

§ 503, Oct. 21, 1986, 100 Stat. 1810, 1829; Pub. L. 100-630, title II, § 205(e), Nov. 7, 1988, 102 Stat. 3310; Pub. L. 102-569, title I, § 102(p)(28), title IV, § 404, Oct. 29, 1992, 106 Stat. 4360, 4423; Pub. L. 103-73, title I, § 111, Aug. 11, 1993, 107 Stat. 727, related to National Council staff, prior to the general amendment of this subchapter by Pub. L. 105-220.

Another 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, authorized appropriations to conduct program and project evaluations, prior to repeal by Pub. L. 95-602, § 117.

§ 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.

(e) Use of services, personnel, information, and facilities

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

(Pub. L. 93-112, title IV, § 404, as added Pub. L. 105-220, title IV, § 407, Aug. 7, 1998, 112 Stat. 1201.)

PRIOR PROVISIONS

A prior section 784, Pub. L. 93-112, title IV, § 404, as added Pub. L. 95-602, title I, § 117, Nov. 6, 1978, 92 Stat. 2979; amended Pub. L. 102-569, title IV, § 405, Oct. 29, 1992, 106 Stat. 4423, related to administrative powers of National Council, prior to the general amendment of this subchapter by Pub. L. 105-220.

Another prior section 784, Pub. L. 93-112, title IV, § 404, Sept. 26, 1973, 87 Stat. 387, directed Secretary to submit annual reports to the President and to Congress on activities carried out under this chapter, prior to repeal by Pub. L. 95-602, § 117.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-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 2-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.

§ 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 1999 through 2003.

(Pub. L. 93-112, title IV, § 405, as added Pub. L. 105-220, title IV, § 407, Aug. 7, 1998, 112 Stat. 1202.)

PRIOR PROVISIONS

A prior section 785, Pub. L. 93-112, title IV, § 405, as added Pub. L. 95-602, title I, § 117, Nov. 6, 1978, 92 Stat. 2979; 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; Pub. L. 102-569, title IV, § 406, Oct. 29, 1992, 106 Stat. 4423, authorized appropriations, prior to the general amendment of this subchapter by Pub. L. 105-220.

Another prior section 785, Pub. L. 93-112, title IV, § 405, Sept. 26, 1973, 87 Stat. 388; Pub. L. 93-516, 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, specified certain responsibilities of the Secretary, prior to repeal by Pub. L. 95-602, § 117.

Prior sections 786 and 787 were repealed by 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—RIGHTS AND ADVOCACY

§ 790. Repealed. Pub. L. 102-569, title V, § 502(a), Oct. 29, 1992, 106 Stat. 4424

Section, Pub. L. 93-112, title V, § 500, Sept. 26, 1973, 87 Stat. 390, related to effects on existing law, references in other provisions, availability of unexpended appropriations, savings provision, and extension of appropriations.

§ 791. Employment of individuals with disabilities

(a) Interagency Committee on Employees who are Individuals with Disabilities; establishment; membership; co-chairmen; availability of other Committee resources; purpose and functions

There is established within the Federal Government an Interagency Committee on Employees who are Individuals with Disabilities (hereinafter in this section referred to as the "Committee"), comprised of such members as the President may select, including the following (or their designees whose positions are Executive Level IV or higher): the Chairman of the Equal Employment Opportunity Commission (hereafter in this section referred to as the "Commission"), the Director of the Office of Personnel Management, the Secretary of Veterans Affairs, the Secretary of Labor, the Sec-

retary of Education, and the Secretary of Health and Human Services. Either the Director of the Office of Personnel Management and the Chairman of the Commission shall serve as co-chairpersons of the Committee or the Director or Chairman shall serve as the sole chairperson of the Committee, as the Director and Chairman jointly determine, from time to time, to be appropriate. 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 disabilities, 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 disabilities, by each department, agency, and instrumentality in the executive branch of Government and the Smithsonian Institution, 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 Regulatory Commission) in the executive branch and the Smithsonian Institution 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 disabilities in such department, agency, instrumentality, or Institution. Such plan shall include a description of the extent to which and methods whereby the special needs of employees who are individuals with disabilities 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 disabilities.

(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 disabilities, including the promotion of job opportunities for such individuals. The Secretary shall en-

courage 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 disabilities by each department, agency, and instrumentality and the Smithsonian Institution 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 plan for employment 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 disabilities.

(g) Standards used in determining violation of section

The standards used to determine whether this section has been violated in a complaint alleging nonaffirmative action employment discrimination under this section shall be the standards applied under title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) and the provisions of sections 501 through 504, and 510, of the Americans with Disabilities Act of 1990 (42 U.S.C. 12201-12204 and 12210), as such sections relate to employment.

(Pub. L. 93-112, title V, §501, Sept. 26, 1973, 87 Stat. 390; Pub. L. 98-221, title I, §104(b)(3), Feb. 22, 1984, 98 Stat. 18; 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. 3310; Pub. L. 102-54, §13(k)(1)(B), June 13, 1991, 105 Stat. 276; Pub. L. 102-569, title I, §102(p)(29), title

V, § 503, Oct. 29, 1992, 106 Stat. 4360, 4424; Pub. L. 103-73, title I, § 112(a), Aug. 11, 1993, 107 Stat. 727; Pub. L. 105-220, title III, § 341(c), title IV, § 408(a)(1), Aug. 7, 1998, 112 Stat. 1092, 1202; Pub. L. 109-435, title VI, § 604(d), Dec. 20, 2006, 120 Stat. 3242.)

REFERENCES IN TEXT

Level IV of the Executive Schedule, referred to in subsec. (a), is set out in section 5315 of Title 5, Government Organization and Employees.

The Americans with Disabilities Act of 1990, referred to in subsec. (g), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, as amended. Title I of the Act is classified generally to subchapter I (§12111 et seq.) of chapter 126 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 12101 of Title 42 and Tables.

PRIOR PROVISIONS

Prior similar provisions were set out in section 38 of this title.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-435, § 604(d), substituted “Postal Regulatory Commission” for “Postal Rate Office”.

1998—Subsec. (a). Pub. L. 105-220, § 408(a)(1)(A), substituted “President’s Committees on Employment of People With Disabilities” for “President’s Committees on Employment of the Handicapped” in third sentence.

Pub. L. 105-220, § 341(c)(1), inserted “and the Smithsonian Institution” after “Government” in fourth sentence.

Subsec. (b). Pub. L. 105-220, § 341(c)(2), in first sentence, inserted “and the Smithsonian Institution” after “in the executive branch” and substituted “such department, agency, instrumentality, or Institution” for “such department, agency, or instrumentality”.

Subsec. (d). Pub. L. 105-220, § 341(c)(3), inserted “and the Smithsonian Institution” after “instrumentality”.

Subsec. (e). Pub. L. 105-220, § 408(a)(1)(B), substituted “individualized plan for employment” for “individualized written rehabilitation program”.

1993—Subsec. (a). Pub. L. 103-73 in first sentence inserted comma after “Veterans Affairs”.

1992—Pub. L. 102-569, § 102(p)(29)(A), substituted “disabilities” for “handicaps” in section catchline.

Subsec. (a). Pub. L. 102-569, § 503(a), substituted “the Director of the Office of Personnel Management, the Secretary of Veterans Affairs” for “the Secretary of Veterans Affairs, and”, and amended second sentence generally. Prior to amendment, second sentence read as follows: “The Secretary of Education and the Chairman of the Commission shall serve as co-chairpersons of the Committee.”

Pub. L. 102-569, § 102(p)(29)(B), (C), substituted “Interagency Committee on Employees who are Individuals with Disabilities” for “Interagency Committee on Handicapped Employees” and “individuals with disabilities” for “individuals with handicaps” in two places.

Subsec. (b). Pub. L. 102-569, § 102(p)(29)(C), (D), substituted “individuals with disabilities” for “individuals with handicaps” after “advancement of” and after “opportunities for” and “employees who are individuals with disabilities” for “employees with handicaps”.

Subsecs. (c), (d), (f)(2). Pub. L. 102-569, § 102(p)(29)(C), substituted “individuals with disabilities” for “individuals with handicaps”.

Subsec. (g). Pub. L. 102-569, § 503(b), added subsec. (g).

1991—Subsec. (a). Pub. L. 102-54 substituted “Secretary of Veterans Affairs” for “Administrator of Veterans Affairs”.

1988—Subsec. (a). Pub. L. 100-630, § 206(a)(3)(C), which directed substitution of “Employment of People With Disabilities” for “Employment of the Handicapped” in second sentence, could not be executed because the words did not appear in second sentence.

Pub. L. 100-630, § 206(a)(1)-(3)(B), (4), inserted “(hereafter in this section referred to as the ‘Commission’)” after first reference to “Equal Employment Opportunity Commission” and 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” in first sentence, “co-chairpersons” for “co-chairmen” in second sentence, and “Commission” for “Office” in cl. (2).

Subsec. (b). Pub. L. 100-630, § 206(a)(2), (5), substituted “submit to the Commission” for “submit to the Equal Employment 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)(1), (2). Pub. L. 100-630, § 206(a)(7), substituted “Employment of People With Disabilities” for “Employment of the Handicapped”.

1986—Pub. L. 99-506, § 103(d)(2)(C), substituted “individuals with handicaps” for “handicapped individuals” in section catchline.

Subsecs. (a) to (c). Pub. L. 99-506, §§ 103(d)(2)(C), 1002(e)(1), substituted “Equal Employment Opportunity Commission” for “Office of Personnel Management” and “individuals with handicaps” for “handicapped individuals” wherever appearing.

Subsec. (d). Pub. L. 99-506, §§ 103(d)(2)(C), 1002(e)(1), (2)(A), substituted “Equal Employment Opportunity Commission” for “Office of Personnel Management” wherever appearing, “individuals with handicaps” for “handicapped individuals”, and “of the activities” for “of the the activities”.

Subsec. (e). Pub. L. 99-506, § 1001(f)(1), substituted “a individualized” for “his individualized”.

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

1984—Subsec. (a). Pub. L. 98-221, § 104(b)(3)(A)-(D), substituted “the Chairman of the Office of Personnel Management” and “Education and Health and Human Services” for “the Chairman of the Civil Service Commission” and “Health, Education, and Welfare”, respectively, in first sentence, “Secretary of Education and the Chairman of the Office of Personnel Management” for “Secretary of Health, Education, and Welfare and the Chairman of the Civil Service Commission” in second sentence, “Office of Personnel Management” for “Civil Service Commission” in four places, and “Office” for “Commission”.

Subsec. (b). Pub. L. 98-221, § 104(b)(3)(C), (D), substituted “Office of Personnel Management” for “Civil Service Commission” and substituted “Office” for “Commission” in three places.

Subsec. (c). Pub. L. 98-221, § 104(b)(3)(C), substituted “Office of Personnel Management” for “Civil Service Commission”.

Subsec. (d). Pub. L. 98-221, § 104(b)(3)(C), (E), substituted “Office of Personnel Management” for “Civil Service Commission” in two places and “the activities of the Office of Personnel Management” for “Civil Service Commission’s activities”.

Subsec. (f)(1). Pub. L. 98-221, § 104(b)(3)(F), substituted “Secretary of Education” for “Secretary of Health, Education, and Welfare”.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 341(c) of Pub. L. 105-220 effective Aug. 7, 1998, and applicable to and may be raised in any administrative or judicial claim or action brought before Aug. 7, 1998, but pending on such date, and any administrative or judicial claim or action brought after such date regardless of whether the claim or action arose prior to such date, if the claim or ac-

tion was brought within the applicable statute of limitations, see section 341(d) of Pub. L. 105-220, set out as a note under section 633a of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-569, title I, §138, Oct. 29, 1992, 106 Stat. 4397, as amended by Pub. L. 103-73, title I, §102(3), Aug. 11, 1993, 107 Stat. 718, provided that:

“(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title [enacting sections 718 to 718b, 725 to 728a, and 740 to 744 of this title, amending this section and sections 701, 705 to 707, 709, 711 to 715, 717, 720 to 724, 730 to 732, 740, 741, 750, 761a to 762, 770, 772 to 776, 777a, 777b, 777d to 777f, 780, 781, 783, 792 to 794, 795, 795d, 795e, and 795h of this title, repealing section 752 of this title, enacting provisions set out as notes under section 712 of this title, and amending provisions set out as a note under section 701 of this title] and the amendments made by this title shall take effect on the date of enactment of this Act [Oct. 29, 1992].

“(b) COMPLIANCE.—Each State agency subject to the provisions of title I of the Rehabilitation Act of 1973 [29 U.S.C. 720 et seq.] shall comply with the amendments made by this subtitle [subtitle B (§§121-138) of title I of Pub. L. 102-569, enacting sections 725 to 728a and 740 to 744 of this title, amending sections 705, 720 to 724, and 730 to 732 of this title, and repealing section 752 of this title], as soon as is practicable after the date of enactment of this Act [Oct. 29, 1992], consistent with the effective and efficient administration of the Rehabilitation Act of 1973 [29 U.S.C. 701 et seq.], but not later than October 1, 1993.”

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-506, title X, §1006, Oct. 21, 1986, 100 Stat. 1846, provided that: “Except as otherwise provided in this Act [see Short Title of 1986 Amendment note set out under section 701 of this title], this Act shall take effect on the date of its enactment [Oct. 21, 1986].”

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which reports required under subsecs. (a) and (d) of this section are listed on page 188), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

EXECUTIVE ORDER No. 10640

Ex. Ord. No. 10640, Oct. 10, 1955, 20 F.R. 7717, formerly set out as a note under section 39 of this title, which related to President's Committee on Employment of the Physically Handicapped, was superseded by section 6(a) of Ex. Ord. No. 10994, Feb. 14, 1962, 27 F.R. 1447, which established President's Committee on Employment of the Handicapped.

EXECUTIVE ORDER No. 10994

Ex. Ord. No. 10994, Feb. 14, 1962, 27 F.R. 1447, as amended by Ex. Ord. No. 11018, Apr. 27, 1962, 27 F.R. 4143, which established the President's Committee on Employment of the Handicapped, was superseded by Ex. Ord. No. 11480, Sept. 9, 1969, 34 F.R. 14273, formerly set out below.

EXECUTIVE ORDER No. 11480

Ex. Ord. No. 11480, Sept. 9, 1969, 34 F.R. 14273, as amended by Ex. Ord. No. 12106, Dec. 26, 1978, 44 F.R. 1053; Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617, which established and provided for the functions of the President's Committee on Employment of the Handicapped, was superseded by Ex. Ord. No. 12640, May 10, 1988, 53 F.R. 16996, formerly set out below.

EX. ORD. No. 11830. ENLARGING MEMBERSHIP OF INTERAGENCY COMMITTEE ON HANDICAPPED EMPLOYEES

Ex. Ord. No. 11830, Jan. 9, 1975, 40 F.R. 2411, as amended by Ex. Ord. No. 12106, Dec. 26, 1978, 44 F.R. 1053; Ex.

Ord. No. 12450, Dec. 9, 1983, 48 F.R. 55409; Ex. Ord. No. 12672, Mar. 21, 1989, 54 F.R. 12167; Ex. Ord. No. 12704, §1, Feb. 26, 1990, 55 F.R. 6969, provided:

By virtue of the authority vested in me by section 501(a) of the Rehabilitation Act of 1973 (Public Law 93-112; 87 Stat. 390) [subsec. (a) of this section], it is hereby ordered as follows:

SECTION 1. In accord with Section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and Section 4 of Reorganization Plan No. 1 of 1978 (43 FR 19808) [set out in the Appendix to Title 5, Government Organization and Employees], the Interagency Committee on Handicapped Employees is enlarged and composed of the following, or their designees whose positions are Executive level IV or higher:

- (1) Secretary of Defense.
- (2) Secretary of Labor.
- (3) Secretary of Education, Co-Chairman.
- (4) Director of the Office of Personnel Management.
- (5) Administrator of Veterans Affairs.
- (6) Administrator of General Services.
- (7) Chairman of the Federal Communications Commission.
- (8) Chairman of the Equal Employment Opportunity Commission, Co-Chairman.
- (9) Secretary of Health and Human Services.
- (10) Postmaster General of the United States Postal Service.

(11) Chairman of the President's Committee on Employment of People with Disabilities (Ex Officio).

(12) Such other members as the President may designate.

SEC. 2. The Interagency Committee on Handicapped Employees shall also be referred to as the Interagency Committee on Employment of People with Disabilities.

EXECUTIVE ORDER No. 12640

Ex. Ord. No. 12640, May 10, 1988, 53 F.R. 16996, as amended by Ex. Ord. No. 12945, Jan. 20, 1995, 60 F.R. 4527, which established the President's Committee on Employment of People with Disabilities, the Executive Committee of the President's Committee on Employment of People with Disabilities, and the Advisory Council on Employment of People with Disabilities, and provided for the membership, functions, and administration of those bodies, and superseded Ex. Ord. No. 11480, was revoked by Ex. Ord. No. 13187, §4(a), Jan. 10, 2001, 66 F.R. 3858, set out as a note under section 701 of this title.

EX. ORD. No. 13163. INCREASING THE OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES TO BE EMPLOYED IN THE FEDERAL GOVERNMENT

Ex. Ord. No. 13163, July 26, 2000, 65 F.R. 46563, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to promote an increase in the opportunities for individuals with disabilities to be employed at all levels and occupations of the Federal Government, and to support the goals articulated in section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791), it is hereby ordered as follows:

SECTION 1. *Increasing the Federal Employment Opportunities for Individuals with Disabilities.* (a) Recent evidence demonstrates that, throughout the United States, qualified persons with disabilities have been refused employment despite their availability and qualifications, and many qualified persons with disabilities are never made aware of available employment opportunities. Evidence also suggests that increased efforts at outreach, and increased understanding of the reasonable accommodations available for persons with disabilities, will permit persons with disabilities to compete for employment on a more level playing field.

(b) Based on current hiring patterns and anticipated increases from expanded outreach efforts and appropriate accommodations, the Federal Government, over the next 5 years, will be able to hire 100,000 qualified in-

dividuals with disabilities. In furtherance of such efforts, Federal agencies shall:

- (1) Use available hiring authorities, consistent with statutes, regulations, and prior Executive orders and Presidential Memoranda;
 - (2) Expand their outreach efforts, using both traditional and nontraditional methods; and
 - (3) Increase their efforts to accommodate individuals with disabilities.
- (c) As a model employer, the Federal Government will take the lead in educating the public about employment opportunities available for individuals with disabilities.
- (d) This order does not require agencies to create new positions or to change existing qualification standards for any position.

SEC. 2. *Implementation.* Each Federal agency shall prepare a plan to increase the opportunities for individuals with disabilities to be employed in the agency. Each agency shall submit that plan to the Office of Personnel Management within 60 days from the date of this order.

SEC. 3. *Authority to Develop Guidance.* The Office of Personnel Management shall develop guidance on the provisions of this order to increase the opportunities for individuals with disabilities employed in the Federal Government.

SEC. 4. *Judicial Review.* This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, its employees, or any person.

WILLIAM J. CLINTON.

EX. ORD. NO. 13164. REQUIRING FEDERAL AGENCIES TO ESTABLISH PROCEDURES TO FACILITATE THE PROVISION OF REASONABLE ACCOMMODATION

Ex. Ord. No. 13164, July 26, 2000, 65 F.R. 46565, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Rehabilitation Act of 1973 (29 U.S.C. 701 *et seq.*), as amended, and in order to promote a model Federal workplace that provides reasonable accommodation for (1) individuals with disabilities in the application process for Federal employment; (2) Federal employees with disabilities to perform the essential functions of a position; and (3) Federal employees with disabilities to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities, it is hereby ordered as follows:

SECTION 1. *Establishment of Effective Written Procedures to Facilitate the Provision of Reasonable Accommodation.* (a) Each Federal agency shall establish effective written procedures for processing requests for reasonable accommodation by employees and applicants with disabilities. The written procedures may allow different components of an agency to tailor their procedures as necessary to ensure the expeditious processing of requests.

(b) As set forth in *Re-charting the Course: The First Report of the Presidential Task Force on Employment of Adults with Disabilities* (1998), effective written procedures for processing requests for reasonable accommodation should include the following:

- (1) Explain that an employee or job applicant may initiate a request for reasonable accommodation orally or in writing. If the agency requires an applicant or employee to complete a reasonable accommodation request form for recordkeeping purposes, the form must be provided as an attachment to the agency's written procedures;
- (2) Explain how the agency will process a request for reasonable accommodation, and from whom the individual will receive a final decision;
- (3) Designate a time period during which reasonable accommodation requests will be granted or denied, absent extenuating circumstances. Time limits for

decision making should be as short as reasonably possible;

(4) Explain the responsibility of the employee or applicant to provide appropriate medical information related to the functional impairment at issue and the requested accommodation where the disability and/or need for accommodation is not obvious;

(5) Explain the agency's right to request relevant supplemental medical information if the information submitted does not clearly explain the nature of the disability, or the need for the reasonable accommodation, or does not otherwise clarify how the requested accommodation will assist the employee to perform the essential functions of the job or to enjoy the benefits and privileges of the workplace;

(6) Explain the agency's right to have medical information reviewed by a medical expert of the agency's choosing at the agency's expense;

(7) Provide that reassignment will be considered as a reasonable accommodation if the agency determines that no other reasonable accommodation will permit the employee with a disability to perform the essential functions of his or her current position;

(8) Provide that reasonable accommodation denials be in writing and specify the reasons for denial;

(9) Ensure that agencies' systems of recordkeeping track the processing of requests for reasonable accommodation and maintain the confidentiality of medical information received in accordance with applicable law and regulations; and

(10) Encourage the use of informal dispute resolution processes to allow individuals with disabilities to obtain prompt reconsideration of denials of reasonable accommodation. Agencies must also inform individuals with disabilities that they have the right to file complaints in the Equal Employment Opportunity process and other statutory processes, as appropriate, if their requests for reasonable accommodation are denied.

SEC. 2. *Submission of Agency Reasonable Accommodation Procedures to the Equal Employment Opportunity Commission (EEOC).* Within 1 year from the date of this order, each agency shall submit its procedures to the EEOC. Each agency shall also submit to the EEOC any modifications to its reasonable accommodation procedures at the time that those modifications are adopted.

SEC. 3. *Collective Bargaining Obligations.* In adopting their reasonable accommodation procedures, agencies must honor their obligations to notify their collective bargaining representatives and bargain over such procedures to the extent required by law.

SEC. 4. *Implementation.* The EEOC shall issue guidance for the implementation of this order within 90 days from the date of this order.

SEC. 5. *Construction and Judicial Review.* (a) Nothing in this order limits the rights that individuals with disabilities may have under the Rehabilitation Act of 1973, as amended.

(b) This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, its employees, or any person.

WILLIAM J. CLINTON.

§ 792. Architectural and Transportation Barriers Compliance Board

(a) **Establishment; membership; chairperson; vice-chairperson; term of office; termination of membership; reappointment; compensation and travel expenses; bylaws; quorum requirements**

(1) There is established within the Federal Government the Architectural and Transportation Barriers Compliance Board (hereinafter referred to as the "Access Board") which shall be composed as follows: