

§ 780. Establishment of National Council on Disability

(a) Membership; purpose

(1)(A) There is established within the Federal Government a National Council on Disability (referred to in this subchapter as the “National Council”), which, subject to subparagraph (B), shall be composed of 9 members, of which—

(i) 5 shall be appointed by the President;

(ii) 1 shall be appointed by the Majority Leader of the Senate;

(iii) 1 shall be appointed by the Minority Leader of the Senate;

(iv) 1 shall be appointed by the Speaker of the House of Representatives; and

(v) 1 shall be appointed by the Minority Leader of the House of Representatives.

(B) The National Council shall transition from 15 members (as of July 22, 2014) to 9 members as follows:

(i) On the first 4 expirations of National Council terms (after that date), replacement members shall be appointed to the National Council in the following order and manner:

(I) 1 shall be appointed by the Majority Leader of the Senate.

(II) 1 shall be appointed by the Minority Leader of the Senate.

(III) 1 shall be appointed by the Speaker of the House of Representatives.

(IV) 1 shall be appointed by the Minority Leader of the House of Representatives.

(ii) On the next 6 expirations of National Council terms (after the 4 expirations described in clause (i) occur), no replacement members shall be appointed to the National Council.

(C) For any vacancy on the National Council that occurs after the transition described in subparagraph (B), the vacancy shall be filled in the same manner as the original appointment was made.

(D) The members of the National Council shall be individuals with disabilities, parents or guardians of individuals with disabilities, national leaders on disability policy, or other individuals who have substantial knowledge or experience relating to disability policy or issues that affect individuals with disabilities. The members of the National Council shall be appointed so as to be representative of individuals with disabilities, national organizations concerned with individuals with disabilities, providers and administrators of services to individuals with disabilities, individuals engaged in conducting medical or scientific research relating to individuals with disabilities, business concerns, and labor organizations. A majority of the members of the National Council shall be individuals with disabilities. The members of the National Council shall be broadly representative of minority and other individuals and groups.

(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) Term of office

(1) Each member of the National Council shall serve for a term of 3 years.

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

(B) As used in this paragraph, the term “full term” means a term of 3 years.

(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

Five 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. 105-220, title IV, § 407, Aug. 7, 1998, 112 Stat. 1198; amended Pub. L. 112-166, § 2(q), Aug. 10, 2012, 126 Stat. 1288; Pub. L. 113-128, title IV, § 451, July 22, 2014, 128 Stat. 1674; Pub. L. 114-18, § 3(a), May 22, 2015, 129 Stat. 214.)

PRIOR PROVISIONS

A prior section 780, Pub. L. 93-112, title IV, § 400, as added Pub. L. 95-602, title I, § 117, Nov. 6, 1978, 92 Stat. 2977; 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 Stat. 1810, 1828, 1843; Pub. L. 100-630, title II, § 205(b), Nov. 7, 1988, 102 Stat. 3310; Pub. L. 102-569, title I, § 102(p)(26), title IV, § 401, Oct. 29, 1992, 106 Stat. 4360, 4421, related to establishment of the National Council on Disability, prior to the general amendment of this subchapter by Pub. L. 105-220.

Another prior section 780, Pub. L. 93-112, title IV, § 400, Sept. 26, 1973, 87 Stat. 385, related to general administrative powers of Secretary under this chapter, prior to repeal by Pub. L. 95-602, § 117.

AMENDMENTS

2015—Subsec. (b). Pub. L. 114-18 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows:

“(b)(1) Each member of the National Council shall serve for a term of 3 years.

“(2)(A) No member of the National Council may serve more than two consecutive full terms beginning on the date of commencement of the first full term on the Council. Members may serve after the expiration of their terms until their successors have taken office.

“(B) As used in this paragraph, the term ‘full term’ means a term of 3 years.

“(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.”

2014—Subsec. (a)(1)(A) to (C). Pub. L. 113-128, § 451(1)(B), added subpars. (A) to (C) and struck out former subpars. (A) and (B) which read as follows:

“(1)(A) 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.

“(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.”

Former subpar. (C) redesignated (D).

Subsec. (a)(1)(D). Pub. L. 113–128, §451(1)(C), inserted “national leaders on disability policy,” after “guardians of individuals with disabilities,” and substituted “policy or issues that affect individuals with disabilities” for “policy or programs”.

Pub. L. 113–128, §451(1)(A), redesignated subpar. (C) as (D).

Subsec. (b). Pub. L. 113–128, §451(2), which directed substitution of a period for “‘, except’ and all that follows”, was executed by substituting a period for “, except that the terms of service of the members initially 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.” in par. (1), to reflect the probable intent of Congress.

Subsec. (d). Pub. L. 113–128, §451(3), substituted “Five” for “Eight”.

2012—Subsec. (a)(1)(A). Pub. L. 112–166 struck out “, by and with the advice and consent of the Senate” before period at end.

EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114–18, §3(b), May 22, 2015, 129 Stat. 214, provided that: “The amendment made by this section [amending this section] shall take effect as if enacted 1 day after the date of enactment of the Workforce Innovation and Opportunity Act [Pub. L. 113–128, approved July 22, 2014] (29 U.S.C. 3101 et seq.).”

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112–166, set out as a note under section 113 of Title 6, Domestic Security.

§ 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 offi-

cial 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.)

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 generally 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.

CHANGE OF NAME

The National Council on the Handicapped was established by former section 780 of this title and was redesignated the National Council on Disability by an amendment to that section by Pub. L. 100–630, title II, §205(b), Nov. 7, 1988, 102 Stat. 3310.

§ 781. Duties of National Council

(a) In general

The National Council shall—

(1) provide advice to the Director with respect to the policies and conduct of the National Institute on Disability, Independent Living, and Rehabilitation Research, including ways to improve research concerning individuals with disabilities and the methods of collecting and disseminating findings of such 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, Independent Living, and Rehabilitation Research on the development of the programs to be carried out under this chapter;

(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;

(5) review and evaluate on a continuing basis—

(A) policies, programs, practices, and procedures concerning 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 of 2000 [42 U.S.C. 15001 et seq.]; and

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