

National Council on Disability

Budget Justification

Fiscal Year 2022



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INTRODUCTION FROM THE CHAIRMAN

The National Council on Disability (referred to herein as the “Council”) is an independent, nonpartisan federal agency that provides the President, his Administration, the U.S. Congress and the head of federal agencies with timely analysis and recommendations to advise policy development, revision, implementation, and enforcement efforts to enhance the quality of life for all Americans with disabilities and their families. The National Council on Disability’s purview is illimitable, so our research pedantically considers the diverse needs of people across all types of disabilities.

The Council presents this budget justification for fiscal year 2022, requesting a total budget authority of \$3,750,000. These resources will be applied to the furtherance of our mission to advise the President, Congress, and other federal agencies regarding federal policies and the impact on people with disabilities.

As we tender this budget justification, the challenges affecting people with disabilities throughout the country and in our territories are enormous and have been exacerbated by the global pandemic. A pandemic that has disproportionately affected the health and well-being of persons with disabilities, who not because of disability per se, but due to underlying health conditions are at a greater risk for contracting the virus, a higher risk of hospitalization once the virus is contracted, and a greater risk of dying from the virus. Persons with disabilities are vulnerable to the extreme effects of the virus given the decades of neglect in meaningfully addressing the chronic and profound health disparities between persons with disabilities and those without, and decades of neglect in addressing systemic and pervasive barriers to accessible healthcare.

It is for those reasons that the Council’s abiding focus during fiscal year 2022 will be on addressing healthcare barriers and the breadth of issues associated therewith. While that will be our primary focus, it is not our sole focus. We will work closely with federal partners and legislators to work on commitments expressed in the President’s disability plan, even as we advise for greater efforts. We will continue to educate policymakers on the incompatibility of arcane disability programs and laws, like subminimum wages paid to people with disabilities, to modern national disability goals and policies.

Our budget submission for fiscal year 2022, included herein, facilitates the Council's ability to address those issues and to serve as the federal voice of people with disabilities.

Respectfully,

A handwritten signature in black ink, appearing to read "Andrés J. Gallegos". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Andrés J. Gallegos

Chairman

TABLE OF CONTENTS

| | |
|--|-----------|
| <u>AGENCY OVERVIEW</u> | <u>5</u> |
| <u>COUNCIL STRUCTURE</u> | <u>7</u> |
| <u>ORGANIZATIONAL STRUCTURE.....</u> | <u>9</u> |
| <u>PERFORMANCE.....</u> | <u>10</u> |
| <u>OBJECTIVES, STRATEGIC RESULTS & PLANNED ACTIVITIES.....</u> | <u>11</u> |
| <u>Goal 1 – Develop new disability policy recommendations, such as for entitlement reform discussions.</u> | |
| <u>Goal 2 – Review and analyze proposed and existing federal policies’ impact on people with disabilities.</u> | |
| <u>Goal 3 – Engage policymakers and respond to their requests for assistance accurately, efficiently and impartially</u> | |
| <u>Goal 4 – Gather information from subject matter experts and members of the disability community to help inform policymakers’ work</u> | |
| <u>Goal 5 – Enhance Agency operational and programmatic internal controls in order to effectively service execution of statutory duties</u> | |
| <u>Goal 6 – Recruit, retain, and develop a highly qualified professional staff in order to effectively service execution of statutory duties</u> | |
| <u>CROSS-AGENCY COLLABORATION.....</u> | <u>47</u> |
| <u>BUDGET.....</u> | <u>50</u> |
| <u>APPENDIX A, COST DISCUSSION.....</u> | <u>51</u> |
| <u>APPENDIX B, ANALYSIS OF RESOURCES.....</u> | <u>52</u> |
| <u>APPENDIX C, ORGANIZATIONAL CHART.....</u> | <u>59</u> |
| <u>APPENDIX D, MANAGEMENT PRIORITIES AND CHALLENGES.....</u> | <u>60</u> |



AGENCY OVERVIEW

Agency Mission

The mission of the National Council on Disability is to be a trusted advisor regarding the impact of federal policies on the lives of people with disabilities to the President, U.S. Congress, and other federal agencies by developing policy recommendations; reviewing existing policies' effects on the quality of life of people with disabilities; and by engaging policymakers and responding to their requests for assistance accurately, efficiently and without bias.

The National Council on Disability is an independent, nonpartisan federal agency that provides the Administration and the U.S. Congress with timely analysis and recommendations to advise policy development, revision, implementation, and enforcement efforts as they have impact on the lives of people with disabilities across America. Our purview is not limited to a set policy area or subgroup of disabled Americans, so our advice is not siloed at the exclusion of others' interests. The National Council on Disability provides advice that thoughtfully considers the diverse needs of our core constituency, which varies greatly by type and severity of disability. The National Council on Disability is critical in preserving and strengthening the impact of the Americans with Disabilities Act (ADA) in our nation's policies and programs. The Council is inextricably intertwined with the ADA and its history.

The National Council on Disability was initially established in 1978 as an advisory board within the U.S. Department of Education (Public Law 95-602). The Rehabilitation Act Amendments of 1984 (Public Law 98-221) transformed the National Council on Disability into an independent agency and required the National Council on Disability to provide advice to Congress and the Administration. Changes were also made to the Council's statutory mandate by the Rehabilitation Act Amendments of 1992 and 1998, the Education of the Deaf Act Technical Amendments of 1993, and most recently, by the Workforce Innovation Opportunity Act (WIOA) of 2014 (Public Law 113-128).

Upon its establishment as an independent agency, Congress charged the National Council on Disability with a new mandate to review all existing federal policies and programs. Two years later, the Council delivered on that charge with its path breaking report, *Toward Independence*, which called for enactment of a federal disability civil rights law. The Council later offered the first draft of that civil rights law in 1988. After President George H.W. Bush signed the ADA into law, the mission of the Council was amended to reflect the national disability policy goals now enshrined in the ADA.

The National Council on Disability serves a unique role among federal agencies because its mission reflects the breadth and diversity of the disability community itself. In its authorizing statute, the Council's duties are extensive and belie the Council's limited financial and human resources. In FY 2020, the Council had a \$3.35 million annual appropriation to support its mission of gathering information and reviewing and evaluating on a continuing basis all "policies, programs, practices, and procedures concerning individuals with disabilities conducted or assisted by federal departments and agencies..." and "all statutes and regulations pertaining to federal programs which assist such individuals with disabilities..."

COUNCIL STRUCTURE

The governing body of the Council is comprised of nine members (five presidential and four congressional appointees), including a Chair, whom the President designates; and a Vice-Chair, appointed by the Chair. Congressional appointees are appointed by each of the following: the Speaker of the House, the House Minority Leader, the Senate Majority Leader, and the Senate Minority Leader. Each council member serves a three-year term, with the possibility of a second term. Council member's serve until a replacement appointment occurs, therefore terms can extend beyond 6-years.

Council members are special government employees (SGE) that live across the country and are restricted to serve a maximum of 130 days per year in a part-time capacity. Due to the SGE classification, 15 minutes of work equals one day so council member contribution is limited. Each appointee brings a unique perspective informed by varied personal and professional experiences. Council members are people with disabilities, disability service providers, parents or family members of people with disabilities, or other people who have substantial knowledge of or experience with disability policies and programs. Council members are appointed to represent people with disabilities, national organizations concerned with disabilities, providers and administrators of services to people with disabilities, people engaged in conducting medical or scientific research related to disabilities, business concerns and labor organizations. Seventy-eight percent of the current council members are people with disabilities and / or parents of children with disabilities. Eighty-two percent of full-time staff are people with disabilities and / or parents of children with disabilities.

Every year, the Council and staff propose, and advance new policy projects based upon current events, national trends, respective areas of expertise, suggestions from policymakers, and anticipated legislative reauthorizations or regulatory activities. The Council deliberates and ultimately votes on upcoming priorities. In response to the vote, and in consideration of the Council's budget, statements of work are developed to begin the process of undertaking the research approved by the Council.

To fulfill the mission of the National Council on Disability, the Chair appoints members to advise on commissioned policy priorities. These committees are comprised of no more

than four council members and a full-time professional staff member who manages the work of the project, drafts portions of policy advice based upon council members' discussions and research, and who acts as a Contract Officer Representative (COR), or Agreements Coordinator, for any supplemental data provided to a project from a contracted researcher. Once each policy project yields a final draft product, it is shared with the entire Council for review, discussion, refinement, and ultimately, a vote of approval by council members. Once approved, professional staff provide final edits and disseminate the recommendations in the form of policy advice to the President, Congress, other Federal agencies and all interested parties.

When opportunities or circumstances warrant immediate response to proposed legislation or regulations, the Council provides brief, nimble responses based upon the Council's research and recommendations to ensure the needs of people with disabilities are discussed and included present in new legislation and policies.

The Council's vote is required to approve the Council's annual budget and spending plan and all published research, papers, and formal opinions published in the name of Council Members, except that the requirement of a vote for changes to the budget may be suspended consistent with the powers of the Executive Committee. Professional staff provides a status of funds and updates on policy projects to the Executive Committee every month. The Council is provided updates no less than once per quarter as part of the business meeting of the Council.

In addition to projects that the Council vote to commence during the budget cycle, we continue to disseminate and advise on past work, meet with policymakers to ensure that our recommendations are known and understood.

The National Council on Disability is a respected resource within the Federal Government on all disability policy issues.

ORGANIZATIONAL STRUCTURE

The bylaws of the Council delegate the power, authority, and responsibility to the executive director to supervise and direct the day-to-day business and management of the Council, including decision-making processes and allocation of staff resources to assist presidentially and congressionally appointed members in fulfilling their duty to advise on policy priorities that will improve the lives of all Americans with disabilities.

A small, dedicated full-time staff located in Washington, D.C. support the work of the council members. The executive director is responsible for hiring technical and professional employees to assist the Council to carry out its duties. Such appointments shall be made in accordance with the provisions of Title 5 of the United States Code, including chapters 51 and 53; all applicable laws and regulations. (Appendix C, Organizational Chart)

The executive director has oversight authority and is accountable for assignment of staff duties; training and provision for the human resources and needs of the staff including reasonable accommodation; establishing staff performance standards and performing regular evaluations to ensure that they are met; the maintenance of staff and the member office policy manuals to govern the performance of all employees; supervising their compliance with all applicable laws and regulations, and ensuring compliance with all applicable legislative and regulatory requirements.

The duties of professional and contract staff include:

- Analyzing federal laws, regulations, programs, policies, and case law precedent; and proposing and developing policy positions that have a national, state and international impact on the lives of people with disabilities;
- Monitoring congressional activity on issues critical to the disability community and cultivating and maintaining effective working relationships with stakeholders at the federal, state, and local levels; and
- Providing critical staff support and monitoring the Council's finance and accounting, information technology, and human resources management, as well as partnering with

the policy and outreach teams to build strategic relationships that are critical to the Council's work.

PERFORMANCE

STRATEGIC FRAMEWORK, FISCAL YEAR 2018 – 2022

The National Council on Disability continually updates its five-year strategic plan. The current plan's expiration is consistent with the fiscal year 2022 budget justification. Each level of the plan implements strategies approved by the Office of Management and Budget to streamline operations and maximize greater specificity intended to reflect the outcomes for the Council as well as clearly articulate our plan of actions in pursuing those ends.

The National Council on Disability tracks progress on the Council's strategic objectives and accomplishes its mission by assessing concerns and priorities of its stakeholders and then providing independent and reliable information, analysis, and recommendations to Congress, the President, and other federal agencies, in furtherance of the goals of the ADA. The Council conducts program evaluations before implementation - formative needs evaluations, periodically and ad hoc - formative process evaluation, and at the end of each - summative outcome and impact evaluations.

OBJECTIVES, STRATEGIC RESULTS AND PLANNED ACTIVITIES

The National Council on Disability has a unique mission among federal agencies as it is charged with reviewing all programs and policies across the Federal Government, not merely one aspect of policy affecting people across all types of disabilities or all policy areas affecting only one subpopulation of people with disabilities. For that reason, the Council's six strategic goals reflect the Council's areas of core focus in implementing its mission.

- Goal 1 -- Develop new disability policy recommendations, such as for entitlement reform discussions;
- Goal 2 -- Review and analyze proposed and existing federal policies' impact on people with disabilities;
- Goal 3 -- Engage policymakers and respond to their requests for assistance accurately, efficiently and impartially;
- Goal 4 -- Gather information from subject matter experts and members of the disability community to help inform policymakers' work;
- Goal 5 -- Enhance agency operational and programmatic internal controls in order to effectively service execution of statutory duties; and
- Goal 6 -- Recruit, retain, and develop a highly qualified professional staff in order to effectively service execution of statutory duties.

The National Council Disability has thirty-two strategic objectives within its six strategic goals. Each objective is continually reviewed annually to reflect Council-set policy project work for the upcoming fiscal year, as well as management-set operational, reporting, and compliance priorities based upon OMB-driven guidance, new executive orders, and any new legislative responsibilities.

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| GOAL 1 OBJECTIVES, STRATEGIC RESULTS AND PLANNED ACTIVITIES |
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GOAL 1: Develop new disability policy recommendations, such as for entitlement reform discussions.

1. Develop materials regarding findings on the impact of charter schools and school vouchers on students with disabilities and offer recommendations to policymakers.
2. Develop materials regarding the use and impact of guardianship on national disability policy goals; federal court jurisdiction regarding guardianship cases; and the ways guardianship uniquely affects the lives of people with intellectual and developmental disabilities and offer recommendations to policymakers.
3. Provide policymakers policy findings and recommendations during Medicaid healthcare reform discussions.
4. Provide policymakers policy findings and recommendations during Social Security reform discussions.
5. Develop materials and recommendations regarding findings of research on the involuntary institutionalization of people with disabilities because of disasters.
6. Develop materials and recommendations regarding findings of research on bioethical issues affecting people with disabilities.
7. Develop materials and recommendations regarding the creation of a centralized accommodations fund for the Federal Government.
8. Develop materials and recommendations regarding accessible medical equipment.
9. Develop materials regarding the broadscale impact of COVID-19 on the lives of people with disabilities in healthcare, direct care services, employment, education, group homes, communications, and mental health.

In furtherance of Goal 1, the Council accomplished the following in FY 2020 & 2021:

- **Centralized Accommodations for Employees with Disabilities** – NCD provided recommendations to both Congress and the Executive Branch aimed at fulfilling the Federal Government’s reasonable accommodation responsibilities, in relation to the Computer/Electronic Accommodations Program (CAP) in specific (housed under the Department of Defense and used throughout other federal agencies). Specifically, recommendations were made concerning funding levels and CAP’s potential involvement with the Chief Information Officer’s Council as a means of tracking emerging accommodations technology.
- **Professional Associations Responded, Accreditation Standards** – Following our recommendations to the Liaison Committee on Medical Education (LCME) that it revise its national medical school curriculum standards to include mandatory disability competency training for all medical students in the U.S., in response to the available data that indicate people with disabilities face difficulties in finding providers that are adequately trained or able to provide proper treatment to patients with disabilities, in fiscal year 2020, the LCME made modest revisions to its accreditation standards but also took the opportunity to revise its standards to now require that U.S. medical schools draft and implement nondiscrimination policies, including with respect to people with disabilities.
- **Advised Accreditation Council, Genetic Testing on Genetic Counselor Programs** – We shared our report to the President and Congress titled Genetic Testing and the Rush to Perfection, which examined the impact of genetic testing on people with disabilities and discussed the rapidly expanding business of noninvasive prenatal screening and the importance of genetic counseling to help ensure that prospective and current parents of children with genetic conditions receive accurate information for making informed choices about genetic test results.
- **Advised Health and Human Services, Assisted Suicide, Medical Futility and QALYs** – We provided recommendations concerning the denial, limiting access, and unequal access to necessary care, for people with disabilities and chronic conditions based on unjustified bases and/or disability bias.

- **Advised Centers for Medicare and Medicaid, QALYs, organ transplants** – We provided analysis concerning the ability of people with disabilities to access necessary healthcare and lifesaving treatments and identified actions that federal agencies can make to ensure nondiscrimination.
- **Advised Maryland Legislature, Assisted Suicide** – We shared our findings concerning assisted suicide and issues related to people with disabilities that must be addressed.
- **Advised Congress and the Computer/Electronic Accommodations Program (CAP), Reasonable Accommodations for Federal Employees with Disabilities** – We shared our findings concerning the most efficient means of providing reasonable accommodations to federal employees with disabilities, including with respect to funding levels and emerging technologies.
- **Advised the Chief Information Officer (CIO) Council, Computer/Electronic Accommodations Program (CAP)** – We recommended to the CIO Council that they appoint a CAP representative to their Council to ensure the CIO Council is keeping pace with emerging accommodations technologies for federal employees with disabilities.
- **Advised Senate Leadership, COVID-19 Legislative Package** – We advised the Senate to include provisions in its COVID-19 legislative package that promote access to critical home-and-community-based service systems for people with disabilities and those who support them during the COVID-19 outbreak.
- **Advised the Department of Justice (DOJ), Voting Concerns** – We urged the Department of Justice to timely remind State Board of Election Administrators of their responsibilities under federal law in light of changes being made due to the COVID-19 pandemic -- that election options made available to voters during the pandemic must be accessible to people with disabilities.
- **Advised Health & Human Services (HHS) Office of Civil Rights (OCR), COVID-19** – We requested that the Office for Civil Rights quickly issue a notice to physicians and hospitals specifying the applicability of non-discrimination requirements of the

Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and Section 1557 of the Affordable Care Act in making COVID-19 treatment decisions.

- **Advised the White House, Taskforce Interpreters** – We requested that the White House Coronavirus Taskforce use sign language interpreters during its public briefings, as millions of people in the U.S. who are Deaf or hard of hearing use American Sign Language to obtain the vital information the Taskforce provides.
- **Advised Center for Medicaid Services (CMS), COVID-19** – We cautioned States' usage of CMS blanket waiver's pertaining to long-term care facilities, skilled nursing facilities and/or nursing facilities. We noted that CMS blanket waivers are a valuable tool and have been used to improve healthcare readiness and outcomes in times of disaster, but that certain provisions of these waivers can also create upheaval and unnecessary institutionalization for persons with disabilities.
- **Responded to Health and Human Services (HHS) Office of Civil Rights (OCR), Civil Rights, HIPAA, and COVID-19** – We recommended protocols of civil rights enforcement during the pandemic.
- **Advised the National Governors Association (NGA), COVID-19** – We urged the NGA to remind governors that their state crisis response protocols must adhere to non-discrimination laws.
- **Advised Center for Medicaid Services (CMS), Direct Service Providers** – We requested CMS provide guidance to states on the availability of Medicaid waivers to retain Direct Service Providers during the COVID-19 pandemic.
- **Advised Congressional Leadership, Home and Community Based Services (HCBS) inclusion in COVID-19 Package** – We advised Congressional Leadership that the subsequent COVID-19 legislative package be inclusive of several critical home-and-community-based service system provisions that will save potentially tens of thousands of lives of people with disabilities and those who support them during the COVID-19 outbreak.

- **Memorandum of Understanding (MOU) enacted with Henry Schein Cares (HSC) –** The MOU is a collaboration seeking improved access to care for Americans with disabilities. The Council will advise HSC in its efforts and better educate the professional medical and dental communities in disability-cultural competency. The MOU will focus on advancing key building blocks for expanding dental care for people with disabilities, including improving oral health literacy and providing cultural competency for treating patients with disabilities, expanding development and utilization of products and equipment for patients with disabilities, assisting Americans with disabilities to access care, and recommending appropriate financing and reimbursement rates.
- **Research and Report Commissioned for the Council's Annual Progress Report in Support of the Administration's Priorities to Focus on COVID-19 –** The report will examine the broadscale impact of COVID-19 on the lives of people with disabilities in healthcare, direct care services, employment, education, group homes, communications, and mental health. Race and disability, and transportation will also be addressed. The report will make recommendations that aim to ensure that the rights and needs of people with disabilities are addressed and protected in a future national health emergency. The report is expected to be released in fiscal year 2021.
- **Research and Report Commissioned in Response to the Need for Accessible Medical Diagnostic Equipment –** The report will identify and examine healthcare settings or systems (i.e., hospitals, preferred provider organizations or networks owned by hospitals, and physician groups) that widely utilize accessible medical equipment and seek information on both its qualitative and quantitative impacts on the healthcare settings and the patients. It will also examine two new initiatives by healthcare systems/hospitals aimed at increasing accessible medical equipment in their provider's offices. The report will also seek information on any savings that have been achieved by states that have enacted safe patient handling laws. The report will be released in May 2021.

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| GOAL 2 OBJECTIVES, STRATEGIC RESULTS and PLANNED ACTIVITIES |
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GOAL 2: Review and analyze proposed and existing federal policies' impact on people with disabilities.

1. Provide findings and recommendations regarding the implementation of the Workforce Innovation and Opportunity Act's requirement to provide pre-employment transition services to transition-age students with disabilities.
2. Provide recommendations regarding the implementation of the Individuals with Disabilities Education Act and the Higher Education Act if Congress pursues reauthorization efforts.
3. Recommend improvements to the efficiency, effectiveness, and coordination of existing federal disability programs and offices.
4. Develop materials and recommendations regarding findings of research on the use of subminimum wages in for-profit supply chains and highlight best practices used by providers that transitioned away from the use of subminimum wages.
5. Develop materials and recommendations regarding findings of research on modernization of the AbilityOne Commission.
6. Develop materials and recommendations regarding findings of research on the treatment of Puerto Ricans with disabilities in their participation in Medicare, Medicaid, SNAP, SSI, and other programs, compared to people with disabilities residing on the mainland.
7. Develop materials and recommendations regarding findings of research on the Medicaid reimbursement rate of dental care for people with intellectual and developmental disabilities.

In addition to the projects that the Council approves for commencement of work and dissemination in Fiscal Year 2021 and Fiscal Year 2022, the Council continues to disseminate its work and meet with policymakers regarding its reports and position letters

that address proposed and existing legislation. For example, if the Individuals with Disabilities Education Act (IDEA) reauthorization is pursued, our 2018 [IDEA report series](#) will be front and center. Another example, if Social Security reform is pursued, our 2015 [Securing the Social Contract: Reforming Social Security Disability](#) report will again be brought to policymakers' attention. Older reports will also be used for informing policy discussions as appropriate.

Additionally, we weigh in disability-related regulatory proposals that impact people with disabilities that may arise; general legislative proposals that impact people with disabilities; as well as disability-specific legislation that is introduced.

In furtherance of Goal 2, the Council accomplished the following in FY 2020 & 2021:

- **AbilityOne Report Released** – This [report](#) took an in-depth look at the AbilityOne Commission and whether it has been objectively successful with its goal of employing people who are blind or people with significant disabilities against the backdrop of 21st Century national disability employment policy. The [report](#) was released in October 2020, Fiscal Year 2021.
- **2020 Progress Report Released** – Our [2020 Progress Report](#) commemorated the 30th anniversary of the ADA. We acknowledged the achievements of the ADA over the past three decades and focused attention on the persistent barriers that must be addressed in order to ensure the economic inclusion of people with disabilities into mainstream society in the future, including the need to critically examine and modernize many federal disability programs. We focused on the employment of people with disabilities by providing a retrospective of the issue of disability employment during the past 30 years. The report defined and assessed the effectiveness of the federal response to the continued low rate of workforce participation and offer recommendations designed to increase workforce participation - including removal of well-documented federal barriers and implementation of federal-private initiatives to eliminate the barriers that continue to impede such participation. It also described and assessed the intended and real impact of Title I of the ADA on the workforce participation of people with disabilities; legislation enacted to improve workforce participation of people with disabilities since enactment of the ADA, including the WIA

of 1998, and the WIOA of 2014; legislation enacted or programmatic changes that have hindered workforce participation; the Council and other entities' recommendations made to Congress and federal agencies to improve workforce participation and the response; and federal and federal-private collaborations to improve workforce participation and the results.

- **Dental Care – Related Medicaid Reimbursement Rate for People with Intellectual and Developmental Disabilities** – We are exploring recommending to Congress and the President that increasing the Medicaid oral healthcare reimbursement rate for people with intellectual and developmental disabilities is fiscally cost effective policy vis-à-vis the money ultimately spent on preventable operations and chronic health conditions, and in emergency rooms, due to untreated dental problems, aside from being good preventative services policy and policy consistent with the objectives of the Americans with Disabilities Act and Rehabilitation Act. Further, we will discern the extent that respective states are using unique plans as a means of providing accessible oral healthcare, that is more cost effective than increasing the Medicaid reimbursement rate, and that could potentially be adopted by the federal government. Approximately 60 percent of people in the United States with intellectual and developmental disabilities, and many people with other non-I/DD disabilities, rely on Medicaid for their health insurance coverage and Medicaid's reimbursement doesn't always suffice. While comprehensive dental coverage is mandatory for children enrolled in Medicaid, dental benefits for adults eligible for Medicaid varies depending on the state. States determine the scope of the dental services covered. While some states provide extensive coverage with more generous expenditure caps annually, others provide limited coverage with shorter caps, and some states only provide coverage for emergency relief alone. While increasing the reimbursement rate with respect to oral healthcare for adult patients with intellectual and developmental disabilities would certainly greatly improve access to care for this patient population, cost concerns certainly cannot be ignored. Access to relevant data concerning the cost/benefit analysis of increasing the Medicaid reimbursement rate of preventive services vis-à-vis the actual savings to the overall healthcare costs made by keeping this population out of emergency and operating rooms is essential. To that end, and assuming this data is not already readily available, it was proposed that we consider initiating a project whereby we solicit

outside proposals to research and pull together this information. This would be done as a means of exploring whether we should recommend to Congress and the President that increasing the reimbursement rate for this patient population is economically sound policy, as well as good preventive services policy. The research is set to conclude in Fiscal Year 2021 for Council discussion and vote in early Fiscal Year 2022.

- **Liaison Committee on Medical Education (LCME)** – NCD engaged the LCME requesting and advising that its accreditation standards be revised in compliance with the Americans with Disabilities Act. The LCME subsequently took action by providing a few modest adjustments to its accreditation standards while also taking the opportunity to revise its standards with respect to disability accommodations and thus will now require that all medical schools in the U.S. draft and implement non-discrimination policies.
- **Fact Sheet Released, Voting Rights for People with Disabilities** – We published a [fact sheet](#) outlining established voting rights for people with disabilities on our website's resources page.
- **Disparate Treatment of Residents with Disabilities in Puerto Rico under Various Federal Programs** – We will look at the disparate treatment people with disabilities receive under various federal programs based solely on their residency in Puerto Rico and the effect of the island's commonwealth status upon persons with disabilities. Puerto Rico is the largest and most populous territory of the United States. U.S. citizenship was extended to all persons born on Puerto Rico since 1917 and in 1952 it became a Commonwealth. This report will study the impact of the island's commonwealth status on the approximately 716,000 persons with disabilities residing on the island. The report will examine the disparate treatment of persons with disabilities residing on the island in their participation in Medicare, Medicaid, SNAP, SSI and other programs as compared to persons with disabilities residing on the mainland, programs that they would be entitled to participate in full (assuming they meet the programs' eligibility requirements) if they resided anywhere on the mainland. The report will also examine the effect of the Jones Act, which requires all goods imported into Puerto Rico be carried on American-flagged vessels, on the costs of disability specific durable medical equipment and other supplies. The research recently

concluded and the report will be discussed and voted on by the Council for expected release in late Fiscal Year 2021.

- **Legislation reintroduced, Designating the ID/DD Population as Medically Underserved** – Consistent with our recommendation, and with our assistance in drafting the originally submitted legislative language, bipartisan legislation was reintroduced in Congress for the 2019-2020 session that would improve the delivery of medical and dental care to people with ID/DD. Under the Healthcare Expansion and Accessibility for Developmentally Disabled and Underserved Population (HEADs UP) Act, the Public Health Service Act would be revised to designate people with ID/DD as a medically underserved population, thereby granting people with ID/DD access to the programs and resources of the National Health Service Corps (as is the case for the homeless, residents of public housing, and migrant workers). The same legislation is expected for reintroduction during the 117th Congress.
- **Legislation reintroduced, Addressing Sexual Assault of Students with Disabilities on College Campuses** – In view of national attention on sexual assault at college campus' as well as the announcement of a bipartisan congressional taskforce to address the issue, we published a report in Fiscal Year 2018 <https://ncd.gov/publications/2018/not-radar-sexual-assault-college-students-disabilities> that included an examination of sexual assault statistics, college policies regarding response to sexual assault and how those policies impact and largely ignore the needs of students with disabilities in particular, as is also the case with post-assault services provided to survivors with disabilities. Following the recommendations made in that report, legislation was introduced then reintroduced for the 2019-2020 session of Congress as a means of addressing these concerns. The Safe Equitable Campus Resources and Education (SECuRE) Act, was bicameral legislation intended to address many of the systemic failures brought to light in our recent report, *Not on the Radar: Sexual Assault of College Students with Disabilities*.
- **Commendation, Student Mental Health Rights** – We commended Congresswoman Porter for introducing of the Student Mental Health Rights Act in November 2019 as a bill consistent with the findings and recommendations we made to Congress on the topic of the experiences of students with mental disabilities on college campuses.

- **H.Con.Res 79 introduced, the Dangers of Legalized Assisted Suicide** – In December 2019, a bipartisan group of lawmakers introduced H.Con. Res. 79, which “express[es] the sense of Congress that assisted suicide (sometimes referred to using other terms) put everyone, including those most vulnerable, at risk of deadly harm.” We recommended to Congress introduction of this resolution in it’s the *Dangers of Assisted Suicide Laws* report, as a part of its bioethics and disability report series.
- **Recommendations, In House-approved Version of State, Foreign Operations, Agriculture, Rural Development, Interior, Environment, Military Construction, and Veterans Affairs Appropriation Act 2021 (H.R. 7608)** – In April 2020, we sent a letter to the Chair and Ranking member of the House Appropriations Committee in support of appropriations language requiring a report on how disability rights are mainstreamed in programming, policy, and staffing decisions at the State Department (DOS) and USAID, consistent with our 2018 report, *U.S. Foreign Policy and Disability: Progress and Promise 2017*.
- **Report Entered into Committee Record, Subcommittee Hearing of House Transportation and Infrastructure** – In July 2020, a Member of Congress entered our report, *Preserving Our Freedom: Ending Institutionalization of People with Disabilities During and After Disasters* into the committee’s record for its hearing of the Subcommittee on Economic Development, Public Buildings, and Emergency Management titled, “Experiences of Vulnerable Populations During Disasters.” One of the hearing’s witnesses drew heavily from our report in her written testimony before the Subcommittee.
- **Advised Congress and the President on COVID-19 Relief Legislation** – On [January 12](#) and [February 1, 2021](#), NCD advised Congress and the President to include provisions in COVID relief legislation pertaining to home- and community-based services; Money Follows the Person reauthorization and funding; assisting families with paid leave who are home from work to provide caregiving; and provision of personal protective equipment for family and professional caregivers.
- **Advised HHS to Proceed with Section 504 RFI and Rulemaking** – On February 22, 2021, [NCD advised HHS](#) to proceed with regulatory activity related to the RFI regarding

Section 504 of the Rehabilitation Act, “Discrimination on the Basis of Disability in Critical Health and Human Services Programs or Activities.”

- **Offered Advice to Rehabilitation Services Administration regarding Competitive Integrated Employment Frequently Asked Questions** – On [April 9](#) and [April 26](#), 2021, NCD offered policy advice to RSA to assist them in developing guidance to clarify the Vocational Rehabilitation (VR) program’s criterion for an “integrated employment location” and improve VR program participants’ ability to exercise informed choice.
- **Advised the Congressional Budget Office (CBO) and Congress of Concerns Related to Use of the QALY in H.R. 3** – On April 7, 2021, NCD [expressed concerns to CBO](#) regarding their reliance on the quality-adjusted life year (QALY) to estimate the budgetary effects of H.R.3, the Elijah E. Cummings Lower Drug Costs Now Act, given the QALY’s discriminatory effect on people with disabilities. On April 29, 2021, NCD wrote to [House committees with jurisdiction over H.R. 3](#), to urge policymakers not to rely on foreign drug prices set in reliance on QALY, a cost-effectiveness measure that devalues the lives of people with disabilities and chronic illnesses, when pursuing legislative solutions to high drug prices.

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| GOAL 3 OBJECTIVES, STRATEGIC RESULTS and PLANNED ACTIVITIES |
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GOAL 3: Engage policymakers and respond to their requests for assistance accurately, efficiently and impartially.

1. Provide regular disability policy briefings for members of the Administration and Hill staff.
2. Regularly provide congressional leadership and members of the Administration written briefing materials on policy priorities of the disability community.
3. Increase time staff and appointed Council members spend in direct engagement of congressional and Administration policymakers with the Council's policy advice; and/or of radio, television, print, and online media regarding topics the Council has engaged.

In Fiscal Year 2020, we responded to congressional requests for policy assistance; met with and offered briefings to congressional and committee offices regarding our newly released policy research; engaged with congressional and agency offices regarding their own priority areas that have implications for Americans with disabilities; and engaged media on topics on which we have completed research, made recommendations and provided advice to policymakers.

In furtherance of Goal 3, the Council accomplished the following in FY 2020 & 2021:

- **Advised National Governors Association (NGA), Vaccine Allocation and Data Collection** – On February 9, NCD [advised NGA](#) regarding priority vaccine allocation for people with disabilities based upon national data regarding the disproportionate impact of COVID on people with disabilities; and made recommendations regarding data collection related to the pandemic.

- **National Conference of State Legislatures (NCSL) & Vaccine Allocation** – NCD put together [issue points](#) (with a reference to NCD’s related letter) for the National Conference of State Legislatures as part of NCD’s efforts of encouraging vaccine equity through states’ COVID-19 vaccine allocation. NCSL has drafted an article for its newsletter based on the issue points.
- **Tribal Coordination EO/Tribal Lands toolkit** - NCD signed a memorandum of understanding (MOU) with the National Indian Coalition on Aging (NICOA) to update NCD’s 2003 report [“Understanding Disabilities and American Indian and Alaska Native Communities: Toolkit Guide.”](#) NCD met with the project director from NICOA in March to discuss responsibilities, timelines and agency expectations. The Administration has reinvigorated a prior executive order that requires executive federal agencies confer with tribal communities to ensure inclusion of concerns and issues uniquely associated with tribal communities. NCD is working with NICOA and other entities to identify Native American stakeholders with disabilities to confer on future NCD projects.
- **Autonomous Vehicle Technology** – In early 2021, NCD met with staff of the U.S. Access Board to share [NCD autonomous vehicles work](#) and contacts in advance of their webinar series. NCD also assisted the White House in 2020 with its report titled, “Ensuring American Leadership in Automated Vehicle Technologies (10/24/2019).
- **Federal Emergency Management Agency (FEMA) Stakeholder Calls** – NCD met with representatives from FEMA’s individual assistance (IA) Division to discuss the public assistance (PA) and IA division of FEMA stakeholder calls to inform regional disability integration specialists, state and local emergency management personnel and the disability community on its updated guidance and requirements for personal assistant services at shelters. We also participated in the first discussion which was held on March 30. The policy changes and subsequent stakeholder calls were conducted as follow up to NCD’s moderated roundtable discussions with FEMA and disability stakeholders. NCD also met with representatives from FEMA’s Individual Assistance Division and disability stakeholders to discuss the status of FEMA’s personal assistant services guide. This guide was created following the NCD facilitated roundtable discussions with FEMA and the disability community. It provides guidance

to the states to ensure that independent living centers receive reimbursement for services rendered before, during, and after emergencies.

- **Education** – NCD issued a [statement for the record](#) to the House Education and Labor Committee regarding education equity post-pandemic.
- **Bioethics / Quality Adjusted Life Year (QALY)** – NCD sent a [letter to CMS](#) regarding its Most Favored Nation Model Interim Final Rule. The letter describes concerns that the model will reduce the availability of needed prescription drugs to older persons with chronic illnesses and imports drug prices from nations that use the QALY – a method of pricing healthcare treatments that assigns a lower value to the lives of people with disabilities.
- **Meeting with Office of Management and Budget (OMB) on IDEA Funding Report** – On January 7, 2021, NCD met with our OMB examiner to discuss NCD’s recommendations in [Broken Promises: The Underfunding of IDEA](#). The Biden Administration has promised to pursue full funding of the IDEA and OMB wanted to clarify and gather further information from NCD on our recommendations to assist in this goal. NCD followed up with our researchers and provided more recent information to supplement what NCD shared during the call.
- **AbilityOne Report** – NCD presented the findings and recommendations from NCD’s report: [Policies from the Past in a Modern Era: The Unintended Consequences of the AbilityOne Program](#) to disability stakeholders at an 898 Panel Briefing on December 4, 2020. The 898 panel was created out of Section 898 of the National Defense Authorization Act for Fiscal Year 2017. It directed the Secretary of Defense to establish a “Panel on Department of Defense and AbilityOne Contracting Oversight, Accountability and Integrity.” Subcommittees were created to inform the 898 Panel on recommendations from research and discussion with stakeholders on how to improve the AbilityOne program.
- **Multi-Agency Task Force on Increasing Employment of People with Disabilities** – NCD participated in the last meeting held on December 18, 2020. The group discussed a possible employer summit for 2021 as a way to bring non-governmental employers

together with government agencies that have pipelines to employees with disabilities. NCD's 2020 Progress Report was discussed in re: employer engagement, and SSA was very interested in this as a way to introduce non-government employers to the Ticket to Work Program. NCD was asked to assist in connecting SSA to the CEO of the Valuable 500, a company NCD highlighted in the 2020 Progress Report, that is comprised of companies that have pledged to hire people with disabilities. NCD subsequently spoke with SSA and made the connection with the Valuable 500.

- **COVID-19 Relief Legislation** – In January 2021, NCD [issued a letter](#) to the Biden Administration regarding inclusion of provisions and funding in Congress' next COVID-19 legislative package.
- **Interim Rule Concerning Vehicle Modifications in Light of COVID-19** – In December, 2020, NCD [sent a letter](#) to the National Highway and Traffic Safety Administrator concerning implementing as an interim rule Supplemental Notice of Proposed Rulemaking: "Make Inoperative Exemptions; Vehicle Modifications to Accommodate People with Disabilities" [49 CFR Part 595, Docket No. NHTSA-2016-0031, RIN 2127-AL67, 85 FR 84281, Document Number: 2020-28648], in light of the COVID pandemic and the risk of using public transportation at present.
- **DOD Computer/Electronic Accommodations Program (CAP)** – The Department of Defense (DOD) announced it will no longer allow CAP to assist with providing reasonable accommodations to other federal agencies as it has done for many years. In November 2020, NCD [wrote to DOD](#) regarding this matter asking that this budget cut be delayed for one year while efforts begin to request additional funds for an all-encompassing federal employees centralized accommodations fund.
- **Electoral Access/OSCE** – The Organization for Security and Cooperation in Europe (Office for Democratic Institutions and Human Rights) has deployed a Limited Election Observation Mission for the upcoming November 3 General Elections. The mission officially began its operations on September 29, 2020 and is composed of a team of 15 international election experts based in Washington, D.C. NCD met with the representatives to discuss NCD's HAVA report and election accessibility issues.

- **Administration on Community Living (ACL)**– NCD met with the ACL Center for Policy and Evaluation on October 5th to discuss [NCD's letter to CMS](#) regarding coverage of seat elevation/ standing systems.
- **Bioethics & COVID-19** – NCD [issued a statement](#) expressing NCD support for the September 25, 2020 Executive Order on protecting vulnerable newborns and infants, and recommending that HHS' Office for Civil Rights issue a proposed rule to implement the EO.
- **Health Care Accessibility Workgroup Meeting** – NCD participated in a virtual meeting of the Federal Health Care Accessibility for People with Disabilities Workgroup (formerly referred to as the “Federal Partners Group”). These meetings provide an excellent opportunity to exchange information and foster collaboration between our federal partners on the work that is being done in this area. The group’s scope has widened to encompass physical, communication and programmatic health care accessibility for people with mobility, sensory and intellectual/developmental disabilities. Jed updated the group on NCD’s current project examining the oral healthcare Medicaid reimbursement rate for people with I/DD.
- **U.S. Department of Homeland Security (DHS) / Law Enforcement Interactions with People with Disabilities** – NCD met with representatives of the Civil Rights Division of DHS to answer their questions concerning disability rights and law enforcement. Their office expressed an interest in continuing to use NCD as a resource as they focus on this particular issue.
- **Congressional Briefing on Competitive, Integrated Employment** – NCD hosted a congressional briefing on Capitol Hill on October 28, 2019 regarding the successes of people with disabilities transitioning from segregated, sheltered employment to competitive, integrated employment in collaboration with the House Bipartisan Disabilities Caucus. Speakers included employees with disabilities from Virginia, Oregon, Iowa, and Maryland telling their stories of transition in their own words.
- **Committee Briefing on AbilityOne Program Trends** – On May 26, 2020, NCD hosted a virtual policy briefing for staff of the House Armed Services Committee

regarding our research on the AbilityOne program, in light of two House offices' intentions to pursue an amendment to the National Defense Authorization Act that would have increased the contract set-aside percentage for AbilityOne from 0.7 percent to 1.5 percent. Both offices requested our research to inform their internal discussions regarding the potential amendment and as a result of the briefing and conversations with us regarding its research, determined they would not seek to increase the contract set-aside during the National Defense Authorization Act (NDAA) amendment process.

- **Congressional Staff Briefings on Progress Report on Disability Employment** – Beginning in August 2020, NCD began offering briefings to individual member, committee, and caucus offices that requested them following dissemination of our 2020 Annual Progress Report. This year's report focused on barriers to employment present in many federal laws and programs that were designed to benefit people with disabilities but are in sore need of modernization or phase-out.
- **Agency Briefing on Bioethics Reports** – In October and in December 2019, we provided in-person policy briefings for senior leadership across the U.S. Department of Health and Human Services (HHS)'s bureaus and divisions on reports within our bioethics and disability report series. Many of the report recommendations in each of the five reports were specific to offices within HHS.
- **Technical Assistance Provided to Congressional Offices regarding Crisis Standards of Care** – In view of our 2019 bioethics report series, several congressional offices asked NCD for assistance in understanding and responding to the concerns of the disability community regarding COVID-19 crisis standards of care that many states have pulled out in anticipation of potential medical rationing. We assisted a group of bipartisan, bicameral offices over many months to that end.
- **Advised Treasury Secretary and Internal Revenue Service (IRS) Commissioner on CARES Act Payments** – NCD shared concerns and advice regarding the IRS's deadlines for recipients of federal benefits with qualifying dependents to submit additional information to the IRS non-filer portal and regarding the mechanism by which individuals are currently constrained to submit this information.

- **Advised House Armed Services on AbilityOne Contract Set-Aside Amendment** – NCD expressed opposition to any legislative attempt during the National Defense Authorization Act markup to increase the Department of Defense’s contract set-aside goal for the AbilityOne program.
- **Advised HHS Secretary Azar on Accessible Medical Equipment Rule** – NCD provided analysis and recommendations concerning the adoption of accessible medical equipment regulations.
- **Advised Congressional Armed Services Committees on Department of Defense Computer/Electronic Accommodations Program** – In January 2020, NCD [provided recommendations](#) concerning funding levels for the federal government’s primary source of reasonable accommodations for federal employees with disabilities.
- **Advised House Committee on Appropriations regarding Disability Initiatives** – NCD expressed strong support for the inclusion of increased funding for the State Department’s Office for International Disability Rights and additional funding for the USAID Disability Fund in the fiscal year 2021 State, Foreign Operations, and Related Programs Appropriations bill, consistent with our research findings and recommendations.
- **Advised the Department of Transportation (DOT) on Service Animal Proposed Rulemaking** – NCD provided comments on DOT’s Notice of Proposed Rulemaking to amend the Air Carrier Access Act (ACAA) service animal provisions.
- **AbilityOne Report Congressional Briefings** – NCD offered a series of four briefings to congressional staff in October 2020 regarding NCD’s [Policies from the Past in a Modern Era: The Unintended Consequences of the AbilityOne Program & Section 14\(c\)](#) report. As requested, NCD offered briefings on the same report to the House and Senate Appropriations Committees in March 2021 and conducted two member-level briefings on the report in March and April for a Member of the House of Representatives and his staff.
- **Subminimum Wage Congressional Briefings** – Upon request, in February 2021, NCD offered a series of three briefings to staff of the House Education and Labor

Committee regarding subminimum wage employment with respect to its history, wages, and employment settings.

- **Technical Review and Advice on Proposed Legislation, Letters, Etc.** – NCD provided technical review and advice on proposed legislation, congressional letters, proposed GAO study requests, and related matters to numerous congressional offices throughout FY20 and FY21, including but not limited to efforts to harmonize the Americans with Disabilities Act with the Affordable Care Act; interest in addressing the emerging needs of individuals with “long COVID” regarding its impact on workplace accommodations and eligibility for Social Security; interest in studying the prevalence of people with disabilities within federal contract employment; interest in ensuring the rights of parents with disabilities in child welfare cases; and interest in creating alternatives to the use of the quality adjusted life year measure in the context of efforts to reduce drug prices, as well as assisted with drafting letters from congressional offices urging HHS to provide clarification that states’ Crisis Standards of Care policies must not authorize any form of disability discrimination as well as clarify that the liability immunity provisions of HHS’ Declaration pursuant to the President’s Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID–19 did not change healthcare professionals’ obligations under laws and regulations that prohibit discrimination on the basis of race, color, national origin, disability, age, sex, and exercise of conscience and religion.

- **Media Engagement** – NCD’s work is routinely highlighted in national media and industry publications, and we regularly receive media inquiries for comment and information on current policies and events related to people with disabilities and to our most recent report releases. A small sampling of our media mentions in Fiscal Year 2021 include the following:
 - NCD’s long history of engaging policy topics that soon after become headline news again held true with consistent media coverage referencing our FY 2020 bioethics and disability report series (particularly with respect to medical futility and quality-adjusted life years reports). Medical rationing continued to be a prevalent news topic due to COVID-19 vaccine framework, with medical discrimination and crisis standards of care stories featured in The Hill, Huffington

Post, The Federalist, and numerous other online publications referencing the reports.

- NCD was highly covered in relation to the 30th anniversary of the signing of the Americans with Disabilities Act in local, national and international media, with interest in our mission and the importance of having an independent federal agency in publications such as Time, the New York Times and others. Due to COVID-19's impact on anniversary celebrations, we launched a six-month online campaign to educate and inform the public on the importance of the ADA.
- Media coverage of our letters to policymakers regarding topics such as medical rationing and the need for sign language interpreters continued to garner follow-up queries and coverage from CNN, NPR, Yahoo, Washington Post and Examiner, New York Times and Post, Medium, and others. Coverage of other government agencies policy announcements often included reference to NCD's letters or reports.
- NCD issued four statements during Fiscal Year 2021 focused on areas of civil rights such as COVID-19 vaccine equity, our new Chairman's vision and priority, post-COVID-19 education, on protecting vulnerable newborns and infants from medical discrimination.
- NCD issued 20 press and news releases in Fiscal Year 2021.
- NCD conducted a press event for its AbilityOne Report. Press kits were prepared for media, with fact sheets and background information on NCD and AbilityOne, biographies and links to all recent reports on AbilityOne and 14(c).
- NCD concluded in Fiscal Year 2021 a national 14(c) Radio Tour during National Disability Employment Month, with 15 radio interviews highlighting employment of people with disabilities, subminimum wage discrimination and enhancing competitive integrated employment opportunities and the ADA.
- NCD's Chairman participated in several webcast digital media presentations and discussions regarding policy topics impacting people with disabilities, including accessible dental care, employment and health equity.

- NCD supported national media including PBS, Yahoo News, BuzzFeed News, Christian Science Monitor, CNN, Forbes, New York Times, Washington Post and others for data queries and relevant contacts on stories that were disability-related.
- NCD's current and former Chairmen were interviewed and quoted extensively during FY 2021 from our press releases regarding our findings and recommendations from a variety of reports released in Fiscal Year 2019 and Fiscal Year 2020, including topics of bioethics and subminimum wage that NPR, The Daily Beast, the Atlantic, BBC, and many other media outlets covered.

- **Other Engagement**

In addition to its traditional and primary advisees, throughout each year, we are commonly engaged with requests for assistance from other groups and interested parties as well. A small sampling of these interactions for Fiscal Years 2020 and 2021 follows:

- **Follow-up on NCD's Sexual Assault on College Campuses Report** – NCD met with the leadership of PAVE (Promoting Awareness/Victim Empowerment), a sexual violence survival organization, about [NCD's report addressing sexual assault on college campuses](#). NCD presented on the report at a January PAVE meeting during their lunch and learn series.
- **Disability Policy Series** – NCD gave a lecture at Florida State University in the spring on disability policy and evolution.
- **Wireless RERC Virtual State of Technology Forum** – NCD presented on NCD's technology recommendations at the 2021 Forum in March. NCD also assisted the Wireless RERC in informing our constituents of the RERC's survey seeking people with disabilities and older adults for their survey on access to COVID-19 information. The data they received will be shared with NCD and may assist in development of our COVID-19 focused Progress Report.

- **LEADERS Summit on Accessible Healthcare - NCD** participated in the *LEADERS Summit: Working Together to Advance Equitable Healthcare for Persons with Disabilities*, on October 19th and November 9th. The Summit was part of a two-year project at the University of Colorado Anschutz Medical Campus funded by the Patient Centered Outcomes Research Institute. The purpose of the Summit was to discuss a variety of issues impacting equal access to health care for people with disabilities and to develop proposed solutions, and a path forward, to address disability healthcare disparities. Sixty participants from a variety of disciplines participated in robust discussions.
- **Progress Report 2020** – NCD presented to the Virginia Ability Forum in October 2020. The Forum is focused on NCD’s employment recommendations from our [2020 Progress Report](#) and presenters will focus on employer engagement, entrepreneurship and the Small Business Administration, and countering disincentives to employment.
- **Dentistry** - On October 2, 2020, the Chairman of NCD keynoted at the [NYU Dentistry Virtual Symposium](#), Achieving Health Equity through Access for All with Disabilities (AHEAD). The AHEAD symposium, which coincides with the 30th anniversary of the Americans with Disabilities Act, brought together experts in the areas of health care advocacy, access, and funding at the state and federal levels for people with disabilities.
- **ADA** – On October 23, 2020, NCD presented on a panel discussing disability rights and access to justice at the Equal Justice Works conference, with a particular focus on access to justice issues through the lens of the 30th anniversary of the ADA.
- **COVID-19** - In September 2020, [NCD provided comments](#) to the National Academies’ on its preliminary framework for equitable allocation of a COVID-19 vaccine. The preliminary framework proposed three tiers – making access to a COVID-19 vaccination dependent on which tier a person is assigned. It did not recognize the vulnerability of certain highly impacted groups and, among other things, put people with disabilities living in group homes near the bottom of Tier

2, despite the high death rate of this group from the virus. NCD recommended that the final framework include a clear statement that people with disabilities have a federally protected right to equal access to healthcare, and made other recommendations aimed at ensuring that it recognize the healthcare inequities experienced by people with disabilities and ensure that all people with disabilities that are most vulnerable to the virus are able to get vaccinated during the first phase of vaccinations. Unfortunately, the final framework, published just days after the comment period closed, does not adopt these recommendations and remains largely the same as the preliminary document.

- **Amtrak** – NCD continues to meet with Amtrak and disability representatives on Amtrak’s recent settlement agreement with DOJ that attempts to address DOJ’s findings of disability discrimination in violation of the ADA. Under the agreement, Amtrak will fix inaccessible stations and pay \$2.25 million to victims hurt by its inaccessible stations.
- **Education** – NCD met with representatives from the Institute for Educational Leadership (IEL) in January. IEL works with professionals, community members, and youth to broaden and deepen leadership development efforts by building on existing programs and fostering innovation. Current projects and possible collaboration with NCD on future endeavors was discussed.
- **Showcasing U.S. Federal Disability Rights Leadership for International Delegations** – Staff and Council Members met with representatives from many countries to discuss U.S. federal disability civil rights laws (which many nations desire to study and replicate) and the structure and role of the Council as an independent federal advisory body regarding disability policy. Many countries have signed and ratified the Convention on the Rights of Persons with Disabilities and thus are seeking information from the United States on how best to implement, given our long history with the Americans with Disabilities Act and other disability laws. While it is difficult to gauge specific outcomes from these meetings, the most frequent subject of discussion is how to create their own “National Council on Disability,” what structure of government is required; how to

achieve the right make-up; and how to ensure it can be effective in its role as a government advisor.

- **Liaison Committee on Medical Education (LCME)** – NCD engaged the LCME requesting and advising that its accreditation standards be revised in compliance with the Americans with Disabilities Act. The LCME subsequently took action by providing a few modest adjustments to its accreditation standards while also taking the opportunity to revise its standards with respect to disability accommodations and thus will now require that all medical schools in the U.S. draft and implement non-discrimination policies.
- **National Association of State Treasurers (NAST)** – NCD participated as a panelist in the NAST national conference (virtual) in June regarding disability history, the importance of ABLE accounts for the economic self-sufficiency of people with disabilities, and changed outreach needs in light of the pandemic.
- **University of Texas at Austin** – In Fiscal Year 2020 we met with researchers at UT Austin on to discuss our genetic testing report. The researchers are working on a project aimed at encouraging disability studies in the curricula of genetic counseling programs and sought input on a proposed survey and assistance reaching out to other stakeholders.
- **National Governors Association (NGA)** – In Fiscal Year 2020, we met with representatives from NGA as a follow-up to our correspondence regarding states preparations and response to the COVID-19 pandemic.
- **National Council on Independent Living (NCIL)** – NCD presented our research findings and recommendations from three of our bioethics and disability report series to over 300 attendees at the NCIL conference (virtual).
- **Organization for Cooperation and Security in Europe (OCSE)** – During every election cycle, the Organization for Cooperation and Security in Europe reaches out to the Council to inform their work on voting accessibility. In Fiscal Year 2020 we met with the OCSE to answer questions they had on voting accessibility in the 2020 election cycle.

- **Move America 2020** – NCD presented our research findings on transportation and autonomous vehicles at the International Move America 2020 conference (virtual).
- **NCD continue to work with sponsoring offices of legislation based on our report recommendations**, presently including the SECURE Act (sexual assault on college campus legislation), the HEADS Up Act (dental care of people with I/DD), H.Con. Res. 79 (regarding legalized assisted suicide), H.R. 3373 (seeking to establish the Office of International Disability Rights within the U.S. Department of State), \ autonomous vehicle legislation, Keeping All Students Safe Act. the Charlotte Woodward Organ Transplant Discrimination Prevention Act (to prohibited the discrimination of people with disabilities receiving organ transplants), and the Transformation to Competitive Integrated Employment Act (to phase out Section 14(c) of the Fair Labor Standards Act).
- **NCD continues to provide regular disability policy briefings for members of the Administration and Hill staff.** In line with specific requests of committee and Member offices regarding content, we plan to provide at least two congressional briefings a year utilizing our research. In early fiscal year 2021, NCD offered a briefing series to congressional staff on topics covered in our AbilityOne report. Upon the request of the House Education and Labor Committee, NCD also provided a three-part briefing series on subminimum wage employment to committee staff in February 2021. In March 2021, upon request, NCD staff provided House and Senate Appropriations Committee staff with a briefing on NCD's AbilityOne report, and in April 2021, NCD offered member-level congressional briefings on NCD's AbilityOne report as well as related employment recommendations.
- **NCD continues to provide written briefing materials to congressional leadership and members of the Administration.** In advance of congressional hearings regarding a topic of priority concern for the disability community, we often provide written briefing materials to committee members, including key findings and recommendations from our body of research, as well as suggested questions for witnesses. We also suggest hearing topics and witnesses to

House and Senate committees based on our latest research findings and on pressing matters of concern to Americans with disabilities and regularly receive requests for review of proposed witnesses.

- **NCD continues to meet with House and Senate offices regularly** to discuss concerns from people with disabilities throughout the nation, develop new disability champions, and provide them with technical assistance and advice regarding proposed legislation, draft letters, GAO study requests, Hill sign-on letters, and other policy-related materials.

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| <p style="text-align: center;">GOAL 4 OBJECTIVES, STRATEGIC RESULTS and PLANNED ACTIVITIES</p> |
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GOAL 4: Gather information from subject matter experts and members of the disability community to help inform policymakers' work.

1. Engage the disability community beyond Washington, DC, soliciting their views regarding timely policy matters and providing the input of the disability community for policymakers to weigh in their decision making.
2. Develop information partnerships with subject matter experts inside and outside the disability community to generate effective intelligence for policymakers to use in weighing issues.

In Fiscal Year 2020, in service of its policy development cycle, NCD staff and Council members continued outreach efforts to national organizations, individual constituents, academics, disability coalitions; and disability conferences, all of which informed the research projects as well as helped steer the direction of policy priorities the Council set for the next fiscal year. For every one of our reports released throughout Fiscal Year 2019,

our research involved engagement of people with disabilities from across the country in the form of focus groups, interviews, and advisory councils. In each report, we highlighted and summarized those interactions so as to elevate first-hand experiences of people with disabilities to the attention of policymakers.

In Fiscal Year 2020, we entered into cooperative agreements with subject matter experts to assist with nearly all of our research endeavors to ensure that the information provided to policymakers was current, relevant, and accurate. These agreements are at times with organizations that have specialized expertise in certain policy areas, and at other times with academic institutions or research groups.

NCD was tasked in Fiscal Year 2018 by language in the House Appropriations Committee Report with responsibilities to conduct information sessions across the country regarding the Achieving a Better Life Experience (ABLE) Act and for interagency coordination so that federal agencies are providing information and guidance consistent with the legislation, and following several years of regular interagency coordination meetings and related follow-up, NCD will continue to monitor opportunities to strategically address these topics going forward.

In furtherance of Goal 4, the Council accomplished the following in FY 2020 & 2021:

- **Stakeholder Convening on the Implications of Single-use Plastic Bans for People with Disabilities** – In November 2019, NCD hosted an in-person stakeholder convening on behalf of two congressional offices (one Senate and one House) who were interested in learning the perspectives of the disability community regarding the impact of single-use plastics bans on the many ways that single-use plastics (including straws) are relied upon for independent living. NCD invited members of the cross-disability community to the convening, worked closely with the congressional offices on facilitation prompts to use to spur discussion, and helped to capture the concerns of the community for the offices' future use. Following development of legislative language, NCD again reconvened the stakeholders for the two offices in March, by phone, to allow for the offices to brief the community on the legislation and consider the views of the disability community regarding outstanding concerns with the legislative approach.

- **Congressional Briefing on Competitive, Integrated Employment** – On October 28, 2019, NCD hosted a congressional briefing on Capitol Hill to discuss the successes of people with disabilities transitioning from segregated, sheltered employment to competitive, integrated employment in collaboration with the House Bipartisan Disabilities Caucus. Speakers included employees with disabilities from Virginia, Oregon, Iowa, and Maryland telling their stories of transition in their own words.
- **ABLE Interagency Coordinating Meetings** – The House Appropriations Committee’s Labor, Health and Human Services, Education, and Related Agencies Appropriations Committee Report included language requesting the Council, when convening stakeholders, to conduct information sessions on Achieving a Better Life Experience (ABLE) accounts as well as to serve as an interagency coordinator to ensure consistency across federal agencies and programs regarding ABLE implementation. In Fiscal Year 2020, NCD hosted an interagency meeting in February 2020, which saw extensive agency participation, in-person participation from leaders in seven state treasurer’s offices who administer their state ABLE programs, and bicameral, bipartisan attendance by interested congressional offices.
- **Updates to SSA POMS, Direct Deposit into ABLE Accounts** – Relatedly, NCD was also pleased that following numerous discussions facilitated by our agency, state ABLE program administrators and the Social Security Administration (SSA) resolved conflicting guidance from SSA field offices received with respect to the appropriateness of direct deposit of Social Security benefits into ABLE accounts, in April 2020, the national office of SSA clarified the matter in the affirmative in updates to its POMS.
- **Opportunities for Public Input** – NCD continues to engage opportunities for the Council to hear directly from members of the public; meet regularly with international delegations when requested; and provide regular disability policy briefings for members of the Administration and congressional staff. We continually receive public comment via all social media platforms our website as well as to our designated public comment email account.
- **Examining and Updating Agency Website and Listserv** – NCD is in the process of examining and updating our official government website and email listserv to facilitate

regular communication with advisees and the general public regarding our activities and policy recommendations.

- **Strategic Plan** – Throughout FY21, we will begin work on updating our current five-year strategic plan that concludes in fiscal year 2022.

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| <p style="text-align: center;">GOAL 5 OBJECTIVES, STRATEGIC RESULTS and PLANNED ACTIVITIES</p> |
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GOAL 5: Enhance agency operational and programmatic internal controls in order to effectively service execution of statutory duties.

1. Evaluate and update agency Information Technology (IT) infrastructure.
2. Enhance planning and evaluation of all agency projects to ensure continual improvements.
3. Ensure compliance with financial regulatory and reporting requirements.
4. Update all agency internal policies and procedures.
5. Evaluate and implement mandated cyber security requirements.

Beginning in Fiscal Year 2017 and throughout Fiscal Years 2018 through 2021, the National Council on Disability has worked collaboratively with the Department of Homeland Security to implement EINSTEIN and other mandated cybersecurity requirements. We have complied with all mandated requirements to the maximum extent that the budget allowed.

In furtherance of Goal 5, the Council accomplished the following in FY 2020 & 2021:

- **Trusted Internet Connection (TIC)** – In response to the security assessment and authorization (SA&A) accomplished in Fiscal Year 2019, the Council worked diligently to evaluate and implement mandated cyber security requirements to comply with the Office of Management and Budget's (OMB) Trusted Internet Connection (TIC) Initiative. In Fiscal Year 2020, we completed this requirement and are now operating with TIC 3.0.
- **Managed Trusted Internet Protocol Service (MTIPS)** – MTIPS was required to allow U.S. Federal agencies to physically and logically connect to the public Internet and other external connections. We implemented Managed Trusted Internet Protocol Service (MTIPS) in Fiscal Year 2020.

- **Plan of Action and Milestones (POAM's)**

The Council has worked cross fiscal years with three vendors to ensure our IT infrastructure was secure and we were moving toward compliance with all regulatory requirements. We advanced this requirement and now receive live updates in response to ongoing evaluation and implementation of cyber security mandates. In Fiscal Year 2021 and Fiscal Year 2022, we will continue to plan actions and milestones (POA&M) to track and fix security vulnerabilities as we strive to comply with all cybersecurity mandates.

- **OpenFISMA** – In Fiscal Year 2019, the Council implemented OpenFISMA which provided a Web-based centralized repository to manage and track vulnerability reporting and remediation activities. In Fiscal Year 2020 and ongoing we will continue to oversee the compliance processes. The Council has now advanced to OpenFISMA++.

- **Authorization to Operate (ATO)** – Beginning in Fiscal Year 2019, we began work on obtaining an Authorization to Operate (ATO) to explicitly accept the risk to agency operations. At present, we have obtained an interim ATO. We are on target to obtain an ATO early in Fiscal Year 2021.
- **SharePoint** – In Fiscal Year 2019, the Council created a SharePoint platform to increase transparency, communication and implement additional cybersecurity mandates. The platform was in development in Fiscal Year 2020, which will continue throughout Fiscal Year 2021 with routine upgrades. This platform, once fully developed, will assist NCD in complying with the National Archives Records Administration (NARA) requirements for agencies to transition to electronic filing by December 2022.
- **Updates to EEOC Policies and Procedures** – Pursuant to 29 C.F.R. § 1614.102(e), Equal Employment Opportunity Commission (EEOC) found NCD's EEO program was not in compliance with a Commission issuance and notified NCD of non-compliance. NCD responded by requesting technical assistance and submitted the following revised policies, all of which EEOC confirmed compliance with EEOC regulations in Fiscal Year 2020 and Fiscal Year 2021.
 - Reasonable Accommodation, revised 7/12/2018
 - Sexual and Nonsexual Harassment, revised 9/1/2020
 - Personal Assistant Services created 7/19/2019
- **Updates to Financial Policies and Procedures** – NCD is committed to continual updates to internal policies and procedures. In Fiscal Year 2020, the Council updated and approved NCD's Financial Policy and Procedures.
- **National Archives and Records Administration (NARA), Management Federal Records Modernization Initiative (FERMI)** – NARA provided government agencies target deadlines from the Managing Government Records Directive. These directives lay out the next generation of federal records management compliance. By Fiscal Year 2022, NARA will no longer accept any federal records into their archives in physical

format. This includes legacy content. We have been working diligently to meet this deadline by implementing functions in the SharePoint platform and moving exclusively to cloud storage. This initiative will require maximum staff resources for full compliance by Fiscal Year 2021. We are committed to be in compliance by the required deadline.

- **Voice Over IP (VoIP)** – In Fiscal Year 2020, the Council implemented Voice Over IP (VoIP) for internet and phone service. However due to working in a telework posture, the roll out was incomplete as of the close of Fiscal Year 2020.
- **Equipment Refresh** – The Council’s computer equipment was scheduled to refresh in Fiscal Year 2020. Due to COVID-19 and the agency moving to a maximum telework environment, the refresh has been delayed to Fiscal Year 2022. To assist with the telework environment, all telework employees were issued work cell phones. Based upon availability of funding, the Council will move forward with refreshing the equipment needs for the Council in Fiscal Year 2022.
- **Financial Audit** – The Accountability for Tax Dollars Act requirement for an annual preparation and audit of financial statements of smaller agencies was exempted by OMB in recognition of our stewardship. This resulted in a biennial cost savings for the Council. In FY 2019, the Council completed a biennial audit to ensure all fiduciary duties were adhered during Fiscal Year 2018 and Fiscal Year 2019. We received an unqualified result for Fiscal Year 2018 and Fiscal Year 2019. The Council will absorb the cost of completing an audit for Fiscal Year 2020 and Fiscal Year 2021 in Fiscal Year 2021. In anticipation of an unqualified result for Fiscal Year 2020 and Fiscal Year 2021, we will appeal again to OMB for another exemption which will result in a savings to NCD’s Fiscal Year 2020 budget.
- **Continuity of Operations (COOP) & Transition Planning** – The Council will continue to focus on our Continuity of Operations Plan (COOP) to protect and secure the integrity of the Council and to preserve the work that is critical to the mission of the Council. Additionally, as a result of COVID we will continue to focus on return-to-work transition planning for safety and security of our employees.

GOAL 6

| |
|---|
| OBJECTIVES, STRATEGIC RESULTS and PLANNED ACTIVITIES |
|---|

GOAL 6: Recruit, retain, and develop a highly qualified professional staff in order to effectively service execution of statutory duties.

1. Enhance new staff orientation materials and process.
2. Perform a SWOT analysis and identify best practices from select agency projects from the prior fiscal year.
3. Identify training to support improvement in areas identified as weaknesses or signifying skills gaps by project analysis.
4. Continue to be a model agency by employing and retaining employees with disabilities.

In Fiscal Year 2019 and 2020, we experienced the turnover of three council members, and one full-time staff. In Fiscal Year 2021, we experienced the turnover of five council members and in late January, had a new Chairman designated by President Biden who appointed a new executive director from within NCD's existing staff.

In furtherance of Goal 6, the Council accomplished the following in FY 2020 & 2021:

- Continued to enhance procedures to onboard new staff and members by providing an agency-wide orientation. The orientation process includes all staff and is continually reviewed for accuracy and updates. In response to staff continuing to operate in a telework posture, the Council successfully offered its first virtual orientation for five new council members.
- In response to COVID, the Council implemented a virtual swearing-in process.
- In response to COVID, employees have been encouraged to participate in virtual trainings. To ensure compliance with annual ethics training requirements, we continue to partner with the U.S. Department of Education, Office of the General Counsel, Ethics Division and have provided members and staff ethics training annually in

conjunction with new member orientation and videoconference Council meetings. Our next ethics training is scheduled for May 13, 2021 during our videoconference Council meeting.

- In Fiscal Year 2020, the Council complied with all requests by the EEOC, pursuant to EEOC Policy Guidance on Executive Order 13164. NCD is identified as a model agency, exceeding the goal of making the Federal Government a model employer for people with disabilities.
- In Fiscal Year 2021, we will analyze the human capital needs of the agency, and if necessary, budget dependent, we will employ additional full-time staff to assist with meeting the critical mission of the Council in Fiscal Year 2022.
- The Council continually reviews and revises administrative policies and procedures to ensure risk is mitigated. In Fiscal Year 2020 and Fiscal Year 2021, the Council continued to respond to guidance on return on work plans, extending flexibilities and any other guidance to ensure the mission of the Council is achieved.

CROSS-AGENCY COLLABORATIONS

The National Council on Disability's policy advisement is often directed at other federal agencies, and it is vital that we maintain open communication and relationships with agencies across the government in furtherance of our research to policymakers and to also help close key feedback loops for agencies, by assisting them in hearing from people with disabilities across the country. Fostering such cross-agency relationships supports our strategic objective to develop policy recommendations and encourage collaboration. With each policy project, we share our recommendations in advance with the agencies we are examining to ensure technical accuracy and strives to follow up with the same agencies in assessing their implementation of our recommendations. The National Council on Disability regularly engages with many other federal agencies. Please note the many cross-agency collaborations we have previously highlighted in Goal 3. In addition to those, many others include:

- **U.S. Commission on Civil Rights (USCCR)** – In November 2019, we provided testimony on Section 14(C) of the Fair Labor Standards Act (subminimum wage employment) at the invitation of USCCR at a hearing they held in Washington, DC.
- **Government Accountability Office** – We met with the GAO to discuss the accessibility of airports. GAO is beginning a new engagement examining airport accessibility for passengers with disabilities in response to the congressional mandate in Section 431 of the FAA Reauthorization Act of 2018. In the course of this work, GAO plans to explore: (1) Airport accessibility best practices designed to improve wayfinding, amenities, and passenger care for passengers with disabilities; (2) Air carrier and airport training policies related to prohibiting discrimination and assisting passengers with disabilities; and (3) The extent to which airport accessibility best practices exceed legal requirements outlined in key disability-related legislation. We also met with GAO's Senior Analyst for Education, Workforce, and Income Security to discuss our education work, specifically our work on school climate issues like bullying and the school to prison pipeline. GAO also recently issued its school accessibility report, which notes that two thirds of U.S.

school districts facilities have barriers to physical access for people with disabilities. The Council was interviewed for the report.

- **Food & Drug Administration, Health and Human Services Administration, Centers for Medicaid and Medicare, and the Department of Justice** –We met with the FDA, HHS Office of Civil Rights, DOJ’s Disability Rights Section, and the Centers for Medicaid and Medicare to provide recommendation concerning bioethics and healthcare for people with disabilities.
- **FEMA** – We facilitated several joint roundtable meetings with FEMA and the disability community. These meetings are assisting us in gathering data on the impact of COVID-19 on FEMA, state and local resources and discerning best practices - with future plans to provide guidance and recommended policy change to improve outcomes of people with disabilities during and after disasters amidst the COVID-19 pandemic and beyond. FEMA’s Office of Disability Integration and Coordination has assumed the role as facilitator and plans to continue the roundtable discussions on a monthly basis.
- **Administration on Community Living** – Throughout Fiscal Year 2020, we participated in the ACL Multi-Agency Task Force on Increasing Employment Opportunities for People with Disabilities, which is a group of agency representatives working on a National Action Plan to improve employment outcomes. We share our report findings and recommendations regarding employment and poverty to bear in those task force meetings. We also met with Administration on Disabilities Commissioner Hocker to discuss ACL’s role in promoting awareness of the Achieving a Better Life Experience (ABLE) Act.
- **Domestic Policy Council (DPC) Interagency Workgroup on Disability** – NCD meets regularly with members of the Domestic Policy Interagency Workgroup on Disability and its related workgroups regarding a range of issues identified as agenda items by the Director of Disability Policy at the DPC.

In addition to these federal agency collaborations, specific instances of ongoing cross-agency collaborations include the following interagency coordination activities:

INTERAGENCY COORDINATION

The National Council on Disability, in executing its responsibilities regarding ABLE implementation coordination, hosted an interagency meeting in February 2020, with participation from the following agencies:

- Municipal Securities Rulemaking Board
- Office of Disability Employment Policy, U.S. Department of Labor
- Internal Revenue Service
- Social Security Administration
- Administration on Community Living, U.S. Health and Human Services
- U.S. Department of Housing and Urban Development
- Centers for Medicare and Medicaid Services
- Federal Student Aid

NATIONAL COUNCIL ON DISABILITY BUDGET

Cost Discussion (Appendix A)

| DESCRIPTION | FY 2021 | FY2022 Request |
|---|----------------|---------------------------|
| BUDGET TOTAL | 3,350,000 | 3,750,000 |
| PERSONNEL | 1,941,979 | 2,147,857 |
| TRAVEL | 2,821 | 85,000 |
| RENT, UTILITIES AND COMMUNICATIONS | 338,786 | 283,451 |
| PROGRAM, RESEARCH AND PRINTING | 327,744 | 345,000 |
| TRAINING AND PROFESSIONAL ASSOCIATIONS | 13,950 | 28,950 |
| AUDIT | 41,404 | 0 |
| PAYROLL, ACCOUNTING AND HR SERVICES | 151,973 | 158,000 |
| SUPPORT CONTRACT SERVICES | 182,130 | 279,642 |
| INFORMATION TECHNOLOGY | 256,968 | 319,800 |
| PAYMENTS TO FEDERAL AGENCIES | 4,637 | 4,800 |
| SUPPLIES, SUBSCRIPTIONS AND MATERIALS | 54,108 | 60,000 |
| ANTI-DEFICIENCY | 33,500 | 37,500 |

APPENDIX A

Cost Discussion

NCD is committed to fulfil the mission critical objective of advising the President, Congress, and other federal agencies regarding federal policies' impact on people with disabilities in the most efficient manner possible.

- The Council presents a budget of \$3,750,000 for Fiscal Year 2022
- The Council's appropriated budget for Fiscal Year 2021 is \$3,350,000

NCD's budget justification for Fiscal Year 2022 commits to continue our focus on delivering mission critical outcomes. We continue to streamline our operations and research efforts to ensure ongoing improvements to the efficiency and effectiveness of our operations. NCD prioritizes spending taxpayer dollars efficiently and effectively while supporting national priorities to reduce deficits.

In light of the significant health and economic disruption caused by the COVID-19 pandemic, NCD's budget justification for fiscal year 2022 includes research and recommended development as a priority aimed at American Public Health Security and Innovation, specifically for people with disabilities.

NCD is steadfast to deliver maximum return on investment to the American people, specifically people with disabilities. We coordinate and collaborate with other federal and non-federal stakeholders as we advise on the research and development efforts to drive discovery and innovation for people across all types of disabilities and particularly in areas identified as priorities by the Administration and Congress, our advisees.

APPENDIX B

Analysis of Resources

PERSONNEL

FY 2021 \$1,941,979

FY 2022 \$2,147,857

- For Fiscal Year 2021, our budget supports 9 Council members and 11 staff (FTEs). The total personnel is understated by \$22,432 due to a reimbursement received from HHS / OCR for a staff detail. In lieu of the detail the total personnel would be \$1,964,411.
- Our Fiscal Year 2022 budget supports 9 Council members and 12 staff (FTEs), maintaining the current slate of employees and positions, regularly scheduled performance increases per OPM policy and associated benefits. Benefits have been calculated based on our experience with the benefit packages employees have chosen in the past.

Obtaining and maintaining full time federal employees is critical to fulfillment of the Council's mission.

TRAVEL

FY 2021 \$2,821

FY 2022 \$85,000

- For Fiscal Year 2021, we have continued to adjust our travel budget downward as COVID-19 travel restrictions have persisted.
- For Fiscal Year 2022, in anticipation of ongoing travel restrictions as a result of COVID-19, NCD budgeted for the potential for two in-person Council meetings later in the fiscal year. NCD will support return-to-work strategies and will readjust budgeted travel costs consistent with COVID-19 guidance as necessary.

The largest portion of our travel budget is devoted to the cost of fulfilling our statutory requirement to conduct public meetings no less than four times each year. All Council members and staff are reimbursed in accordance with federal per diem regulations. In conjunction with policy development or engagement activities, at times, the Council convenes policy forums to gather or provide expert information. On these occasions, we may extend paid travel invitations to subject matter experts.

RENT, UTILITIES AND COMMUNICATIONS

FY 2021 \$338,785

FY 2022 \$283,451

We renewed our lease with the General Services Administration, effective October 1, 2021 for 10 years through September 30, 2031. We negotiated a reduced cost by entering a 10-year agreement. The ability to remain at the current location, which is accessible for people with disabilities by three major Metro rail lines and Metro bus was the primary motivation for renewing the existing lease.

With the majority of staff being people with disabilities, and as the federal voice of the over 61 million Americans with a wide variety of disabilities, we also utilize several communication methods to facilitate the work of and members and staff, as well as to engage with stakeholders.

PROGRAM, RESEARCH AND PRINTING

FY 2021 \$327,744

FY 2022 \$345,000

- For FY 2021, our budget will support policy projects related to fulfilling the mission of the Council.
- For FY 2022, our budget will support policy projects related to fulfilling the mission of the Council.

While NCD's costs relative to editing and printing have and will remain modest due to reliance on several Government Publishing Office (GPO) federal programs that negotiate the best prices for government customers, NCD intends to slightly increase its funding of program and research activities in FY22. In view of information NCD has received during extensive and ongoing stakeholder engagements in FY21 with the disability community, this budget allocation will enable NCD to contract for supplemental subject matter expertise and data in relation to envisioned policy projects to advise policy makers in the Administration and Congress in the areas of disability health equity; Medicaid portability; paratransit portability; voting rights of people with disabilities in light of recent state developments; as well as follow-on work in relation to our bioethics series of reports from 2019, with particular focus on the Quality-Adjusted Life Years (QALY) report.

AUDIT

| | |
|----------------|------------------|
| FY 2021 | \$ 41,404 |
| FY 2022 | \$ 0 |

As part of our reform plan and allowed per the Accountability for Tax Dollars Act requirement for an annual preparation and audit of financial statements of smaller agencies, we have been exempted by OMB for an annual audit in recognition of the stewardship we have presented through ongoing unqualified audits.

NCD was exempted from conducting an annual audit by OMB beginning in Fiscal year 2018, and in place of an annual audit, a biennial independent financial audit will be conducted utilizing an outside vendor to conduct a two-year financial audit of our internal operations. This biennial audit is occurring in Fiscal Year 2021 with Fiscal Year 2021 funds and is not set to reoccur again until Fiscal Year 2023 with Fiscal Year 2023 funds at an estimated obligation of \$45,000 for an independent audit of NCD's financials for Fiscal Years 2022 and 2023 simultaneously. The audit reviews the Council's internal control over financial reporting in compliance with OMB audit guidance for expressing an opinion on financial statements in line with the Council's annual Performance and Accountability Report.

PAYROLL, ACCOUNTING AND HR SERVICES

FY 2021 \$151,973

FY 2022 \$158,000

- For FY 2021, we do not anticipate an increase in costs and plan to rely more heavily on the in-house expertise of its staff to fulfill these duties.
- For FY 2022, we have been informed of an increase in costs associated with our vendors and adjusted the budget accordingly.

We contract with the General Services Administration (GSA) Commissions and Boards (CABS) human resource services and Office of the Chief Financial Officer (OCFO) for payroll, accounting and HR services. Through these interagency agreements, we receive support to complete payroll, accounting, human resource services and legal consultation. These contracts facilitate smooth operations and assists in fulfilling federal requirements.

SUPPORT CONTRACT SERVICES

FY 2021 \$182,130

FY 2022 \$279,642

- For FY 2021, our budget supports contractual services based upon the needs and accommodations of the Council, staff and members, recognizing the Council is a model agency with 82% employees people with disabilities.
- For FY 2022, our contractual services budget increased due to retaining an independent contractor to assist with the work of the Legislative Affairs and Outreach (LAO) team following the former LAO Director's appointment to the Executive Director role.

Many of the staff and Council members are people with a variety of disabilities. We provide accommodations for employees with disabilities during work hours and at meetings and events for participants as requested. We entered into a part-time personal services

contract in FY 2020 to provide personal attendant assistance to staff, council members and guests.

INFORMATION TECHNOLOGY (IT)

FY 2021 \$256,968

FY 2022 \$319,800

- For FY 2021, the budget reflects expenses associated with day-to-day IT and cybersecurity requirements. This amount is reduced due to budget constraints and does not support the Council's compliance with IT and cybersecurity mandates. The Council is also due an equipment refresh.
- For FY 2022, additional funding is necessary for NCD to move toward full and ongoing compliance with IT and cybersecurity mandates. In Fiscal Year 2022, we plan to focus on implementing the following mandates:
 - Manage NCD's risk management framework for security compliance using Open Fisma +. The risk management framework describes how an agency must assess, monitor, and respond to risk.
 - Upload and monitor our agency Plans of Actions and Milestones (POAM's), review and respond to the risk of classified and low, medium, or high and guide the agency toward compliance.
 - Support and upkeep on Sharepoint.
 - Communicate on secured phone lines that are IP based.
 - Provide ongoing security for the agency by maintaining MTIPS to address high level federal requirements with a secure connection to the public internet in full compliance with OMB's Trusted Internet Connection (TIC).
 - Employ or contract with a Cyber Security Specialist to write necessary policies, procedures, and standards following OMB & DHS Directives in addition to providing ongoing support and compliance with cybersecurity mandates.

As a small agency, we secure outside support to assist in meeting the Council's IT and cybersecurity requirements. Expenses began peaking in FY 2018 because of new federal

requirements such as the EINSTEIN cybersecurity initiative. Implementation of TIC 3.0 and OpenFisma++ are ongoing costs to ensure compliance with all cybersecurity and FISMA mandates.

PAYMENTS TO FEDERAL AGENCIES

FY 2021 \$ 4,637

FY 2022 \$ 4,800

Costs are relative to the anticipated needs of the Council during each fiscal year in addition to the Council's decision to utilize fee-for-service expertise.

As a small agency, we secure services through interagency agreements with other federal agencies for technical functions such as job postings, procurements, and security services. Utilizing interagency agreements in this way assists us in fulfilling federal requirements by providing subject matter expertise not held by staff.

SUPPLIES, SUBSCRIPTIONS AND MATERIALS

FY 2021 \$ 54,108

FY 2022 \$ 60,000

Costs are relative to the anticipated needs of the Council during each fiscal year.

The Council utilizes professional periodicals, subscriptions, technical publications and services to stay informed of policy developments, conduct legal and other research, and access federal directories in furtherance of its mission. These resources are essential in assisting staff to fulfill mission critical work for the Council.

As a micro agency, NCD is a good steward of federal funds and utilizes a very small budget for office supplies, furniture and general supplies each year. In FY22, we anticipate the costs of supplies to increase however the furniture needs are expected to decrease due to working in a maximum telework environment.

ANTI-DEFICIENCY

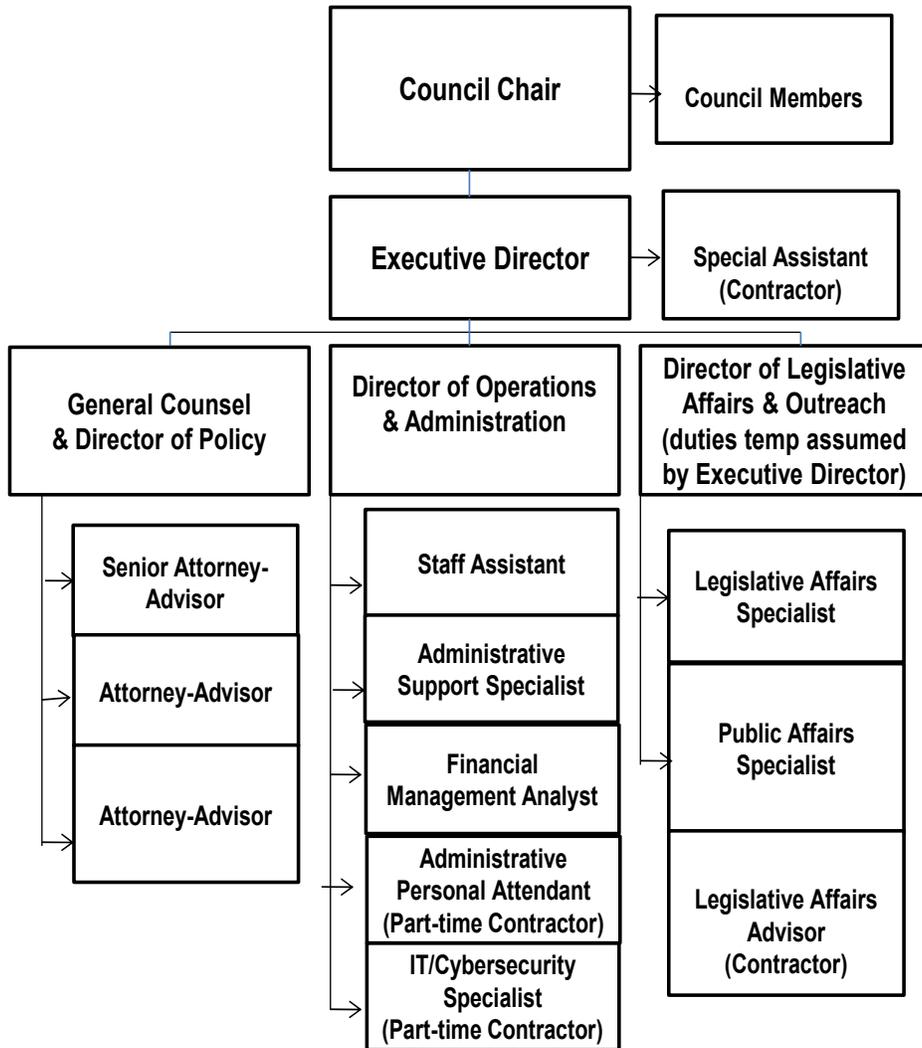
FY 2021 \$ 33,500

FY 2022 \$ 37,500

The Council reserves a percentage of our annual appropriated budget for unanticipated expenses and to ensure the Council does not exceed available funds.

APPENDIX C

Organizational Chart



APPENDIX D

MAJOR MANAGEMENT PRIORITIES AND CHALLENGES

Costs of Implementing Federal Cybersecurity Requirements

In FY 2022, the total budget needed to implement improvements to the efficiency and effectiveness of our operations in the area of cybersecurity is summarized below.

| Activity | FY22 | Description |
|--|---------------|---|
| Open Fisma + Software | \$ 6,000.00 | Open Fisma + is a workflow-based security management tool that aids in meeting compliance requirements. The tool tracks, manages, and monitor agency Plans of Actions and Milestones (POAMs) for security findings and control weaknesses. |
| Open Fisma + cyber work | \$ 35,000.00 | Manages NCD's risk management framework for security compliance using Open Fisma +. The risk management framework describes how an agency access, monitor and respond to risk. A contractor uploads and monitors all of our agency Plans of Actions and Milestones (POAM's) and informs the agency on risks identified and the classification as low, medium, or high, followed by guiding the agency in order to become compliant. |
| Sharepoint Maintenance | \$ 22,800.00 | Support and Upkeep of Sharepoint (NARA compliance) |
| VOIP | \$ 3,000.00 | Operational purpose to communicate on a secured phone line that are IP based. |
| Managed Trusted Internet Protocol Services (MTIPS) | \$ 33,331.56 | MTIPS provides security for agencies online traffic and addresses high level federal requirements with a secure connection to the public internet in full compliance with OMB's Trusted Internet Connection (TIC). |
| ATO (Authority to Operate) | \$ 60,000.00 | Authority to operate on Government network which needs to be updated every 12 months. |
| Virtual CISO | \$ 100,000.00 | Cyber Security Staff or Contractor to write required policies, procedures, and standard in additional to providing |

| | | |
|-------------------------------------|---------------|---|
| | | support by following OMB & DHS directives & mandates. |
| Audit | \$ 12,000.00 | Audit for CIO Fisma Metrics and the Agency Report to OMB/DHS via CyberScope |
| Security Assessment & Authorization | \$ 35,000.00 | System Security Plan (SSP) will reveal what system(s) are in place and what support is needed. This will also cover penetration testing which is an ethical hacker that connects to your network in an attempt to obtain passwords. Once the test is done, the agency will know what to improve. A risk assessment will also be completed on our network. |
| Total Cost | \$ 307,131.56 | |

MAJOR MANAGEMENT PRIORITIES & CHALLENGES (continued)

Costs of developing a workforce for the 21st Century

Management's major priorities for the National Council on Disability for Fiscal Year 2022 are to:

1. Thoughtfully assess agency workforce, workload, and workflow against the any applicable executive orders and OMB guidance;
2. Pursue ongoing review and updates to our internal control policies and procedures;
3. Continue compliance with mandated cybersecurity protocols, as the budget allows;
4. Hire, train, develop, and retain an exceptional workforce;
5. Continue to practice and promote hiring of people with disabilities.

An enduring management challenge is how best to approach the allocation of the Council's limited financial and human resources. The Council has been operating with eleven full-time staff and nine Council members, who balance their service to the Council with their own full-time careers. Given the breadth our mission, the scope of our engagement, policy development, and collaborative activities are often limited by the lack of workforce. Our modest budget and small workforce necessitate balancing and prioritizing stakeholder needs with available resources.

Related to the allocation of resources, maintaining a continuity of workforce is both a management priority and challenge. Throughout FY2020, NCD continued to operate with only 11 of its 12 full time employees, resulting in budgetary savings but with implications for operational efficiencies. Unlike a larger agency that can withstand numerous vacancies without immediate implication to mission accomplishment or the operational integrity of the Council, in an agency of our size, even a single vacancy can create a palpable effect on the Council. Additionally, with the extent of discrete responsibilities every federal agency faces, regardless of size, individual employees may be the sole individual responsible for and knowledgeable of how to complete particular tasks. This necessarily creates risk for which the Council must account for and control. Therefore, continuity of leadership,

employee retention, professional development, and cross-training among employees are priorities of management at all times as are persisting in efforts to seek opportunities to strengthen and add to the number of staff.

We have continued to enhance our cybersecurity program and have entered into a Memorandum of Agreement (MOA) with the Department of Homeland Security (DHS) and the Department of Defense (DOD) to secure America's cyber networks. We also entered into a MOA with the DHS, Office of Cybersecurity and Communications to ensure the deployment of EINSTEIN Cybersecurity capabilities. We have been participating in the deployment of EINSTEIN Intrusion Prevention Security Services (IPSS) on our networks for network security purposes, to look for network traffic indicating known or suspected malicious cyber activity.

We establish and maintain effective internal control and financial management systems that meet the objective of the Federal Manager's Financial Integrity Act. Based upon the results of the independent auditor's biennial report, we can provide reasonable assurance that our internal control over the effectiveness and efficiency of operations and compliance with applicable laws and regulations is operating effectively and no material weaknesses were found in the design or operation of the internal controls.

NCD publishes several full-length reports every year, in addition to advising and responding to multiple requests on various topics. In Fiscal Year 2021, we are scheduled to release five full-length reports. Most research projects involve outside contractual assistance. These full-length reports are fulsome research endeavors that entail a broad scope of policy consideration, and/or address an emerging topic or technology that we urge policymakers to consider. While we will continue to service the needs of policymakers and the disability community's interests and publish research/policy reports each year, we are forced to reallocate money from this mission critical task to ensure we are in compliance with cybersecurity mandates and meet the operational needs of the Council.

THE MISSION AND WORKFORCE OF THE COUNCIL

Since the inception of NCD and its original statutory charge to review and advise on laws and policies impacting people with disabilities, numerous amendments to existing civil

rights laws as well as the passage of new laws have vastly expanded the scope of our work.

Based upon our FY 2022 request and constraints of cybersecurity requirements, we hope to utilize a portion of the increase in appropriations to help shore up the workforce needs of the Council related to the mission-critical policy research and advisement work of the Council through contractual services and/or not to exceed term appointments. The need is acute, particularly during a time of critical focus on the needs of a burgeoning aging population and new scores of people experiencing “long-COVID,” who will require multi-disciplinary policy solutions.

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