

Senator Manchin's Work on Black Lung Issues

January 2011: Senator Manchin joins Senator Jay Rockefeller in reintroducing the Robert C. Byrd Mine and Workplace Safety and Health Act to not only combat workplace safety, but also limit miners' exposure to breathable dust exposure levels that lead to Black Lung disease. This was originally introduced in 2010 after the Upper Big Branch mine disaster that hit in Montcoal, West Virginia on April 5, 2010.

July 2012: Senator Manchin issues statement of support expressing that his top priority for the coal industry is to keep coal miners safe and healthy.

April 2013: Senator Manchin along-side Senator Jay Rockefeller, reintroduced the Robert C. Byrd Mine and Workplace Safety and Health Act.

March 2014: Senators Manchin, joins Senators Jay Rockefeller (D-WV), Bob Casey (D-PA), Tom Harkin (D-IA), and Congressmen Nick Rahall (D-WV-3), George Miller (D-CA-11) , and Joe Courtney (D-CT-2) in a letter to then Secretary of Labor Tom Perez pushing DOL to eliminate unfair burdens miners face when applying for Black Lung benefits.

April 2014: Senators Manchin and Rockefeller and Congressman Rahall call on the U.S. Department of Health and Human Services opposing changes to the Black Lung Clinics Grant Program that would unfairly burden West Virginians suffering from Black Lung disease.

April 2014: Senator Manchin applauds the Mine Safety and Health Administration's (MSHA) new rule that lowers miners' exposure to coal dust in all underground and surface coal mines.

July 2014: Senator Manchin submits a statement expressing support for Miners' Black Lung Benefits to the Senate Health, Education, Labor and Pensions Committee Hearing.

November 2014: Senator Manchin alongside Senators Jay Rockefeller (D-WV), Bob Casey (D-PA), Sherrod Brown (D-OH), Tim Kaine (D-VA), Tom Harkin (D-IA), and Mark Warner (D-VA) introduced legislation that would prevent coal companies from unfairly denying benefits to deserving miners and their families.

April 2015: Senator Manchin urges West Virginians to comment on the U.S. Department of Labor's proposed rule that would improve Black Lung benefits by addressing obstacles that prevent miners with Black Lung from receiving benefits, reforms that were offered in Senator Manchin's 2013 legislation, the Black Lung Benefits Improvement Act.

September 2015: Senator Manchin alongside Senators Bob Casey (D-PA), Sherrod Brown (D-OH), Mark Warner (D-VA), and Tim Kaine (D-VA) introduce the Black Lung Benefits Improvement Act of 2015 in an effort to overhaul the Black Lung Benefits Program to make it easier for those affected to qualify for benefits. A companion bill was filed in the House of Representatives.

January 2017: Senator Manchin filed an amendment to the budget resolution that would protect the Byrd Amendments in the Affordable Care Act (ACA) by placing a budget point of order on any legislation that would shift the burden of proof of disability due to black lung away from industry and back on the miners.

April 2017: Senator Manchin along with Senator Bob Casey (D-PA) introduced the Black Lung Benefits Improvement Act of 2017 and the Robert C. Byrd Mine Safety Protection Act of 2017 that would reform the federal program that provides benefits to coal miners suffering from Black Lung disease and allow MSHA the tools to improve mine safety.

July 2017: Senator Manchin votes against the repeal of the ACA, because there was no plan to replace it and no plan for miners with black lung to access the healthcare they need.

August 2018: Senator Manchin and Senator Shelly Moore Capito (R-WV) introduced legislation that would improve early detection of black lung disease among coal miners.

December 2018: Senator Manchin sends a letter to Congressional Leadership urging the inclusion of critical miners' priorities in the end-of-year spending package. Specifically, he requested the addition of orphan miners from the 2018 bankruptcies into the Coal Act, a permanent fix to ensure the UMWA 1974 Pension Plan remains solvent, and an extension of the coal excise tax at current levels to maintain support for the Black Lung Disability Trust Fund.

January 2019: Senator Manchin introduces the American Miners Act (S. 27) along with Senators Tim Kaine (D-VA), Mark Warner (D-VA), Sherrod Brown (D-OH), Doug Jones (D-AL), and Bob Casey (D-PA). This bill would address the insolvency of the 1974 UMWA Pension Fund and prevent its collapse while securing pensions for over 92,000 miners and their families. It would also protect healthcare benefits for 15,000 miners and their dependents and restore the Black Lung Disability Trust Fund contribution rate.

April 2019: Senator Manchin sends a letter to Chairman Chuck Grassley (R-IA) and Ranking Member Ron Wyden (D-OR) urging them to include American Miners Act provisions in the Tax Extenders package that the Finance Committee is drafting.

June 2019: During Senate consideration of the National Defense Authorization Act (NDAA), one of Congress' yearly "must-pass" bills, Senator Manchin offered the American Miners Act as an amendment. Unfortunately, despite securing unanimous support from the entire Democratic caucus, the Senate was not given an opportunity to vote on this amendment.

July 2019: Senator Manchin, along with Senators Bob Casey (D-PA), Sherrod Brown (D-OH), Tim Kaine (D-VA), and Mark Warner (D-VA) reintroduce the Black Lung Benefits Improvement Act of 2019 which expands coal miners' access to the Black Lung Benefits program.

October 2019: Senator Manchin along with 10 other Senators introduced the American Miners Act as an amendment to H.R. 3055, the Fiscal Year 202 Appropriations Minibus. Unfortunately, despite strong support, the Senate was not given the opportunity to vote on this amendment.

December 2019: Senator Manchin secures a one-year restoration excise tax to fund the Black Lung Disability Trust Fund through December 31, 2020.

January 2020: Senators Manchin, Doug Jones (D-AL), Mark Warner (D-VA), Tim Kaine (D-VA), Sherrod Brown (D-OH), and Bob Casey (D-PA) introduced S. 3172, the *Black Lung Benefits Disability Trust Fund Solvency Act of 2020* which would extend the black lung excise tax through December 31, 2030 to ensure that coal miners suffering from the disease have access to the medical care that they desperately need. Without the revenue from this tax, the Black Lung Disability Trust Fund is at risk of future insolvency at a time when the nationwide prevalence of black lung is increasing.

February 2020: Senator Manchin was named an honorary member of the United Mine Workers of America (UMWA) for his relentless work over the last 5 years to secure pensions and healthcare benefits for retired miners and their widows.

April 2020: Senators Manchin, Casey (D-PA), Brown (D-OH), Kaine (D-VA) and Warner (D-VA) asked the U.S. Department of Labor (DOL) Secretary Eugene Scalia and U.S. Department of Health and Human Services (HHS) Secretary Alex Azar to immediately provide clinics and the miners they serve with clear, written guidance regarding how miners' black lung benefit claims will be processed during the COVID-19 pandemic and what specific flexibilities are being instituted to ensure miners do not lose access to essential benefits and treatment through no fault of their own.

April 2020: Senator Manchin was joined by Senators Sherrod Brown (D-OH), Dick Durbin (D-IL), Bob Casey (D-PA), Tim Kaine (D-VA), Doug Jones (D-AL), Tammy Duckworth (D-IL), and Mark Warner (D-VA) in calling for the Mine Safety and Health Administration (MSHA) to issue an Emergency Temporary Standard (ETS) to protect America's brave coal miners who continue to power our nation during the COVID-19 pandemic.

May 2020: Senator Manchin and Senator Capito (R-WV) announced \$2,065,696 in funding for the West Virginia Department of Health and Human Resources (DHHR) for the Black Lung Clinics through the U.S. Department of Health and Human Services (HHS).

May 2020: Senator Manchin, Dick Durbin (D-IL), Tim Kaine (D-VA), Sherrod Brown (D-OH), Bob Casey (D-PA), Shelley Moore Capito (R-WV), and Mark Warner (D-VA) introduced the COVID-19 Mine Worker Protection Act which would require the Mine Safety & Health Administration (MSHA) to issue an Emergency Temporary Standard (ETS) within 7 days of enactment to protect our miners from COVID-19 exposure at the mines. Additionally, the bill would forbid mine operators from retaliating against miners for reporting infection control problems to their employer or any public authority.

November 2020: Senator Manchin, along with Senators Sherrod Brown (D-OH), Bob Casey (D-PA), Tim Kaine (D-VA), and Mark Warner (D-VA) urged the Mine Safety & Health Administration (MSHA) to take immediate action to protect coal miners from excess silica exposure after the U.S. Department of Labor—Office of Inspector General (OIG) published a report on the inadequate measures currently in place to protect miners from the harmful carcinogen linked to deadly respiratory diseases such as black lung, silicosis, and progressive massive fibrosis (PMF).

December 2020: Senator Manchin secures a one-year restoration excise tax to fund the Black Lung Disability Trust Fund through December 31, 2021.

February 2021: Senator Manchin was joined by Senators Mark Warner (D-VA), Shelley Moore Capito (R-WV), Dick Durbin (D-IL), Tim Kaine (D-VA), Bob Casey (D-PA), and Representative Matt Cartwright (D-PA-8) introduced the bipartisan, bicameral *COVID-19 Mine Worker Protection Act* which would require the U.S. Department of Labor to issue an emergency temporary standard requiring mine operators to establish a plan to tackle occupational COVID-19 exposure and provide miners with necessary personal protective equipment (PPE) while on the job.

February 2021: Senator Manchin and Representative Matt Cartwright (D-PA-8) led 13 Members of Congress in calling for the U.S. Department of Labor to issue immediate guidance to protect coal miners from exposure to COVID-19.

March 2021: Senator Manchin along with Senators Mark Warner (D-VA), Bob Casey (D-PA), Tim Kaine (D-VA), and Sherrod Brown (D-OH) introduced the *Relief for Survivors of Miners Act* to ease the burden on surviving families of deceased miners who face difficulties in securing the benefits to

which they are entitled due to bureaucratic proof requirements that are often too difficult to meet.

June 2021: Senator Manchin and Senator Capito (R-WV) announced \$2,064,465 in funding for the West Virginia Department of Health and Human Resources (DHHR) for the Black Lung Clinics through the U.S. Department of Health and Human Services (HHS).

September 2021: Senators Manchin, Sherrod Brown (D-OH), Tim Kaine (D-VA), Bob Casey (D-PA) and Mark Warner (D-VA) introduced the *Black Lung Benefits Disability Trust Fund Solvency Act of 2021* which would extend the black lung excise tax through December 31, 2031 to ensure that coal miners suffering from the disease have access to the medical care that they desperately need. Without the revenue from this tax, the Black Lung Disability Trust Fund is at risk of future insolvency at a time when the nationwide prevalence of black lung is increasing.