

U.S. Congressman  
**Nick Rahall**  
*WORKING FOR WEST VIRGINIANS*

FOR IMMEDIATE RELEASE  
NOVEMBER 29, 1990

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**BLACK LUNG REVAMP**  
**Rahall Announces Comprehensive Reform**  
**of Miners' Benefits Program**

**LOGAN, WV --** Accompanied by representatives of the National Black Lung Association and local black lung groups, at a press conference in his Logan District Office today U.S. Rep. Nick J. Rahall (D-WV) announced his intention to sponsor the "Black Lung Benefits Act of 1991" when the 102nd Congress convenes next January. The bill represents a comprehensive reform of the federal black lung program as proposed by the National Black Lung Association.

"I believe that in light of the many hearings that have been held it is long past the time Congress move legislation on behalf of the thousands of miners, their widows and families who are being victimized by a program that was intended to bring them relief," Rahall said.

In a letter addressed to Rahall, the President of the National Black Lung Association, Allen Hess, wrote: "We highly commend you, Congressman Rahall, for listening to the voices of your constituents. The NBLA proposals reflect the thinking of residents of Logan County as well as the combined wisdom of all the West Virginia Black Lung Association chapters and chapters in Illinois, Indiana, Kentucky, Pennsylvania, Tennessee and Virginia."

Hess added: "You can be sure that there will be massive grass roots support for this bill in the upcoming session of Congress."

Among the proposed modifications envisioned by the bill are:

**\* New Eligibility Standards:** A miner would be presumed to be totally disabled by black lung and entitled to benefits if the miner presents a single piece of qualifying medical evidence, i.e, positive X-ray, qualifying pulmonary function or blood gas values, or a medical opinion. The Secretary of Labor could rebut the presumption of eligibility only if he can show that the miner is doing coal mine work or could actually do coal mine work.

**\* Application of New Eligibility Standards:** The new standards would apply to all claims filed after enactment of the "Black Lung Benefits Act of 1991." All pending claims, and claims denied prior to enactment of the "Black Lung Benefits Act of 1991" would be reviewed under new standards. The submission of additional evidence supporting eligibility could be filed only by the miner.

**\* Elimination of Responsible Operators:** All claims would be paid out of the coal industry financed Black Lung Disability Trust Fund. The purpose of this provision is to eliminate coal operators as defendants in black lung cases and the advantage they have over claimants by being able to afford to pay legal counsel.

MORE



**\* Widows/Dependents:** A widow or dependent of a miner would automatically be awarded benefits if: The miner worked 25 years or more in the mines; the miner died in part from black lung; the miner was receiving black lung benefits when he died; or medical evidence offered by the miner before he died satisfies new eligibility standards.

**\* Offsets:** The practice of offsetting a miner's Social Security benefits by the amount of black lung benefits would be discontinued.

"At present, we are witnessing about a nine percent approval rate on claims for black lung benefits. This figure does not attest to any reasonable and unbiased comportment of the facts. Rather, it represents 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," Rahall said.

He concluded: "I have been and continue to be committed to the reform of the federal black lung program. The House Subcommittee on Labor Standards, a panel of the Education and Labor Committee, has conducted numerous field hearings over the past few years on the problems of the current program. I believe the record is well established. For this reason, I am more optimistic than ever that we will see substantive legislative action in the new Congress."

# NATIONAL BLACK LUNG ASSOCIATION

**Allen Hess, President**

**P.O. Box 1760**

**Richlands, VA 24641**

**(703) 963-9776**

November 26, 1990

Congressman Nick J. Rahall II  
2104 Rayburn Bldg.  
Washington, D.C. 20515

Dear Congressman Rahall:

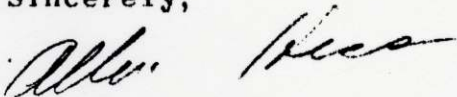
On behalf of the National Black Lung Association I want to thank you for introducing a bill to reform the federal black lung benefits program.

We are especially pleased that you have drafted this bill from the NBLA proposals, which reflect the input of associations that directly represent disabled miners and widows. The state and local chapters of the NBLA understand the problems in the current federal black lung program and their possible solutions better than any other organization in the country.

We highly commend you, Congressman Rahall, for listening to the voices of your constituents. The NBLA proposals reflect the thinking of the residents of Logan County as well as the combined wisdom of all the West Virginia Black Lung Association chapters and chapters in Illinois, Indiana, Kentucky, Pennsylvania, Tennessee and Virginia.

You can be assured that there will be massive grass roots support for this bill in the upcoming session of Congress.

Sincerely,



Allen Hess, President  
National Black Lung Association

AH/cb



**REMARKS OF U.S. REP. NICK J. RAHALL**  
**Logan, West Virginia**  
**November 29, 1990**  
**Announcing the proposed introduction of the**  
**"Black Lung Benefits Act of 1991"**

As you may know, for some time now I have been pressing to obtain the enactment of legislation to remedy the many wrongs faced by victims of black lung. Congress, however, has adjourned for the year and this means that I will need to reintroduce new black lung legislation during January 1991.

I believe that in light of the many hearings that have been held it is long past the time Congress move legislation on behalf of the thousands of miners, their widows and families who are being victimized by a program that was intended to bring them relief.

As it now stands, disabled miners who suffer from the crippling effects of black lung disease are being pushed beyond reason by a federal bureaucracy so totally lacking in compassion for their plight that it appears intent upon harassing their efforts to obtain just compensation at every single step of the claim adjudication process.

At present, we are witnessing about a nine percent approval rate on claims for black lung benefits. This figure does not attest to any reasonable and unbiased comportment of the facts. Rather, it represents 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.

Today, I am pleased to announce my intention to introduce a comprehensive bill to reform the federal black lung program when Congress reconvenes in January. The bill, entitled the "Black Lung Benefits Act of 1991" is based on a proposal being advanced by the National Black Lung Association.

As I said, I have been and continue to be committed to the reform of the federal black lung program. The House Subcommittee on Labor Standards, a panel of the Education and Labor Committee, has conducted numerous field hearings over the past few years on the problems of the current program. I believe the record is well established. For this reason, I am more optimistic than ever that we will see substantive legislative action in the new Congress.



**PROPOSED BLACK LUNG BENEFITS ACT OF 1991**  
**to be introduced into the 102nd Congress**  
**of the United States of America**  
**by**  
**U.S. REP. NICK J. RAHALL**

In January 1991, when the 102nd Congress convenes, U.S. Rep. Nick J. Rahall of West Virginia will introduce comprehensive legislation to reform the federal black lung program. The measure is based on proposed reforms supported by the National Black Lung Association.

***Summary of the***  
***Proposed "Black Lung Benefits Act of 1991"***

**I. New Eligibility Standards**

A. A miner would be presumed to be totally disabled by black lung and entitled to benefits if the miner presents a single piece of qualifying medical evidence, i.e, positive X-ray, qualifying pulmonary function or blood gas values, or a medical opinion.

B. The Secretary of Labor could rebut the presumption of eligibility only if he can show that the miner is doing coal mine work or could actually do coal mine work.

**II. Application of New Eligibility Standards**

A. New standards applies to all claims filed after enactment of the "Black Lung Benefits Act of 1991."

B. All pending claims, and claims denied prior to enactment of the "Black Lung Benefits Act of 1991" would be reviewed under new standards. The submission of additional evidence supporting eligibility could be filed only by the miner.

**III. Elimination of Responsible Operators**

All claims would be paid out of the coal industry financed Black Lung Disability Trust Fund. The purpose of this provision is to eliminate coal operators as defendants in black lung cases and the advantage they have over claimants by being able to afford to pay legal counsel.

**IV. Widows/Dependents**

Automatically awards the widow or dependent of a miner benefits if: The miner worked 25 years or more in the mines; the miner died in part from black lung; the miner was receiving black lung benefits when he died; or medical evidence offered by the miner before he died satisfies new eligibility standards.

**V. Offsets**

The practice of offsetting a miner's Social Security benefits by the amount of black lung benefits would be discontinued.