

News  
From \_\_\_\_\_

CONGRESSMAN

# Nick Rahall

WEST VIRGINIA-4th DISTRICT

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Washington D.C. --- U.S. Representative Nick J. Rahall (D-4th), in a statement before the House Committee on Education and Labor called the Black Lung Reform Act of 1977, "the strongest and best piece of legislation offered to benefit miners and widows to date."

"I support the Black Lung Reform Act," Rahall said, "because it will make our miners our most precious resource."

The Education and Labor Committee, chaired by Rep. Carl D. Perkins (D-Ky), began hearings this week on measures to revise the Federal Coal Mine Health and Safety Act of 1969. Congressman Rahall is a co-sponsor of the Black Lung Reform Act of 1977.

Rahall stated, "To me and to the many coal miners, their widows and dependents who reside and work in the 4th Congressional District of West Virginia, this is important legislation."

The Raleigh County Democrat went on to say, "Many of my constituents... ..have benefited from the passage of past legislation and today are receiving black lung benefits. Unfortunately, too many of our eligible miners and widows do not receive benefit payments envisioned by the Congress."

Congressman Rahall addressed himself to what he called, "the economic well-being of all miners, that of offset against workmen's compensation."

"I personally feel there is no justification for miners not to receive full compensation from black lung benefits, workmen's compensation and social security benefits," Rahall observed.

"The disability of a miner from other than black lung should not prevent him or her from receiving full benefits if they are qualified to do so under present workmen's compensation and social security laws," Congressman Rahall stated.

Rahall concluded, "This is a good bill and I ask the Committee's support and favorable consideration for all the provisions so that the miner will become one of our most precious resources once again."



STATEMENT OF HONORABLE NICK RAHALL,  
HOUSE OF REPRESENTATIVES

Mr. Chairman, the need for revision of the Federal Coal Mine Health and Safety Act has been I believe, apparent to all Members of Congress who represent coal mining districts.

As you know, Mr. Chairman, I am one of the co-sponsors of the Black Lung Reform Act of 1977. To me and to the many coal miners, their widows and dependents who reside and work in the 4th Congressional District of West Virginia, this is important legislation.

My Congressional District in southern West Virginia, is the major coal producing area in the nation. Many of my constituents, their families and the widows of former miners, fortunately, have benefitted from the passage of past legislation and today are receiving Black Lung benefits.

Unfortunately, Mr. Chairman, altogether too many of our eligible miners and widows do not receive benefit payments envisioned by the Congress in the passage of the past laws.

In the short time that I have been a Member of Congress, the appeals of my constituent miners and their families attest to the urgent need for reform to correct inequities in claim determinations for the widows of former miners and the miners themselves. In my Washington and District offices I have seen the case work grow, until it has become my staffs largest single effort.

Mr. Chairman the bills before this Committee are reform bills. These proposals will ease the burden of black lung claimants.

The 1969 law says in its preamble,... the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource - the miner,... the men (and women) who daily place their lives in the greatest of jeopardy in order to bring our valuable coal reserves to the surface.

The members of this Committee are well aware of the problems and difficulties that the miner and widow faces under the present law and we need

not dwell on them in depth.

It is enough to say that the Perkins-Simon Black Lung Reform Act of 1977 is the strongest and best piece of legislation offered to benefit the miners and widows to date.

I support the Perkins-Simon bill because it will make our miners our most precious resource!

The Black Lung Association of West Virginia and I have expressed our support for revising the review procedures, claims and offsets under the present law.

Under the present law the review procedures have not set forth a clear understanding on time limits for claimant review, the appeal process or the administration of the black lung program.

Section 10 and 11 of the Black Lung Reform Act addresses these problems.

The Department of Labor will have complete jurisdiction of the program and claimant hearings will be no later than 45 days after the request and if a



review by the miner is requested, it will occur no later than 90 days after the request.

Also the Department of Labor will establish and operate field offices to assist miners and survivors of deceased miners in the filing and processing of claims.

Section 5 and 6 of the bill will allow a miner to choose his or her physician to perform diagnostic examinations for determining eligibility. Also a miner who files a claim for benefits under this title shall be provided the opportunity to substantiate his or her claim by means of a complete pulmonary evaluation.

By including these sections into the Black Lung Reform Act it will eliminate the cost of rereading x-rays and does not contradict the judgement of the original reader, a certified radiologist. This practice of re-reading was never authorized by law and these sections spell this out for all concerned.

And finally the Secretary of Labor shall accept the interpretations of the radiologist with respect to the extent and progression of the miner's pneumoconiosis except that the Secretary may seek a consultative interpretation of

the roentgenogram in any case in which he has reason to believe the claim has been fraudulently represented.

Section 4 of the Black Lung Reform Act addresses the economic well being of all miners, that of offset against workmen's compensation.

At present under existing law, the reductions are made whether or not the disability of a miner is due to pneumoconiosis.

This section provides that reductions in the amount of benefits payable to a miner under section 412 resulting from payments received by the miner under the workmen's compensation, unemployment compensation, or disability insurance laws of his or hers state may be made only if the payments to the miners under such laws are made on the account of the disability of such miner due to pneumoconiosis.

I personally feel there is no justification for miners not to receive full workmans compensation compensation from black lung benefits, ↑ and social security benefits. The disability of a miner from other than black lung should not prevent him or her



from receiving full benefits if they are qualified to do so under present workmen compensation and social security laws

This is a good bill and I ask the Committees support and favorable consideration for all the provision so that the miner will become one of our most precious resource's once again.