

CONFEREES AGREE ON BILL TO REVISE U.S. DISABILITY LAW

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Body

House and Senate **conferees** reached agreement today on a bill to overhaul the Social Security **disability** program, which has been in turmoil for more than a year.

The agreement would liberalize eligibility standards and make it harder for the Government to remove people from the rolls. Since 1981, the Government has reviewed 1.2 million **disability** cases and informed 490,000 beneficiaries that they would lose their benefits because they were no longer disabled. But more than 200,000 of those beneficiaries were put back on the rolls after they appealed.

House and Senate **conferees** make substantial progress in negotiations on comprehensive immigration bill, but they cannot **agree** on how to prevent job discrimination against US citizens and aliens legally in US; **agree** to eliminate important provision of Senate-passed bill that would have established overall limit on legal immigration and **revised** system for distributing visas to aliens; Rep Peter W Rodino Jr comments (M)

The reviews were conducted under a 1980 mandate from Congress.

Emotional Political Issue

Representative J. J. Pickle, Democrat of Texas, who is chairman of the House Ways and Means Subcommittee on Social Security, said in an interview today: "We have reached an agreement on the **disability** bill and we hope to have it formalized by Monday. As a result of this agreement, the Social Security Administration will again be able to run a workable program."

The operation of the **disability** program has become a highly charged political issue. Democrats asserted that the termination of benefits for thousands of disabled workers showed that the Reagan Administration was unfair. Republican members of Congress, deluged with complaints from constituents, joined Democrats in criticizing the Social Security Administration. Governors and Federal judges also put pressure on the Social Security Administration to change its policies.

48,000 Cases Pending

The **United States** Attorney for the Southern District of New York, Rudolph W. Giuliani, has refused to defend the Government in two dozen cases where it was trying to cut off **disability** benefits. He said the position of the Social Security Administration in those cases was unreasonable and indefensible.

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Other United States attorneys have expressed dismay at the rapidly growing volume of Social Security cases. When a person is notified that he is no longer eligible for benefits, he may pursue an appeal within the Social Security Administration and, after exhausting this avenue, may file a lawsuit in Federal court to regain benefits. The United States attorneys normally defend the Government's position in court. Social Security officials said there were now 48,000 disability cases pending in Federal courts around the country.

A key element of the compromise reached by the conferees is an agreement that the Federal Government could not remove a person from the disability rolls unless it could show that his or her medical condition had improved.

Congressional aides said that the "medical improvement" standard was much closer to the one in the House bill than in its Senate counterpart. Under current law, the Government has cut off disability benefits for many people without demonstrating that their condition has improved.

The House of Representatives approved its version of the disability legislation by a vote of 410 to 1 on March 27. The Senate passed its bill unanimously, with 96 ayes, on May 22. Since then the two houses have had difficulty reconciling the bills, in part because the Reagan Administration objected to changes that would liberalize the eligibility criteria.

The conference agreement is still subject to approval by both houses of Congress. But Congressional aides said that approval was virtually certain, in view of the overwhelming margins by which the legislation was initially approved. To become law, a single version of the bill must be approved by both houses and signed by the President.

A Social Security official said the agency did not necessarily endorse every detail of the conferees' agreement but would support the overall compromise. Administration officials said they expected President Reagan to sign the bill if it got to his desk, although the White House has not made any formal public commitment to do so.

Benefit Cutoffs Suspended

Because of the uncertainty caused by differing standards imposed by Federal courts throughout the country, Margaret M. Heckler, the Secretary of Health and Human Services, temporarily suspended efforts to cut off disability benefits last April. The provisional resumption of benefits since then has been costing the Government \$10 million a month more than the program currently costs, Social Security officials said. The program is expected to cost \$18.5 billion in the current fiscal year. The agreement on the disability bill was worked out by members of the House Ways and Means Committee and the Senate Finance Committee. The key negotiators were Mr. Pickle and Senator Bob Dole, the Kansas Republican who is chairman of the Finance Committee. The bill, known as the Social Security Disability Amendments of 1984, is a freestanding piece of legislation that deals specifically with the problems of the disability program.

The conferees dropped a provision of the House bill that would have required the Social Security Administration to follow decisions issued by a United States Court of Appeals in the circuit where they were issued. The agency sometimes refuses to acquiesce in such rulings, on the ground that it may wish to reargue issues of law on which it has suffered adverse decisions.

Congressional aides said the conferees would issue a statement disapproving Social Security's practice of "nonacquiescence" in Federal court decisions. The statement would not be part of the language of the new bill, but would be expected to influence Social Security officials and Federal judges.

Standards for All Reviews

The statement says that the Social Security Administration should follow appeals court rulings except in situations where it has taken, or has a "reasonable expectation and intention" of taking, the steps necessary to appeal to the Supreme Court.

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The standards in the bill would apply to all **disability** reviews done in the future and to many **disability** cases pending in Federal courts. Individual court cases and people in certified class actions would be sent back to the Social Security Administration for review under the new medical improvement standard, Congressional aides said. The bill appears to allay the fears of Administration officials who were worried that a nationwide class-action suit might be filed on behalf of all the people who had been improperly removed from the **disability** rolls.

The conference agreement provides that **disability** benefits and Medicare coverage should be continued for people who are pursuing administrative appeals of a decision to remove them from the **disability** rolls.

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