

Government Performance and Results Act Annual Report to the President and Congress—Fiscal Year 2008



National Council on Disability

March 31, 2009

National Council on Disability

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Government Performance and Results Act Annual Report to the President and Congress—Fiscal Year 2008

This report is also available in alternative formats and on NCD's Web site at <http://www.ncd.gov>.

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NATIONAL COUNCIL ON DISABILITY

An independent federal agency working with the President and the Congress to increase the inclusion, independence, and empowerment of all Americans with disabilities.

Letter of Transmittal

March 31, 2009

The President
The White House
Washington, DC 20500

Dear Mr. President:

The National Council on Disability (NCD) is pleased to submit its *Government Performance and Results Act Annual Report to the President and Congress—Fiscal Year 2008*, as required by the Government Performance and Results Act (31 U.S.C. Sec. 1116).

NCD is an independent federal agency, composed of 15 members appointed by the President, by and with the consent of the U.S. Senate. The purpose of the NCD is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all individuals with disabilities, empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

With an authorized budget of \$3,058,616, NCD carried out this mandate by receiving public and stakeholder input including that received at our public meetings held around the country; review and evaluate federal programs and legislation; and provide the President, Congress and governmental agencies with advice and recommendations.

This report compares actual performance with the projected levels of performance set out in NCD's annual performance plan. As a public policy agency, NCD is pleased to inform you that the findings of this report show a positive link between the allocated resources and NCD's performance. NCD's assessment review showed that it was successful in meeting its goals and achieving its intended results. NCD has applied taxpayer resources efficiently in a manner that maximizes the effectiveness of Government programs in serving the American people.

NCD's FY 2008 activities promoted the full participation of people with disabilities in all areas of society by addressing many areas including educational opportunities needed to succeed, discrimination and promotion of equal opportunity, the employment rate of people with disabilities, and independent, community-based living.

Through its efforts, NCD had a significant, measurable impact on the lives of people with disabilities and their families all over the world. Today, there are more than 50 million Americans with disabilities, 20 percent of the U.S. population. About half of these individuals have a severe disability, affecting their ability to see, hear, walk, or perform other basic functions of life.

With your support, NCD will continue to be a leader in the disability policy arena, making recommendations that enhance the quality of life for all Americans with disabilities and their families.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Vaughn", with a long horizontal flourish extending to the right.

John R. Vaughn
Chairperson

(The same letter of transmittal was sent to the President Pro Tempore of the U.S. Senate and the Speaker of the U.S. House of Representatives)

National Council on Disability Members and Staff

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Executive Summary

Background

The National Council on Disability (NCD) is an independent federal agency composed of 15 members appointed by the President, by and with the advice and consent of the Senate. NCD provides advice to the President, Congress, and executive branch agencies to promote policies, programs, practices, and procedures that—

- (A) guarantee equal opportunity for all individuals with disabilities, regardless of the nature or severity of the disability; and
- (B) empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

Agency History

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 also 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.

Consumers Served and Current Activities

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

NCD is also proud to have played a pivotal role in the adoption of the ADA in 1990. Since that time, NCD has been a valuable contributor in promoting successful disability policies in many areas, including education, transportation, emergency preparedness, international disability rights, employment, foster youth with disabilities, vocational rehabilitation, livable communities, and crime victims with disabilities to name a few. All of NCD's policy recommendations can be found in our Newsroom under Publications (<http://www.ncd.gov/newsroom/publications/2007/publications.htm>).

In its 1986 report, *Toward Independence*, NCD first proposed that Congress should enact a civil rights law for people with disabilities.

In 1990, the Americans with Disabilities Act (ADA) was signed into law by President George H. W. Bush. Since that time, the ADA has been instrumental in guaranteeing equal opportunity for people with disabilities in employment, public accommodations, transportation, state and local government services, and telecommunications. In 1992, Congress modified NCD's authorizing legislation, Title IV of the Rehabilitation Act of 1973, giving NCD a monitoring role in the enforcement, implementation, and effectiveness of the ADA.

In FY 2008, NCD continued its review and evaluation of new and emerging policy issues that affect people with disabilities. NCD continued to identify the overall needs and concerns of people with disabilities by conducting hearings, forums, and conferences throughout the country, and by responding to thousands of telephone, e-mail, and written inquiries on the ADA and other disability civil rights issues.

Major activities for FY 2008 included publishing several significant reports and papers such as:

- *Issues in Creating Livable Communities for People with Disabilities: Proceedings of the Panel* (October 2007)
- *National Disability Policy: A Progress Report* (January 2008)
- *Youth with Disabilities in the Foster Care System: Barriers to Success and Proposed Policy Solutions* (February 2008)
- *Keeping Track: National Disability Status and Program Performance Indicators* (April 2008)
- *Finding the Gaps: A Comparative Analysis of Disability Laws in the United States to the United Nations Convention on the Rights of Persons with Disabilities* (May 2008)
- *The State of 21st Century Financial Incentives for Americans with Disabilities* (August 2008)

In addition, NCD's Web site received approximately 11 million hits in FY 2008, with more than 500,000 reports being downloaded from the NCD site. This represents an enormous savings to the taxpayer in lower printing costs, postage, handling, storage, etc.

NCD's FY 2008 activities promoted the full participation of people with disabilities in all areas of society. Through its efforts, NCD was able to have a significant impact on the lives of people with disabilities and their families around the world.

NCD Authorizing Statute

TITLE IV, REHABILITATION ACT OF 1973, AS AMENDED—NATIONAL COUNCIL ON DISABILITY

Establishment of National Council on Disability

Sec. 400. (a)(1)(A) There is established within the Federal Government a National Council on Disability (hereinafter in this title referred to as the “National Council”), which shall be composed of fifteen members appointed by the President, by and with the advice and consent of the Senate.

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

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

(ii) organizations interested in individuals with disabilities.

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

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

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

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

(b)(1) Each member of the National Council shall serve for a term of 3 years, except that the terms of service of the members initially appointed after the date of enactment of the Rehabilitation, Comprehensive Services, and Developmental Disabilities

Amendments of 1978 shall be (as specified by the President) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

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

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

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

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

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

Duties of National Council

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

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

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

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

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

(5) review and evaluate on a continuing basis—

(A) policies, programs, practices, and procedures concerning individuals with disabilities conducted or assisted by federal departments and agencies, including programs established or assisted under this Act or under the Developmental Disabilities Assistance and Bill of Rights Act of 2000; and

(B) all statutes and regulations pertaining to federal programs which assist such individuals with disabilities; in order to assess the effectiveness of such policies, programs, practices, procedures, statutes, and regulations in meeting the needs of individuals with disabilities;

(6) assess the extent to which such policies, programs, practices, and procedures facilitate or impede the promotion of the policies set forth in subparagraphs (A) and (B) of section 400(a)(2);

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

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

(9) provide to the Congress on a continuing basis advice, recommendations, legislative proposals, and any additional information that the National Council or the Congress deems appropriate; and

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

(b)(1) Not later than October 31, 1998, and annually thereafter, the National Council shall prepare and submit to the President and the appropriate committees of the Congress a report entitled *National Disability Policy: A Progress Report*.

(2) The report shall assess the status of the Nation in achieving the policies set forth in section 400(a)(2), with particular focus on the new and emerging issues impacting the lives of individuals with disabilities. The report shall present, as appropriate, available

data on health, housing, employment, insurance, transportation, recreation, training, prevention, early intervention, and education. The report shall include recommendations for policy change.

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

Compensation of National Council Members

Sec. 402. (a) Members of the National Council shall be entitled to receive compensation at a rate equal to the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code, including travel time, for each day they are engaged in the performance of their duties as members of the National Council.

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

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

Staff of National Council

Sec. 403. (a)(1) The Chairperson of the National Council may appoint and remove, without regard to the provisions of title 5, United States Code, governing appointments, the provisions of chapter 75 of such title (relating to adverse actions), the provisions of chapter 77 of such title (relating to appeals), or the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates), an Executive Director to assist the National Council to carry out its duties. The Executive Director shall be appointed from among individuals who are experienced in the planning or operation of programs for individuals with disabilities.

(2) The Executive Director is authorized to hire technical and professional employees to assist the National Council to carry out its duties.

(b)(1) The National Council may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code (but at rates for individuals not to exceed the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code).

(2) The National Council may—

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

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

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

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

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

(d)(1) It shall be the duty of the Secretary of the Treasury to invest such portion of the amounts made available under subsection (a)(2)(B) as is not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(2) The amounts described in paragraph (1), and the interest on, and the proceeds from the sale or redemption of, the obligations described in paragraph (1) shall be available to the National Council to carry out this title.

Administrative Powers of National Council

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

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

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

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

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

Authorization of Appropriations

Sec. 405.

There are authorized to be appropriated to carry out this title such sums as may be necessary for each of the fiscal years 1999 through 2003.

Strategic Plan

Vision

The United States of America will be a stronger country when its 54 million citizens with disabilities are fully integrated into all aspects of American life. The United States has made significant progress in recent years in furthering opportunities for education, employment and independent living for people with disabilities through a broad range of programs that protect the rights of individuals with disabilities from discrimination in education, employment, housing and transportation. Yet significant barriers to achieving the goals of independence, inclusion and empowerment for all persons with disabilities still remain. Conflicting, poorly designed or outdated government programs and policies combine with service gaps and continued negative attitudes toward people with disabilities to marginalize the 54 million Americans with disabilities.

The effects of these barriers on both people with disabilities and society are enormous. Physical and spiritual isolation rob individuals of energy, creativity and productivity. Society loses by not enjoying the benefits of their talents and by incurring large costs to support them.

Through collaboration with its stakeholders, the National Council on Disability (NCD) will pursue a focused agenda that will promote government programs and policies in support of full inclusion of all people with disabilities into the educational, economic and social fabric of the American community. NCD will use the expertise of its diverse membership and well-trained and well-managed staff to identify barriers to inclusion and independence and to develop solutions. NCD will listen to people with disabilities across the country to identify emerging issues that need a response.

As the only agency in the Federal Government that addresses the issues of all people with disabilities, regardless of type or severity, NCD will be aggressive and resolute until the day arrives when people with disabilities in every corner of the land no longer are distinguished by a disability label, but are known as students, workers, parents, neighbors and friends.

Mission Statement

NCD's mission 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 entities.

Performance Goals, Objectives, and Results

Following are the goals NCD established for Fiscal Year 2008, followed by a summary of the results we 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 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 2008 the Council met in Boston, MA, New Orleans, LA, Arlington, VA, and Seattle, WA.

One of our goals for fiscal year 2008 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 of a 30 percent increase in participation and comments received at meetings, that participation increased by over 70 percent during the year. The following table illustrates that increase in participation and public comments received at NCD quarterly meetings:

Fiscal Year 2007	Participants	Public Comments
Washington Oct 2006	3	1
San Diego Jan 2007	30	7
Atlanta Apr 2007	61	7
Chicago Jul 2007	129	32
FY 2007 Totals	223	47
Fiscal Year 2008		
Boston Nov 2007	117	24
New Orleans Jan 2008	73	23
Arlington Apr 2008	75	9
Seattle July 2008	123	50
FY 2008 Totals	388	106
Increases	165	59

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 a small agency, with only 12 FTEs, NCD sends and receives a large volume of electronic mail messages. During Fiscal Year 2008, NCD made significant strides to reach more of the public in every part of the United States and obtain much-needed feedback.

NCD sends and receives over 365,000 emails per year. The NCD Web site (www.ncd.gov) receives 11 million successful “hits” per year. We think this is significant

for such a small agency. Even more significant is the number of reports and papers that are downloaded each year. During FY 2008, 719,471 reports and papers were downloaded from our Web site, which is an increase of 188,585 downloads over last year. This produces a savings to the taxpayer of literally thousands of dollars in printing, handling and mailing costs. In addition, the NCD listserv now has more than 2,000 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. During the fiscal year, there were 95 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 is published 12 times a year and reaches millions of readers when it's published on the NCD listserv, US Newswire and PR Newswire, utilizing the same distribution as NCD news releases and news advisories.

This past year, NCD provided technical assistance and outreach to several different foreign delegations. NCD met with representatives of Norway, China, Vietnam, Syria, Afghanistan, Bangladesh, Ireland (2 separate visits), Korea (2 separate delegations), Australia, Mexico, Bulgaria, Mexico, Thailand, Japan, Qatar, Bahrain and Malaysia.

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 is in development to be 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 are under 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 2008, 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 March 2009. In order to assure that the public's concerns are addressed in the progress report, NCD held a public consultation that resulted in over 400 electronic messages being received by the agency from people with disabilities nationwide. Those messages included 87 from organizations and associations representing people with disabilities, thus assuring an even greater number of perspectives on the challenges encountered by people with disabilities.

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

While NCD is not a formal monitoring or control agency, we have a mandate to periodically review 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 2008, 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, 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 were published, NCD members and staff met with these agencies to determine what follow-up activities were 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 determine what follow-up actions were taken as a result of prior NCD report recommendations, and 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 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 2008, NCD completed, released or initiated reports on the following subjects:

- *Financial Incentives for People with Disabilities*
- *Livable Communities and Mental Health Services*
- *Educational Outcomes Report*
- *Keeping Track: Disability Data and Statistics*
- *Youth with Disabilities in the Foster Care System*
- *Comparative Analysis between U.S. Disability Rights Laws and the UN Convention on the Rights of Persons with Disabilities*
- *Healthcare Disparities Impacting People with Disabilities*
- *Veterans' Healthcare Provided by the Department Of Defense and VA Healthcare Systems*
- *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*

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 up to 400 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. NCD has many examples of quality research by this agency being used to develop and implement policies of benefit to people with disabilities, including the initial Americans with Disabilities Act, through and including the recently passed ADA Amendments Act.

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.

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, during the past year 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 are being downgraded to administrative support and policy positions at lower grade levels.
4. NCD is contracting with GSA for legal 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 2008, 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 free-of-charge on the same day they are published. NCD estimates a cost saving in postage alone of approximately \$1,500 per report. Printing costs for FY 2008 were reduced more than 50 percent.

Despite being forced to operate on what is basically a flat budget for the past five years, 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 current response to major emergencies by federal, state and local entities and the impact it has had on people

with disabilities.

During the past year, the NCD Chair, staff and Homeland Security committee members have met several times with staff of the Federal Emergency Management Agency and their DHS Civil Rights and Civil Liberties counterparts.

FEMA staff are invited to participate in all NCD quarterly meetings, and in April FEMA Administrator R. David Paulison attended the NCD quarterly meeting in Arlington, Virginia and addressed the Council about FEMA's willingness to work with NCD as prescribed by the PKEMRA. FEMA staff also attend and/or make presentations at our meetings periodically, including FEMA regional staff when we are meeting in other parts of the country. They attended NCD meetings in New Orleans and Seattle, where they provided updates on current FEMA activities.

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 presentations by local or regional emergency response personnel, as well as people from the disability community within that area, to discuss their knowledge and preparations for the types of emergency situations most common to that region.

NCD has also worked with FEMA staff, other federal agency personnel and representatives of National Voluntary Organizations Active in Disasters regarding emergency preparedness planning and response. This includes the development of a functional needs support unit service model, National Disaster Housing Strategy annexes, and various short-term working initiatives of the Interagency Coordinating Committee on Emergency Preparedness for Individuals with Disabilities. NCD participates in those committee meetings.

Additional Detail about NCD Policy and Research Work

NCD provides leadership in the disability policy arena by building on its traditions of innovation, objectivity, independence, and transcending disciplinary boundaries to meet the changing needs of society.

Influencing the policy making process is important to the NCD in the work that it conducts as an independent federal advisory agency. Informing and influencing federal policy making and implementation is an important core activity of NCD.

Many NCD project and program activities reflect the expectation that the work it undertakes and supports will influence or have a positive impact on the policy process,

and ultimately improve the quality of life and outcomes for Americans with disabilities. Within projects and programs, NCD members and staff promote various means of linking their activities to Federal Government policy and the work undertaken and supported is often reported to have enhanced decision makers' awareness of policy options or to have been otherwise taken into account in policy processes.

Over the past year, NCD reviewed and evaluated key disability laws, programs and policies to assess their effectiveness. NCD has also extended its outreach through public consultations and its quarterly board meetings. As a result of these various efforts, and others, NCD has issued formal advice — e.g., through reports, policy papers, proceedings papers, and oral and written testimony — that was disseminated to decision makers in the White House and members of the U.S. Congress, key leaders in the Executive Branch of the Federal Government, people with disabilities, and various stakeholders throughout the nation.

The following represent some of the formal work products of NCD during FY 2008. As is often the case, NCD engages in research and policy analysis that is cumulative in nature, and its impact may not be measurable within any one fiscal year. For example, as a result of a series of Supreme Court decisions regarding the Americans with Disabilities Act, NCD undertook a line of legal and policy analysis beginning in 2004 when it issued *Righting the ADA* and whose ultimate impact is just now being felt in the form of the recently passed ADA Amendments Act of 2008.

With that context in mind, NCD's policy work products during FY 2008 included:

August 11, 2008 - *The State of 21st Century Financial Incentives for Americans with Disabilities*

Lessons Learned - People with Disabilities and Emergency Management (Proceedings Monograph from NCD's January 2008 New Orleans quarterly meeting)

[June 4, 2008 - Testimony of NCD member Pat Pound, "Does Federal Statistical Data Adequately Serve People Living with Disabilities"](#) at the hearing of the U.S. House Subcommittee on Information Policy, Census and National Archives (*based on NCD's April 21st report "Keeping Track"*) (On July 30, 2008, OMB Director Jim Nussle subsequently advised Subcommittee Chairman Clay that agencies collecting statistical data would include common disability questions where applicable, as recommended in the NCD report. He further pledged that "OMB and the agencies of the Federal statistical system look forward to continuing our work to improve the quality and scope of the data collected and disseminated on the condition and progress of our Nation's disabled population.")

May 12, 2008 - *Finding the Gaps: A Comparative Analysis of Disability Laws in the United States to the United Nations Convention on the Rights of Persons with Disabilities*

April 21, 2008 - *Keeping Track: National Disability Status and Program Performance Indicators*

March 17, 2008 - *Inclusive Livable Communities for People with Psychiatric Disabilities*

February 26, 2008 - *Youth with Disabilities in the Foster Care System: Barriers to Success and Proposed Policy Solutions*

[January 29, 2008 - Testimony Submitted to the Committee on Education and Labor U.S. House of Representatives, Hearing on H.R. 3195, the "ADA Restoration Act of 2007"](#)

January 28, 2008 - *The No Child Left Behind Act and the Individuals with Disabilities Education Act: A Progress Report*

January 15, 2008 - *National Disability Policy: A Progress Report*

[November 20, 2007 - Written Testimony Submitted to the Senate Committee on Health, Education, Labor and Pensions Hearing on "Protecting the Employment Rights of Those Who Protect the United States"](#)

[November 15, 2007 - Testimony Presented to the U.S. Senate Committee on Health, Education, Labor and Pensions during the Hearing on "Restoring Congressional Intent and Protections Under the Americans with Disabilities Act"](#)

[October 11, 2007 - Testimony Presented to the Subcommittee on the Constitution, Civil Rights, and Civil Liberties of the U.S. House of Representatives Committee on the Judiciary during the Hearing on H.R. 3195, the "ADA Restoration Act of 2007"](#)

October 1, 2007 - *Issues in Creating Livable Communities for People with Disabilities: Proceedings of the Panel*

October 1, 2007 - *Empowerment for Americans with Disabilities: Breaking Barriers to Careers and Full Employment*

An ambitious schedule of research projects is planned for FY 2009 in order to investigate issues or programs of importance to the disability community, as pointed out in their feedback to NCD throughout the past two years. Besides preparing a new *Progress Report* for the president and Congress, NCD will be continuing the preparation of the 10 policy papers required for the National Summit on Disability Policy, which will be held in 2010, and the research on emergency preparedness/homeland security as it impacts the disability community.

NCD is also scheduled to commission new reports on:

- Healthcare - Access to Finances for Health Care
- Transition From School to Adulthood
- Comprehensive Review of Mental Health Systems

NCD has six operating or program committees composed of Council members and supported by NCD staff. These committees provide guidance to contractors for all research reports, provide an independent resource for investigating new issues or concerns brought to the Council by the public and recommend subjects for additional study or those that may require policy recommendations to the president, Congress or other stakeholders. The program committees currently in place at NCD include: Homeland Security/Emergency Preparedness, Health Care, Employment, Emerging Trends, International and Civil Rights.

The Council has taken positions on several issues that involve other federal agencies, and two of those issues will continue to be under discussion during the next year. NCD recommended to the President, in March 2007, that the United States sign the United Nations Convention on the Rights of Persons with Disabilities (CRPD). In order to help frame the discussion about the relative merits of signing or ratifying that convention, the NCD released a policy paper during May, 2008 that was a comparative analysis of United States disability-related laws and the CRPD. To the best of our knowledge, that is the only such analysis that has been completed on this issue and made available to those who are interested from both the public and private sectors.

The other current issue concerns accessible currency that is usable by people who are blind. NCD has taken a public position that all paper currency in the United States should be accessible to people with all levels of vision loss, and that this should be accomplished without the necessity to utilize external electronic devices that would need to be carried by those who are blind. The NCD Chair and Executive Director have met numerous times with staff of the Department of Treasury, particularly the Bureau of Engraving and Printing, and will continue to cooperate fully in the crafting of a reasonable solution now that the Treasury has decided not to contest the recent lawsuit decision regarding the need to make that currency accessible.

NCD members and staff also utilize the knowledge accumulated from NCD research and frequent public input to prepare and submit comments for the disability-related rulemaking that occurs in other federal agencies. During FY 2008, such recommendations involved transportation, accessibility guidelines, education and healthcare, among other subjects.

Financial Information

As an independent agency, NCD takes a unique approach to the responsibilities of management and the need for the presidentially-appointed Council members to be

knowledgeable about the routine activities of this small federal agency. Council members, led by the chair, routinely discuss the management of the agency during daily telephone calls, monthly executive committee and finance committee teleconference meetings, and through reports and discussions at the quarterly meetings of the full Council. Work products related to the administration of the agency, including all reports to control agencies, are shared with the executive committee for their input and approval. The chair of the Council meets with the executive director on a face-to-face basis at least 10 times per year, exclusive of quarterly meetings of the full Council.

Fiscal activities of the agency are the responsibility of the Executive Director, and fall under the purview of the NCD finance committee that is composed of four Council members who are knowledgeable about government financial standards, record-keeping and transactions. NCD maintains a finance manual to govern all fiscal processes. The finance committee reviews the monthly reports from the contracted GSA financial officer, and the chair of that committee is the approval authority on all requests for funds over \$3,000 and reviews all potential purchases in advance. Processing financial invoices involves a three-part review by NCD staff and the final approval of the executive director prior to forwarding it to the General Services Administration for two additional levels of review before payment.

The NCD executive director and executive committee members are responsible for establishing and maintaining a system of internal control. Pursuant to 31 U.S.C. 3512(c), (d) (commonly known as the Federal Managers' Financial Integrity Act), our auditors have assessed the effectiveness of the agency's internal control procedures and have determined that NCD has achieved the following objectives:

- a. Reliability of financial reporting: Transactions are properly recorded, processed and summarized to permit the preparation of the financial statements in accordance with U.S. generally accepted accounting principles, and assets are safeguarded against loss from unauthorized acquisition, use or disposition.
- b. Compliance with applicable laws and regulations: Transactions are executed in accordance with laws governing the use of budget authority; other laws and regulations that could have a direct and material effect on the financial statements, and any other laws and regulations identified in OMB audit guidance.

Because NCD is dependent upon larger agencies to provide many of the support functions that are provided in-house by large agencies, it requires extreme vigilance to control costs and ensure that all needs and reporting requirements are being met. The General Services Administration provides fiscal management, accounting, payroll, human resources, legal and lease administration for NCD. The Department of

Education provides a contracted ethics and conflict of interest attorney on an as-needed basis to educate members and staff about their responsibilities as federal employees. The Department of Homeland Security provides building security, and the Government Printing Office provides printing services and supports the agency Web site. These agencies and the services they provide consume about 10% of the agency budget, although it has proved more cost-effective than trying to employ internal staff to perform all of these functions for NCD.

Areas for Improvement

NCD has made continual improvements in its operations as part of an ongoing effort to maximize the effectiveness of the federal funds that are committed to NCD. As additional resources become available, the Council intends to expand the scope of future NCD reports to include some of the issues that are often overlooked but that impact smaller segments of the disability community. The more “mainstream” issues can often be researched at less cost, thus making them affordable to NCD and more likely to be brought forward to the Council as areas of concern by the majority of people who submit that input.

Seeking out groups for the studies that are isolated geographically, culturally, or who have less common types of disabilities can involve proportionally higher costs for the research necessary to create policy recommendations that will result in long-term improvement for these populations. NCD is currently producing the maximum number of research reports and subsequent policy recommendations that our moderate funding level will allow.

Integrating Performance Results into Budget and Planning

All of the goals, objectives and accomplishments of NCD are directly related to the funding available to support agency operations. The Council has downsized staff and office space to allow more funding to be directed toward research and to support the involvement of Council members in agency activities, meetings and travel to important events. All budget requests and narratives speak to this relationship, as completing the background research is a critical factor in being able to justify policy recommendations and to follow through to assure that they are carried



NATIONAL COUNCIL ON DISABILITY

An independent federal agency working with the President and the Congress to increase the inclusion, independence, and empowerment of all Americans with disabilities.

Federal Managers' Financial Integrity Act Signed Assurance Statement

March 31, 2009

The Honorable Peter Orszag, Director
Office of Management and Budget
Executive Office Building
17th Street and Pennsylvania Avenue, NW
Washington, DC 20503

Dear Mr. Orszag:

On the basis of the National Council on Disability's (NCD) management control process, I am pleased to certify with reasonable assurance that NCD's systems of accounting and internal controls are in compliance with the internal control objectives in OMB's Bulletin Number 01-02. I also believe these same systems of accounting and internal controls provide reasonable assurance that NCD is in compliance with the provisions of the Federal Managers' Financial Integrity Act.

The Federal Managers' Financial Integrity Act requires agencies to provide an annual statement of assurance regarding management controls and financial systems. NCD is pleased to report continued progress in strengthening management controls. The continuous improvement of program and operational management process is ongoing. Agency financial management controls and systems, taken as a whole, provide reasonable assurance that accounting systems comply with appropriate federal requirements. This conclusion is based on the review and consideration of internal analyses, reconciliations, reports, and other information.

In addition, we are delighted to report that NCD received a clean opinion for its FY 2008 audit.

If there are any questions or additional information is needed, please contact the NCD office at 202-272-2004.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Vaughn", with a long horizontal stroke extending to the right.

John R. Vaughn
Chairperson

Conclusion

In conclusion, NCD continues to be a leader in the development and analysis of disability policy. The use of the *Annual Performance Report to the President and Congress Fiscal Year 2008*, as required by the Government Performance and Results Act, has greatly assisted NCD in carrying out its mission. The findings of this report clearly indicate that NCD has either met or exceeded the projected levels in its performance plan.