

NATIONAL COUNCIL ON DISABILITY

An Independent Federal Agency

FISCAL YEAR 2011 BUDGET JUSTIFICATION



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INTRODUCTION

Following is the National Council on Disability's (NCD) budget justification for Fiscal Year (FY) 2011. NCD is requesting a total budget authority of \$ 3,336,512. That amount will allow the Council to operate at its current level while supporting the required increases in staff salary and benefits, as well as the step increases levied by federal support agencies that are based on the federal cost-of-living allowance. This amount will still 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.

The Council's FY 2011 budget request of \$3,336,512 represents a two (2) percent increase over the agency's 2010 appropriation. The funding requested for FY 2011 will provide NCD with the resources necessary to carry out our congressionally mandated responsibilities including to:

1. Hold a minimum of four Council meetings each year;
2. Prepare and submit to the President and the appropriate committees of the Congress a report entitled *National Disability Policy: A Progress Report*;
3. Carry out nine responsibilities with the Administrator of the Federal Emergency Management Agency (FEMA) as prescribed 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);
4. 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;
5. Gather information about the implementation, effectiveness, and impact of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);
6. 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;
7. 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;

8. Conduct research and studies in order to review and evaluate the policies and programs of various federal agencies providing services to people with disabilities; and
9. 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.).

NCD has a unique mission compared to the many federal agencies that provide some type of services or protections to the disability community. 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 result 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. Our mission, 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, is conclusive of the needs of over 50 million people in this country.

In order for the Council to set priorities before investigating and 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 completing one or more reports on a subject and making numerous recommendations to Congress, the President and the federal agencies that are responsible for related programs.

One good example is the Council's recent work regarding employment of people with disabilities. Establishing the need for a focus on employment was not a difficult choice, since the most recent report from the US Census Bureau indicates that over 54 million people have some type of disability, and over 22 million people have a severe disability (from the U.S. Census Bureau Current Population Survey, Americans with Disabilities 2005 (Issued December 2008)). More than two-thirds (69.3 percent) of people with a severe disability were not employed, compared with 24.8 percent of people with a non-severe disability and 16.5 percent of people with no disability. (<http://www.census.gov/prod/2008pubs/p70-117.pdf>) Further, the Bureau of Labor Statistics has begun tracking employment data on people with disabilities on a monthly basis. In November, 2009 the unemployment rate of persons with a disability was 14.1 percent, compared with 9.2 percent for persons with no disability, not seasonally adjusted. The employment-population ratio for persons with a disability was 18.4 percent, compared with 64.0 percent for persons with no disability (<http://www.bls.gov/cps/cpsdisability.htm>).

That 22 million working-age individuals with a disability represents one-eighth of all working-age Americans (Cornell RRTC 2006). Among those who are employed, there is

a further gap in earnings: Median annual earnings for full-time, year-round workers is \$30,000 for workers with disabilities, compared with \$36,000 for workers without disabilities (Cornell RRTC 2006). These employment and earnings gaps are a substantial public policy concern. A lack of employment opportunities limits the ability of many people with disabilities to fully participate in society, as employment plays a number of important roles in the support of the self-sufficiency of these individuals. People with more significant disabilities face even greater hurdles when seeking employment. This data, which has not improved over time, has led the Council to produce 10 reports that are related to employment, including five that were published from 2005 – 2009. (http://www.ncd.gov/newsroom/publications/index_subject.htm#6).

NCD has also pointed out that our society needs to continue to seek out the best solutions for reducing reliance on benefit programs for those who should be employed (see NCD's Social Security Report, the *Social Security Administration's Efforts to Promote Employment for People with Disabilities* <http://www.ncd.gov/newsroom/publications/2005/ssa-promoteemployment.htm>), and also needs to enhance the ability to live independently so higher-cost "institutional" care can be avoided in every stage of life. NCD research into such issues will continue to identify and recommend enhancements to the programs that can make such improvements a reality.

NCD has also pointed out that our society needs to continue to seek out the best solutions for reducing reliance on benefit programs for those who should be employed, and also needs to enhance the ability to live independently so higher-cost "institutional" care can be avoided in every stage of life. NCD research into such issues will continue to identify and recommend enhancements to the programs that can make such improvements a reality.

NCD has been prolific in producing timely information critical to improving the delivery of programs to people with disabilities. Our series of research reports (<http://www.ncd.gov/newsroom/publications/index.htm>) studying the broad array of disability-related laws and programs 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. 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 can be found in the requirement that NCD meets in person a minimum of four times per year.

Since FY 2007, as part of a strategic 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 repeated invitations for Council members or staff to present NCD findings through conference presentations, Internet web casts, and policy briefings.

In addition to the mission-related expenses described above, NCD must fully fund its operational support and office rental 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 FY 2006. The cost of NCD's rental of office space was increased by about \$60,000 during that same period but, thanks to staff reductions and remodeling, we have been able to surrender 28% of our office space to make a greater proportion of our funding available for program purposes. 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. We have also reduced staffing, will postpone filling vacancies then will fill them at lower salary grades when possible, and are continually seeking methods to improve efficiency. 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 continue conducting research on several issues 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 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).

Our entire program contracts budget, which supports five to eight comprehensive projects and/or research reports each year, 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/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.

In 2011, 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.” In an environment where the needs of the community are constantly growing, along with the fiscal pressures accompanying those changes, NCD must be well-situated to conduct research and support activities that will enable it to assist the nation in charting its course in addressing these needs. NCD’s FY 2011 initiatives capitalize upon our agency’s ability to play a unique and valuable role in the federal policy process. With this requested budget, NCD will continue to strengthen the linkage between the Administration, Congress, and the growing but often overlooked constituency of 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 the disability 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 FY 2011 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

Strengthen Access to and Improving the Quality of Health Care

President Obama has placed comprehensive health reform at the top of his domestic policy agenda. This means providing all Americans with stable and reliable access to quality and affordable health care. He will work with Congress to build on what works—including strengthening Medicaid and Medicare, programs that are of particular importance to people with disabilities.

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. A landmark report released by NCD on September 30, 2009 covered the disparities in health care that impact people with disabilities, and proved to be of great interest to those who are working on ensuring that legislation concerning health care reform appropriately addresses the needs of this important segment of the population.

All NCD reports that discuss access to healthcare for people with disabilities are located at: http://www.ncd.gov/newsroom/publications/index_subject.htm#7

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 the Money Follows the Person (MFP) initiative, which is both cost effective and humane.

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 which was published in January 2010, and a subsequent research report on the subject of housing is being proposed for FY 2011 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.

Protect Civil Rights

The Americans with Disabilities Act (ADA) is a landmark law that has done much to protect people with disabilities from discrimination. However, President Obama will 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.

Most recent reports on the status of the ADA and its implementation include two reports completed in 2007: *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.

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

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.

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 Improvement Act (IDEIA). In that regard, and since 1989, NCD has issued 11 research reports and four policy papers. Additionally, and with respect to the IDEIA 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.

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

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 reports on the subject of employment can be viewed at:
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 is restricted by our authorizing legislation to a limited number of activities related to disability policy and programs provided by other federal entities. Following are the goals NCD established in FY 2008 which have been continued for FY 2009 and 2010, followed by a summary of the results we have already attained:

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 quarterly 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, during FY 2010 the Council is meeting in Nashville, Tennessee, Houston, Texas, Detroit, Michigan and Washington, DC. Meeting locations for FY 2011 have not yet been established, but will continue the past record of geographic distribution and access for the public.

One of our goals for FY 2009 was to increase our outreach to the public as demonstrated by increased public participation at NCD meetings and through the other vehicles we use to gather information. While we set a goal for FY 2008 of a 30 percent increase in participation and comments received at meetings over fiscal year 2007, that participation increased by over 70 percent during the year. The following table illustrates the continuing increase in participation and public comments received at NCD quarterly meetings:

FY 2007	FY 2008	FY 2009
223 Attending 47 Public Comments	388 Attending 106 Public Comments	435 Attending 89 Public Comments
Base year	70% increase	82% increase

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) receives about 11 million successful “hits” per year. We think this is

significant for such a small agency. Even more significant is the number of NCD reports and papers that are downloaded each year. During FY 2009, over 600,000 copies of reports and papers were downloaded from our Web site, which is an increase of 30,000 downloads over FY 2008. This represents a savings to NCD (and the taxpayer) of approximately \$1.8 million in printing, handling and mailing costs. In addition, the NCD listserv now has more than 2,500 subscribers. Many of those subscribers share NCD messages, news advisories and news releases with their own listservs, exponentially increasing our public outreach.

NCD works closely with media sources around the world. This symbiotic relationship helps spread much-needed information about people with disabilities and issues related to disability policy to every corner of the globe. News stories on NCD issues and the reports it releases to the president and Congress are frequently published in the United States and in the international press. During the fiscal year, NCD published eight reports, 12 issues of the monthly bulletin, distributed 21 news releases and there were 108 media placements of news items related to NCD. Several editorials and opinion pieces were also disseminated about the release of NCD publications.

In addition, NCD utilizes US Newswire and PR Newswire to distribute its news releases and news advisories to major media markets in Washington, DC, and throughout the country. As a result of this relationship, NCD news items are also distributed to every member of Congress and 3,600 of the world's most widely accessed Web sites, databases and online services, including AOL, Google and Yahoo. Readership is in the millions. 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 FY 2009, NCD provided technical assistance and outreach to several different foreign delegations who contacted us by electronic mail or telephone. Additionally, NCD met with representatives from Ireland, Bahrain, Jordan, Morocco, Lebanon, Oman, Syria, Korea, Russia, Bhutan, Vietnam, Afghanistan and India.

During the year, NCD held two public consultations that were advertised on our Web site and designed to gather specific information about homeland security concerns or to help guide the drafting of our annual progress report, which was released to the president and Congress early in 2009. The homeland security consultation resulted in almost 70 comments, and the public consultation for the progress report (about any issue of concern) resulted in over 400 comments which were available for review by the NCD committee members, staff and the consultants responsible for drafting these reports.

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

NCD released its *Progress Report* to the president and Congress early in 2009, based on research completed during the preceding year. That report highlighted issues of importance to people with disabilities, and catalogued several positive changes in policy and programs that benefited the disability community nationwide. The progress report delivery was followed by meetings with executive managers of the federal agencies responsible for the programs discussed in the report.

The progress report for the current year is being completed at this time, and will be published in February 2010. In addition to the annual *Progress Report*, copies of all NCD reports and research papers are also provided to the president and Congress upon the date of publication.

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 FY 2009, NCD published reports about services delivered by the Department of Education, Department of Health and Human Services, Department of Homeland Security, Veterans Affairs, Department of Labor, Equal Employment Opportunity Commission and Department of Transportation, 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. NCD has current research reports underway that are evaluating programs provided by the Departments of Housing and Urban Development, Education, Homeland Security, Veterans Administration, Defense, and Health And Human Services. The annual progress report evaluates services provided to people with disabilities by all federal agencies.

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 quarterly 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 commissions and participates 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 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 FY 2009, NCD completed, released or initiated reports on the following subjects:

- Healthcare Disparities Impacting People with Disabilities
- Veterans' Healthcare Provided by the Department Of Defense and VA Healthcare Systems (focusing on TBI and PTSD)
- Rehabilitation Act Programs and Youth Transition
- Homeland Security and People with Disabilities
- Annual Progress Report to the President and Congress
- Housing Programs and People with Disabilities
- Progress Report on the Implementation of the Developmental Disabilities Assistance and Bill Of Rights Act
- Future Needs for Workforce Infrastructure to Serve the Disability Community
- Policy Paper on the Federal Employment of People with Disabilities
- Accessibility of US-Based Overseas Development Programs and Facilities
- Digital Media and People with Disabilities
- United States Marine Corps Exceptional Family Members: How to Improve Access to Health Care, Special Education, and Long-Term Supports and Services to Family Members with Disabilities

NCD recently commissioned the completion of 10 Policy Briefs or White Papers on subjects of concern to people with disabilities to be used as discussants and tracks for a 2010 National Summit on Disability Policy in Washington, DC. That summit is a top priority for the Council, and will include 300 leaders and consumers from the disability community nationwide who will meet in the nation's capital at the time of the 20th anniversary of the Americans with Disabilities Act. Their primary purpose will be to recap significant events and achievements from the past 20 years, and to develop policy recommendations that will enable the United States to maintain a leadership role in the provision of policies, practices and services that benefit all people with disabilities.

These types of research reports and activities are not valuable unless they are used by the applicable administering agencies, or even Congress in some cases, to bring about positive change or modify existing programs to benefit those they are supposed to serve. All NCD reports include recommendations for actions that can be taken by the applicable agencies or by Congress to correct any deficiencies in the programs discussed.

The seven research reports and papers released by NCD in FY 2009 contained 282 such recommendations, and there were an additional 248 “interventions” outlined in the recent NCD homeland security report.

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, members must be paid for their travel to meetings and conferences, as well as for the time they invest in preparing for and participating in NCD meetings and other activities.

During the last two 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 outside the Beltway. 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 FY 2009, and additional presentations are already scheduled for FY 2010. 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, and other subjects of interest include NCD reports on employment, the UN Convention on the Rights of Persons with Disabilities, the implementation of the Americans with Disabilities Act, and transportation for people with disabilities.

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.

To help accomplish that, from 2007 to 2009 the following cost reductions were realized:

1. Reduced office space leased from GSA by 28% to reduce rent expense.
2. Eliminated one full-time position through a Reduction In Force to reduce expense.
3. Vacant general counsel and financial manager positions have been downgraded to administrative support and policy positions at lower grade levels.
4. NCD is contracting with GSA for legal, human resources and financial management/support services at a cost savings compared to providing these services with staff in past years.

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. At the beginning of FY 2009, NCD discontinued its practice of mailing reports to the majority of its stakeholders as a cost-saving measure. NCD now uses the rules of the House and Senate mail rooms to have its publications distributed 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. Printing costs for FY 2009 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, 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 to produce our research reports, 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 has held hearings in New Orleans, Louisiana following hurricanes Katrina and Rita, and commissioned a report by an outside contractor to review recent responses to major emergencies by federal, state and local entities and the impact it has had on people with disabilities. That report was released in August 2009 and distributed nationwide to widespread acclaim.

During the past year, the NCD Chair, staff and Homeland Security committee members have met 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.

In addition to the above, NCD has supported 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 recently completed an extensive report on the subject of emergency management and people with disabilities. That report, *Effective Emergency Management: Making Improvements for Communities and People with Disabilities*, is available on the NCD Web site and was supported from funds allocated to NCD by Congress for this purpose: http://www.ncd.gov/newsroom/publications/2009/NCD_EmergencyManagement.doc

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. (From the 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. Public participation in NCD meetings has increased approximately 40% in the past three years, from 223 in FY 2007 to 435 in FY 2009, and reports posted on our Web site are downloaded thousands of times by members of the disability community around the world. There are consistent messages being shared about NCD findings 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 reports which provide updated information and recommendations about key issues that have a major impact on people with disabilities nationwide. These reports focus 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 2011 Budget Submission

The budget proposed for NCD in FY 2011 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. 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 cheaper 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 support of 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 reflect the active involvement of NCD members in all aspects of agency operations, and their commitment to increased public outreach and input at quarterly meetings. These costs are reflected in member salaries and travel, and it is important that this level of involvement continues to be supported.

One of the items listed in Program Contracts is a project that represents a top priority for the Council. The Council has invested the amount of \$400,000 over three budget years to support a National Summit on Disability Policy, which will expand on a similar event that NCD supported in 1996. The contract for support of that event was signed in FY 2008, as it is a three-year commitment given top priority by the Council. Detailed information about this national summit is available in the Program Contracts section of this budget proposal. To fund that project while continuing to support other important research, NCD has realigned or reduced other costs where possible.

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. FY 2009 expenditures continued that trend.

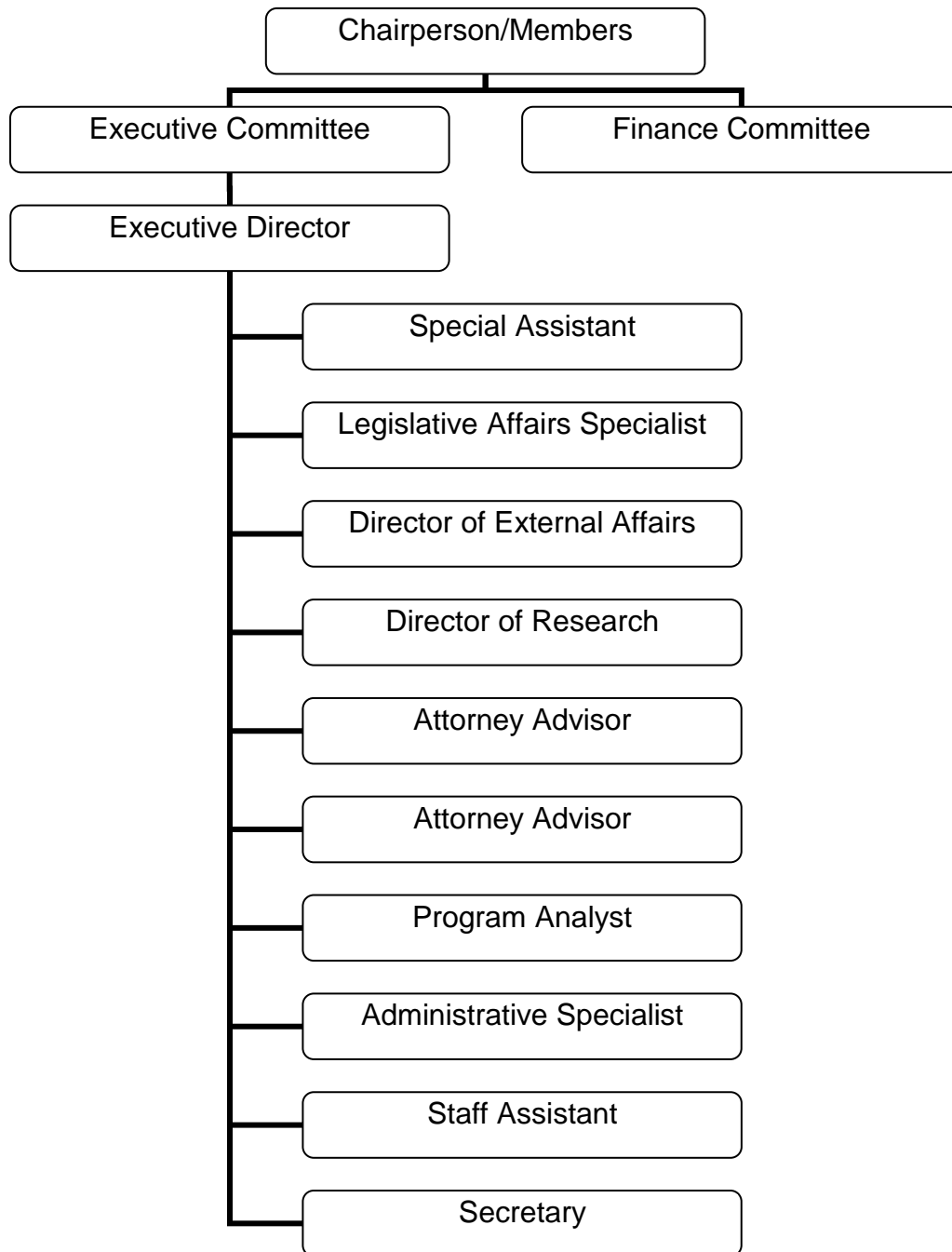
Authorizing Legislation

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



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, \$3,336,512 (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 2009 Enacted	FY 2010 Enacted	FY 2011 Requested
Budget Authority	3,205,937	3,271,090	\$3,336,512
FTE	12	12	12
Positions (FTP)	12	12	12

Available for Obligation

	FY 2010 Enacted	FY 2011 President's Budget	Net Change
Budget Authority	3,271,090	3,336,512	65,422
Outlays	3,271,090	3,336,512	65,422
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 (proposed)
1987	860		
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.

FINANCIAL SUMMARY
FY 2009 – FY 2011

	FY 2009 Actual	FY 2010 Actual	FY 2011 Proposed
Appropriation	\$3,205,937	\$3,271,090	\$3,336,512
Supplemental Appropriation*	\$0	\$0	\$0
Enacted Reductions	\$0	\$0	\$0
Net Appropriation	\$3,205,937	\$3,271,090	\$3,336,512
Obligations/Expenses			
Salaries, Full Time	\$1,238,797	\$1,280,000	\$1,218,972
Salaries, Board	\$200,000	\$220,000	\$220,000
Incentive Awards	\$24,776	\$15,000	\$25,000
Leave Payout	\$0	\$0	\$0
Training			\$10,000
Subtotal Salaries	<u>\$1,463,753</u>	<u>\$1,515,000</u>	<u>\$1,453,972</u>
Benefits	\$311,639	\$318,518	\$316,933
Travel			
<i>Member Travel</i>	\$243,000	\$99,800	\$100,000
<i>Member Assistant</i>	\$11,200	\$15,000	\$15,000
<i>Staff Travel</i>	\$25,200	\$20,200	\$20,000
<i>Participant</i>	\$0	\$5,000	\$5,000
<i>Citibank (Airline Tickets)</i>	\$0	\$30,000	\$30,000
<i>Hotel</i>	\$0 ¹	\$110,000	\$110,000
Subtotal Travel	\$280,000	\$280,000	\$280,000
Rent	\$240,168	\$241,080	\$222,079 ²
Communications	\$80,000	\$80,000	\$80,000
Printing/Reproduction	\$90,000	\$30,000	\$30,000
Contracts			
Program Contracts	\$479,845	\$430,746	\$513,911
Administrative Contracts	\$328,212	\$355,746	\$355,746
Supplies	\$22,500	\$20,000	\$20,000
Equipment	\$0	\$0	\$25,000
Total Obligation/Expenses	\$3,205,937	\$3,271,090	\$3,336,512

¹ Prior to FY 2010, hotel costs (including meeting-related costs) were included with member and staff travel.

² Partial: Lease expires September 10, 2011

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.

NARRATIVE JUSTIFICATION

The National Council on Disability's (NCD) Budget Request for FY 2011 is in the amount of **\$ 3,336,512**. A detailed breakdown and justification of this request follows:

OBJECT CLASS 11: PERSONNEL

A. FTEs

For FY 2011, NCD requests 12.0 FTEs. This request includes 11 full-time employees (permanent) and the executive director. Please note that NCD has voluntarily reduced one FTE since FY 2007, is planning to reduce one more, and has filled two vacant positions at lower salary grades in an effort to conserve resources.

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, and to speak at meetings and conferences throughout the country.

Seven policy positions comprise the majority of NCD staffing. Two attorney advisors are responsible for research and analysis of regulations, 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. One other position, a director of research, conducts ongoing inquiries into the most pressing problems facing people with disabilities, produces policy reports and draft recommendations, tracks important legislation, and monitors disability policy issues. One position, a program analyst, assists other policy team staff in seeking out information that will help them with their work including in the preparation of research reports. All of these personnel maintain and expand interagency relations through their joint development and evaluation of well-coordinated disability policy, and

provide programmatic information and referral services. The fourth position is a legislative affairs specialist to help guide and support NCD's advisory work both with various Congressional committees, subcommittees and caucuses, as well as Executive Branch departments and agencies.

The sixth position is a director of external affairs responsible for 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 seventh position is the executive director, who 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 operational or support staff members include a special assistant/supervisor of administration who coordinates all administrative processes, an administrative specialist, and a staff assistant. NCD is also holding open a vacancy for a secretary. The responsibilities of NCD support staff include 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 FY 2007, NCD began contracting with GSA for the fiscal services previously under the direction of the NCD financial officer. While other options for financial support are under continual evaluation, this contractual arrangement has provided an excellent opportunity to obtain continuous input from an outside resource on the financial transactions and status of NCD.

B. FULL-TIME POSITIONS

For FY 2011, NCD requests a budget of **\$1,218,972** for salary expenses associated with full-time employees. This amount represents the projected cost for a total of 11 full-time positions including annual civil service cost-of-living salary increases, step increases, and performance management incentive awards.

C. OTHER THAN FULL-TIME POSITIONS

For FY 2011, **\$220,000** is budgeted for compensation of 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. SALARY OVERTIME/AWARDS

A total of **\$25,000** is budgeted for overtime and awards for staff.

E. OTHER PERSONNEL COMPENSATION AND BENEFITS

A total of **\$316,933** is budgeted for personnel benefits during FY 2011. Personnel benefits are a direct function of the amount of budgeted salary/wages and inclusive of transit subsidy.

OBJECT CLASS 21: TRAVEL

A. NCD MEMBERS

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 FY 2011.

B. STAFF

Staff travel is budgeted at **\$20,000** for FY 2011. Some staff members travel to NCD meetings to provide support or make presentations, as the majority of NCD quarterly meetings are held outside of the District of Columbia. 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. COUNCIL ADVISORS/ASSISTANTS

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 FY 2011. NCD will reimburse participants at

these meetings for travel and per diem, and **\$5,000** is budgeted for this purpose in FY 2011.

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. During FY 2011 NCD will be responsible for **\$241,080** in rental payments through its lease, inclusive of any unexpected increases due to tax adjustments.

Please note that NCD voluntarily relinquished a portion of its office space in November 2007, dropping rental costs by over \$7,000 per month, as a means of controlling rapidly escalating rent increases that were beyond agency control. Despite that reduction, our rental costs have remained high. The agency's current lease expires in Calendar Year 2011, which may require NCD to readjust spending priorities to prepare for an office relocation at that time.

Additional costs related to rent would be involved if the Council decides to move our headquarters, or if additional remodeling would be necessary to reduce our space even further with the agreement of the General Services Administration. In the event that occurs, NCD would be forced to set aside funds currently allocated for program purposes in order to support moving or office space reduction expenses in FY 2011.

OBJECT CLASS 23: COMMUNICATIONS, UTILITIES, AND MISCELLANEOUS CHARGES

A. TELEPHONES

NCD's budget includes an estimated **\$10,000** for electronic communications expenses, including telephone service, during FY 2011. 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 committee 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

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 **\$30,000** for this purpose in FY 2011.

An additional **\$40,000** is requested to support an NCD contract with the Government Printing Office (GPO) for our most effective means of communication: the agency's Internet website. GPO is the host of the website and also updates the material on this site on a regular basis at the request of NCD and its members.

OBJECT CLASS 24: PRINTING AND REPRODUCTION

NCD has budgeted **\$30,000** in FY 2011 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. Our recent Homeland security report, with a distribution of 1100 printed copies, was also distributed on 'thumb drives' and downloadable from the Internet to reduce costs related to printing and dissemination. Here is a breakdown of the dissemination for that report within the first three weeks after its release, to show how effective the use of electronic and new media can be:

1. there were 57 media Web sites where the day of news release was posted;
2. at least 15 news organizations ran stories;
3. 23 agencies and organizations requested copies of the report;
4. seven individuals with disabilities made comments about the report;
5. 740 federal and state offices have received the report;
6. it was distributed to all members of Congress and key staff members of congressional committees;

7. there were 86,300 places where the news release was distributed by the contractor;
8. another three events or news interviews took place related to the report release; and
9. about 2,500 “thumb drives” containing the emergency management report will be distributed at emergency preparedness conferences.

OBJECT CLASS 25: OTHER SERVICES

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

B. RESEARCH AND CONTRACTUAL SERVICES

NCD has budgeted **\$513,911** for program contracts in 2011. All proposed contracts in this category are described below.

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 and projects are commissioned by NCD when it is necessary to enlist the support of outside individuals and groups who possess expertise not available within NCD itself. Given the limited size of our agency, the judicious use of 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.

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. FY 2011 NCD research studies 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 FY 2011 that reflect the interests and concerns that thousands of people with disabilities have brought to the agency's attention. NCD's FY 2011 initiatives relate to feedback received from knowledgeable individuals with disabilities and their organizations nationwide which is gathered through multiple means throughout the year. These projects 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:

C. PROGRAM CONTRACTS: PROPOSED PROJECTS FOR FY 2011 NCD BUDGET

1) National Summit on Disability Policy

The purpose of the 2010 National Summit on Disability Policy is to take stock nationally of disability-related achievements in the areas of legislation, best practices, poverty alleviation, civic participation, and asset building, to name a few; basically examining the effect democracy has had on people with disability, with particular focus on progress since the National Council on Disability's (NCD) 1996 leadership summit and the passage of the landmark civil rights legislation for the disability community: the Americans with Disabilities Act (ADA). The national summit is 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 summit attendees in identifying best practices and achievements and in determining the way forward.

In addition, and throughout the summit, 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 America's current approach to building and maintaining livable communities for Americans with disabilities. NCD expects that this framework will result in identification of the top 10 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.

During FY 2009, the contractor for the National Summit on Disability Policy prepared 10 policy papers on issues of importance to people with disabilities nationwide. These papers will be disseminated early in calendar year 2010 and shared with delegates in advance of the conference, and will reflect important issues under consideration in each of the 10 tracks of the summit.

The summit itself has been scheduled to coincide with the 20th anniversary of the signing of the ADA. 300 delegates from across the country, selected from a pool of thousands of applicants, will be supported in attending a two-day conference for the express purpose of reflecting on progress to date, and identifying 30 top priorities for future recommendations regarding disability policy. After the conclusion of the summit in late July 2010, a comprehensive report will be prepared that details conference proceedings and outlines the priority policy recommendations as developed during the summit. The preparation and dissemination of this important National Summit proceedings is the segment of the Summit activities that will occur in FY 2011.

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 this important topic, and this Summit has been 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*. The report will assess the status of the Nation, with particular focus on new and emerging issues impacting the lives of people with disabilities. The report will also present, as appropriate, available data on health, housing, employment, insurance, transportation, recreation, training, prevention, early intervention, and education.

Finally, the report will include recommendations for policy change. In determining the issues to focus on and the findings, conclusions, and recommendations to include in the report, the National Council will continue to seek input from the public, particularly people with disabilities and their families, representatives of organizations representing a broad range of individuals with disabilities, and organizations and agencies interested in disability issues.

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 FY 2007 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 FY 2011 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.

During FY 2007, FY 2008 and FY 2009 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, 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 hold field hearings at the NCD FY 2011 quarterly meetings held in locations throughout the country, with information-gathering activities to be framed generally by NCD's work and Post-Katrina Act responsibilities, and will include representatives from nearby states;
- NCD will devote time at every 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 research 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 has committed significant member and staff time to emergency preparedness and homeland security activities. They have assisted in the scheduling and supported NCD Homeland Security committee meetings and activities, participated in dozens of meetings, gathered and summarized community input, attended interagency meetings and coordinated the preparation of a comprehensive report gauging the status of disability community preparedness. The next step will be to support 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.

4) Two-Day NCD Homeland Security Conference

The purpose of a two-day conference on homeland security and emergency preparedness is to take stock nationally, regionally, and locally of homeland security accomplishments (across the disaster cycles of mitigation, preparedness, response, and recovery) in the areas of policies and programs, promising practices, civic participation, and faith-based efforts; examining the effect that intergovernmental initiatives have had on vulnerable populations including people with disabilities, children, and the elderly with particular focus on progress since the Post-Katrina Emergency Management Reform Act was enacted.

The conference is designed to highlight evidence-based policies and programs designed to enhance the safety and security of members of all vulnerable population groups. A facilitation methodology will be used in all large and small group activities, whenever appropriate, in which to engage conference attendees in identifying promising practices and accomplishments and in determining the subsequent steps necessary to implement such practices nationwide.

In addition, and throughout the conference, participants will be invited to: (a) seek out and inquire into that which is promising practice; (b) present, provide information and share stories about that now which is promising practice; and to (c) identify strategies for transforming America's current homeland security approaches to building and maintaining safe communities for vulnerable Americans. NCD expects that this conference framework will support a constructive dialogue and result in positive insight that is needed in dealing with highly complex issues that involve federal-state-local government relationships, as well as the public-private sector.

As an independent agency, NCD is uniquely positioned to bring the various government agencies, non-profit stakeholders and professional entities together to address this important topic.

5. 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. This paper would 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 FY 03 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?"

6. Low Income Housing Study

The National Council on Disability is interested in examining the impact of the changes to the Low Income Housing Tax Credit (hereinafter Tax Credit) under the 2009 stimulus funding package. Under the stimulus package, Tax Credit projects have to follow the requirements of Section 504 of the Rehabilitation Act. NCD is interested in examining whether this change will result in the Low Income Housing Credit increasing the amount of private accessible housing available.

The examination would compare housing produced before the stimulus funding, not subject to Section 504, and housing produced under the Section 504 requirements. Will this change result in greater availability of accessible housing? This paper would also include the development of a guide delineating the differences between non-504 and 504-compliant housing. The guide would assist interested persons in understanding the different standards of accessibility and would answer the question "What are the differences between the Fair Housing Act Amendments' requirements and the Section 504 requirements?" This study would also examine the ADA's requirements with respect to common use facilities in all multi-family housing (such as parking, clubhouses, swimming pools, public restrooms, rental offices, and paths of travel).

C. READERS, INTERPRETERS, PERSONAL ASSISTANTS, AND MEETING SUPPORT

In addition to using expert contractors to develop specific data and background information, 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. 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.

Accessible meeting space and public address systems for meetings held outside of NCD are secured on a contractual basis. 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 **\$105,000** for FY 2011. These costs are detailed in the administrative services contracts section of the NCD budget and expenditure reports.

D. TRAINING

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. **\$10,000** is budgeted for training purposes in FY 2011.

OBJECT CLASS 26: SUPPLIES, MATERIALS AND PUBLICATIONS

NCD's budget includes **\$20,000** for the purchase of supplies, materials and publications for FY 2011. The amount includes supplies for mailing, copying, and ordinary office supplies such as paper, pens, and pencils. Also budgeted are funds for the purchase of computer software, library materials, and for 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.

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, Council 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 FY 2011, which will be used to replace staff computers and software that were purchased in 2006 and which will be due for upgrades. 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 FY 2010 in:

Nashville, TN

Houston, TX

Detroit, MI

Washington, DC

An additional teleconference meeting may also be held, but is not yet scheduled.

During FY 2011, NCD will also meet in three locations outside Washington, DC and once in our nation's capital. Those locations have not yet been identified.

Public Participation at NCD Quarterly Meetings

Public participation at NCD quarterly meetings has risen dramatically since FY 2006 and has continued through FY 2009. 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 FY 2009, about 450 people attended NCD meetings.

This outreach to local disability communities was accomplished by the redirection of our budget to conduct meetings around the country, rather than restricting them to Washington, DC, so we can 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 three-day quarterly meetings held in different regions include local panel presentations to the Council, to enable us to carry out our primary mandate to

identify and promote the best practices, policies, procedures and programs that benefit people with disabilities.

NATIONAL COUNCIL ON DISABILITY
Members
(as of January 4, 2010)

<u>Name</u>	<u>Confirmation</u>	<u>Expiration*</u>	<u>Reconfirmed</u>	<u>Expiration*</u>
1. Linda Wetters, Acting Chair	11-14-02	9-17-03	11-20-04	9-17-06
2. Patricia Pound, Vice Chairperson	7-26-02	9-17-02	11-14-02	9-17-05
3. Heather McCallum	10-2-08	9-17-11		
4. Robert R. Davila, Ph.D.	7-29-02	9-17-03	11-20-04	9-17-06
5. Victoria Ray Carlson	8-3-06	9-17-07	10-2-08	9-17-10
6. Graham Hill	9-26-02	9-17-02	9-26-02	9-17-05
7. Marylyn Howe, Vice Chairperson	6-22-07	9-17-08	10-2-08	9-17-11
8. Katherine McCary	10-2-08	9-17-09		
9. Lisa Mattheiss	8-3-06	9-17-07		
10. Lonnie Moore	6-22-07	9-17-08	10-2-08	9-17-11
11. Anne M. Rader	6-19-03	9-17-04		
12. Tony J. Williams	10-2-08	9-17-09		
13. Vacant				
14. Vacant				
15. Vacant				

*Note: NCD members serve until replacements are confirmed.