.

(3) Section 412(a)(5) is amended by striking out the second comma therein, by striking out the phrase "of a miner" the third time it appears therein, and by inserting immediately after the word "or" the second time it appears therein a comma and the following: "except with respect to a claim filed under part C of this title on or after the effective date of the Black Lung Benefits Amendments of 1981,".

30 USC 901.

(4) Section 401(a) is amended by striking the phrase "or who were totally disabled by this disease at the time of their deaths" each time it appears.

30 USC 921.

(5) Section 411(a) is amended by inserting immediately after the word "or" a comma and the following: "except with respect to a claim filed under part C of this title on or after the effective date of the Black Lung Benefits Amendments of 1981,".

30 USC 932.

(6) Section 422(l) is amended by inserting immediately before the period at the end thereof a comma and the following: "except with respect to a claim filed under this part on or after the effective date of the Black Lung Benefits Amendments of 1981,".

(b) Subsection (g) of section 422 is amended by adding at the end thereof a new sentence as follows: "In addition, the amount of benefits payable under this section with respect to any claim filed on or after the effective date of the Black Lung Benefits Amendments of 1981 shall be reduced, on a monthly or other appropriate basis, by the amount by which such benefits would be reduced on account of excess earnings of such miner under section 203 (b) through (l) of the Social Security Act if the amount paid were a benefit payable under section 202 of such Act.".

42 USC 403.
42 USC 402.

Study.
30 USC 901 note.

(c) The Secretary of Labor shall undertake a study of the benefits provided by the Black Lung Benefits Act, other benefits received by individuals who receive benefits under that Act, and benefits which would be received were State workers' compensation programs applicable in lieu of benefits under that Act. The study, together with appropriate recommendations, shall be transmitted to the Congress no later than eighteen months after the effective date of this title.

Transmittal to Congress.

30 USC 922.

(d) Paragraph (1) of subsection (a) of section 412 is amended by deleting the phrase "50 per centum of the minimum monthly payment to which a Federal employee in grade GS-2, who is totally disabled, is entitled at the time of payment under chapter 81 of title 5, United States Code" and inserting in lieu thereof the phrase "37½ per centum of the monthly pay rate for Federal employees in grade GS-2, step 1".

5 USC 5332 note.

5 USC 8101 *et seq.*

INTEREST CHARGES

30 USC 932.

SEC. 204. Subsection (d) of section 422 is amended by adding two new sentences at the end thereof as follows: "If payment is not made within the time required, interest shall accrue to such amounts at the rates set forth in section 424(b)(5) of this title for interest owed to the fund. With respect to payments withheld pending final adjudication of liability, in the case of claims filed on or after the effective date of the Black Lung Benefits Amendments of 1981, such interest shall commence to accumulate 30 days after the date of the determination that such an award should be made.".

*Ante*, p. 1639.

SPECIAL CLAIMS

SEC. 205. (a)(1) Subsection (c) of section 422 is amended by inserting "(1)" after "pneumoconiosis", and by inserting before the period at the end thereof a semicolon and the following: "or (2) which was the subject of a claim denied before March 1, 1978, and which is or has been approved in accordance with the provisions of section 435". 30 USC 932. 30 USC 945.

(2) Subsection (j) of section 422 is amended by striking out "or" at the end of paragraph (1), by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or", and by adding at the end thereof the following:

"(3) in which there was a claim denied before March 1, 1978, and such claim is or has been approved in accordance with the provisions of section 435.".

(b) Section 402 is amended by inserting at the end thereof the following new paragraph: "Claim denied." 30 USC 902.

"(i) For the purposes of subsections (c) and (j) of section 422, and for the purposes of paragraph (7) of subsection (d) of section 9501 of the Internal Revenue Code of 1954, the term 'claim denied' means a claim— *Supra.* *Ante*, p. 1636.

"(1) denied by the Social Security Administration; or

"(2) in which (A) the claimant was notified by the Department of Labor of an administrative or informal denial more than 1 year prior to the date of enactment of the Black Lung Benefits Reform Act of 1977 and did not, within 1 year from the date of notification of such denial, request a hearing, present additional evidence or indicate an intention to present additional evidence, or (B) the claim was denied under the law in effect prior to the date of enactment of the Black Lung Benefits Reform Act of 1977 following a formal hearing or administrative or judicial review proceeding.". 30 USC 801 note.

EFFECTIVE DATE; SEPARABILITY

SEC. 206. (a) Except as otherwise provided, the provisions of this title shall take effect on January 1, 1982. 30 USC 901 note.

(b) If any provision of this title, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this title, or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Approved December 29, 1981.

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LEGISLATIVE HISTORY—H.R. 5159:

HOUSE REPORT: No. 97-406, Pt. 1 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 127 (1981):
Dec. 15, considered and passed House.
Dec. 16, considered and passed Senate, amended; House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 17, No. 53 (1981):
Dec. 29, Presidential statement.