

PRESS RESPONSE

December 6, 1988

RE: TODAY'S SUPREME COURT DECISION ON BLACK LUNG

The history of the black lung program goes something like this:

It was established by Congress through the 1969 Federal Coal Mine Health and Safety Act.

Congressional intent was frustrated by the implementation of the law by the Social Security Administration.

Congress sought to remedy the situation through the 1972 Amendments which sought to expedite the adjudication of benefit claims and reduce the number of benefit denials. The law also transferred administration of the program for all post-1973 claims to the Labor Department.

The Social Security Administration improved its handling of pre-1973 claims due to the amendments. However, the Labor Department benefit rate was viewed as being extremely low.

Congress responded with the 1977 Amendments which required the Labor Department to adopt eligibility standards which were not less stringent than the Social Security Administrations.

Ronald Reagan was sworn in as President in January 1981 and implemented a policy of inaction. Large backlogs in unadjudicated claims evolved and the government began to contest every claim it did examine. This policy is being aided and abetted by the Supreme Court.

I believe it is time for a thorough review of this program by the Congress. It is incumbent upon this government to provide just compensation for qualified coal miners and their dependents, rather than engage in the type of harassment that has been endemic of the Reagan Administration.