

# NATIONAL COUNCIL ON DISABILITY

*An Independent Federal Agency*

## FISCAL YEAR 2012 BUDGET JUSTIFICATION



**National Council on Disability**  
1331 F Street, NW, Suite 850  
Washington, DC 20004

(202) 272-2004 Voice  
(202) 272-2074 TTY  
(202) 272-2022 Fax

**[www.ncd.gov](http://www.ncd.gov)**

**NATIONAL COUNCIL ON DISABILITY**  
**FY 2012 Budget Justification**

<u>Introduction .....</u>	<u>3</u>
<u>New and Continuing Presidential Initiatives.....</u>	<u>10</u>
<u>Integrated Performance Information .....</u>	<u>15</u>
<u>Background.....</u>	<u>22</u>
<u>Organizational Chart .....</u>	<u>25</u>
<u>Proposed Appropriations Language .....</u>	<u>26</u>
<u>Analysis of Language Provisions and Changes.....</u>	<u>26</u>
<u>Budget Authority and Staffing by Activity .....</u>	<u>27</u>
<u>Available for Obligation .....</u>	<u>27</u>
<u>Appropriations History.....</u>	<u>28</u>
<u>Congressional Directives .....</u>	<u>29</u>
<u>Narrative Justification.....</u>	<u>32</u>
<u>Members of the National Council on Disability .....</u>	<u>47</u>

## INTRODUCTION

This document presents the National Council on Disability's (NCD or the Council) budget justification for Fiscal Year (FY) 2012. NCD is requesting a total budget authority of \$3,400,000, a \$64,000 increase over the agency's FY11 Budget request. This amount will allow the Council to operate at its current level while supporting the required increases in staff salary and benefits including step increases. This amount will allow NCD to meet its statutory mandates to collect and evaluate information on federal disability policy and programs and to develop advice and recommendations to present to the President and Congress in promoting the full integration, independence, and productivity of individuals with disabilities.

Specifically, the funding requested for FY12 will enable NCD to:

1. Hold a minimum of four public Council meetings each year;
2. Gather information about the implementation, effectiveness, and impact of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);
3. Achieve the goals of the Council's 2010 5-year Strategic Plan;
4. Conduct research and studies, convene stakeholders, and write papers and reports in order to review and evaluate the policies and programs of various federal agencies providing services to people with disabilities;
5. Support the administrative and contractual obligations of NCD that fund its operational activities (i.e., salaries, benefits, legal services, administrative and technical support, leased office space, etc.);
6. Carry out duties in addition to the nine responsibilities the Council is charged with carrying out with the Administrator of the Federal Emergency Management Agency (FEMA) as prescribed in the Post-Katrina Emergency Management Reform Act of 2006, and enacted by the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295);
7. Provide compensation and travel reimbursement to Council Members for each day they are engaged in the performance of their duties as Members of the National Council on Disability;
8. Make recommendations to the President, the Congress and other officials of federal agencies or other federal entities, regarding ways to better promote the policies set forth in section 400(a)(2) of NCD's enabling legislation;

9. Provide to the Congress, on a continuing basis, advice, recommendations, legislative proposals, and any additional information that the National Council on Disability or the Congress deems appropriate; and
10. Prepare and submit to the President and the appropriate committees of the Congress a report entitled *National Disability Policy: A Progress Report*.

NCD has a unique mission among federal agencies because it is charged with reviewing all programs and policies across the federal government, not only one aspect of policy affecting people with disabilities. While our independent status allows us to provide an unbiased overview of many of those agency services and programs, it is the nature of our overview and the recommendations that makes our work so important in the eyes of those who eventually benefit when those recommendations are acted upon by those who have the power to do so. In order for the Council to set priorities reporting on a particular issue or agency, it is first necessary for NCD to evaluate the need. Once that need is established, the Council has a record of producing timely information critical to improving the delivery of programs to people with disabilities. Our series of research reports study a broad array of disability-related laws and programs and has resulted in or documented the need for ongoing changes to many of the critical services needed to sustain the health and independence of our most vulnerable citizens (<http://www.ncd.gov/newsroom/publications/index.htm>). In addition, as related below, NCD has been given substantial responsibilities for disability-related issues in the nationwide effort to improve emergency preparedness and enhance homeland security.

Like many federal agencies, NCD has been impacted by increased costs related to our mission, but has offset these increases by implementing administrative efficiencies. Unlike some larger agencies, NCD has limited opportunity to reduce such costs without hampering our ability to fulfill Congressional mandates as outlined in our authorizing legislation. An example of this situation, since FY07, as part of a refocusing by NCD to require more participation by appointed Council Members in policy development and agency matters, NCD has incurred increased costs for member salaries, travel and meeting-related expenses. This level of investment in our mission has resulted in an increase in the levels of public participation and valuable feedback received at our public hearings and meetings held around the country. Consequently, NCD's expectations that costs related to Council member participation and meetings would increase have proven true, but have been offset by the value of public participation in agency processes.

Over the last several years, NCD has provided extensive and wide-ranging outreach to people with disabilities and members of their communities, closely consulting with them as key informants to NCD's policy work. Many NCD publications have resulted in invitations for Council Members or staff to present NCD findings through conference

presentations, Internet web casts and policy briefings. However, NCD is changing the way it conducts business. While NCD's large publications and reports have generated great interest and have impacted disability policy for millions of people, some publications have not been timely or responsive to the immediate needs of the community.

Starting in FY11 and continuing into FY12, NCD is committed to new approaches focused on improving the lives of people with disabilities and increasing the public's awareness of the value of the programs that serve this "community." Jonathan Young was appointed Chair of the National Council on March 19, 2010 and made a commitment to move the Council in new directions to better support President Obama's disability policy initiatives.

Hence, NCD has developed a 5-year strategic plan that introduces four broad strategic themes and related goals that define the Council's direction. Notwithstanding past successes, NCD realizes the need to devote attention to disability policy in the community where people with disabilities live and the need for a robust approach for obtaining information from our stakeholders. The basic tenets of this new vision for the Council are:

- 1) The National Council on Disability can have a larger impact improving the every day lives of people with disabilities if it regularly and meaningfully engages with stakeholders and works collaboratively to translate information gathered into recommendations. NCD should put itself in the position of enabling a more effective voice for people with disabilities across the nation. It should enable community groups, state and local governments and Federal agencies in a way that allows them to better coordinate and direct their programs and policies.
- 2) In order to assume this role, the Council will have to improve and expand its internal capabilities for policy analysis and outreach. In the past, the Council has relied on the work of outside contractors and staff has taken on similar duties as federal contract monitors. The Council needs to be able to accomplish much quicker independent policy evaluation if it is to identify opportunities for coordination and collaboration.
- 3) In order to "listen" better, the Council needs to improve its interaction with stakeholders in the within the disability community, organizations serving the disability community, and the agencies within local, state, and the Federal government serving people with disabilities and facilitate interactions between all stakeholders.

Based on the strategic plan NCD is enhancing outreach efforts to people with disabilities in order to carry out our mandate to gather public comment and input to identify emerging trends in the disability arena so appropriate public policy can be developed. Our theme to "Reach Out to Listen, Understand, and Communicate"

indicates our intent for supporting actions to listen to the messages and voices of our stakeholders to better identify issues that need new or renewed attention.

In furtherance of that need, NCD hosted a National Summit (the Summit) on Disability Policy 2010 on July 25-28, 2010. In addition to commemorating the 20th anniversary of the Americans with Disabilities Act (ADA), the Summit provided the venue for representatives from all disability and federal policy communities to meet, dialogue, build relationships, and explore opportunities to improve outcomes for Americans with disabilities. At the Summit, NCD heard from our stakeholders and began a national conversation with over 500 Summit participants from 49 different states plus the District of Columbia, Guam and Puerto Rico. NCD gained a vast amount of knowledge at the Summit is now starting to base policy recommendations off what was gleaned. NCD invested \$400,000 over three budget years to support the Summit as well as on a smaller regional forum. From October 25-27, 2010 NCD conducted a regional forum in Detroit, Michigan. NCD intends to use regional forums and other similar events annually to listen to stakeholders in the disability community and to fulfill the “Reach Out to Listen, Understand, and Communicate” theme.

NCD’s increased outreach activities are not limited to the disability community. NCD needs to respond to requests from Congress and the Administration quickly, efficiently, and effectively. While we have started to move down that path, as highlighted below, more work needs to be done in this area.

On October 20, 2009, then NCD Chairperson John Vaughn testified on emergency preparedness before the House Transportation and Infrastructure Subcommittee on Economic Development, Public Buildings and Emergency Management at a hearing entitled “Looking Out for the Very Young, the Elderly and Others with Special Needs: Lessons from Katrina and other Major Disasters.” He addressed the procedures and plans currently in place for aid to children and people with disabilities during and after a natural disaster.

On June 15, 2010, Chairman Jonathan M. Young testified before the House Homeland Security Subcommittee on Emergency Communications, Preparedness and Response on “Caring for Special Needs during Disasters: What’s being done for Vulnerable Populations.” The purpose of this hearing was to receive testimony on the actions taken by FEMA, non-profits, and localities to address the needs of vulnerable populations, including people with disabilities, the poor, children, and persons with limited English proficiency, during disasters.

On July 22, 2010, Chairman Young testified before the House Judiciary Subcommittee on the Constitution, Civil Rights and Civil Liberties on “Americans with Disabilities Act at

20 — Celebrating Our Progress, Affirming Our Commitment.” The purpose of the hearing was to highlight the ADA’s accomplishments.

To better fulfill our roll in providing advice and recommendations to the President and Congress in promoting the full integration, independence, and productivity of individuals with disabilities NCD will be focusing on building our internal capacities to meet such demands. NCD has budgeted for 12 full-time employees, including the Executive Director, but currently only has eight full-time employees, including the Executive Director, on staff. Needless to say NCD is experiencing a staffing shortage. Knowing that it takes on average 105 days to hire full-time staff NCD will be seeking full-time employees yet at the same time bringing in short-term temporary workers to help NCD meet our mandates outlined in our authorizing statute.

In December 2010, NCD responded to a White House request for a white paper focusing on the bullying of people with disabilities for an upcoming White House conference on bullying. NCD’s renewed focus on timeliness and being more responsive to requests facilitated the quick submission of a report within the month timeframe provided by the White House.

Another theme highlighted in the strategic plan, to “Emphasize Implementation,” signals NCD’s intent to find opportunities to use the vast amount of knowledge acquired through the intensive research activities undertaken in the past years. This research is reflected in our reports and recommendations for actions at all levels of government including the implementation of laws by the federal government.

As an example on how NCD will carry out this theme NCD has developed a health care reform workgroup consisting of Members, staff, and community stakeholders to study the Administration’s implementation of the Patient Protection and Affordable Care Act to assure that the needs of persons with disabilities are addressed consistently throughout the law. The workgroup sent a letter to the Administrator of the Health Resources and Services Administration (HRSA) offering assistance in a technical advisory capacity on how to address the needs of people with disabilities in grant awards for prevention programs, primary care services, and the development of the health professions workforce. NCD’s FY12 initiatives will capitalize upon our agency’s ability to play a unique and valuable role in the federal policy process. NCD intends to take a lead, when necessary, when meeting our statutory requirements but also taking on the role as a convener to bring various stakeholders together. NCD will continue to strengthen the linkage between the Administration, Congress, and the growing but often overlooked constituency of people with disabilities.

Our theme to “Build a Sustainable Federal Agency” indicates our intent for providing continuing attention to assuring we have an effective structure along with policies, procedures and management systems to support our work force in the implementation

of our mission. NCD has replaced its flat organizational structure with an Executive Director that oversees three distinct areas or teams headed by directors. The three teams General Counsel and Policy; Outreach and Legislative Affairs; and Operations and Administration highlight NCD's renewed commitment and focus to increased outreach and engagement with Congress, the President and the Administration, people with disabilities and other stakeholders, and assuring that internal operations are flowing smoothly.

Furthermore, NCD has been enhancing our facilities and operations. In accordance with the strategic plan NCD has entered into a contract to update our website to assist with outreach efforts by making the site more modern and user friendly. To meet the Administration's baseline of Federal Government cyber security measures, NCD completed an assessment of the agency's information technology (IT) infrastructure. As a result, the agency changed providers to a single, centralized source that would include immediate on-site personnel and enhanced system software, backup and restore operations, remote access processes, security, and training. The agency is moving forward with applications to increase collaboration and remote user capabilities. To assist with these advances, the agency is making a large investment in computer software, hardware and user training for staff and Members. These advances will also enhance staffs capacity to telework and Member's capacity to engage with NCD from remote locations.

Finally, the theme to "Mark Stakeholders' Progress and Accomplishments" indicates our intent to revamp our mandated annual progress report to highlight successes and needs for continuing emphasis on the implementation of Federal laws, rules, and programs affecting the disability community. In our future annual reports, NCD intends to provide a significant discussion of the overall state of the disability community and the policies affecting it based upon the information we develop through use of summits, forums, listening sessions, workgroups and other strategies envisioned in the strategic plan. We believe strongly that we have contributed and will continue to contribute to the debate and progress about betterment of the disability community. We recognize that we are far from being alone in seeking continuing efforts for improvements. Success should be seen through the collaborative efforts of the entire spectrum of organizations and people who are our stakeholders. We want to spotlight effective actions of those who deserve credit for effective support to the disability community and emphasize needs for others to act on recommendations to make progress in meeting either long-standing or emerging challenges.

In addition to the mission-related expenses described above, NCD must fully fund its operational support costs. The cost of contracted administrative support services from the General Services Administration, Government Printing Office, the Department of Homeland Security (DHS) and other agencies has increased by almost \$100,000 since FY06. Additionally, charges for disability-related accommodations, such as interpreters,



real-time captioners and similar communication services, has increased by more than \$15,000 during the past three fiscal years due to the Council Members and staff who require such accommodations playing a more active role during frequent committee meetings related to NCD reports..

The rising cost of basic administrative expenses has weighed heavily on NCD, but our agency has been taking many steps to control or reduce such costs. These include new cost controls related to printing, mailing, report dissemination and telecommunications. The Council has embraced the Go Green initiative by reducing reliance on reports as a whole but also on the number of print copies of each report. This practice has significantly decreased the agencies printing costs and the trend will only continue as we focus on producing smaller briefs as opposed to large several hundred page reports. NCD has become extremely efficient in the past four years, procuring only what is needed for mission-related tasks.

In 2011, NCD is scheduled to close out several larger research initiatives yet will continue conduct smaller short term research on issues that are time sensitive and critical to people with disabilities. While the small size and modest budget of NCD create a small footprint in the federal bureaucracy, the quality and impact of our past research products is impressive. Our agency routinely supports several research projects each year that result in extensive reports about issues of importance to people with disabilities nationwide. Those reports have resulted in legislation protecting the civil rights of people with disabilities (<http://www.ncd.gov/newsroom/publications/2006/ada16years.htm>), and changes in the way that other agencies do business if they are providing services to the disability community ([http://www.ncd.gov/newsroom/publications/2008/pdf/FosterCareSystem\\_Report.pdf](http://www.ncd.gov/newsroom/publications/2008/pdf/FosterCareSystem_Report.pdf)).

Once again, NCD will shift focus and instead of supporting five to eight comprehensive long-term projects and/or research reports each year NCD will have a greater breadth of projects that generate shorter white papers, policy briefs and recommendations, letters and other materials and will produce larger multi-hundred page papers when necessary. Regardless, our entire program contracts budget is exceeded by what some larger agencies pay for just one project in a single year of a multi-year contract.

As a result of new duties for the Council that were assigned in the Post-Katrina Emergency Management Reform Act of 2006, as enacted by the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295) and signed on October 4, 2006, NCD continues to play a significant role in the many disability-related activities and issues related to homeland security. Our recent emergency management report "*Effective Emergency Management: Making Improvements for Communities and People with Disabilities*," ([http://www.ncd.gov/newsroom/publications/2009/NCD\\_EmergencyManagement\\_HTML](http://www.ncd.gov/newsroom/publications/2009/NCD_EmergencyManagement_HTML)

[/EffectiveEmergencyManagement.html](#)) has been well received and widely disseminated throughout the emergency management network nationwide. Requests continue to arrive from conferences throughout the country, seeking NCD presentations about the report and recommendations for effective emergency management practices to protect people with disabilities.

## **NEW AND CONTINUING PRESIDENTIAL INITIATIVES**

The Obama Administration has put forward an impressive agenda regarding people with disabilities in this country. Because about 20% of the general population is composed of individuals with disabilities of all ages, many of the other more mainstream initiatives will also impact this population. For purposes of this narrative, we are focused on the six issues which the President pointed out specifically for people with disabilities. NCD has a 30-year record of researching and reporting on issues of importance to people with disabilities, and many of our actions parallel those listed in the presidential disability initiatives. Following are the presidential initiatives that were listed for people with disabilities and what NCD is accomplishing or planning to accomplish regarding each initiative:

### ***Guiding Principles***

*The President will work to nurture a society that values the contributions of all of our citizens and residents, including the 54 million people in this country living with disabilities. While people with disabilities are integrated into society as never before, we must do more.*

NCD was established by Congress in 1978 for a similar purpose. NCD is the only agency in the federal government with a primary mission of promoting the full inclusion, independent living, and economic self-sufficiency of people with disabilities of all ages and backgrounds by providing advice, analysis, and recommendations on disability policy to the President, Congress, and other federal agencies. We have a successful record of such actions, and all of the initiatives planned by the Council for FY11 are designed to further the integration of people with disabilities into all aspects of our society.

One of the primary responsibilities of NCD is to complete an annual report on the status of people with disabilities regarding their needs, concerns and progress in becoming assimilated into all aspects of our society. These reports, each titled *National Disability Policy: a Progress Report*, are delivered to the president and Congress each year. They each discuss the progress made in the past year when it comes to disability programs or needs and they also outline challenges being faced by the people with disabilities in this country as detailed by them during multiple means of testifying to NCD

at quarterly meetings, during public consultations, during interviews with researchers engaged in completing NCD reports, or in writing.

All NCD annual progress reports can be viewed on the NCD web site at:  
[http://www.ncd.gov/newsroom/publications/index\\_subject.htm#9](http://www.ncd.gov/newsroom/publications/index_subject.htm#9)

### ***Strengthen Access to and Improving the Quality of Health Care***

*President Obama achieved his top domestic policy agenda with the passage of comprehensive health reform in FY10.*

NCD reports on healthcare have helped shape the programs that people with disabilities rely on to maintain their health and productivity. This includes not only publicly supported healthcare, such as Medicare and Medicaid, but NCD has also been a long-time advocate for the full provision of the accessible equipment and accommodations needed for individuals with disabilities to obtain equal care through private providers and insurance carriers. With the new health care reform law NCD must rely on those reports as well as the aforementioned health care reform workgroup to focus on health care reform implementation and assuring that areas such as disparities in health care that impact people with disabilities and others appropriately address the needs of this important segment of the population.

### ***Promote Access to Community Living Services***

*Too many people who need assistance with activities of everyday life are faced with a difficult choice. They can move into a nursing home and face safety and quality of care problems or risk injury or death by staying in the community without adequate services to take care of personal needs. The President believes that more can be done to show federal leadership toward ending the institutional bias and more rigorously enforcing the Supreme Court's Olmstead decision. We can also build on existing efforts to encourage states to shift more of their services away from institutions and into the community, such as within the Patients Protection and Affordable Care Act and the Money Follows the Person (MFP) initiative.*

NCD has, as required by our federal mandate, periodically evaluated major federal programs that provide services or supports that enable people with disabilities to live independently in the community. Besides outlining the current status of these programs in our annual *Progress Report* to the President and Congress, the Council routinely selects issues of extreme importance (as expressed by the disability community) for reports of an in-depth nature. Our agency issued the last of a series of reports on *Livable Communities* detailing factors important in the ability to live independently when the report on *Inclusive Livable Communities for People with Psychiatric Disabilities* (<http://www.ncd.gov/newsroom/publications/2008/LivableCommunities.html>) was

released in 2008. NCD reports on several other subjects are also key components of independent living, such as a comprehensive report on the status of housing for people with disabilities was published in November 2009, and a subsequent research report on the subject of housing is being proposed for FY11 later in this budget narrative.

Living independently in the community, or maintaining health, requires a broad palette of services being provided by individuals who are specifically trained to serve the needs of people with disabilities. As our country ages, the growing demands of our senior population will also impact the need for the same type of services and some of the professions who provide them are already in short supply. In November 2009, NCD published a landmark report on the workforce infrastructure needed to support people with disabilities and seniors during the next few years. These professions are those that are in greatest demand, and the research team identified the current status and what the actual demand might be for individuals in these professions during the next 20 years.

NCD's Summit also captured an incredible amount of input to inform the development and implementation of policies, programs, and practices related to community living and "Living" was highlighted by participants as an area of tremendous need. NCD will monitor similar themes amongst participants in future forums and base policy recommendation off such input.

### ***Protect Civil Rights***

*The Americans with Disabilities Act (ADA) is a landmark law that has done much to protect people with disabilities from discrimination. President Obama has and will continue to push for more consistent and effective enforcement of ADA, which can do more to prevent discrimination in employment, public services, public accommodations and telecommunications.*

NCD first proposed the concept of this landmark civil rights law for people with disabilities in a 1986 report titled *Toward Independence*. The actual name for the law, the Americans with Disabilities Act, originated from Kent Waldrep who was an NCD member at the time. The annual *Progress Report* that NCD prepares for the President and Congress was originally designed to report on the implementation and effectiveness of the ADA, and has expanded to now include updates about significant federal programs that are available to support the law.

NCD was also responsible for the series of 19 policy briefs that recommended that the ADA be the subject of congressional action to correct the damage to the interpretation of definitions restricting the scope of coverage for the law that resulted from Supreme Court decisions. Our series of briefs on that subject, and recommendations for the language that would correct the inequities, eventually resulted in the passage of the

*ADA Amendments Act* which was signed on September 25, 2008. NCD continues to be extremely proactive in assuring that the ADA and related programs that have been established actually serve the purposes intended by Congress to benefit and protect the rights of people with disabilities of all types, and that they are supported and enforced.

Two NCD reports completed in 2007 on the status of the ADA and its implementation include: *Implementation of the Americans with Disabilities Act: Challenges, Best Practices, and New Opportunities for Success* and *The Impact of the Americans with Disabilities Act: Assessing the Progress Toward Achieving the Goals of the ADA*. Additionally, NCD provides an update to the president and Congress each year about the progress in implementing the ADA when the annual *Progress Report* is published. In July, 2010 NCD added to its list of ADA publications with the reprint of *Equality of Opportunity: The Making of the Americans with Disabilities*. Rereleased in conjunction with NCD's National Summit on Disability Policy 2010 that explored the current state of Living, Learning, and Earning for people with disabilities, *Equality of Opportunity* is a reminder of the past and urges NCD and the community to press on with renewed and united sense of purpose to deliver on the ADA's legacy, hope, and promise.

All NCD reports related to the ADA can be viewed at:

[http://www.ncd.gov/newsroom/publications/index\\_subject.htm#1](http://www.ncd.gov/newsroom/publications/index_subject.htm#1)

NCD reports relating to other civil rights are located at:

[http://www.ncd.gov/newsroom/publications/index\\_subject.htm#2](http://www.ncd.gov/newsroom/publications/index_subject.htm#2)

### ***Expand Educational Opportunities***

*President Obama supports educational opportunities for people with disabilities and will expand funding for programs like the Individuals with Disabilities in Education Act (IDEA) that ensure all Americans have access to the tools to succeed. President Obama also supports increased enforcement of IDEA. President Obama also believes in the Elementary and Secondary Education Act and the premise that no child should be left behind when it comes to achieving in school and all children should have access to a high quality public education.*

NCD is in full support of the presidential initiative regarding educational opportunities for people with disabilities. NCD has focused considerable attention on the implementation and enforcement of the federal special education law now known as the Individuals with Disabilities Education Act (IDEA) and that children with disabilities are held accountable like other children through the Elementary and Secondary Education Act (ESEA). In that regard, and since 1989, NCD has issued 12 research reports and four policy papers. Additionally, and with respect to the IDEA, ESEA, and NCD's research work, NCD has also: testified on the subject multiple times to Congressional Committees; a Presidential Commission; the U.S. Commission on Civil Rights; provided numerous briefings to

various Federal agencies; State and Local governments; and, non-profit entities at all levels. NCD's Summit and regional forum also highlighted "Learning" as a major theme that will also be tracked at future forums and similar events for commonalities across the country.

For nearly two decades NCD's work has called attention to civil rights implementation in the education of people with disabilities of all ages—birth through higher education or other postsecondary training. NCD's recommendations for improvement have revealed evidence-based ways to boost opportunities for access, appropriate assessment, and school system accountability for student outcomes. Congressional actions—amending legislation and/or appropriations—and collaborative federal agency education policy, programs, and practices were at the heart of NCD's evaluative reports and papers on the subject of education.

All NCD reports that discuss education are located on the NCD Web site at:  
[http://www.ncd.gov/newsroom/publications/index\\_subject.htm#4](http://www.ncd.gov/newsroom/publications/index_subject.htm#4)

### ***Increase Access to Employment***

*President Obama is committed to expanding access to employment by having the federal government lead by example in hiring people with disabilities; enforcing existing laws; providing technical assistance and information on accommodations for people with disabilities; removing barriers to work; and identifying and removing barriers to employment that people with public benefits encounter.*

Employment continues to be a major concern to people with disabilities, and the situation for this population remains virtually unchanged since the passage of the ADA despite concerted efforts of advocates, policymakers and employers. While the unemployment rate for people with disabilities is more than twice as high as for people without disabilities, of greater concern is the fact that over half of the overall working age population of people with disabilities in this country are no longer in the pool of people seeking employment despite chronic unemployment. This relegates individuals with disabilities in this situation to a life of poverty, and results in a cost of billions of dollars to government at all levels through lost production and the resulting social supports.

NCD reports on employment occur on a regular basis, and during the past three years our agency published employment-related reports on subjects as diverse as the status of youth transition services provided by vocational rehabilitation agencies funded under the Rehabilitation Act and in March 2009, NCD published a report that points out the continuing challenges of increasing the percentage of people with disabilities employed by the federal government. NCD's Summit and regional forum also highlighted



“Earning” as a major theme that will also be tracked at future forums and similar events for commonalities across the country.

NCD reports on the subject of employment can be viewed at:  
[http://www.ncd.gov/newsroom/publications/index\\_subject.htm#6](http://www.ncd.gov/newsroom/publications/index_subject.htm#6)

## INTEGRATED PERFORMANCE INFORMATION

Unlike many larger agencies that provide measurable services to the public or to fellow agencies, NCD measures are difficult to determine because the Council is advisory in nature and does not administer programs. Nevertheless, NCD’s established goals for FY10 are below followed by a summary of the results we attained. Future goals have been established in NCD’s strategic plan and will guide NCD’s actions going forward.

### *Goal 1: Increase Levels of Public Participation and Outreach*

NCD is a deliberative body, providing advice, guidance and counsel to the President, Congress and federal agencies. Some of our most important activities occur when we hold our meetings in various cities and receive public comment, hear local presenters on issues of concern in their community or region and meet stakeholders in the disability community so we can identify best practices and identify needs. Our legislation mandates a minimum of four public face-to-face meetings annually and requires the payment of compensation and travel expense to Members when they are engaged in Council business. To accomplish that mandate NCD conducted four public meetings in FY10:

- Nashville, TN            October 26–28, 2009
- Houston, TX            January 19–21, 2010
- Arlington, VA           May 13, 2010
- Washington, DC        July 28, 2010

Public participation in NCD meetings has increased approximately 48% in the past three years, from approximately 435 in FY09 to approximately 832 in FY10.

FY 2010	Attendance
Nashville, October 2009	46
Houston, January 2010	85
Arlington, May 2010	50
DC, July 2010	707
Total	888
Percentage Increase	48%

In FY11 and FY12 the Council will meet in Washington, DC, so that Members can conduct official business with Congress and the Administration.

A major focus of NCD's work in FY10 was focused on the 20th anniversary of the Americans with Disabilities Act (ADA) by convening a [National Disability Policy Summit](#), which took place July 25–28 in Washington, DC. A diverse group of more than 500 representatives from 49 states plus the District of Columbia, Guam and Puerto Rico convened at the multi-day Summit to launch a national dialogue on disability policies and programs for the 21st century. Attendees were asked to identify emerging opportunities to enhance *Living, Learning and Earning*—the Summit's theme—for people with disabilities. The Summit objectives included identifying opportunities, establishing new mechanisms to improve coordination and implementation, and energizing collaborative networks to enhance living, learning, and earning for people with disabilities.

In FY11 the Council will also conduct several regional forums to gain more direct access to people and knowledge about issues important to community as well as attend various disability related conferences and meetings throughout the country. These forums will continue throughout FY12.

NCD, in partnership with the Bipartisan Disabilities Caucus, held a congressional briefing on its emergency management report on October 13, 2009, at the U.S. Capitol Visitor Center in Washington, DC. The briefing included an overview of the report's findings, promising practices, and suggested interventions and recommendations as well as a question and answer period. More than 25 Hill staffers attended.

On February 5, 2010, NCD initiated its first Tribal Consultation plan to implement Executive Order 13175 as required in Presidential Memorandum of November 5, 2009. Representatives from the Consortia of Administrators of Native American Rehabilitation (CANAR) discussed as communication options face-to-face meetings, teleconferences, correspondences—and outreach to key organizations involving tribal leaders like the National Indian Health Board, National Indian Education Association, and National Congress of American Indians. NCD looks forward to partnering with CANAR as a bridge to meaningful and ongoing consultation about an array of disability policy issues impacting Tribal people, communities, programs, and services.

NCD also maximizes the use of electronic communications in order to advise the public about Council meetings and other activities, and to solicit information from the disability community about issues of concern in their daily lives. For example, NCD sends and receives over 300,000 emails per year. The NCD Web site ([www.ncd.gov](http://www.ncd.gov)) received approximately 5.5 million hits in FY10, with nearly 640,000 distinct visits. Even more significant is the number of NCD reports and papers that were downloaded. During FY10, nearly 600,000 copies of reports and papers were downloaded from the NCD



Web site. NCD decreased its printing costs approximately 27% last year, from approximately \$20,874 in FY09 to approximately \$15,393 in FY10.

Date	Printing and Reproduction
FY10	\$15,393
FY09	\$20,874

In addition, the NCD listserv has over 2,600 subscribers, many of whom share NCD messages, news advisories, and news releases with their own listservs, exponentially increasing NCD's public outreach. NCD's monthly newsletter, *NCD Bulletin*, provides readers with an update on NCD current and future activities and other disability-related items of interest. The newsletter reaches millions of readers when it is published on the NCD listserv, US Newswire and PR Newswire, utilizing the same distribution as NCD news releases and news advisories.

During FY10, NCD published or reissued three extensive policy reports (regarding housing, workforce infrastructure, and the making of the Americans with Disabilities Act), and five policy briefs (regarding the reauthorization of the Workforce Investment Act). NCD also distributed 14 news releases and published seven issues of its news bulletin, which highlights current and future work of NCD. NCD utilizes PR Newswire to distribute its news advisories to major media markets in Washington, DC, and throughout the country. As a result, NCD news items are distributed to every member of Congress and to 3,600 of the world's most widely accessed Web sites, databases, and online services.

During FY10, NCD provided technical assistance and outreach to several foreign delegations who contacted us by electronic mail or telephone. Additionally, NCD met with representatives from Turkey, Sweden, Vietnam, Uganda, Zambia, and Bulgaria.

*Goal 2: Advise the President and Congress about Issues of Importance to the Disability Community through an Annual Progress Report.*

Per our statute NCD releases its *Progress Report* annually to the President and Congress based on research completed during the preceding year. However, in 2010 based on the strategic plan, NCD has started to redevelop the reports contents and did not release a report for FY09. NCD Members strongly believed that the NCD report was ineffective and did not meet the needs of Congress, the President and Administration, or the disability community. The annual report will continue to highlight successes and needs for continuing emphasis on the implementation of Federal laws, rules, and programs affecting the disability community. However, future annual reports

discuss not only the actions of the Council but also to highlight the effectiveness of actions to implement policies, programs, and practices in support of the disability community. Furthermore, such reports will provide a significant discussion of the overall state of the disability community and the policies affecting it based upon the information we develop through use of the strategies envisioned in the strategic plan.

*Goal 3: Review Programs, Practices and Policies of Other Federal Agencies and Provide Recommendations for Improvement.*

While NCD is not a formal monitoring or regulatory/control agency, we have a mandate to periodically review and evaluate programs delivered or administered by other agencies in the federal government to assure that they meet the needs of the community and comply with their congressional mandates. During FY10, NCD published reports about services delivered by the Department of Education, Department of Labor, Social Security Administration, Department of Health and Human Services, Department of Veterans Affairs, Department of Housing and Urban Development, Department of Homeland Security, plus others. During the preparation of these reports, agency staff and a variety of stakeholders were consulted or interviewed to provide the most up-to-date information to the consultants working on the reports. After the reports are published, NCD Members and staff meet with these agencies to determine what follow-up activities are planned to correct any identified deficiencies, or to improve the programs to the benefit of the people with disabilities they serve.

NCD also meets regularly with federal agency partners in an ongoing effort to identify challenges in administering the programs that may require additional NCD research or policy recommendations or to develop new policies or programs that address barriers to participation for people with disabilities. NCD is completing research reports underway that are evaluating programs provided by or making policy recommendations to the Departments of Defense, Health And Human Services, Education, Labor, Commerce (Small Business Administration), Justice, and the Federal Communications Commission.

*Goal 4: Respond to the Needs and Priorities Identified by the Public by Completing Comprehensive Research Reports on Issues of Concern.*

NCD gathers information from the public through a number of means: public testimony at meetings either in person or on toll-free phone lines, electronic mail received on the NCD Web site, letters of concern from members of the public, formal public consultations utilizing the Internet in order to provide advice on reports underway at NCD, information gathered by contractors preparing NCD research reports, interaction between NCD Council Members and staff at conferences and meetings of stakeholder groups, and during sessions where NCD is releasing its research reports.

For a small agency with a modest budget, NCD has commissioned and participated in the preparation of a surprising number of research reports each year. The information gathered during the preparation of these reports and during NCD's periodic meetings is typically used by the Council to develop policy recommendations that are shared with Congress and the president through the more formal avenue of the annual progress report or as needed during discussions about pending legislation.

During FY10, NCD completed or released reports on the following subjects:

- Five 5 topical briefs on WIA reauthorization (vocational rehabilitation; youth transition; one-stops; performance indicators; and system infrastructure)
- Equality of Opportunity: The Making of the Americans with Disabilities Act (Reissued 2010)
- Workforce Infrastructure in Support of People with Disabilities: Matching Human Resources to Service Needs
- The State of Housing in America in the 21st Century: A Disability Perspective
- Special Report, "New Trends in Evacuation Planning For Disabled and Special Needs Patients," Healthcare Security & Safety DIRECTIONS, a Publication of the International Association For Healthcare Security & Safety, Volume 22, Number 4, 2009

NCD plans on decreasing the number of multi-year large research reports it typically writes to focus on the immediate needs of the disability community (which may not ultimately lead to multiyear research projects). NCD wants to learn about "on-the-ground" realities affecting communities and be more agile and timely with our actions. A better understanding of "on the ground" realities will enhance our recommendations. This requires better information about the implementation of existing policies, programs and practices applicable to the full spectrum of the disability community. Therefore, while future products developed by NCD will be different, engagement with the community will follow the same path as outlined above but with greater frequency. As an example, in FY09 NCD commissioned 10 policy briefs/white papers on subjects of concern to people with disabilities to use as discussants and tracks for a 2010 National Summit on Disability Policy in Washington, DC. NCD will use shorter, easy to read, policy briefs, and white papers to transmit information and specific recommendations to Congress, the President and Administration, and the disability community ([http://www.ncd.gov/newsroom/publications/2009/NCD\\_EmergencyManagement.doc](http://www.ncd.gov/newsroom/publications/2009/NCD_EmergencyManagement.doc)).

*Goal 5: Support the Attendance and Participation of Council Members at Meetings and in Activities Where NCD Accomplishments and Outreach Occur.*

The current Council believes strongly that face-to-face interactions with the broad community of disability stakeholders nationwide benefit this agency in two ways: we are able to gather relevant information to guide our reports and activities and we gain

another avenue of dissemination of quality work products or important news of interest to the disability community. To accomplish this, NCD pays for the cost of Members' travel expenses to meetings and conferences and compensates them for the time they spend preparing for and participating in NCD meetings and other activities.

During the last three fiscal years, the NCD budget has funded an increased level of travel and salaries for the appointed Members of the Council. This recognizes the increased involvement of Members in agency operations and a pledge by the Council leadership to meet at geographically dispersed locations throughout the country in order to gather information from our diverse stakeholders. Members or staff have also made presentations at or attended conferences and meetings on subjects of importance to NCD and the disability community several times during FY10, and additional presentations are already scheduled for FY11 including in Minnesota, Oregon, Hawaii, and several other locations. Some of these activities are part of NCD's effort to comply with the congressional mandate as received in the Post-Katrina Emergency Management Reform Act regarding emergency preparedness for people with disabilities, NCD's regional forums, and other subjects of interest include NCD reports on the UN Convention on the Rights of Persons with Disabilities, the implementation health care reform, and the Developmental Disabilities Assistance and Bill of Rights Act.

*Goal 6: Continue to Be Responsible Stewards of Funding Committed to the Support of NCD and Its Activities.*

We understand that costs need to be maintained at a minimal level in order to meet the mission mandates, and the executive director works with other staff and Members of the Council to assure that all controllable costs are minimized and that we make the most effective use of our relatively small budget and staff.

NCD continues to realize additional savings from new operational efficiencies, and Members and staff continually seek out the viability of additional changes to accomplish our important mission at a reduced cost. In FY09, NCD discontinued its practice of mailing reports to the majority of its stakeholders as a cost-saving measure and carried that measure through FY10. NCD continues to follow Congressional mailroom guidelines when distributing publications to each member of Congress on the same day they are published, at no cost except for the messenger service that delivers them to the mailrooms. NCD estimates a cost saving in postage alone of approximately \$1,500 per report. In FY09 printing costs were reduced more than 20 percent through more effective use of the Internet and our Web site as a primary means of report distribution for the public.

NCD has finished each year within budget and with an impressive list of accomplishments. The current economy has resulted in increased costs for air travel to meetings, hotel sleeping rooms and meeting facilities, member and staff salaries and

benefits, and office rent and may begin to affect the amounts that NCD will be forced to pay in order to find qualified contractors willing to produce NCD research reports.

Because NCD is such a small agency, and since our mission requires the ability to gather timely and relevant information regarding disability needs and concerns, we have few opportunities to realize a significant reduction in the cost of supporting this agency's mission. In the past year, we have held some vacant positions open longer than we anticipated, in order to continue funding the research that justifies policy positions established by the Council and to assure that Council Members are able to travel to meetings and conferences. The executive director has been charged with identifying potential savings in a variety of support services that NCD receives from other agencies, and that has become an ongoing effort.

*Goal 7: Continue to Work with the Federal Emergency Management Agency (FEMA) and Others Responsible for Enhancing the Safety and Security of the Nation's Disability Community As Mandated by the Post-Katrina Emergency Management Reform Act.*

The congressional mandate and fiscal support received by NCD have made it possible to call a heightened level of attention to the needs of the disability community in emergencies of any type. Using the funding provided by Congress, NCD held hearings in New Orleans, Louisiana following hurricanes Katrina and Rita, and commissioned a report (released in August 2009) by an outside contractor to review responses to major emergencies by federal, state and local entities and the impact it has had on people with disabilities.

NCD has and will continue to support the travel and participation of NCD Members to make presentations at or attend emergency management conferences, and provided input to major documents published by FEMA. Additionally, each quarterly NCD meeting includes attendance or presentations by local or regional emergency response personnel, as well as people from the disability community within that area, to discuss their experiences, knowledge and preparations for the types of emergency situations most common to that particular region.

NCD Chair, staff and Homeland Security committee members continue to meet periodically with staff of the Federal Emergency Management Agency and their DHS Civil Rights and Civil Liberties counterparts. All FEMA staff members have been invited to participate in NCD quarterly meetings, and several national and regional representatives have attended NCD meetings at locations across the country. NCD is also considering bringing a FEMA Detailee on board to meet requirements outlined in the Post-Katrina Emergency Management Reform Act or hiring a contractor to work on such duties.

## **BACKGROUND**

### **History**

Initially established in 1978 as an advisory board within the Department of Education (Public Law 95-602), NCD was transformed into an independent federal agency by the Rehabilitation Act Amendments of 1984 (Public Law 98-221). NCD consists of 15 Members appointed by the President of the United States and confirmed by the U.S. Senate.

### **Vision**

Disability touches everyone. Of the 291.1 million people in the population in 2005, 54.4 million (18.7 percent) had some level of disability and 35.0 million (12.0 percent) had a severe disability (U.S. Census Bureau Current Population Survey, Americans with Disabilities 2005, Issued December 2008). Most Americans have some experience with disability through their own daily experience or contact with relatives, colleagues or friends who are disabled in some manner. At some point, most Americans will be impacted by some form of functional incapacity or limitation as a normal part of aging.

Americans with disabilities represent a diverse group which includes individuals with physical, sensory and intellectual disabilities. Disabilities vary in terms of severity, longevity, cause and consequences. Some disabilities remain static throughout a person's life while others may have periods of remission or regression.

Through its outreach efforts, in various community venues, and at its quarterly meetings, NCD continues to learn about the impact of disability on individuals, families, and their communities.

On a consistent basis, information about NCD's various findings and policy recommendations are shared through comprehensive research reports, policy briefs, media outreach, our Internet Web site, and a monthly newsletter that receives worldwide attention.

Despite their diverse profile, Americans with disabilities share many common concerns. They face personal, social and economic disadvantages and barriers that hinder their access to the same opportunities as Americans who are not disabled. People with disabilities continue to have lower education levels and to be socially isolated and discriminated against in the workplace. They often face economic hardship in their daily lives and far too many live below the poverty line. People with disabilities from diverse cultures, women in particular, experience greater disadvantages and report higher

incidences of unemployment and poverty. All reports and Council activities planned this budget year will include potential impact on the employment of persons with disabilities.

Americans with disabilities share many common aspirations for themselves and for their country. They want to live in a nation which demonstrates leadership with respect to disability issues; which is sensitive to individual needs; and that ensures that Americans with disabilities have input into the policies, programs and decisions that affect them. They seek to achieve a quality standard of living and support an approach to disability issues that is common to all jurisdictions but sensitive to regional differences and needs. A common desire is a nation that uses legal and other measures to promote social and economic equity and equality of outcomes.

In light of these views, and in keeping with its Congressional mandate, NCD continues to work on research which provides updated information and recommendations about key issues that have a major impact on people with disabilities nationwide. Such research focuses on access to quality health care services, improving postsecondary transitions and vocational rehabilitation, financial incentives related to employment and living independently, modernizing disability indicators and quality of life data, effective educational services and outcomes, and an annual disability progress report. In addition, NCD continues to work on a Congressional mandate, articulated in the Post-Katrina Emergency Management Reform Act of 2006, as enacted by the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295) involving the coordination of key homeland security tasks with the Federal Emergency Management Agency (FEMA).

Throughout all of its work, and in conjunction with its federal partners, NCD aims to foster and support the production, dissemination and application of unique information and sound advice leading to policies that enhance the lives of people with disabilities.

### **Highlights of NCD FY 2012 Budget Submission**

The budget proposed for NCD in FY12 supports critical activities of importance to people with disabilities, while reflecting the commitment of NCD leadership to control costs and increase efficiency of agency operations wherever possible. As a small independent agency, it is necessary for NCD to contract with larger support agencies or contractors for functions accomplished by staff in larger agencies such as payroll, human resources, information technology, and other services. Those support entities have levied annual increases on NCD, since they face the same cost of living issues that NCD faces but have the ability to pass those costs on to their customers. Since it is less expensive to pay for these outside support services as compared to hiring NCD staff for these purposes, paying for such services takes priority over research and other NCD activities.

In order for the agency to carry out its programs in support of the President and Congress' objectives to enhance the independence and economic self-sufficiency for more than 54 million Americans with disabilities and their families, we believe there are several reasons why our mission should be supported at the requested level. It is important to note that this NCD budget request includes anticipated savings for printing, mailing and a minimal required update of NCD office equipment, and we continue to analyze internal processes to identify other potential improvements or savings.

Two line items, Member salaries and travel, reflect the active involvement of NCD Members in all aspects of agency operations, and their commitment to increased public outreach and input at NCD meetings. These costs are reflected in Member salaries and travel, and it is important that this level of involvement continues to be supported.

NCD staff and Council Members have continued to be responsible stewards of taxpayer funds dedicated to improving policies and programs that support and protect people with disabilities. NCD has consistently completed each fiscal year at or below projected budget levels. FY10 expenditures continued that trend.

### **Authorizing Legislation**

NCD 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 NCD into an independent agency and required NCD to provide expert advice to Congress and the Administration. Changes were made to NCD's statutory mandate by the Rehabilitation Act Amendments of 1992 and 1998 and the Education of the Deaf Act Technical Amendments of 1993.

### **Mission Statement**

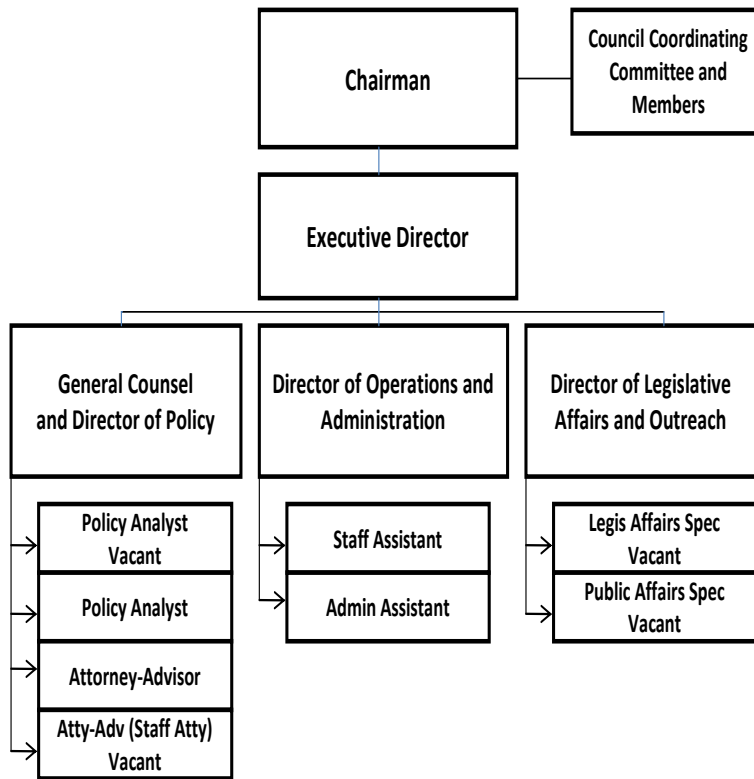
The mission of NCD is to promote the full inclusion, independent living, and economic self-sufficiency of people with disabilities of all ages and backgrounds by providing advice, analysis, and recommendations on disability policy to the President, Congress, and other federal agencies.



# National Council on Disability

## Organizational Chart

February 2011



## **PROPOSED APPROPRIATIONS LANGUAGE**

### **National Council on Disability**

#### **Salaries and Expenses**

For expenses necessary for the National Council on Disability as authorized by Title IV of the Rehabilitation Act of 1973, as amended, \$3,400,000 (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act of 2010; additional authorizing legislation required)

### **ANALYSIS OF LANGUAGE PROVISIONS AND CHANGES**

There are no proposed changes in the appropriations language.

## BUDGET AUTHORITY AND STAFFING BY ACTIVITY

### Salaries and Expenses

	FY 2010 Enacted	FY 2011 Enacted	FY 2012 Requested
Budget Authority	3,271,090	3,336,512	\$3,400,000
FTE	12	12	12
Positions (FTP)	12	12	12

### Available for Obligation

	FY 2011 President's Budget	FY 2012 President's Budget	Net Change
Budget Authority	3,336,512	3,400,000	63,488
Outlays	3,336,512	3,000,000	63,488
FTE	12	12	0
Positions (FTP)	12	12	0

**APPROPRIATIONS HISTORY**  
Salaries and Expense Account  
(Amounts in thousands of dollars)

<u>Fiscal Year</u>	<u>Budget Authority</u>	<u>Fiscal Year</u>	<u>Budget Authority</u>
1980	25	2005	3,344 (6)
1981	205	2006	3,144 (7)
1982	197	2007	3,425 (8)
1983	198	2008	3,059
1984	500	2009	3,206
1985	750	2010	3,271
1986	732	2011	3,336
1987	860	2012	3,400 (proposed)
1988	871 (1)		
1989	1,160		
1990	1,540		
1991	1,439		
1992	1,569		
1993	1,541		
1994	1,690		
1995	1,793		
1996	1,793		
1997	1,791		
1998	1,793		
1999	2,344		
2000	2,391 (2)		
2001	2,615		
2002	2,829 (3)		
2003	2,839 (4)		
2004	3,021 (5)		

1. FY 1988 amount reflects reductions pursuant to Public Law 100-436.
2. FY 2000 amount reflects reductions pursuant to Public Law 106-113.
3. FY 2002 amount reflects reductions pursuant to Public Law 107-206.
4. FY 2003 amount reflects reductions pursuant to Public Law 108-7.
5. FY 2004 amount reflects reductions pursuant to Public Law 108-199.
6. FY 2005 amount reflects reductions pursuant to Public Law 108-447.
7. FY 2006 amount reflects reductions pursuant to Public Law 109-148.
8. FY 2007 amount reflects reductions pursuant to Public Law 110-5 and Supplemental appropriation pursuant to Public Law 109-295.

## CONGRESSIONAL DIRECTIVES

H.R.2206, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007, provided NCD with an additional amount for 'Salaries and Expenses' (\$300,000), to remain available until expended for necessary expenses related to the requirements of the Post-Katrina Emergency Management Reform Act of 2006 as enacted by the Department of Homeland Security Appropriations Act of 2007 (Public Law 109-295). This legislation requires NCD to accomplish specific activities related to homeland security as part of HR 5441.

In 2007, additional legislation was enacted that expanded NCD's responsibility at the interagency level:

S. 294, the Passenger Rail Investment and Improvement Act of 2007, required Amtrak, in consultation with station owners, to evaluate the improvements necessary to make all existing stations it serves readily accessible to and usable by individuals with disabilities and to submit the evaluation to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the National Council on Disability, along with recommendations for funding the necessary improvements. While an initial report was received from Amtrak early in 2009, a requested accessible copy that is readable by NCD Members and staff with vision impairments has yet to be provided.

H.R. 4137, the Higher Education Opportunity Act of 2008, amends and extends the Higher Education Act of 1965 and includes NCD as a member of a newly established Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities.

# FINANCIAL SUMMARY FY 2010 – FY 2012

	FY 2010 Actual	FY 2011 Actual	FY 2012 Proposed
<b>Appropriation</b>	<b>\$3,271,090</b>	<b>\$3,336,512</b>	<b>\$3,400,000</b>
<b>Supplemental Appropriation*</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Enacted Reductions</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Appropriation</b>	<b>\$3,271,090</b>	<b>\$3,336,512</b>	<b>\$3,400,000</b>
 <b>Obligations/Expenses</b>			
Salaries, FTEs	\$1,280,000	\$1,237,843	\$1,282,600
Salaries, Board	\$220,000	\$220,000	\$224,400
Incentive Awards	\$15,000	\$25,000	\$25,500
Leave Payout	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Training	\$0	\$10,000	\$10,200
Subtotal			
<b>Salaries</b>	<b><u>\$1,515,000</u></b>	<b><u>\$1,492,843</u></b>	<b><u>\$1,542,700</u></b>
Benefits	\$318,518	\$316,933	\$323,271
<b>Subtotal Salaries and Benefits</b>	<b>\$1,833,518</b>	<b>\$1,809,776</b>	<b>\$1,865,971</b>
 <a href="#">Travel[1]</a>			
Member Travel	\$99,800	\$100,000	\$100,000
Member Assistant	\$15,000	\$15,000	\$15,000
Staff Travel	\$20,200	\$20,000	\$28,000
Participant	\$5,000	\$5,000	\$5,000
Citibank (Airline Tickets)	\$30,000	\$30,000	\$30,000
Miscellaneous	\$0	\$0	\$0
Hotel	\$110,000	\$110,000	\$112,000
<b>Subtotal Travel</b>	<b>\$280,000</b>	<b>\$280,000</b>	<b>\$290,000</b>
 <b>Rent</b>	<b>\$241,080</b>	<b>\$222,079</b>	<b>\$349,500</b>
<b>Communications</b>	<b>\$80,000</b>	<b>\$80,000</b>	<b>\$50,000</b>
<a href="#">Printing/Reproduction[2]</a>	<b>\$30,000</b>	<b>\$30,000</b>	<b>\$20,000</b>
<b>Contracts</b>			
Program Contracts	\$430,746	\$513,911	\$328,213
Administrative Contracts	\$355,746	\$355,746	\$355,746
Temporary Staff Contracts	NA	NA	\$115,570
<b>Contracts Subtotal</b>	<b>\$786,492</b>	<b>\$869,657</b>	<b>\$799,529</b>
 <b>Supplies</b>	<b>\$20,000</b>	<b>\$20,000</b>	<b>\$20,000</b>
<b>Equipment</b>	<b><u>\$0</u></b>	<b><u>\$25,000</u></b>	<b><u>\$25,000</u></b>
 <b>Total Obligations &amp; Expenses</b>	<b>\$3,271,090</b>	<b>\$3,336,512</b>	<b>\$3,400,000</b>

[1] Transportation costs were detailed in FY2009 between three line items. To improve internal controls, transportation costs were detailed in FY2010 and FY2011 between additional line items. The total expenditures did not increase.

[2] Printing / Reproduction costs decreased due to supporting the Go Green initiative by minimizing the number of printed reports.

## **NARRATIVE JUSTIFICATION**

The National Council on Disability's (NCD) Budget Request for FY12 is in the amount of **\$3,400,000**. A detailed breakdown and justification of this request follows:

### **SALARIES, INCENTIVE AWARDS, LEAVE PAYOUT, AND TRAINING**

#### **A. Full-Time Equivalents/FTEs (OBJECT CLASS 11: PERSONNEL)**

For FY12, NCD requests 12.0 FTEs. This request includes 11 full-time employees (permanent) and the executive director.

At the present time, the chairperson, Members and staff of NCD are members of a number of interagency working groups and advisory committees that require their participation and frequent attendance at meetings in Washington, D.C. Some of these advisory groups and committees include or provide advice to the: Centers for Disease Control and Prevention, Advisory Committee to the National Center for Environmental Health, Disability Tabulations (DISTAB), National Institute on Disability and Rehabilitation Research, Interagency Committee on Disability Research, National Institutes of Health, National Center for Medical Rehabilitation Research, President's Committee for People with Intellectual Disabilities, Substance Abuse and Mental Health Administration, Department of Transportation Interagency Coordinating Committee, and the Homeland Security Interagency Coordinating Committee.

In addition to standing committees and working groups, NCD Members and staff are requested to serve on many disability-related task forces of shorter duration, convene forums, meetings, and listening sessions around the country and speak at meetings and conferences throughout the United States.

Four positions comprise NCD's management team. The Executive Director, manages and coordinates the activities of all staff, has responsibility for fiscal operations, human capital, information technology, continuity of operations and participates in key meetings with federal partners and disability stakeholders at the national level and approves work products of the Council. The General Counsel and Director of Policy, is the principal legal expert at NCD on highly complex and ground breaking areas of disability policy and associated legal and regulatory issues, drafts legislative proposals that have national, state and international impact; prepares briefs and testimony dealing with case law and issues relating to legal precedent based on court decisions; regularly provides advice and assistance to the NCD Executive Director on a wide range of issues affecting the disability community and is responsible for initiating and managing a broad research program and personally conducting analysis on issues relating to disability programs and policies based on the broad direction provided by the Council and the



Executive Director. The Director of Outreach and Legislative Affairs plans, develops, directs, and manages a legislative liaison, public affairs and communications program designed to engage with NCD stakeholders at the Federal, state and local levels, in both the public and private sectors, on issues critical to the disability community. The Director of Operations and Administration serves as the Chief Operations Officer, responsible for providing, securing and/or negotiating for the services needed to manage and run the administrative operations of an independent Federal agency which include budget preparation, funds management, human resources, management analysis, procurement, contract administration, property management, space management, security administration, travel, reports management, data base management and data mining.

Two attorney advisors are responsible for analysis of case law, precedent and other legal documentation relating to disability civil rights laws, monitoring and advising on the legal implications of proposed statutory and regulatory changes, drafting legislation, interpreting the Council's statute, and advising on the legal implications of proposed policies and procedures.

Two policy positions conduct ongoing inquiries into the most pressing problems facing people with disabilities, produce policy reports, draft recommendations, analyze regulations and as assigned responds to legislative or administration /agency/executive branch inquiries.

A legislative affairs specialist serves as a NCD liaison with Members of Congress and their staffs, provides or arranges for testimony and responses to Congressional inquiries and NCD policy briefs and position statements, conducts Congressional staff briefings and helps guide and support NCD's advisory work both with various Congressional committees, subcommittees and caucuses, as well as Executive Branch departments and agencies and tracks important legislation and regulations.

The public affairs specialist is responsible for community engagement, updating and NCD's website, monitoring all media coverage of issues impacting people with disabilities, developing and producing informational materials for the public, developing an agency communications plan, arranging interviews between the media and NCD Members, generating publicity regarding NCD events, with a goal of promoting a high level of public participation in NCD activities.

The operational or support staff members includes two staff assistants who coordinate all administrative processes, including processing member and staff travel expense claims, procurement documentation, contracts, travel and hotel reservations, processing financial documents after management approval, typing, filing, editing reports, mail services, answering telephones and directing callers to the appropriate staff, as well as record-keeping and administrative support across all areas of NCD.

During FY07, NCD began contracting with GSA for the fiscal services previously under the direction of the NCD financial officer.

**B. Salaries: Full-Time Positions (OBJECT CLASS 11: PERSONNEL)**

For FY12, NCD requests a budget of **\$1,282,600** for salary expenses associated with full-time employees. This amount represents the projected cost for an executive director and a total of 11 full-time positions including annual civil service cost-of-living salary increases, step increases, and performance management incentive awards.

**C. Salaries: Board Members (OBJECT CLASS 11: PERSONNEL)**

For FY12, **\$224,400** is budgeted for compensation of the 15 Council Members. NCD Members are paid at an Executive Level IV rate as required by statute. This budgeted amount reflects the prior level of expenditures during FY 2009 and is an indicator of Members being actively involved and familiar with the activities and affairs of NCD.

**D. Incentive Awards/Salary Overtime (OBJECT CLASS 11: PERSONNEL)**

A total of **\$25,500** is budgeted for awards for staff and overtime.

**E. Training (OBJECT CLASS 25: OTHER SERVICES)**

In order for NCD staff to stay current with critical issues facing people with disabilities and to improve their technical skills, participation in training programs is necessary. After training needs are identified in individual staff development plans, training is provided in appropriate content areas such as contract management, computer technology, financial management, supervision, management and other areas. Funding for training is a part of the administrative contracts budget line item. **\$10,200** is budgeted for training purposes in FY12.

**F. Benefits and Other Personnel Compensation and (OBJECT CLASS 11: PERSONNEL)**

A total of **\$323,271** is budgeted for personnel benefits during FY 2012. Personnel benefits are a direct function of the amount of budgeted salary/wages and inclusive of transit subsidy.

**TRAVEL**

**A. NCD Members and Member Assistants (OBJECT CLASS 21: TRAVEL)**

The 15 NCD Members receive, by law, reimbursement of travel expenses associated with the four meetings required annually and with other meetings that NCD may schedule. NCD Members are also reimbursed for travel to meetings, consumer forums, professional conferences, speaking engagements and other official functions where they represent NCD. Because most NCD Members are people with disabilities, it is important to note that additional travel costs may be required for their personal care assistants. The amount of **\$115,000** is budgeted for travel by NCD Members and their personal assistants in FY12.

#### **B. Staff (OBJECT CLASS 21: TRAVEL)**

Staff travel is budgeted at **\$28,000** for FY12. Some staff members travel to NCD forums, listening sessions, and other meetings to provide support, make presentations, and meet the goals set forth in the strategic plan. Additionally, staff members will also participate in various professional meetings and conferences, and make site visits to programs serving people with disabilities which are supported with federal funds. As was previously mentioned under NCD Members' travel, staff members also include people with disabilities who may incur additional travel costs for personal assistants.

#### **C. Participants - Council Advisors/Assistants (OBJECT CLASS 21: TRAVEL)**

NCD is committed to involving leaders in disability policy and research as advisors to participate with NCD in many roles. NCD plans to involve a select number of advisors from across the nation to make presentations on important issues in its scheduled meetings and consumer forums during FY12. NCD will reimburse participants at these meetings for travel and per diem, and **\$5,000** is budgeted for this purpose in FY12.

#### **D. Hotels (OBJECT CLASS 21: TRAVEL)**

Because of the enhanced outreach activities NCD is undertaking, as outlined in the strategic plan, NCD estimates a slight increase in hotel use and costs from FY11 levels.

Furthermore, when NCD hosts meeting in hotels it must ensure that meeting space and public address systems for meetings are accessible to all participants. NCD, in accordance with the Rehabilitation Act, provides interpreters for people who are deaf and hard of hearing, readers for people with visual impairments, and personal care assistants for Members and staff with significant disabilities when NCD events take place at Hotels. The temporary employment, by contract, of such providers is directly related to the nature of the work performed by NCD and to the explicitly stated policy of affirmative action and outreach to which NCD subscribes.

The estimated cost for meeting space rental, readers, interpreters, real-time captioning (CART), personal assistants, and other meeting support costs such as taping services and assistive communication services is estimated to be **\$112,000** for FY12.

## **RENT (OBJECT CLASS 23: RENTAL PAYMENTS TO GSA)**

NCD currently occupies office space at 1331 F Street, NW, in Washington, D.C. Leasing arrangements are coordinated for NCD through the Building Services division of the General Services Administration. It is estimated that during FY12 NCD will be responsible for **\$349,500** in rental payments through its lease, inclusive of any unexpected increases due to tax adjustments, acquiring additional space, and remodeling.

NCD relinquished a portion of its office space in November 2007, dropping rental costs by over \$7,000 per month. However, NCD is in the process of acquiring additional office space to provide room for new hires, contractors, temporary hires, fellows, and interns as discussed in the strategic plan. The new office space would include a conference room to host NCD Board meetings and to facilitate additional meetings with Members of Congress, the Administration, and community stakeholders. The additional conference space would save a minimum of \$5000 per meeting in the Hotel line item when such meetings are held at hotels. However, the current hotel line item has an increase in FY12 owing to Council meetings taking place in DC, which is more expensive than hotels in other parts of the country and per the strategic plan an increased presence of Members and staff at disability related conferences and events throughout the country.

Furthermore, the agency's current lease expires in Calendar Year 2011. This may require NCD to readjust spending priorities to prepare for office relocation at that time in case the rent escalates to a level that is not affordable. In the event that occurs, NCD would be forced to set aside funds currently allocated for program purposes in order to support moving in FY12.

## **COMMUNICATIONS**

A total of **\$50,000** is budgeted for communications, utilities and other costs. A breakdown of such expenses includes:

### **A. Telephones (OBJECT CLASS 23: COMMUNICATIONS, UTILITIES, AND MISCELLANEOUS CHARGES)**

NCD's budget includes an estimated **\$10,000** for electronic communications expenses, including telephone service, during FY12. This estimate is based on historical data as well as costs associated with NCD's need to maintain responsibility for its total

telephone expenditures. This amount also includes the cost of conference calls for Council committee meetings, which is a much more cost-effective method for conducting interim business than bringing various Members together for face-to-face meetings.

NCD's operations require the use of telephones and text telephones for both local and long distance calling to maintain communications with NCD Members, advisors, other agencies, private organizations, and members of the public. The staff and Members provide outreach, information, and referral services.

**B. Communications, including Postage and Delivery (OBJECT CLASS 23: COMMUNICATIONS, UTILITIES, AND MISCELLANEOUS CHARGES)**

NCD maintains regular communications with people with disabilities, agencies, organizations, and with private provider organizations serving people with disabilities. Frequent mailings are also made to NCD Members, advisors, and people interested in disability issues nationwide. NCD distributes its monthly newsletter to over 2,000 individuals and organizations nationwide. Postage is also needed for the dissemination of NCD's reports. In addition, NCD business practices require the use of local delivery and messenger services to ensure prompt and safe delivery of documents to Congress, the White House and other agencies located in Washington, D.C. NCD is requesting **\$20,000** for this purpose in FY12, \$10,000 less than the FY11 amount owing to fewer publications being released and mailed in FY12.

**C. Printing and Reproduction (OBJECT CLASS 24: PRINTING AND REPRODUCTION)**

NCD has budgeted **\$20,000** in FY12 for printing costs. These costs include: a) printing periodic research reports on subjects identified by the Council after input from the disability community nationwide; b) printing a statutorily mandated special report on the status of disability policy to the President and Congress; and c) other public information materials and monographs as required. In addition, it is NCD policy to produce, upon request, materials in braille, large print, compact disc, diskette and on cassette tape to accommodate members of the public who are visually impaired or hearing impaired. Some NCD documents are printed in languages other than English in order to ensure the information is reaching the diverse populations of people with disabilities in this country.

NCD also takes advantage of the cost-effectiveness of increasing the use of emerging technologies for dissemination of information (especially NCD reports) to people with disabilities throughout the world. The budgeted amount is \$10,000 less than the FY11 amount owing to fewer publications being printed in FY12 as they will be made available on-line.

## **CONTRACTS (OBJECT CLASS 25: OTHER SERVICES)**

A total of **\$799,529** is budgeted for contracts. This is a decrease of \$70,128 from the FY11 budget. A breakdown of such expenses includes:

### **A. Program Contracts**

NCD has budgeted **\$328,213** for program contracts in FY12. This is \$185,698 less than the amount budgeted in FY11 owing to the decreased emphasis of producing large multi-year reports.

NCD's priorities are established upon recommendations developed by Council Members and stakeholders and are based upon the goals and objectives outlined in NCD's strategic planning process. Research studies, working groups, white papers, and projects are typically commissioned by NCD when it is necessary to enlist the support of outside individuals and groups who possess expertise not available within NCD itself. While the use external research studies and projects substantially enhances our capability to meet our basic mandate "to provide expert advice" to the Administration and Congress on disability policy issues is also not the entity conducting research studies or retaining expertise once the study is complete. Therefore, NCD will utilize and enhance its policy and legislative staff with contractors to work on site at NCD as well as make sure of fellows and interns.

During the 30 years since NCD was first established, many advances have occurred in civil rights and the creation of quality programs to serve people with disabilities. Despite those advances, there is still room for much improvement in all of these areas and NCD is committed to supporting the quality research that will identify the best alternatives to design and implement even greater advancements during the decades ahead. FY12 NCD activities will help guide Congress and the Administration as they seek the most cost-effective means of supporting such programs and services.

NCD has several projects proposed for completion in FY12 that reflect the interests and concerns that thousands of people with disabilities have brought to the agency's attention. NCD's FY12 initiatives will relate to feedback received from community forums and listening sessions as well as specific outreach to knowledgeable individuals with disabilities and their organizations nationwide which is gathered through multiple means throughout the year. These projects will capitalize upon NCD's ability to play a unique and valuable role in the federal policy process. With the requested budget, NCD will carry out the following proposed projects:

### **Program Contracts: Proposed Projects for FY 2012 NCD Budget**

## **1) Regional Forums on Disability Policy**

\$170,000 is budgeted for four regional forums in FY12 including one that will take place in a tribal community. This estimate is based on historical data as well as costs associated with NCD's FY11 regional forums. The purpose of regional forums on disability policy is to take stock of disability-related achievements "on-the-ground" in communities across the United States in the areas of legislation, best practices, poverty alleviation, civic participation, and asset building, to name a few. The regional forums are designed to highlight legislative, educational, employment, housing, technological, economic, political, and social policies and programs designed to enhance the quality of life of all Americans with disabilities. A facilitation methodology will be used in all large and small group activities, in order to engage forum attendees in identifying best practices and achievements and in determining the way forward. Furthermore, a facilitation methodology allows forum attendees to learn from others in states in close proximity to their own on how to solve similar disability social policy challenges. Regional forums are based upon the 2010 National Summit on Disability Policy.

Throughout the regional forums, people with and without disabilities will be invited to: (a) identify or recommend best practices; (b) present, provide information and share stories about that which is best practice; (c) to explore hopes and a common vision for the future; and (d) explore strategies for transforming approaches to building and maintaining livable communities for Americans with disabilities in their local communities. NCD expects that this framework will result in identification of recommendations regarding disability policy that can be utilized by NCD and other organizations or policy makers for the purpose of enhancing the quality of life and ability of people with disabilities to live independently throughout the country.

As an independent agency, NCD is uniquely positioned to bring the various disability-related government agencies, non-profit stakeholders and professional entities together to address these important topics and the regional forums are the Council's top priority for three fiscal years. The investment by NCD has been leveraged to solicit support and partnerships from many federal agencies, the private sector and the national organizations involved in disability-related services or policy.

## **2) Annual Progress Report to Congress**

In compliance with its authorizing statute, NCD will prepare and submit to the President and the appropriate committees of the Congress a report entitled *National Disability Policy: A Progress Report*. NCD is currently revising our annual progress report and consulting with Congress, the Administration and disability community to determine what they would like to see the report entail and how it should be presented. NCD is budgeting for \$40,000 to carry out this task. This estimate is based on historical data.

### **3) Homeland Security**

As a result of NCD's expertise and concern about the lack of disability involvement in planning or response systems related to emergency preparedness and homeland security, in FY07 Congress appropriated \$300,000 to NCD for accomplishing specific activities that will enhance the ability of the emergency preparedness and response network to meet the needs of people with disabilities in future disasters. Congress initially assigned NCD to carry out nine specific responsibilities to be accomplished with the cooperation of the Federal Emergency Management Agency (FEMA). During FY12 NCD will continue its implementation of congressionally mandated responsibilities under Public Law 109-295. These responsibilities involve the Administrator of FEMA working with NCD and others (e.g., a national advisory council) on at least nine (9) major tasks, including:

1. Appointing a Disability Coordinator;
2. Interacting regarding the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;
3. Completing, revising, and updating, as necessary, guidelines to define risk-based target capabilities for federal, state, local, and tribal government preparedness that will enable the nation to prevent, respond to, recover from, and mitigate against all hazards, including natural disasters, acts of terrorism, and others;
4. Carrying out a national training program to implement the national preparedness goal, National Incident Management System, National Response Plan, and other related plans and strategies;
5. Carrying out a national exercise program to test and evaluate the national preparedness goal, National Incident Management System, National Response Plan, and other related plans and strategies;
6. Establishing a comprehensive system to assess, on an ongoing basis, the Nation's prevention capabilities and overall preparedness, including operational readiness;
7. Establishing a remedial action management program to: (1) analyze training, exercises, and real-world events to identify and disseminate lessons learned and best practices; (2) generate and disseminate, as appropriate, after action reports to participants in exercises and real-world events; and (3) conduct remedial action tracking and long-term trend analysis;



8. Developing, coordinating, and maintaining a National Disaster Housing Strategy; and
9. Developing guidelines to accommodate individuals with disabilities, which shall include guidelines for: (1) the accessibility of communications and programs in, shelters, recovery centers, and other facilities; and (2) the accessibility of devices used in connection with disaster operations, including first aid stations, mass feeding areas, portable payphone stations, portable toilets and temporary housing.

From FY07-10 we have learned some key lessons. First, these tasks require the full-time attention of professional staff members who are familiar with the complexities of FEMA and Department of Homeland Security (DHS) operations across the various levels of government. Second, NCD needs to continue to be proactive in pursuit of its Congressional responsibilities.

As part of our proactive stance to fulfilling our HR 5441 duties, we will undertake a number of activities.

- NCD will gather and share information and best practices about emergency preparation, disaster management, and disaster recovery and disaster relief particularly, but not exclusively, incidents that are deemed national emergencies. NCD will routinely contact local disability organizations and emergency personnel to ask how specific disaster and emergency responses impacted people with disabilities and what were the lessons learned. NCD will also identify via media or other methods, people with disabilities in disasters and contact them for input. As part of this effort, NCD will request and work with the network of federally funded ADA & Information Technology Centers in an effort to gather and supply information about state policies regarding ADA compliance and promising practices in serving people with disabilities during and after disasters;
- NCD will continue to learn from stakeholders at various NCD events with specific information-gathering activities to be framed generally by NCD's work and Post-Katrina Act responsibilities;
- NCD will devote time at every public meeting to gain targeted information from local and regional disability and emergency communities regarding serving people with disabilities in disasters;
- NCD will incorporate homeland security issues (i.e., Post-Katrina Act task defined issues) as a "strand" within all applicable NCD projects and reports

including the NCD Annual Progress Report. Examples include reports scheduled to be completed in 2009 regarding infrastructure and housing; and

- NCD will continue its interaction with national disability organizations (e.g., Consortium for Citizens with Disabilities Homeland Security Task Force), encouraging these organizations to gather information from constituents and sharing progress.
- NCD will continue to support the travel and participation of NCD Members to make presentations at or attend emergency management conferences, and provided input to major documents published by FEMA.
- NCD Chair, staff and Homeland Security committee members will continue to meet periodically with staff of the Federal Emergency Management Agency and their DHS Civil Rights and Civil Liberties counterparts. All FEMA staff members have been invited to participate in NCD quarterly meetings, and several national and regional representatives have attended NCD meetings at locations across the country.
- If needed, NCD will bring a FEMA Detailee on board to meet requirements outlined in the Post-Katrina Emergency Management Reform Act or hire a contractor to work on such duties.
- NCD will consider hosting a national conference to include disability and emergency preparedness leaders to discuss best practices and policy for enhancing the level of preparedness for the disability community, at the national, regional, state and personal levels and regional conferences thereafter to discuss the unique emergency response needs of communities across the country.

As stated above NCD received \$300,000 from the Post-Katrina Emergency Management Reform Act of 2006 to carry out these activities and of the \$300,000 has \$157,762 remaining to undertake the activities above. NCD is also budgeting \$40,000, to assist with carrying out the activities described above.

#### **4) United States National Human Rights Institution**

If the United States should ratify the Convention on the Rights of Persons with Disabilities (CRPD), which was recently signed by President Obama, the CRPD will require a U.S. National Human Rights Institution (NHRI) be created to monitor its implementation. From our analysis, the U.S. does not have a precise body that fits the criteria of what is intended by the CRPD regarding an NHRI. NCD would commission a

paper to examine what would be required to create this type of institution and what its structures and body would consist of.

National Human Rights Institutions (NHRIs) are defined broadly as independent bodies established by the national government for the specific purpose of advancing and defending human rights at the domestic level. As a rule, these institutions have on-going advisory authority with respect to human rights at the national and/or international level. These purposes are pursued either in a general way, through opinions and recommendations, or through the consideration and resolution of complaints submitted by individuals or groups. There are several different types but all share the following characteristics:

- \*They are expected to work independently from the government, yet be established in the national Constitution or by a law that clearly sets out its role and powers. Its mandate should be as broad as possible.

- \*They need to cooperate with a range of social and political groups and institutions, including non-governmental organizations and judicial institutions, professional bodies and government departments.

- \*They need to contribute to the implementation of international human rights standards by acting as guardians, experts and teachers of human rights. They promote teaching and research on human rights and organize public awareness and education programs.

- \*Their work must be public.  
(Reference: *The Paris Principles*)

NCD's paper will address what the requirements are to gain accreditation as an NHRI with the UN High Commissioner on Human Rights. How does the International Coordinating Committee of National Human Rights Institutions make its ultimate determination after an application is submitted? In "Assessing the Effectiveness of National Human Rights Institutions," the Office of the United Nations High Commissioner for Human Rights states "Appointment mechanisms are one of the most important ways to guarantee the independence, diversity and accessibility of NHRIs. Direct appointment by the executive branch of government is undesirable. Processes should be open and transparent." (Reference: *International Council on Human Rights Policy*).

Another consideration before seeking this status would be the possible scrutiny of the U.S. State Department. The State Department is generally responsible for monitoring human rights abuses, although the focus is mainly abroad. "Supporting Human Rights and Democracy: The U.S. Record" is a report submitted to the Congress by the Department of State in compliance with Section 665 of P.L. 107-228, the FY03 Foreign

Relations Authorization Act, which requires the Department to report on actions taken by the U.S. Government to encourage respect for human rights. This submission complements the longstanding Country Reports on Human Rights Practices, and takes the next step, moving from highlighting abuses to publicizing the actions and programs the United States has employed to end those abuses. These reports do not; however, appear to address human rights abuses in the United States. U.S. NHRI status would play a key role in holding Governments accountable locally to their international legal obligations in the field of human rights, including the Convention on the Rights of People with Disabilities. NCD's paper will examine how a U.S. NHRI would work with the State Department on these issues, and answer the question "How will it meet those obligations with respect to the CRPD?"

NCD is also budgeting \$33,213 to address this issue. This estimate is based on historical data as well as costs associated with writing similar reports.

## **5) Other Activities**

In order to meet the immediate needs to the community as described in the strategic plan, NCD needs to remain flexible and needs to reserve funds to address yet to be identified needs. Therefore, NCD is reserving \$45,000 to address those yet to be identified concerns. Activities could include: developing a databases of federal, state, tribal and local level policy makers and advocates to keep people informed about important policy issues, launching a webinar series on priority policy issues identified by the community, launching a short paper series analyzing disability policy issues on topics consistent with priorities identified by the community, host a hearing (or use similar techniques) on policy challenges or issues based on priorities identified by the community.,

## **B. Administrative Contracts**

A total of **\$355,746** is budgeted for administrative support contracts, which includes two GSA services contracts.

### **1) Support Service Contracts**

As a small independent agency, NCD must contract with multiple agencies or private vendors for many of the services performed in-house by staff at larger agencies. These contracts cover items such interpreting services, real-time captioning, printing, personal assistance services, information technology, web hosting, news services, mailing services and auditing. NCD has budgeted \$199,222 for these services.

### **2) GSA Services Contracts**

NCD is authorized by statute to contract with the General Services Administration (GSA) Administrative Liaison Division and their Kansas City Heartland office for technical and administrative assistance. The contract requires GSA assistance to NCD for payroll, legal consultation, human resources, building and accounting services. The contract with the Office of the Chief Financial Officer in Kansas City for payroll services is \$43,639 per year and the contract with GSA's Agency Liaison Division is \$112,885 per year for fiscal and human resource services.

### **C. Temporary Staff Contracts**

NCD has budgeted **\$115,570** for temporary staff contracts in FY12. Utilizing temporary staff will allow NCD to address current staffing shortages quickly while we simultaneously work to fill permanent full-time positions. We foresee continuing to need temporary staff to help meet NCD's large policy and legislative mandate, but we hope to reduce this line item in FY13 with the goal of having all permanent positions filled and by utilizing interns and fellows.

### **SUPPLIES (OBJECT CLASS 26: SUPPLIES, MATERIALS AND PUBLICATIONS)**

NCD's budget includes **\$20,000** for the purchase of supplies and materials for FY12. The amount includes supplies for mailing and copying, and ordinary office supplies such as paper, pens and pencils. Also budgeted are funds for the purchase of computer software, library materials, and subscriptions to relevant scientific, technical and policy-oriented publications. NCD subscribes to various electronic information services in order to provide Members and staff current technical information. The cost for these services is included in this category.

### **EQUIPMENT (OBJECT CLASS 31: EQUIPMENT)**

As the only independent agency in the federal government with sole responsibility to provide expert advice on disability policy, it is essential that NCD serve as a model for others by ensuring that all of our work is accessible to people with any type of disability. In order to ensure full access for the public, Members and staff with disabilities, we routinely purchase the latest software, office equipment, and share procedures with our peers from other agencies to improve the overall accessibility of the information and assistive technology used within the federal government. Many of those purchases are made under the heading of supplies or miscellaneous, as a small agency does not require the technology needed to protect large, complicated databases as found in larger agencies where confidential information may be retained.

NCD is requesting expenditures of **\$25,000** under this category in FY12, which will be used to acquire additional staff computers and software for the additional full-time and part-time staff as well as fellows, interns, and contractors. This expense also covers the

labor cost of the contractors who will install the new equipment and updated software. This equipment will allow us to accommodate the needs of employees with disabilities, to comply with federal agency rules regarding information technology security and to be ready for implementing our plan for Continuation of Operations as preparation for homeland security events or other service disruptions.

## **NCD QUARTERLY MEETINGS**

As required by Section 400(3) (c) of the Rehabilitation Act of 1973, as amended, NCD will meet on four occasions during FY12 in Washington, DC.

Additional meetings may also be held via teleconference, but none have been scheduled thus far.

### **Public Participation at NCD Quarterly Meetings**

Public participation at NCD meetings has risen dramatically since FY06 and has continued through FY10. As an example, only three participants attended NCD's quarterly meeting in October 2006 (Washington, DC) with one person delivering public comments. At a recent quarterly meeting in March 2009 in Washington, there were 130 participants and about 25 public comments. Over 70 of our stakeholders also participated in an NCD-sponsored reception for leaders in the local disability community. For all of FY10, about 835 people attended NCD meetings.

**NATIONAL COUNCIL ON DISABILITY**  
**Members**  
(as of February 14, 2011)

<u>Name</u>	<u>Confirmation</u>	<u>Expiration*</u>	<u>Reconfirmed</u>	<u>Expiration*</u>
1. Jonathan M. Young, Chairperson	3-19-10	9-17-12		
2. Fernando Torres-Gill, Vice Chairperson	3-19-10	9-17-11		
3. Linda Wetters, Vice Chairperson	11-14-02	9-17-03	11-20-04	9-17-06
4. Pamela Young-Holmes	9-29-10	9-17-13		
5. Chester Alonzo Finn	3-19-10	9-17-12		
6. Dongwoo Joseph Pak	3-19-10	9-17-12		
7. Ari Ne'eman	6-22-2010	9-17-12		
8. Lonnie Moore	6-22-07	9-17-08	10-2-08	9-17-11
9. Sara Gelser	3-19-10	9-17-11		
10. Marylyn Howe	6-22-07	9-17-08	10-2-08	9-17-11
11. Carol Jean Reynolds	3-19-10	9-17-10		
12. Victoria Ray Carlson	8-3-06	9-17-07	10-2-08	9-17-10
13. Gary Blumenthal	3-19-10	9-17-10		
14. Vacant				
15. Vacant				

\*Note: NCD members serve until replacements are confirmed.