

§ 936. Regulations and reports

(a) Promulgation; applicability of section 553 of title 5

The Secretary of Labor and the Secretary of Health and Human Services are authorized to issue such regulations as each deems appropriate to carry out the provisions of this subchapter. Such regulations shall be issued in conformity with section 553 of title 5, notwithstanding subsection (a) thereof.

(b) Annual reports to Congress

At the end of fiscal year 2003 and each succeeding fiscal year, the Secretary of Labor shall submit to the Congress an annual report on the subject matter of this part and part B of this subchapter. Each such report shall be prepared and submitted to Congress in accordance with the requirement with respect to submission under section 942 of title 33.

(c) Compliance with State workmen's compensation laws; conflicts between State and Federal provisions

Nothing in this subchapter shall relieve any operator of the duty to comply with any State workmen's compensation law, except insofar as such State law is in conflict with the provisions of this subchapter and the Secretary by regulation, so prescribes. The provisions of any State workmen's compensation law which provide greater benefits than the benefits payable under this subchapter shall not thereby be construed or held to be in conflict with the provisions of this subchapter.

(Pub. L. 91-173, title IV, § 426, Dec. 30, 1969, 83 Stat. 798; Pub. L. 92-303, § 5(3), May 19, 1972, 86 Stat. 155; Pub. L. 103-296, title I, § 108(i)(3), Aug. 15, 1994, 108 Stat. 1488; Pub. L. 104-66, title I, § 1102(b)(2), Dec. 21, 1995, 109 Stat. 723; Pub. L. 107-275, § 2(b)(4), Nov. 2, 2002, 116 Stat. 1926.)

REFERENCES IN TEXT

Section 942 of title 33, referred to in subsec. (b), was in the original "section 42 of the Longshore Harbor Worker's Compensation Act" and was translated as reading "section 42 of the Longshore and Harbor Workers' Compensation Act" to reflect the probable intent of Congress.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-275, § 2(b)(4)(A), struck out "the Commissioner of Social Security," after "The Secretary of Labor".

Subsec. (b). Pub. L. 107-275, § 2(b)(4)(B), amended first sentence generally. Prior to amendment, first sentence read as follows: "At the end of each fiscal year, the Commissioner of Social Security shall submit to the Congress an annual report upon the subject matter of part B of this subchapter, and, after January 1, 1974, the Secretary of Labor shall also submit such a report upon the subject matter of this part."

1995—Subsec. (b). Pub. L. 104-66 substituted "At the end of each fiscal year, the" for "Within 120 days following the convening of each session of Congress the" and inserted at end "Each such report shall be prepared and submitted to Congress in accordance with the requirement with respect to submission under section 942 of title 33."

1994—Subsec. (a). Pub. L. 103-296, § 108(i)(3)(A), substituted "the Commissioner of Social Security, and the Secretary of Health and Human Services" for "and the Secretary of Health, Education, and Welfare".

Subsec. (b). Pub. L. 103-296, § 108(i)(3)(B), substituted "Commissioner of Social Security" for "Secretary of Health, Education, and Welfare".

1972—Subsec. (b). Pub. L. 92-303 substituted "January 1, 1974" for "January 1, 1973".

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-275 effective 90 days after Nov. 2, 2002, see section 4 of Pub. L. 107-275, set out as a note under section 902 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-296 effective Mar. 31, 1995, see section 110(a) of Pub. L. 103-296, set out as a note under section 401 of Title 42, The Public Health and Welfare.

§ 937. Contracts and grants

(a) Construction, purchase, and operation of fixed-site and mobile clinical facilities

The Secretary of Health and Human Services is authorized to enter into contracts with, and make grants to, public and private agencies and organizations and individuals for the construction, purchase, and operation of fixed-site and mobile clinical facilities for the analysis, examination, and treatment of respiratory and pulmonary impairments in active and inactive coal miners. The Secretary shall coordinate the making of such contracts and grants with the Appalachian Regional Commission.

(b) Research activities

The Secretary of Health and Human Services shall initiate research within the National Institute for Occupational Safety and Health, and is authorized to make research grants to public and private agencies and organizations and individuals for the purpose of devising simple and effective tests to measure, detect, and treat respiratory and pulmonary impairments in active and inactive coal miners. Any grant made pursuant to this subsection shall be conditioned upon all information, uses, products, processes, patents, and other developments resulting from such research being available to the general public, except to the extent of such exceptions and limitations as the Secretary of Health and Human Services may deem necessary in the public interest.

(c) Authorization of appropriations

There is hereby authorized to be appropriated for the purpose of subsection (a) of this section \$10,000,000 for each fiscal year. There are hereby authorized to be appropriated for the purposes of subsection (b) of this section such sums as are necessary.

(Pub. L. 91-173, title IV, § 427, as added Pub. L. 92-303, § 5(6), May 19, 1972, 86 Stat. 155; amended Pub. L. 95-239, § 9, Mar. 1, 1978, 92 Stat. 100; Pub. L. 96-88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

AMENDMENTS

1978—Subsec. (c). Pub. L. 95-239 substituted "\$10,000,000 for each fiscal year" for "\$10,000,000 for each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975".

CHANGE OF NAME

"Secretary of Health and Human Services" substituted for "Secretary of Health, Education, and Wel-