



## **Relief for Survivors of Miners Act of 2021**

### **Background and Need for Legislation:**

The Black Lung Benefits Act (BLBA), passed in 1972, provides monthly benefits to eligible surviving family members of coal miners whose deaths were due to pneumoconiosis (black lung disease). These benefits are either paid for by the coal mining company or the Black Lung Disability Trust Fund.

In most cases, survivors of miners must apply to receive benefits. Unfortunately, due to certain restrictions associated with the Black Lung Benefits Program, survivors often face difficulties securing benefits after a miner's death.

During the time when they are already mourning the loss of a loved one, miners' survivors should not be forced to focus on proving black lung was the cause of the relative's death. The *Relief for Survivors of Miners Act of 2020* will make changes to federal law to ease the process by which a survivor of a miner is granted benefits.

### **The *Relief for Survivors of Miners Act of 2021* will:**

Ease the process for miners' survivors to apply for black lung benefits by:

- *Establishing a rebuttable presumption whereby if a deceased miner was disabled at the time of death due to pneumoconiosis, it can be presumed the death was due to black lung:* For survivors who are applying for black lung benefits but do not fall within the Department of Labor regulation §718.305, when applying for benefits, they must identify all sources of medical information about the miner and prove to the Department of Labor that the miner's death was due to or hastened by black lung. However, meeting this burden of proof is often difficult for survivors, as autopsy reports may not specifically site black lung and instead reference related conditions. This bill would add to existing law by allowing survivors of miners to gain benefits by proving disability if they cannot prove the miner's death was due to or hastened by black lung. This definition will help ensure that more relatives of miners who had black lung get the benefits to which they are entitled.
- *Improving miners' and survivors of miners' access to legal representation:* The current system for adjudicating black lung claims is often unbalanced, where miners and survivors of miners lack access to resources when filing for benefits. This legislation would direct the Secretary of Labor to establish a payment program to pay attorneys' fees and other reasonable medical expenses incurred while establishing the claimant's case. This change would help ensure miners and survivors of miners are not denied benefits due to a lack of financial resources.

Determine the financial impact of black lung benefits and interim payments on the beneficiary and the government by:

- *Requesting that the Government Accountability Office (GAO) provide a report to Congress on the financial impact of recouping interim Department of Labor payments:* Survivors of miners are typically awarded about \$700 per month if they qualify for black lung benefits. While waiting for a decision following an application for black lung benefits, the Department of Labor provides interim monthly benefits to the miner or survivor of the miner. However, if the claim is eventually denied, the Department may recoup these interim payments. This legislation would request a GAO report to:
  - Examine the financial impact of overpayment recoupments on beneficiaries;
  - Study the cost of the recoupment process to the government and taxpayer;
  - Make recommendations on the amount widows should receive from the Black Lung Disability Trust Fund; and
  - Provide information on the economic impact if Black Lung Disability Trust Fund payments were increased.
  
- *Requesting that GAO look at other ways to improve the black lung benefits claims process for survivors of miners:* Currently, survivors of miners can only modify a current claim rather than refiling a claim. In most circumstances, once a claim for benefits is closed, they are unable to refile even if their situation changes for any reason. This legislation would request a GAO report that examines the impact of a change to Department of Labor regulations so that survivors of miners would not be automatically denied for they filed a subsequent claim.