

FOIA MARKER

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Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: Presidential Personnel

Series/Staff Member: General Files

Subseries:

OA/ID Number: 7526

FolderID:

Folder Title:

National Council on Disability: General Information and Background

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Position:

1

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	RE: Non-selection (1 page)	00/00/0000	b(6)
002. memo	June Middlebrooks to Monica Aboud; RE: Recommendations for Boards and Commissions (2 pages)	03/01/1993	Personal Misfile
003. list	Disability - PAS; RE: Non-selection (19 pages)	00/00/0000	b(6)

COLLECTION:

Clinton Presidential Records
 Presidential Personnel
 General Files
 OA/Box Number: 7526

FOLDER TITLE:

National Council on Disability: General Information and Background

2007-0143-F
 db4529

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
 P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
 P3 Release would violate a Federal statute [(a)(3) of the PRA]
 P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
 P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
 P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

b(1) National security classified information [(b)(1) of the FOIA]
 b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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 b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
 b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
 b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

NATIONAL COUNCIL ON DISABILITY

HAN

IndependentAUTHORITY:

29 U.S.C. 780
P.L. 95-602, Title I, Sec. 117, 92 Stat. 2977,
November 6, 1978
P.L. 96-88, Sec. 301(b)(3), 93 Stat. 678, October
17, 1979 (transfers to Department of Education,
effective 5/4/80, pursuant to E.O. 12212 of
5/2/80)
P.L. 98-221, Sec. 141, February 22, 1984 (makes
Council Independent, effective 2/22/84)
P.L. 99-506, Sec. 1001(e)(2), October 21, 1986
(technical change)
P.L. 100-630, Sec. 205(b), November 7, 1988 (name
change)
P.L. 102-569, Title IV, Sec. 401, October 29, 1992
(amends purpose, members qualifications, terms,
and salary)

METHOD:

Nominated to the Senate

MEMBERS:

FIFTEEN appointed by the President

The President shall select members of the Council after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities, and organizations interested in individuals with disabilities. The members shall be individuals with disabilities or individuals who have substantial knowledge or experience relating to disability policy or programs.

The members shall be appointed so as to be representative of handicapped individuals, national organizations concerned with the handicapped, providers and administrators of services to the handicapped, individuals engaged in conducting medical or scientific research relating to handicapped individuals, business concerns, and labor organizations.

A majority of the members shall be handicapped individuals, or parents or guardians of handicapped individuals, and shall be broadly representative of minority and other individuals and groups.

(CONTINUED - PAGE TWO)

NATIONAL COUNCIL ON DISABILITYIndependent

CHAIRPERSON: The President shall designate the Chairperson from among the members.

TERM: THREE YEARS, except that of the terms of members first appointed after November 6, 1978, shall be (as specified by the President) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

No member may serve more than two consecutive full 3-year terms beginning on the date the member is sworn in on the Council. Members may serve after the expiration of their terms until their successors have taken office. (HOLDOVERS)

Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

SALARY: Members shall be entitled to receive compensation at a rate equal to the rate of pay for level 4 of the Senior Executive Service Schedule under 5 U.S.C. 5382, including travel time, for each day they are engaged in the performance of their duties.

Members who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the Council except for compensation for travel expenses.

While away from their homes or regular places of business in the performance of services for the Council, members shall be allowed travel expenses, including per diem in lieu of subsistence.

PURPOSE: To promote policies, programs, practices, and procedures that guarantee equal opportunity for all individuals with disabilities, regardless of the nature or severity of the disability, and empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

NOTE: Prior to P.L. 100-630 of November 7, 1988, the council was entitled the "National Council on the Handicapped."

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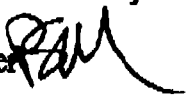
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MEMORANDUM TO GARY CHRISTOPHERSON, Office of Presidential Personnel
[fax: 456-2259]

FROM: Paul Steven Miller 

DATE: June 14, 1994

SUBJECT: National Council on Disability -- Support for Candidates

The following are sponsors of the candidates for positions on the National Council on Disability. No letters of support have been asked for, but if necessary, they can be supplied.

JOHN KEMP -- Senator Bob Dole and Tony Coelho

IRVING ZOLA (MA) -- Senator Edward Kennedy

AUDREY McCRIMMON -- Senators Paul Simon and Carol Mosely-Braun

DEBORAH ROBINSON --

ELA YAZI-KING -- Congressman Major Owen

NATIONAL COUNCIL ON DISABILITY

HAN

Independent

AUTHORITY: 29 U.S.C. 780
P.L. 95-602, Title I, Sec. 117, 92 Stat. 2977,
November 6, 1978
P.L. 96-88, Sec. 301(b)(3), 93 Stat. 678, October 17,
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P.L. 98-221, Sec. 141, February 22, 1984 (makes
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P.L. 99-506, Sec. 1001(e)(2), October 21, 1986
(technical change)
P.L. 100-630, Sec. 205(b), November 7, 1988 (name
change)

METHOD: Nominated to the Senate

MEMBERS: FIFTEEN appointed by the President

The members shall be appointed so as to be representative of handicapped individuals, national organizations concerned with the handicapped, providers and administrators of services to the handicapped, individuals engaged in conducting medical or scientific research relating to handicapped individuals, business concerns, and labor organizations.

At least five members shall be handicapped individuals, or parents or guardians of handicapped individuals.

CHAIRPERSON: The President shall designate the Chairperson from among the members.

TERM: THREE YEARS, except that of the members first appointed:

Five shall serve for terms of one year,
Five shall serve for terms of two years, and
Five shall serve for terms of three years.

Members may be reappointed and may serve after the expiration of their terms until their successors have taken office. (HOLDOVERS)

(CONTINUED - PAGE TWO)

NATIONAL COUNCIL ON DISABILITY

Independent

TERM:
(Cont'd.)

Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

SALARY:

Members shall be entitled to receive compensation at a rate equal to the rate of basic pay for grade GS-18, including travel time, for each day they are engaged in the performance of their duties.

Members who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the Council except for compensation for travel expenses.

While away from their homes or regular places of business in the performance of services for the Council, members shall be allowed travel expenses, including per diem in lieu of subsistence.

PURPOSE:

To promote the full integration, independence, and productivity of individuals with handicaps in the community, schools, the workplace and all other aspects of American life.

NOTE:

Prior to P.L. 100-630 of November 7, 1988, the council was entitled the "National Council on the Handicapped."

NATIONAL COUNCIL ON DISABILITY

***SUMMARY OF FUNCTIONS, BUDGET, PERSONNEL, AND
PRESSING ISSUES AFFECTING THE COUNCIL***

Submitted by:

**John A. Gannon
Acting Chairperson**

**Andrew I. Batavia
Executive Director**

February 25, 1993

Functions of the National Council on Disability

The National Council on Disability is an independent federal agency comprised of 15 members appointed by the President of the United States and confirmed by the U.S. Senate. The National Council was initially established in 1978 as an advisory board within the Department of Education (Public Law 95-602). The Rehabilitation Act Amendments of 1984 (Public Law 98-221) transformed the National Council into an independent agency. The current statutory mandate of the National Council (The Rehabilitation Amendments of 1992) assigns it the following duties:

- * Reviewing and evaluating, on a continuous basis, the effectiveness of all policies, programs, and activities concerning individuals with disabilities conducted or assisted by federal departments or agencies, and all statutes pertaining to federal programs, and assessing the extent to which they provide incentives to community-based services, promote full integration, and contribute to the independence and dignity of individuals with disabilities;**
- * Making recommendations of ways to improve research, service, administration, and the collection, dissemination, and implementation of research findings affecting persons with disabilities;**
- * Providing ongoing advice to the President, the Congress, the RSA Commissioner, the Assistant Secretary of the Office of Special Education and Rehabilitative Services (OSERS), and the Director of NIDRR on programs authorized in the Rehabilitation Act;**
- * Providing to the Congress, on a continuous basis, advice, recommendations, and any additional information which the Council or the Congress considers appropriate;**
- * Serving as an advisory body in the areas of policy and operations to the National Institute on Disability and Rehabilitation Research (NIDRR);**
- * Providing advice to the Commissioner of the Rehabilitation Services Administration (RSA) on policies and conduct;**
- * Reviewing standards for Independent Living programs;**
- * Submitting an Annual Report with appropriate recommendations to the Congress and the President regarding the status of research affecting persons with disabilities and the activities of RSA and NIDRR;**
- * Reviewing standards for Projects with Industry programs;**
- * Providing guidance to the President's Committee on the Employment of People with Disabilities; and**

*** Issuing an Annual Report to the President and the Congress on the progress that has been made in implementing the recommendations contained in the National Council's January 30 1986, report, *Toward Independence*.**

While many government agencies deal with issues and programs affecting people with disabilities, *the National Council is the only federal agency charged with addressing, analyzing, and making recommendations on issues of public policy which affect people with disabilities regardless of age, disability type, perceived employment potential, economic need, specific functional ability, status as a veteran, or other individual circumstance.* The National Council recognizes its unique opportunity to facilitate independent living, community integration, and employment opportunities for people with disabilities by assuring an informed and coordinated approach to addressing the concerns of persons with disabilities and eliminating barriers to their active participation in community and family life.

Budget for FY93

The Council's federal budget for FY93 totals \$1,540,576. These funds have been assigned to the following accounts as indicated below.

<u>APPN FUND (842)</u>	<u>PLANNED FY93 EXPENDITURES</u>
STAFF SALARIES	368,000
OTHER SALARIES	142,000
BENEFITS	90,000
OVERTIME/BENEFITS	1,000
CATEGORY TOTAL	601,000
MEMBERS TRAVEL	95,000
STAFF TRAVEL	30,000
OTHER TRAVEL	25,000
CATEGORY TOTAL	150,000
DOT RENT	33,000
GSA RENT	115,000
CATEGORY TOTAL	148,000
TELEPHONE	20,000
POSTAGE	30,000
DELIVERY	10,000

CATEGORY TOTAL	60,000
GENERAL PRINTING	50,000
NEWSLETTER	5,000
NOTICES/REPORT	40,000
CATEGORY TOTAL	95,000
RESEARCH STUDIES/ CONTRACTUAL	355,276
MEETINGS/SUPPORT	60,000
GSA SUPPORT	42,300
CATEGORY TOTAL	457,576
SUPPLIES	10,000
PUBLICATIONS	3,000
ELECTRONIC DATA	1,000
CATEGORY TOTAL	14,000
EQUIPMENT	15,000
CATEGORY TOTAL	15,000
GRAND TOTAL	1,540,576

The Council is hopeful that its current budget will be increased during FY94 to deal with increasing demands for its services and to resolve certain internal management items that require immediate attention (see "Pressing Issues Affecting the Council" below).

Personnel

The Council is limited by statute to hiring an Executive Director who, in turn, may hire no more than a total of 7.0 full time equivalent (FTE) professional and technical staff. Council Members themselves are on part-time status for budgeting purposes, as they are reimbursed at a per diem rate for their Council activities. Due to the severe constraints imposed by this limited staffing pattern, the Council often requires the assistance of contractors and consultants in order to meet the enormous amount of policy development, analysis, and evaluation work under its mandate.

The following are the current full-time positions assigned to the Council:

**Executive Director
Deputy Director
Research Specialist
Public Affairs Specialist
Program Specialist
Executive Secretary
Staff Assistant
Office Automation Clerk**

Pressing Issues Affecting the Council

There are, at present, two major categories of issues affecting the Council: (1) issues related to the development of responsive disability policy and, (2) issues related to the internal functioning and administration of the Council itself. These will be briefly discussed below.

Issues Related to Policy Development and Review

Lack of Resources for Research Projects. During FY 93, the NCD's budget for research was \$205,000. Due to this funding level, we had to defer several important research projects that would substantially enhance our capability to meet our basic mandate: to provide expert advice to the Administration and the Congress on disability policy issues. There are four high priority projects that we propose to conduct in FY 94, which would cost an approximate \$400,000 in additional funds in FY94. The projects are:

Health Care Reform and Its Impact on Americans with Disabilities. An absolute priority of the NCD is to ensure that any health care reform measures contemplated are responsive to the needs of people with disabilities. This research project would assess all prominent health care reform bills to determine their effect on this population. This would, in turn, provide the NCD with an essential data base from which it could assist the Administration and the Congress in framing responsible health care reform measures.

Personal Assistance Services: The Key to Independence Under the Americans with Disabilities Act. This project would examine the highest priority issue for many Americans with severe disabilities and for the over 80 national constituent organizations represented on the Consortium for Citizens with Disabilities: the development of the viable national policy on the financing and provision of personal assistance services such as attendant care, interpreter services, and reader services.

ADA Watch: Stage Two. This project, the first part of which was completed in the past year, would continue to examine the implementation of the Americans with Disabilities Act, identify problems and successes (particularly as they relate to facilitating voluntary compliance with the law), and propose improvements to the law.

Annual Report to Congress. The NCD is required by statute (Title IV of the Rehabilitation Act) to submit an Annual Report to Congress on the state of disability policy. As several new requirements were added to the contents of the Report during the reauthorization process last year, this Report will require the compilation of extensive data on disability policy, programs, and outcomes.

The National Council on Disability seeks to continue its historically strong role in providing accurate and sensitive guidance to the Administration and the Congress regarding issues that are of major interest to persons with disabilities, their families, and communities. We would appreciate consideration of funding for the aforementioned projects as a means toward accomplishing this end.

Issues Related to the Internal Functioning and Administration of the Council

Office Space. The Department of Transportation, which leases the NCD its current office space, has evicted the Council effective March, 1993, due to its need for the space we currently occupy. The space that the General Services Administration (GSA) has located for us, which was the only space available that met our needs -- specifically with regard to accessibility for persons with disabilities-- is substantially more expensive than our current space. The annual difference is estimated to be an additional \$35,000.

Equipment. The NCD had deferred the purchase of a basic computer network until its move to its new office space. Currently, several staff members do not have computers. This is substantially reducing agency productivity, particularly in light of our increased research and reporting requirements. The Council will require \$60,000 in order to purchase the computer network and software that will allow us to meet our statutory and public information requirements in a responsible manner.

Accessible Formats for Communicating with Persons with Disabilities. As the most visible agency in the Executive Branch with sole responsibility to provide expert advice on disability policy, it is essential that the NCD serve as a model in the area of ensuring that all of our work is accessible to persons with disabilities. At present, we have inadequate resources to produce documents and conduct public meetings in a manner that would ensure full access for people with disabilities. In order to ensure access, we would need an additional \$20,000 to produce materials in

accessible formats (such as Braille and large print) and to provide interpreter and related services (such as audio loops) at our hearings and meetings.

Legal Issues. The Council is currently engaged in four separate legal matters. These are related to the following issues:

- (1) An allegation of improper dismissal from a former employee;
- (2) An allegation of employment discrimination based on disability filed by a former employee in response to the alleged actions of the individual in (1) immediately above;
- (3) A dispute with a former contractor regarding timely receipt of products and payment issues; and
- (4) An allegation of possible violations of the Hatch Act on the part of two Council Members.

At present, the Council is confident that all of these situations (with the possible exception of (1) above) can be settled without recourse to adjudication. However, the current pendency of these proceedings does create the need to maintain a contingent liability reserve in the Council's budget plan.

The above issues will require resolution over the course of the next several months if the Council is to proceed with its work in an efficient and effective manner.

Conclusion

The National Council on Disability has a proud history of achievement on behalf of --and with-- people with disabilities all across the Nation. We are eager to face the challenges detailed above and look forward to assisting the Administration and the Congress in the days ahead to improve the lives of people with disabilities, and thus, for us all Americans.

**CURRENT MEMBERS OF THE
NATIONAL COUNCIL ON DISABILITY**

<u>Name</u>	<u>Dates of Service</u>	
	<u>From</u>	<u>Term Expires</u>
John A. Gannon Ohio and Washington DC Acting Chairperson	12-22-88	9-17-92
A. Kent Waldrep, Jr. Texas Vice Chairperson	10-1-82	9-17-92
Linda Wickett Allison Texas	6-1-91	9-17-93
Ellis B. Bodron Mississippi	1-27-92	9-17-93
Larry Brown, Jr. Maryland	10-29-90	9-17-92
Mary Ann Mobley Collins California	3-28-91	9-17-91
Anthony H. Flack Connecticut	5-14-90	9-17-94
Robert S. Muller Michigan	6-10-86	9-17-92
George H. Oberle, P.E.D. Oklahoma	12-22-88	9-17-92
Sandra Swift Parrino New York	10-1-82	9-17-92

* Archival records are incomplete;

Before November 1988 the Council was known as the National Council on the Handicapped.

CEH = President's Committee on Employment of the Handicapped

Mary Matthews Raether Virginia	5-1-90	9-17-94
Shirley W. Ryan Illinois	9-17-92	9-17-94
Anne C. Seggerman Connecticut	1-29-92	9-17-93
Michael B. Unhjem North Dakota	10-29-90	9-17-93
Helen Wilshire Walsh Connecticut	10-26-90	9-17-92

**FORMER MEMBERS OF THE
NATIONAL COUNCIL ON DISABILITY**

Elizabeth M. Boggs New Jersey	>1978	<1991
H. Latham Breunig, Ph.D. Arlington, VA	>1978	<1991
Robert V. Bush Albuquerque, NM	>1978	<1991
Mary P. Chambers	>1978	<1991
Nelba R. Chavez	>1978	<1991
Justin W. Dart, Jr. Washington, DC	>1978	<1991
Jack G. Duncan	>1978	<1991
Joe S. Dusenbury Columbia, SC	>1978	<1991
John S. Erthein Los Angeles	>1978	<1991
Donald E. Galvin	>1978	<1991
Theresa L. Gardner	7-30-87	6-26-90
R. Budd Gould Pasadena, CA	>1978	<1991
Margaret Hager Richmond, VA	1-31-89	3-1-92
Hunt Hamill Winnetka, IL	>1978	<1991

Judith Heuman San Francisco, CA	>1978	<1991
John P. Hourihan	>1978	<1991
Thomas C. Joe	>1978	<1991
Marian North Koonce Santa Barbara, CA	10-1-82	6-27-91
Leslie Lenkowsky Illinois	7-9-87	9-17-90
John Leopold Maryland	2-25-91	9-17-91
Michael Marge New York	member 10-1-82	8-9-87
	expert 5-25-88	6-27-91
Nanette Fabray MacDougall California	10-1-82	resigned 7-20-87
	extended 9-19-87 1970 CEH	9-30-90
Jeremiah Milbank, Jr. Greenwich, CT	>1978	<1991
Edwin O. Opheim	>1978	<1991
Brenda Premo	7-29-86	6-27-91
Father Harry J. Sutcliffe, D.D. New York	>1978	<1991
Joni Eareckson Tada Agouna Hills, CA	7-28-87	6-27-91
Roxanne S. Vierra Colorado	>1978	<1991
Henri Viscardi, Jr. New York	>1978	<1991
J. David Webb	>1978	<1991

Henry Williams
New York

>1978

<1991

Phyllis Zlotnick
West Hartford, CT

7-18-86

6-26-90

29 § 780

Definition of "handicapped individual" for purposes of this subchapter.

§ 780. Establishment of National Council of

(a) Membership

There is established within the Federal Government a National Council on the Handicapped (hereinafter in this subchapter referred to as the "National Council"), which shall be composed of fifteen members appointed by the President, by and with the advice and consent of the Senate. The members of the National Council shall be appointed so as to be representative of handicapped individuals, national organizations concerned with the handicapped, providers and administrators of services to the handicapped, individuals engaged in conducting medical or scientific research relating to handicapped individuals, business concerns, and labor organizations. At least five members of the National Council shall be handicapped individuals, or parents or guardians of handicapped individuals.

(b) Term of office

(1) Members of the National Council shall be appointed to serve for terms of three years, except that of the members first appointed—

(A) five shall serve for terms of one year,

(B) five shall serve for terms of two years, and

(C) five shall serve for terms of three years,

as designated by the President at the time of appointment.

(2) Members may be reappointed and may serve after the expiration of their terms until their successors have taken office.

(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

(c) Chairman; meetings

The President shall designate the Chairman from among the members appointed to the National Council. The National Council shall meet at the call of the Chairman, but not less often than four times each year.

(d) Quorum; vacancies

Eight members of the National Council shall constitute a quorum and any vacancy in the National Council shall not affect its power to function.

(Pub.L. 93-112, Title IV, § 400, as added Pub.L. 95-602, Title I, § 117, Nov. 6, 1978, 92 Stat. 2977, and amended Pub.L. 98-221, Title I, § 141(a), Feb. 22, 1984, 98 Stat. 26.)

Historical Note

Codification. A prior section 780, Pub.L. 93-112, Title IV, § 400, Sept. 26, 1973, 87 Stat. 385, which related to the general administrative powers of the Secretary under this

chapter, was repealed by Pub.L. 95-602, Title I, § 117, Nov. 6, 1978, 92 Stat. 2977.

1984 Amendment. Subsec. (a). Pub.L. 98-221 substituted "established within the

Federal Gov
the Departm
Welfare".
below.

Transfer
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(a) pursuant
of Pub.L. 96
tions 3441(a)
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§ 780a.

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of this title

for purposes of this subch.

National Council o

a) Membership

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icapped individuals.

Term of office

Council shall be appointed to serve for
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edecessor was appointed shall be appointed
erm.

Chairman; meetings

the Chairman from among the members
il. The National Council shall meet at the
less often than four times each year.

Quorum; vacancies

Council shall constitute a quorum and any
il shall not affect its power to function.

added Pub.L. 95-602, Title I, § 117, Nov. 6,
b.L. 98-221, Title I, § 141(a), Feb. 22, 1984, 98

Historical Note

b.L. chapter, was repealed by Pub.L. 95-602, Title
87 I, § 117, Nov. 6, 1978, 92 Stat. 2977.

min- 1984 Amendment. Subsec. (a). Pub.L.
this 98-221 substituted "established within the

Ch. 16 REHABILITATION SERVICES

29 § 780a

Federal Government" for "established with
the Department of Health, Education, and
Welfare". See Transfer of Functions note
below.

Transfer of Functions. "Department of
Education" was substituted for "Department
of Health, Education, and Welfare" in subsec.
(a) pursuant to sections 301(a)(4)(A) and 507
of Pub.L. 96-88, which are classified to sec-
tions 3441(a)(4)(A) and 3507 of Title 20,
Education.

For establishment of the National Council
on the Handicapped as an independent agen-
cy within the Federal government and trans-
fer of the functions relating to the Council
which were vested in the Secretary of Edu-
cation to the Chairman of the Council, see
section 780a of this title.

Legislative History. For legislative history
and purpose of Pub.L. 95-602, see 1978 U.S.
Code Cong. and Adm. News, p. 7312. See,
also, Pub.L. 98-221, 1984 U.S. Code Cong.
and Adm. News, p. 15.

§ 780a. Independent status of National Council on the Handi- capped

(1) Council as independent agency within Federal Government

Effective on February 22, 1984, the National Council on the Handicapped
shall be an independent agency within the Federal Government and shall
not be an agency within the Department of Education or any other
department or agency of the United States.

(2) Transfer of functions to Council Chairman

There are transferred to the Chairman of the National Council on the
Handicapped all functions relating to the Council which were vested in the
Secretary of Education on the day before February 22, 1984. The Chair-
man of the National Council on the Handicapped shall continue to exercise
all the functions under the Rehabilitation Act of 1973 [29 U.S.C.A. § 701 et
seq.] or any other law or authority which the Chairman was performing
before February 22, 1984.

(3) Changes in statutory and other references

References in any statute, reorganization plan, Executive order, regula-
tion, or other official document or proceeding to the Department of
Education or the Secretary of Education with respect to functions or
activities relating to the National Council on the Handicapped shall be
deemed to refer to the National Council on the Handicapped or the
Chairman of the National Council on the Handicapped, respectively.

(Pub.L. 98-221, Title I, § 141(b), Feb. 22, 1984, 98 Stat. 26.)

Historical Note

References in Text. The Rehabilitation
Act of 1973, referred to in par. (2), is Pub.L.
93-112, Sept. 26, 1973, 87 Stat. 355, as
amended, which is classified principally to
this chapter (section 701 et seq.). For com-
plete classification of this Act to the Code,
see Short Title note set out under section 701
of this title and Tables volume.

Codification. Section was enacted as part
of the Rehabilitation Amendments of 1984,
and not as part of Rehabilitation Act of 1973,
which comprises this chapter.

Legislative History. For legislative history
and purpose of Pub.L. 98-221, see 1984 U.S.
Code Cong. and Adm. News, p. 15.

§ 781. Duties of National Council

(a) The National Council shall—

(1) establish general policies for, and review the operation of, the National Institute of Handicapped Research;

(2) provide advice to the Commissioner with respect to the policies of and conduct of the Rehabilitation Services Administration;

(3) advise the President, the Congress, the Commissioner, the appropriate Assistant Secretary of the Department of Education, and the Director of the National Institute of Handicapped Research on the development of the programs to be carried out under this chapter;

(4) review and evaluate on a continuing basis all policies, programs, and activities concerning handicapped individuals and persons with developmental disabilities conducted or assisted by Federal departments and agencies, including programs established or assisted under this chapter or under the Developmental Disabilities Assistance and Bill of Rights Act [42 U.S.C.A. § 6000 et seq.], in order to assess the effectiveness of such policies, programs, and activities in meeting the needs of handicapped individuals;

(5) make recommendations to the President, the Congress, the Secretary, and the Director of the National Institute of Handicapped Research respecting ways to improve research concerning handicapped individuals, the administration of services for handicapped individuals, and the methods of collecting and disseminating the findings of such research, and make recommendations for facilitating the implementation of programs based upon such findings;

(6) submit not later than March 31 of each year (beginning in 1980) an annual report to the Congress, and the President, containing (A) a statement of the current status of research concerning the handicapped in the United States, (B) a review of the activities of the Rehabilitation Services Administration and the National Institute of Handicapped Research, and (C) such recommendations respecting the items described in clauses (A) and (B) as the National Council considers appropriate; and

(7) provide to the Congress on a continuing basis advice, recommendations, and any additional information which the Council or the Congress deems appropriate.

(b) The National Council shall—

(1) review all statutes pertaining to Federal programs which assist handicapped individuals;

(2) make a priority listing of such programs based on the number of handicapped individuals such programs assist and the Federal costs of such programs;

(3) assess the extent to which such programs provide incentives or disincentives to the establishment of community-based services for handicapped individuals, promote the full integration of such individuals in the community, in schools, and in the workplace, and contribute to the independence and dignity of such individuals;

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(4) recommend to the President and the Congress legislative proposals for increasing incentives and eliminating disincentives in Federal programs based on the assessment made pursuant to clause (3); and
(5) prepare and submit a final report to the President and to the Congress not later than February 1, 1986, on the review, assessment, and recommendations required by this subsection.

(Pub.L. 93-112, Title IV, § 401, as added Pub.L. 95-602, Title I, § 117, Nov. 6, 1978, 92 Stat. 2977, and amended Pub.L. 96-88, Title III, § 301(a)(4)(A), Title V, § 507, Oct. 17, 1979, 93 Stat. 678, 692; Pub.L. 98-221, Title I, § 142, Feb. 22, 1984, 98 Stat. 27.)

Historical Note

References in Text. The Developmental Disabilities Assistance and Bill of Rights Act, referred to in par. (4), is Title I of Pub.L. 88-164, as added by Pub.L. 94-103. Oct. 4, 1975, 89 Stat. 496, and amended, which is classified generally to chapter 75 (section 6000 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 6000 of Title 42 and Tables volume.

Codification. A prior section 781, Pub.L. 93-112, Title IV, § 401, Sept. 26, 1973, 87 Stat. 386, which related to program and project evaluation, was repealed by Pub.L. 95-602, Title I, § 117, Nov. 6, 1978, 92 Stat. 2977.

1984 Amendment. Subsec. (a). Pub.L. 98-221, § 142(b), designated existing provisions as subsec. (a).

Subsec. (a)(3). Pub.L. 98-221, § 142(a)(1), substituted "advise the President, the Congress, the Commissioner" for "advise the Commissioner".

Subsec. (a)(5). Pub.L. 98-221, § 142(a)(2)(A), inserted "the President, the Congress," before "the Secretary".

Pub.L. 98-221, § 142(a)(2)(B), struck out "the Commissioner", immediately preceding "and the Director of the National Institute".

Pub.L. 98-221, § 142(a)(3), struck out "and" following "based upon such findings".

Subsec. (a)(6). Pub.L. 98-221, § 142(a)(4), struck out "the Secretary," following "an annual report to".

Pub.L. 98-221, § 142(a)(5), substituted "and" for a period following "as the National Council considers appropriate".

Subsec. (a)(7). Pub.L. 98-221, § 142(a)(6), added par. (7).

Subsec. (b). Pub.L. 98-221, § 142(b), added subsec. (b).

Transfer of Functions. For establishment of the National Council on the Handicapped as an independent agency within the Federal government and transfer of the functions relating to the Council which were vested in the Secretary of Education to the Chairman of the Council, see section 780a of this title.

"Department of Education" was substituted for "Department of Health, Education, and Welfare" in par. (3) pursuant to sections 301(a)(4)(A) and 507 of Pub.L. 96-88, which are classified to sections 3441(a)(4)(A) and 3507 of Title 20, Education.

For transfer of functions and offices of the Secretary and Department of Health, Education and Welfare, including the Rehabilitation Services Administration and the Commissioner thereof, under this chapter to the Secretary and Department of Education, and for delegation of certain functions of the Secretary of Education under this chapter to the Assistant Secretary for Special Education and Rehabilitative Services, see sections 3417 and 3441 of Title 20.

Legislative History. For Legislative history and purpose of Pub.L. 95-602, see 1978 U.S.Code Cong. and Adm.News, p. 7312. See, also, Pub.L. 98-221, 1984 U.S.Code Cong. and Adm.News, p. 15.

§ 782. Compensation of National Council members

(a) Rate

Members of the National Council shall be entitled to receive compensation at a rate equal to the rate of basic pay payable for grade GS-18 of the

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General Schedule under section 5332 of Title 5, including traveltime, for each day they are engaged in the performance of their duties as members of the National Council.

(b) Full-time officers or employees of United States

Members of the National Council who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the National Council except for compensation for travel expenses as provided under subsection (c) of this section.

(c) Travel expenses

While away from their homes or regular places of business in the performance of services for the National Council, members of the National Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of Title 5.

(Pub.L. 93-112, Title IV, § 402, as added Pub.L. 95-602, Title I, § 117, Nov. 6, 1978, 92 Stat. 2978.)

Historical Note

Codification. A prior section 782, Pub.L. 93-112, Title IV, § 402, Sept. 26, 1973, 87 Stat. 387, which authorized the Secretary to obtain information from Federal agencies, was repealed by Pub.L. 95-602, Title I, § 117, Nov. 6, 1978, 92 Stat. 2977.

Transfer of Functions. For establishment of the National Council on the Handicapped

as an independent agency within the Federal government and transfer of the functions relating to the Council which were vested in the Secretary of Education to the Chairman of the Council, see section 780a of this title.

Legislative History. For legislative history and purpose of Pub.L. 95-602, see 1978 U.S. Code Cong. and Adm. News, p. 7312.

§ 783. National Council staff

(a) Executive Director; technical and professional employees

(1) The National Council may appoint, without regard to the provisions of Title 5 governing appointments in the competitive service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, an Executive Director to assist the National Council to carry out its duties. The Executive Director shall be appointed from among individuals who are experienced in the planning or operation of programs for handicapped individuals.

(2) The Executive Director is authorized to hire not to exceed seven technical and professional employees to assist the National Council to carry out its duties.

(b) Temporary or intermittent services; voluntary and uncompensated services; gifts, etc.; contracts and agreements; official representation and reception; transfer of funds

(1) The National Council may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of Title 5 (but at rates for individuals not to exceed the daily equivalent of the annual rate of

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or compensation for travel expenses
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Expenses

regular places of business in the
Council, members of the National
Council, including per diem in lieu of
persons employed intermittently in the
Council under section 5703 of Title 5.

Pub.L. 95-602, Title I, § 117, Nov. 6,

Note

an independent agency within the Federal
Government and transfer of the functions re-
lating to the Council which were vested in the
Secretary of Education to the Chairman of
the Council, see section 780a of this title.

Legislative History. For legislative history
purpose of Pub.L. 95-602, see 1978 U.S.
Code Cong. and Adm. News, p. 7312.

Professional employees

without regard to the provisions
of the competitive service, or the
Schedule III of chapter 53 of such title
regarding pay rates, an Executive
Director to carry out its duties. The
Council among individuals who are
employed in programs for handicapped

is authorized to hire not to exceed seven
members of the National Council to carry

**Voluntary and uncompensated services;
Official representation and
Use of funds**

Temporary and intermittent service—
section 3109(b) of Title 5 (but at
an amount equivalent of the annual rate of

basic pay payable for grade GS-18 of the General Schedule under section
5332 of Title 5).

(2) The National Council may—

(A) accept voluntary and uncompensated services, notwithstanding
the provisions of section 1342 of Title 31;

(B) accept, in the name of the Council, employ and dispose of in
furtherance of this chapter, any money, or property, real or personal, or
mixed, tangible or nontangible, received by gift, devise, bequest, or
otherwise; and

(C) enter into contracts and cooperative agreements with Federal
and State agencies, private firms, institutions, and individuals for the
conduct of research and surveys, preparation of reports and other
activities necessary to the discharge of the Council's duties and respon-
sibilities.

(3) Not more than 10 per centum of the total amounts available to the
National Council in each fiscal year may be used for official representation
and reception.

(4) From the amount available to the Office of Special Education and
Rehabilitative Services, Department of Education, \$500,000 in fiscal year
1984 shall be transferred and made available to the National Council.

(c) Administrative support services

The Administrator of General Services shall provide to the National
Council on a reimbursable basis such administrative support services as the
Council may request.

(Pub.L. 93-112, Title IV, § 403, as added Pub.L. 95-602, Title I, § 117, Nov. 6,
1978, 92 Stat. 2978, and amended Pub.L. 98-221, Title I, § 143, Feb. 22, 1984, 98
Stat. 28.)

Historical Note

References in Text. The provisions of title
5 governing appointments in the competitive
service, referred to in subsec. (a), are classi-
fied generally to section 3301 et seq. of Title
5, Government Organization and Employees.

Codification. A prior section 783, Pub.L.
93-112, Title IV, § 403, Sept. 26, 1973, 87
Stat. 387; Pub.L. 93-516, Title I, § 108, Dec.
7, 1974, 88 Stat. 1619; Pub.L. 94-230, §§ 8,
11(b)(11), Mar. 15, 1976, 90 Stat. 212, 213,
which authorized appropriations to conduct
program and project evaluations, was re-
pealed by Pub.L. 95-602, Title I, § 117, Nov.
6, 1978, 92 Stat. 2977.

1984 Amendment. Subsec. (a)(1). Pub.L.
98-221, § 143(c), designated existing provi-
sions as par. (1).

Pub.L. 98-221, § 143(a), substituted "an
Executive Director" for "up to seven techni-
cal and professional employees".

Pub.L. 98-221, § 143(b), added provision
requiring that the Executive Director be ap-
pointed from among individuals experienced
in the planning or operation of programs for
handicapped individuals.

Subsec. (a)(2). Pub.L. 98-221, § 143(c),
added par. (2).

Subsec. (b)(1). Pub.L. 98-221, § 143(d),
designated existing provisions as par. (1).

Subsec. (b)(2) to (4). Pub.L. 98-221,
§ 143(d), added pars. (2), (3), and (4).

Transfer of Functions. For establishment
of the National Council on the Handicapped
as an independent agency within the Federal
Government and transfer of the functions re-
lating to the Council which were vested in the
Secretary of Education to the Chairman of
the Council, see section 780a of this title.

Legislative History. For legislative history
and purpose of Pub.L. 95-602, see 1978 U.S.
Code Cong. and Adm. News, p. 7312. See,

HISTORICAL AND STATUTORY NOTES

100-630 substituted

100-259 not to be construed to extend the application of the Rehabilitation Act of 1973 [this chapter] to ultimate beneficiaries of Federal financial assistance excluded from coverage before Mar. 22, 1988, see Pub.L. 100-259, § 7, Mar. 22, 1988, 102 Stat. 31, set out as a note under section 1687 of Title 20, Education.

(C) of this title and this title by Pub.L.

Additional programs

er, subject to the provisions of section 776 of this title, shall public agencies, and nonprofit private organizations for the cost of initiation of recreation programs to provide with recreational activities and related experiences to aid in independence, and community integration of such individuals, and shall be authorized to be assisted under this section may include, but are not limited to, instruction, leisure networking, leisure resource development, sports, scouting and camping, 4-H activities, music, dancing, and other recreational activities. Whenever possible and appropriate, such programs shall be provided in settings with peers without handicaps. Under this section shall be designed to demonstrate ways in which to assist in maximizing the independence and integration of

shall be made for a minimum of a three-year period.
ade under this section unless the agreement with respect to
visions to assure that, to the extent possible, existing
carry out the activities for which the grant is to be made,
children the activities for which the grant is to be made will
fter school.

ed to be appropriated \$2,330,000 for fiscal year 1987, 1988, \$2,620,000 for fiscal year 1989, \$2,780,000 for fiscal year 1991, and such sums as may be necessary for out this section.

Title I, § 103(d)(2)(C), Title IV, § 407, Oct. 21, 1986, 100 Stat. 1810, I, § 204(j), Nov. 7, 1988, 102 Stat. 3309; Pub.L. 102-52, § 4(e)(3),

ORICAL AND STATUTORY NOTES

(2)(C) of Pub.L. 99-506, § 407, designated existing provisions in part as par. (1), and in par. (1) as so designated substituted provisions authorizing grants to public agencies and nonprofit private organizations to provide handicapped individuals with recreational activities and related experiences to aid in the mobility, socialization, independence and community integration of such individuals for provisions authorizing grants to

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caps" for "non-

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"handicapped individuals" wherever appearing. See Codification note set out under this section.

Subsec. (a)(2). Pub.L. 99-506, § 407, added par. (2).

Subsec. (a)(3). Pub.L. 99-506, § 407, designated existing provisions in part as par. (3) and in par. (3) as so designated added provision permitting activities for children to be carried out before school.

Subsec. (b). Pub.L. 99-506, § 407, substituted provisions authorizing appropriations of \$2,330,000 for fiscal year 1987, \$2,470,000 for fiscal year 1988, \$2,620,000 for fiscal year 1989, \$2,780,000 for fiscal year 1990, and \$2,894,000 for fiscal year 1991 for provisions authorizing appropriations of \$2,000,000 for the fiscal year 1984, \$2,100,000 for the fiscal year 1985, and \$2,200,000 for the fiscal year 1986.

SUBCHAPTER IV—NATIONAL COUNCIL ON DISABILITY

HISTORICAL AND STATUTORY NOTES

1988 Amendment

Pub.L. 100-630, Title II, § 205(a), Nov. 7, 1988, 102 Stat. 3310, substituted "on Disability" for "on the Handicapped".

§ 780. Establishment of National Council on Disability

(a) **Membership; purpose**

(1) There is established within the Federal Government a National Council on Disability (hereinafter in this subchapter referred to as the "National Council"), which shall be composed of fifteen members appointed by the President, by and with the advice and consent of the Senate. The members of the National Council shall be appointed so as to be representative of individuals with handicaps, national organizations concerned with individuals with handicaps, providers and administrators of services to individuals engaged in conducting medical or scientific research relating to individuals with handicaps, business concerns, and labor organizations. At least five members of the National Council shall be individuals with handicaps, or parents or guardians of individuals with handicaps. *The members shall be broadly representative of*

(2) The purpose of the National Council is to promote the full integration, independence, and productivity of individuals with handicaps in the community, schools, the workplace and all other aspects of American life.

(b) Term of office

[See main volume for text of (1) and (2)]

(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

(c) Chairperson; meetings

The President shall designate the Chairperson from among the members appointed to the National Council. The National Council shall meet at the call of the Chairperson, but not less often than four times each year.

[See main volume for text of (d)]

(As amended Pub.L. 99-506, Title I, § 103(d)(2)(C), Title V, § 501, Title X, § 1001(e), Oct. 21, 1986, 100 Stat. 1810, 1828, 1843; Pub.L. 100-630, Title II, § 205(b), Nov. 7, 1988, 102 Stat. 3310.)

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HISTORICAL AND STATUTORY NOTES

Codification

Amendment by section 103(d)(2)(C) of Pub.L. 99-506, directing substitution of "individuals with handicaps" for "handicapped individuals" wherever appearing, has been executed to subsec. (a)(1) only, as the probable intent of Congress, in light of the subsequent enactment of subsec. (a)(2), containing a reference to handicapped individuals, by section 501(2) of Pub.L. 99-506.

1988 Amendment

Heading. Pub.L. 100-630, § 205(b)(1), substituted "on Disability" for "on the Handicapped".

Subsec. (a)(1). Pub.L. 100-630, § 205(b)(2), substituted "on Disability" for "on the Handicapped", "concerned with individuals with handicaps" for "concerned with the handicapped", and "services to individuals with handicaps" for "services for the handicapped".

Subsec. (a)(2). Pub.L. 100-630, § 205(b)(3), substituted "individuals with handicaps" for "handicapped individuals".

1986 Amendment

Subsec. (a)(1). Pub.L. 99-506, § 103(d)(2)(C), in par. (1), as so designated, substituted "individuals with handicaps" for "handicapped individuals" wherever appearing. See Codification note set out above.

Pub.L. 99-506, § 501(1), designated existing provisions as par. (1).

Subsec. (a)(2). Pub.L. 99-506, § 501(2), added par. (2).

Subsec. (b)(3). Pub.L. 99-506, § 1001(e)(1), substituted "such member's predecessor" for "his predecessor".

Subsec. (c). Pub.L. 99-506, § 1001(e)(2), substituted "Chairperson" for "Chairman" wherever appearing.

Effective Date of 1986 Amendment

Amendment to this section by Pub.L. 99-506 to take effect Oct. 21, 1986, unless otherwise provided, see section 1006 of Pub.L. 99-506, set out as a note under section 701 of this title.

Exclusion From Coverage

Enactment of section 706(8)(C) of this title and amendment of section 794 of this title by Pub.L. 100-259 not to be construed to extend the application of the Rehabilitation Act of 1973 [this chapter] to ultimate beneficiaries of Federal financial assistance excluded from coverage before Mar. 22, 1988, see Pub.L. 100-259, § 7, Mar. 22, 1988, 102 Stat. 31, set out as a note under section 1687 of Title 20, Education.

Legislative History

For legislative history and purpose of Pub.L. 99-506, see 1986 U.S. Code Cong. and Adm. News, p. 3471.

CODE OF FEDERAL REGULATIONS

Grants and other technical assistance, see 34 CFR 362.41 et seq.

§ 780a. Independent status of National Council on the Handicapped¹

[See main volume for text of section]

¹ See Change of Name note below.

HISTORICAL AND STATUTORY NOTES

Change of Name

See section 780 of this title for change of name to National Council on Disability.

§ 781. Duties of National Council

(a) The National Council shall—

(1) establish general policies for, and review the operation of, the National Institute on Disability and Rehabilitation Research;

(2) provide advice to the Commissioner with respect to the policies of and conduct of the Rehabilitation Services Administration;

(3) advise the President, the Congress, the Commissioner, the appropriate Assistant Secretary of the Department of Education, and the Director of the National Institute on Disability and Rehabilitation Research on the development of the programs to be carried out under this chapter;

(4) review and evaluate on a continuing basis—

(A) all policies, programs, and activities concerning individuals with handicaps and individuals with disabilities conducted or assisted by Federal departments and agencies, including programs established or assisted under this Act or under the Developmental Disabilities Assistance and Bill of Rights Act; and

This changed per PL 102-119, 12/29/82

(B) all statutes pertaining to Federal programs which assist such individuals with handicaps and individuals with disabilities;

in order to assess the effectiveness of such policies, programs, activities, and statutes in meeting the needs of individuals with handicaps and individuals with disabilities;

(5) assess the extent to which such policies, programs, and activities provide incentives or disincentives to the establishment of community-based services for individuals with handicaps, promote the full integration of such individuals in the community, in schools, and in the workplace, and contribute to the independence and dignity of such individuals;

(6) make recommendations to the President, the Congress, the Secretary and the Director of the National Institute on Disability and Rehabilitation Research respecting ways to improve research concerning individuals with handicaps, the administration of services for individuals with handicaps, and the methods of collecting and disseminating the findings of such research, and make recommendations for facilitating the implementation of programs based upon such findings;

(7) submit not later than March 31 of each year (beginning in 1980) an annual report to the Congress, and the President, containing (A) a statement of the current status of research concerning individuals with handicaps in the United States, (B) a review of the activities of the Rehabilitation Services Administration and the National Institute on Disability and Rehabilitation Research, and (C) such recommendations respecting the items described in clauses (A) and (B) as the National Council considers appropriate; and

(8) provide to the Congress on a continuing basis advice, recommendations, legislative proposals, and any additional information which the Council or the Congress deems appropriate.

(b)(1) Not later than January 30, 1988, and annually thereafter, the National Council shall issue a report to the President and the Congress on the progress that has been made in implementing the recommendations contained in the Council's January 30, 1986, report Toward Independence.

(2) The reports issued pursuant to paragraph (1) shall present, as appropriate, available data on health, housing, employment, insurance, transportation, recreation, and education, and shall include appropriate information on the current status and trends in the status of individuals with disabilities.

(As amended Pub.L. 99-506, Title I, § 103(d)(2)(C), Title III, § 302(b), Title V, § 502, Oct. 21, 1986, 100 Stat. 1810, 1821, 1828; Pub.L. 100-630, Title II, § 205(c), Nov. 7, 1988, 102 Stat. 3310.)

HISTORICAL AND STATUTORY NOTES

References in Text

The Developmental Disabilities Assistance and Bill of Rights Act, referred to in subsec. (a)(4)(A), is Title I of Pub.L. 88-164, as added by Pub.L. 94-103, Oct. 4, 1975, 89 Stat. 496, and amended, which is classified generally to chapter 75 (section 6000 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 6000 of Title 42 and Tables.

Codification

Amendment by section 103(d)(2)(C) of Pub.L. 99-506, substituting "individuals with handicaps" for "handicapped individuals" wherever appearing, was not executed to subsec. (a)(4), (5) and (b), in view of subsequent amendments by section 502 of Pub.L. 99-506, which amended subsec. (a)(4) to restore references to handicapped individuals, enacted subsec. (a)(5) including references to handicapped individuals, and amended subsec. (b) eliminating references either to individuals with handicaps or to handicapped individuals. Amendment by section 103(d)(2)(C) of Pub.L. 99-506 was therefore executed only to subsec.

(a)(6) (as so redesignated by Pub.L. 99-506) as the probable intent of Congress.

1988 Amendment

Subsec. (a)(4). Pub.L. 100-630, § 205(c)(1) to (3), substituted "individuals with handicaps" for "handicapped individuals" wherever appearing, "individuals with disabilities" for "persons with disabilities" wherever appearing, and in par. (B) "assist" for "assisted".

Subsec. (a)(5). Pub.L. 100-630, § 205(c)(1), substituted "individuals with handicaps" for "handicapped individuals".

Subsec. (a)(7)(A). Pub.L. 100-630, § 205(c)(4), substituted "individuals with handicaps" for "the handicapped".

Subsec. (a)(8). Pub.L. 100-630, § 205(c)(5), inserted a comma after "recommendations".

Subsec. (b)(1). Pub.L. 100-630, § 205(c)(6), substituted "recommendations" for "recommendation".

1986 Amendment

Subsec. (a)(1). Pub. L. 99-506, § 302(b), substituted "National Institute on Disability and Re-

habilitation Research" for "National Institute of Handicapped Research".

Subsec. (a)(3). Pub.L. 99-506, § 302(b), substituted "National Institute on Disability and Rehabilitation Research" for "National Institute of Handicapped Research".

Subsec. (a)(4). Pub.L. 99-506, § 103(d)(2)(C), substituted "individuals with handicaps" for "handicapped individuals" wherever appearing. See Codification note set out under this section.

Pub.L. 99-506, § 502(a)(1), designated existing provisions in part as subpar. (A), in subpar. (A) as so designated substituted reference to persons with disabilities for reference to persons with developmental disabilities, added subpar. (B), and in provisions following lettered subparagraphs substituted reference to the effectiveness of such policies, programs, activities and statutes in meeting the needs of handicapped individuals and persons with disabilities for reference to the effectiveness of such policies, programs and activities in meeting the needs of handicapped individuals.

Subsec. (a)(5). Pub.L. 99-506, § 502(a)(2)(B), added par. (5). Former par. (5) redesignated (6).

Subsec. (a)(6). Pub.L. 99-506, § 103(d)(2)(C), in par. (6), as so redesignated, substituted "individuals with handicaps" for "handicapped individuals" wherever appearing. See Codification note set out under this section.

Pub.L. 99-506, § 302(b), in par. (6) as so redesignated substituted "National Institute on Disability and Rehabilitation Research" for "National Institute of Handicapped Research".

Pub.L. 99-506, § 502(a)(2)(A), redesignated former par. (5) as (6). Former par. (6) redesignated (7).

Subsec. (a)(7). Pub.L. 99-506, § 502(a)(2)(A), redesignated former par. (6) as (7). Former par. (7) redesignated (8).

Subsec. (a)(7)(B). Pub.L. 99-506, § 302(b), in subsec. (a)(7)(B), as so redesignated, substituted "National Institute on Disability and Rehabilitation Research" for "National Institute of Handicapped Research".

Subsec. (a)(8). Pub.L. 99-506, § 502(a)(2)(A), redesignated former par. (7) as (8).

Pub.L. 99-506, § 502(a)(3), in par. (8) as so redesignated inserted "legislative proposals" after "recommendations".

Subsec. (b)(1). Pub.L. 99-506, § 103(d)(2)(C), substituted "individuals with handicaps" for "handicapped individuals" wherever appearing. See Codification note set out under this section.

Pub.L. 99-506, § 502(b), substituted provisions requiring the National Council to issue an annual report to the President and the Congress on the progress made in implementing its report of Jan. 30, 1986 entitled Toward Independence, with the first such report due Jan. 30, 1988, for provisions which had required the Council to review all

statutes pertaining to Federal programs assisting handicapped individuals.

Subsec. (b)(2). Pub.L. 99-506, § 103(d)(2)(C), substituted "individuals with handicaps" for "handicapped individuals" wherever appearing. See Codification note set out under this section.

Pub.L. 99-506, § 502(b), substituted provisions setting forth required data and information to be included in the reports issued pursuant to par. (1) for provisions which had required the Council to make a priority listing of Federal programs assisting handicapped individuals based on the number of such individuals assisted by such programs and the Federal costs of such programs.

Subsec. (b)(3). Pub.L. 99-506, § 103(d)(2)(C), substituted "individuals with handicaps" for "handicapped individuals" wherever appearing. See Codification note set out under this section.

Pub.L. 99-506, § 502(b), struck out former par. (3), which had required the National Council to assess the extent to which such programs provided incentives or disincentives to the establishment of community-based services for handicapped individuals, promoted the full integration of such individuals in the community, in schools, and in the workplace, and contributed to the independence and dignity of such individuals.

Subsec. (b)(4). Pub.L. 99-506, § 502(b), struck out former par. (4), which had required the Council to recommend to the President and the Congress legislative proposals for increasing incentives and eliminating disincentives in Federal programs based on the assessment made pursuant to former par. (3).

Subsec. (b)(5). Pub.L. 99-506, § 502(b), struck out former par. (5), which had required the Council to prepare and submit a final report to the President and to the Congress not later than February 1, 1986, on the review, assessment, and recommendations required by this subsection.

Effective Date of 1986 Amendment

Amendment to this section by Pub.L. 99-506 to take effect Oct. 21, 1986, unless otherwise provided, see section 1006 of Pub.L. 99-506, set out as a note under section 701 of this title.

Exclusion From Coverage

Enactment of section 706(8)(C) of this title and amendment of section 794 of this title by Pub.L. 100-259 not to be construed to extend the application of the Rehabilitation Act of 1973 [this chapter] to ultimate beneficiaries of Federal financial assistance excluded from coverage before Mar. 22, 1988, see Pub.L. 100-259, § 7, Mar. 22, 1988, 102 Stat. 31, set out as a note under section 1687 of Title 20, Education.

Legislative History

For legislative history and purpose of Pub.L. 99-506, see 1986 U.S. Code Cong. and Adm. News, p. 3471.

§ 782. Compensation of National Council members

(a) Rate

Members of the National Council shall be entitled to receive compensation at a rate equal to the rate of basic pay payable for grade GS-18 of the General Schedule

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rate of pay for level 14 of SES under sec. 5382

ute of statutes pertaining to Federal programs assisting handicapped individuals.

Subsec. (b)(2). Pub.L. 99-506, § 103(d)(2)(C), substituted "individuals with handicaps" for "handicapped individuals" wherever appearing. See Codification note set out under this section.

Pub.L. 99-506, § 502(b), substituted provisions setting forth required data and information to be included in the reports issued pursuant to par. (1) for provisions which had required the Council to make a priority listing of Federal programs assisting handicapped individuals based on the number of such individuals assisted by such programs and the Federal costs of such programs.

Subsec. (b)(3). Pub.L. 99-506, § 103(d)(2)(C), substituted "individuals with handicaps" for "handicapped individuals" wherever appearing. See Codification note set out under this section.

Pub.L. 99-506, § 502(b), struck out former par. (3), which had required the National Council to assess the extent to which such programs provided incentives or disincentives to the establishment of community-based services for handicapped individuals, promoted the full integration of such individuals in the community, in schools, and in the workplace, and contributed to the independence and dignity of such individuals.

Subsec. (b)(4). Pub.L. 99-506, § 502(b), struck out former par. (4), which had required the Council to recommend to the President and the Congress legislative proposals for increasing incentives and eliminating disincentives in Federal programs based on the assessment made pursuant to former par. (3).

Subsec. (b)(5). Pub.L. 99-506, § 502(b), struck out former par. (5), which had required the Council to prepare and submit a final report to the President and to the Congress not later than February 1, 1986, on the review, assessment, and recommendations required by this subsection.

Effective Date of 1986 Amendment

Amendment to this section by Pub.L. 99-506 to take effect Oct. 21, 1986, unless otherwise provided, see section 1006 of Pub.L. 99-506, set out as a note under section 701 of this title.

Exclusion From Coverage

Enactment of section 706(8)(C) of this title and amendment of section 794 of this title by Pub.L. 100-259 not to be construed to extend the application of the Rehabilitation Act of 1973 [this chapter] to ultimate beneficiaries of Federal financial assistance excluded from coverage before Mar. 22, 1988, see Pub.L. 100-259, § 7, Mar. 22, 1988, 102 Stat. 31, set out as a note under section 1687 of Title 20, Education.

Legislative History

For legislative history and purpose of Pub.L. 99-506, see 1986 U.S. Code Cong. and Adm. News, p. 3471.

Council members

shall be entitled to receive compensation at a rate for grade GS-18 of the General Schedule

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244 of S.E.S. under Sec. 5382

under section 5332 of Title 5, including travel time, for each day they are engaged in the performance of their duties as members of the National Council.

[See main volume for text of (b) and (c)]

(As amended Pub.L. 100-630, Title II, § 205(d), Nov. 7, 1988, 102 Stat. 3310.)

HISTORICAL AND STATUTORY NOTES

1988 Amendment

Subsec. (a). Pub.L. 100-630, substituted "travel time" for "travelttime".

Exclusion From Coverage

Enactment of section 706(8)(C) of this title and amendment of section 794 of this title by Pub.L.

100-259 not to be construed to extend the application of the Rehabilitation Act of 1973 [this chapter] to ultimate beneficiaries of Federal financial assistance excluded from coverage before Mar. 22, 1988, see Pub.L. 100-259, § 7, Mar. 22, 1988, 102 Stat. 31, set out as a note under section 1687 of Title 20, Education.

§ 783. National Council staff

(a) Executive Director; technical and professional employees

(1) The National Council may appoint, without regard to the provisions of Title 5 governing appointments in the competitive service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, an Executive Director to assist the National Council to carry out its duties. The Executive Director shall be appointed from among individuals who are experienced in the planning or operation of programs for individuals with handicaps.

(2) The Executive Director is authorized to hire not to exceed seven technical and professional employees to assist the National Council to carry out its duties.

(b) Temporary or intermittent services; voluntary and uncompensated services; gifts, etc.; contracts and agreements; official representation and reception; transfer of funds

[See main volume for text of (1)]

(2) The National Council may—

(A) accept voluntary and uncompensated services, notwithstanding the provisions of section 1342 of Title 31;

(B) in the name of the Council, accept, employ, and dispose of, in furtherance of this chapter, any money or property, real or personal, or mixed, tangible or nontangible, received by gift, devise, bequest, or otherwise; and

[See main volume for text of (C); (3)]

(4) Repealed. Pub.L. 99-506, Title V, § 503, Oct. 21, 1986, 100 Stat. 1829.

[See main volume for text of (c)]

(As amended Pub.L. 99-506, Title I, § 103(d)(2)(C), Title V, § 503, Oct. 21, 1986, 100 Stat. 1810, 1829; Pub.L. 100-630, Title II, § 205(e), Nov. 7, 1988, 102 Stat. 3310.)

HISTORICAL AND STATUTORY NOTES

1988 Amendment

Subsec. (b)(2)(B). Pub.L. 100-630 substituted "in the name of the Council, accept, employ, and dispose of, in furtherance of this chapter, any money or property" for "accept, in the name of the Council, employ and dispose of in furtherance of this chapter, any money, or property".

1986 Amendment

Subsec. (a)(1). Pub.L. 99-506, § 103(d)(2)(C), substituted "individuals with handicaps" for "handicapped individuals" wherever appearing.

Subsec. (b)(4). Pub.L. 99-506, § 503, struck out former par. (4), which provided that from the amount available to the Office of Special Education and Rehabilitative Services, Department of Education, \$500,000 in fiscal year 1984 had to be

transferred and made available to the National Council.

Effective Date of 1986 Amendment

Amendment to this section by Pub.L. 99-506 to take effect Oct. 21, 1986, unless otherwise provided, see section 1006 of Pub.L. 99-506, set out as a note under section 701 of this title.

Exclusion From Coverage

Enactment of section 706(8)(C) of this title and amendment of section 794 of this title by Pub.L. 100-259 not to be construed to extend the application of the Rehabilitation Act of 1973 [this chapter] to ultimate beneficiaries of Federal financial assistance excluded from coverage before Mar. 22,

1988, see Pub.L. 100-259, § 7, Mar. 22, 1988, 102 Stat. 31, set out as a note under section 1687 of Title 20, Education.

Legislative History

For legislative history and purpose of Pub.L. 99-506, see 1986 U.S.Code Cong. and Adm.News, p. 3471.

§ 784. Administrative powers of National Council

HISTORICAL AND STATUTORY NOTES

Exclusion From Coverage

Enactment of section 706(8)(C) of this title and amendment of section 794 of this title by Pub.L. 100-259 not to be construed to extend the application of the Rehabilitation Act of 1973 [this chap-

ter] to ultimate beneficiaries of Federal financial assistance excluded from coverage before Mar. 22, 1988, see Pub.L. 100-259, § 7, Mar. 22, 1988, 102 Stat. 31, set out as a note under section 1687 of Title 20, Education.

§ 785. Authorization of appropriations

There are authorized to be appropriated to carry out this subchapter such sums as may be necessary for each of the fiscal years 1987, 1988, 1989, 1990, 1991, and 1992. (As amended Pub.L. 99-506, Title V, § 504, Oct. 21, 1986, 100 Stat. 1829; Pub.L. 102-52, § 5, June 6, 1991, 105 Stat. 262.)

HISTORICAL AND STATUTORY NOTES

1991 Amendment

Pub.L. 102-52 substituted "1990, 1991, and 1992" for "1990, and 1991".

1986 Amendment

Pub.L. 99-506, § 504, added provision limiting authorization of appropriations under this section to each of the fiscal years 1987, 1988, 1989, 1990, and 1991.

Effective Date of 1986 Amendment

Amendment to this section by Pub.L. 99-506 to take effect Oct. 21, 1986, unless otherwise provided, see section 1006 of Pub.L. 99-506, set out as a note under section 701 of this title.

Exclusion From Coverage

Enactment of section 706(8)(C) of this title and amendment of section 794 of this title by Pub.L. 100-259 not to be construed to extend the application of the Rehabilitation Act of 1973 [this chapter] to ultimate beneficiaries of Federal financial assistance excluded from coverage before Mar. 22, 1988, see Pub.L. 100-259, § 7, Mar. 22, 1988, 102 Stat. 31, set out as a note under section 1687 of Title 20, Education.

Legislative History

For legislative history and purpose of Pub.L. 99-506, see 1986 U.S.Code Cong. and Adm.News, p. 3471.

Subchapter V—Miscellaneous Provisions

LAW REVIEW COMMENTARIES

Confronting AIDS in the workplace: Balancing employment opportunity and occupational health

under existing labor laws. Ilise Feitshans, Det. C.L.Rev. 953 (1989).

§ 790. Existing law affected; references in other provisions; availability of unexpended appropriations; savings provision; extension of appropriations

HISTORICAL AND STATUTORY NOTES

Exclusion From Coverage

Enactment of section 706(8)(C) of this title and amendment of section 794 of this title by Pub.L. 100-259 not to be construed to extend the application of the Rehabilitation Act of 1973 [this chap-

ter] to ultimate beneficiaries of Federal financial assistance excluded from coverage before Mar. 22, 1988, see Pub.L. 100-259, § 7, Mar. 22, 1988, 102 Stat. 31, set out as a note under section 1687 of Title 20, Education.

LAW REVIEW COMMENTARIES

Americans with Disabilities Act: An overview. Bonnie P. Tucker, U.Ill.L.Rev. 923 (1989).

§ 791. Employment of individuals with handicaps

(a) Interagency Committee on Handicapped Employees; establishment; membership; co-chairmen; availability of other Committee resources; purpose and functions

There is established within the Federal Government an Interagency Committee on Handicapped Employees (hereinafter in this section referred to as the "Committee"),

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2 Legislative History

f For legislative history and purpose of Pub.L. 99-506, see 1986 U.S. Code Cong. and Adm. News, p. 3471.

onal Council

1 STATUTORY NOTES

ter] to ultimate beneficiaries of Federal financial assistance excluded from coverage before Mar. 22, 1988, see Pub.L. 100-259, § 7, Mar. 22, 1988, 102 Stat. 31, set out as a note under section 1687 of Title 20, Education.

is

d to carry out this subchapter such sums as years 1987, 1988, 1989, 1990, 1991, and 1992.

Oct. 21, 1986, 100 Stat. 1829; Pub.L. 102-52, § 5,

STATUTORY NOTES

Exclusion From Coverage

Enactment of section 706(8)(C) of this title and amendment of section 794 of this title by Pub.L. 100-259 not to be construed to extend the application of the Rehabilitation Act of 1973 [this chapter] to ultimate beneficiaries of Federal financial assistance excluded from coverage before Mar. 22, 1988, see Pub.L. 100-259, § 7, Mar. 22, 1988, 102 Stat. 31, set out as a note under section 1687 of Title 20, Education.

Legislative History

For legislative history and purpose of Pub.L. 99-506, see 1986 U.S. Code Cong. and Adm. News, p. 3471.

cellaneous Provisions

COMMENTARIES

under existing labor laws. Ilise Feitshans, Det. C.L. Rev. 953 (1989).

ces in other provisions; availability of savings provision; extension of appropria-

STATUTORY NOTES

ter] to ultimate beneficiaries of Federal financial assistance excluded from coverage before Mar. 22, 1988, see Pub.L. 100-259, § 7, Mar. 22, 1988, 102 Stat. 31, set out as a note under section 1687 of Title 20, Education.

COMMENTARIES

1 handicaps

Employees; establishment; membership; co-tee resources; purpose and functions

Government an Interagency Committee on is section referred to as the "Committee"),

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Dir. of OPM

29 § 791

comprised of such members as the President may select, including the following (or their designees whose positions are Executive Level IV or higher): the Chairman¹ of the Equal Employment Opportunity Commission (hereafter in this section referred to as the "Commission"), the Secretary of Veterans Affairs, and the Secretary of Labor, the Secretary of Education, and the Secretary of Health and Human Services. The Secretary of Education and the Chairman¹ of the Commission shall serve as co-chairpersons of the Committee. The resources of the President's Committees on Employment of People With Disabilities and on Mental Retardation shall be made fully available to the Committee. It shall be the purpose and function of the Committee (1) to provide a focus for Federal and other employment of individuals with handicaps, and to review, on a periodic basis, in cooperation with the Commission, the adequacy of hiring, placement, and advancement practices with respect to individuals with handicaps, by each department, agency, and instrumentality in the executive branch of Government, and to insure that the special needs of such individuals are being met; and (2) to consult with the Commission to assist the Commission to carry out its responsibilities under subsections (b), (c), and (d) of this section. On the basis of such review and consultation, the Committee shall periodically make to the Commission such recommendations for legislative and administrative changes as it deems necessary or desirable. The Commission shall timely transmit to the appropriate committees of Congress any such recommendations.

(b) Federal agencies; affirmative action program plans

Each department, agency, and instrumentality (including the United States Postal Service and the Postal Rate Commission) in the executive branch shall, within one hundred and eighty days after September 26, 1973, submit to the Commission and to the Committee an affirmative action program plan for the hiring, placement, and advancement of individuals with handicaps in such department, agency, or instrumentality. Such plan shall include a description of the extent to which and methods whereby the special needs of employees with handicaps are being met. Such plan shall be updated annually, and shall be reviewed annually and approved by the Commission if the Commission determines, after consultation with the Committee, that such plan provides sufficient assurances, procedures and commitments to provide adequate hiring, placement, and advancement opportunities for individuals with handicaps.

(c) State agencies; rehabilitated individuals, employment

The Commission, after consultation with the Committee, shall develop and recommend to the Secretary for referral to the appropriate State agencies, policies and procedures which will facilitate the hiring, placement, and advancement in employment of individuals who have received rehabilitation services under State vocational rehabilitation programs, veterans' programs, or any other program for individuals with handicaps, including the promotion of job opportunities for such individuals. The Secretary shall encourage such State agencies to adopt and implement such policies and procedures.

(d) Report to Congressional committees

The Commission, after consultation with the Committee, shall, on June 30, 1974, and at the end of each subsequent fiscal year, make a complete report to the appropriate committees of the Congress with respect to the practices of and achievements in hiring, placement, and advancement of individuals with handicaps by each department, agency, and instrumentality and the effectiveness of the affirmative action programs required by subsection (b) of this section, together with recommendations as to legislation which have been submitted to the Commission under subsection (a) of this section, or other appropriate action to insure the adequacy of such practices. Such report shall also include an evaluation by the Committee of the effectiveness of the activities of the Commission under subsections (b) and (c) of this section.

(e) Federal work experience without pay; non-Federal status

An individual who, as a part of an individualized written rehabilitation program under a State plan approved under this chapter, participates in a program of unpaid work experience in a Federal agency, shall not, by reason thereof, be considered to be a Federal employee or to be subject to the provisions of law relating to Federal

employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(f) **Federal agency cooperation; special consideration for positions on President's Committee on Employment of People With Disabilities**

(1) The Secretary of Labor and the Secretary of Education are authorized and directed to cooperate with the President's Committee on Employment of People With Disabilities in carrying out its functions.

(2) In selecting personnel to fill all positions on the President's Committee on Employment of People With Disabilities, special consideration shall be given to qualified individuals with handicaps.

(As amended Pub.L. 99-506, Title I, § 103(d)(2)(C), Title X, §§ 1001(f)(1), 1002(e)(1), (2)(A), Oct. 21, 1986, 100 Stat. 1810, 1843, 1844; Pub.L. 100-630, Title II, § 206(a), Nov. 7, 1988, 102 Stat. 3311; Pub.L. 102-54, § 13(k)(1)(B), June 13, 1991, 105 Stat. 276.)

¹ So in original. Probably should be "Director".

HISTORICAL AND STATUTORY NOTES

Codification

Amendment by section 1002(e)(2)(A), directed the substitution of the phrase "of the activities" for "of the the activities" in subsec. (d) in order to correct prior amendment to subsec. (d) by section 104(b)(3)(E) of Pub.L. 98-221, which, if executed literally, would have resulted in the insertion of another "the" following "Such report shall also include an evaluation by the Committee of the effectiveness of the". Such "the" had been omitted editorially as the probable intent of Congress; accordingly, amendment by section 1002(e)(2)(A) of Pub.L. 99-506 resulted in no change in text.

1991 Amendment

Subsec. (a). Pub.L. 102-54 substituted "Secretary of Veterans Affairs" for "Administrator of Veterans Affairs".

1988 Amendment

Subsec. (a). Pub.L. 100-630, § 206(a)(1) to (4), inserted "(hereafter in this section referred to as the 'Commission'))" after "Equal Employment Opportunity Commission", substituted "Commission" for "Equal Opportunity Employment Commission" wherever appearing, "Secretary of Labor, the Secretary of Education, and the Secretary of Health and Human Services" for "Secretaries of Labor and Education and Health and Human Services", "serve as co-chairpersons" for "service as co-chairmen", "Employment of People With Disabilities" for "Employment of the Handicapped", and "assist the Commission to carry out" for "assist the Office to carry out".

Subsec. (b). Pub.L. 100-630, § 206(a)(2), (5), substituted "submit to the Commission" for "submit to the Equal Opportunity Commission", "employees with handicaps" for "handicapped employees", and "Commission, if the Commission determines" for "Office, if the Office determines".

Subsecs. (c), (d). Pub.L. 100-630, § 206(a)(2), substituted "Commission" for "Equal Opportunity Employment Commission" wherever appearing.

Subsec. (e). Pub.L. 100-630, § 206(a)(6), substituted "an individualized" for "a individualized".

Subsec. (f). Pub.L. 100-630, § 206(a)(7), substituted "Employment of People With Disabilities" for "Employment of the Handicapped".

1986 Amendment

Catchline. Pub.L. 99-506, § 103(d)(2)(C), substituted "individuals with handicaps" for "handicapped individuals" wherever appearing.

Subsec. (a). Pub.L. 99-506, § 103(d)(2)(C), substituted "individuals with handicaps" for "handicapped individuals" wherever appearing.

Pub.L. 99-506, § 1002(e)(1), substituted "Equal Employment Opportunity Commission" for "Office of Personnel Management" wherever appearing.

Subsec. (b). Pub.L. 99-506, § 103(d)(2)(C), substituted "individuals with handicaps" for "handicapped individuals" wherever appearing.

Pub.L. 99-506, § 1002(e)(1), substituted "Equal Employment Opportunity Commission" for "Office of Personnel Management".

Subsec. (c). Pub.L. 99-506, § 103(d)(2)(C), substituted "individuals with handicaps" for "handicapped individuals" wherever appearing.

Pub.L. 99-506, § 1002(e)(1), substituted "Equal Employment Opportunity Commission" for "Office of Personnel Management".

Subsec. (d). Pub.L. 99-506, § 103(d)(2)(C), substituted "individuals with handicaps" for "handicapped individuals" wherever appearing.

Pub.L. 99-506, § 1002(e)(1), substituted "Equal Employment Opportunity Commission" for "Office of Personnel Management" wherever appearing.

Pub.L. 99-506, § 1002(e)(2)(A), substituted "of the activities" for "of the the activities". See Codification note set out above.

Subsec. (e). Pub.L. 99-506, § 1001(f)(1), substituted "a" for "his" preceding "individualized written rehabilitation program".

Effective Date of 1986 Amendment

Amendment to this section by Pub.L. 99-506 to take effect Oct. 21, 1986, unless otherwise provided, see section 1006 of Pub.L. 99-506, set out as a note under section 701 of this title.

Exclusion From Coverage

Enactment of section 706(8)(C) of this title and amendment of section 794 of this title by Pub.L. 100-259 not to be construed to extend the application of the Rehabilitation Act of 1973 [this chapter] to ultimate beneficiaries of Federal financial

P.L. 102-569,
Title IV
Sec. 401
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the results of the activities assisted by the grant. The Commissioner shall not make financial assistance available to a grant recipient for a subsequent year until the Commissioner has received and evaluated such a report from the recipient regarding the current year.

"(8) The Commissioner shall annually issue and provide for the dissemination of a report describing the findings and results of programs funded by this section.

"(9) The Federal share of the costs of the recreation programs shall be 100 percent for the first year of the grant, 75 percent for the second year, and 50 percent for the third year."

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 316(b) (29 U.S.C. 777f(b)) is amended by striking "\$2,330,000" and all that follows and inserting "such sums as may be necessary for each of the fiscal years 1993 through 1997."

TITLE IV—NATIONAL COUNCIL ON DISABILITY

SEC. 401. ESTABLISHMENT OF NATIONAL COUNCIL ON DISABILITY.

(a) IN GENERAL.—Section 400(a) (29 U.S.C. 780(a)) is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "(1)";

(B) by inserting after the first sentence the following:

"(B) The President shall select members of the National Council after soliciting recommendations from representatives of—

"(i) organizations representing a broad range of individuals with disabilities; and

"(ii) organizations interested in individuals with disabilities.

"(C) The members of the National Council shall be individuals with disabilities or individuals who have substantial knowledge or experience relating to disability policy or programs."

(C) in the last sentence, by striking "At least five members" and inserting "A majority of the members"; and

(D) by adding at the end the following sentence: "The members of the National Council shall be broadly representative of minority and other individuals and groups.";

and

(2) by striking paragraph (2) and inserting the following:

"(2) The purpose of the National Council is to promote policies, programs, practices, and procedures that—

"(A) guarantee equal opportunity for all individuals with disabilities, regardless of the nature or severity of the disability; and

"(B) empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society."

(b) TERMS.—Section 400(b) (29 U.S.C. 780(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) Each member of the National Council shall serve for a term of 3 years, except that the terms of service of the members initially appointed after the date of enactment of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 shall be (as specified by the President) for such fewer number of years as will provide for the expiration of terms on a staggered basis."; and

(2) by striking paragraph (2) and inserting the following:
 “(2)(A) No member of the Council may serve more than two consecutive full terms beginning on the date of initial service on the Council. Members may serve after the expiration of their terms until their successors have taken office.

“(B) As used in this paragraph:

“(i) The term ‘full term’ means a term of 3 years.

“(ii) The term ‘date of initial service’ means, with respect to a member, the date on which the member is sworn in.”.

SEC. 402. DUTIES OF NATIONAL COUNCIL.

(a) DUTIES.—Section 401(a) (29 U.S.C. 781(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) provide advice to the Director with respect to the policies and conduct of the National Institute on Disability and Rehabilitation Research, including ways to improve research concerning individuals with disabilities and the methods of collecting and disseminating findings of such research;”;

(2) by redesignating paragraphs (4), (5), (6), (7), and (8) as paragraphs (5), (6), (8), (9), and (10);

(3) by inserting after paragraph (3) the following paragraph:

“(4) provide advice regarding priorities for the activities of the Interagency Disability Coordinating Council and review the recommendations of such Council for legislative and administrative changes to ensure that such recommendations are consistent with the purposes of the Council to promote the full integration, independence, and productivity of individuals with disabilities;”;

(4) in paragraph (5) (as so redesignated by paragraph (2) of this subsection)—

(A) in subparagraph (A), by striking “all policies, programs, and activities” and inserting “policies, programs, practices, and procedures”;

(B) in subparagraph (B), by inserting “and regulations” after “statutes”; and

(C) in the matter following subparagraph (B), by striking “activities, and statutes” and inserting “practices, procedures, statutes, and regulations”;

(5) in paragraph (6) (as so redesignated by paragraph (2) of this subsection), by striking “and activities” and all that follows and inserting “practices, and procedures facilitate or impede the promotion of the policies set forth in subparagraphs (A) and (B) of section 400(a)(2);”;

(6) by inserting after paragraph (6) (as redesignated by paragraph (2) of this subsection) the following paragraph:

“(7) gather information about the implementation, effectiveness, and impact of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);”;

(7) in paragraph (8) (as so redesignated by paragraph (2) of this subsection), to read as follows:

“(8) make recommendations to the President, the Congress, the Secretary, the Director of the National Institute on Disability and Rehabilitation Research, and other officials of Federal agencies, respecting ways to better promote the policies set forth in section 400(a)(2);”;

(8) in paragraph (9) (as so redesignated by paragraph (2) of this subsection), to read as follows:

“(9) not later than March 31 of each year, prepare and submit to the Congress and the President a report containing

a summary of the activities and accomplishments of the Council with respect to the duties described in paragraphs (1) through (8);”;

(9) in paragraph (10) (as redesignated by paragraph (2) of this subsection), by striking the period and inserting “; and”; and

(10) by adding at the end the following:

“(11) review and evaluate on a continuing basis new and emerging disability policy issues affecting individuals with disabilities at the Federal, State, and local levels, and in the private sector, including the need for and coordination of adult services, access to personal assistance services, school reform efforts and the impact of such efforts on individuals with disabilities, access to health care, and policies that operate as disincentives for the individuals to seek and retain employment.”.

(b) REPORT.—Section 401(b) (29 U.S.C. 781(b)) is amended to read as follows:

“(b)(1) Not later than October 31, 1993, and annually thereafter, the National Council shall prepare and submit to the President and the appropriate committees of the Congress a report entitled ‘National Disability Policy: A Progress Report’.

“(2) The report shall assess the status of the Nation in achieving the policies set forth in section 400(a)(2), with particular focus on the new and emerging issues impacting on the lives of individuals with disabilities. The report shall present, as appropriate, available data on health, housing, employment, insurance, transportation, recreation, training, prevention, early intervention, and education. The report shall include recommendations for policy change.

“(3) In determining the issues to focus on and the findings, conclusions, and recommendations to include in the report, the Council shall seek input from the public, particularly individuals with disabilities, representatives of organizations representing a broad range of individuals with disabilities, and organizations and agencies interested in individuals with disabilities.”.

SEC. 403. COMPENSATION OF NATIONAL COUNCIL MEMBERS.

Section 402(a) (29 U.S.C. 782(a)) is amended by striking “rate of basic pay payable for grade GS-18 of the General Schedule under section 5332” and inserting “rate of pay for level 4 of the Senior Executive Service Schedule under section 5382”.

SEC. 404. STAFF OF NATIONAL COUNCIL.

Section 403(b)(1) (29 U.S.C. 783(b)(1)) is amended by striking “annual rate of basic pay payable for grade GS-18 of the General Schedule under section 5332” and inserting “rate of pay for level 4 of the Senior Executive Service Schedule under section 5382”.

SEC. 405. ADMINISTRATIVE POWERS OF NATIONAL COUNCIL.

Section 404 (29 U.S.C. 784) is amended by adding at the end the following subsection:

“(e) The National Council may use, with the consent of the agencies represented on the Interagency Disability Coordinating Council, and as authorized in title V, such services, personnel, information, and facilities as may be needed to carry out its duties under this title, with or without reimbursement to such agencies.”.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

Section 405 (29 U.S.C. 785) is amended by striking “1987” and all that follows and inserting “1993 through 1997.”.

Paul Miller Rm 190
 Dept. of Personnel
 FR: Bobby

10 pgs. to follow

Sec. 400

REHABILITATION ACT OF 1973

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TITLE IV—NATIONAL COUNCIL ON DISABILITY ✓

ESTABLISHMENT OF NATIONAL COUNCIL ON DISABILITY

SEC. 400. (a)(1) There is established within the Federal Government¹ a National Council on Disability (hereinafter in this title referred to as the "National Council"), which shall be composed of fifteen members appointed by the President, by and with the advice and consent of the Senate. The members of the National Council shall be appointed so as to be representative of individuals with handicaps, national organizations concerned with individuals with handicaps, providers and administrators of services to individuals with handicaps, individuals engaged in conducting medical or scientific research relating to individuals with handicaps, business concerns, and labor organizations. At least five members of the National Council shall be individuals with handicaps, or parents or guardians of individuals with handicaps.

(2) The purpose of the National Council is to promote the full integration, independence, and productivity of individuals with handicaps in the community, schools, the workplace and all other aspects of American life.

(b)(1) Members of the National Council shall be appointed to serve for terms of three years, except that of the members first appointed—

- (A) five shall serve for terms of one year,
- (B) five shall serve for terms of two years, and
- (C) five shall serve for terms of three years,

as designated by the President at the time of appointment.

(2) Members may be reappointed and may serve after the expiration of their terms until their successors have taken office.

(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

(c) The President shall designate the Chairperson from among the members appointed to the National Council. The National Council shall meet at the call of the Chairperson, but not less often than four times each year.

(d) Eight members of the National Council shall constitute a quorum and any vacancy in the National Council shall not affect its power to function.

(29 U.S.C. 730)

DUTIES OF NATIONAL COUNCIL

SEC. 401. (a) The National Council shall—

¹ Section 141(b) of P.L. 98-221, which removed the National Council from within the Department of Education, provided that all functions of the Chairman of the Council and of the Secretary of Education relating to the Council prior to the enactment of P.L. 98-122 shall be the functions of the Chairman of the Independent Council. References in any statute or other official document or proceeding to the Department of Education or Secretary of Education with respect to functions or activities relating to the National Council shall be deemed to refer to the National Council or the Chairman, respectively.

(2) provide advice to the policies of and conduct of the institution;

(3) advise the President, the appropriate Assistant Secretary, and the Director of the and Rehabilitation Research programs to be carried out under

(4) review and evaluate on

(A) all policies, programs individuals with handicaps conducted or assisted by, including programs Act or under the Development and Bill of Rights Act; and

(B) all statutes pertaining assist such individuals with disabilities;

in order to assess the effectiveness of activities, and statutes in with handicaps and individuals.

(5) assess the extent to which activities provide incentives ment of community-based handicaps, promote the full integration community, in schools, and the independence and dignity

(6) make recommendations the Secretary, and the Director Disability and Rehabilitation prove research concerning administration of services for methods of collecting and research, and make recommendations of programs

(7) submit not later than

in 1980) an annual report containing (A) a statement concerning individuals with a review of the activities of the Administration and the National Rehabilitation Research, and (C) items described in clauses considers appropriate; and

(8) provide to the Congress recommendations, legislative action which the Council

(9) Not later than January the National Council shall report Congress on the progress their recommendations contained toward independence.

(1) establish general policies for, and review the operation of, the National Institute on Disability and Rehabilitation Research;

(2) provide advice to the Commissioner with respect to the policies of and conduct of the Rehabilitation Services Administration;

(3) advise the President, the Congress, the Commissioner, the appropriate Assistant Secretary of the Department of Education, and the Director of the National Institute on Disability and Rehabilitation Research on the development of the programs to be carried out under this Act;

(4) review and evaluate on a continuing basis—

(A) all policies, programs, and activities concerning individuals with handicaps and individuals with disabilities conducted or assisted by Federal departments and agencies, including programs established or assisted under this Act or under the Developmental Disabilities Assistance and Bill of Rights Act; and

(B) all statutes pertaining to Federal programs which assist such individuals with handicaps and individuals with disabilities;

in order to assess the effectiveness of such policies, programs, activities, and statutes in meeting the needs of individuals with handicaps and individuals with disabilities;

(5) assess the extent to which such policies, programs, and activities provide incentives or disincentives to the establishment of community-based services for individuals with handicaps, promote the full integration of such individuals in the community, in schools, and in the workplace, and contribute to the independence and dignity of such individuals;

(6) make recommendations to the President, the Congress, the Secretary, and the Director of the National Institute on Disability and Rehabilitation Research respecting ways to improve research concerning individuals with handicaps, the administration of services for individuals with handicaps, and the methods of collecting and disseminating the findings of such research, and make recommendations for facilitating the implementation of programs based upon such findings;

(7) submit not later than March 31 of each year (beginning in 1980) an annual report to the Congress, and the President, containing (A) a statement of the current status of research concerning individuals with handicaps in the United States, (B) a review of the activities of the Rehabilitation Services Administration and the National Institute on Disability and Rehabilitation Research, and (C) such recommendations respecting the items described in clauses (A) and (B) as the National Council considers appropriate; and

(8) provide to the Congress on a continuing basis advice, recommendations, legislative proposals, and any additional information which the Council or the Congress deems appropriate.

(b)(1) Not later than January 30, 1988, and annually thereafter, the National Council shall issue a report to the President and the Congress on the progress that has been made in implementing the recommendations contained in the Council's January 30, 1986, report *Toward Independence*.

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(2) The reports issued pursuant to paragraph (1) shall present, as appropriate, available data on health, housing, employment, insurance, transportation, recreation, and education, and shall include appropriate information on the current status and trends in the status of individuals with disabilities.

(29 U.S.C. 781)

COMPENSATION OF NATIONAL COUNCIL MEMBERS

SEC. 402. (a) Members of the National Council shall be entitled to receive compensation at a rate equal to the rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, including travel time, for each day they are engaged in the performance of their duties as members of the National Council.

(b) Members of the National Council who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the National Council except for compensation for travel expenses as provided under subsection (c) of this section.

(c) While away from their homes or regular places of business in the performance of services for the National Council, members of the National Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(29 U.S.C. 782)

STAFF OF NATIONAL COUNCIL

SEC. 403. (a)(1) The National Council may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, an Executive Director to assist the National Council to carry out its duties. The Executive Director shall be appointed from among individuals who are experienced in the planning or operation of programs for individuals with handicaps.

(2) The Executive Director is authorized to hire not to exceed seven technical and professional employees to assist the National Council to carry out its duties.

(b)(1) The National Council may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code (but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code).

(2) The National Council may—

(A) accept voluntary and uncompensated services, notwithstanding the provisions of section 1342 of title 31, United States Code;

(B) in the name of the Council, accept, employ, and dispose of, in furtherance of this Act, any money or property, real or

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personal, or mixed, tangible devise, bequest, or otherwise;

(C) enter into contracts with Federal and State agencies, individuals for the conduct of reports and other activities of the Council's duties and responsibilities.

(3) Not more than 10 per cent of the National Council in each representation and reception.

(c) The Administrator of General Services shall reimburse the National Council on a reimbursement basis for the cost of port services as the Council may

(29 U.S.C. 783)

ADMINISTRATIVE POWERS

SEC. 404. (a) The National Council shall have the authority to make rules and rules as may be necessary to carry out its title.

(b) The National Council may, at such times and places, take such action as it deems advisable.

(c) The National Council may assist the National Council in the performance of its duties thereof shall serve without compensation.

(d) The National Council may, in the same manner and upon the same terms as the agencies of the United States Government, acquire, use, and dispose of real and personal property.

(29 U.S.C. 784)

AUTHORIZATION OF APPROPRIATIONS

SEC. 405. There are authorized to be appropriated for the fiscal years 1987, 1988, 1989, 1990, and 1991 such sums as may be necessary to carry out this Act.

(29 U.S.C. 785)

TITLE V—

EFFECT OF REPEAL

SEC. 500. (a) The Vocational Rehabilitation Act of 1973 (29 U.S.C. 781 et seq.) is repealed ninety days after the date of the enactment of this Act, and references to such Vocational Rehabilitation Act in any provision of law shall, ninety days after the date of the enactment of this Act, be deemed to be references to the Rehabilitation Act of 1973 (29 U.S.C. 781 et seq.).

personal, or mixed, tangible or nontangible, received by gift, devise, bequest, or otherwise; and

(C) enter into contracts and cooperative agreements with Federal and State agencies, private firms, institutions, and individuals for the conduct of research and surveys, preparation of reports and other activities necessary to the discharge of the Council's duties and responsibilities.

(3) Not more than 10 per centum of the total amounts available to the National Council in each fiscal year may be used for official representation and reception.

(c) The Administrator of General Services shall provide to the National Council on a reimbursable basis such administrative support services as the Council may request.

(29 U.S.C. 782)

ADMINISTRATIVE POWERS OF NATIONAL COUNCIL

Sec. 404. (a) The National Council may prescribe such bylaws and rules as may be necessary to carry out its duties under this title.

(b) The National Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as it deems advisable.

(c) The National Council may appoint advisory committees to assist the National Council in carrying out its duties. The members thereof shall serve without compensation.

(d) The National Council may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(29 U.S.C. 784)

AUTHORIZATION OF APPROPRIATIONS

Sec. 405. There are authorized to be appropriated to carry out this title such sums as may be necessary for each of the fiscal years 1987, 1988, 1989, 1990, and 1991.

(29 U.S.C. 785)

TITLE V—MISCELLANEOUS

EFFECT ON EXISTING LAW

Sec. 500. (a) The Vocational Rehabilitation Act (29 U.S.C. 31 et seq.) is repealed ninety days after the date of enactment of this Act and references to such Vocational Rehabilitation Act in any other provision of law shall, ninety days after such date, be deemed to be references to the Rehabilitation Act of 1973. Unexpended appropriations for carrying out the Vocational Rehabilitation Act may be made available to carry out this Act, as directed by the President. Approved State plans for vocational rehabilitation, approved projects, and contractual arrangements authorized under the Vocational Rehabilitation Act will be recognized under comparable provisions of this Act so that there is no disruption of ongoing activities for which there is continuing authority.

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(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 316(b) (29 U.S.C. 777f(b)) is amended by striking "\$2,330,000" and all that follows and inserting "such sums as may be necessary for each of the fiscal years 1993 through 1997."

TITLE IV—NATIONAL COUNCIL ON DISABILITY

SEC. 401. ESTABLISHMENT OF NATIONAL COUNCIL ON DISABILITY.

(a) **IN GENERAL.**—Section 400(a) (29 U.S.C. 780(a)) is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "(1)";

(B) by inserting after the first sentence the following:

"(B) The President shall select members of the National Council after soliciting recommendations from representatives of—

"(i) organizations representing a broad range of individuals with disabilities; and

"(ii) organizations interested in individuals with disabilities.

"(C) The members of the National Council shall be individuals with disabilities or individuals who have substantial knowledge or experience relating to disability policy or programs."

(C) in the last sentence, by striking "At least five members" and inserting "A majority of the members"; and

(D) by adding at the end the following sentence: "The members of the National Council shall be broadly representative of minority and other individuals and groups."; and

(2) by striking paragraph (2) and inserting the following:

"(2) The purpose of the National Council is to promote policies, programs, practices, and procedures that—

"(A) guarantee equal opportunity for all individuals with disabilities, regardless of the nature or severity of the disability; and

"(B) empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society."

(b) **TERMS.**—Section 400(b) (29 U.S.C. 780(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) Each member of the National Council shall serve for a term of 3 years, except that the terms of service of the members initially appointed after the date of enactment of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 shall be (as specified by the President) for such fewer number of years as will provide for the expiration of terms on a staggered basis."; and

(2) by striking paragraph (2) and inserting the following:

"(2)(A) No member of the Council may serve more than two consecutive full terms beginning on the date of initial service on the Council. Members may serve after the expiration of their terms until their successors have taken office.

"(B) As used in this paragraph:

"(i) The term 'full term' means a term of 3 years.

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"(ii) The term 'date of initial service' means, with respect to a member, the date on which the member is sworn in."

SEC. 402. DUTIES OF NATIONAL COUNCIL.

(a) DUTIES.—Section 401(a) (29 U.S.C. 781(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) provide advice to the Director with respect to the policies and conduct of the National Institute on Disability and Rehabilitation Research, including ways to improve research concerning individuals with disabilities and the methods of collecting and disseminating findings of such research;"

(2) by redesignating paragraphs (4), (5), (6), (7), and (8) as paragraphs (5), (6), (8), (9), and (10);

(3) by inserting after paragraph (3) the following paragraph:

"(4) provide advice regarding priorities for the activities of the Interagency Disability Coordinating Council and review the recommendations of such Council for legislative and administrative changes to ensure that such recommendations are consistent with the purposes of the Council to promote the full integration, independence, and productivity of individuals with disabilities;"

(4) in paragraph (5) (as so redesignated by paragraph (2) of this subsection)—

(A) in subparagraph (A), by striking "all policies, programs, and activities" and inserting "policies, programs, practices, and procedures";

(B) in subparagraph (B), by inserting "and regulations" after "statutes"; and

(C) in the matter following subparagraph (B), by striking "activities, and statutes" and inserting "practices, procedures, statutes, and regulations";

(5) in paragraph (6) (as so redesignated by paragraph (2) of this subsection), by striking "and activities" and all that follows and inserting "practices, and procedures facilitate or impede the promotion of the policies set forth in subparagraphs (A) and (B) of section 400(a)(2).";

(6) by inserting after paragraph (6) (as redesignated by paragraph (2) of this subsection) the following paragraph:

"(7) gather information about the implementation, effectiveness, and impact of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);"

(7) in paragraph (8) (as so redesignated by paragraph (2) of this subsection), to read as follows:

"(8) make recommendations to the President, the Congress, the Secretary, the Director of the National Institute on Disability and Rehabilitation Research, and other officials of Federal agencies, respecting ways to better promote the policies set forth in section 400(a)(2).";

(8) in paragraph (9) (as so redesignated by paragraph (2) of this subsection), to read as follows:

"(9) not later than March 31 of each year, prepare and submit to the Congress and the President a report containing a summary of the activities and accomplishments of the Council with respect to the duties described in paragraphs (1) through (8).";

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(9) in paragraph (10) (as redesignated by paragraph (2) of this subsection), by striking the period and inserting "; and"; and

(10) by adding at the end the following:

"(11) review and evaluate on a continuing basis new and emerging disability policy issues affecting individuals with disabilities at the Federal, State, and local levels, and in the private sector, including the need for and coordination of adult services, access to personal assistance services, school reform efforts and the impact of such efforts on individuals with disabilities, access to health care, and policies that operate as disincentives for the individuals to seek and retain employment."

(b) **REPORT.**—Section 401(b) (29 U.S.C. 781(b)) is amended to read as follows:

"(b)(1) Not later than October 31, 1993, and annually thereafter, the National Council shall prepare and submit to the President and the appropriate committees of the Congress a report entitled 'National Disability Policy: A Progress Report'.

"(2) The report shall assess the status of the Nation in achieving the policies set forth in section 400(a)(2), with particular focus on the new and emerging issues impacting on the lives of individuals with disabilities. The report shall present, as appropriate, available data on health, housing, employment, insurance, transportation, recreation, training, prevention, early intervention, and education. The report shall include recommendations for policy change.

"(3) In determining the issues to focus on and the findings, conclusions, and recommendations to include in the report, the Council shall seek input from the public, particularly individuals with disabilities, representatives of organizations representing a broad range of individuals with disabilities, and organizations and agencies interested in individuals with disabilities."

SEC. 403. COMPENSATION OF NATIONAL COUNCIL MEMBERS.

Section 402(a) (29 U.S.C. 782(a)) is amended by striking "rate of basic pay payable for grade GS-18 of the General Schedule under section 5332" and inserting "rate of pay for level 4 of the Senior Executive Service Schedule under section 5382".

SEC. 404. STAFF OF NATIONAL COUNCIL.

Section 403(b)(1) (29 U.S.C. 783(b)(1)) is amended by striking "annual rate of basic pay payable for grade GS-18 of the General Schedule under section 5332" and inserting "rate of pay for level 4 of the Senior Executive Service Schedule under section 5382".

SEC. 405. ADMINISTRATIVE POWERS OF NATIONAL COUNCIL.

Section 404 (29 U.S.C. 784) is amended by adding at the end the following subsection:

"(e) The National Council may use, with the consent of the agencies represented on the Interagency Disability Coordinating Council, and as authorized in title V, such services, personnel, information, and facilities as may be needed to carry out its duties under this title, with or without reimbursement to such agencies."

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

Section 405 (29 U.S.C. 785) is amended by striking "1987" and all that follows and inserting "1993 through 1997".

NATIONAL COUNCIL ON DISABILITY

1. COMPOSITION OF THE COUNCIL

The House bill, but not the Senate amendment, specifies that the members of the Council shall be broadly representative of minority and other specified individuals and groups.

The Senate recedes.

2. PURPOSE.

The Senate amendment, but not the House bill, rewrites the purpose section to make in comport with the Americans with Disabilities Act.

The House recedes.

3. TERMS

(a) The Senate amendment, but not the House bill, modifies the provisions governing the appointment of the initial council.

The House recedes.

(b) Both the House bill and the Senate amendment provide for term limits. The House bill, but not the Senate amendment, specifies that members serving on the date of enactment of the Rehabilitation Act Amendments of 1992 may be reappointed for an additional term.

The House recedes to the Senate with an amendment specifying that no member of the Council may serve more than two consecutive full terms beginning on the date of initial service on the Council. The amendment also clarifies that the term "full term" means a term of three years and the term "date of initial service" means with respect to a member, the date on which the member is sworn in.

4. DUTIES OF THE COUNCIL

(a) RESEARCH. The House bill specifies that advice to National Institute on Disability Rehabilitation Research should be with respect to "policies and conduct"; the Senate amendment refers to "policies and administration."

The Senate recedes.

(b) INTERAGENCY DISABILITY COORDINATING COUNCIL. The House bill, but not the Senate amendment, specifies that the National Council should identify priorities for the Interagency Council.

The Senate recedes to the House with an amendment that adds the following paragraph: "(4) provide advice regarding priorities for the activities of the Interagency Disability Coordinating Council and review the recommendations of such Council for legislative and administrative changes to ensure that such recommendations are consistent with the purposes of the Council to promote the full integration, independence, and productivity of individuals with disabilities,".

(c) GENERAL POLICIES AND PROGRAMS. The Senate amendment, but not the House bill, inserts the phrase "policies, programs, practices, and procedures" instead of the phrase "all policies, programs, and activities."

The House recedes.

(d) FACILITATION OF POLICIES. The Senate amendment, but not the House bill, strikes current law (section 401(a)(5) and makes it more generic by assessing whether Federal policies and procedures facilitate or impede the promotion of policies articulated in the statement of purpose.

The House recedes.

(e) RECOMMENDATIONS TO POLICYMAKERS. With slightly different wording, the House bill and the Senate amendment specify the authority of the National Council to make recommendations to Federal officials.

The Senate recedes.

(f) AMERICANS WITH DISABILITIES ACT WATCH CENTERS. The House bill, but not the Senate amendment, directs the Council to establish Americans With Disabilities Act Watch Centers.

The Senate recedes to the House with an amendment striking the phrase "establish and operate Americans with Disabilities Act Watch Centers".

(g) REPORT OF ACTIVITIES. The House bill, but not the Senate amendment requires an annual report describing the activities and accomplishments of the Council.

The Senate recedes.

(h) NATIONAL DISABILITY POLICY PROGRESS REPORT.

(i) With slightly different wording, the House bill and the Senate amendment direct the National Council to issue an annual report regarding the status of national disability policy in the country.

The Senate recedes.

(ii) The Senate amendment, but not the House bill, specifies that the report shall be referred to as "National Disability Policy: A Progress Report."

The House recedes.

(iii) The House bill specifies that the report must be submitted not later than October 31, 1993 and annually thereafter; the Senate amendment sets the date as October 30.

The Senate recedes.

(iv) The House bill refers to the Congress and the Senate amendment refers to the appropriate committees of the Congress.

The Senate recedes to the House with an amendment inserting in the first sentence of (b)(1) the phrase "the appropriate

committees of" before "the Congress".

(v) In addition to the specific topics listed in the House bill, the Senate amendment includes training, prevention, and early intervention.

The House recedes.

(vi) The Senate amendment, but not the House bill, specifies that the National Council shall include in a report submitted not later than October 30, 1995, information about the implementation of the Rehabilitation Act Amendments of 1992.

The Senate recedes.

5. COMPENSATION OF MEMBERS

The House bill specifies level 4 of the Senior Executive Service as the appropriate reference for compensation of members; the Senate amendment references level V.

The Senate recedes.

6. COMPENSATION OF STAFF

(a) NUMBER OF STAFF. The Senate amendment, but not the House bill, lifts the cap on the number of staff.

The Senate recedes. The Conferees intend that funds made available under this title will not be used to permit the indiscriminate travel and attendance at international conferences held abroad. Therefore, the Conferees intend that only 1 member from the National Council may be designated to attend no more than two international disability conferences if the Board determines that these conferences are relevant in providing significant knowledge and information to directly affect disability policy in the United States.

(b) COMPENSATION. The House bill specifies level 4 of the Senior Executive Service as the appropriate reference for compensation of temporary or intermittent staff; the Senate amendment references level V.

The Senate recedes.

7. USE OF PERSONNEL OF FEDERAL AGENCIES.

The House bill, but not the Senate amendment, authorize the National Council to use staff, information, and facilities from Federal agencies.

The Senate recedes.

appropriated for a fiscal year to amount of funds appropriated by out this section, adjusted of the estimated gross domestic that fiscal year differs from ling fiscal year, the amount the excess were appropriated

sentence of section 312 (29
"; and
gencies working in collabora-
section 101."
ONS.—Section 312 (29 U.S.C.
the following new subsection:
IONS.—There are authorized
93 through 1997 such sums
tion."

LAMS.
S.C. 777(a)) is amended—

all" and inserting "the Fed-
yment," before "mobility,";

, by inserting "vocational
re education,"
g "a minimum of a three-
of not more than 3 years.
except that the Commis-
Commissioner determines
ue to develop model or
merit or will contribute
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ns."

; "to be made, and that"
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dings and results of the
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this section shall main-
ces over a 3-year project

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ich recipient of a grant
ad submit a report on

the results of the activities assisted by the grant. The Commissioner shall not make financial assistance available to a grant recipient for a subsequent year until the Commissioner has received and evaluated such a report from the recipient regarding the current year.

"(8) The Commissioner shall annually issue and provide for the dissemination of a report describing the findings and results of programs funded by this section.

"(9) The Federal share of the costs of the recreation programs shall be 100 percent for the first year of the grant, 75 percent for the second year, and 50 percent for the third year."

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 316(b) (29 U.S.C. 777(b)) is amended by striking "\$2,330,000" and all that follows and inserting "such sums as may be necessary for each of the fiscal years 1993 through 1997."

TITLE IV—NATIONAL COUNCIL ON DISABILITY

SEC. 401. ESTABLISHMENT OF NATIONAL COUNCIL ON DISABILITY.

(a) IN GENERAL.—Section 400(a) (29 U.S.C. 780(a)) is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "(1)";

(B) by inserting after the first sentence the following:

"(B) The President shall select members of the National Council after soliciting recommendations from representatives of—

"(i) organizations representing a broad range of individuals with disabilities; and

"(ii) organizations interested in individuals with disabilities.

"(C) The members of the National Council shall be individuals with disabilities or individuals who have substantial knowledge or experience relating to disability policy or programs."

(C) in the last sentence, by striking "At least five members" and inserting "A majority of the members"; and

(D) by adding at the end the following sentence: "The members of the National Council shall be broadly representative of minority and other individuals and groups."; and

(2) by striking paragraph (2) and inserting the following:

"(2) The purpose of the National Council is to promote policies, programs, practices, and procedures that—

"(A) guarantee equal opportunity for all individuals with disabilities, regardless of the nature or severity of the disability; and

"(B) empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society."

(b) TERMS.—Section 400(b) (29 U.S.C. 780(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) Each member of the National Council shall serve for a term of 3 years, except that the terms of service of the members initially appointed after the date of enactment of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 shall be (as specified by the President) for such fewer number of years as will provide for the expiration of terms on a staggered basis."; and

(2) by striking paragraph (2) and inserting the following:
“(2)(A) No member of the Council may serve more than two consecutive full terms beginning on the date of initial service on the Council. Members may serve after the expiration of their terms until their successors have taken office.”

“(B) As used in this paragraph:

“(i) The term ‘full term’ means a term of 3 years.

“(ii) The term ‘date of initial service’ means, with respect to a member, the date on which the member is sworn in.”

SEC. 402. DUTIES OF NATIONAL COUNCIL.

(a) DUTIES.—Section 401(a) (29 U.S.C. 781(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) provide advice to the Director with respect to the policies and conduct of the National Institute on Disability and Rehabilitation Research, including ways to improve research concerning individuals with disabilities and the methods of collecting and disseminating findings of such research;”

(2) by redesignating paragraphs (4), (5), (6), (7), and (8) as paragraphs (5), (6), (8), (9), and (10);

(3) by inserting after paragraph (3) the following paragraph:

“(4) provide advice regarding priorities for the activities of the Interagency Disability Coordinating Council and review the recommendations of such Council for legislative and administrative changes to ensure that such recommendations are consistent with the purposes of the Council to promote the full integration, independence, and productivity of individuals with disabilities;”

(4) in paragraph (5) (as so redesignated by paragraph (2) of this subsection)—

(A) in subparagraph (A), by striking “all policies, programs, and activities” and inserting “policies, programs, practices, and procedures”;

(B) in subparagraph (B), by inserting “and regulations” after “statutes”; and

(C) in the matter following subparagraph (B), by striking “activities, and statutes” and inserting “practices, procedures, statutes, and regulations”;

(5) in paragraph (6) (as so redesignated by paragraph (2) of this subsection), by striking “and activities” and all that follows and inserting “practices, and procedures facilitate or impede the promotion of the policies set forth in subparagraphs (A) and (B) of section 400(a)(2);”

(6) by inserting after paragraph (6) (as redesignated by paragraph (2) of this subsection) the following paragraph:

“(7) gather information about the implementation, effectiveness, and impact of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);”

(7) in paragraph (8) (as so redesignated by paragraph (2) of this subsection), to read as follows:

“(8) make recommendations to the President, the Congress, the Secretary, the Director of the National Institute on Disability and Rehabilitation Research, and other officials of Federal agencies, respecting ways to better promote the policies set forth in section 400(a)(2);”

(8) in paragraph (9) (as so redesignated by paragraph (2) of this subsection), to read as follows:

“(9) not later than March 31 of each year, prepare and submit to the Congress and the President a report containing

a summary of the with respect to th (8);”

(9) in paragraph of this subsection) and

(10) by adding

“(11) review a

emerging disabilities at the private sector, including services, access to efforts and the disabilities, access as disincentives employment.”

(b) REPORT.—Section read as follows:

“(b)(1) Not later than the National Council and the appropriate a National Disability Pol

“(2) The report shall the policies set forth on the new and emerging with disabilities. The r data on health, housing recreation, training, pr The report shall include

“(3) In determining conclusions, and record Council shall seek input with disabilities, represent broad range of individual agencies interested in it

SEC. 403. COMPENSATION.

Section 402(a) (29 of basic pay payable under section 5332” as Senior Executive Service

SEC. 404. STAFF OF NATIONAL COUNCIL.

Section 403(b)(1) (“annual rate of basic pay Schedule under section 4 of the Senior Executive Service

SEC. 405. ADMINISTRATIVE.

Section 404 (29 U.S.C. 784) the following subsection

“(e) The National Council, and as authorized information, and facilities under this title, with or

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

Section 405 (29 U.S.C. 785) and all that follows and

and inserting the following:
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the member is sworn in."

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of each year, prepare and
resident a report containing

a summary of the activities and accomplishments of the Council
with respect to the duties described in paragraphs (1) through
(8);";

(9) in paragraph (10) (as redesignated by paragraph (2)
of this subsection), by striking the period and inserting "; and";
and

(10) by adding at the end the following:

"(11) review and evaluate on a continuing basis new and
emerging disability policy issues affecting individuals with
disabilities at the Federal, State, and local levels, and in the
private sector, including the need for and coordination of adult
services, access to personal assistance services, school reform
efforts and the impact of such efforts on individuals with
disabilities, access to health care, and policies that operate
as disincentives for the individuals to seek and retain
employment."

(b) REPORT.—Section 401(b) (29 U.S.C. 781(b)) is amended to
read as follows:

"(b)(1) Not later than October 31, 1993, and annually thereafter,
the National Council shall prepare and submit to the President
and the appropriate committees of the Congress a report entitled
National Disability Policy: A Progress Report."

"(2) The report shall assess the status of the Nation in achieving
the policies set forth in section 400(a)(2), with particular focus
on the new and emerging issues impacting on the lives of individuals
with disabilities. The report shall present, as appropriate, available
data on health, housing, employment, insurance, transportation,
recreation, training, prevention, early intervention, and education.
The report shall include recommendations for policy change."

"(3) In determining the issues to focus on and the findings,
conclusions, and recommendations to include in the report, the
Council shall seek input from the public, particularly individuals
with disabilities, representatives of organizations representing a
broad range of individuals with disabilities, and organizations and
agencies interested in individuals with disabilities."

SEC. 403. COMPENSATION OF NATIONAL COUNCIL MEMBERS.

Section 402(a) (29 U.S.C. 782(a)) is amended by striking "rate
of basic pay payable for grade GS-18 of the General Schedule
under section 5332" and inserting "rate of pay for level 4 of the
Senior Executive Service Schedule under section 5382".

SEC. 404. STAFF OF NATIONAL COUNCIL.

Section 403(b)(1) (29 U.S.C. 783(b)(1)) is amended by striking
"annual rate of basic pay payable for grade GS-18 of the General
Schedule under section 5332" and inserting "rate of pay for level
4 of the Senior Executive Service Schedule under section 5382".

SEC. 405. ADMINISTRATIVE POWERS OF NATIONAL COUNCIL.

Section 404 (29 U.S.C. 784) is amended by adding at the end
the following subsection:

"(e) The National Council may use, with the consent of the
agencies represented on the Interagency Disability Coordinating
Council, and as authorized in title V, such services, personnel,
information, and facilities as may be needed to carry out its duties
under this title, with or without reimbursement to such agencies."

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

Section 405 (29 U.S.C. 785) is amended by striking "1987"
and all that follows and inserting "1993 through 1997".

(2) Each such grant shall be made for a minimum of a three-year period.

(3) No grant may be made under this section unless the agreement with respect to such grant contains provisions to assure that, to the extent possible, existing resources will be used to carry out the activities for which the grant is to be made, and that with respect to children the activities for which the grant is to be made will be conducted before or after school.

(b) There are authorized to be appropriated \$2,330,000 for fiscal year 1987, \$2,470,000 for fiscal year 1988, \$2,620,000 for fiscal year 1989, \$2,780,000 for fiscal year 1990, and \$2,894,000 for fiscal year 1991 to carry out this section.

(Pub. L. 93-112, title III, § 316, as added Pub. L. 95-602, title I, § 116(2), Nov. 6, 1978, 92 Stat. 2976, and amended Pub. L. 98-221, title I, § 137, Feb. 22, 1984, 98 Stat. 26; Pub. L. 99-506, title I, § 103(d)(2)(C), title IV, § 407, Oct. 21, 1986, 100 Stat. 1810, 1827; Pub. L. 100-630, title II, § 204(j), Nov. 7, 1988, 102 Stat. 3309.)

CODIFICATION

Amendment by section 103(d)(2)(C) of Pub. L. 99-506, which directed that "individuals with handicaps" be substituted for "handicapped individuals" wherever appearing in this chapter, was not executed to the text of subsec. (a)(1) because references to both handicapped individuals and to individuals with handicaps were subsequently added by section 407 of Pub. L. 99-506.

AMENDMENTS

1988—Pub. L. 100-630, § 204(j)(1), inserted section catchline.

Subsec. (a)(1). Pub. L. 100-630, § 204(j)(2), substituted "peers without handicaps" for "nonhandicapped peers".

1986—Subsec. (a). Pub. L. 99-506, § 407, amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "The Commissioner, subject to the provisions of section 776 of this title, shall make grants to State and public nonprofit agencies and organizations for paying part or all of the cost of initiation of recreation programs to provide individuals with handicaps with recreational activities to aid in the mobility and socialization of such individuals. The activities authorized to be assisted under this section may include, but are not limited to, scouting and camping, 4-H activities, sports, music, dancing, handicrafts, art, and homemaking. No grant may be made under the provisions of this section unless the agreement with respect to such grant contains provisions to assure that, to the extent possible, existing resources will be used to carry out the activities for which the grant is to be made, and that with respect to children the activities for which the grant is to be made will be conducted after school."

Pub. L. 99-506, § 103(d)(2)(C), substituted "individuals with handicaps" for "handicapped individuals".

Subsec. (b). Pub. L. 99-506, § 407, in amending subsec. (b) generally, substituted provisions authorizing appropriations for fiscal years 1987 through 1991 for provisions authorizing appropriations for fiscal years 1984 through 1986.

1984—Pub. L. 98-221 designated existing provisions as subsec. (a) and added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 777 of this title.

SUBCHAPTER IV—NATIONAL COUNCIL ON DISABILITY

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 702, 706, 761a of this title.

§ 780. Establishment of National Council on Disability

(a) Membership; purpose

(1) There is established within the Federal Government a National Council on Disability (hereinafter in this subchapter referred to as the "National Council"), which shall be composed of fifteen members appointed by the President, by and with the advice and consent of the Senate. The members of the National Council shall be appointed so as to be representative of individuals with handicaps, national organizations concerned with individuals with handicaps, providers and administrators of services to individuals with handicaps, individuals engaged in conducting medical or scientific research relating to individuals with handicaps, business concerns, and labor organizations. At least five members of the National Council shall be individuals with handicaps, or parents or guardians of individuals with handicaps.

(2) The purpose of the National Council is to promote the full integration, independence, and productivity of individuals with handicaps in the community, schools, the workplace and all other aspects of American life.

(b) Term of office

(1) Members of the National Council shall be appointed to serve for terms of three years, except that of the members first appointed—

(A) five shall serve for terms of one year,

(B) five shall serve for terms of two years, and

(C) five shall serve for terms of three years, as designated by the President at the time of appointment.

(2) Members may be reappointed and may serve after the expiration of their terms until their successors have taken office.

(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

(c) Chairperson; meetings

The President shall designate the Chairperson from among the members appointed to the National Council. The National Council shall meet at the call of the Chairperson, but not less often than four times each year.

(d) Quorum; vacancies

Eight members of the National Council shall constitute a quorum and any vacancy in the National Council shall not affect its power to function.

(Pub. L. 93-112, title IV, § 400, as added Pub. L. 95-602, title I, § 117, Nov. 6, 1978, 92 Stat. 2977, and amended Pub. L. 98-221, title I, § 141(a), Feb. 22, 1984, 98 Stat. 26; Pub. L. 99-506, title I, § 103(d)(2)(C), title V, § 501, title X, § 1001(e),

Oct. 21, 1986, 100-630, title II, § 3310.)

A prior section 780, as amended, was repealed by Pub. L. 98-221, title I, § 141(a), Feb. 22, 1984, 98 Stat. 26.

1988—Pub. L. 100-630, § 204(j)(1), inserted section catchline.

Subsec. (a) read "on Disability" and "on Disability" substituted for "on Disability" wherever appearing in this chapter.

Subsec. (b) read "individuals with handicaps" and "individuals with handicaps" substituted for "individuals with handicaps" wherever appearing in this chapter.

1986—Subsec. (a) read "individuals with handicaps" and "individuals with handicaps" substituted for "individuals with handicaps" wherever appearing in this chapter.

Subsec. (b) read "such members" and "such members" substituted for "such members" wherever appearing in this chapter.

1984—Subsec. (a) read "National Council on Disability" and "National Council on Disability" substituted for "National Council on Disability" wherever appearing in this chapter.

(1) Council on Disability

Effective date of the National Council on Disability Act of 1984, as amended, is the date of the enactment of the National Council on Disability Act of 1984, as amended.

There is a National Council on Disability. The National Council on Disability shall be composed of fifteen members appointed by the President, by and with the advice and consent of the Senate.

(3) Change of name

Referendum plan, Executive Order of Education with respect to the National Council on Disability.

(Pub. L. 98-221, title I, § 141(a), Feb. 22, 1984, 98 Stat. 26.)

Oct. 21, 1986, 100 Stat. 1810, 1828, 1843; Pub. L. 100-630, title II, § 205(b), Nov. 7, 1988, 102 Stat. 3310.)

PRIOR PROVISIONS

A prior section 780, Pub. L. 93-112, title IV, § 400, Sept. 26, 1973, 87 Stat. 385, which related to the general administrative powers of the Secretary under this chapter, was repealed by Pub. L. 95-602, title I, § 117, Nov. 6, 1978, 92 Stat. 2977.

AMENDMENTS

1988—Pub. L. 100-630, § 205(b)(1), substituted "on Disability" for "on the Handicapped" in section catchline.

Subsec. (a)(1), Pub. L. 100-630, § 205(b)(2), substituted "on Disability" for "on the Handicapped", "concerned with individuals with handicaps" for "concerned with the handicapped", and "services to individuals with handicaps" for "services to the handicapped".

Subsec. (a)(2), Pub. L. 100-630, § 205(b)(3), substituted "individuals with handicaps" for "handicapped individuals".

1986—Subsec. (a)(1), Pub. L. 99-506, § 501(1), designated existing provisions as par. (1).

Pub. L. 99-506, § 103(d)(2)(C), substituted "individuals with handicaps" for "handicapped individuals" wherever appearing.

Subsec. (a)(2), Pub. L. 99-506, § 501(2), added par. (2).

Subsec. (b)(3), Pub. L. 99-506, § 1001(e)(1), substituted "such member's predecessor" for "his predecessor".

Subsec. (c), Pub. L. 99-506, § 1001(e)(2), substituted "Chairperson" for "Chairman" in two places.

1984—Subsec. (a), Pub. L. 98-221 substituted "within the Federal Government" for "with the Department of Health, Education, and Welfare".

§ 780a. Independent status of National Council on the Handicapped

- (1) Council as independent agency within Federal Government

Effective on February 22, 1984, the National Council on the Handicapped shall be an independent agency within the Federal Government and shall not be an agency within the Department of Education or any other department or agency of the United States.

- (2) Transfer of functions to Council Chairman

There are transferred to the Chairman of the National Council on the Handicapped all functions relating to the Council which were vested in the Secretary of Education on the day before February 22, 1984. The Chairman of the National Council on the Handicapped shall continue to exercise all the functions under the Rehabilitation Act of 1973 [29 U.S.C. 701 et seq.] or any other law or authority which the Chairman was performing before February 22, 1984.

- (3) Changes in statutory and other references

References in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding to the Department of Education or the Secretary of Education with respect to functions or activities relating to the National Council on the Handicapped shall be deemed to refer to the National Council on the Handicapped or the Chairman of the National Council on the Handicapped, respectively.

(Pub. L. 98-221, title I, § 141(b), Feb. 22, 1984,

REFERENCES IN TEXT

The Rehabilitation Act of 1973, referred to in par. (2), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified principally to this chapter (§ 701 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 701 of this title and Tables.

CODIFICATION

Section was enacted as part of the Rehabilitation Amendments of 1984, and not as part of Rehabilitation Act of 1973 which comprises this chapter.

§ 781. Duties of National Council

- (a) The National Council shall—

(1) establish general policies for, and review the operation of, the National Institute on Disability and Rehabilitation Research;

(2) provide advice to the Commissioner with respect to the policies of and conduct of the Rehabilitation Services Administration;

(3) advise the President, the Congress, the Commissioner, the appropriate Assistant Secretary of the Department of Education, and the Director of the National Institute on Disability and Rehabilitation Research on the development of the programs to be carried out under this chapter;

(4) review and evaluate on a continuing basis—

(A) all policies, programs, and activities concerning individuals with handicaps and individuals with disabilities conducted or assisted by Federal departments and agencies, including programs established or assisted under this chapter or under the Developmental Disabilities Assistance and Bill of Rights Act [42 U.S.C. 6000 et seq.]; and

(B) all statutes pertaining to Federal programs which assist such individuals with handicaps and individuals with disabilities;

in order to assess the effectiveness of such policies, programs, activities, and statutes in meeting the needs of individuals with handicaps and individuals with disabilities;

(5) assess the extent to which such policies, programs, and activities provide incentives or disincentives to the establishment of community-based services for individuals with handicaps, promote the full integration of such individuals in the community, in schools, and in the workplace, and contribute to the independence and dignity of such individuals;

(6) make recommendations to the President, the Congress, the Secretary, and the Director of the National Institute on Disability and Rehabilitation Research respecting ways to improve research concerning individuals with handicaps, the administration of services for individuals with handicaps, and the methods of collecting and disseminating the findings of such research, and make recommendations for facilitating the implementation of programs based upon such findings;

(7) submit not later than March 31 of each year (beginning in 1980) an annual report to the Congress, and the President, containing—

(A) a statement of the current status of research concerning individuals with handicaps in the United States, (B) a review of the ac-

tivities of the Rehabilitation Services Administration and the National Institute on Disability and Rehabilitation Research, and (C) such recommendations respecting the items described in clauses (A) and (B) as the National Council considers appropriate; and

(8) provide to the Congress on a continuing basis advice, recommendations, legislative proposals, and any additional information which the Council or the Congress deems appropriate.

(b)(1) Not later than January 30, 1988, and annually thereafter, the National Council shall issue a report to the President and the Congress on the progress that has been made in implementing the recommendations contained in the Council's January 30, 1986, report Toward Independence.

(2) The reports issued pursuant to paragraph (1) shall present, as appropriate, available data on health, housing, employment, insurance, transportation, recreation, and education, and shall include appropriate information on the current status and trends in the status of individuals with disabilities.

(Pub. L. 93-112, title IV, § 401, as added Pub. L. 95-602, title I, § 117, Nov. 6, 1978, 92 Stat. 2977, and amended Pub. L. 98-221, title I, § 142, Feb. 22, 1984, 98 Stat. 27; Pub. L. 99-506, title I, § 103(d)(2)(C), title III, § 302(b), title V, § 502, Oct. 21, 1986, 100 Stat. 1810, 1821, 1828; Pub. L. 100-630, title II, § 205(c), Nov. 7, 1988, 102 Stat. 3310.)

REFERENCES IN TEXT

The Developmental Disabilities Assistance and Bill of Rights Act, referred to in subsec. (a)(4)(A), is title I of Pub. L. 88-164, as added by Pub. L. 98-527, § 2, Oct. 19, 1984, 98 Stat. 2662, and amended, which is classified generally to chapter 75 (§ 6000 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 6000 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 781, Pub. L. 93-112, title IV, § 401, Sept. 26, 1973, 87 Stat. 386, which related to program and project evaluation, was repealed by Pub. L. 95-602, title I, § 117, Nov. 6, 1978, 92 Stat. 2977.

AMENDMENTS

1988—Subsec. (a)(4). Pub. L. 100-630, § 205(c)(1)-(3), in subpar. (A), substituted "individuals with handicaps" for "handicapped individuals" and "individuals with disabilities" for "persons with disabilities", in subpar. (B), substituted "assist" for "assisted", "individuals with handicaps" for "handicapped individuals", and "individuals with disabilities" for "persons with disabilities", and in concluding provisions, substituted "individuals with handicaps" for "handicapped individuals" and "individuals with disabilities" for "persons with disabilities".

Subsec. (a)(5). Pub. L. 100-630, § 205(c)(1), substituted "individuals with handicaps" for "handicapped individuals".

Subsec. (a)(7)(A). Pub. L. 100-630, § 205(c)(4), substituted "individuals with handicaps" for "the handicapped".

Subsec. (a)(8). Pub. L. 100-630, § 205(c)(5), inserted comma after "recommendations".

Subsec. (b)(1). Pub. L. 100-630, § 205(c)(6), substituted "recommendations" for "recommendation".

1986—Subsec. (a)(1), (3). Pub. L. 99-506, § 302(b), substituted "National Institute on Disability and Re-

habilitation Research" for "National Institute of Handicapped Research".

Subsec. (a)(4). Pub. L. 99-506, § 502(a)(1), amended par. (4) generally. Prior to amendment, par. (4) read as follows: "review and evaluate on a continuing basis all policies, programs, and activities concerning individuals with handicaps and persons with developmental disabilities conducted or assisted by Federal departments and agencies, including programs established or assisted under this chapter or under the Developmental Disabilities Assistance and Bill of Rights Act [42 U.S.C. 6000 et seq.], in order to assess the effectiveness of such policies, programs, and activities in meeting the needs of individuals with handicaps".

Pub. L. 99-506, § 103(d)(2)(C), substituted "individuals with handicaps" for "handicapped individuals" in two places.

Subsec. (a)(5). Pub. L. 99-506, § 502(a)(2)(B), added par. (5). Former par. (5) redesignated (6).

Subsec. (a)(6). Pub. L. 99-506, §§ 103(d)(2)(C), 302(b), 502(a)(2)(A), redesignated former par. (5) as (6), and substituted "individuals with handicaps" for "handicapped individuals" wherever appearing, and "National Institute on Disability and Rehabilitation Research" for "National Institute of Handicapped Research". Former par. (6) redesignated (7).

Subsec. (a)(7). Pub. L. 99-506, §§ 302(b), 502(a)(2)(A), redesignated former par. (6) as (7) and in cl. (B) substituted "National Institute on Disability and Rehabilitation Research" for "National Institute of Handicapped Research". Former par. (7) redesignated (8).

Subsec. (a)(8). Pub. L. 99-506, § 502(a)(2)(A), (3), redesignated former par. (7) as (8) and inserted "legislative proposals" after "recommendations".

Subsec. (b). Pub. L. 99-506, § 502(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "The National Council shall—

"(1) review all statutes pertaining to Federal programs which assist individuals with handicaps;

"(2) make a priority listing of such programs based on the number of individuals with handicaps such programs assist and the Federal costs of such programs;

"(3) assess the extent to which such programs provide incentives or disincentives to the establishment of community-based services for individuals with handicaps, promote the full integration of such individuals in the community, in schools, and in the workplace, and contribute to the independence and dignity of such individuals;

"(4) recommend to the President and the Congress legislative proposals for increasing incentives and eliminating disincentives in Federal programs based on the assessment made pursuant to clause (3); and

"(5) prepare and submit a final report to the President and to the Congress not later than February 1, 1986, on the review, assessment, and recommendations required by this subsection."

Pub. L. 99-506, § 103(d)(2)(C), substituted "individuals with handicaps" for "handicapped individuals" in pars. (1) to (3).

1984—Pub. L. 98-221 designated existing provisions as subsec. (a); in subsec. (a) as so designated, amended par. (3) generally, inserting "the President, the Congress," after "advise" and substituting "Department of Education" for "Department of Health, Education, and Welfare", amended par. (5) by inserting "the President, the Congress," before "the Secretary", by striking out "the Commissioner," after "the Secretary", and by striking out "and" at the end, amended par. (6) by striking out "the Secretary," after "report to" and by substituting "; and" for the period at end, and added par. (7); and added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2231 of this title.

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§ 782. Compensation of National Council Members

(a) Rate

Members of the National Council shall be entitled to receive compensation at a rate equal to the rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, including travel time, for each day they are engaged in the performance of their duties as members of the National Council.

(b) Full-time officers or employees of United States

Members of the National Council who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the National Council except for compensation for travel expenses as provided under subsection (c) of this section.

(c) Travel expenses

While away from their homes or regular places of business in the performance of services for the National Council, members of the National Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5.

(Pub. L. 93-112, title IV, § 402, as added Pub. L. 95-602, title I, § 117, Nov. 6, 1978, 92 Stat. 2978, and amended Pub. L. 100-630, title II, § 205(d), Nov. 7, 1988, 102 Stat. 3310.)

PRIOR PROVISIONS

A prior section 782, Pub. L. 93-112, title IV, § 402, Sept. 26, 1973, 87 Stat. 387, which authorized the Secretary to obtain information from Federal agencies, was repealed by Pub. L. 95-602, title I, § 117, Nov. 6, 1978, 92 Stat. 2977.

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-630 substituted "travel time" for "traveltime".

§ 783. National Council staff

(a) Executive Director; technical and professional employees

(1) The National Council may appoint, without regard to the provisions of title 5 governing appointments in the competitive service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, an Executive Director to assist the National Council to carry out its duties. The Executive Director shall be appointed from among individuals who are experienced in the planning or operation of programs for individuals with handicaps.

(2) The Executive Director is authorized to hire not to exceed seven technical and professional employees to assist the National Council to carry out its duties.

(b) Temporary or intermittent services; voluntary and uncompensated services; gifts, etc.; contracts and agreements; official representation and reception; transfer of funds

(1) The National Council may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 (but at rates for individuals not to exceed the daily equivalent of the annual rate of basic

pay payable for grade GS-18 of the General Schedule under section 5332 of title 5.

(2) The National Council may—

(A) accept voluntary and uncompensated services, notwithstanding the provisions of section 1342 of title 31;

(B) in the name of the Council, accept, employ, and dispose of, in furtherance of this chapter, any money or property, real or personal, or mixed, tangible or nontangible, received by gift, devise, bequest, or otherwise; and

(C) enter into contracts and cooperative agreements with Federal and State agencies, private firms, institutions, and individuals for the conduct of research and surveys, preparation of reports and other activities necessary to the discharge of the Council's duties and responsibilities.

(3) Not more than 10 per centum of the total amounts available to the National Council in each fiscal year may be used for official representation and reception.

(c) Administrative support services

The Administrator of General Services shall provide to the National Council on a reimbursable basis such administrative support services as the Council may request.

(Pub. L. 93-112, title IV, § 403, as added Pub. L. 95-602, title I, § 117, Nov. 6, 1978, 92 Stat. 2978, and amended Pub. L. 98-221, title I, § 143, Feb. 22, 1984, 98 Stat. 28; Pub. L. 99-506, title I, § 103(d)(2)(C), title V, § 503, Oct. 21, 1986, 100 Stat. 1810, 1829; Pub. L. 100-630, title II, § 205(e), Nov. 7, 1988, 102 Stat. 3310.)

REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (a)(1), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 783, Pub. L. 93-112, title IV, § 403, Sept. 26, 1973, 87 Stat. 387; Pub. L. 93-516, title I, § 108, Dec. 7, 1974, 88 Stat. 1619; Pub. L. 93-651, title I, § 108, Nov. 21, 1974, 89 Stat. 2-4; Pub. L. 94-230, §§ 8, 11(b)(11), Mar. 15, 1976, 90 Stat. 212, 213, which authorized appropriations to conduct program and project evaluations, was repealed by Pub. L. 95-602, title I, § 117, Nov. 6, 1978, 92 Stat. 2977.

AMENDMENTS

1988—Subsec. (b)(2)(B). Pub. L. 100-630 amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: "accept, in the name of the Council, employ and dispose of in furtherance of this chapter, any money, or property, real or personal, or mixed, tangible or nontangible, received by gift, devise, bequest, or otherwise; and".

1986—Subsec. (a)(1). Pub. L. 99-506, § 103(d)(2)(C), substituted "individuals with handicaps" for "handicapped individuals".

Subsec. (b)(4). Pub. L. 99-506, § 503, struck out par. (4) which provided that from the amount available to the Office of Special Education and Rehabilitative Services, Department of Education, \$500,000 in fiscal year 1984 was to be transferred and made available to the National Council.

1984—Subsec. (a). Pub. L. 98-221, § 143(a)-(c), designated existing provisions as par. (1), substituted "an Executive Director" for "up to seven technical and

professional employees" and inserted provision requiring that the Executive Director be appointed from among individuals experienced in the planning or operation of programs for handicapped individuals, and added par. (2).

Subsec. (b). Pub. L. 98-221, § 143(d), designated existing provisions as par. (1) and added pars. (2) to (4).

§ 784. Administrative powers of National Council

(a) Bylaws and rules

The National Council may prescribe such bylaws and rules as may be necessary to carry out its duties under this subchapter.

(b) Hearings

The National Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as it deems advisable.

(c) Advisory committees

The National Council may appoint advisory committees to assist the National Council in carrying out its duties. The members thereof shall serve without compensation.

(d) Use of mails

The National Council may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(Pub. L. 93-112, title IV, § 404, as added Pub. L. 95-602, title I, § 117, Nov. 6, 1978, 92 Stat. 2979.)

PRIOR PROVISIONS

A prior section 784, Pub. L. 93-112, title IV, § 404, Sept. 26, 1973, 87 Stat. 387, which required the Secretary to submit annual reports to the President and to Congress on activities carried out under this chapter, was repealed by Pub. L. 95-602, title I, § 117, Nov. 6, 1978, 92 Stat. 2977.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the two-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2231 of this title.

§ 785. Authorization of appropriations

There are authorized to be appropriated to carry out this subchapter such sums as may be necessary for each of the fiscal years 1987, 1988, 1989, 1990, and 1991.

(Pub. L. 93-112, title IV, § 405, as added Pub. L. 95-602, title I, § 117, Nov. 6, 1978, 92 Stat. 2979, and amended Pub. L. 99-506, title V, § 504, Oct. 21, 1986, 100 Stat. 1829.)

PRIOR PROVISIONS

A prior section 785, Pub. L. 93-112, title IV, § 405, Sept. 26, 1973, 87 Stat. 389; Pub. L. 93-510, title I,

§§ 109, 111(m), Dec. 7, 1974, 88 Stat. 1619, 1621; Pub. L. 93-651, title I, §§ 109, 111(m), Nov. 21, 1974, 89 Stat. 2-4, 2-6; Pub. L. 94-230, §§ 9, 11(b)(12), Mar. 15, 1976, 90 Stat. 212, 213, which specified certain responsibilities of the Secretary, was repealed by Pub. L. 95-602, title I, § 117, Nov. 6, 1978, 92 Stat. 2977.

AMENDMENTS

1986—Pub. L. 99-506 inserted provision limiting authorization of appropriations under this subchapter to each of the fiscal years 1987 through 1991.

§§ 786, 787. Repealed. Pub. L. 95-602, title I, § 117, Nov. 6, 1978, 92 Stat. 2977

Section 786, Pub. L. 93-112, title IV, § 406, Sept. 26, 1973, 87 Stat. 389; S. Res. 4, Feb. 4, 1977, provided that the Secretary conduct a study on the role of sheltered workshops in the rehabilitation and employment of handicapped individuals and report the results of this study to Congress within twenty-four months after Sept. 26, 1973.

Section 787, Pub. L. 93-112, title IV, § 407, Sept. 26, 1973, 87 Stat. 389, provided that the Secretary conduct a study on allotment of funds among the States for grants for basic vocational rehabilitation and report the results of this study to Congress not later than June 30, 1974.

SUBCHAPTER V—MISCELLANEOUS PROVISIONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 702, 706 of this title; title 20 section 1415; title 38 section 1516; title 42 section 5057.

§ 790. Existing law affected; references in other provisions; availability of unexpended appropriations; savings provision; extension of appropriations

(a) The Vocational Rehabilitation Act is repealed ninety days after September 26, 1973, and references to such Vocational Rehabilitation Act in any other provision of law shall, ninety days after such date, be deemed to be references to the Rehabilitation Act of 1973. Unexpended appropriations for carrying out the Vocational Rehabilitation Act may be made available to carry out this chapter, as directed by the President. Approved State plans for vocational rehabilitation, approved projects, and contractual arrangements authorized under the Vocational Rehabilitation Act will be recognized under comparable provisions of this chapter so that there is no disruption of ongoing activities for which there is continuing authority.

(b) The authorizations of appropriations in the Vocational Rehabilitation Act are hereby extended at the level specified for the fiscal year 1972 for the fiscal year 1973.

(Pub. L. 93-112, title V, § 500, Sept. 26, 1973, 87 Stat. 390.)

REFERENCES IN TEXT

The Vocational Rehabilitation Act, referred to in text, is act June 2, 1920, ch. 219, 41 Stat. 735, as amended, which was classified generally to chapter 4 (§ 31 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

The Rehabilitation Act of 1973, referred to in subsec. (a), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified generally to this chapter (§ 790 et seq.). For complete classification of

this Act to title 29, under section 790.

DELEGATION

For the delegation of authority to the Office of Management and Budget without approval of the President, see subsec. (a) of section 552 of title 5, United States Code.

§ 791. Employment

(a) Interagency cooperation; availability of personnel and facilities

There is authorized to be appropriated to carry out this chapter such sums as may be necessary for each of the fiscal years 1987, 1988, 1989, 1990, and 1991. The Secretary shall submit to the President and to Congress a report on the progress of the program for each year. The Secretary shall submit to the President and to Congress a report on the progress of the program for each year. The Secretary shall submit to the President and to Congress a report on the progress of the program for each year.

(b) Federal plan

Each State shall submit to the Secretary a plan for the implementation of the program for each year. The Secretary shall submit to the President and to Congress a report on the progress of the program for each year.



National Council on Disability

800 Independence Avenue, S.W.

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Washington, DC 20591

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An Independent
Federal Agency

February 25, 1993

**Mrs. Janet A. Blanchard
Associate Director, Presidential Personnel
The White House
Washington, DC 20500**

Dear Mrs. Blanchard:

This is in response to your letter of February 16, 1993 in which you requested information on the National Council on Disability. Per your request, we have enclosed the following materials which we believe are responsive to all of the areas outlined in your letter:

- * A copy of our latest Annual Report,**
- * A summary of the functions, budget, personnel, and pressing issues affecting the Council, and**
- * A list of present and past Members of the Council.**

We hope that you find this information helpful. Please note that the dates of service for past Council Members are estimates based on the limited records we have inherited at the Council. Historically, there has apparently been a discrepancy between White House and Council records on appointments. We understand that this is due to some confusion over when a person actually becomes a Council Member (i.e. on the date of the President's nomination or on the date of Senate confirmation). We believe that the date of Senate confirmation constitutes the most appropriate date of record and will proceed with this interpretation in the future.

We look forward to working closely with you as we seek to build an even stronger Council to represent the interests of America's citizens with disabilities before the Administration and the Congress. Thank you for your interest in our work.

Sincerely,

A large, stylized handwritten signature of John A. Gannon in dark ink.

**John A. Gannon
Acting Chairperson**

A handwritten signature of Andrew I. Batavia in dark ink, consisting of several overlapping strokes.

**Andrew I. Batavia
Executive Director**

THE WHITE HOUSE

WASHINGTON

February 16, 1993

National Council on Disability
800 Independence Avenue, SW #814
Washington, DC 20591

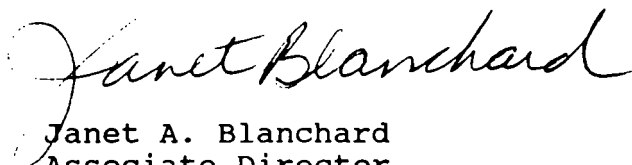
Dear Chairperson/Director:

We have recently reviewed the Boards and Commissions files within the office of Presidential Personnel. During the course of our review it was determined that additional information regarding your area of jurisdiction is needed.

We would like to request the following information relating to your board/commission: a copy of your annual report and a two to five page summary of the functions, budget, personnel, pressing issues, etc. of your organization. We would also like a list of your past membership which includes their date of service and the State in which they reside. It would be most helpful if we receive the material by Friday, February 26.

Also, I would like to be placed on your mailing list to receive your annual reports, meeting notices and agendas. If you have any questions or concerns, do not hesitate to call me or my deputy, Tom Shea at 202/456-2825. We look forward to working with you.

Sincerely,



Janet A. Blanchard
Associate Director
Presidential Personnel



National Council on Disability

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An Independent
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HAN

June 21, 1993

Dear Friend:

On August 4-5, 1993, at 8:45 a.m., the National Council on Disability will conduct an important public hearing on inclusion of students with disabilities. You are cordially invited to attend this hearing, which will be held at the Hyatt Regency Chicago, located at 151 E. Wacker Drive, Chicago, Illinois.

Entitled ***Making Inclusionary Education Work: Overcoming Barriers to Quality***, this public hearing is being held to assist elected officials and other leaders in education policy and planning roles in their efforts to ensure that students with disabilities are provided every opportunity to receive high quality educational and related services in local neighborhood schools.

The goal of this hearing is in absolute congruence with the National Council's basic mandate -- to work toward the improvement of federal policies affecting children and adults with disabilities all across America through increasing opportunities for greater independence and inclusion in society.

We hope that you will be able to attend this important public hearing, and we encourage you to notify others interested in making inclusion work of the time and location.

Your assistance is greatly appreciated, and we look forward to seeing you in Chicago.

Sincerely,

A handwritten signature in black ink, which appears to read "John A. Gannon".

John A. Gannon
Acting Chairperson



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HAN

NEWS RELEASE

An Independent
Federal Agency

NCD #93-53

June 4, 1993

Contact: Mark S. Quigley

AMERICANS WITH DISABILITIES ACT SEMINAR TO BE HELD IN CLEVELAND

WASHINGTON -- John A. Gannon, a Cleveland native and Acting Chairperson of the National Council on Disability, today announced that a one-day seminar on the Americans with Disabilities Act will be held on Wednesday, June 23, 1993, in the Scott Auditorium at MetroHealth Medical Center, Cleveland, Ohio.

Entitled *Impact in the Workplace*, the seminar will provide the history, and background of the Americans with Disabilities Act, with practical application on accommodating work sites for injured workers, and information on compliance and collective bargaining agreements.

Originally conceived by the United Labor Agency, the seminar is sponsored by the AFL-CIO, IAM CARES, and MetroHealth Systems. Funding for the seminar is provided by the National Council on Disability, an independent federal agency providing leadership in the identification of emerging issues affecting people with disabilities and in the development and recommendation of disability policy.

A registration fee of \$35 will be charged, which includes lunch and refreshments. Those attending can obtain 4.75 Continuing Legal Education (CLE) Credits. For further information contact conference coordinator Bud McTaggart on (216) 881-7200.

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19-Feb-93 Braun
19-Feb-93 DeLauro

Bristo, Marca A
Rossow, Rachel Wheeler A

Ntl Cncl Disabil Chair
Ntl Cncl Disabil

16-Feb-93	Collins	Bristo, Marca L.	B	Concl on Disabili Chair
16-Feb-93	Cramer	Bridges, Theodore	B	Concl on Disability
16-Feb-93	DeLauro	Rossow, Rachel Wheeler	B	Concl on Disability
16-Feb-93	Feinstein	Alioto, Michele D.	B	Concl on Disability
16-Feb-93	Kennedy, Edward M.	Hart, Ann	B	Concl on Disability
16-Feb-93	Riegle	Wolters, Kate Pew	B	Concl on Disabili Chair

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. memo	June Middlebrooks to Monica Aboud; RE: Recommendations for Boards and Commissions (2 pages)	03/01/1993	Personal Misfile

COLLECTION:

Clinton Presidential Records
Presidential Personnel
General Files
OA/Box Number: 7526

FOLDER TITLE:

National Council on Disability: General Information and Background

2007-0143-F
db4529

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. list	Disability - PAS; RE: Non-selection (19 pages)	00/00/0000	b(6)

COLLECTION:

Clinton Presidential Records
Presidential Personnel
General Files
OA/Box Number: 7526

FOLDER TITLE:

National Council on Disability: General Information and Background

2007-0143-F
db4529

RESTRICTION CODES

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FOCUS

Gary

National Council on Disability — An Independent Federal Agency

Spring 1994

PROGRESS IN IMPLEMENTING THE AMERICANS WITH DISABILITIES ACT: THE NATIONAL COUNCIL'S CONTINUING AGENDA

Edward P. Burke, Acting Executive Director

As the organization which first proposed the landmark Americans with Disabilities Act (ADA), the National Council on Disability has an abiding interest in fostering progress in its implementation. To this end, on February 10, 1994, the Council convened an all-day summit at the United States Senate regarding progress to date in ADA implementation and strategies to ensure that the promises of the ADA are kept in the future.

In addressing the group of national leaders in the disability rights movement who had gathered for the summit, Senator Howard Metzenbaum (Ohio) stated that the language of the law itself is superb. However, implementation has to be done by individuals and enforcement cannot be done by the government agencies totally. In the implementation of any new law, there is a need to bring the issues to the forefront in friendly manner. Senator Metzenbaum also stated that this group's efforts must include getting

the word out about the ADA and its provisions. Then the government will be in a position to create change.

Justin Dart (former Chairperson of the President's Committee on the Employment of People with Disabilities) asserted that the ADA has been a substantive success. ADA is taken seriously in America and throughout the world. However, at present, some are charging that the ADA is "an unfunded mandate." Group members remarked that if this is true, then so is the Bill of Rights found in the Constitution. Mr. Dart concluded that the protection and advancement of civil rights is the job of every citizen.

Marca Bristo (President of Access Living of Chicago) observed that there is a lack of information within the disability community itself regarding the ADA and that we cannot expect progress when the disability community is still unaware of the ADA. This underlines the need for effective grassroots education.

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FOCUS

HAN

National Council on Disability — An Independent Federal Agency

Spring 1993

The National Council Releases Six Reports

The National Council on Disability recently released six reports to the President and the Congress of the United States on a broad array of disability policy issues. In the coming months, the Council will seek to have the many recommendations of these reports adopted as national policy.

Health Care, Assistive Technology, and Education

On March 4, 1993, at a Congressional Breakfast and News Conference on Capitol Hill, the National Council presented three reports on the subjects of health insurance, assistive technology, and education. The event was attended by members of the press, policymakers, and disability policy experts. The Council was honored to have the reports accepted by Senator Howard M. Metzenbaum for the U.S. Senate, Congressman Major R. Owens for the U.S. House of Representatives, and Mr. Paul Steven Miller for the White House. The three reports are as follows:

“Sharing the Risk and Ensuring Independence: A Disability Perspective on Access to Health Insurance and Health-Related Services.” This report examines a crucial issue faced by persons with disabilities: financial access to health care. It points out how access to health insurance affects the prospects for people with disabilities to seek employment and to live independently within their communities. The overall recommendation of the Council in the report is that any health care reform proposal must be designed from the outset to meet the needs of people with disabilities. Those needs, and other key recommendations, are addressed in the report.

“Serving the Nation’s Students with Disabilities: Progress and Prospects.” Building on the findings published in the Council’s 1989 report, **“The Education of Students with Disabilities: Where Do We Stand?”** this report presents results of a study to determine how the key federal special education law, the Individuals with Disabilities Education Act (IDEA), is working.

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FOCUS

National Council on Disability — An Independent Federal Agency

Winter 1993

From Chairperson Sandra Swift Parrino...
**NCD Sponsors Conference on
Disability Policy Research**

On December 7-9, 1992, the National Council on Disability and the National Institute on Disability and Rehabilitation Research (NIDRR) sponsored a conference entitled *Furthering the Goals of the ADA through Disability Policy Research in the 1990s* in Washington, DC. The main goals of the conference were to initiate a dialogue on furthering the goals of the ADA through disability policy research, to identify the resources and infrastructures available to enhance the process, and to articulate steps that can be taken to improve disability policy research. Conference sponsors also envisioned the establishment of a research agenda for the 1990s to support ADA-related research.

The driving force behind this conference was the increasing need to identify appropriate disability research. There is a lack of data in this field, and the need is growing: 13 million persons with disabilities remain unemployed; 28 percent live in poverty. Even the landmark Americans with Disabilities Act (ADA) of 1990 is limited in scope. The system promotes dependence, and minorities with disabilities suffer disproportionately.

We need more research efforts to monitor what is happening in this arena—to identify the best practices and reasonable accommodations in the marketplace. Such research can form the basis for developing innovative strategies to address the growing number of disability issues.

Nearly 200 participants attended the conference and were active participants in plenary sessions and smaller working groups. Speakers at the plenary sessions presented papers related to each disability policy issue, which were followed by remarks prepared by a discussant. The floor was then open for public questions and comments. Smaller working groups of participants examined

(Continued on next page)

“The community gathered at this conference has achieved great progress towards establishing a research agenda for the 1990s to further the goals of the Americans with Disabilities Act.”

—Sandra Parrino

NATIONAL COUNCIL ON DISABILITY



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An Independent
Federal Agency

NCD FACT SHEET

The National Council on Disability is an independent federal agency providing leadership in the identification of emerging issues affecting people with disabilities and in the development and recommendation of disability policy.

The National Council originated and developed the Americans with Disabilities Act (P.L. 101-336).

The National Council on Disability is:

John A. Gannon, Cleveland, Ohio, and Washington, D.C., Acting Chairperson. President emeritus of the International Association of Fire Fighters (IAFF) and immediate past vice president of the AFL-CIO's Public Employees Department, Mr. Gannon fostered the development of the IAFF Burn Foundation to raise funds for research on the care of burn victims.

Alvis Kent Waldrep, Jr., Plano, Texas, Vice Chairperson. Paralyzed from the neck down as a result of a sports accident, Mr. Waldrep is president and chief executive of the Kent Waldrep National Paralysis Foundation.

Linda Wickett Allison, Dallas, Texas. Mrs. Allison serves as a board member to the National Paralysis Foundation and is a trustee of the International Spinal Research Trust. She was the chairman of the board of American Paralysis Association.

Larry Brown, Jr., Potomac, Maryland. Mr. Brown is an executive with XEROX Corporation. A former running back for the Washington Redskins, Mr. Brown has had a longstanding commitment to helping those in the community, especially people with disabilities.

Ellis B. Bodron, Vicksburg, Mississippi. Mr. Bodron, who is blind, has been a practicing attorney since 1947. He served 36 years as a member of the Mississippi Legislature -- one term in the House of Representatives and eight terms in the Senate.

Mary Ann Mobley Collins, Beverly Hills, California. A former "Miss America," Mrs. Mobley Collins is a disability advocate associated with the National March of Dimes Telethon and Mother's March Against Birth Defects.

Anthony H. Flack, Norwalk, Connecticut. Mr. Flack is a businessman who cares, serving on the boards of numerous community organizations in his hometown, including the Child Guidance Center, Family and Children's Aid, YMCA, Urban League and the United Way.

Robert S. Muller, Grandville, Michigan. Mr. Muller is an administrator with Steelcase, Inc., as well as a university professor, chairman of the National Roundtable on Corporate Development for Americans with Disabilities and member of the board of directors of the Hope Rehabilitation Network.

George H. Oberle, P.E.D., Stillwater, Oklahoma. Professor and director of the School of Health, Physical Education and Leisure at Oklahoma State University, Dr. Oberle is active in many local and national organizations, including the Kennedy Foundation's Special Olympics program.

Sandra Swift Parrino, Briarcliff Manor, New York, Former Chairperson. Mrs. Parrino is an internationally recognized spokesperson for people with disabilities and parents of children with disabilities and a national leader in advocating for the rights of Americans with disabilities.

Mary Matthews Raether, McLean, Virginia. A business executive and former congressional aide, Mrs. Raether is an officer on the board of trustees of St. John's Child Development Center, an innovative Washington, D.C. organization providing instruction and care for persons with disabilities, especially children with mental retardation and autism.

Shirley W. Ryan, Kenilworth, Illinois. Mrs. Ryan is the president and founder of Pathways Center for Children in Glenview, Illinois and Pathways Awareness Foundation in Chicago, which are dedicated to education for and about children with movement difficulties. Mrs. Ryan is passionately committed to educating and empowering parents of children with physical challenges.

Anne Crellin Seggerman, Fairfield, Connecticut. Ms. Seggerman is the president and founder of Fourth World Foundation, Inc., which specializes in the development of inter-faith media. In addition, Ms. Seggerman has extensive experience with alcoholics, and children with learning disabilities.

Michael B. Unhjem, Fargo, North Dakota. Mr. Unhjem is the president of Blue Cross Blue Shield of North Dakota. The youngest member in state history elected to the North Dakota House of Representatives, Mr. Unhjem is currently a member of the National Conference of Commissioners on Uniform State Laws.

Helen Wilshire Walsh, Greenwich, Connecticut. A disability advocate for many years, Mrs. Walsh is a board member of the Rehabilitation Institute of Chicago.

DELEGATION OF THE UNITED STATES OF AMERICA
THIRTY-THIRD SESSION OF THE COMMISSION
FOR SOCIAL DEVELOPMENT OF THE UNITED NATIONS
VIENNA

INITIAL REPORT ON OUTCOMES ACHIEVED
ON MATTERS PERTAINING TO PEOPLE
WITH DISABILITIES

On February 17, 1993 the United Nations Commission for Social Development voted to approve the Draft Resolution proposed by the United States Delegation entitled "The Positive and Full Inclusion of Persons with Disabilities in All Aspects of Society and the Leadership Role of the United Nations Therein" (E/CN.5/1993/L.7) as amended through negotiations conducted with other Member States. The United States was joined in its resolution by the following Co-Sponsors: Australia, Cameroon, Canada, Dominican Republic, Ghana, Guinea, Sudan, Sweden, and Zimbabwe. This represents the first Resolution sponsored by the United States on matters pertaining to people with disabilities that has been offered and accepted in recent memory.

The Resolution received widespread support from the 34 Member States of the Commission for Social Development. It was developed and negotiated by John Gannon, recently appointed Acting Chairperson of the U.S. National Council on Disability, with the assistance of Ed Burke, a senior advisor to the Council on disability policy issues and governmental relations. The Resolution urges the Secretary General of the United Nations to maintain and strengthen the role of the United Nations programme for persons with disabilities throughout the United Nations system and throughout the world. This is especially critical at this time in history, given changes being contemplated in the organization of the United Nations as well as the fact that the United Nations Decade for Disabled Persons has already come to a close.

Gannon and Burke were also involved in successfully amending the *Standard Rules on the Equalization of Opportunities for Persons with Disabilities*. As drafted, the *Rules* allowed for the continued segregation of people with disabilities from society. Consistent with United States policy, the *Rules* were amended to encourage more integrated approaches to providing people with disabilities access and support in local communities, including public school education and employment in the open marketplace. The rules were further amended to ensure that particular attention would be paid to the provision of medical services to infants and children with disabilities, thus preventing the onset of unnecessary secondary disabilities which would result from these children not receiving treatment.

Overall, efforts of the United States to promote respectful and inclusionary approaches to serving people with disabilities in their local communities were quite successful.

Objection to United States proposals centered around three issues:

1. Defensiveness on the part of some countries (particularly China, Japan, and the United Kingdom) regarding their present service systems which are highly segregatory in nature. The position of the United States on this issue was to point to the fact that the *Standard Rules* amendments and the U.S. Resolution were aimed at setting ambitious, yet attainable goals, not the glorification of current practice, which we admitted was not perfect in the United States either.
2. In the Resolution's preamble, we cited, among other precedents, the United Nations Charter and the Universal Declaration on Human Rights. China objected to the inclusion of these citations, claiming they were essentially irrelevant to the issues at hand. The United States Delegation stood strong on maintaining these citations, expecting a floor debate, which never materialized.
3. One country, the United Kingdom, had difficulty with the wording in the Resolution which requested the Secretary General "to consider strengthening and upgrading the Disabled Persons Unit" within the United Nations system, a Unit that employs three people to represent the needs and interests of millions of people with disabilities in over 150 countries, believing that it was too directive. As this item only "requested" the Secretary General to "consider" this point, we did not believe this to be the case and went forward with the item, receiving the approval of the Commission through consensus.

None of these areas of objection presented serious barriers to the eventual adoption of the positions of the United States Delegation by the Commission as a whole. The next step in the process will be gaining the concurrence of the United Nations Economic and Social Council on these issues at its June meeting in New York, and then the support of the General Assembly.

Delegates from many nations made a point to express their satisfaction with the positions of the United States Delegation on issues relating to people with disabilities, saying they were pleased that "a fresh wind" appeared to be coming from the United States on these issues. This improvement of the image of the United States on issues pertaining to international social development was also an important outcome of the work of the United States Delegation in Vienna.



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An Independent
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UPCOMING EVENTS : MARCH AND APRIL, 1993

March 4, 1993:

Congressional Breakfast/News Conference. The purpose of this event is to formally release three major policy reports to Congress and the Administration. The reports cover access to health insurance and health-related services, assistive technology, and education for persons with disabilities.

March 12, 1993:

Testimony Before U.S. House of Representatives on the Council's Fiscal Year 1994 Budget

April 26-28, 1993:

Quarterly Council Meeting, New York City

April 27, 1993:

News Conference on Council's Findings Related to the Status of Minorities with Disabilities

Planned Activities Summary for FY 1993

During the 1993 Fiscal Year, the National Council will continue its follow-up and monitoring activities pursuant to the Congressional mandate to assess progress made on each of the 45 legislative recommendations in its 1986 special report, Toward Independence. The 1993 report may contain data on such subjects as the status of disability in America.

The National Council will continue to address its statutory responsibilities to establish general policies for the National Institute on Disability and Rehabilitation Research and the President's Committee on Employment of the People with Disabilities, as well as provide recommendations and advice to the Commissioner of the Rehabilitation Services Administration.

The National Council plans to hold four quarterly meetings. In order to receive input from consumers, the National Council will sponsor forums on key issues of concern to persons with disabilities such as: technological aids and devices for person with disabilities; prevention of primary and secondary disabilities; personal assistance services; health insurance; education; and, employment. Specific technical information will also be solicited on an individual basis from the National Council's advisors.

Major activities for Fiscal Year 1993 include the following: continuation of the National Council's initiatives in the following areas: prevention; employment; ADA Watch, personal assistance; health insurance; and, education. The National Council is planning to sponsor, in conjunction with the United Nations, an international conference on disabilities.

To assure coordination of programs and services affecting people with disabilities, the National Council will continue its participation in such initiatives as the Interagency Committee on Handicapped Research, the Federal Agency Council, the Federal Task Force on Disabled Persons, and other similar coordinating bodies.

The National Council will continue to publish its quarterly newsletter FOCUS to share information regarding activities of the National Council on Disability and to request input regarding its activities and the development of disability policy.

MAJOR ACCOMPLISHED OR PLANNED ACTIVITIES FOR FY 1992

Activities accomplished and planned for FY 1992 include:

Assistive Technology

October 17-18, 1991; Minneapolis, Minnesota

Synopsis

The public and private funding problems and possible solutions to financing assistive technology for people with disabilities were the focus of hearings held by the National Council. The report from this study will be released in the Spring of 1992.

Rural and Native Americans' Issues in Oklahoma

November 6, 1991; Oklahoma City

Synopsis

The National Council conducted a forum on Rural and Native Americans' Issues in Oklahoma, to hear and review presentations from individuals and groups representing, supporting, and advocating for persons with disabilities on these special issues.

Health Insurance

November 20-21, 1991; Des Moines, Iowa

February 20-21, 1992; San Francisco, California

Synopsis

A hearing on health insurance and health-related services for people with disabilities was held to identify barriers to and supports for health insurance and health-related services in the public and private sectors and to develop policy recommendations which will address the problems faced by individuals with disabilities.

Personal Assistance Services

February 25, 1992; Las Vegas

Synopsis

A forum on personal assistance services will be conducted to discuss how to eliminate the financial barriers which exist to these services and what changes would be necessary in the reauthorization of the Rehabilitation Act of 1973, as amended.

ADA Watch

An initiative to monitor and evaluate the implementation of the Americans with Disabilities Act, known as ADA Watch, was initiated last fiscal year by the National Council. Modeled after the well-known Helsinki Watch, ADA Watch will continue to monitor and assess the implementation of ADA. A report will be issued after the completion of the ADA Watch's first year.

Education

The study initiated by the National Council on education, "The Effectiveness of Educational Programs for Children with Disabilities," is intended to examine the outcomes of elementary and secondary educational programs and special services for children with disabilities, including special education. This study will be released in the summer of 1992.

Wilderness Accessibility Study

Section 507 of the Americans with Disabilities Act, mandates that the National Council on Disability will conduct a study and report on the affect that wilderness designations and wilderness land management practices have on the ability of individuals with disabilities to use and enjoy the National Wilderness Preservation System as established under the Wilderness Act. This study will be released in the Spring of 1992.

Eastern European Conference on Disabilities

April 13-15, 1992; Prague, Czechoslovakia

Synopsis

The National Council, in conjunction with the Czechoslovakian Ministry of Labour and Social Affairs, is sponsoring a three-day Eastern European Conference on Disabilities, which is designed to bring decision makers and activists together, and provide an opportunity for the exchange of ideas and concrete solutions to pressing problems in Czechoslovakia, Hungary, and Poland. This Conference is being conducted at no cost to the U.S. Government, and is being sponsored totally on private funds.

Minorities with Disabilities Conference

May 6-7, 1992; Jackson, Mississippi

Synopsis

The National Council, in conjunction with Jackson State University, will conduct the Minorities with Disabilities Conference. This Conference will focus on the unique problems faced by minorities with disabilities. Input will be received from the Minority Health Professions Foundation.

Rural Issues

August 12-14, 1992; Helena, Montana

Synopsis

A forum on rural issues will be held in Helena, Montana, to discuss the diverse range of problems associated with rural service delivery and people with disabilities.

Reauthorization of the Rehabilitation Act

The National Council on Disability's authorizing statute, the Rehabilitation Act of 1973, is scheduled to expire on September 30, 1992. During FY 1991, the National Council conducted three sets of hearings to gather information from people with disabilities and their family members, rehabilitation professionals, educators, representatives of various disability related organizations, and other interested individuals. A report has been prepared that will be submitted to the Congress and the Administration, with recommendations for revising and extending the authorities under the Act.

National Prevention Plan

Information gathered at the National Conference on the Prevention of Primary and Secondary Disabilities will be used as a basis for the development of a national plan for the prevention of primary and secondary disabilities.

Study of Native Americans

In 1992, the National Council will begin a study of Native Americans with disabilities. The Indian Health Service will provide a staff person on detail to assist with this study beginning the spring of 1992.

Employment

The National Council will continue to work towards the development of a national employment policy for persons with disabilities. Recommendations and a report will be issued.

Quarterly Meetings

November 4-6, 1992; Oklahoma City
February 24-26, 1992; Las Vegas, Nevada
May 4-6, 1992; Jackson, Mississippi
August 9-11, 1992; Helena, Montana

APPENDIX A

Biographical Information: Members and Staff of the National Council on Disability

NATIONAL COUNCIL MEMBER AND STAFF BIOGRAPHIES

National Council Members

John A. Gannon, Acting Chairperson

John Gannon of Cleveland, Ohio, and Washington, D.C., founded John A. Gannon and Associates. His firm has offices in Columbus and Cleveland, Ohio; Denver, Colorado; and Washington, D.C. A fire fighter for more than 30 years, Mr. Gannon was an active leader of the International Association of Fire Fighters (IAFF) Local 93. Starting as a member of the local IAFF committee, he eventually became president, a position he held for 10 years before being elected to national office.

In September 1988, Mr. Gannon was elected IAFF President Emeritus. He had served as president of the 170,000-member organization since 1980. Under his leadership, the IAFF expanded its role in occupational safety and health. Concerned about the hazards of his profession, he guided and directed a series of programs to promote greater safety and health protection. One program sponsored research on safer garments and equipment for fire fighters. Mr. Gannon also fostered development of the IAFF Burn Foundation, which raises funds for research on the care of people who have experienced severe burns. In 1985, the Metropolitan General Hospital in Cleveland dedicated a John Gannon Burn and Trauma Center in recognition of his support for the hospital.

Mr. Gannon was elected vice president of the AFL-CIO, with which the IAFF is affiliated. Within the AFL-CIO he is vice president of the Public Employee Department. On the Executive Council, he is a member of several committees. He serves on the board of the National Joint Council of Fire Service Organizations and in 1982 served as its chairman. He is a member of the board of the Muscular Dystrophy Association. Mr. Gannon attended Miami University in Ohio and Glasgow University in Scotland, and studied at Baldwin-Wallace College and Cleveland State University.

Kent Waldrep, Jr., Vice Chairperson

Kent Waldrep has been involved with disability issues on the local, state, and national level since suffering a spinal cord injury in 1974 while playing football for Texas Christian University. Since 1981, Mr. Waldrep has served on the National Council by presidential appointment. He is National Council vice chairperson and chairman of the Research and Prevention

Committee. He was instrumental in formulating the National Council initiative on preventing primary and secondary disabilities.

Mr. Waldrep, one of 15 original drafters of the Americans with Disabilities Act, gave the legislation its name. He has lectured nationwide on subjects ranging from national disability policy to medical research targeted at curing paralysis. He founded the American Paralysis Association and the Kent Waldrep National Paralysis Foundation. He has appeared on *Good Morning America*, the *Today Show*, the *NBC Nightly News*, and CNN, and been featured in *People*, *Look*, *USA Today*, and other magazines.

He was selected by the U.S. Jaycees as one of 1985's ten Outstanding Young Men in America and received a special award from the Texas Sports Hall of Fame and a sports/fitness award from the President's Council on Physical Fitness. Kent Waldrep Days have been celebrated in four Texas cities and Birmingham, Alabama. He serves on many boards, including the Texas Rehabilitation Commission. He is past chairman of the Texas Governor's Committee for Disabled Persons and the Dallas Rehabilitation Institute. He also is chairman of Turbo-Resins, Inc., a family-owned and -operated aviation repair business. He lives in Plano, Texas, with his wife Lynn and two sons, Trey and Charles Cavanaugh.

Linda Wickett Allison

Linda Allison of Dallas, Texas, is a long-time advocate of people with disabilities. She is a board member of the National Paralysis Foundation and a trustee for the International Spinal Research Trust. Mrs. Allison, who grew up in Fort Worth, has three children. Her daughter Marcy was paralyzed from the waist down in a 1979 automobile accident. Marcy graduated from the University of Texas School of Law in 1986 and practices law in Austin. Mrs. Allison's late husband, James N. Allison, Jr., owned the *Midland Reporter Telegram* and other newspapers in Texas and Colorado and was former deputy chair of the Republican National Committee.

Ellis B. Bodron

Ellis Bodron of Vicksburg, Mississippi, has been a practicing attorney since 1947. He served 36 years as a member of the Mississippi legislature, one term in the House of Representatives and eight terms in the Mississippi Senate. He also chaired the Senate Finance Committee from 1961 until 1983.

Mr. Bodron, who is blind, is associated with several civic organizations, including the Vicksburg Lions Club, Vicksburg Chamber of Commerce, and the

University of Mississippi Alumni Association. In addition, he is a member of the Advisory Board of Directors, Deposit Guaranty National Bank.

Mr. Bodron has also been a member of the Agriculture and Industrial Board, which preceded the Board of Economic Development, and the Committee of Budget and Accounting and Board of Trustees of the Mississippi Public Employees Retirement System.

Ellis Bodron graduated with a Bachelor of Arts and a Bachelor of Law Degree from the University of Mississippi. He is married with two children.

Larry Brown, Jr.

Since 1981, Larry Brown of Potomac, Maryland, has been the Xerox business and community relations manager for the Mid-Atlantic Region, Coastal Operations, Custom Systems Division. In 1991 he became Government and Community Relations Manager with Integrated Systems Operations.

Mr. Brown was a running back for the Washington Redskins for eight years. During that time he received many awards, including Most Valuable Player in the National Football League for 1972. He was inducted into the Washington, D.C., Touchdown Hall of Fame in 1991.

After retiring from football in 1977, he worked at E.F. Hutton as a personal financial management adviser. He has been special assistant to the director, Office of Minority Business Enterprise, Department of Commerce. He is involved with youth, people with disabilities, and senior citizens. Mr. Brown has spoken at schools, colleges, and universities on topics such as motivation, discipline, and camaraderie. He works with many organizations, including the Friends of the National Institute on Deafness and Other Communication Disorders, the Deafness Research Foundation, and the Vincent Lombardi Foundation.

Mary Ann Mobley Collins

A former Miss America who lives in Beverly Hills, California, Mary Ann Collins has a career in film and television and on Broadway. She has co-hosted the National March of Dimes telethons with her husband, Emmy-award-winning actor Gary Collins; she is a member of the National Board of the March of Dimes Foundation and is national chair of the Mother's March against Birth Defects. She is a member of SHARE, a Los Angeles-based women's organization that has raised more than \$6 million for the Exceptional Children's Foundation for the Mentally Retarded. She serves on the National Board of the Crohns and Colitis Foundation.

Mrs. Collins helped raise funds for the Willowood Foundation in her native Mississippi, which provides homes for young adults with mental and physical learning disabilities. She has received many awards and honors, including the 1990 International Humanitarian Award from the Institute for Human Understanding, Woman of Distinction 1990 from the National Foundation for Ileitis and Colitis, and the HELP Humanitarian Award of 1985 from HELP for Handicapped Children. She has filmed documentaries in Cambodia, Ethiopia, Mozambique, Somalia, Kenya, Sudan, and Bolivia on the plight of starving children and people with disabilities.

Anthony H. Flack

Anthony Flack of Norwalk, Connecticut, is president of Anthony H. Flack & Associates. He has been a member of the board of Families and Children's Aid of Greater Norwalk and has worked with the Child Guidance Center of Greater Bridgeport, the Youth Shelter in Greenwich, Hall Neighborhood House in Bridgeport, and the Urban League of Greater Bridgeport. Mr. Flack is a member of the Allocations and Admissions Committee, United Way of Norwalk, and received the Bell Award for outstanding service in the field of mental health at the Bridgeport Chapter, Connecticut Association of Mental Health.

John Leopold

John Leopold of Pasadena, Maryland, has 18 years' experience in elected state office. He was elected to the Hawaii State House of Representatives in 1968 and was re-elected in 1972. In 1974, Mr. Leopold was elected to the Hawaii State Senate. In 1982, he became the first Republican in Maryland history elected from District 31 in Anne Arundel County to the Maryland House of Delegates, where he served until 1991.

An advocate of people with disabilities, Mr. Leopold is a member of the Learning Disabilities Association of Anne Arundel County, the Anne Arundel County Committee on Employment of People With Disabilities, and the University of Maryland Hospital Infant Study Center Planning Advisory Board. He has served in other appointed and elected positions, including the Hawaii State Board of Education in 1968, the National Advisory Council for the Education of Disadvantaged Children in 1977, and the Maryland State Accountability Task Force for Public Education in 1974.

Mr. Leopold has written and produced cable television commercials in Maryland, written a weekly interview column for a local publication, and hosted and produced a weekly radio public affairs program. He graduated from Hamilton College in Clinton, New York, with a B.A. in English.

Robert S. Muller

Robert Muller of Grandville, Michigan, began his career with Steelcase, Inc., in 1966 and is now an administrator in human resources. He is an adjunct professor in the Department of Psychology at Aquinas College and in the Department of Education at Calvin College in Grand Rapids. He serves on the board of trustees for Hope Network and Foundation in Grand Rapids, which serves 1,700 adults with disabilities. In April 1981, he received an honorary degree in educational psychology from the Free University in Amsterdam, the Netherlands.

Mr. Muller holds a B.S. in business administration from Aquinas College and in 1978 was voted Outstanding Alumnus of the Year. He has lectured at colleges and universities nationally and internationally. He is a board member for several national, state, and local organizations.

In May 1987, Mr. Muller and his wife Carol hosted a first-time event at the White House with the vice president. The Celebration of Disabled Americans at Work was co-sponsored by several major corporations. Mr. Muller now serves as president of the National Roundtable on Corporate Development for Americans with Disabilities. In 1985, he received the Liberty Bell Award from the Grand Rapids Bar Association. In 1988, he was national co-chair of the Disabled Americans for President Bush Campaign and in 1992 was an honorary national member of the Bush/Quayle Disability Coalition Campaign. In November 1992, Mr. Muller was appointed to the Governor's Commission on Handicapped Concerns for Michigan.

George H. Oberle, P.E.D.

Dr. George Oberle of Stillwater, Oklahoma, has more than 40 years' experience in the field of health, physical education, and recreation. He began his career as a high school teacher and coach, and has been a professor and director of the School of Health, Physical Education and Leisure at Oklahoma State University since 1974. Dr. Oberle is a consultant to many organizations in the area of administration and adaptive physical education. In 1988, he worked with the Kennedy Foundation to organize and direct a new program of Unified Sports for the Special Olympics.

Dr. Oberle chaired the College and University Administrators Council (1980-82); was president of the Association for Research, Administration, Professional Councils and Societies (1984-87); and served as a board member of the American Alliance of Health, Physical Education, Recreation and Dance (1985-89). Awards include the 1985 Centennial Award from the American

Association of Health, Physical Education, Recreation and Dance; and Meritorious Service Awards from Indiana and Oklahoma.

He was selected for *Men of Achievement* in 1975 and recognized in *Who's Who of the Southwest* in 1977. Dr. Oberle received his doctorate from Indiana University in administration and adapted physical education. He lectures extensively about wellness promotion, adapted physical activity, sports, and recreation for people with disabilities.

Sandra Swift Parrino

As a member and former chairperson of the National Council, Sandra Swift Parrino has played an active role in key issues affecting the lives of people with disabilities. Nominated by President Reagan in 1982, appointed chair by the President in 1983, and reappointed by President Bush, Sandra Parrino has supported the rights of people with disabilities before Congress, in the media, and before groups nationwide. Under her leadership, the National Council has been a driving force to create public policies that affect the nation's people with disabilities.

During her tenure as chair, the National Council worked for the creation and enactment of legislation for people with disabilities; issued a policy statement, *National Policy for Persons With Disabilities*; convened hearings nationwide to solicit comments and recommendations from people with disabilities about how to eliminate discrimination; issued a major report, *Toward Independence*, that outlines key components of a comprehensive civil rights law protecting people with disabilities; initiated the first national survey of attitudes and experiences of Americans with disabilities, in conjunction with Louis Harris and Associates, Inc.; issued *On the Threshold of Independence*, a report outlining specifics of the Americans with Disabilities Act; created and developed the Americans with Disabilities Act; participated with President Bush at the signing of the Americans with Disabilities Act; conducted the first National Conference on the Prevention of Primary and Secondary Disabilities; issued reports on minorities with disabilities and personal assistance services; and planned reports on health insurance, financing assistive technology, and educating students with disabilities.

Before becoming National Council chair, Sandra Parrino founded and directed the Office for the Disabled, in Ossining and Briarcliff Manor, New York, where she created a regional program for public and private organizations that focused on programs for people with disabilities and compliance with 504. She has more than 25 years' experience on boards, councils, commissions, committees, and task forces at the federal, regional,

state, and local levels and as an expert witness, community leader, organizer, and activist.

Mrs. Parrino has represented the U.S. government on disability issues in many countries. She has been invited by the Department of State to represent the United States at the Meetings of Experts in Finland and China, and represented the United States at the United Nations Center for Social Development in Vienna several times. In 1990, 1991, and 1992 she was a delegate at the Third Committee on Social Development of the United Nations. In 1991, she was invited by the People's Republic of China to assist them in their efforts to help people with disabilities. At the request of the government of Czechoslovakia, she and the National Council were invited to conduct the Eastern European Conference on Disabilities for participants from Czechoslovakia, Poland, and Hungary.

Mrs. Parrino graduated from Briarcliff College with a B.A. in history, and completed courses at Bennett College, GuildHall School of Drama in London, and the Yale School of Languages. In 1992, Mrs. Parrino received an Honorary Doctorate of Humane Letters from St. John's University in New York. Her husband Richard is a rheumatologist. They have three children, two of whom have disabilities. Sandra Parrino was born in New Haven, Connecticut, and lives in Briarcliff Manor, New York.

Mary Matthews Raether

Mary Raether of McLean, Virginia, is associated with St. John's Child Development Center, a nonprofit organization providing instruction, employment training, and independent and group home living skills for people with severe mental disabilities, especially autism. Mrs. Raether has been an officer and trustee of St. John's since 1985, has chaired the public relations committee, and participated on the executive, nominating, investment, and development committees.

Mrs. Raether has been active in civic, educational, and religious organizations in the Washington metropolitan area. While community vice president of the Junior League of Washington, she developed emergency grant procedures and fund-raising information services for small and emerging nonprofit organizations. Mrs. Raether has 10 years' experience as legislative assistant to Reps. George Bush and Barber Conable. She specialized in tax, social security, medicare/medicaid, and trade issues. She considers her efforts in clarifying the tax status of lobbying by nonprofit organizations an outstanding career accomplishment. She received a B.A. from the University of Texas at Austin in 1962. She is married and has two children.

Anne Crellin Seggerman

Anne Crellin Seggerman of Fairfield, Connecticut, is the founder of Fourth World Foundation, Inc., a company engaged in the development of interfaith media.

A member of the Bridgeport Urban Gardens and Youth at Risk/Breakthrough Foundation, Mrs. Seggerman founded and serves as the chairman of the board of the Fairfield County Chapter of Huxley Institute for Biosocial Research. She previously was a member of the President's Committee on Mental Retardation.

Mrs. Seggerman is listed in *Who's Who of American Women* and has received numerous honors including an Honorary Doctor of Humane Letters Award from Sacred Heart University, the Association of Knights and Ladies of the Holy Sepulchre, and the American Association of the Order of Malta. She was previously appointed to serve on the Housing of Handicapped Families of the Department of Housing and Urban Development.

Mrs. Seggerman is experienced in providing care, treatment, and rehabilitation to people with schizophrenia and has extensive experience with alcoholics and children with learning disabilities. She is married and has six adult children.

Michael B. Unhjem

Michael Unhjem of Fargo, North Dakota, is president of Blue Cross Blue Shield of North Dakota. He is the youngest person ever elected to the North Dakota House of Representatives, a member of the National Conference of Commissioners on Uniform State Laws, and he served in 1988 as president of the National Mental Health Association.

Mr. Unhjem has been involved in local and national organizations, including the Advisory Mental Health Council of the U.S. Department of Health and Human Services; the Governor's Commission on Mental Health Services; the National Alliance for Research on Schizophrenia and Depression; and the National Mental Health Leadership Forum. Awards include the 1989 Special Presidential Commendation from the American Psychiatric Association, the 1988 Distinguished Leadership Award from the North Dakota Psychological Association, and the National Excellence in Leadership Award from North Dakota.

He has been recognized by *Who's Who in American Politics*, *Who's Who in North Dakota*, *Who's Who in the Midwest*, *Personalities of America*, and *Men of*

Achievement. Mr. Unhjem graduated magna cum laude with a B.A. in history and political science from Jamestown College in North Dakota in 1975. In 1978, he earned a J.D. with distinction from the University of North Dakota School of Law in Grand Forks. He is married and has two children.

Helen Wilshire Walsh

Helen Walsh of Greenwich, Connecticut, is a board member of the Rehabilitation Institute of Chicago, the largest U.S. rehabilitation center. She has been involved in disability advocacy for many years and has been associated with the Institute of Rehabilitation Medicine at the New York Medical Center, where she served as associate trustee. She has served as vice president, president, and chairman of the board of Rehabilitation International USA.

Ms. Walsh has been a member of the President's Committee on the Employment of People With Disabilities, and was appointed by the President to serve as a member of the National Advisory Council of Vocational Rehabilitation. In 1976, Ms. Walsh received the Henry J. Kessler Award for outstanding service in the rehabilitation field. She has received the Rehabilitation International Award for Women and the Anwar Sadat Award for outstanding work in the field of rehabilitation.

National Council Staff

Andrew I. Batavia

Andrew I. Batavia is executive director of the National Council on Disability. He formerly served as research director for Disability and Rehabilitation Policy at Abt Associates. Prior to joining Abt, he was associate director of the White House Domestic Policy Council, where he was responsible for coordinating federal policy on health care, disability, housing, education, and veterans affairs. He received his bachelor's degree in economics and sociology from the University of California, his master's degree in health services research from Stanford Medical School, and his jurisdoctorate degree from Harvard Law School.

After law school, Mr. Batavia served for two years as an attorney for the U.S. Department of Health and Human Services. He left that position in 1986 when he was awarded the Mary E. Switzer Distinguished Research Fellowship in Medical Rehabilitation Finance from the National Institute on Disability and Rehabilitation Research (NIDRR) of the U.S. Department of Education. He then served for four years as associate director for Health Services Research at the National Rehabilitation Hospital Research Center in Washington, D.C. In that

capacity, he wrote 2 books and more than 20 other publications on issues of disability and health care policy.

In 1987, Mr. Batavia was made a Fellow of the Washington Academy of Sciences. In 1988, he was awarded the Distinguished Disabled American Award from the President's Commission on Employment of People with Disabilities. In 1989, he received an International Fellowship from the International Disability Exchanges and Studies (IDEAS) Program of NIDRR, and conducted research on how the Dutch Health Care System affects people with disabilities. In 1990, he was appointed a White House Fellow by President Bush and served as special assistant to Attorney General Richard Thornburgh at the U.S. Department of Justice.

Mr. Batavia is the founding associate editor of the *Journal of Disability Policy Studies* and a cofounding board member of Independent Living Assistance, Inc. He is an adjunct assistant professor at the Georgetown University School of Medicine and a member of the Bar of the U.S. Supreme Court, the Bar of the District of Columbia, the State Bar of California, and Georgetown's Kennedy Institute of Ethics.

Billie Jean Hill

Billie Jean Hill joined the staff of the National Council on Disability as program specialist in March 1992. Previously, Ms. Hill was director of communications and editor for the Blinded Veterans Association and earlier served as founding director of a statewide broadcast service for persons with reading disabilities with Mississippi Educational Television in her home state. She was appointed to work on a governor's commission in Mississippi to report on the needs of children and youth in rural Mississippi who are disabled. Ms. Hill studied journalism and education at Mississippi University for Women and at the University of London in England. She serves as chairperson of the Board of Publications for the American Council of the Blind.

Mark S. Quigley

Mark Quigley joined the staff as a public affairs specialist in May 1990. He previously served as a consultant to the U.S. National Commission on Drug-Free Schools. He is a former program coordinator at the U.S. Interagency Council on the Homeless and former director of communications at the White House Conference on Small Business. Mr. Quigley graduated *magna cum laude* in 1979 from Northern Virginia Community College in Annandale, Virginia, with an A.A. in general studies. He received a B.A. in government and politics in 1983, and an M.P.A. in public administration in 1990 from George Mason University in Fairfax, Virginia.

Brenda Bratton

Brenda Bratton, executive secretary for the National Council, was formerly employed as a secretary at the National Transportation Safety Board. Ms. Bratton graduated from Farmville Central High School and the Washington School for Secretaries.

Stacey S. Brown

Stacey Brown is staff assistant to the chairperson and has been employed by the National Council since 1986. Prior experience includes employment as a receptionist and clerk with the Board for International Broadcasting and with the Compliance and Enforcement Unit of the Architectural and Transportation Barriers Compliance Board, where he was a student assistant. Mr. Brown is a graduate of Howard University in Washington, D.C., where he earned a B.A. in political science in 1987.

Janice Mack

Janice Mack, who serves as the administrative officer for the National Council, was formerly employed with the National Oceanic and Atmospheric Administration. Ms. Mack graduated from Calvin Coolidge High School.

Lorraine Williams

Lorraine Williams is office automation clerk for the National Council. She graduated from Valdosta High School in Valdosta, Georgia, and attends Strayer College, where she is majoring in computer information systems science.

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FOCUS

National Council on Disability — An Independent Federal Agency

Fall 1992

NCD Targets Minorities with Disabilities as Top Priority

An Update from Chairperson Sandra Swift Parrino

The “typical” Hispanic-American adult with a disability is not a high school graduate, is severely disabled, is unemployed and has an income of about \$11,000 per year. The “typical” African-American with a disability is not a high school graduate, is severely disabled, is unemployed and has an income of about \$9,000 per year.

These bleak statistics describe a group of individuals who are clearly one of the most disadvantaged and disenfranchised in our society. Even within the group of persons with disabilities, the minority subgroup is unequalled in its lack of access to the opportunities and riches of the American dream.

The significant unmet needs of minorities with disabilities have lead the National Council to target minorities with disabilities as an urgent policy priority. In testimony presented before the U.S. Senate Subcommittee on Disability Policy on June 30, 1992, the National Council identified “adequately and appropriately meeting the needs of minorities with disabilities” as one of six priorities on the national disability policy

agenda. The National Council told the subcommittee that “Native Americans, African Americans, Hispanic Americans and Asian Americans have not been reached by our traditional strategies and programs and changes are urgently required.”

The National Council is moving ahead with a number of activities to highlight the many problems related to minorities with disabilities and to develop initiatives to address them. On May 6-7, 1992, the National Council sponsored a conference entitled “**Meeting the Unique Needs of Minorities with Disabilities: Setting an Agenda for the Future.**” Cosponsored and hosted by Jackson State University, an historically black college in Jackson, Mississippi, the conference attracted experts on minority issues from around the country. Papers were presented on such topics as rehabilitation, prevention, employment, research, physical and mental health, substance abuse, empowerment and education.

The Council has formed a working group to focus on minority issues, made up of ex-

Continued on next page



National Council on Disability

800 Independence Avenue, S.W.
Suite 814
Washington, DC 20591
202-267-3846 voice
202-267-3232 TDD

An Independent
Federal Agency

February 12, 1993

Dear Friend:

On March 4, 1993, at 8:00 a.m., the National Council on Disability will sponsor a Congressional breakfast/news conference highlighting the release of three important and timely reports. You are cordially invited to attend this special event which will be held in Room SDG-50 of the Senate Dirksen Office Building.

The first report, Sharing the Risk and Ensuring Independence: A Disability Perspective on Access to Health Insurance and Health-Related Services, identifies barriers to health insurance and health-related services for people with disabilities, and provides recommendations for health care reform from a disability perspective.

The second report, entitled Serving the Nation's Students with Disabilities: Progress and Prospects, provides an assessment of the educational outcomes for children with disabilities after 16 years of the Individuals with Disabilities Education Act (IDEA), and provides recommendations to enhance such outcomes.

The third report, Study on the Financing of Assistive Technology Devices and Services for Individuals with Disabilities, mandated by the "Technology-related Assistance for Individuals with Disabilities Act of 1988," examines federal laws, regulations, procedures, and practices concerning the ability of states to develop consumer-responsible statewide systems of technology-related assistance for people with disabilities, and provides recommendations on enhancing access to assistive technology.

We hope that you will be able to attend this important event, which will address issues of interest to the new Administration and the 103rd Congress. If you will not be able to join us, please designate a staff member to attend. Please notify Mark Quigley, (202) 267-3846, by March 1, 1993, if you will be attending.

Sincerely,


John A. Gannon
Acting Chairperson


Andrew I. Batavia
Executive Director

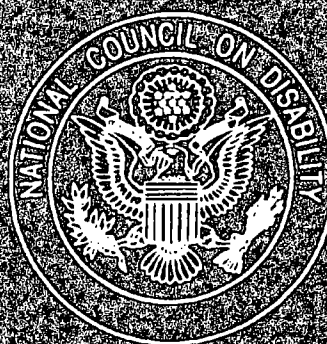
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National Council on Disability



**Annual Report to the President
and to
the Congress of the United States
Volume 13**

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COMPREHENSIVE REPORT
NON-CAREER SES

LAST	FIRST	TYPE	APPT	RECVD_OPM	APPRVD_DIR	EOD

AGENCY: OFFICE OF SCIENCE AND TECHNOLOGY POLICY (EOP)						
GILLMAN	KATHERINE		NC-SES	05/25/93	06/30/93	07/11/93
KELLY	HENRY		NC-SES	05/25/93	06/03/93	06/06/93
SCHAEFER	MARK		NC-SES	06/28/93	06/30/93	08/01/93
AGENCY: OFFICE OF THE SPECIAL COUNSEL						
KAHL	JAMES		NC-SES	02/03/93	02/05/93	03/07/93
AGENCY: OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE (EOP)						
HILLMAN	JENNIFER		NC-SES	04/12/93	04/19/93	04/19/93
LEAMOND	NANCY		NC-SES	03/10/93	03/15/93	03/15/93
SCHER	PETER		NC-SES	12/23/94	01/17/95	/ /
AGENCY: PENSION BENEFIT GUARANTY CORPORATION						
CALHOUN	ANTHONY		SC-SL	05/08/93	06/04/93	06/14/93
HENNESSEY	ELLEN		SC-SL	04/29/93	06/14/93	06/18/93
SLATE	MARTIN		SC-SL	07/21/93	08/11/93	/ /
AGENCY: PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS						
SHEARER	BROOKE		NC-SES	02/08/93	02/08/93	02/08/93
AGENCY: PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILIT						
DOUGLAS	RICHARD		NC-SES	01/21/88	01/21/88	02/25/91

* INDICATES A REASSIGNMENT.

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Newcareer SES Appointees by Dept./Agency

1/24/95

CANDIDATE			POSITION			
Last Name	First Name	Title	Area	Dept/Agency	Type	
H	Douglas	Richard C.	Executive Director		Employment of People w/ Disabilities, President's Cmts	SES