

NATIONAL COUNCIL ON DISABILITY

An Independent Federal Agency

FISCAL YEAR 2013 CONGRESSIONAL BUDGET JUSTIFICATION



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

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

www.ncd.gov

TABLE OF CONTENTS

PROPOSED APPROPRIATION LANGUAGE.....	3
ANALYSIS OF LANGUAGE PROVISIONS AND CHANGES	3
EXECUTIVE SUMMARY	4
INTRODUCTION.....	5
PERFORMANCE GOALS AND OBJECTIVES	16
BACKGROUND.....	25
ORGANIZATIONAL CHART	29
BUDGET AUTHORITY AND STAFFING BY ACTIVITY.....	30
APPROPRIATIONS HISTORY.....	31
CONGRESSIONAL DIRECTIVES	32
JUSTIFICATION OF REQUEST	33
MEMBERS.....	38

PROPOSED APPROPRIATION LANGUAGE

National Council on Disability

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by Title IV of the Rehabilitation Act of 1973, as amended, \$3,257,831 (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act of 2013; additional authorizing legislation required).

ANALYSIS OF LANGUAGE PROVISIONS AND CHANGES

There are no proposed changes in the appropriations language.

NATIONAL COUNCIL ON DISABILITY

FY 2013 Budget Justification

EXECUTIVE SUMMARY

This document presents the National Council on Disability's (NCD or the Council) budget justification for Fiscal Year (FY) 2013. NCD is requesting a total budget authority of \$3,257,831, the same level as in FY12. This amount will allow the Council to meet its statutory mandates to collect and evaluate information on federal disability policy and programs and to develop advice and recommendations to present to the President and Congress in promoting the full integration, independence, and productivity of individuals with disabilities. Furthermore, funding at this level will allow NCD to operate at its current level while supporting the required .5% increase in staff salary.

A brief summary of this request is presented below.

Table 1: Budget Summary			
Category:	FY 2012 Enacted	FY 2013 Request	Percent Change
Personnel	\$1,895,290	\$1,926,773	1.6%
Non-Personnel	\$1,362,541	\$1,331,058	2.3%
Total	\$3,257,831	\$3,257,831	0.00%

To successfully manage the anticipated increase in the Council's responsibilities, the Council would allocate funds from the FY13 requested budget to:

1. Gather information about the implementation, effectiveness, and impact of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);
2. Achieve the goal and objectives of the Council's 2010 5-year Strategic Plan (Engagement; Policy Development and Collaboration; and Accountability);
3. Conduct research and studies, convene stakeholders, and write papers and reports in order to review and evaluate federal laws, as well as the policies and programs of various federal agencies providing services to people with disabilities;

4. Inform policy analysis and development through stakeholder engagement activities by holding regional forums, listening sessions, and hearings;
5. Make important updates to the agency's information technology, such as improvements to its website and financial management systems, that would allow the Council to conduct business more effectively and efficiently; and
6. Support the standard anticipated inflationary adjustments for salaries and benefits, as well as inflation-driven cost increases for non-personnel expenditures.

INTRODUCTION

The National Council on Disability (NCD) (www.ncd.gov) is an independent federal agency that leads national disability policy and advances full inclusion, independence, and equal opportunity for people with disabilities. NCD was initially established in 1978 as an advisory board within the Department of Education (Public Law 95-602). The Rehabilitation Act Amendments of 1984 (Public Law 98-221) transformed NCD into an independent agency and required NCD to provide expert advice to Congress and the Administration. Changes were also made to NCD's statutory mandate by the Rehabilitation Act Amendments of 1992 and 1998 and the Education of the Deaf Act Technical Amendments of 1993.

NCD is comprised of a team of fifteen Senate-confirmed Presidential appointees, and 12 full-time equivalent (FTEs), including the Executive Director, who is appointed by the Chairman.

NCD has a unique mission among federal agencies because it is charged with reviewing all programs and policies across the federal government, rather than only one aspect of policy affecting people with disabilities.

NCD's Mission Statement:

To be a trusted advisor to the President; Congress; federal entities; state, tribal, and local governments and communities; and private sector entities by promoting disability policies, programs, procedures, and practices that enhance equal opportunity for all individuals with disabilities, regardless of the nature or severity of the disability and empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

The primary purposes of the Council's legislation are to:

- Provide to Congress and the President advice, recommendations, legislative proposals, and any additional information that the Congress or President request; and
- Evaluate the effectiveness of statutes and regulations pertaining to federal programs which assist in meeting the needs of people with disabilities.

NCD's independent status allows us to provide an unbiased overview of agency services and programs it has a record a proud of producing timely information critical to improving the delivery of programs to people with disabilities.

NCD's series of policy and research reports on a broad array of disability-related laws and programs has documented the need for changes to many of the critical services people with disabilities rely upon to achieve or maintain their health and independence (<http://www.ncd.gov/newsroom/publications/index.htm>).

NCD realizes the need to devote attention to a robust approach for obtaining information from our stakeholders to develop the most informed policy recommendations possible. Over the last several years, NCD has provided extensive outreach to people with disabilities and members of their communities, consulting with them as key informants to NCD's policy work. The community's high regard for NCD's work has often resulted in invitations for Council Members or staff to present NCD findings and recommendations at conference, Internet web-casts and policy briefings.

In FY11 NCD finalized a 5-year strategic plan (FY12-17). As reflected in the strategic plan, NCD's mission is supported by a single, overarching strategic goal. This goal, which is presented below, is intended to succinctly yet simply characterize the fundamental responsibility with which NCD has been entrusted.

Advance the goals of the Americans with Disabilities Act by promoting policies, programs, practices, and procedures that guarantee equal opportunity and provide for economic self-sufficiency, independent living, and inclusion and integration into all aspects of society for individuals with disabilities.

This goal is pursued by three strategic objectives, and subsequently underlying activities, that guide the operations of the NCD. Those objectives are as follows:

Objective 1: Engagement

NCD can have a larger impact improving the everyday lives of people with disabilities if it regularly and meaningfully engages with stakeholders, builds a network of partners,

and works collaboratively to translate information gathered into recommendations. NCD should put itself in the position of enabling a more effective voice for people with disabilities across the nation. We should engage with community groups, state and local governments, federal agencies, and Congress in a way that allows them to better coordinate and direct their programs and policies.

Objective 2: Policy Development & Collaboration

NCD desires to create opportunities to put to practical use the vast amount of acquired knowledge through years of intensive research activities and engagement with stakeholders. Using the information NCD has gained from its engagement activities NCD must identify and prioritize opportunities to add value and make a real difference in peoples' lives. NCD will address stakeholder concerns and priorities by identifying and formulating solutions to emerging and existing challenges; providing tools to facilitate effective implementation of policy solutions; engaging and influencing current debates; and cultivating relationships initiated through engagement activities to coordinate and work collaboratively.

Objective 3: Accountability

Management excellence is a key means to ensure that NCD achieves these objectives in the most efficient and effective manner. Consistent with the President's Management Agenda (PMA), the Council is updating its human capital plan to better address the following elements: (1) strategic alignment; (2) leadership development; (3) knowledge transfer; and (4) results-oriented performance. In addition to investing in its people, the Council believes strong financial management and up-to-date technology are critical to supporting the mission and business operations, thereby ensuring that controls and systems meet applicable standards and can accommodate changes in stakeholder expectations and needs.

Together these strategic objectives and management initiatives provide a strong foundation on which NCD accomplishes its mission and plans for future challenges. The following section discusses the objectives mentioned above and presents descriptions of program activities, noteworthy trends, and key accomplishments.

Description of Program Activities, By Strategic Objective

Objective 1: Engagement

NCD regularly consults with its stakeholders to inform the agency's policy work. NCD gathers information from the public through a number of means: public testimony at meetings either in person or via conference calls, letters of concern from the public, formal public consultations utilizing the Internet in order to provide advice on reports

underway at NCD, interaction between NCD Council Members and staff at conferences and meetings of stakeholder groups, and during sessions where NCD is releasing its policy and research reports.

NCD's legislation mandates a minimum of four public meetings annually. Some of NCD's most important activities occur during the quarterly meetings, through public comment, local presenters, sharing issues of concern in their community or region and meeting stakeholders in the disability community so NCD can identify needs as well as best practices.

In FY 11 and continuing in FY12, NCD began to hold regional policy forums to focus on particular stakeholder priorities. For instance, in FY11, NCD held a regional forum in Detroit, Michigan with participants from Michigan, Ohio, Illinois, Indiana, Minnesota, and Wisconsin. The forum was focused on improving employment outcomes for people with disabilities. Topics included integrating VR into the One-Stop systems, creative partnership in a tough economy, the reauthorization of the Workforce Investment Act, health care reform's impact on employment policy, Employment First initiatives, and many others.

Several months later, NCD held another regional policy forum in Portland, Oregon with participants from Oregon, Washington, Idaho, California, and Nevada. The second regional policy forum focused on how to achieve community living systems change for a variety of populations and through multiple methods with proven success records (http://www.ncd.gov/events/RegionalForums/Living_Forums). Following the conclusion of the regional policy forum in Portland, OR, NCD hosted a Town Hall Meeting/Listening Session open to the entire community. The event was well-attended, and participants commented on the need for additional Medicaid funding; how budget cuts directly affect the ability of people with disabilities to stay in their own homes; and the continuing need for funding for tribal vocational programs, especially in rural communities. NCD is also in the planning stages of another forum on inclusive education and education reform initiatives in Orlando, Florida, scheduled for the end of March.

FY11 also marked the first occasion in which NCD increased its outreach to the public by exercising its statutory authority to hold hearings and take testimony hosting a Congressional forum on "Disability in the Budget: Why it Matters" in a U.S. House of Representatives Energy and Commerce Committee hearing room (<http://www.ncd.gov/newsroom/05102011>). In collaboration with the co-chairs of the House Bipartisan Disabilities Caucus, Representatives Cathy McMorris Rodgers (R-WA) and James Langevin (D-RI), NCD convened several panels of presenters to discuss the impact of our nation's fiscal policy and budget debates on people with disabilities and invited an array of stakeholders. Testimony was received from Reps. McMorris Rodgers and Langevin; the Honorable Kevin Concanon, Under Secretary for

Food, Nutrition and Consumer Services, at the U.S. Department of Agriculture; Ms. Kelly Stuart Woodall, Executive Director, Association of Self-Advocates of North Carolina; Mr. Ed Lorenzen, Executive Director, The Moment of Truth Project, Committee for a Responsible Federal Budget; and Ms. Bonnie Miller, Parent and Coordinator of the Pennsylvania Self-Determination Consumer and Family Group.

NCD also intends to create and maintain opportunities to receive direct input from community stakeholders by providing internship opportunities for students with disabilities at various stages of their educations; and other means to increase awareness and integration of individuals with disabilities. NCD began this process in FY 11 by hosting two interns from Gallaudet University, one student from the American Association of People with Disabilities Summer Internship program, and one international student from Russia. The passage of the ADA Amendments Act restored original Congressional intent for broad protections for Americans with disabilities under the ADA's non-discrimination protections, including the ability of an individual with a disability to request reasonable accommodations in the workplace or in a higher education setting.

If funding permits, NCD intends on sponsoring a dual-purposed contest titled "Innovative ADA Accommodations in Higher Education and the Workplace." By sponsoring this two-prong contest (one for employers and the other for colleges and universities) with prizes of \$5,000-\$10,000, NCD can generate discussion and dialogue in both contexts as to innovative accommodation options to meet the legal obligations of business and institutions of higher education to accommodate people with a variety of disabilities.

NCD also maximizes the use of electronic communications in order to inform the public about NCD quarterly meetings and other activities, and to solicit information. Beginning in FY11, NCD expanded its web presence to include social media in the form of an agency Facebook page and Twitter page. Beginning in FY11 and continuing into FY12, NCD has also undertaken a complete overhaul of its agency website, making the platform a far more user-friendly, accessible library of NCD's important policy work. Significant numbers of NCD reports and papers are downloaded each year from across the country as well as many international locations, looking to the United States as a model for policy in their own countries (<http://www.ncd.gov/publications>).

Finally, NCD is modifying the way it conducts business. While supporting large publications and reports that have generated great interest and have impacted disability policy for millions of people historically, especially with respect to NCD's leadership surrounding the Americans with Disabilities Act, NCD is making a conscious effort to generate shorter policy briefs, white papers, and letters in an effort to more responsively engage the immediate and emerging needs of Congress and the President.

Objective 2: Policy Development & Collaboration

NCD contributes to the promotion of 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. For FY13 NCD plans on building off past success such as our revamped annual progress report, continuing to develop previously identified policy areas, completing several significant reports, and starting several new policy projects of national concern for people with disabilities.

In FY11 NCD started to overhaul our mandated annual Progress Report. In 2008, NCD released a report titled “Keeping Track: National Disability Status and Program Performance Indicators” which recommended the development of a social indicator system that would measure the status of people with disabilities in the United States (<http://www.ncd.gov/publications/2008/April212008>). This type of indicator system would fill a major gap in the disability literature, providing a comprehensive picture of the well-being of people with disabilities and the gaps in this well-being as compared to people without disabilities. In 2008, the Government Accountability Office (GAO) also recommended that the Federal government create a common set of outcomes that will measure the status of people with disabilities and progress toward achieving program goals

In 2009, based on the 2008 NCD report, the National Institute on Disability and Rehabilitation Research (NIDRR) at the U.S. Department of Education drafted a non-published report titled “The State Of Disability in America: 2009 Status Report.” The report presented the most recent data for a set of social indicators measuring the quality of life of people with disabilities in the United States. The indicators covered a variety of social domains and were designed to compare the status of people with disabilities to those without disabilities. The domains included in the indicator set were comprised of: employment, education, housing, health, finances, community participation, and crime and safety. In FY11 NCD, NIDRR, and American Institutes for Research (AIR) collaborated on updating the NIDRR indicators to use in NCDs revamped annual progress report; providing a significant discussion of the overall state of disability in America. The indicators will be used in conjunction with information gleaned through NCD’s summits, forums, listening sessions, and workgroups to address the policies affecting the disability community and complement the indicators.

In October of 2011 NCD released our Progress Report -- a first of its kind collaborative report that tells a story highlighting policy successes and failures and the need for continuing emphasis on the implementation of federal laws, rules, and programs affecting people with disabilities (http://www.ncd.gov/progress_reports/Oct312011). NCD believes that the FY11 annual Progress Report will be a model report for years to

come. Furthermore, NCD is planning on releasing our FY12 and future Progress Reports in July to coincide with the anniversary of the Americans with Disabilities Act.

Since its inception NCD has been viewed by the disability community, congressional leaders, various administrations, and organizations in the public as a trusted source and leader in the disability arena. A recent example took place in FY11 when NCD responded to a White House request for a white paper focusing on the bullying of people with disabilities for a White House conference on bullying (<http://www.ncd.gov/publications/2011/March92011>). NCD's demonstrated its commitment to being nimble without compromising substance with its prompt submission of a substantively rich report within a month of the request from the White House.

NCD is also continuing our work to establish and build relationships across federal, state, and local governments and tribal entities in efforts to advance the goals of the Americans with Disabilities Act for people with disabilities. After the triple disaster in Japan, NCD issued a letter to the Administrator of the U.S. Agency for International Development (USAID), highlighting the critical need for USAID to organize a response that fully addresses the needs of people with disabilities that builds on USAID's prior efforts (<http://www.ncd.gov/publications/2011/March212011>). NCD urged USAID to build on the lessons learned in Haiti and reach out to its government and non-governmental partners in mounting a response.

In light of the effect on children and youth and with disabilities nationwide, NCD sent a letter to the Massachusetts Developmental Disability Services Commissioner urging the elimination of the use of aversives at the Judge Rotenberg Center (JRC) – the only known school in the United States to provide such treatment. Students from an estimated 17 other states and the District of Columbia attend the JRC and are therefore potential recipients of such aversive treatments (<http://www.ncd.gov/publications/2011/July182011>).

NCD also served on the Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities (the AIM Commission), which was established by the Higher Education Opportunity Act of 2008. In accordance with that statute, this independent Commission brought together government leaders, representatives from the publishing industry, individuals with print disabilities, representatives from two-year and four-year institutions of higher education, and leaders in the accessible technology field. The Commission issued a final report in December, 2011.

NCD also regularly provides direct assistance to members of Congress and their staff, responding to individual district and legislative offices' requests for information and referral for constituent needs as well as providing real-time advice and information

regarding areas of legislative consideration. NCD also works closely with the House Bipartisan Disabilities Caucus on a regular basis, planning policy briefings as well as ensuring Caucus staffs stay fully abreast of Council policy and engagement activities. NCD helped the U.S. Senate Committee on Health, Education, Labor and Pensions (HELP) identify witnesses for several hearings related to the employment of people with disabilities, and emergency preparedness and response; the Senate Special Committee on Aging to identify topics and provide information for a hearing on assisted living; and the Senate Committee on Homeland Security and Governmental Affairs, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to identify a witness for a hearing related to improving federal employment of people with disabilities, to name a few. Members of NCD have also been requested to testify before Congress on a variety of topics of importance to people with disabilities. In FY11, Chairman Jonathan Young was requested to testify before a full committee Senate HELP Committee hearing titled “The Future of Employment for People with the Most Significant Disabilities.”

During FY13 NCD will continue to work on these areas of policy development, provide direct and timely assistance to the Administration and Congress, and work with the community to identify new policy areas to study. For instance, prior to the catastrophic hurricanes of 2005 (Katrina and Rita) NCD listened to the community and led a project related to emergency preparedness for people with disabilities. In April of 2005 NCD released *Saving Lives: Including People with Disabilities in Emergency Planning* (<http://www.ncd.gov/publications/2005/04152005>) and based on that work received additional appropriations through the Post-Katrina Emergency Management Reform Act of 2006 to continue our emergency preparedness efforts for people with disabilities. In September 2011, NCD held an all-day meeting with FEMA’s Regional Disability Integration Specialists, where the agencies discussed the current state of emergency management as well as barriers and facilitators to the inclusion of people with disabilities. Also in September 2011, NCD cosponsored FEMA’s Getting Real II conference, which highlighted promising practices in inclusive emergency management. During both meetings, issues related to effective communication were raised as a critical area needing attention. As a result, in FY12, we are requesting proposals to conduct a study on effective communication for people with disabilities before, during, and after emergencies. At the regional forum and public comment period NCD hosted in FY11 in Portland, Oregon, protecting the parenting rights of people with disabilities were highlighted as a priority area by the community. NCD is now drafting a report based on the comments received.

Thus far in FY12 NCD has completed two policy reports: “The Power of Digital Inclusion: Technology’s Impact on Employment and Opportunities for People with Disabilities” (<http://www.ncd.gov/publications/2011/Oct042011>) and “U.S. Marine Corps Exceptional Family Members: How to Improve Access to Health Care, Special Education, and Long-Term Supports and Services to Family Members with Disabilities”

(<http://www.ncd.gov/publications/2011/Nov282011>). As a part of the release of the *Digital Inclusion* report and in observance of the National Disability Employment Awareness Month, NCD hosted a virtual job fair by utilizing the social media technology discussed in the report to distribute job announcements collected from across the United States throughout the day via the agency's Twitter and Facebook accounts.

In addition, in FY12, a government-wide review of ways to improve the effectiveness of disability programs through better coordination and alignment of priorities and strategies is taking place. This will build on previous efforts that have sought to better coordinate policies and programs across Federal, state and local governments, the service provider community and employers to improve the effectiveness and efficiency of programs serving individuals with disabilities. While some significant coordination efforts have proven successful, the Administration expects collaboration and innovation to improve efficiency and effectiveness as well as reduce costs even further. The focus of the upcoming review will be to work with agencies authorized to run disability-specific programs and those programs that impact and affect people with disabilities to explore how they can achieve better results for this population by sharing data; defining shared objectives; coordinating goal-setting, integration, implementation and measurement to track progress; and improving management response time when adjustments are needed.

Furthermore, NCD will complete three more policy reports this fiscal year: a report on protecting the parenting rights of people with disabilities; "The Case for Deinstitutionalization: Unfinished Business;" and "Exploring New Paradigms for the Developmental Disabilities and Bill of Rights Act". In addition to our on-going reports and projects in FY12 NCD will be working on two new major policies areas: protecting the parenting rights of Americans with disabilities and the impact of Medicaid managed care for people with disabilities.

NCD's FY13 initiatives will capitalize upon our agency's ability to play a unique and valuable role in the policy process. NCD intends to take a lead, when necessary, when meeting our statutory requirements but also taking on the role as a convener to bring various stakeholders together. NCD will continue to work on a number of policy areas but will also work to strengthen the linkage between the Administration, Congress, and the growing but often overlooked constituency of people with disabilities. NCD must be nimble and will continually be asked to work with the community, Congress, and the Administration on new policy areas and will meet those demands. However, NCD will also engage in self-initiated work by addressing one or more of the following new policy areas in FY13.

Reforming Social Security's Disability Benefits System -- Current budget debates in Congress and with the President have highlighted that our nation's fiscal path is unsustainable. According to the 2011 Social Security Trustees' Report, the Social

Security Disability Insurance Trust Fund is scheduled to run out by 2018. Combined with increasing numbers of claims due to the economic situation and longstanding challenges facing both Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) recipients regarding work disincentives, these programs have been highlighted as in need of reform by policymakers. NCD wants to update our previous work on this issue and continue to highlight the central yet hidden place of disability in our national fiscal policy and will initiate a project that analyzes the various options for SSI and SSDI reform, including what measures could move people currently utilizing SSI/DI into work, what measures could decrease the likelihood of using such benefits, and what financing options exist to extend the life of both programs. NCD will generate a platform for disseminating the findings which will include recommendations.

Positive Steps and Paying Attention – Clearing the Backlog and Facilitating Benefits and Treatment for America’s Veterans -- In 2009, the Ninth Circuit Court of Appeal rendered an opinion which documented frightening statistics-18 veterans of American military service were committing suicide daily, with a thousand more attempted suicides per month. Citing disparities in treatment categories, claims services and delay in appeal process, the Ninth Circuit applied due process rights squarely to military personnel returning from service with medical and other claims. The Veteran’s Administration (VHA and VBA) have reacted swiftly and decisively to reach veterans and their families in need, expanding medical treatment categories to include PTSD, establishing a widely used hot-line to deal with emergencies, and facilitating creation of on-line benefits applications and claims procedures. Nonetheless, significant backlogs continue to exist, and returning veterans continue to live with (sometimes grave) risk. NCD may be of assistance to facilitate effectiveness of the measures introduced by the VA since 2010 and to recommend shortcuts to ensure that the backlog of claims and appeals are reduced, and veterans and their families’ best served.

Oversight of Individuals with Disabilities Education Act’s State Performance Plan Indicators – The Individuals with Disabilities Education Act (IDEA), the country’s national special education law, guarantees students with disabilities a right to a free and appropriate public education in the least restrictive environment and provides State and Local Education Authorities with funding in order to meet legal obligations under the law. However, as outcomes-based accountability has come to govern general education policy discussions, it has been argued that special education policy is focused almost entirely on questions of compliance with procedural requirements. NCD will analyze State Performance Plan data and corrective actions undertaken by the Department of Education in order to draw conclusions regarding federal oversight and enforcement of IDEA and whether students with disabilities are receiving a free and appropriate public education.

Under-Enrollment in Public Benefit Programs – During NCD’s FY11 Congressional hearing the Under Secretary for Food, Nutrition and Consumer Services, at the U.S. Department of Agriculture stated that 30 percent of the population eligible to receive Supplemental Nutrition Assistance Program benefits (food stamps) had not enrolled to receive them. There are likely similar challenges of under-enrollment with regards to other federal programs including, special education services, Temporary Assistance for Needy Families, Medicaid, State Children's Health Insurance Program and other programs of importance for children and adults with disabilities and their families. The purpose of this project is to identify the breadth and depth and rationale for under-enrollment so local, state, and federal policymakers have the information necessary to ensure that programs are designed to maximize access for potential beneficiaries.

Objective 3: Accountability

NCD recognizes that there are many fiscal challenges facing the nation that require the administration to reduce spending, and we at NCD are willing to shoulder our share of the load. The manner in which NCD accomplished more with less was by deferring any major investment in its management and administration costs, which include costs for general management, financial operations, equipment, communications, information technology, utilities, and rental and maintenance of office space.

The lack of investment has adversely impacted NCD’s operations. The following lists a few areas where NCD can no longer defer investment in its management and administration:

Financial Management – In FY11 NCD emphasized the enhancement of our financial management system including investing in an automated financial management system. Now NCD maintains an effective financial management system that includes:

- Ensuring adequate internal controls;
- Conducting risk assessments;
- Documenting policies and procedures;
- Implementing a back-up disaster recovery and continuing operations plan; and
- Upgrading of security and systems to keep up with changes in technology, as well as changing regulations and reporting requirements.

Information Technology -- NCD’s information technology (IT) operations support basic computing and telecommunication services. NCD recently had an assessment performed of its IT operations, which cited that NCD’s IT operations are outdated and do not fully comply with applicable Federal laws and regulations.

Human Capital -- NCD recently conducted an assessment of its organizational structure and operations. As a result, the organizational structure was revised to move from a horizontal structure to a hierarchical structure. NCD assessed its performance management and training plans, which identified numerous areas for improvement.

Agency-wide Policies and Procedures -- A key aspect for NCD to operate more efficiently and effectively is to formally develop and document policies and procedures. Formalization of policies and procedures helps to ensure that staff and members are adhering to expectations, strengthens internal control, and enables NCD to achieve compliance with applicable laws and regulations.

The Council is committed to strengthening its programs and activities designed to sustain leadership and knowledge management, results-oriented performance culture, talent management and accountability in accordance with the Human Capital Assessment and Accountability Framework (HCAAF). The Council is dedicated to building a diverse Federal workforce that is skilled, flexible and focused on results and service.

To address the items listed above, and the Council's support of the objectives of the President and Congress, the Council believes the requested level of funding of \$3,257,831 is imperative.

PERFORMANCE GOALS AND OBJECTIVES

The Council provides leadership in the disability policy arena by building on its traditions of innovation, objectivity, independence, and transcending disciplinary boundaries to meet the changing needs of society. Influencing the policy making process is important to NCD in the work that it conducts as an independent federal advisory agency.

Many NCD project and program activities reflect the expectation that the work it undertakes and supports will influence or have a positive impact on the policy process, and ultimately improve the quality of life and outcomes for people with disabilities. Within projects and programs, NCD members and staff link their activities to Federal Government and Congressional policy and the work undertaken and supported is often reported to have influenced the policy making process or enhanced decision makers' awareness of policy. It is often the case that NCD engages in research and policy analysis that is cumulative in nature and its impact may not be measurable within any one fiscal year. Nonetheless, NCD works diligently to ensure its efforts have a positive influence and timely impact.

The Council's Strategic Plan links the agency's funding to its goals and accomplishments and demonstrates NCD's continued commitment to shaping and

preserving a complex framework of policies and programs that serve and support people with disabilities nationwide. The following is a summary of the results NCD attained, as related to its operations and framed under the draft FY 2011 Strategic Plan.

Strategic Goal: Advance the goals of the Americans with Disabilities Act by promoting policies, programs, practices, and procedures that guarantee equal opportunity and provide for economic self-sufficiency, independent living, and inclusion and integration into all aspects of society for individuals with disabilities.

Objective 1: Engagement -- Engage stakeholders in order to assess concerns and priorities and build a network of NCD partners.

- Creating and maintaining regular opportunities to receive direct input from community stakeholders.
- Cultivating trusted relationships with Congress.
- Establishing and cultivating trusted relationships with state, local, and tribal governments and other entities.
- Branding NCD as a principal national voice of the disability community.

NCD's stakeholders include all people with disabilities; policymakers and decision makers; groups and organizations concerned with people with disabilities; families and support systems of people with disabilities; and society at large. Given the diversity of the agency's stakeholders, NCD has employed a variety of engagement methods in the last year, which have enabled NCD to capture real-time, on-the-ground snapshots of individuals' and community's challenges, priorities, and emergency needs, which in turn informs NCD's policy development and collaboration (Objective 2).

In the last fiscal year, NCD held **two regional policy forums**, engaging 155 individuals representing advocacy organizations, service providers, self-advocates, state agencies, and federal partners. The first regional forum, NCD's "Earning" Forum, held in Detroit, Michigan, October 25 – 27, 2010, created a venue through which NCD engaged and received valuable regional information about the experiences of stakeholders from Michigan, Ohio, Illinois, Indiana, Wisconsin, and Minnesota pertaining to Vocational Rehabilitation and One-Stop Centers, community-based employment, asset development, and innovative state and local partnerships that pool resources for greater yields.

The second regional forum, NCD's "Living" Forum, held in Portland, Oregon, May 5-6, 2011, gave participants an opportunity to present and constructively discuss challenges and best practices related to community living systems change for people with disabilities. Stakeholders from Oregon, Washington, California, Nevada, and Idaho examined various state and local experiences using litigation, legislation, and

community partnerships to improve independent, community living. The forum also examined the issues of safeguarding the rights of parents with disabilities and improving the interactions between law enforcement and people with disabilities. At the end of the forum, NCD held a **town hall**, at which approximately 50 individuals provided comments about the effects of budget cuts on community living for people with disabilities, the availability of affordable, accessible, integrated housing, transition experiences of people with disabilities joining or rejoining the community, and a variety of other personal and professional experiences related to community living. NCD also held a **listening session** at the PacRim Conference in Hawaii, April 16-19, during which participants provided comments about the effects of budget cuts, the provision of special education, and concerns about the low workforce participation rate of people with disabilities.

Over the last fiscal year, NCD also held **six public meetings**: December 2-3, 2010; March 10-11, 2011; May 19, 2011; June 28, 2011; July 22, 2011; and September 7, 2011. All of the meetings took place in Washington, DC or via conference call. NCD's public participation at these meetings remained low throughout the fiscal year, with fewer than five individuals joining each time. However, this is perhaps unsurprising given the subject matter of these meetings, which by and large reflected an inward planning focus of the agency during development and early implementation of the strategic plan and agency staff and Council changes. NCD remains committed to strengthening its public participation at its meetings and believes an anticipated greater focus on the policy work of the agency in FY12 will aid in gaining the public's greater interest.

These events have generated several outcomes and projects on both the state and local level. Some examples include:

- As a result of the Detroit "Earning" forum Vocational Rehabilitation agencies in Michigan, Ohio, Illinois, Indiana, Wisconsin, and Minnesota meet periodically to discuss job training for people with disabilities and to brainstorm over problems that the agencies face. Officials in Ohio held a state-based "Earning" forum in April 2011 to discuss state issues. NCD's Chair participated in the event.
- A panel discussion at the "Living" forum in Portland identified numerous discriminatory state laws and practices carried out by child welfare agencies and family courts that have caused parents with disabilities to lose legal custody of their children. NCD has started new work that advances the goals of the Americans with Disabilities Act by safeguarding the rights of parents with disabilities.
- At the December 2010 Council meeting the perils of travelers with disabilities at airport security screenings was discussed. Council members expressed strong support in working with Transportation Security Administration (TSA) to eliminate

such problems. A meeting with TSA ensued and as a result of our meeting TSA's Office of Disability Policy and Outreach formed an Integrated Product Team to conduct an extensive review of the Screening Checkpoint Standard Operating Procedures sections that apply to people with disabilities and medical conditions.

In addition to its meetings and forums, NCD also entered **social networks** in the last fiscal year by establishing both a Facebook and Twitter presence, which both enjoy healthy and growing numbers of followers. These new extensions of the agency's online presence have created additional venues for engaging and collecting critical stakeholder opinions and experiences about current policy developments.

NCD's stakeholder engagement also included enhanced efforts aimed at strengthening its relationships with Congress as a trusted, independent, nonpartisan authority regarding the challenges, priorities, and emergent needs of the disability community. As a result of this work on May 12, 2011, NCD held a public **Congressional Forum** that examined "Disability in the Budget: Why It Matters" in the Rayburn House Office Building in Washington, DC. The forum generated considerable interest and was well-attended by Congressional staff, advocates, and members of the public. NCD received several written submissions to the record of the forum after the event, as well. NCD has used ideas from our reports, generated through the Congressional forum, and written testimony submitted to the record in subsequent discussions with Congressional staff about budgetary issues and programs that affect people with disabilities. Furthermore, Senator Harkin (D-IA) and Representative McMorris Rogers (R-WA), co-authored an op-ed on Olmstead, citing a number of data points that NCD used in the forum.

In addition to NCD holding its own Congressional Forum on Capitol Hill and because of our enhanced efforts to strengthen relationships with Congress, on September 15, 2011, NCD Chairman Jonathan Young **was invited to testify** before the Senate Health Education Labor and Pensions Committee in a roundtable discussion titled "The Future of Employment for People with the Most Significant Disabilities (<http://help.senate.gov/hearings/hearing/?id=448c93b8-5056-9502-5d7e-35fed69d35e4>)." Furthermore, NCD has been asked by several Congressional staff to identify witnesses to testify at hearings including: the Senate Health Education Labor and Pensions Committee, Special Committee on Aging, and Senate Homeland Security and Governmental Affairs Committee.

In addition to ongoing congressional liaising with individual and committee offices, NCD has also continued to enjoy a strong relationship with the Bipartisan Disabilities Caucus, co-chaired by Representatives Jim Langevin (D-RI) and Cathy McMorris Rodgers (R-WA). On June 21, 2011, NCD co-hosted a **congressional briefing** with the Bipartisan Disabilities Caucus titled "The 12th Anniversary of the Olmstead Decision: The Role of Home and Community-Based Services in Health Care," which provided an opportunity

for congressional staff to learn the history of the Olmstead decision, the evolution of home- and community-based services under programs like Medicaid, and opportunities and challenges of providing these services in the current budgetary environment. Henry Claypool, Director of the Office on Disability (U.S. Department of Health and Human Services); Jennifer Mathis, Deputy Legal Director of the Bazelon Center for Mental Health Law; and Nancy Thaler, Executive Director of the National Association of State Directors of Developmental Disabilities Services (NASDDDS) presented.

NCD has also continued to place an emphasis on stakeholder input from traditionally underserved populations. Through its Tribal Consultation Workgroup, NCD continued to work with leaders at the Consortia of Administrators of Native American Rehabilitation, utilizing phone and in-person meetings to facilitate dialogue that yielded input and perspectives on matters affecting the lives of tribal people with disabilities. NCD also sought to establish and deepen agency relationships with several key state government membership groups. During the fiscal year, NCD invited representatives of the National Council on State Legislatures (NCSL), the Council of State Governments (CSG), and the National Governors' Association (NGA) to speak and participate in regional forums. NCD Members also attended several of their events, as well.

Objective 2: Policy Development and Collaboration -- Address stakeholder concerns and priorities by advancing specific, practical policy solutions and encouraging collaboration.

- Cultivating trusted relationships with other federal agencies and looking for opportunities to coordinate and work collaboratively.
- Working closely with and enlisting the support of stakeholders to develop and advance policy responses to priority issues.
- Producing materials that have practical utility for federal, state, tribal, and local stakeholders regarding successful implementation of federal policies.
- Updating NCD's annual progress report to be more responsive to Congress and the Administration.

During FY11, NCD commissioned and developed several reports, papers and briefs. The information gathered during the preparation of these reports and during NCD's periodic meetings is typically used by the Council to develop policy recommendations that are shared with Congress and the President through the mentioned reports and papers, as well as the NCD's annual progress report or as needed during discussions about pending legislation. During FY11, NCD completed or released reports on the following subjects:

Briefing Paper: "Bullying and Students with Disabilities" -- In December 2010, NCD responded to a White House request for a white paper focusing on the bullying of

people with disabilities for a White House conference on bullying. NCD's renewed focus on rapid policy development facilitated the development and submission of the paper within a one month time frame. The paper was so well-received that NCD was asked by the White House for assistance in identifying potential participants at the White House conference on bullying as well as tasked to work with the Department of Education on anti-bullying initiatives. Furthermore, the paper was referenced by the US District Court for the Eastern District of NY in an April 2011 decision (<http://paperdame.0catch.com/lawstuff/04-25-11%20T%20K%20v%20New%20York.pdf>).

Rising Expectations: The Developmental Disabilities Act Revisited -- In FY10, NCD conducted a year-long study of how well the set of programs established under the Developmental Disabilities Assistance and Bill of Rights Act (Developmental Disabilities Act), last reauthorized in 2000, are meeting the needs of people with developmental disabilities and their families. This report presents the findings and offers recommendations for changes to help develop a more uniform national policy that will support the goals of the Developmental Disabilities Act and improve the program supports and services for people with developmental disabilities.

On October 6, 2010, NCD co-hosted a congressional staff briefing with staff of the House Energy and Commerce Subcommittee on Health regarding this report, at which the findings and recommendations of the report were highlighted and Commissioner Sharon Lewis of the Administration on Developmental Disabilities responded and presented. The briefing was well-attended by legislative staff of the House Energy and Commerce Committee, House Education and Labor Committee, and staff of members of the Bipartisan Disabilities Caucus.

NCD held the official release of this report in coordination with the Disability Policy Collaboration on February 14, 2011.

National Disability Policy: A Progress Report – In FY11 NCD overhauled the agency's mandated annual Progress Report (http://www.ncd.gov/progress_reports/Oct312011). Via conference call NCD briefed Congressional staff on our 2011 report and received very positive results. During the call staff requested specific information related to Medicaid and the Federal Medicaid Assistance Percentage (FMAP). Additionally, after the call staff followed-up with questions regarding the Social Security Disability Insurance program. The report was viewed on NCD's website almost 3,200 times between October 31, 2011 and December 31, 2011. Our news release about the report was also viewed* almost 1,800 times. Outlets that covered the release included Yahoo News, Reuters, Boston.com, Market Watch from Dow Jones, and the Atlanta Business Chronicle. The top referring web sites, in order, were Google, The ARC of New Jersey, PR Newswire and Facebook.

*Total views summarizes the number of times our news release about the report was viewed on PR Newswire's web site combined with the number of views the release received on external internet outlets such as Google, Reuters, Yahoo News, Microsoft Bing, AOL, etc.

The Power of Digital Inclusion: Technology's Impact on Employment and Opportunities for People with Disabilities -- This report examines the importance of social media and other information technologies in connecting people to job opportunities (<http://www.ncd.gov/publications/2011/Oct042011>). The recommendations contained in this report are designed to open the doors to digital technologies that can lead to better jobs for more people with disabilities. The report was viewed on NCD's website 6,575 between October 4, 2011 and December 31, 2011. Our news release about the report has been viewed almost 1,000 times*. Outlets that covered the release included Yahoo News, Reuters, Market Watch from Dow Jones, Information Week and Business Journals in dozens of cities across the nation. The top referring web sites, in order, were PR Newswire, Google, Yahoo, and Google Canada.

Additionally, a 'Virtual Job Fair' was conducted to support the release of the Digital Inclusion report. Open positions were distributed via our Facebook and Twitter social networking pages. They were also distributed as a total list via our listserv the day after the event. NCD received a total of 171 open positions from 33 different employers from across State and Local government, the non-profit sector and private industry to publicize as part of the report release strategy and supporting event.

U.S. Marine Corps Exceptional Family Members: How to Improve Access to Health Care, Special Education, and Long-Term Supports and Services to Family Members with Disabilities -- At the request of the U.S. Marine Corps, NCD conducted a study to systematically examine the challenges experienced by Marine families that include family members with disabilities and to identify steps toward ameliorating these challenges (<http://www.ncd.gov/publications/2011/Nov282011>). This report documents the experiences of USMC families with members with disabilities in accessing appropriate and effective services in health care, special education and related services, and long-term supports and services; identifies barriers impeding access to appropriate resources; and develops recommendations to improve access. NCD is currently working with the Senate Armed Services Committee as well as several other Congressional offices on strategies to enhance the visibility of the report and on working with the other branches of the military on similar reports or to implement the recommendations suggested in the report.

Since the release date, November 28, 2011, the report has been viewed on our website almost 3,300 times since December 31, 2011. Our news release about the report has been viewed almost 1,500 times*. Outlets that covered the release included Yahoo News, Reuters, Boston.com, Market Watch from Dow Jones, and the Atlanta Business

Chronicle. The top referring web sites, in order, were Google, The ARC of New Jersey, PR Newswire and Facebook.

*Total views summarizes the number of times our news release about the report was viewed on PR Newswire's web site combined with the number of views the release received on external internet outlets such as Google, Reuters, Yahoo News, Microsoft Bing, AOL, etc.

NCD also worked on several policy areas that generated positive results and outcomes for people with disabilities. A short summary of those activities and their results are below:

Health Care Reform Implementation -- With the new health care reform law NCD must focus on health care reform implementation assuring that areas such as disparities in health care that impact people with disabilities and others appropriately address the needs of this important segment of the population. To achieve these goals NCD has been working with several stakeholders to study the Administration's implementation of the Patient Protection and Affordable Care Act (PPACA) to assure that the needs of people with disabilities are addressed consistently throughout the law. NCD sent letters to the Health Resources and Services Administration (HRSA) and the Centers for Disease Control and Prevention at the U.S. Department of Health and Human Services, offering assistance, in a technical advisory capacity on ways in which NCD can assist the two agencies implement provisions of PPACA that fall under their purview. Based on that outreach HRSA and NCD have been meeting on policy matters including how to address the needs of people with disabilities in grant awards for prevention programs, primary care services, and the development of the health professions workforce.

Air Travel of People with Disabilities -- Based upon the negative experiences of travelers with disabilities at airport security checkpoints NCD has also reached out to the Transportation Security Administration (TSA) offering our assistance, in a technical advisory capacity, regarding security screenings of passengers with disabilities and specifically the need for a universal design-based solution for the screening of all passengers (<http://www.ncd.gov/publications/2011/April52011>). As a result of our meeting with TSA's Office of Disability Policy and Outreach, TSA formed an Integrated Product Team to conduct an extensive review of the Screening Checkpoint Standard Operating Procedures sections that apply to people with disabilities and medical conditions. Additionally, they are collaborating with TSA's Office of Technical Training on a complete redesign of the training curriculum for people with disabilities.

No Child Left Behind Waivers -- After the U.S. Department of Education announced its intention to offer waivers to states to key provisions of the No Child Left Behind Act (NCLB) in return for state adoption of various college- and career-ready standards and teacher evaluations, NCD was quick to meet with key leadership in the Department,

including Secretary Arne Duncan and Assistant Secretary for Special Education and Rehabilitative Services Alexa Posny, as well as majority and minority staff in the Senate Health Education Labor and Pensions Committee. Following those constructive meetings, NCD issued a letter to Secretary Duncan, supporting the notion of “flexibility for reform” but entreating the Department to ensure that the flexibility not compromise the accountability provisions, teacher quality provisions, and data subpopulation disaggregation by which students with disabilities have made great strides under NCLB (<http://www.ncd.gov/publications/2011/September192011>). NCD has reached out to several groups to develop a technical assistance circular for states that provides guidance on disability specific items that states should include in their waiver application.

Emergency Management -- In FY11, NCD collaborated with the Federal Emergency Management Agency (FEMA) Office of Disability Integration and Coordination on an inclusive emergency preparedness conference, Getting Real II, and held a webcast of the conference that was enthusiastically well-received. In addition to the 400 attendees (who came from 37 states and Guam) at the conference, 2,826 people visited the webcast, with 80 percent coming via direct traffic and 10 percent international traffic primarily from Japan, Canada, Germany and the United Kingdom along with participants from the African continent.

Objective 3: Accountability -- Institute efficient and effective agency operations and systems to support the agency’s core mission.

- Recalibrating the Council’s operations.
- Evaluating and establishing effective agency operations and systems.
- Strengthening NCD’s financial management system.

The Council places a high priority on ensuring the effective use of technology and internal procedures to optimize its operations. Management excellence is a key strategy by which the Council strives to ensure its mission is in the most efficient and effective manner. Consistent with the President’s Management Agenda (PMA), the Council is updating its human capital plan to better address the following elements: (1) strategic alignment; (2) workforce planning; (3) leadership development; and (4) knowledge transfer and results-oriented performance. Furthermore, the Council believes that, in addition to investing in its people, strong financial management and up-to-date technology are critical means to achieving its mission. Accordingly, NCD continues to improve its programs and operations, strengthening internal controls, financial management, and information technology across the agency.

For example, during FY11, NCD:

- Updated our strategic plan;
- Restructured our organization structure from a horizontal organization to a hierarchical organization to enhance communication;
- Contracted with a federal financial management expert;
- Continued to update policies and procedures, and performance management system to ensure that staff understands their role and responsibilities;
- Continued to assess our information technology infrastructure, including identifying enhancements relating to risk assessments of operations, disaster recovery, continuity of operations and accessibility;
- Upgraded our website to make information more accessible and proactively available to the public in support of the Administration’s initiative for more transparency;
- Implemented a “Facebook” page that encourages an open dialogue, further expanding its outreach and collaborative efforts with its stakeholders; and
- Identified training needs of its staff.

NCD recognizes the progress it has made and the accomplishments achieved by its staff to enhance the efficiency of its operations. However, NCD recognizes more progress is needed. NCD will continue to focus on resolution of issues identified in audits, establishing sound policies and procedures, focusing on the relationship between budget and performance, maximizing use of staff and financial resources, and training NCD staff on responsible financial operational processes.

BACKGROUND

History

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

Vision

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

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

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

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

Despite their diverse profile, Americans with disabilities share many common concerns. They face personal, social and economic disadvantages and barriers that hinder their access to the same opportunities as Americans who are not disabled. People with disabilities continue to have lower education levels and to be socially isolated and discriminated against in the workplace. They often face economic hardship in their daily lives and far too many live below the poverty line. People with disabilities from diverse cultures, women in particular, experience greater disadvantages and report higher incidences of unemployment and poverty than people without disabilities. All reports and Council activities planned this budget year will include potential impact on the employment of persons with disabilities.

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

In light of these views, and in keeping with its Congressional mandate, NCD continues to work on research which provides updated information and recommendations about key issues that have a major impact on people with disabilities nationwide. Such research focuses on access to quality health care services, improving postsecondary transitions and vocational rehabilitation, financial incentives related to employment and living independently, modernizing disability indicators and quality of life data, effective educational services and outcomes, and an annual disability progress report. In addition, NCD continues to work on a Congressional mandate, articulated in the Post-

Katrina Emergency Management Reform Act of 2006, as enacted by the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295) involving the coordination of key homeland security tasks with the Federal Emergency Management Agency (FEMA).

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

Highlights of NCD FY13 Budget Submission

The budget proposed for NCD in FY13 supports critical activities of importance to people with disabilities, while reflecting the commitment of NCD leadership to control costs and increase efficiency of agency operations wherever possible. As a small independent agency, it is necessary for NCD to contract with larger support agencies or contractors for functions accomplished by staff in larger agencies such as payroll, human resources, information technology, and other services. Those support entities have levied annual increases on NCD, since they face the same cost of living issues that NCD faces but have the ability to pass those costs on to their customers. Since it is less expensive to pay for these outside support services as compared to hiring NCD staff for these purposes, paying for such services takes priority over research and other NCD activities.

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

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

NCD staff and Council Members have continued to be responsible stewards of taxpayer funds dedicated to improving policies and programs that support and protect people with disabilities. NCD has consistently completed each fiscal year at or below projected budget levels. FY11 expenditures continued that trend.

Authorizing Legislation

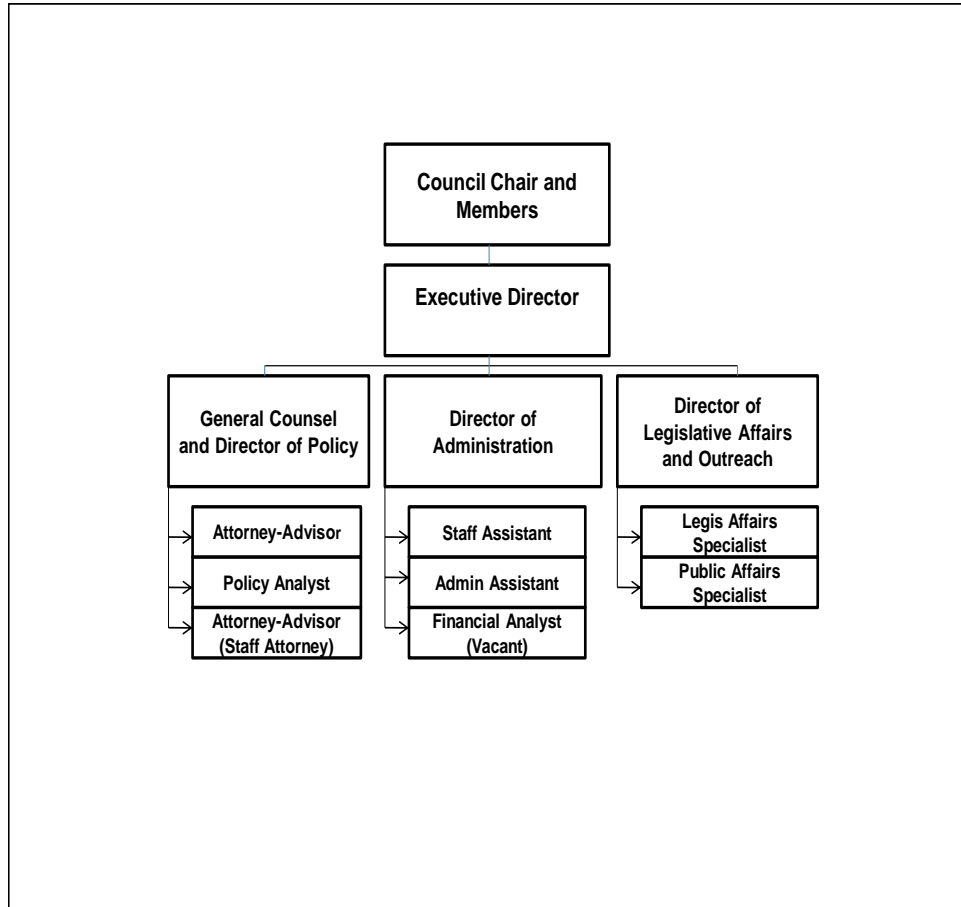
NCD was initially established in 1978 as an advisory board within the Department of Education (Public Law 95-602). The Rehabilitation Act Amendments of 1984 (Public Law 98-221) transformed NCD into an independent agency and required NCD to provide expert advice to Congress and the Administration. Changes were made to NCD's statutory mandate by the Rehabilitation Act Amendments of 1992 and 1998 and the Education of the Deaf Act Technical Amendments of 1993.

Mission Statement

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

National Council on Disability ORGANIZATIONAL CHART

February 2013



BUDGET AUTHORITY AND STAFFING BY ACTIVITY

Salaries and Expenses

	FY 2011 Enacted	FY 2012 Enacted	FY 2013 Requested
Budget Authority	3,264,458	3,257,831	\$3,257,831
FTE	12	12	12
Positions (FTP)	12	12	12

Available for Obligation

	FY 2012 Enacted	FY 2013 President's Budget	Net Change
Budget Authority	3,257,831	3,257,831	0
Outlays	3,257,831	3,257,831	0
FTE	12	12	0
Positions (FTP)	12	12	0

APPROPRIATIONS HISTORY

Salaries and Expense Account
(Amounts in thousands of dollars)

<u>Fiscal Year</u>	<u>Budget Authority</u>	<u>Fiscal Year</u>	<u>Budget Authority</u>
1980	25	2001	2,615
1981	205	2002	2,829 (3)
1982	197	2003	2,839 (4)
1983	198	2004	3,021 (5)
1984	500	2005	3,344 (6)
1985	750	2006	3,144 (7)
1986	732	2007	3,425 (8)
1987	860	2008	3,059
1988	871 (1)	2009	3,206
1989	1,160	2010	3,271
1990	1,540	2011	3,264
1991	1,439	2012	3,257 (9)
1992	1,569	2013	3,257 (proposed)
1993	1,541		
1994	1,690		
1995	1,793		
1996	1,793		
1997	1,791		
1998	1,793		
1999	2,344		
2000	2,391 (2)		

1. FY 1988 amount reflects reductions pursuant to Public Law 100-436.
2. FY 2000 amount reflects reductions pursuant to Public Law 106-113.
3. FY 2002 amount reflects reductions pursuant to Public Law 107-206.
4. FY 2003 amount reflects reductions pursuant to Public Law 108-7.
5. FY 2004 amount reflects reductions pursuant to Public Law 108-199.
6. FY 2005 amount reflects reductions pursuant to Public Law 108-447.
7. FY 2006 amount reflects reductions pursuant to Public Law 109-148.
8. FY 2007 amount reflects reductions pursuant to Public Law 110-5 and Supplemental appropriation pursuant to Public Law 109-295.
9. FY 2012 amount reflects reductions pursuant to Public Law 112-74.

CONGRESSIONAL DIRECTIVES

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

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

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

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

JUSTIFICATION OF REQUEST

Like many federal agencies, NCD has been impacted by increased costs related to our mission, but has offset these increases by implementing administrative efficiencies. Unlike some larger agencies, NCD has limited opportunity to reduce such costs without hampering our ability to fulfill Congressional mandates as outlined in our authorizing legislation. Therefore, the requested funding will enable the Council to keep pace with the ever-increasing demands being placed on it by (1) changes to legislation impacting people with disabilities; (2) mandated reporting requirements; (3) the need to maintain a clean audit opinion and sound internal controls; and (4) advances in technology that require upgrades and enhancements to the website.

Summary of Request by Key Object Class Code

The National Council on Disability's (NCD) Budget Request for FY13 is in the amount of \$3,257,831. A detailed breakdown and justification of this request follows:

Personnel Compensation and Benefits (OC 11.0 and 12.0) - \$1,926,773

For FY13, NCD requests support for its authorized 15 Council members and 12 staff (FTEs). The 12 FTEs consist of an Executive Director and 11 permanent staff.

The Executive Director, manages and coordinates the activities of all staff, has responsibility for fiscal operations, human capital, information technology, and continuity of operations; participates in key meetings with federal partners and disability stakeholders at the national level; and approves work products of the Council. In FY 2011, NCD underwent an organizational restructuring. Prior to FY11, NCD operated under a flat organization structure, with the 11 FTE reporting directly to the Executive Director. In FY11, NCD established a hierarchical organizational structure. As a result, three management positions were created to increase the effectiveness and efficiency of NCD's overall operations.

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

Department of Transportation Interagency Coordinating Committee, and the Homeland Security Interagency Coordinating Committee.

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

Specifically the budget request includes:

\$1,671,773 for staff salaries and benefits;
\$240,000 for Council Member salaries; and
\$15,000 for performance awards

The FY13 budget request includes a cost-of-living adjustment at .5 percent of the FY 2012 base salaries of the 12 FTEs.

Travel and Transportation of Persons (OC 21.0) - \$231,500

As required by NCD's authorizing statute, the Council is required to meet no less than four times each year. The 15 Council members receive, by law, reimbursement of travel expenses associated with the four meetings required annually and with other meetings that NCD may schedule. NCD Members are also reimbursed for travel to meetings, consumer forums, professional conferences, speaking engagements and other official functions where they represent NCD. Because most NCD Members are people with disabilities, it is important to note that additional travel costs may be required for personal care assistants.

In addition to the required Council meetings, NCD has budgeted for three regional forums in FY13. The regional forums are designed to highlight legislative, educational, employment, housing, technological, economic, political, and social policies and programs designed to enhance the quality of life of all Americans with disabilities. A facilitation methodology will be used in all large and small group activities, in order to engage forum attendees in identifying best practices and achievements and in determining the way forward.

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

Rent and Communications (OC 23.0) - \$290,000

NCD currently occupies office space at 1331 F Street, NW, Washington, DC 20004. As required by law, leasing arrangements for NCD are coordinated through the Public Building Services division of the General Services Administration (GSA). NCD's lease expired on August 21, 2011. As a result, NCD is operating under a month-to-month lease arrangement. GSA is in the midst of the procurement process of negotiating a new lease on NCDs behalf.

Based on the renewal of the lease agreement, NCD is hopeful that its rental payments will remain at the same level. However: 1) given the uncertainty surrounding the lease, there is a risk that the annual lease payments may increase; and 2) if rent escalates to a level that is not affordable to the federal government NCD will have to readjust spending priorities, primarily funds currently allocated for contractual services/program purposes, to prepare for office relocation.

NCD maintains regular communications with people with disabilities, agencies, organizations, and provider organizations serving people with disabilities. This includes the use of telephones and text telephones for local and long distance calling, conference calls, the use of electronic media, and at times mailings.

The budget request includes:

\$250,000 for rent; and
\$40,000 for telephone, postage, and internet services

Printing and Reproduction (OC 24.0) - \$30,000

Printing and reproduction are vital to NCD carrying out its mission. While the agency has moved towards on-line releases of reports and has cut down on printing costs it is printing is still necessary. Printing and reproduction costs include: a) printing periodic research reports on subjects identified by the Council after input from the disability community nationwide; b) printing a statutorily mandated special report on the status of disability policy to the President and Congress; and c) other public information materials and monographs as required. In addition, it is NCD policy to produce, upon request, materials in braille, large print, compact disc, diskette, and on cassette tapes to accommodate members of the public who have sensory disabilities. Some NCD documents are printed in languages other than English in order to ensure the information is reaching the diverse populations of people with disabilities in this country.

Contractual Services (OC 25.0) - \$731,058

NCD's priorities are established upon recommendations developed by Council Members and stakeholders and are based upon the goals and objectives outlined in

NCD's strategic plan. Research studies, working groups, white papers, and projects are typically commissioned by NCD when it is necessary to enlist the support of outside individuals and groups who possess expertise not available within NCD itself.

As a small independent agency, NCD contracts with multiple agencies or private vendors for many of the services performed in-house by staff at larger agencies. These contracts cover items such interpreting services, real-time captioning, printing, personal assistance services, information technology, web hosting, news services, mailing services and auditing. For example, NCD is authorized by statute to contract with the General Services Administration (GSA) Administrative Liaison Division and their Kansas City Heartland office for accounting, payroll, financial reporting, legal consultation, human resources, and building.

Finally, to ensure the Council operates efficiently and effectively, and maintains a sound internal control environment, resources to support financial management, information technology, and human capital have been allocated in NCD's FY13 budget request.

The requested resources are essential for the Council to successfully achieve its mission and serve the public and disability community. The budget request includes:

Supplies and Materials (OC 26.0) - \$38,500

NCD subscribes to various electronic information services in order to provide Members and staff current technical information, including relevant scientific, technical and policy-oriented publications, and library materials. The amount also includes supplies for mailing and copying and typical office supplies such as paper, pens and pencils.

Also budgeted are funds for the purchase of computer software,

The budget request includes:

\$28,000 for periodicals and technical publications; and
\$10,500 for office supplies

Equipment and Computers (OC 31.0) - \$10,000

As the only independent agency in the federal government with sole responsibility to provide expert advice on disability policy, it is essential that NCD serve as a model employer by ensuring that all of our work is accessible to people with any type of disability. In order to ensure full access for the public, Members and staff with disabilities, we purchase the latest software, office equipment, and share procedures with our peers from other agencies to improve the overall accessibility of the information and assistive technology used within the federal government.

Table 2: Budget Request by Object Class				
Personnel		FY 2011 Actual	FY 2012 Estimate	FY 2013 Request
11.1	Full Time Permanent	\$1,095,000	\$1,282,600	\$1,289,013
11.3	Other than Permanent	224,000	260,000	240,000
11.5	Cash Awards	15,000	15,000	15,000
12.1	Personnel Benefits	314,600	337,690	382,760
Subtotal, Personnel		\$1,648,600	\$1,895,290	\$1,926,773
21	Travel	195,000	263,000	231,500
23.1	Rent	250,000	250,000	250,000
23.3	Communication	25,400	31,200	40,000
24	Printing & Reproduction	12,500	29,000	30,000
25	Other Contractual Services	1,042,830	741,173	731,058
26	Supplies	33,628	38,168	38,500
31	Equipment Purchases	56,500	10,000	10,000
Subtotal, Non Personnel		\$1,615,858	\$1,362,541	\$1,331,058
TOTAL		\$3,264,458	\$3,257,831	\$3,257,831

NATIONAL COUNCIL ON DISABILITY MEMBERS

(as of February 2013)

	Name		Confirmed by Senate	Expiration ⁱ	Reconfirmed	Expiration
1	Gary Chester	Blumenthal	3/19/2010	9/17/2010		
2	Alonzo	Finn	3/19/2010	9/17/2012		
3	Sara	Gelser	3/19/2010	9/17/2011		
4	Marylyn	Howe	6/22/2007	9/17/2008	10/2/2008	9/17/2011
5	Matan	Koch	9/26/2011	9/17/2013		
6	Janice	Lehrer- Stein	5/26/2011	9/17/2013		
7	Lonnie	Moore	6/22/2007	9/17/2008	10/2/2008	9/17/2011
8	Ari Dongwoo	Ne'eman	6/22/2010	9/17/2012		
9	Joseph	Pak	3/19/2010	9/17/2012		
10	Clyde E	Terry	5/26/2011	9/17/2013		
11	Fernando	Torres-Gill	3/19/2010	9/17/2011		
12	Linda	Wetters	11/14/2002	9/17/2003	11/21/2004	9/17/2006
13	Jonathan	Young Young-	3/19/2010	9/17/2012		
14	Pamela	Holmes	12/22/2010	9/17/2010	9/29/2010	9/17/2013
15						

ⁱNCD members serve until replacements are confirmed.