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Folder Title: 11/02/2002 [H.R. 5542] [771581]

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Collection Code: **SECLOG**

Staff Name:

Document Date:

Correspondent: **TIM SAUNDERS**

Subject/Description: **OVERSIZE ATTACHMENT # 9469 NARA # 9360 BOX 5
FOLDER 4D BILL FILE RECEIVED FROM THE OFFICE OF
THE EXECUTIVE CLERK - NOV 02 02 ENROLLED BILL H.R.
5542 - BLACK LUNG CONSOLIDATION OF
ADMINISTRATIVE RESPONSIBILITY ACT**



THE PRESIDENT HAS SEEN
11-2-02
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

October 29, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 5542 - Black Lung Consolidation of Administrative
Responsibility Act
Sponsors - Rep. Hart (R) PA and 3 others

Last Day for Action

November 4, 2002 - Monday

Purpose

Consolidates the administration of Black Lung benefits for former coal miners and their surviving dependents within the Department of Labor, including responsibilities for those claims appealed by former miners that are currently handled by the Social Security Administration.

Agency Recommendations

Office of Management and Budget

Approval

Department of Labor

Approval

Department of Justice

No objection (Informally)

Department of the Treasury

No objection (Informally)

Department of Health and Human Services

Defers to Labor (Informally)

Social Security Administration

No comment (Informally)

Discussion

The Black Lung Benefits Act (the Act) was enacted as part of the 1969 Coal Mine Health and Safety Act, a comprehensive initiative to regulate health and safety conditions in the coal industry. The Black Lung program provides monetary and medical benefits to former coal mine workers who are totally disabled by occupational pneumoconiosis (Black Lung) and the surviving dependents of miners whose death was due to such disease. The program is administered jointly by the Social Security Administration (SSA) and the Department of Labor's (DOL) Office of Worker's Compensation. The statute assigns SSA with administrative responsibility for Part B of the Act, which specifies procedures for processing Federal Black Lung claims for benefits filed on or before December 31, 1973. The statute assigns DOL with administrative responsibility for Part C, which governs claims for benefits filed after December 31, 1973. In 1997, DOL and SSA entered into an interagency agreement under which

DOL provides claims maintenance services to miners and their dependent survivors who receive disability and survivor benefits under Part B. Under this agreement, SSA handles a small number of residual administrative hearings, and DOL processes, pays, and maintains claims. According to DOL, Part B produces only a very small appeals workload due to an increasingly shrinking population comprised mainly of widows, while the Part C program continues to generate new claims and a large number of administrative and court appeals.

Joint audits conducted by the SSA and Labor Offices of Inspector General have recommended that the program be permanently transferred from SSA to DOL in order to promote better use of Government resources. This proposal was included in the FY 2003 Budget as a part of the Administration's Management Agenda. On September 25, 2002, Labor transmitted to Congress legislation to accomplish this transfer, and it was introduced as H.R. 5542.

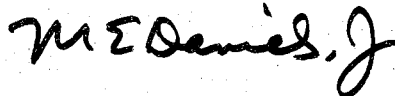
Summary of H.R. 5542

The enrolled bill would transfer all responsibilities for the administration of Part B of the Black Lung program now statutorily vested in SSA to DOL while retaining all existing program regulations, determinations, orders, rules, operating procedures, and contracts currently applicable to the beneficiaries' entitlements or to the program. However, Part B proceedings that are pending before an Administrative Law Judge or in appeal would continue before the SSA Commissioner "as if this Act had not been enacted." The bill contains various amendments to the Black Lung Act to provide for an appropriate transition. In addition, H.R. 5542 would authorize the Director of the Office of Management and Budget to make such determinations as may be necessary (e.g., concerning property transfers) to accomplish the purposes of the enrolled bill. The enrolled bill would take effect 90 days after enactment.

Conclusion and Recommendations

Labor strongly recommends approval of the enrolled bill. Labor states that the enrolled bill "would ensure a high level of service to program beneficiaries while eliminating the confusion and duplication of functions associated with the division of responsibilities for administration" of the program between two agencies.

We join Labor in recommending the approval of H.R. 5542, which passed the House by a vote of 404-0 and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

One Hundred Seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

An Act

To consolidate all black lung benefit responsibility under a single official, and
for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Black Lung Consolidation of
Administrative Responsibility Act".

SEC. 2. TRANSFER OF PART B BLACK LUNG BENEFIT RESPONSIBILITIES FROM COMMISSIONER OF SOCIAL SECURITY TO SECRETARY OF LABOR.

(a) IN GENERAL.—Part B of the Black Lung Benefits Act (30 U.S.C. 921 et seq.) other than section 415(b) (30 U.S.C. 925(b)) is amended by striking "Commissioner of Social Security" each place such term appears and inserting "Secretary".

(b) CONFORMING AMENDMENTS.—

(1) Section 402 of such Act (30 U.S.C. 902) is amended—

(A) in subsection (c), by striking "where used in part C" and inserting ", except where expressly otherwise provided,";

(B) in subsection (f)(1), by inserting after "Secretary of Health, Education, and Welfare" the following: ", which were in effect on the date of enactment of the Black Lung Consolidation of Administrative Responsibilities Act,";

(C) in subsection (f)(2)—

(i) by striking "which is subject to review by the Secretary of Health, Education, and Welfare," and inserting "arising under part B"; and

(ii) by striking the comma after "Secretary of Labor"; and

(D) in subsection (i), by amending paragraph (1) to read as follows:

"(1) for benefits under part B that was denied by the official responsible for administration of such part; or".

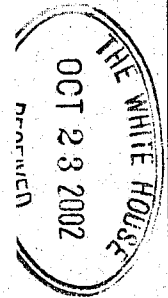
(2) Section 413(b) of such Act (30 U.S.C. 923(b)) is amended by striking "In carrying out the provisions of this part" and all that follows through "Social Security Act, but no" and inserting "No".

(3) Section 415 of such Act (30 U.S.C. 925) is amended—

(A) in subsection (a)—

(i) by striking paragraph (2);

(ii) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

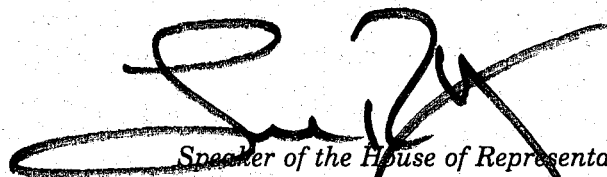
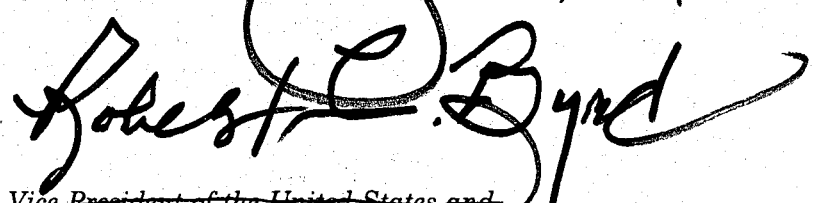


(f) CONTINUATION OF ACTIONS AGAINST OFFICERS.—No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Social Security Administration, and relating to a function transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against the Social Security Administration, or by or against any officer thereof in his official capacity, relating to a function transferred by this Act, shall abate by reason of enactment of this Act.

(g) PRESERVATION OF PENALTIES, ETC.—The transfer of functions under this Act shall not release or extinguish any penalty, forfeiture, liability, prosecution, investigation, or right to initiate a future investigation or prosecution involving any function transferred by this Act.

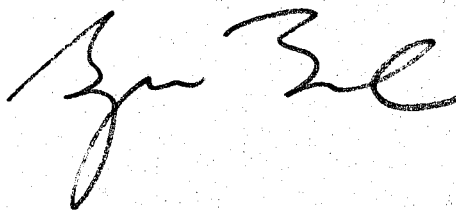
SEC. 4. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect 90 days after the date of enactment of this Act.

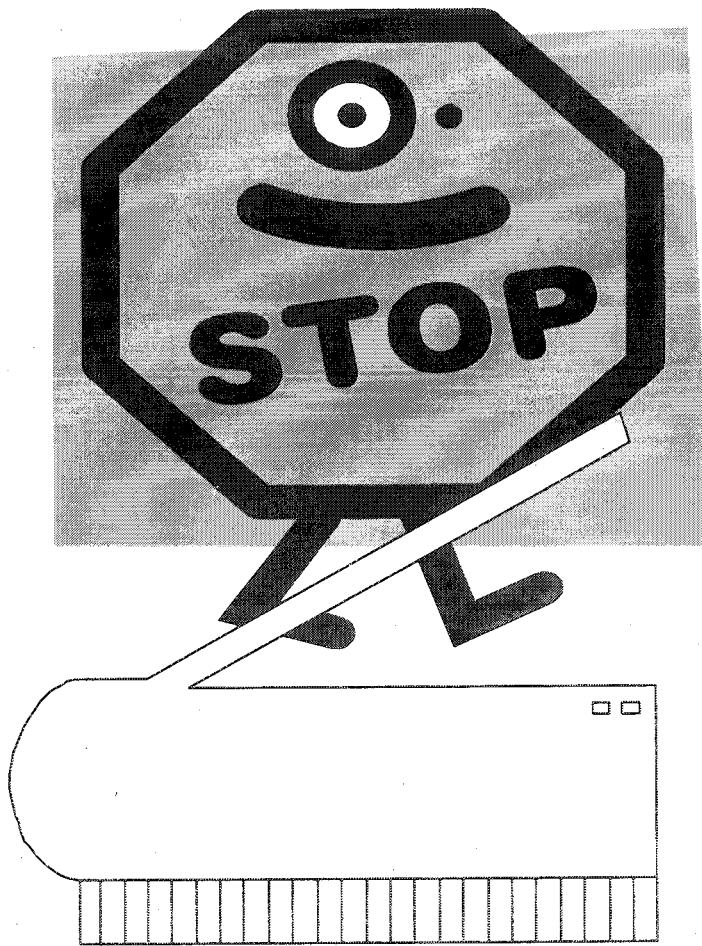

Speaker of the House of Representatives. *pro tempore.*

~~Vice President of the United States and~~
President of the Senate. *pro tempore*

APPROVED

NOV - 2 2002



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11-2-02



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OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

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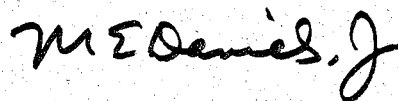
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Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-29-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-30-02, 1:00 PMSubject: ENROLLED BILL H.R. 5542, BLACK LUNG CONSOLIDATION OF
ADMINISTRATIVE RESPONSIBILITY ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD <i>NIO</i>	☒	☐
CARD <i>ok</i>	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN <i>NIO</i>	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO <i>ok</i>	☒	☐	RICE	☐	☐
CONNAUGHTON	☐	☐	RIDGE	☐	☐
DANIELS	☐	☒	ROVE <i>NIC</i>	☒	☐
FLEISCHER	☐	☒	SPELLINGS <i>OK</i>	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES <i>NIO</i>	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE SEND COMMENTS TO JIM JUKES, EXT. 53458, FAX 56148, NO LATER THAN 1:00 PM WEDNESDAY, 10-30-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



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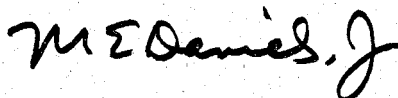
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Director

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 *** TX REPORT ***

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Date: 10-29-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-30-02, 1:00 PM

ENROLLED BILL H.R. 5542, BLACK LUNG CONSOLIDATION OF
 Subject: ADMINISTRATIVE RESPONSIBILITY ACT

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HAGIN	☐	☐		☐	☐
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REMARKS:

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RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
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Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

October 29, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 5542 - Black Lung Consolidation of Administrative
Responsibility Act
Sponsors - Rep. Hart (R) PA and 3 others

Last Day for Action

November 4, 2002 - Monday

Purpose

Consolidates the administration of Black Lung benefits for former coal miners and their surviving dependents within the Department of Labor, including responsibilities for those claims appealed by former miners that are currently handled by the Social Security Administration.

Agency Recommendations

Office of Management and Budget

Approval

Department of Labor

Approval

Department of Justice

No objection (Informally)

Department of the Treasury

No objection (Informally)

Department of Health and Human Services

Defers to Labor (Informally)

Social Security Administration

No comment (Informally)

Discussion

The Black Lung Benefits Act (the Act) was enacted as part of the 1969 Coal Mine Health and Safety Act, a comprehensive initiative to regulate health and safety conditions in the coal industry. The Black Lung program provides monetary and medical benefits to former coal mine workers who are totally disabled by occupational pneumoconiosis (Black Lung) and the surviving dependents of miners whose death was due to such disease. The program is administered jointly by the Social Security Administration (SSA) and the Department of Labor's (DOL) Office of Worker's Compensation. The statute assigns SSA with administrative responsibility for Part B of the Act, which specifies procedures for processing Federal Black Lung claims for benefits filed on or before December 31, 1973. The statute assigns DOL with administrative responsibility for Part C, which governs claims for benefits filed after December 31, 1973. In 1997, DOL and SSA entered into an interagency agreement under which

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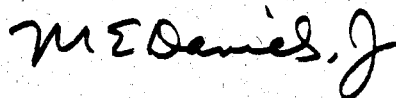
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We join Labor in recommending the approval of H.R. 5542, which passed the House by a vote of 404-0 and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-29-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-30-02, 1:00 PMSubject: ENROLLED BILL H.R. 5542, BLACK LUNG CONSOLIDATION OF
ADMINISTRATIVE RESPONSIBILITY ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☐	☐
CONNAUGHTON	☐	☐	RIDGE	☐	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE SEND COMMENTS TO JIM JUKES, EXT. 53458, FAX 56148, NO LATER THAN 1:00 PM WEDNESDAY, 10-30-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



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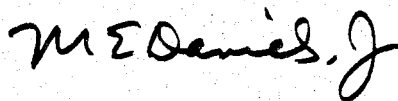
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Mitchell E. Daniels, Jr.
Director

Enclosures

**SECRETARY OF LABOR
WASHINGTON**

OCT 22 2002

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Director Daniels:

This letter provides you with the view of the Department of Labor on enrolled bill H.R. 5542, the "Black Lung Consolidation of Administrative Responsibilities Act." This bill would consolidate all responsibility for the administration of black lung benefits under a single official in the Department of Labor as outlined in the President's FY 2003 Budget. This enrolled bill is based upon the proposed bill the Department of Labor prepared in close consultation with the Social Security Administration, and which I transmitted to Congress on September 25, 2002. I strongly recommend Presidential approval of this legislation.

The Social Security Administration has administered Part B of the Black Lung Benefits Act since its enactment in 1969. All claims filed since January 1, 1974, have been the sole responsibility of the Department of Labor under Part C of the Act. Since 1978 the Department of Labor has provided black lung-related medical benefits to miners receiving Part B disability benefits from the Social Security Administration.

In 1997, the Social Security Administration and the Department of Labor's Office of Workers' Compensation Programs entered into an interagency agreement under which the Department of Labor provides claims maintenance services to miners and their dependent survivors who receive disability and survivor benefits under Part B. Under this agreement the Social Security Administration retained legal and budgetary responsibilities for Part B of the program including providing hearings, appeals, investigations and other functions.

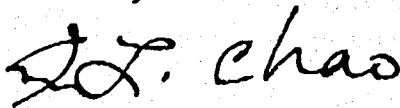
Joint audits by the Offices of the Inspector General of the Social Security Administration and the Department of Labor have confirmed the high quality of claims maintenance services provided by the Department of Labor. Last year the University of Michigan released the results of a customer satisfaction survey of Part B beneficiaries which found the highest level of customer satisfaction of any Federal benefits program surveyed. H.R. 5542 implements a longstanding recommendation of the two agencies' Inspectors General, and confirmed by the

recent customer satisfaction survey, that the administrative responsibility for both Parts of the Black Lung Benefits Act should be consolidated in the Department of Labor.

Simply stated, the provisions of H.R. 5542 would transfer all responsibilities for the administration of Part B of the Black Lung Benefits Act now vested in the Social Security Administration (except for a small number of proceedings pending before that agency) to the Department of Labor while retaining all regulations currently applicable to the beneficiaries' entitlements. In addition to the specific provisions regarding the transfer, the Director of the Office of Management and Budget, in consultation with the heads of the two agencies, would be authorized to make such determinations as may be necessary to accomplish the purposes of this bill.

H.R. 5542 would ensure a high level of service to program beneficiaries while eliminating the confusion and duplication of functions associated with the division of responsibilities for administration of the Black Lung Benefits Act between the two agencies. I strongly recommend Presidential approval of the "Black Lung Consolidation of Administrative Responsibilities Act."

Sincerely,

A handwritten signature in black ink, appearing to read "E. L. Chao", with a stylized flourish at the end.

Elaine L. Chao

One Hundred Seventh Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

An Act

To consolidate all black lung benefit responsibility under a single official, and
for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Black Lung Consolidation of
Administrative Responsibility Act".

SEC. 2. TRANSFER OF PART B BLACK LUNG BENEFIT RESPONSIBIL-
ITIES FROM COMMISSIONER OF SOCIAL SECURITY TO
SECRETARY OF LABOR.

(a) IN GENERAL.—Part B of the Black Lung Benefits Act (30
U.S.C. 921 et seq.) other than section 415(b) (30 U.S.C. 925(b))
is amended by striking "Commissioner of Social Security" each
place such term appears and inserting "Secretary".

(b) CONFORMING AMENDMENTS.—

(1) Section 402 of such Act (30 U.S.C. 902) is amended—
(A) in subsection (c), by striking "where used in part
C" and inserting ", except where expressly otherwise pro-
vided,";

(B) in subsection (f)(1), by inserting after "Secretary
of Health, Education, and Welfare" the following: ", which
were in effect on the date of enactment of the Black Lung
Consolidation of Administrative Responsibilities Act,";

(C) in subsection (f)(2)—

(i) by striking "which is subject to review by the
Secretary of Health, Education, and Welfare," and
inserting "arising under part B"; and

(ii) by striking the comma after "Secretary of
Labor"; and

(D) in subsection (i), by amending paragraph (1) to
read as follows:

"(1) for benefits under part B that was denied by the
official responsible for administration of such part; or".

(2) Section 413(b) of such Act (30 U.S.C. 923(b)) is amended
by striking "In carrying out the provisions of this part" and
all that follows through "Social Security Act, but no" and
inserting "No".

(3) Section 415 of such Act (30 U.S.C. 925) is amended—

(A) in subsection (a)—

(i) by striking paragraph (2);

(ii) by redesignating paragraphs (3) through (5)
as paragraphs (2) through (4), respectively; and

(iii) in paragraph (4) (as so redesignated), by striking "paragraph 4" and inserting "paragraph (2)"; and

(B) in subsection (b), by striking ", after consultation with the Commissioner of Social Security,".

(4) Section 426 of such Act (30 U.S.C. 936) is amended—

(A) in subsection (a), by striking ", the Commissioner of Social Security,"; and

(B) in subsection (b), by amending the first sentence to read as follows: "At the end of fiscal year 2003 and each succeeding fiscal year, the Secretary of Labor shall submit to the Congress an annual report on the subject matter of parts B and C of this title.".

(5) Public Law 94-504 (30 U.S.C. 932a) is amended by striking "under part C" and inserting "under part B or part C".

(c) REPEAL OF OBSOLETE PROVISIONS.—The following provisions of law are repealed:

(1) Section 435 of the Black Lung Benefits Act (30 U.S.C. 945).

(2) Sections 11 and 19 of the Black Lung Benefits Reform Act of 1977 (30 U.S.C. 924a, 904).

SEC. 3. TRANSITIONAL PROVISIONS.

(a) APPLICABILITY.—This section shall apply to the transfer of all functions relating to the administration of part B of subchapter IV (30 U.S.C. 901 et seq.) from the Commissioner of Social Security (hereinafter in this section referred to as the "Commissioner") to the Secretary of Labor, as provided by this Act.

(b) TRANSFER OF ASSETS, LIABILITIES, ETC.—

(1) The Commissioner shall transfer to the Secretary of Labor all property and records that the Director of the Office of Management and Budget determines relate to the functions transferred to the Secretary of Labor by this Act or amendments made by this Act.

(2) Section 1531 of title 31, United States Code, shall apply in carrying out this Act and amendments made by this Act, except that, for purposes of carrying out this Act and amendments made by this Act, the functions of the President under section 1531(b) shall be performed by the Director of the Office of Management and Budget unless otherwise directed by the President.

(c) CONTINUATION OF ORDERS, DETERMINATIONS, ETC.—

(1) This Act shall not affect the validity of any order, determination, rule, regulation, operating procedure (to the extent applicable to the Secretary of Labor), or contract that—

(A) relates to a function transferred by this Act; and

(B) is in effect on the date this Act takes effect.

(2) Any order, determination, rule, regulation, operating procedure, or contract described in paragraph (1) shall—

(A) apply on and after the effective date of this Act to the Secretary of Labor; and

(B) continue in effect, according to its terms, until it is modified, superseded, terminated, or otherwise deprived of legal effect by the Secretary of Labor, a court of competent jurisdiction, or operation of law.

(d) CONTINUATION OF ADMINISTRATIVE PROCEEDINGS.—

(1) Any proceeding before the Commissioner involving the functions transferred by this Act that is pending on the date this Act takes effect shall continue before the Secretary of Labor, except as provided in paragraph (2).

(2) Any proceeding pending before an Administrative Law Judge or the Appeals Council pursuant to part B and the applicable regulations of the Secretary of Health and Human Services shall continue before the Commissioner consistent with the following provisions:

(A) Any proceeding described in this paragraph shall continue as if this Act had not been enacted, and shall include all rights to hearing, administrative review, and judicial review available under part B and the applicable regulations of the Secretary of Health and Human Services.

(B) Any decision, order, or other determination issued in any proceeding described in this subsection shall apply to the Secretary of Labor and continue in effect, according to its terms, until it is modified, superseded, terminated, or otherwise deprived of legal effect by the Secretary of Labor, a court of competent jurisdiction, or operation of law.

(C) Nothing in this paragraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(3) Any proceeding before the Secretary of Labor involving the functions transferred by this Act shall be subject to the statutory requirements for notice, hearing, action upon the record, administrative review, and judicial review that apply to similar proceedings before the Commissioner conducted prior to the enactment of this Act.

(e) CONTINUATION OF ACTIONS AND CAUSES OF ACTION.—

(1) Except as provided in paragraphs (2) and (3), this Act shall not abrogate, terminate, or otherwise affect any action or cause of action, that—

(A) relates to a function transferred by this Act; and

(B) is pending or otherwise in existence on the date this Act takes effect.

(2) Any action pending before the Commissioner or any court on the date this Act takes effect that involves a function transferred by this Act shall continue before the Commissioner or court consistent with the following provisions:

(A) Any proceeding described in this paragraph shall continue as if this Act had not been enacted.

(B) Any decision, order, or other determination issued in any proceeding subject to this paragraph shall apply to the Secretary of Labor and continue in effect, according to its terms, until it is modified, superseded, terminated, or otherwise deprived of legal effect by the Secretary of Labor, a court of competent jurisdiction, or operation of law.

(3) Any cause of action by or against the Commissioner that exists on the date this Act takes effect and involves any function transferred by this Act may be asserted by or against the Secretary of Labor or the United States.

H. R. 5542—4

(f) CONTINUATION OF ACTIONS AGAINST OFFICERS.—No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Social Security Administration, and relating to a function transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against the Social Security Administration, or by or against any officer thereof in his official capacity, relating to a function transferred by this Act, shall abate by reason of enactment of this Act.

(g) PRESERVATION OF PENALTIES, ETC.—The transfer of functions under this Act shall not release or extinguish any penalty, forfeiture, liability, prosecution, investigation, or right to initiate a future investigation or prosecution involving any function transferred by this Act.

SEC. 4. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect 90 days after the date of enactment of this Act.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

521801



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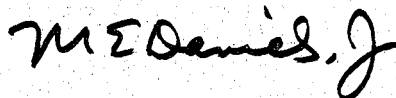
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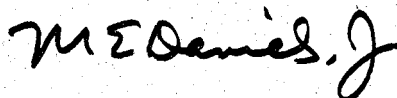
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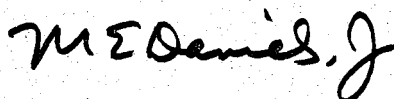
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Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-29-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-30-02, 1:00 PM

Subject: ENROLLED BILL H.R. 5542, BLACK LUNG CONSOLIDATION OF
ADMINISTRATIVE RESPONSIBILITY ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
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DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO JIM JUKES, EXT. 53458, FAX 56148, NO LATER THAN 1:00 PM WEDNESDAY, 10-30-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

10/30/02
No objection
Glen Huber

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

WHITE HOUSE STAFFING MEMORANDUM

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RESPONSE:

Handwritten: OK AME 10/30 0600

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 29, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 5542 - Black Lung Consolidation of Administrative
Responsibility Act
Sponsors - Rep. Hart (R) PA and 3 others

Last Day for Action

November 4, 2002 - Monday

Purpose

Consolidates the administration of Black Lung benefits for former coal miners and their surviving dependents within the Department of Labor, including responsibilities for those claims appealed by former miners that are currently handled by the Social Security Administration.

Agency Recommendations

Office of Management and Budget	Approval
Department of Labor	Approval
Department of Justice	No objection (Informally)
Department of the Treasury	No objection (Informally)
Department of Health and Human Services	Defers to Labor (Informally)
Social Security Administration	No comment (Informally)

Discussion

The Black Lung Benefits Act (the Act) was enacted as part of the 1969 Coal Mine Health and Safety Act, a comprehensive initiative to regulate health and safety conditions in the coal industry. The Black Lung program provides monetary and medical benefits to former coal mine workers who are totally disabled by occupational pneumoconiosis (Black Lung) and the surviving dependents of miners whose death was due to such disease. The program is administered jointly by the Social Security Administration (SSA) and the Department of Labor's (DOL) Office of Worker's Compensation. The statute assigns SSA with administrative responsibility for Part B of the Act, which specifies procedures for processing Federal Black Lung claims for benefits filed on or before December 31, 1973. The statute assigns DOL with administrative responsibility for Part C, which governs claims for benefits filed after December 31, 1973. In 1997, DOL and SSA entered into an interagency agreement under which

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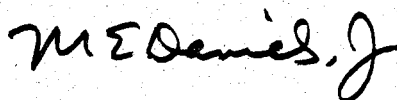
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Conclusion and Recommendations

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We join Labor in recommending the approval of H.R. 5542, which passed the House by a vote of 404-0 and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

SS/ RM NO. 521801

WHITE HOUSE STAFFING MEMORANDUM

OCT 30 4:12 PM

Date: 10-29-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-30-02, 1:00 PM

Subject: ENROLLED BILL H.R. 5542, BLACK LUNG CONSOLIDATION OF
ADMINISTRATIVE RESPONSIBILITY ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
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GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

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WEDNESDAY, 10-30-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

No Comment

RESPONSE:

15 7 51
OCT 30 10 51 AM '02
WHITE HOUSE
STAFF SECRETARY

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-29-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-30-02, 1:00 PM

ENROLLED BILL H.R. 5542, BLACK LUNG CONSOLIDATION OF
 Subject: ADMINISTRATIVE RESPONSIBILITY ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
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RESPONSE:

cc Jay
 Alan / Philo
 Tew.

OKT

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 29, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 5542 - Black Lung Consolidation of Administrative
Responsibility Act
Sponsors - Rep. Hart (R) PA and 3 others

Last Day for Action

November 4, 2002 - Monday

Purpose

Consolidates the administration of Black Lung benefits for former coal miners and their surviving dependents within the Department of Labor, including responsibilities for those claims appealed by former miners that are currently handled by the Social Security Administration.

Agency Recommendations

Office of Management and Budget	Approval
Department of Labor	Approval
Department of Justice	No objection (Informally)
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Department of Health and Human Services	Defers to Labor (Informally)
Social Security Administration	No comment (Informally)

Discussion

The Black Lung Benefits Act (the Act) was enacted as part of the 1969 Coal Mine Health and Safety Act, a comprehensive initiative to regulate health and safety conditions in the coal industry. The Black Lung program provides monetary and medical benefits to former coal mine workers who are totally disabled by occupational pneumoconiosis (Black Lung) and the surviving dependents of miners whose death was due to such disease. The program is administered jointly by the Social Security Administration (SSA) and the Department of Labor's (DOL) Office of Worker's Compensation. The statute assigns SSA with administrative responsibility for Part B of the Act, which specifies procedures for processing Federal Black Lung claims for benefits filed on or before December 31, 1973. The statute assigns DOL with administrative responsibility for Part C, which governs claims for benefits filed after December 31, 1973. In 1997, DOL and SSA entered into an interagency agreement under which

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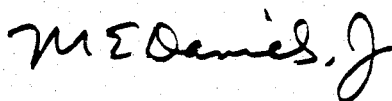
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Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-29-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-30-02, 1:00 PMSubject: ENROLLED BILL H.R. 5542, BLACK LUNG CONSOLIDATION OF
ADMINISTRATIVE RESPONSIBILITY ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
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GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

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RESPONSE:

Regulation Affair (checked)
ch

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 29, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 5542 - Black Lung Consolidation of Administrative
Responsibility Act
Sponsors - Rep. Hart (R) PA and 3 others

Last Day for Action

November 4, 2002 - Monday

Purpose

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Agency Recommendations

Office of Management and Budget

Approval

Department of Labor

Approval

Department of Justice

No objection (Informally)

Department of the Treasury

No objection (Informally)

Department of Health and Human Services

Defers to Labor (Informally)

Social Security Administration

No comment (Informally)

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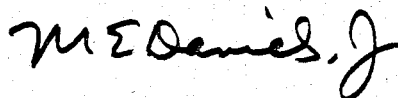
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Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

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ADMINISTRATIVE RESPONSIBILITY ACT

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WEDNESDAY, 10-30-02, WITH COPY TO STAFF SECRETARY. THANK YOU.*no con*

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D. C. 20503

October 29, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 5542 - Black Lung Consolidation of Administrative
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Sponsors - Rep. Hart (R) PA and 3 others

Last Day for Action

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Department of Justice

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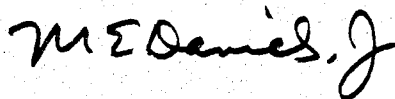
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Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-29-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-30-02, 1:00 PMSubject: ENROLLED BILL H.R. 5542, BLACK LUNG CONSOLIDATION OF
ADMINISTRATIVE RESPONSIBILITY ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
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REMARKS:

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RESPONSE:

cc Jay
Alan / Philo
Tewi

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 29, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 5542 - Black Lung Consolidation of Administrative
Responsibility Act
Sponsors - Rep. Hart (R) PA and 3 others

Last Day for Action

November 4, 2002 - Monday

Purpose

Consolidates the administration of Black Lung benefits for former coal miners and their surviving dependents within the Department of Labor, including responsibilities for those claims appealed by former miners that are currently handled by the Social Security Administration.

Agency Recommendations

Office of Management and Budget	Approval
Department of Labor	Approval
Department of Justice	No objection (Informally)
Department of the Treasury	No objection (Informally)
Department of Health and Human Services	Defers to Labor (Informally)
Social Security Administration	No comment (Informally)

Discussion

The Black Lung Benefits Act (the Act) was enacted as part of the 1969 Coal Mine Health and Safety Act, a comprehensive initiative to regulate health and safety conditions in the coal industry. The Black Lung program provides monetary and medical benefits to former coal mine workers who are totally disabled by occupational pneumoconiosis (Black Lung) and the surviving dependents of miners whose death was due to such disease. The program is administered jointly by the Social Security Administration (SSA) and the Department of Labor's (DOL) Office of Worker's Compensation. The statute assigns SSA with administrative responsibility for Part B of the Act, which specifies procedures for processing Federal Black Lung claims for benefits filed on or before December 31, 1973. The statute assigns DOL with administrative responsibility for Part C, which governs claims for benefits filed after December 31, 1973. In 1997, DOL and SSA entered into an interagency agreement under which

DOL provides claims maintenance services to miners and their dependent survivors who receive disability and survivor benefits under Part B. Under this agreement, SSA handles a small number of residual administrative hearings, and DOL processes, pays, and maintains claims. According to DOL, Part B produces only a very small appeals workload due to an increasingly shrinking population comprised mainly of widows, while the Part C program continues to generate new claims and a large number of administrative and court appeals.

Joint audits conducted by the SSA and Labor Offices of Inspector General have recommended that the program be permanently transferred from SSA to DOL in order to promote better use of Government resources. This proposal was included in the FY 2003 Budget as a part of the Administration's Management Agenda. On September 25, 2002, Labor transmitted to Congress legislation to accomplish this transfer, and it was introduced as H.R. 5542.

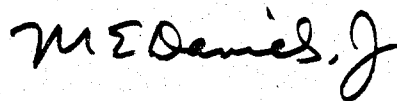
Summary of H.R. 5542

The enrolled bill would transfer all responsibilities for the administration of Part B of the Black Lung program now statutorily vested in SSA to DOL while retaining all existing program regulations, determinations, orders, rules, operating procedures, and contracts currently applicable to the beneficiaries' entitlements or to the program. However, Part B proceedings that are pending before an Administrative Law Judge or in appeal would continue before the SSA Commissioner "as if this Act had not been enacted." The bill contains various amendments to the Black Lung Act to provide for an appropriate transition. In addition, H.R. 5542 would authorize the Director of the Office of Management and Budget to make such determinations as may be necessary (e.g., concerning property transfers) to accomplish the purposes of the enrolled bill. The enrolled bill would take effect 90 days after enactment.

Conclusion and Recommendations

Labor strongly recommends approval of the enrolled bill. Labor states that the enrolled bill "would ensure a high level of service to program beneficiaries while eliminating the confusion and duplication of functions associated with the division of responsibilities for administration" of the program between two agencies.

We join Labor in recommending the approval of H.R. 5542, which passed the House by a vote of 404-0 and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

SS/ RM NO. 521801

Jan

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-29-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-30-02, 1:00 PM

Subject: ENROLLED BILL H.R. 5542, BLACK LUNG CONSOLIDATION OF
ADMINISTRATIVE RESPONSIBILITY ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☐	☐
CONNAUGHTON	☐	☐	RIDGE	☐	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO JIM JUKES, EXT. 53458, FAX 56148, NO LATER THAN 1:00 PM
WEDNESDAY, 10-30-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

No objection.

RESPONSE:

*Heidi Waller
WTH 10-29-02*

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

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 Subject: ADMINISTRATIVE RESPONSIBILITY ACT

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CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
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DANIELS	☐	☒	ROVE	☒	☐
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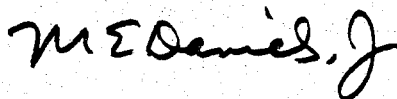
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