2 Revised

## AMENDMENT TO H.R. 2768, AS REPORTED
## OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Page 5, beginning on line 6, strike "amended by adding at the end the following:" and insert "amended—

1 (1) in clause (iii)(I), by inserting before the
2 semicolon the following: "and such requirement may
3 not be satisfied by placement of an order with any
4 company for future delivery of a portable refuge
5 chamber or other means of providing such emer-
6 gency supplies of breathable air"; and
7 (2) by adding at the end the following:

Page 5, line 8, strike "(vi)" and insert "(vii)".

Page 5, line 19, strike ", or" and insert a semicolon.

Page 5, line 23, strike ", or" and insert "; or".

Page 6, beginning on line 4, strike "In addition" and all that follows through "emergency shelter" and insert "The regulations shall further provide that in all cases a portable refuge chamber shall be installed and maintained".

Strike section 4(d)(1) and insert the following:

1 (1) FLAME RESISTANT CONVEYOR BELTS.—
2 Section 311(h) is amended by adding at the end the
3 following: "Not later than 90 days after the date of
4 enactment of the S-MINER Act, the Secretary shall
5 publish interim final rules to revise the requirements
6 for flame resistant conveyor belts to ensure that they
7 meet the most recent recommendations from the Na-
8 tional Institute for Occupational Safety and Health,
9 and to ensure such belts are designed to limit smoke
10 and toxic emissions. A conveyor belt need not meet
11 the requirements of the preceding sentence if—
12 "(A) it was ordered, in a mine's inventory,
13 or installed prior to the date of enactment of
14 the S-MINER Act, or it was ordered after the
15 date of enactment of the S-MINER Act and the
16 Secretary certifies that the mine operator was
17 unable to obtain a belt meeting the require-
18 ments of the preceding sentence; or
19 "(B) in the case of any such belt that has
20 been in use for more than 5 years in any capac-
21 ity in any mine, such belt has received an an-
22 nual inspection by a certified professional to en-
23 sure that the belt is free from visible defects
24 that could cause failure or possible ignition.".

Page 19, strike lines 6 through 15 and insert the following:

1 "(a) CONVEYOR BELTS.—The requirements of sec-
2 tion 311(h) concerning conveyor belts in underground coal
3 mines, including the exceptions and limitations in connec-
4 tion therewith, shall also apply to conveyor belts in under-
5 ground metal and nonmetal mines.".

Page 55, line 24, insert after the period the following: "There is authorized to be appropriated to Secretary $30,000,000 to purchase personal dust monitors for the purposes of the preceding sentence.".

At the end of the bill, insert the following:

6 (d) STUDY ON MINER SUBSTANCE ABUSE ISSUES
7 THAT POSE SAFETY RISKS.—
8 (1) STUDY.—The Secretary of Labor shall con-
9 duct a study providing expert review and rec-
10 ommendations of policies designed to deal with sub-
11 stance abuse by miners, including the causes, na-
12 ture, and extent of such abuse, its impact on mine
13 safety and health, best practices for treatment, reha-
14 bilitation, and substance abuse testing policies, and
15 the adequacy of State laws and approaches. In con-
16 ducting such study, the Secretary shall solicit the
17 views of and consult with all interested parties, in-

1 cluding miners, miners' representatives, mine opera-
2 tors, appropriate State agencies, and public health
3 and substance abuse experts.

4 (2) REPORT.—Not later than 6 months after
5 the date of enactment of this Act, the Secretary
6 shall report the findings and recommendations of the
7 study to the Committee on Education and Labor of
8 the House of Representatives and the Committee on
9 Health, Education, Labor and Pensions of the Sen-
10 ate

11 (3) ADDITIONAL AUTHORITY.—If, as a result of
12 the study, the Secretary determines it to be feasible
13 and effective, the Secretary shall be authorized to
14 establish a program, in consultation with the parties
15 described in paragraph (1), within the Mine Safety
16 and Health Administration to provide for substance
17 abuse testing of miners as well as rehabilitation and
18 treatment of miners suffering from substance abuse.