



U.S. Congressman
Nick Rahall
WORKING FOR WEST VIRGINIANS

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RAHALL'S BLACK LUNG LEGISLATION GETS HEARING

WASHINGTON, D.C. -- Legislation aimed at reforming the federal black lung program will receive a hearing next week before the House Subcommittee on Labor Standards, U.S. Rep. Nick J. Rahall (D-WV) said today.

"It is of the utmost urgency that the Congress consider legislative relief for those coal miners who have been devastated by the crippling effects of black lung disease," Rahall, the sponsor of a comprehensive black lung bill, said.

According to the Subcommittee's notice on the April 24th hearing, only three witnesses have been invited representing the U.S. Department of Labor, the United Mine Workers of America, and the National Coal Association. Rahall, who plans to present testimony in support of his legislation, said it is his understanding that an additional hearing may be scheduled in the future.

Rahall's bill, entitled the "Black Lung Benefits Act Amendments of 1991" (H.R. 694) contains the following proposals:

New Eligibility Standards: A miner would be presumed to be totally disabled by black lung if the miner presents a single piece of qualifying medical evidence such as a positive X-ray, ventilatory or blood gas studies, 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 the new standards.

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.

Widows/Dependents: A widow or dependent of a miner would be awarded benefits if the miner worked 25 years or more in the mines; the miner died in whole or 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. Widows who are receiving benefits and who remarry would not be disqualified from continuing to receive the benefits, and, a widow would be entitled to receive benefits without regard to the length of time she was married to the miner.

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

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