3

AMENDMENT TO H.R. 2768, AS REPORTED

OFFERED BY MR. ELLSWORTH OF INDIANA

Page 32, beginning on line 9, strike "amended by striking" and all that follows through "The operator shall," and insert "amended—

1 (1) by inserting "(1)" after the subsection des-
2 ignation; and
3 (2) by inserting at the end the following:
4 "(2)(A) The Secretary shall maintain a list of delin-
5 quent operators who fail to timely pay final assessments.
6 Any operator placed on that list for the first time shall
7 be subject to the requirements of this paragraph only until
8 such time as the Secretary determines that the operator
9 is no longer in arrears. Any operator placed on that list
10 for a subsequent time shall remain on the list until such
11 time as the Secretary determines the operator is com-
12 mitted to timely payment of final assessments. Any oper-
13 ator who believes he or she has been placed or retained
14 on the list in error may file with the Commission a request
15 for consideration of decision.
16 "(B) An operator on the list maintained pursuant to
17 paragraph (A) shall,".

Page 32, line 24, strike "In the event" and insert

1 "(C) In the event".

At the end of the bill, insert the following:

2 **SEC. 9. MINE SAFETY PROGRAM FUND.**

3 Title I is further amended by adding at the end the
4 following:

5 **"SEC. 117. MINE SAFETY PROGRAM FUND.**

6 "(a) ESTABLISHMENT.—There is established in the
7 Treasury a separate account to be known as the 'Mine
8 Safety Program Fund' (in this section referred to as the
9 'Fund').

10 "(b) TRANSFERS TO THE FUND.—There shall be de-
11 posited in the Fund—

12 "(1) all penalties collected under section 110;
13 and

14 "(2) any gifts, bequests, or donations to the
15 Fund from private entities or individuals, which the
16 Secretary of the Treasury is authorized to accept for
17 deposit into the Fund, except that the Secretary is
18 not authorized to accept any such gift, bequest, or
19 donation that—

20 "(A) attaches conditions inconsistent with
21 applicable laws or regulations; or

1 "(B) is conditioned upon or would require
2 the expenditure of appropriated funds that are
3 not available to the Secretary of Labor.
4 "(c) EXPENDITURES.—Amounts in the Fund shall be
5 available, as provided in appropriations Acts, only for in-
6 spections and investigations conducted pursuant to section
7 103.".

Amend the table of contents in section 1(b) by adding at the end the following:

Sec. 9. Mine safety program fund.