

Government Performance and Results Act Annual Report to the President and Congress—Fiscal Year 2007



National Council on Disability

March 31, 2008

National Council on Disability

1331 F Street, NW, Suite 850
Washington, DC 20004

Government Performance and Results Act Annual Report to the President and Congress—Fiscal Year 2007

This report is also available in alternative formats and on NCD's award-winning Web site (www.ncd.gov).

Publication date: March 31, 2008

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

The views contained in this document do not necessarily represent those of the Administration, as this agency and NCD documents are not subject to the A-19 Executive Branch review process.

In accordance with 31 USC Sec. 1116 (f), this program performance document was prepared solely by federal employees.

Letter of Transmittal

March 31, 2008

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 2007*, as required by the Government Performance and Results Act (31 U.S.C. Sec. 1116).

As a unique independent federal agency and leader in the development and analysis of disability policy, NCD conducted a vast array of activities in Fiscal Year (FY) 2007, with an authorized budget of \$3,125,492.

This report compares actual performance with the projected levels of performance set out in NCD's annual performance plan. As a public policy agency making recommendations to the President and Congress, 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 2007 activities promoted the full participation of people with disabilities in all areas of society by increasing access to assistive and universally designed technologies, expanding educational and employment opportunities, and promoting increased access into daily community life—the core of your New Freedom Initiative. These efforts were based on NCD's strategic goals: 1) Make evidence-based public policy recommendations that can enhance the lives of people with disabilities of all ages and backgrounds; 2) Educate the public and elected officials on disability issues; 3) Promote effective delivery of federal services and programs to all people with disabilities, particularly unserved and underserved populations, such as people from diverse cultures, rural residents, and youth; and 4) Maintain NCD's status as a high performance organization.

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 make recommendations that enhance the quality of life for all Americans with disabilities and their families, promote economic opportunity, support a compassionate society, and provide assistance to the most vulnerable among us.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Vaughn", with a stylized flourish at the end.

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

Members

John R. Vaughn, Chairperson
Chad Colley, Vice Chairperson
Patricia Pound, Vice Chairperson

Milton Aponte, J.D.
Victoria Ray Carlson
Robert R. Davila, Ph.D.
Graham Hill
Marylyn Howe
Young Woo Kang, Ph.D.
Kathleen Martinez
Lisa Mattheiss
Lonnie Moore
Anne M. Rader
Cynthia Wainscott
Linda Wetters

Staff

Michael C. Collins, Executive Director
Martin Gould, Ed.D., Director of Research and Technology
Mark S. Quigley, Director of External Affairs
Julie Carroll, Senior Attorney Advisor
Joan M. Durocher, Senior Attorney Advisor
Sharon M. Lisa Grubb, Special Assistant to the Executive Director
Geraldine Drake Hawkins, Ph.D., Senior Program Analyst
Brenda Bratton, Executive Assistant
Stacey S. Brown, Staff Assistant
Carla Nelson, Secretary

Contents

| | |
|---|----|
| Executive Summary | 7 |
| NCD Authorizing Statute | 11 |
| Strategic Plan..... | 17 |
| Strategic Goals and Objectives | 19 |
| Performance Results | 21 |
| Federal Managers' Financial Integrity Act Signed Assurance Statement..... | 51 |
| Conclusion | 53 |

Executive Summary

Background

The National Council on Disability (NCD) is an independent federal agency and is 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.

Statutory 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.

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 2007, 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 2007 included publishing several significant reports and papers such as:

- *Creating Livable Communities* (October 2006)
- *National Disability Policy: A Progress Report* (November 2006)
- *The Basics of the National Council on Disability's Social Security Report* (November 2006)
- *Introductory Brief on NCD's Long-Term Services and Supports Report* (December 2006)
- *Over the Horizon: Potential Impact of Emerging Trends in Information and Communication Technology on Disability Policy and Practice* (December 2006)
- *The Need for Federal Legislation and Regulation Prohibiting Telecommunications and Information Services Discrimination* (December 2006)
- *Breaking the Silence on Crime Victims with Disabilities* (April 2007)
- *Homeland Security, Emergency Preparedness, Disaster Relief and Recovery Public Consultation* (May 2007)
- *The Impact of the Americans with Disabilities Act: Assessing the Progress Toward Achieving the Goals of the ADA* (July 2007)
- *Implementation of the Americans with Disabilities Act: Challenges, Best Practices, and New Opportunities for Success* (July 2007)

In addition, NCD's Web site received approximately 13 million hits in FY 2007, with more than 500,000 reports being downloaded from the NCD site. This represents a huge savings to the taxpayer in lower printing costs, postage, handling, storage, etc.

NCD's FY 2007 activities promoted the full participation of people with disabilities in all areas of society by increasing access to assistive and universally designed technologies, expanding educational and employment opportunities, and promoting increased access into daily community life—the core of President Bush's New Freedom Initiative. These efforts were based on NCD's strategic goals: 1) Make evidence-based public policy recommendations that can enhance the lives of people with disabilities of all ages and backgrounds; 2) Educate the public and elected officials on disability

issues; 3) Promote effective delivery of federal services and programs to all people with disabilities, particularly unserved and underserved populations, such as people from diverse cultures, rural residents, and youth; and 4) Maintain NCD's status as a high performance organization.

Through its efforts, NCD was able to have a significant impact on the lives of people with disabilities and their families all over 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.

Strategic Goals and Objectives

I. Make evidence-based public policy recommendations that can enhance the lives of people with disabilities of all ages and backgrounds.

Objectives:

- 1.1 Develop and refine policy recommendations at least annually.
- 1.2 Gather and record information on policy matters affecting people with disabilities through the use of forums, hearings, teleconferences, the Internet, independent studies, and interagency information sharing.
- 1.3 Monitor the effectiveness of the implementation of the Americans with Disabilities Act and other civil rights laws.

II. Educate the public and elected officials on disability issues.

Objectives:

- 2.1 Strengthen NCD's communication plan, drawing upon new technologies and reaching targeted underrepresented populations.
- 2.2 Disseminate newsletters and reports on disability policy issues.
- 2.3 Hold federal partners meetings with Cabinet secretaries, appointees, and other key individuals to review and promote NCD's disability policy recommendations.
- 2.4 Participate in interagency working groups with federal partners on priority issues.
- 2.5 Serve as the focal point for international activities around the dissemination of information on disability policy in the United States of America and throughout the world.

III. Promote effective delivery of federal services and programs to all people with disabilities, particularly unserved and underserved populations, such as people from diverse cultures, rural residents, and youth.

Objectives:

- 3.1 Monitor federal agencies having civil rights responsibilities to evaluate their efforts to serve underserved populations, such as people from culturally diverse backgrounds, rural residents, and youth with disabilities, and develop recommendations to enhance services to these populations.

- 3.2 Promote best practices programs of education and empowerment regarding disability rights for people from culturally diverse backgrounds, rural residents, and youth with disabilities.
- 3.3 Provide an opportunity for leadership development for youth with disabilities.
- 3.4 Establish relationships with national organizations serving these underrepresented populations.

IV. Maintain NCD's status as a high performance organization.

Objectives:

- 4.1 Provide the necessary tools and training to achieve a highly skilled and high-performing work force.
- 4.2 Provide a physical environment that promotes the health and well-being of employees.
- 4.3 Prepare budget testimony.
- 4.4 Provide support to NCD committees.
- 4.5 Maintain accurate accounting of all NCD obligations and expenditures.
- 4.6 Arrange for NCD quarterly meetings.
- 4.7 Conduct personnel evaluations.

PERFORMANCE RESULTS

Aligned with the President's Management Agenda (PMA), several key disciplines were highlighted in NCD's work during Fiscal Year 2007.

NCD identified the agency-wide results that were desired, outlined strategies to achieve them and worked assertively to realize those defined goals. A focus on results was not new for NCD; however, self-assessment and accountability with respect to specific and measurable outcomes were given more conspicuous positions.

NCD continued its long-standing and successful practice of determining when services outside the Federal Government were beneficial for reaching the agency's identified goals. Strides also were made in the ongoing evaluation of how work (e.g., research and related projects) progressed toward the stated agency goals and written cooperative agreements with outside contractors. The improvements in this area resulted in recognizing, and aggressively taking steps to remove, low-performing contractors in a timely manner. Outreach was expanded to solicit and continue to attract highly qualified vendors.

Many NCD project and program objectives reflect the expectation that the policy work supported at NCD will and should influence and have an impact on the policy process. Within projects and programs, for example, NCD promotes various means of linking research to policy, and research supported is often reported to have enhanced decision makers' awareness of policy options or to have been otherwise taken into account in policy processes.

Gauging the Effectiveness of NCD

As an agency that does not "deliver" services to the public, the impact of NCD's work related to its public education, outreach, policy development and research activities is more difficult to quantify than might be true for an agency that simply deals with totals of items delivered or numbers of people served. Accountability is an important characteristic for any agency, and NCD is no exception. Our agency has an impressive record of doing more with less, and the following section speaks to our effectiveness in completing the activities outlined in our authorizing legislation.

The public interest in Council outreach and educational activities can be measured by the number of unique online visits to our Internet web pages, requests for NCD documents, and by the numbers of subsequent articles published by the media following release of an NCD report or news release. Gauging the impact of NCD policy development and research reports is best measured by determining what actions other entities have taken with those products.

Listing the total number of NCD research reports and policy briefs requires a 12-page

document, so these comments will be restricted to work completed in the last five years. During the period 2002 through 2007, NCD staff and contracted researchers completed 24 major reports and a like number of policy briefs on issues of importance to people with disabilities. Those 24 reports contained over 800 recommendations directed to other federal agencies, Congress, and non-governmental organizations that provide disability services. An in-depth discussion of how those recommendations were used illustrates their value and is our best estimate of the quality of our products.

Policy and Research Impact

NCD's reports and recommendations have informed all branches of the United States government, international groups, the research community and the public about the various dimensions of complex disability issues and their importance in public policy development. Translating the impact of, or the response to, NCD's work into a measure of NCD's impact on public policy is not an easy task, for many reasons:

- First, the impact will have both a short-term and a long-term effect, and only the former can be addressed in this budget document.
- Second, given the brief time period of focus here (i.e., 2002-2007) NCD's earlier reports have a greater likelihood of being considered in policy discussions and policy/program actions than those released later in this time period because interested parties would have had a greater amount of time to respond to the earlier reports.
- Third, the issues addressed by NCD differed in their immediate importance to policymakers. For example, emergency preparedness research was of immediate concern to policymakers -- because of the scope and consequences of recent natural disasters -- and thus received the greatest attention, whereas policy research on the civil rights of institutionalized persons received far less attention.
- Fourth, when a government agency or other organization develops policy that makes use of or refers to NCD's work, it does not necessarily mean that NCD should be credited with having had a direct influence on the decision to develop or adopt the policy. Many factors influence the development of policy, and NCD's reports may be mentioned because they truly were influential, or they may be mentioned for purely political reasons.
- Finally, a good portion of NCD's contribution to the policymaking process has been to inform public discussion and debate over some highly contentious and value-laden issues, a contribution that is not easily measured.

Acceptance of, reliance on, or reference to NCD's factual findings, analyses, as well as its recommendations is not, therefore, a full measure of our agency's contribution to public policy. It is important that any assessment of NCD's contribution to public policy be conducted with these limitations in mind.

The impact of NCD's policy research is measured in a number of ways. NCD's work has frequently been referenced by: the White House, Congress, federal agencies, professional societies, the private sector, and others that have issued statements, guidance, and other documents that referenced, discussed, or were based on NCD's

policy research and initiatives. In addition, legislation has been introduced at both the federal and state levels that cited NCD's research or was based on NCD's policy work.

The following impact was identified by NCD:

- Impact on the White House and other members of the administration to NCD's policy research and its reports
- Federal legislation introduced or enacted that was a result (direct or indirect) of NCD's policy research and its reports
- Testimony before Congress by NCD Board Members, staff, or others at Congress's invitation
- Utilization of NCD's policy research and reports, including guidelines, statements, policies, and procedures, by relevant federal agencies, congressional committees, etc.
- Statements and related documents from national organizations, professional societies, private industry, and other entities that followed from or were made in response to NCD's policy research and reports.

Other countries and international organizations have also developed policies or issued statements on topics on which NCD has reported. Many of these policies and statements cite NCD's work. NCD Board Members and staff were also consulted by international organizations such as the United Nations Global Alliance for ICT and Development (GAID). The following impact of NCD's policy research and reports on other countries and international organizations was identified:

- Legislation that was introduced or enacted abroad that was a result (direct or indirect) of NCD's policy research and reports
- Policies, statements, and other documents from international organizations that refer to or are based on any of NCD's policy research and reports.

NCD's work has been discussed in leading national newspapers and magazines, and on television and radio. In addition, various scholars have written about NCD and its policy research and reports. NCD's primary function, as established in our authorizing legislation, is to provide advice to the federal government on matters pertaining to disability. NCD's policy research and reports from the period 2002 to 2007 have been accepted, relied on, and/or referenced by the White House, Congress, federal agencies and federal entities. In addition, NCD Board Members and staff have been invited to testify on key disability issues before the House and the Senate. White House documents, federal legislative proposals, congressional testimony, congressional committee reports, policy statements, and other relevant documents are offered as evidence of NCD impact.

White House/Executive Office of the President:

1. OMB's PART of the Department of Health and Human Services/Office of Civil Rights for the year 2005 [Please note: This was in direct relation to NCD's report *Rehabilitating*

Section 504, 2003]

2. *The President's New Freedom Initiative: The 2007 Progress Report*, July 24, 2007

Federal Agencies:

1. United States Commission on Civil Rights, *Ten-year Check-Up: Have Federal Agencies Responded to Civil Rights Recommendations?*, May 27, 2004, pages 116-117
2. Remarks by DHS/CRCL official (Dan Sutherland) at NCD Report Release, available at the following internet address
http://www.dhs.gov/xabout/structure/editorial_0624.shtm
3. Remarks by Department of Commerce official (Benjamin Wu) at NCD Report Release, available at the following internet address
http://www.technology.gov/speeches/BHW_041028.htm
4. Remarks of NCD staff to the Social Security Advisory Board based on NCD's Report on Long-Term Services and Supports, available at
http://www.ncd.gov/newsroom/testimony/2006/gould_01-31-06.htm
5. Remarks of NCD staff to the Social Security Advisory Board based on NCD's Report on Employment and Social Security, available at
http://www.ncd.gov/newsroom/testimony/2006/durocher_01-31-06.htm
6. Remarks of NCD Board Member Anne Rader based on NCD's reports on homeland security, at a Federal Sector Conference on Homeland Security, available at the following address http://www.ncd.gov/newsroom/testimony/2006/rader_12-13-06.htm

Congress:

1. 108th Congress, 1st Session; H.R. 3063, Children's Mental Health Screening and Prevention Act of 2003
2. 108th Congress, 1st Session; House Report 108-243; Committee on Appropriations urges FAA, NCD, TSA and RSPA to review and revise new technologies and procedures that will improve the ability of people needing supplemental oxygen to use during air travel.
3. 108th Congress, 1st Session; Senate Report 108-185; Committee on Health, Education, Labor, and Pensions references Individuals with Disabilities Education Act hearing testimony by NCD Board Member Lillian Rangel-Diaz. Senate report also cites NCD policy research findings under report discussion of "state eligibility" for federal grants.
4. Congressional Record, May 13, 2004; IDEA Improvement Act of 2003; pages S5394 to S5410
5. 109th Congress, 1st Session; Senate Report 109-48; Committee on Finance references hearing testimony by NCD Board Member Carol Novak regarding a review of legislative proposals to improve access to Medicaid Home and Community Based Services such as President Bush's New Freedom Initiative and the Medicaid Community Based Attendant Services and Supports Act.
6. 109th Congress, 2nd Session; House Report 109-515; Departments of Labor, Health

and Human Services, and Education, and Related Agencies Appropriations Act Bill, 2007 regarding an increased appropriation to conduct research work in relation to the Americans with Disabilities Act implementation [Please note: NCD issued a report, in keeping with this additional appropriation, in July 2007]

7. Public Law 109-295; Department of Homeland Security Appropriations Act, 2007 regarding nine (9) specific Congressional requirements for NCD to fulfill regarding homeland security operations as related to FEMA operations and Americans with disabilities.

8. 110th Congress, 1st Session; House Report 110-168; Senate Amendment to the H.R. 2206 Emergency Supplemental Appropriations Bill providing an additional amount for NCD for necessary expenses related to the requirements of P.L. 109-295--cited above.

9. 110th Congress 1st Session; April 17, 2007 request by Senate Homeland Security and Governmental Affairs Leaders to GAO to update a GAO 2006 report on the American Red Cross and other National Voluntary Organizations Active in Disasters using NCD's policy research and findings as a benchmark for GAO's follow-up evaluation. [Please note: NCD was interviewed by GAO in summer of 2007 for this follow-up evaluation.]

10. 110th Congress, 1st Session; June 13, 2007 invited testimony provided by NCD Board Member Graham Hill to the House Homeland Security Committee's Subcommittee on Emergency Communications, preparedness and Response. Hearing entitled, "Citizen Preparedness: Helping Our Communities Help Themselves."

Government Accountability Office:

1. GAO-04-879, *Special Education: Improved Timeliness and Better Use of Enforcement Actions Could Strengthen Education's Monitoring System*, September 9, 2004

2. GAO-04-463, *Fair Housing: Opportunities to Improve HUD's Oversight and Management of the Enforcement Process*, April 21, 2004

3. GAO-05-82, *American Community Survey: Key Unresolved Issues*, October 2004

4. GAO-05-626, *Federal Disability Assistance: Wide Array of Programs Needs to be Examined in Light of 21st Century Challenges*, June 2, 2005

5. GAO-07-44, *Transportation Disadvantaged Populations: Actions Needed to Clarify Responsibilities and Increase Preparedness for Evacuations*, December 22, 2006

6. GAO-07-236, *Federal Disability Assistance: Stronger Federal Oversight Could Help Assure Multiple Programs' Accountability*, January 26, 2007

7. GAO-07-411, *Emergency Preparedness: Current Emergency Alert System Has Limitations, and Development of a New Integrated System Will Be Challenging*, March 30, 2007

8. GAO-07-934SP, *Highlights of a Forum: Modernizing Federal Disability Policy*, August 3, 2007

Congressional Research Service:

1. CRS-RL33304, *The Americans with Disabilities Act (ADA): The Definition of Disability*, March 9, 2006
2. CRS-RS22254, *The Americans with Disabilities Act and Emergency Preparedness and Response*, July 21, 2006
3. CRS-RL30006, *Genetic Information: Legal Issues Relating to Discrimination and Privacy*, June 5, 2003
4. CRS-RL33729, *Federal Emergency Management Policy Changes After Hurricane Katrina: A Summary of Statutory Changes*, November 15, 2006
5. CRS-RL34041, *Section 504 of the Rehabilitation Act of 1973: Prohibiting Discrimination Against Individuals with Disabilities in Programs or Activities Receiving Federal Assistance*, June 13, 2007

Public Education and Outreach Impact

During Fiscal Year 2007, relevant statistics and data demonstrate that NCD was successful in reaching more of the public and our stakeholders in every part of the United States through several effective methods of obtaining much needed feedback or disseminating information necessary to achieve our mission.

Internet

NCD staff and Council members take advantage of the cost effective and efficient communications and assistive technology capabilities through the use of the Internet by sending and receiving 365,000 emails per year. The majority of our staff, Council members, and stakeholders have disabilities, and utilizing assistive technology to communicate via the Internet enables them to participate fully in dialogue and deliberations on NCD matters. This practice fosters an environment for free exchange of ideas as the council members go about the business of promoting best practices, policies and programs.

The NCD Web site (www.ncd.gov) receives an astounding 13 million visits per year as a result of people wanting access to our reports and studies. Additionally, many disability-related and governmental Web sites include a link to our Web site which bolsters the number of visitors who are seeking information on disability issues and policy. During this past year, 530,886 reports and papers were downloaded, saving taxpayers literally thousands of dollars in printing, handling, and mailing costs. In addition, the NCD listserv has 1,980 subscribers. Many of those subscribers share NCD messages, news advisories, and news releases with their own listservs, exponentially increasing our public outreach.

Media Coverage

NCD also 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 such far away lands as Australia, New Zealand, India, South Korea, and closer to home in Great Britain. During the fiscal year, there were 601 media placements of news items related to NCD. Several editorials were also spawned by the release of NCD publications. The latest was a supportive editorial in August prompted by the release of two NCD reports on the Americans with Disabilities Act.

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 Web Site Accessibility

NCD is now revamping its Web site to be more user-friendly. For instance, NCD is converting its publications section from a chronological listing to an issues listing. Those issues will include the Americans with Disabilities Act, civil rights, disability statistics and research, education, emergency preparedness and homeland security, employment, GPRA, health care, housing, international, mental health, progress reports, technology, and transportation. Although the site is fully 508 compliant, NCD is moving to enhance features that will make it more accessible and more user-friendly.

NCD Reports

In FY 2007, NCD mailed reports to 9,600 people and organizations. Beginning in FY 2008, with the release of a new report on employment, NCD will no longer mail reports or its newsletter to Members of Congress. Instead, NCD will take full advantage of the rules of the House and Senate mail rooms and have its publications distributed free-of-charge to each member of Congress on the day they arrive. NCD estimates a cost saving in postage alone of approximately \$1,500 per report. An added benefit of this newly initiated procedure will mean that NCD publications are delivered to Congress on the day they are released to the public. In the past, using a government-approved AbilityOne Program (formerly Javits-Wagner-O'Day) mailing house delayed the arrival of NCD publications by weeks due to handling and irradiation of U.S. Mail to Congress.

In addition, NCD will also begin a new process where it will print only the executive summaries of large NCD reports. By adopting this policy, we anticipate that printing

costs in FY 2008 will be cut nearly in half. NCD will continue its long-standing practice of posting all reports in their entirety on the NCD Web site.

NCD Newsletter

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 is published on the NCD listserv, US Newswire, and PR Newswire; this is the same distribution network used for NCD news releases and news advisories.

Foreign Visitors

In 1995, NCD was designated by the U.S. Department of State to be the U.S. government's official contact point for disability issues. Specifically, NCD interacts with the special rapporteur of the United Nations Commission for Social Development on disability matters. NCD is also designated by the Department of State to host several visits each year from foreign delegations that express an interest in United States disability-related laws and programs. In FY 2007 alone, NCD provided technical assistance and outreach to several different foreign delegations. NCD met with representatives of Bulgaria, China (two visits), India, Uganda, Sudan, Vietnam, Norway, Australia, Qatar, Egypt, Bahrain, the United Arab Emirates, Gaza, Lebanon, Morocco, Saudi Arabia, and Yemen.

Public Participation at NCD Quarterly Meetings

Public participation at NCD quarterly meetings has risen dramatically during FY 2007. Three participants attended NCD's first quarterly meeting in October 2006 (Washington, DC) with one person delivering public comments. At our most recent quarterly meeting in July (Chicago), there were 130 participants and 32 public comments. Another 100 of our stakeholders in the disability community participated in an NCD-sponsored reception for leaders in the local disability community.

This reaching out to local disability communities was accomplished by the redirection of our budget to conduct meetings around the country so we can carry out our mandate to get 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 included local panel presentations to the council, to enable us to carry out our primary mandate to identify and promote the best practices, policies and programs that benefit people with disabilities.

Activities

NCD's activities for FY 2007 are broken out under the four categories of the President's New Freedom Initiative: increasing access through technology; expanding educational opportunities for youth with disabilities; integrating Americans with disabilities into the workforce; and promoting full access to community life.

Increasing Access through Technology

Emerging Technologies

On December 27, NCD released *Over the Horizon: Potential Impact of Emerging Trends in Information and Communication Technology on Disability Policy and Practice* (www.ncd.gov/newsroom/publications/2006/emerging_trends.htm), a policy paper that explores key trends in information and communication technology; highlights the potential opportunities and problems these trends present for people with disabilities; and suggests some strategies to maximize opportunities and avoid potential problems and barriers.

The policies we adopt today will determine whether the technology of the future empowers people with disabilities—enabling them to work, learn, communicate, shop, and live independent, productive lives as full and equal members of society.

For more information on the report, please contact Julie Carroll at jcarroll@ncd.gov.

Telecommunications

On December 29, NCD called on Congress and the Administration to end telecommunications and information services discrimination for people with disabilities.

NCD's report, *The Need for Federal Legislation and Regulation Prohibiting Telecommunications and Information Services Discrimination* (www.ncd.gov/newsroom/publications/2006/discrimination.htm), explores the need to adopt legislative and regulatory safeguards to guarantee equal access by people with disabilities to evolving high-speed broadband, wireless, and Internet-based technologies. Experience shows that as these technological innovations stake their claim in American society, market forces will not be sufficient to ensure such access. Rather, Congress, the Federal Communications Commission, and other federal agencies will need to step up to ensure that these communications technologies remain accessible to and usable by all Americans with disabilities.

Global Technology

NCD's chairperson, John R. Vaughn and NCD's director of research and technology, Martin Gould, participated in the first Global Initiative for Inclusive ICTs (G3ict) Global Forum on March 26, 2007, at UN Headquarters in New York. A flagship partnership initiative of the United Nations Global Initiative for ICT and Development, G3ict is headed by W2i, the Wireless Internet Institute in cooperation with the Secretariat for the

Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities and the United Nations Institute for Training and Research (UNITAR).

John R. Vaughn chaired the panel on “Identifying core areas of opportunity to foster greater accessibility of ICTs for persons with disabilities.” This panel examined the potential for ICT industries of developing inclusive products and services from a market perspective. Strategies that can best support the development of accessible and assistive features for ICT products were also examined, including through Universal Design approaches. Core areas of opportunities were identified as well as specific funding and R&D resources that industry could benefit from. Martin Gould served on the panel on “Raising the challenge for a more accessible information society: case studies and perspectives from persons with disabilities.” This panel examined the pervasive impact of ICTs on all aspects of contemporary life from the perspective of persons living with disabilities. Systematic research of accessibility gaps among common ICT products was presented, as well as hands-on examples of good practices and challenges covering the workplace, home, media, e-government, and public services applications.

On September 21, NCD participated in a working meeting hosted by Ambassador Luis Gallegos to discuss plans for the Global Alliance for Inclusive Information and Communication Technologies-led (G3ict) Digital Inclusion Index for Persons with Disabilities. A preliminary research committee met to brainstorm possible methods for creating an index that will measure countries compliance with the dispositions of the Convention on the Rights of Persons with Disabilities with regard to information and communication technologies.

Expanding Educational Opportunities for Youth with Disabilities

IDEA

On February 26, NCD chairperson John R. Vaughn released a statement regarding the U.S. Supreme Court oral argument, which was heard on February 27, on whether parents may, without a lawyer (*pro se*), file a lawsuit to enforce their child’s rights under the Individuals with Disabilities Education Act (IDEA).

The case of *Winkelman v. Parma City School District* (No. 05-983) addresses a split among circuit courts, one circuit deciding that there are no limitations on the parents’ ability to prosecute *pro se* an IDEA case in federal court, several circuits ruling that under IDEA parents can only represent *pro se* their own interests and not those of their child, and the Sixth Circuit saying in *Winkelman* that parents cannot represent themselves or their kids in court under IDEA.

As an independent federal agency that is statutorily charged with the responsibility of promoting disability laws and programs, NCD is concerned about maintaining the ability of parents to obtain the rights and benefits guaranteed to their children under IDEA.

Chairperson Vaughn concluded by urging that the resolution of the *Winkelman* case give full effect to the educational guarantees of IDEA by supporting the rights of parents to pursue the interests of their children regardless of whether they have a lawyer to assist them.

The entire statement with links to related NCD publications is available at (<http://www.ncd.gov/newsroom/news/2007/r07-531.htm>).

Integrating Americans with Disabilities into the Workforce

Social Security

On November 21, NCD published an issue brief titled *The Basics of the National Council on Disability's Social Security Report* (http://www.ncd.gov/newsroom/publications/2006/issue_brief.htm). This is a follow-up to NCD's 2005 report *The Social Security Administration's Efforts to Promote Employment for People with Disabilities: New Solutions for Old Problems* (<http://www.ncd.gov/newsroom/publications/2005/ssa-promoteemployment.htm>).

Our nation's current disability benefit programs are based on a policy principle that assumes that the presence of a significant disability and lack of substantial earnings equate with a complete inability to work. Americans with disabilities remain underemployed, despite the fact that many are willing and able to work. Although the Social Security Administration (SSA) has instituted a number of incentives to reduce the numerous obstacles to employment faced by its Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) beneficiaries, such efforts have had little impact because few beneficiaries are aware of these incentives and how they affect benefits and access to health care.

The issue brief highlights the continuing number of SSA beneficiaries who never leave the SSI and SSDI insurance rolls, and the need to increase the number of beneficiaries who enter, or reenter, the U.S. workforce. The brief discusses the need to identify new approaches that emphasize beneficiary control of career planning and the ability to access self-selected services and supports.

Public and private health care providers must work together to develop new approaches to combining coverage from multiple sources to improve program efficiencies. SSA must continue to work with the Rehabilitation Services Administration and the Department of Labor to improve implementation of the Ticket to Work program and identify new approaches that will overcome the traditional inability of SSA beneficiaries to benefit from services provided by the nation's employment and training programs. Secondary and postsecondary educational institutions must emphasize benefits counseling and financial management training as the foundation for beneficiary self-direction and economic self-sufficiency. Federal agencies and the business community must realize that collaborative approaches to incorporating beneficiaries into the

workforce are needed as a way to reduce dependence on federal benefits while simultaneously enhancing the productivity and competitiveness of large and small business.

Congress and the Social Security Administration must address the recommendations in the issue brief and report by modifying policies and procedures. These modifications should focus on the continuing number of SSA beneficiaries who never leave the SSI and DI rolls, and on increasing the number of beneficiaries who enter, or reenter, the U.S. workforce.

Vocational Rehabilitation

On April 5, NCD announced a prerelease notice for a study on *The Vocational Rehabilitation Act: Transition Outcomes and Effects* (http://www.ncd.gov/research_opportunity/040507prerelease.html).

NCD is seeking researchers to assess the implementation of the Rehabilitation Act of 1973, specifically related to transition from school to work and/or post-secondary education, as well as collaboration with post-secondary educational systems. Traditionally, the vocational rehabilitation (VR) program has been justified as a good investment, with supporters pointing to cost-benefit studies showing high positive ratios of earnings gains of former clients to money spent on program services and administration. But questions have been raised about whether the program is able to serve all those who are eligible and desire services, whether the services provided are sufficient in scope and suitably targeted to meet the needs of a diverse clientele, and whether the program's effects persist over the long term.

Now, more than ever perhaps, effective vocational rehabilitation programs are necessary. Those responsible for decisions about the state-federal VR program need information about how those with disabilities are being served and what works. Individuals with disabilities are more likely to be unemployed or living in poverty than are Americans without disabilities. But many individuals, especially those with severe disabilities, are also in need of education, skill training, and other assistive services to effectively prepare them to take advantage of work opportunities. There is a persistent high rate of unemployment among people with disabilities. Though the high unemployment rate is due to a number of factors, there does appear to be a correlation between employability and education and training. To be competitive in today's world, one most often needs education and training beyond the secondary school level.

NCD expects that the resulting report will be used by policymakers and the public to refine and strengthen the on-going implementation of the Rehabilitation Act.

On August 1, NCD announced that it awarded its one-year study *The Vocational Rehabilitation Act: Transition Outcomes and Effects* to the Virginia Commonwealth University. NCD will assess the impact of the Rehabilitation Act of 1973, specifically related to transition from school to work and/or post-secondary education, as well as

collaboration with post-secondary educational systems. NCD expects that the resulting report will be used by policymakers and the public to refine and strengthen the ongoing implementation of the Rehabilitation Act.

Promoting Full Access to Community Life

Creating Livable Communities

On October 30, NCD released its latest report, *Creating Livable Communities*, at AARP headquarters in Washington, DC. The report is the sequel to NCD's 2004 report, *Livable Communities for Adults with Disabilities* (<http://www.ncd.gov/newsroom/publications/2004/LivableCommunities.htm>).

Communities in the United States are faced with increasingly difficult choices and decisions about how to grow, plan for change, and improve the quality of life for all citizens, including children, youth, and adults with disabilities. As mentioned in our previous report, NCD believes that for the promise of full integration into the community to become a reality, people with disabilities need safe and affordable housing; access to transportation; access to the political process; and the right to enjoy whatever services, programs, and activities are offered to all members of the community by both public and private entities.

Participants at the news conference included Pat Pound (NCD); Elinor Ginzler (AARP); James Koski (Congressional Livable Communities Task Force); Mia Oberlink (Center for Home Care Policy and Research); and Larry Roffee (Access Board).

Participants at the stakeholder dialogue included Day-al Mohamed (American Council of the Blind); Yerker Andersson (National Association of the Deaf); Curt Decker (Consortium for Citizens with Disabilities); Andy Kochera (AARP); Michael Morris (National Disability Institute); Nancy Starnes (National Organization on Disability); Janna Starr (United Cerebral Palsy); and David Warner (Social Security Advisory Board).

National Disability Policy

On November 9, NCD released its annual *National Disability Policy: A Progress Report* (http://www.ncd.gov/newsroom/publications/2006/progress_report.htm) at a media availability in Washington, DC.

NCD's authorizing statute states that it 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.

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

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 on 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.

In determining the issues to focus on and the findings, conclusions, and recommendations to include in the report, NCD 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.

The report presents, as appropriate, available data on health, housing, employment, insurance, transportation, recreation, training, prevention, early intervention, and education. The report includes recommendations for policy change.

The report covers the period from December 2004 to December 2005. It reviews federal policy activities, noting progress where it has occurred, and makes further recommendations where necessary. The recommendations apply to the Executive Branch, to the Legislative Branch, and in some instances to both. While NCD believes the country is moving forward, expanding opportunities and inclusion for Americans with disabilities, the rate of progress is slow. Federal policy still contains inconsistent messages and unrealistic requirements for people with disabilities who rely on such federal programs as Social Security Disability Insurance, Medicaid, Medicare, special education, and Temporary Assistance for Needy Families.

NCD's newly created Emerging Trends Committee has purview over the progress report and its contents.

Some of the recommendations include the following:

Statistics—Recommendation 1.2: NCD recommends that the results of field testing of the new American Community Survey disability question be shared with the disability community, and that opportunity for input and further refinement be made available.

Civil Rights—Recommendation 2.4: NCD recommends that Congress adopt the ADA Restoration Act.

Education—Recommendation 3.2: NCD recommends that the U.S. Department of Education's Office of Special Education Programs, through amendment to its proposed Individuals with Disabilities Education Act regulations or through instructional letters to state directors of special education, provide guidance on monitoring requirements, outcome goals, and best practices in connection with efforts to reduce minority overrepresentation.

Health—Recommendation 4.4: NCD recommends that Congress act swiftly to identify the measures or resources that would be required to assure a smooth and timely flow of relevant information from the U.S. Department of Defense to the U.S. Department of Veterans Affairs regarding seriously injured veterans, and that Congress then enact legislation ensuring that the necessary coordination will take place.

Long-term Services and Supports—Recommendation 5.2: NCD recommends the expansion of money follows the person type programs, both through legislation and through the exercise by federal agencies of their demonstration program authority.

Child and Youth—Recommendation 7.1: NCD recommends that the House Committee on Education and the Workforce and the Senate HELP Committee request that the U.S. Government Accountability Office continue and deepen its recent vocational rehabilitation (VR) study by carrying out detailed research into how particular VR services correlate with successful employment outcomes and into how existing definitions of successful case outcomes may influence the range and content of services provided in the field.

Welfare Reform—Recommendation 8.1: NCD recommends that in defining the concept of work requirements under current law, or in implementing any new statutory definition of this concept, the U.S. Department of Health and Human Services consider the circumstances of recipients with disabilities, the resources available for training and supporting them, and the attitudes of prospective employers regarding these welfare-to-work participants.

Housing—Recommendation 9.2: NCD recommends immediate adoption of legislation, to be developed and submitted in consultation by the U.S. Department of Justice, Civil Rights Division and by the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity along with appropriate Congressional housing committees, to ensure that accessibility will be included as a uniform feature of all funding and procurement contracts and of all grants related to rebuilding after natural disasters.

Transportation—Recommendation 10.1: NCD recommends that the U.S. Department of Transportation continue to conduct regular, proactive assessments of transit system compliance with ADA requirements to assure that maintenance, deployment,

information accessibility and other components of truly accessible service remain priorities, once accessible capital equipment has been purchased and deployed.

Assistive Technology and Telecommunications—Recommendation 11.3: NCD recommends passage of the Realtime Writers Act. It is imperative that the nation develop a cadre of trained personnel who are able to meet the growing demand for qualified captioners.

International Affairs—Recommendation 12.1: NCD recommends that the U.S. Agency for International Development undertake a study of the extent to which the Global Fund and other multinational efforts currently do, or prospectively could, expand their scope of concern to ensure nondiscrimination and full opportunity for those who benefit from the medical interventions and resources that U.S. foreign assistance programs make available.

Homeland Security—Recommendation 13.1: NCD recommends that Congress adopt overarching procedures to address interstate issues for all federal-state programs in evacuation situations.

Social Security Disability Backlogs

NCD submitted testimony to the record of the Subcommittee on Social Security of the House Ways and Means Committee's hearing on Social Security Disability Backlogs, held February 14, 2007. The testimony contained recommendations on the Social Security Administration's disability backlogs from NCD's report, *The Social Security Administration's Efforts to Promote Employment for People with Disabilities: New Solutions for Old Problems* (<http://www.ncd.gov/newsroom/publications/2005/ssa-promoteemployment.htm>).

The entire testimony can be found at http://www.ncd.gov/newsroom/testimony/2007/testimony_02-14-07.htm.

Health Care

On March 22, NCD posted a prerelease notice for a study on *The Current State of Health Care for Americans with Disabilities* (http://www.ncd.gov/research_opportunity/032207prerelease.html). Application materials will be made available on April 23, 2007.

In the course of monitoring the impact of the ADA, NCD has learned that Americans with disabilities do not have equal access to quality health care and health promotion services, due in part to a lack of ADA implementation and enforcement in health care facilities, as well as to inadequate access to health insurance, deficiencies in health care coverage, and inadequate training of health care professionals.

The U.S. health care delivery system is touted by many to have outstanding providers, facilities, and technology. Many Americans enjoy easy access to care. However, not all

Americans have full access to high quality health care, and too many Americans with disabilities have inadequate or no access to health care.

The lack of access to high quality health care can be particularly problematic for service members and veterans with disabilities, women with disabilities, and individuals with communication disabilities, such as people who are deaf or hard-of-hearing, people who are blind, people who have speech impairments, or people with intellectual disabilities. The consequences of these problems often are far-reaching, leading to unemployment, poverty, homelessness, the development of secondary health conditions, and a shortened life span.

NCD would enter into a Cooperative Agreement with entities that have the knowledge and experience to conduct a study of the current state of health care for Americans with disabilities, with a particular focus on service members and veterans with disabilities, women with disabilities, and individuals with communication disabilities. Partnerships and collaborative efforts are encouraged to ensure that appropriate expertise is brought to bear on this complex project involving diverse stakeholders. Input must be gathered from individuals with disabilities, health care providers, and health insurers. An NCD report blending a similar mix of perspectives can be viewed in *The Current State of Transportation for People with Disabilities in the United States* (June 2005) at http://www.ncd.gov/newsroom/publications/2005/current_state.htm.

Congressional Outreach

On December 11, NCD published the first of a number of upcoming monthly two-page briefings for Congress, highlighting major points in the NCD report *The State of 21st Century Long-Term Services and Supports: Financing and Systems Reform for Americans with Disabilities* (www.ncd.gov/newsroom/publications/2005/longterm_services.htm).

NCD undertook research for this report because it has grown increasingly concerned about (a) the lack of a coherent national policy for long-term services and supports (LTSS) for all people with disabilities; (b) the fragmented nature of service and support delivery systems, with uneven access and service provision; and (c) LTSS costs of 22 percent or more of state budgets, which are fast becoming unsustainable. Additionally, NCD noted that no single federal program, federal agency, or congressional committee is charged with the responsibility for the management, funding, and oversight of LTSS; however, 23 federal agencies are actively involved in LTSS using the NCD definition.

The purpose of this research is to produce new knowledge and an understanding of current experience with LTSS and the future need for affordable LTSS for people with disabilities.

On December 18, NCD notified members of the House Livable Communities Task Force and the Senate Special Committee on Aging about the release of the NCD report

Creating Livable Communities, available at
www.ncd.gov/newsroom/publications/2006/livable_communities.htm.

The report identifies a number of strategies that can be applied to the design and support of livable community principles. The strategies have been initiated by federal and state government agencies as well as the private sector. These entities have recognized the power of collaboration and the use of distinct tools to guide and stimulate systemic changes to make communities more livable for all.

International

On December 18, NCD chairperson John R. Vaughn released a statement regarding the adoption of the United Nations International Convention on the Rights of People with Disabilities.

NCD commends the UN General Assembly, UN delegates, nongovernmental representatives, and civil society for the effort they have invested in creating this new convention on the rights of people with disabilities around the world. This momentous occasion marks the end of a five-year negotiation process that was unprecedented in its inclusion of nongovernmental organizations made up of people with disabilities. This is the first convention of such magnitude in this century; it will further the human rights of millions of people with disabilities around the world and will benefit their families and the communities in which they live and work.

The treaty will be open for signature and ratification on March 30, 2007, and will enter into force after it has been ratified by 20 countries. At that point, other countries that wish to become party to the convention must “accede,” meaning they must sign and ratify at the same time. If a country signs the treaty at the outset of its adoption by the General Assembly, the country is considered to be a signatory and is allowed to take more time to decide whether it wants to ratify and become a “states party.” If the country signs but then decides not to ratify, it is still a signatory; or the country may “unsign” if it has no intention of ever ratifying.

For more information on NCD’s work on the convention, please see
www.ncd.gov/newsroom/news/2006/r06-522.htm

Veterans

On January 29, NCD hosted a veterans program at its San Diego quarterly meeting. The purpose of the program was to enable NCD members to learn from veterans with disabilities, particularly service members returning from the current conflict, about the programs available to assist them as they transition to life with a disability, and whether those programs are meeting their needs. Veterans with disabilities returning from the current conflict differ from those in prior wars in that many are electing to remain in the service after rehabilitation. This is feasible due in part to advances in assistive technology that make it possible for people with disabilities to perform a wide range of jobs, and in part to progress in attitudes toward disability. Assistive technology is readily

available to disabled service members while they are enlisted, but can be difficult or impossible to obtain once they leave the service. The same is true of quality health care. For disabled service members who do not elect to, or are not able to, remain in the service after rehabilitation, transition services are often inadequate, unavailable, or difficult to learn about and access.

Panelists were Sherman Gillums, Jr., National Service Officer, Cal-Diego Paralyzed Veterans of America; Colonel John Folsom, Founder and Director, Wounded Warriors; and Michael McPherson, Protection and Advocacy Inc., Peer/Self Advocacy Unit, Southern California Coordinator.

Livable Communities

On January 30, NCD continued its livable communities theme with a panel presentation in San Diego, related to its *Creating Livable Communities* report (http://www.ncd.gov/newsroom/publications/2006/livable_communities.htm).

Panelists were Cyndi Jones, Director and Principal Investigator, The Center for an Accessible Society, and What's Next? Mentoring Program for Young People with Physical Disabilities, funded by the U.S. Department of Education; Betty Bacon, former Disability Programs Coordinator, Office of Diversity, and former Director, Disabled Student Services; and Louis Frick, Executive Director, Access to Independence.

On July 25, NCD conducted a livable communities/best practices in mental health panel discussion.

Carol Wozniowski, Director of Mental Health America of Illinois, described many serious problems in the Illinois public mental health system. These include limited access to treatment, lack of affordable housing, premature discharge from hospitalization, inadequate discharge planning, too much investment in hospitals, lack of emphasis on employment for consumers, poor jail diversion, lack of coordination among human service agencies, and scarcity of psychiatrists, with a special dearth of child and adolescent psychiatrists. Lack of early intervention that results from mandates to serve only the most seriously ill actually causes unnecessary disability. Carol called for Congress to pass, and the president to sign, parity legislation to increase housing options, and to increase federal funding for criminal justice diversion, services for youth, and research.

Pamela Charles, from the Growing Place, said she has been in recovery for 28 years. She described the successes that result from peer support, self-advocacy, and Copeland's Wellness Recovery Action Plan (WRAP). She called for removal of Medicare's 120-day limit on mental health days.

Lucy Sajdais, Director of the Growing Place, said the need for affordable housing is at a crisis point. People are inappropriately housed in nursing homes. She called for the Federal Government to implement the recommendations from NCD's 2000 report, *From Privileges to Rights*, specifically citing the recommendation that involuntary treatment be

avoided. She asked for help protecting civil rights and described Senate Bill 234, which was passed by the Illinois legislature and is currently on the governor's desk. If signed, it will expand the criteria for involuntary treatment to include "likely to deteriorate." She said that *Olmstead* should be applied to private nursing homes, as well as publicly funded institutions.

On July 24, former NCD Chairperson Marca Bristo invited NCD to a presentation on the United Nations Convention on the Rights of People with Disabilities (see NCD paper on the Convention at http://www.ncd.gov/newsroom/publications/2006/un_convention.htm) by Gerard Quinn of Ireland. The presentation took place at the new, fully-accessible headquarters of Access Living of Metropolitan Chicago, a nonresidential Center for Independent Living for people with all types of disabilities. The center received Paralyzed Veterans of America's 2007 Barrier-Free America Award, which honors and promotes leadership, innovation and action in the architectural and design communities in advancing accessibility.

After Mr. Quinn's presentation, Ms. Bristo introduced Jim Ward of ADA Watch, who discussed their national ADA bus tour, *Road To Freedom: Keeping the Promise of the Americans with Disabilities Act*. The tour, a national awareness campaign inspired by the historic journey of Justin and Yoshiko Dart to mobilize support for passage of the ADA, features historical ADA photos by Tom Olin.

At the conclusion of the program, NCD hosted a reception at Access Living for the disability community.

Foster Care

NCD is exploring the policy issues surrounding foster care youth with disabilities. NCD has contracted with the American Youth Policy Forum (AYPF) to conduct this research. As part of this study, NCD held a panel discussion at its San Diego board meeting to explore several issues surrounding this vulnerable population in terms of demographics, services available, and laws in place to improve services for foster youth with disabilities in the United States. Discussion included promising practices in child welfare and placement, as well as education, workforce, and transition issues.

Panelists for this informative panel were Betsy Brand, Director, AYPF; Caroline Christodoulidis, Program Associate, AYPF; Barry Fox, Chief, Residential Services, San Diego County Health and Human Services Agency; Judy Steet Borchert, Associate Chief of Case Management Services, San Diego Regional Center; Debbie Davies, Team Leader, Forensic & Medical Services, and Lead Forensic Interviewer, Chadwick Center for Children and Families; Patty Boles, Foster/Adoptive Parent and Executive Director, Straight From the Heart, Inc.; Richard A. Devylder, Deputy Director, Independent Living and External Affairs, California Department of Rehabilitation; Michelle Lustig, Coordinator, San Diego County Office of Education, Foster Youth Services; Terri Linehan, Program Diagnostic Resource Teacher, Secondary ILS, PACE, San Diego Unified School District; Jerry Hobbs, Teacher, Special Education, Special

Day Class, Licensed Children's Institutions, San Diego Unified Schools; and Marilyn Stewart, Director, YES Transition Network, ACCESS, Inc.

On March 14, NCD and the American Youth Policy Forum held a policy discussion at the Institute for Educational Leadership. Participants included stakeholders at the national and local level. The discussion included the systems interacting with youth with disabilities in foster care including the educational system; mental health system; workforce, child welfare, and juvenile justice systems; the issues affecting this population; and potential solutions, including strategic collaborations. NCD expects to release a report this summer.

NCD to Study Health Care

The U.S. health care delivery system is touted by many as having outstanding providers, facilities, and technology. Many Americans enjoy easy access to care. However, not all Americans have full access to high-quality health care. And too many Americans, including Americans with disabilities, have inadequate or no access to health care. In 1999, Congress directed the Agency for Healthcare Research and Quality to produce an annual report, starting in 2003, to track “prevailing disparities in health care delivery as it relates to racial factors and socioeconomic factors in priority populations.” Although the emphasis is on disparities related to race, ethnicity, and socioeconomic status, this directive includes a charge to examine disparities in “priority populations”—groups with unique health care needs or issues that require special focus.

In 2003, the first National Healthcare Disparities Report (NHDR), a comprehensive national overview of disparities in health care among racial, ethnic, and socioeconomic groups in the general U.S. population and among priority populations, was released. In 2004, the second NHDR, building upon the 2003 report, was released. In the 2004 report, a second critical goal of the report was developed: tracking the nation’s progress toward eliminating health care disparities. The 2004 report highlights three key themes for policymakers, clinicians, health system administrators, and community leaders who seek to use this information to improve health care services for all Americans: (a) disparities are pervasive; (b) improvement is possible; and (c) gaps in information exist, especially for specific conditions and populations. Other than its focus on children with special health care needs, however, the report provides little information about health care disparities and Americans with disabilities.

To ensure that millions of Americans with disabilities are not left out of this critical research effort and related federal policy-making efforts, NCD is interested in conducting research to analyze the history of federal efforts in health care as it relates to Americans with disabilities and to review efforts to enhance access to coverage and care through the private sector.

On April 23, application materials were posted (http://www.ncd.gov/research_opportunity/currentstate_04-23-07.htm) for NCD’s study

on The Current State of Health Care for Americans with Disabilities. This study will examine the current state of health care for Americans with disabilities, with a particular focus on service members and veterans with disabilities, women with disabilities, and individuals with communication disabilities. The closing date was June 4.

Emergency Preparedness

Under the Homeland Security Appropriations bill (H.R. 5441) signed by President Bush on October 4, 2006, NCD was assigned key responsibilities for disability related issues in homeland security. These responsibilities involve the Administrator of FEMA working, in conjunction with other FEMA staff, with NCD and others (e.g., a National Advisory Council, organizations representing people with disabilities) on at least nine (9) major tasks including:

- Appointing a Disability Coordinator;
- 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;
- 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;
- 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;
- 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;
- Establishing a comprehensive system to assess, on an ongoing basis, the Nation's prevention capabilities and overall preparedness, including operational readiness;
- 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;
- Developing, coordinating, and maintaining a National Disaster Housing Strategy; and

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

NCD met during the last week of February with key FEMA and DHS staff, as well as with national organizations representing people with disabilities, about these key responsibilities and the direction FEMA is taking to fulfill its new disability mandates under H.R. 5441. FEMA management also testified in February before the House Committee on Homeland Security regarding the overall direction it is taking to strengthen its operations and infrastructure (see, http://media-newswire.com/release_1044788.html).

Homeland Security, Emergency Preparedness, Disaster Relief and Recovery Public Consultation

On May 30, NCD released a public consultation request to identify local best practices in the areas of homeland security, emergency preparedness, and disaster relief and recovery. The expectation is that local communities can offer workable solutions and advice to help the Federal Government (and its state and private partners) establish policies, disseminate information, and support best practices for those most immediately affected by natural and man-made disasters. This public consultation is designed specifically to identify proven examples of community efforts that successfully address programs and practices that successfully take into account the needs of people with disabilities in the areas of homeland security, emergency preparation, and disaster relief and recovery.

Why are we using a public consultation process? Running a consultation is not simply about more open government. We want to make our national policies more effective by listening to and taking onboard the views of the public and interested groups. Listening to the public has a number of specific benefits for us; it allows us to tap the widest source of information possible and thus improves the quality of the information received, and the advice it provides to Federal Government leaders; it alerts us to any concerns and issues and data not picked up through existing evidence or research; and, it helps us to monitor existing policy and determine whether potential changes are needed.

Read the entire document at
(http://www.ncd.gov/newsroom/publications/2007/ncd_consultant_05-31-07.htm).

On July 24, NCD continued its focus on emergency preparedness with a panel that focused on state, local, and consumer perspectives and the needs of people with a variety of disabilities in both urban and rural environments.

Laurie J. Dittman, Senior Policy Analyst in the Mayor's Office for People with Disabilities (MOPD), discussed an emergency evacuation ordinance passed in Chicago after 9/11

so that high-rise buildings of 80 feet or more must develop evacuation plans. The ordinance requires evacuation assistance for each building occupant needing assistance who has voluntarily self-identified. Each plan must identify places of refuge for all occupants who need assistance. Ms. Dittman detailed the importance of having the MOPD involved from the beginning on the evacuation ordinance and many additional parameters contained in the law. She also outlined a new project that will create a voluntary emergency assistance registry in Chicago. This project grew out of town meetings held with the Chicago Police Department and other initiatives that emanated from encouraging community participation in community emergency response teams.

Paul H. Rasch, Regional Coordinator for the Illinois Emergency Management Agency, began by noting that everyone in attendance at the meeting understood how much remains to be done in the emergency management community to address the needs of persons with special needs. He spoke about emergency management challenges statewide that include both urban and rural communities. He noted that rural areas often have very limited funding and resources but may have residents with special needs who require services. He discussed the initiative of working with the Red Cross and others to ensure that shelters are accessible to people with disabilities, a need that became clear post-Katrina. Mr. Rasch also outlined the work of the Public Education Committee of the Illinois Terrorism Task Force in setting up a Special Needs Subcommittee. This group will solicit input from a cross section of agencies, organizations, and persons with disabilities.

Sarah Triano, Director of Programs for Access Living, opened her comments by noting that she was a person with a couple of hidden disabilities and helped expand the discussion to remember that others may also have hidden disabilities. She described the elevator at the new Access Living headquarters in Chicago as the only elevator in the country right now that has a TTY for use in emergencies by people who are deaf. Ms. Triano also noted the building has evacuation chairs on all floors. She discussed that Chicago had only two shelters post-Katrina and that led to many people who use wheelchairs being separated from their families and unnecessarily sent to nursing homes. She mentioned the ongoing challenge of people with disabilities in the local community who may wait years for accessible housing, but when disaster evacuees arrive accessible housing becomes available for them.

Breaking the Silence on Crime Victims with Disabilities

On May 21, NCD, the Association of University Centers on Disabilities, and The National Center for Victims of Crime announced a new partnership addressing the long-neglected needs of crime victims with disabilities.

The ultimate goal of this partnership is to foster greater public awareness about crime victims with disabilities and to forge a national commitment to better serve this particularly vulnerable population.

In announcing the partnership, the three organizations released a joint statement that calls for expanded research to establish the prevalence and impact of crime against people with disabilities. The statement also calls for greater public education to raise awareness about the circumstances and needs of people with disabilities who have been victimized by crime; public policy changes that integrate crime victims with disabilities and their needs into the current framework of federal, state, and local services; increased access to programs and services that will help crime victims with disabilities rebuild their lives; and a national leadership forum that will serve as a unifying and proactive voice for crime victims with disabilities. (To read the full joint statement, see http://www.ncd.gov/newsroom/publications/2007/pdf/05-21-07_jointstatement_crime.pdf.)

On May 30, the partnership conducted an on-line town hall meeting (www.ncvc.org) that connected victim service providers, disability activists, and others from across the country to discuss the joint statement in greater detail and identify specific strategies for addressing the needs of crime victims with disabilities.

Presenters included: John R. Vaughn, Chairperson, National Council on Disability; Olegario D. Cantos VII, Esq., Special Counsel to the Assistant Attorney General, Civil Rights Division, U.S. Department of Justice; Mary Lou Leary, Executive Director, The National Center for Victims of Crime; and Beverly L. Frantz, Institute on Disabilities, Temple University.

Americans with Disabilities Act

On July 26 during a news conference at its quarterly meeting in Chicago, NCD released two reports that show that the ADA is working but more needs to be done.

The first, *The Impact of the Americans with Disabilities Act: Assessing the Progress toward Achieving the Goals of the ADA*, describes a retrospective study and review of the ADA's impact on the lives of Americans with disabilities during its first 16 years. The report focuses on the four major goals of the ADA—equality of opportunity, full participation, independent living, and economic self-sufficiency. Progress toward the goal of economic self-sufficiency appears to be the goal having the least success.

The second report, *Implementation of the ADA: Challenges, Best Practices, and New Opportunities for Success*, highlights many successful strategies for ADA implementation, as well as obstacles that are preventing ADA implementation. This report reflects the experiences and ideas of ADA stakeholders from around the country, including small and large businesses, employers, judges and legal professionals, government entities, and individuals with disabilities.

Both reports can be found at <http://www.ncd.gov/newsroom/publications/2007/publications.htm>.

News conference participants included: John R. Vaughn, NCD Chairperson; Linda Wetters, NCD Board Member; Peter Blanck, Ph.D., J.D., University Professor, Chair,

Burton Blatt Institute, Syracuse University; Silvia Yee, Staff Attorney, Disability Rights Education and Defense Fund; Roy Flora, Chief Operating Officer, US Franchise Systems, Inc.; Rene Luna, Chicago Consumer; and John Catlin, FAIA, Partner, LCM Architects.

ADA Restoration Act

On September 13, NCD urged Congress to support legislation that will “right” the course of the Americans with Disabilities Act (ADA) and protect the civil rights of people with disabilities.

ADA restoration bills were introduced in the House (H.R. 3195) and the Senate (S. 1881) on July 26, 2007. NCD proposed the original ADA legislation and is charged with gathering information about the implementation, effectiveness, and impact of the ADA. In keeping with this requirement, NCD undertook a two-year study to analyze 19 Supreme Court cases interpreting the ADA and, in December 2004, released a comprehensive report titled *Righting the ADA* (http://www.ncd.gov/newsroom/publications/2004/righting_ada.htm).

NCD’s study revealed that the majority of the Supreme Court’s rulings involving the ADA depart substantially from the core principles and objectives of the ADA, resulting in unfair outcomes that sanction, rather than remedy, even the most egregious employment discrimination against people with disabilities.

Countless federal court cases have followed, in which an employer refuses to hire or accommodate an individual with a disability because of the disability, but then is allowed to argue that the person does not have a disability. Rarely are the individual’s qualifications for the job evaluated, nor is the alleged discrimination examined.

The purpose of the ADA is “to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” While the provisions of the ADA addressing architectural, transportation, and communication accessibility have been implemented with notable success, the employment provisions of the ADA essentially have been rewritten by the Supreme Court, such that these provisions no longer provide the opportunities and protections expressly intended by those involved in the creation and passage of the ADA.

NCD’s two recent ADA reports, *Implementation of the Americans with Disabilities Act: Challenges, Best Practices, and New Opportunities for Success* (http://www.ncd.gov/newsroom/publications/2007/implementation_07-26-07.htm) and *The Impact of the Americans with Disabilities Act: Assessing the Progress Toward Achieving the Goals of the ADA* (http://www.ncd.gov/newsroom/publications/2007/ada_impact_07-26-07.htm) both confirm that legislation is urgently needed to restore the ADA to ensure equality of opportunity, full participation, independent living, and economic self-sufficiency for all Americans with disabilities.

ADVISORY COMMITTEES

NCD has three advisory committees. They are the Cultural Diversity Advisory Committee, International Watch, and the Youth Advisory Committee. These committees provide outstanding stakeholder input and recommendations to NCD. All NCD advisory committees are governed by the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, which was enacted to promote good government values such as openness, accountability and balance of viewpoints consistent with administrative efficiency and cost-containment.

Cultural Diversity Advisory Committee

The purpose of NCD's Cultural Diversity Advisory Committee (CDAC) (<http://www.ncd.gov/newsroom/advisory/cultural/cultural.htm>) is to provide advice and recommendations to NCD on issues affecting people with disabilities from culturally diverse backgrounds. Specifically, the committee will help identify issues, expand outreach, infuse participation, and elevate the voices of underserved and unserved segments of this nation's population. This will help NCD develop federal policy that will address the needs and advance the civil and human rights of people from diverse cultures.

CDAC's charter was renewed for two years on January 12, 2007.

International Watch

The purpose of International Watch (IW) (<http://www.ncd.gov/newsroom/advisory/international/international.htm>) is to share information on international disability issues and to advise NCD on the development of policy proposals that will advocate for a foreign policy that is consistent with the values and goals of the Americans with Disabilities Act. IW has two working groups: International Convention on the Human Rights of People with Disabilities; and Inclusion of People with Disabilities in Foreign Assistance Programs.

IW's charter was renewed for two years on September 21, 2006.

Youth Advisory Committee

The purpose of the Youth Advisory Committee (<http://www.ncd.gov/newsroom/advisory/youth/youth.htm>) is to provide advice to NCD on various issues such as NCD's planning and priorities. NCD is seeking this type of input in order to make sure NCD's activities and policy recommendations respond to the needs of youth with disabilities.

YAC's charter was renewed for two years on October 23, 2007.

NCD QUARTERLY MEETINGS

It is interesting to note that with President Bush's appointment in August 2006 of a new NCD Chairperson, John R. Vaughn, participation in NCD quarterly meetings increased dramatically over the course of the fiscal year. The current NCD board, with new staff management, continues to focus on public outreach and stakeholder input to determine emerging trends and emerging issues. By conducting quarterly meetings around the country, NCD is able to stay in touch with grassroots communities whose input may never find its way to the Washington public policy arena. In many ways, NCD is a sounding board for all people with disabilities in the United States. Never before in its history, has interest in NCD been this high.

As required by Section 400 of the Rehabilitation Act of 1973, as amended, NCD met face-to-face on four occasions during FY 2007.

October 30–31, 2006, Washington, DC

NCD conducted a quarterly meeting for the Washington DC Metropolitan Area, and also conducted a news conference and stakeholder dialogue to release its report, *Creating Livable Communities*. The report identifies barriers to developing livable communities, and sheds light on potential methods for overcoming these barriers.

Public participation for the quarterly meeting was extremely low, but more than 40 people attended the news conference that was also carried on C-SPAN.

January 29–31, 2007, San Diego, CA

NCD conducted a quarterly meeting for states in the Southwest to hear about what works and what does not for people with disabilities. The meeting focused on veterans' issues and best practices in livable communities for people with disabilities.

The San Diego meeting gathered 30 participants with seven public comments for the official meeting record.

April 16–17, 2007, Atlanta, GA

NCD conducted a quarterly meeting for the Southeast portion of the United States to learn first hand about the experiences of people with disabilities in the southeast region of the country. The meeting focused on livable communities and best practices and emergency preparedness.

This meeting gathered more than 60 participants with seven public comments for the record.

July 24–26, 2007, Chicago, IL

NCD conducted a quarterly meeting for people with disabilities in Illinois and surrounding states. Panel discussions on emergency preparedness and best practices in livable communities for people with disabilities were the focus of this meeting. NCD also released two reports on the impact and implementation of the ADA.

There were 130 participants at this meeting and NCD received 32 public comments for the record.

Federal Managers' Financial Integrity Act Signed Assurance Statement

March 31, 2008

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

Dear Mr. Portman:

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 2007 audit.

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

Sincerely,



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 2007*, 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.