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## Black Lung Benefits

The Black Lung benefit program established by the Federal Coal Mine Health and Safety Act of 1969 provides monthly benefit payments to coal miners totally disabled as a result of pneumoconiosis, to the widows of coal miners who died as a result of pneumoconiosis, and to their dependents. The Social Security Administration (SSA) was initially responsible for the payment and administration of all benefits.

The Black Lung Benefits Act of 1972 designated program operations related to claims filed through December 31, 1973 (with certain exceptions) as Part B, designated claims filed thereafter as Part C, established different financing provisions for Part C, and assigned jurisdiction for Part C to the Department of Labor (DOL).

On October 1, 1997, responsibility for maintenance and payment of Part B benefits was also transferred from SSA to DOL; SSA, however, maintained responsibility for conducting formal hearings to resolve contested issues regarding Part B claims. Data on all Part B claims are reported in this *Supplement*. Part C data are reported by DOL's Office of Workers' Compensation Programs (OWCP) in the *OWCP Annual Report to Congress*.

Legislation enacted November 2, 2002 (Public Law 107-275) permanently transferred the responsibility for all Black Lung claims (Parts B and C) to OWCP. SSA continues to handle only a small number of pending Part B appeals cases.

The basic Black Lung benefit rate is set by law at 37 1/2 percent of the monthly pay rate for federal employees in the first step of grade GS-2. The basic rate to a miner or widow may be increased according to the number of qualified dependents—50 percent of the basic benefit rate if one dependent qualifies, 75 percent for two dependents, and 100 percent for three or more dependents.

Because Black Lung payments are tied directly to federal employee salary scales, increases are automatically payable when federal salaries are increased. Reflecting a 2.9 percent adjustment, monthly benefit rates effective January 1, 2009, are:

- Miner or widow, \$616.00
- Miner or widow and 1 dependent, \$924.00
- Miner or widow and 2 dependents, \$1,078.00
- Miner or widow and 3 or more dependents (family benefit), \$1,232.00

If a miner or surviving spouse is receiving workers' compensation, unemployment compensation, or disability insurance payments under state law, the Black Lung benefit is offset by the amount being paid under these other programs.

The amendments of 1972 extended benefit payments to full orphans, parents, brothers, and sisters of deceased miners. Under earlier law, survivor payments were limited to widows and their dependent children (if the miner and spouse were both deceased, no benefits were payable to surviving children). These amendments also expanded coverage to include surface as well as underground coal miners.

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