

105TH CONGRESS  
1ST SESSION

# H. R. 1600

To amend the Federal Coal Mine Health and Safety Act of 1969 to establish a presumption of eligibility for disability benefits in the case of certain coal miners who filed claims under part C of such Act between July 1, 1973, and April 1, 1980.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 14, 1997

Mr. KANJORSKI introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Federal Coal Mine Health and Safety Act of 1969 to establish a presumption of eligibility for disability benefits in the case of certain coal miners who filed claims under part C of such Act between July 1, 1973, and April 1, 1980.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

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1 **SECTION 1. PRESUMPTION OF ELIGIBILITY FOR DISABIL-**  
2 **ITY BENEFITS UNDER THE BLACK LUNG BEN-**  
3 **EFITS PROGRAM.**

4 Section 422 of the Federal Coal Mine Health and  
5 Safety Act of 1969 (30 U.S.C. 932) is amended by adding  
6 after subsection (l) the following new subsection:

7 “(m)(1) Notwithstanding any other law, rule, or reg-  
8 ulation, in the case of any claim filed under this part be-  
9 tween July 1, 1973, and April 1, 1980, with respect to  
10 a miner who has engaged in coal mining employment for  
11 at least 10 years, such miner shall be presumed to be to-  
12 tally disabled due to pneumoconiosis, or to have been to-  
13 tally disabled due to pneumoconiosis, or the death of such  
14 miner shall be presumed to be due to pneumoconiosis,  
15 arising out of that employment, if any of the following  
16 medical requirements is met:

17 “(A) A single positive chest roentgenogram (X-  
18 ray), biopsy, or autopsy indicates the existence of  
19 pneumoconiosis.

20 “(B) A single set of positive ventilatory studies  
21 indicates the presence of a chronic respiratory or  
22 pulmonary disease.

23 “(C) A single set of positive blood gas studies  
24 indicates the presence of an impairment in the  
25 transfer of oxygen from the lungs to the blood.

1           “(D) Other medical evidence, including the doc-  
2           umented opinion of a physician exercising reasonable  
3           medical judgment, indicates the presence of totally  
4           disabling respiratory impairment.

5           “(2) The presentation of evidence which meets any  
6           of the requirements under subparagraphs (A) through (D)  
7           of paragraph (1) shall be sufficient to invoke the presump-  
8           tion under such paragraph.

9           “(3) Nothing in this subsection shall be construed to  
10          require proof of any such medical requirement by a pre-  
11          ponderance of the evidence or by any higher evidentiary  
12          standard.”.

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