

Black Lung Benefits Improvement Act of 2023

Helping disabled miners access compensation for black lung disease

Disabled coal miners face barriers to adequate compensation and benefits for black lung disease.

Under the *Black Lung Benefits Act*, coal miners who are totally disabled from black lung disease are entitled to modest benefits of roughly \$740 per month plus medical benefits associated with the disease. Unfortunately, coal miners face numerous barriers to qualifying for these benefits. According to the nonpartisan Government Accountability Office (GAO), these [barriers](#) include finding legal representation and developing sound medical evidence to support their claims.

Coal miners' benefits also do not keep up with inflation and the rising cost of living. While benefit levels are pegged to federal employees' pay scale, cost-of-living increases for black lung benefits have been blocked whenever there is a federal employee pay freeze. Benefits should be pegged to the consumer price index and not left to the whims of adjustments to changes in federal employee pay.

Mine operators are increasingly ignoring their responsibility to secure sufficient funding for black lung benefits.

For decades, coal companies have failed to ensure they have the funds to cover the cost of black lung benefits, which is particularly important if they close or go bankrupt. This is, in part, because coal companies that the Department of Labor (DOL) permits to self-insure do not reserve sufficient funding to pay these benefits in the event of bankruptcy.

As a result, coal operators have shifted at least [\\$1 billion](#) in black lung liabilities onto taxpayers in recent years and forced the Black Lung Disability Trust Fund (BLDTF), which pays benefits to miners and their survivors when there is no coal operator in business to pay them, even deeper into debt. According to the Treasury Department, BLDTF is already [\\$8.6 billion in debt](#), and GAO expects that amount to climb [even higher](#).

About the Black Lung Benefits Improvement Act of 2023

The *Black Lung Benefits Improvement Act of 2023* helps disabled miners overcome barriers to the compensation and benefits for black lung disease that they are entitled to by:

- Automatically adjusting coal miner benefits for inflation,
- Increasing the small pool of attorneys willing to take on black lung claims,
- Expanding the assistance provided by black lung clinics,
- Ensuring miners get assistance from DOL in rebutting medical evidence,
- Improving access to CT scans to clarify medical eligibility,
- Requiring DOL to address potential conflicts of interest with physicians providing medical exams,
- Accelerating DOL's access to employment and earnings verification for miners from the IRS,
- Establishing stringent criteria for mine operators that seek to self-insure,
- Increasing civil penalties for mine operators that fail to secure benefits, and
- Expanding the parties that DOL can hold liable when an operator fails to secure benefits.