

U.S. Congressman
Nick Rahall
WORKING FOR WEST VIRGINIANS

FOR IMMEDIATE RELEASE
JANUARY 20, 1989

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**HOUSE OF REPS TO CONDUCT PROBE ON BLACK LUNG ISSUES
Rahall Obtains Commitment For Legislative Hearings**

WASHINGTON, D.C. -- U.S. Rep. Nick J. Rahall (D-WV) said today that he has obtained a commitment from a key Committee of the House of Representatives that hearings will be held on his black lung legislation.

"I am writing to commend you on your efforts to help coal mining retirees," the Chairman of the Subcommittee on Labor Standards, which has jurisdiction over black lung legislation, said to Rahall in a letter received today. The Chairman, U.S. Rep. Austin Murphy (D-PA) stated: "I hope that this letter will encourage you to continue in your resolve to help the many thousands of mining retirees looking to Washington for fairness and compassion in their most urgent hour of need. You can rest assured that the Subcommittee on Labor Standards, which I chair, will conduct hearings on this very important issue during this session of Congress."

Rahall said that the hearings on his legislation will be aimed at fostering a new awareness within the Congress of the severity of the situation faced by black lung claimants and to prompt substantive remedial actions. The bill, entitled the "Black Lung Benefits Eligibility Clarification Act," seeks to impose the type of black lung eligibility standard originally intended by the Congress by reiterating that a claimant can establish a presumption of black lung with a single piece of qualifying evidence.

"This was intended to be a fairly straightforward program," Rahall stated. "It was certainly the intent of Congress that coal miners and their dependents be compensated. Yet, through years of administrative maneuverings aggravated by some extremely harmful judicial interpretations, there can be no denial of the fact that black lung proceedings before the Labor Department today are extremely adversarial in nature against the claimant. This type of philosophy certainly does not represent the statutory commitment we made to compensate these coal miners."

In his letter, Chairman Murphy echoed this sentiment: "The application process for the Federal Black Lung Disability Program should not be like a maze, obstructed with extreme tests for proof of illness, written more to discourage the claimant than to help." He added, "While the Administration may have decided it is much easier to ignore these people in the hope that they will simply go away you have refused to give up the fight for fairness."

Rahall said that today's four percent approval rate for black lung benefit claims "does not attest to any reasonable and unbiased comportment of the facts, but rather, is nothing less than a cruel hoax being perpetrated against hard working citizens who have dedicated their lives to the energy security and economic well being of this Nation."

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SUBCOMMITTEE ON LABOR STANDARDS

January 19, 1990

The Honorable Nick J. Rahall
2104 Rayburn House Office Building
Washington, DC 20515

Dear Nicky Joe,

I am writing to commend you on your efforts to help coal mining retirees. Your introduction of H.R. 814, the Black Lung Benefits Eligibility Clarification Act of 1989, during the first session of the 101st Congress is continuing proof that your commitment to former miners facing retirement burdened with the problem of Black Lung Disease remains strong. While the Administration may have decided it is much easier to ignore these people in the hope that they will simply go away you have refused to give up the fight for fairness.

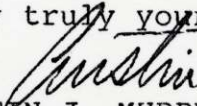
Your legislation addresses the injustice done to many miners by the court decision in Mullins Coal Co. v. Director, O.W.C.P., U.S. Department of Labor. H.R. 814 restores the original intent of Congress regarding benefit eligibility standards enumerated in the Black Lung Benefits Reform Act of 1977 by reiterating that a claimant can establish a presumption of Black Lung with only a single piece of qualifying evidence. The application process for the Federal Black Lung Disability Program should not be like a maze, obstructed with extreme tests for proof of illness, written more to discourage the claimant than to help. Congress realized this in 1977 when we came to the House, and it is now time for us to reiterate this policy once more.

I am sure we can agree that more work must be done to insure that all miners suffering from Black Lung Disease receive the best health care and adequate Federal benefits. The Congress need only look to our constituents to observe the great toll that a lifetime in the mines can exact in one's later years. For this reason, I hope that this letter will encourage you to continue in your resolve to help the many thousands of mining retirees looking to Washington for fairness and compassion in their most urgent hour of need.

You can rest assured that the Subcommittee on Labor Standards, which I chair, will conduct hearings on this very important issue during this session of Congress. We hope to compile a thorough legislative record, because this is our best weapon if we are to succeed in our efforts to correct this inequity.

Once again, I congratulate you for all your hard work. Good luck in the new year, and if I may be of any assistance to you in the future, please do not hesitate to contact my office.

Very truly yours,


AUSTIN J. MURPHY, CHAIRMAN
Subcommittee on Labor Standards

AJM/tsm