

National Council on Disability

Budget Justification

Fiscal Year 2023



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

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

www.ncd.gov

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 heads 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 Council’s purview is illimitable, so our research pedantically considers the diverse needs of people across all types of disabilities throughout the United States and in our territories.

The Council presents this budget justification for fiscal year 2023, requesting a total budget authority of \$3,905,325. 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 present this year’s budget justification, as it was during our prior year submission, the challenges affecting people with disabilities throughout the country and in our territories remain formidable and exacerbated due to the global pandemic – a pandemic that has disproportionately affected the health and well-being of persons with disabilities, who remain vulnerable to the extreme effects of the virus given 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 2023 will remain in large part on addressing healthcare barriers and the breadth of issues associated therewith. And in view of Executive Order 13990, “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis”; and Executive Order 14030, “Climate-Related Financial Risk” which directed agencies to take a whole-of-Government approach to increase resilience to the impacts of climate change and protect public health, NCD will focus its annual, statutorily mandated, Progress Report on addressing the impacts of climate change on the lives of people with disabilities.

Throughout all the work we undertake, we will endeavor to work closely and collaboratively with federal partners and legislators 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 modernize national disability goals and policies.

Our budget submission for Fiscal Year 2023 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

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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 (NCD) 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 Council provides advice that thoughtfully considers the diverse needs of our core constituency, which varies greatly by type and severity of disability. NCD 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.

First established as an advisory council within the Department of Health, Education, and Welfare in 1978, and then placed within the Department of Education, NCD became an independent federal agency in 1984. The Rehabilitation Act Amendments of 1984 (Public Law 98-221) transformed the National Council on Disability into an independent agency and required NCD to provide advice to Congress and the Administration. In 1986, NCD recommended enactment of an Americans with Disabilities Act (ADA) and drafted the first version of the bill which was introduced in the House and Senate in 1988. Since enactment of the ADA in 1990, NCD has continued to play a leading role in crafting disability policy, and advising the President, Congress and other federal agencies on disability policies, programs, and practices. 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 NCD 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.

NCD 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 2021, the Council had a \$3.75 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 members serve until a replacement appointment occurs; therefore, terms can extend beyond six years.

Council members are special government employees (SGE) who live across the country and are restricted to serve a maximum of 130 days per year in a part-time capacity. 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. Sixty-seven 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 within a committee structure. 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 work with a professional editor on final edits and report layout before dissemination of the final report, including its policy recommendations to the President, Congress, other Federal agencies and all interested parties.

When opportunities or circumstances warrant immediate response to proposed legislation or regulations, including when the Council is requested directly by policymakers for such input, the Council provides brief, nimble responses based upon the Council's existing body of 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 as well as all published research, papers, and formal opinions published in the name of the 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 approximately monthly. The Council is provided updates no less than once per quarter as part of the quarterly business meetings of the Council.

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

NCD is a respected resource within the Federal Government and beyond 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 2022 – 2026

The Council's budget submission is submitted for the same fiscal year of its new five-year strategic plan. The updated plan seeks to reflect goals and objectives approved by the Office of Management and Budget and prioritized by the Council's constituency to focus on the most pressing needs of the disability community in furtherance of the goals of the Americans with Disabilities Act; optimize operational efficiency and accountability; and pursue mission-critical activities consistent with the Administration's priorities and directives.

The Council evaluates its progress towards fulfillment of its goals and objectives by conducting program evaluations prior to implementation – formative needs evaluation, periodically and ad hoc; formative process evaluation; and at the end of each, summative outcome and impact evaluation.

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. With that unique and far-reaching mission in mind, the Council's strategic goals for FY 2022 – 2026 include the following:

- Goal 1 – Develop new disability policy recommendations with a particular emphasis on issues of healthcare equity, employment, and the inclusion of traditionally underserved communities.
- Goal 2 – Review and analyze both proposed and existing federal policies' impact on people with disabilities.
- Goal 3 – Engage policymakers of both the Administration and Congress and respond to their requests for assistance accurately and efficiently.
- Goal 4 – Gather information from subject matter experts and members of the disability community both of Washington, DC, and nationally, to help inform policymakers' work.
- Goal 5 – Enhance agency operational and programmatic internal controls to effectively service execution of statutory duties.
- Goal 6 – Recruit, retain, and develop a highly qualified professional staff in order to effectively service execution of statutory duties.

GOAL 1 OBJECTIVES, STRATEGIC RESULTS AND PLANNED ACTIVITIES
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GOAL 1: Develop new disability policy recommendations with a particular emphasis on issues of healthcare equity, employment, and the inclusion of traditionally underserved communities.

1. Develop recommendations that help foster healthcare equity and accessibility for people with disabilities in a manner consistent with self-determination through a series of health equity legislative proposals or a combination of executive, administrative, or legislative action.
2. Develop recommendations that enhance equal opportunity for people with disabilities to achieve economic self-sufficiency through the elimination of the Medicaid benefits cliff and a national Medicaid buy-in program.
3. Provide recommendations that promote job growth for people with disabilities through the Small Business Administration 8(a) Business Development Program.
4. Develop recommendations to address the concerns and issues uniquely associated with people with disabilities within tribal communities.
5. Address the disparate treatment of citizens with disabilities residing in Puerto Rico (and disabled citizens in other U.S. territories) under certain federal programs in contrast to their counterparts residing on the mainland.

In furtherance of Goal 1, the Council accomplished the following in FY 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. NCD also expressed strong concern about the provision of CAP’s services being cut to other federal agencies, a long-standing accommodation still needed by many small agencies.
- **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 the US Department of Health and Human Services on assisted suicide, medical futility and quality-adjusted life years (QALYS)** – We provided recommendations to HHS to address denial of, limiting access to, and inequitable access to necessary medical care, for people with disabilities and chronic conditions based on unjustified bases and/or disability bias.
- **Advised Congressional Budget Office (CBO) about pitfalls of using QALY to estimate cost** – In April 2021, [NCD wrote to CBO](#) to recommend that CBO use alternate methods to estimate the budgetary effects of any future drug pricing proposals. Our recommendation was based on the discriminatory design of the QALY method, resulting in restricting access to life-sustaining and lifesaving drugs and

treatments, and in recognition of the concerns that led to the prohibition of its use under the Affordable Care Act. It is significantly more difficult, if not impossible, to use QALYs in a nondiscriminatory manner. CBO responded immediately and NCD's Chairman and staff met in May 2021. We provided a summary of our concerns based on our report and CBO's expressed interest in exploring alternatives to the QALY when conducting future cost estimates of drug pricing bills.

- **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. NCD provided a response to a CMS published a Request for Information (RFI) on Health and Safety Requirements for Transplant Programs, Organ Procurement Organizations, and End-Stage Renal Disease Facilities. The RFI highlighted NCD's report on organ transplant discrimination and asked for comments on the discrimination experienced by people with disabilities throughout the organ transplantation process.
- **Advised Maryland legislature, assisted suicide** – We shared the findings of our *The Dangers of Assisted Suicide* report with the Maryland legislature as they considered legislation that would legalize assisted suicide in the state.
- **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.
- **Tribal coordination EO/ tribal lands toolkit** – In FY21, 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.](#)" The final revisions of the toolkit were submitted to NCD in December 2021 and NCD is reviewing the final product and will coordinate with NICOA for dissemination and training of its content. 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 with whom to confer on future NCD projects.

- **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 for civil rights enforcement for healthcare discrimination against people with disabilities during the pandemic.
- **Advised the National Governors Association (NGA), COVID-19** – We urged NGA to remind governors that their state crisis response protocols for administering healthcare and life-saving medical care to people with disabilities during the pandemic must adhere to federal 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.
- **Research and report commissioned for the Council’s annual progress report in support of the Administration’s priorities to focus on COVID-19** – NCD released a report that examines the broadscale impact of COVID-19 on the lives of people with disabilities in healthcare, direct care services, employment, education, group homes, communications, transportation, and mental health. NCD also addressed intersectionality of race and disability in the report.
- **Issued a report in response to the need for accessible medical diagnostic equipment** – The report identifies and examines 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 contains information on both its qualitative and quantitative impacts on the healthcare settings

and the patients. It also examines two new initiatives by healthcare systems/hospitals aimed at increasing accessible medical equipment in their provider's offices. The report also includes information on any savings that have been achieved by states that have enacted safe patient handling laws. The report was released on May 19th, 2021. NCD met with the leadership of the Agency for Healthcare Research and Quality to discuss a letter from NCD that recommends that AHRQ conduct a biannual survey of medical facilities' accessible medical diagnostic equipment. NCD corresponded with and met with DOJ officials to recommend that the Department of Justice move forward with the regulatory process to ensure that healthcare facilities have accessible medical diagnostic equipment. NCD met with the leadership and staff of the Office of the National Coordinator for Health Information Technology (ONC) to discuss ways to capture disability status in electronic health records. In January, ONC informed NCD that it released "Draft United States Core Data for Interoperability Version 3", which includes "Disability Status" as one of the new data elements being proposed to advance health IT for improved care, reduced inequities, and stronger public health reporting.

- **Commissioned a study on states' use of Quality Adjusted Life Year (QALY) based cost-effectiveness reports to inform Medicaid coverage for prescription drugs** – The purpose of this report is to follow up on NCD's report, *Quality Adjusted Life years and the Devaluation of Life with a Disability*, with regard to State's use of ICER's QALY-based cost-effectiveness reports or international drug prices to inform coverage of prescription drugs in their Medicaid programs. It will describe how many States are using ICER QALY-based cost studies or referencing international prices; how this information is being used, e.g., as a benchmark or cost-threshold, and if this has resulted in restricted access to prescription drugs. The report will gather evidence that shows whether reliance on this information is delaying access to or denial of coverage of necessary drugs and treatments for chronic illnesses. It will also describe methodological alternatives to QALYs that consider patient values and preferences. It will make findings and make specific recommendations to Congress, federal government, and states to address the findings. This work will be completed in FY22.
- **Began research on the need for a successful national home- and community-based services system** with permanent and adequate funding that supports a strong

direct care workforce and ensures states have the capacity to provide appropriate services to people in the community before, during and after health emergencies. It will make findings and recommendations to Congress and executive agencies, particularly the Department of Health and Human Services (HHS) and the Department of Housing and Urban Development (HUD), and state Medicaid agencies, and further develop the information in NCD's report, *Deinstitutionalization: Unfinished Business* (2012); NCD communications with Congress and the Department of Health and Human Services regarding institutionalization and HCBS; and the 2021 Progress Report: *The Broadscale Impacts of Covid-19 on People with Disabilities* (upcoming release 2021). Finally, it will propose a comprehensive plan to increase community living options with necessary services and supports.

- **Advised the National Institute on Minority Health and Health Disparities and the Agency for Healthcare Research and Quality, “health disparities population”-** NCD [sent a letter](#) to the National Institute on Minority Health and Health Disparities (NIMHD) and the Agency for Healthcare Research and Quality (AHRQ), providing a summary of decades of health research on people with disabilities in support of the designation of people with disabilities as a “health disparity population.”
- **NCD [provided information](#) to CMS’s Request for Information (RFI) on health and safety requirements for transplant programs, organ procurement organizations, and end-stage renal disease facilities** –The RFI highlighted NCD’s report on organ transplant discrimination and asked for comments on the discrimination experienced by people with disabilities throughout the organ transplantation process.

In Fiscal Year 2022, NCD will prioritize work in the following areas of focus:

- **Release of NCD’s Health Equity Framework** – Based on research and policy analysis conducted in Fiscal Year 2021, in February 2022, NCD released its [health equity framework](#) for people with disabilities. The framework, among other recommendations, focuses on the four primary policy recommendations of 1) designating people with disabilities as a Special Medically Underserved Population legislatively and/or designating people with disabilities as a Health Disparities

Population administratively, 2) accessible medical and dental equipment, 3) improved data, and 4) disability clinical care and competency training of medical professionals.

- **Implications of climate change on people with disabilities** – In view of Executive Order 13990, “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis;” and Executive Order 14030, “Climate-Related Financial Risk” which directed agencies to take a whole-of-Government approach to increase resilience to the impacts of climate change and protect public health, NCD will focus its annual, statutorily mandated, tool kit in 2022 on addressing the impacts of climate change on the lives of people with disabilities. It will seek to examine how many recent natural disasters and record high temperatures have resulted in lengthy or rolling power outages, the impact of which have imperiled the lives of people with disabilities by a lack of access to consistent electricity for those who rely upon it for electric-powered health devices for mobility, breathing, communicating, or response to medical fragility. It will also evaluate the local, state, and federal response to people with disabilities’ needs in such instances, and how communities rebuild after sustaining damage and whether the community is made inclusive during those rebuilding efforts, to help ensure full participation and access for people with disabilities.
- **Follow-Up to our Medicaid Oral Health Project** – The Council has made impressive strides in the area of oral healthcare equity for people with intellectual and developmental disabilities and will continue its focus in this area in Fiscal Year 2022 with a project focused on the benefits of an increase in the reimbursement rate from Medicaid to ensure dentists that they will be appropriately compensated and incentivized in treating patients with intellectual and developmental disabilities.
- **Tax policy and employee misclassification** – NCD will examine the legal implications of the IRS’ longstanding categorical exclusion of people with disabilities working in congregate settings from the meaning of “employment” under tax policy. Other federal agencies and many state unemployment statutes have adopted the IRS’ exclusion to determine that people with disabilities working in congregate settings are not “employees” and therefore not entitled to employment protections or benefits. NCD will use the findings from this policy project to assist the IRS in considering amendments to its policies to make them consistent with current disability policy.

- **Federal employment programs** – NCD will inventory federal disability employment programs to determine the number of programs and their effectiveness in helping people with disabilities gain competitive integrated employment, with the goal of making recommendations for improvement.
- **Voting Rights** – NCD is in the process of collecting data on States’ voting rights laws that may impact a voter with a disability’s ability to cast a vote. The data collected will be used to draft correspondence highlighting disability stakeholder concerns.
- **NCD will release its Tribal coordination EO/ tribal lands toolkit** – NCD, in collaboration with the National Indian Coalition on Aging (NICOA), will release its updated disability policy toolkit for American Indian and Alaska Native Communities.

<p>GOAL 2 OBJECTIVES, STRATEGIC RESULTS and PLANNED ACTIVITIES</p>

GOAL 2: Provide perspectives and analysis on existing federal policies’ impact on people with disabilities.

1. Provide findings and recommendations regarding disaster and healthcare emergency relief planning and responses with respect to the rights of people with disabilities.
2. Provide recommendations concerning proposed policies of healthcare equity.
3. Provide recommendations concerning proposed policies of pandemic preparedness, including how home and community-based services HCBS have been impacted.
4. Provide analysis and recommendations concerning economic opportunities for people with disabilities.
5. Provide recommendations concerning an increase in the oral health Medicaid reimbursement rate for people with intellectual and developmental disabilities as a means of saving costs long-term.
6. Provide recommendations concerning civil rights enforcement.

In addition to the projects that the Council approves for commencement of work and dissemination in Fiscal Year 2023, the Council continues to disseminate its work and meet with policymakers regarding its existing reports and position letters that address proposed and existing legislation. For example, in FY21, due to high profile pop culture news, some policymakers contacted NCD out of concern about the legal implications of guardianship and/or conservatorship proceedings on people with disabilities, and NCD responded to their queries on the basis of our research findings and recommendations in our 2018 [*Beyond Guardianship: Toward Alternatives That Promote Greater Self-Determination for People with Disabilities*](#) report. As another example, as Congress has continued to pursue the goal of lowering prescription drug prices, our 2019 report, [*Quality-Adjusted Life Years and the Devaluation of Life with a Disability*](#), which outlines concerns with the use of QALY-based value assessments, have routinely been brought to policymakers' attention. Additionally, we weigh in with our federal colleagues on disability-related regulatory proposals that impact people with disabilities when they arise; and with congressional staff on 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 2021:

- **Released AbilityOne report** – This [report](#) took an in-depth look at the AbilityOne Commission to determine whether it promotes Congress' goal of improving employment opportunities for people who are blind or have significant disabilities and presented its findings and recommendations 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.
- **Medicaid dental coverage for people with intellectual and developmental disabilities** – NCD conducted research into whether the provision of oral health care coverage for people with intellectual and developmental disabilities is 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 consistent with the objectives of the Americans with Disabilities Act and Rehabilitation Act. 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. The research for this report concluded in Fiscal Year 2021.

- **Released fact sheet, 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 finalized our examination of 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 studies 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 also examines 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. NCD recently concluded its research, and the report is slated for May 2022 release.
- **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 (and then again for the 2021-2022 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).

- **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.” OCR is currently developing a Notice of Proposed Rulemaking (NPRM) to amend its Section 504 regulations that would heavily incorporate or closely mirror the topics in NCD’s reports.
- **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.

- **Held a bipartisan, bicameral AbilityOne Hill briefing to discuss recommendations from NCD's recent report** – On January 26th, 2021, NCD discussed transparency, oversight, and compliance concerns about the AbilityOne program with House and Senate Appropriations committee staff by providing a briefing on NCD's [*Policies from the Past in a Modern Era: The Unintended Consequences of the AbilityOne Program & Section 14\(c\)*](#) report, released in October 2020. NCD discussed the findings and recommendations from its report to phase-out the program and phase-in a new contracting requirement under Section 503 to transition people with disabilities into competitive integrated employment. AbilityOne published a NPRM to accelerate the end of the usage of 14(c) certificates and in the AbilityOne quarterly meeting AbilityOne stated it is implementing new requirements for the individual employment evaluation (IEE) process. Both of these changes were recommended in NCD's report.
- **Conducted outreach to numerous House and Senate offices throughout the year to discuss upcoming legislative priorities that may require NCD's assistance and planning** – As House and Senate offices were developing their legislative priorities for the 117th Congress, NCD met with staffers to discuss how NCD can assist with developing or reviewing legislative ideas for policies that affect people with disabilities.
- **Provided recommendations to House and Senate offices of provisions to be included in the Transformation to Competitive Integrated Employment Act** – House and Senate members expressed intent to introduce a bill that intends to phase out Section 14(c) of the Fair Labor Standards Act while making transition grants available to states, providers, and experts to provide technical assistance. NCD has participated in discussions to recommend that the bill text be consistent with findings and recommendations to Congress from NCD's [2012](#) and [2018](#) reports on the topic.
- **Hosted congressional briefings on NCD's AbilityOne report** – 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.

- **Recommended further regulatory action on HHS OCR’s Request for Information (RFI) regarding Section 504 of the Rehabilitation Act, “Discrimination on the Basis of Disability in Critical Health and Human Services Programs or Activities” (RIN: 0945-AA15)** – NCD [urged](#) then Acting Secretary Norris Cochran to take further regulatory action on the RFI. NCD had extensive briefing sessions with HHS’s Office of Civil Rights (OCR) about its research in these areas, which it relied on in the development of the RFI. NCD’s research brought attention during the coronavirus pandemic to how crisis standards of care may discriminate against individuals with disabilities which OCR relied on in its enforcement and technical assistance.
- **Held a three-part briefing series with congressional staff to discuss NCD’s 2012 and 2018 reports and recommendations to phase-out Section 14(c) of the Fair Labor Standards Act** -- Upon specific request from a member of Congress who chairs a relevant committee, NCD held a briefing with congressional offices to discuss its past findings and recommendations to phase out Section 14(c) of the Fair Labor Standards Act while phasing in systems change that will support people with disabilities in competitive integrated employment. This request came as a result of NCD’s discussions with committee staff about the need to remove the 83-year-old exception to wage protections for people with disabilities, which is wholly inconsistent with current disability policy and prohibits workers from transitioning into competitive integrated employment. Read NCD’s [2012](#) and [2018](#) recommendations to Congress.
- **Submitted a statement for the record for a Senate hearing held on March 23, 2021, titled, “Why Does the US Pay the Highest Prices in the World for Prescription Drugs?”** – Members of the Senate Health, Education, Labor, and Pensions, Subcommittee on Primary Health and Retirement Security held a hearing to discuss the cost of prescription drugs and focused on three bills that intend to substantially reduce prescription drug prices and save the federal government money. Those bills discussed were the Prescription Drug Price Relief Act, which would cut prescription drug prices in half by pegging the price of medicine in the United States to median price in five major countries, Canada, United Kingdom, France, Germany and Japan; the Medicare Drug Price Negotiation Act, which would direct the Secretary of

Health and Human Services to negotiate lower prices for prescription drugs on the Medicare Part D; and the Affordable and Safe Prescription Drug Importation Act, which would allow patients, pharmacists and wholesalers to legally purchase safe, low cost medicine from Canada and other major countries. NCD's statement highlighted concerns outlined in its 2019 report on the quality adjusted life year (QALY) about adopting foreign drug prices that rely on the QALY, a cost-effectiveness measure that devalues the lives of people with chronic illnesses and limits their access to highly effective drugs and treatments and warned. NCD's statement made several recommendations that included avoiding legislation that would require HHS to cover only the most cost-effective drugs and treatments or impose restrictions on less cost-effective treatments.

- **Submitted a statement for the record for the House hearing titled, “Lessons Learned: Charting the Path to Educational Equity Post-COVID-19”** – Members of the House Committee on Education & Labor, Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing on the effects of COVID-19 on the education and those most affected by school closures. Representative Andy Levin included NCD's statement applauding the subcommittee for providing additional Individuals with Disabilities Education Act funding in the American Rescue Plan of 2021, which President Biden signed into law on March 11, 2021, as part of his remarks. Read NCD's Statement for the Record.
- **NCD's report on organ transplant discrimination against people with disabilities was entered into the records for the House Committee on Oversight and Reform, Subcommittee on Economic and Consumer Policy's hearing on May 4, 2021 titled, “The Urgent Need to Reform the Organ Transplantation System to Secure More Organs for Waiting Ailing and Dying Patients.”** Committee members examined ways to reform the Organ Procurement Organizations (OPO) system, distribute more organs to waiting patients, address the inequities in organ donation process, and minimize waste and abuse. The Committee entered NCD's Organ Transplant Discrimination report into the hearing record.
- **NCD's report on guardianship was prominently discussed at a Senate Judiciary Subcommittee hearing.** One of the invited witnesses had been a member of NCD's

research team and derived her testimony from the agency's seminal [2018 report on guardianship](#).

- **NCD's QALY report was entered into the House Committee on Energy and Commerce**, Subcommittee on Health hearing titled, "Negotiating a Better Deal: Legislation to Lower the Cost of Prescription Drugs" on May 4, 2021. Committee members evaluated whether the Secretary of Health and Human Services should negotiate the prices of prescription drugs to make prescription drugs more affordable, prevent price hikes, and promote innovation in the development of new drugs. Full Committee Ranking Member McMorris Rogers mentioned NCD's concerns about Quality-Adjusted Life Years (QALYs) in her opening remarks. Khrystal Davis, a hearing witness and Rare Disease Caregiver & Patient Advocate, referenced [NCD's QALYs report](#) in her oral and written testimony stating that the QALY assessment would prioritize treatment to a non-disabled population with a longer theoretical life expectancy, and otherwise perfect health, over a population with a disability or chronic condition.
- **Provided technical assistance to Senate offices for emergency preparedness legislation** – NCD provided assistance consistent with its report, *Preserving Our Freedom: Ending Institutionalization of People with Disabilities During and After Disasters*, regarding possible legislation to improve preparedness for emergencies. NCD's suggestions focused on how to ensure non-disruption of HCBS services, that people with disabilities are accounted for in the Public Health Strategy plan and how to improve data collection.
- **NCD provided recommendations to congressional staff regarding the SBA** – NCD has coordinated with congressional staff to note what SBA needs to provide to improve access for people with disabilities. NCD specifically has requested and continues to request that SBA add people with disabilities to SBA's 8(a) presumed group list.
- **NCD provided recommendations to CMS regarding complex rehabilitation technology** – NCD met with the Deputy Administrator and Director of Center for Medicare in September 2021 to request that CMS reconsider the national coverage determination that power seat elevation, power standing, balancing and other features permitting wheelchairs to drive up and down steep inclines, over wide variety of terrain,

and climb up and down stairs, are not considered a medical necessity and therefore not considered covered complex rehabilitation technology for Medicare beneficiaries.

In Fiscal Year 2022, NCD will prioritize work in the following areas of focus:

- **QALY state use** – NCD is following its 2019 report on the quality adjusted life year with research focused on States’ use of the Institute for Clinical and Economic Review (ICER) QALY-based cost-effectiveness reports, or international drug prices, to inform coverage decisions for prescription drugs in their Medicaid programs. It will also describe methodological alternatives to QALYs that consider patient values and preferences.
- **FEMA / NCD federal working group** – A federal working group was created by FEMA in coordination with NCD to work on more comprehensive emergency management guidance among multiple federal agencies. NCD will continue to serve on this group throughout FY22.
- **Examination of nation’s HCBS prior to and during the pandemic** – In the context of the deaths of many people with I/DD living in congregate settings during the pandemic, NCD is examining the state of the nation’s HCBS that contributed to the inability of residents with I/DD to transition to lesser-density community housing options. To that end, NCD has conducted numerous listening sessions with federal and non-federal stakeholders focusing on ways to meet the current and future need for community living options for people with disabilities, break barriers to community integration for institutionalized individuals, increase accessible and affordable housing, and strengthen the direct care workforce.
- **NCD will continue to provide written and verbal testimony** at federal and state hearings on topics that NCD has made pointed recommendations to policymakers about.
- **NCD released a report on Medicaid dental coverage for people with intellectual and developmental disabilities (I/DD)** – NCD concluded its research into this topic in Fiscal Year 2021 and [released its report](#) to Congress and the President and his Administration in March 2022, in which NCD advised that

increasing Medicaid oral healthcare for people with I/DD is cost effective policy with a modest return on investment for most states.

- **NCD released its annual progress report focused on the impact of COVID-19 on people with disabilities** – NCD [provided policymakers](#) a comprehensive look at the unique impacts the pandemic has had on people with disabilities in school, work, healthcare, and community life.
- **Advised HHS with Section 504 rulemaking.** NCD followed up on previous advisement by providing HHS with further information from NCD’s bioethics report series, accessible medical diagnostic equipment report, and information concerning disability clinical care and competency training for healthcare professionals for use in the development of their Section 504 rulemaking.

<p style="text-align: center;">GOAL 3 OBJECTIVES, STRATEGIC RESULTS and PLANNED ACTIVITIES</p>
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GOAL 3: Engage policymakers of both the Administration and Congress and respond to their requests for assistance accurately and efficiently.

1. Provide timely disability policy briefings for members of the Administration and Hill staff.
2. Provide timely written briefing materials to congressional leadership and members of the Administration on policy priorities of the disability community.
3. Increase the time NCD staff and appointed Council members dedicate to direct engagement of congressional and Administration policymakers with NCD’s policy advice.

In Fiscal Year 2021, 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 2021:

- **Advised National Governors Association (NGA), vaccine allocation and data Collection** – On February 9, 2021, 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 drafted an article for its newsletter based on the issue points NCD provided.
- **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.
- **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, 2021. 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. NCD coordinated roundtable discussion with FEMA, CMS, HHS ACL, ASPR, DHS, CRCL, DOJ and HUD. In response to the roundtable, FEMA and NCD coordinated to implement a Federal Advisory Committee (FAC) to develop a guide for stakeholders that will describe in detail available federal programs and how to access those programs and receive reimbursement if needed. The FAC is meeting monthly.

- **Education equity** – NCD issued a [statement for the record](#) to the House Education and Labor Committee regarding education equity post-pandemic based upon our research that was underway for our 2021 progress report focused on COVID-19’s impact on people with disabilities.
- **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), IDEA funding report** – NCD met with our OMB examiner to discuss NCD’s recommendations in [Broken Promises: The Underfunding of IDEA](#) to inform the development of the President’s Fiscal Year 2023 Budget. 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 regarding employer engagement, and SSA was very interested in this as a way to introduce non-government employers to the Ticket to Work Program. SSA asked NCD to connect them to leadership of the

Valuable 500, a company highlighted in the NCD 2020 Progress Report comprised of companies that have pledged to hire people with disabilities, and NCD did so.

- **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 meets monthly with staff across ACL to discuss NCD's anticipated and recent engagements across HHS as well as learn of ACL's current areas of focus.
- **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. NCD updated the group on NCD's project examining the oral healthcare Medicaid reimbursement rate for people with I/DD.

- **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 readied for use 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 the Department of Health and Human Services (HHS) on individuals with disabilities and disasters** – NCD is serving on the HHS National Advisory Committee on Individuals with Disabilities and Disasters. The NACIDD will evaluate issues and programs and provide findings, advice, and recommendations to support and enhance all hazards public health and medical preparedness, response activities, and recovery related to meeting the unique needs of individuals with disabilities. The NACIDD will advise the Secretary of Health and Human Services on actions HHS can take before, during, and after disasters and emergencies to meet the unique needs of individuals with disabilities.
- **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 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. NCD also 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 received consistent media coverage referencing our FY 2020 bioethics and disability report series (particularly with respect to medical futility and

quality-adjusted life years reports) throughout the pandemic. National and local media highlighted NCD's reports as legislation was introduced in several states on assisted suicide and organ transplant discrimination. Medical rationing continued to be a prevalent news topic due to the 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 NCD reports.

- NCD was heavily referenced in relation to the 31st anniversary of the signing of the Americans with Disabilities Act in local, national and international media. NCD coordinated with White House planners on the July 26, 2021, anniversary event hosted by the President and Vice President, and attended by the NCD Chairman.
- Media coverage of our letters to policymakers regarding topics such as medical rationing and the need for sign language interpreters at White House COVID-19 briefings continued to garner follow-up queries and coverage from CNN, NPR, Yahoo, Washington Post and Examiner, New York Times and Post, and others. Coverage of other government agencies' policy announcements often included reference to NCD's letters or reports.
- NCD conducted a press event for its AbilityOne Report. Articles followed in Government Executive, Federal News Network, and Disability Scoop.
- NCD produced a video from the webcast May 20, 2021 briefing for the release of the [*Enforceable Accessible Medical Equipment Standards: A Necessary Means to Address the Health Care Needs of People with Mobility Disabilities*](#) report. The briefing on the report, which 498 people registered for, included an interagency lineup from NCD; Access Board; HHS Office for Civil Rights; DOJ Civil Rights Division, Disability Rights Section; and non-governmental organizations.
- NCD concluded in Fiscal Year 2021 a national 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 consistent with the goals of 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. He also joined or provided pre-recorded video keynotes to several organizations' annual conferences about NCD's advice to policymakers.
- A Washington Post feature story on experiences with FEMA referenced NCD's report on [institutionalization after natural disasters](#). The story was run on six outlets and had a reach of 59.7M.
- NCD's Chairman authored an article regarding health equity published in the blog of prestigious medical journal Health Affairs on misperceptions of people with disabilities and the impact on their quality of care.
- NCD supported national media including PBS, Yahoo News, Daily, Beast, BuzzFeed News, Christian Science Monitor, Disability Scoop, Atlantic, CNN, Forbes, New York Times, Washington Post and others for data queries and relevant contacts on stories that were disability-related. For FY 2021, NCD had over 2,800 media placements.
- NCD supported congressional queries regarding optimal ways to message about conservatorship in media coverage of the topic. Media widely referenced NCD's report on guardianship, citing estimates that at least 1.3 million Americans are under guardianship or conservatorship orders. Notably, Yahoo ran a plain language version of one of their articles, which again referenced NCD's reports, and had a reach of 64.9 million.
- 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 previous fiscal years, including topics of bioethics, guardianship and subminimum wage that NPR, The Daily Beast, the Atlantic, BBC, and many other media outlets covered.
- NCD social media accounts collectively reached 62,000 followers in FY 2021, with an estimated 1.2M reach from NCD initiated posts.

- **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 Year 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 2021 PAVE meeting during their lunch and learn series.
- **Disability Policy Series** – NCD gave a lecture virtually at Florida State University in spring 2021 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.
- **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 focused 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 coincided 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.
- **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.
- **Showcasing U.S. federal disability rights leadership for international delegations** – Prior to the pandemic, 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. While these meetings lessened during the pandemic, we expect them to resume once travel restrictions lift.
- **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.

- **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), a House concurrent resolution regarding the dangers of 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 prohibit 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 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 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.
- **In Fiscal Year 2022, NCD will prioritize work in the following areas of focus:**

- NCD will focus on providing briefings on its health equity framework for congressional staff in committees of jurisdiction, individual congressional offices indicating interest, and federal agencies with responsibility over areas identified in the framework.
- NCD will continue responding to requests for specific subject matter briefings and technical assistance and research for bill text development, convening stakeholders, and responding to constituent inquiries from individual, committee, and leadership offices as well as from colleagues from within the administration.

<p>GOAL 4 OBJECTIVES, STRATEGIC RESULTS and PLANNED ACTIVITIES</p>

GOAL 4: Gather information from subject matter experts and members of the disability community both of Washington, DC, and nationally, to help inform policymakers’ work.

1. Engage the disability community beyond Washington, DC and solicit their views regarding timely policy matters including but not limited to issues of healthcare equity, employment, and the inclusion of traditionally underserved communities.
2. Deliberate and purposeful outreach to disability communities within tribal communities.
3. Deliberate and purposeful outreach to disability communities in United States’ territories.
4. Deliberate and purposeful outreach to the community of disabled veterans.
5. Provide opportunities for the disability community to provide input to policymakers on disabilities issues prior to policy decision-making.
6. Develop information gathering partnerships to generate effective intelligence for policymakers to use in weighing issues.

Develop information gathering partnerships to generate effective intelligence for policymakers to use in weighing issues. In Fiscal Year 2021, 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 2021, 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 to elevate first-hand experiences of people with disabilities to the attention of policymakers.

In Fiscal Year 2021, we entered into cooperative agreements with subject matter experts to assist with nearly all 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 2021:

- **Disability community nonprofit meetings** – In connection with NCD’s leadership change in FY21, NCD has met with leadership of dozens of disability nonprofits in FY21 to discuss their organizational policy priorities and ensure that their constituencies’ concerns are considered and reflected in the work of the Council. As the result of one such meeting with the Veterans Task Force of the Consortium for Citizens with Disabilities (CCD), NCD made mid-project additions of material to its 2021 progress report, to ensure that the experiences of veterans with disabilities during the pandemic were captured.
- **Addition of language in cooperative agreements** – In response to Executive Order 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,” NCD amended its cooperative agreement requirements language, which had read “NCD wants to ensure there is stakeholder involvement in

the findings and recommendations. The inclusion of people with disabilities must be integral to the planning, development, and execution of this project. At least one section of the report should focus on stakeholder input, but input should be integrated throughout,” to further add, “NCD wants to ensure there is stakeholder involvement in the findings and recommendations. The inclusion of people with disabilities, including people with disabilities who are multiply marginalized (black, indigenous, people of color, LGBTQ, e.g.), must be integral to the planning, development, and execution of this project. At least one section of the report should focus on stakeholder input, but input should be integrated throughout.” We believe this will further assist NCD’s ability to reflect advice to policymakers that is inclusive of the breadth of diversity of the disability community constituency.

- **Health equity convening** – In May 2021, NCD hosted a health equity convening, inviting a premiere list of disability health research and disparities experts from around the country to discuss NCD’s desire to create a comprehensive proposal to ensure health equity for persons with disabilities. Among NCD’s top priorities in relation to health equity for people with disabilities include, but are not limited to, Medically Underserved Population designation (MUPs), increased data collection, disability competency training of medical professionals, and accessible medical equipment for people with disabilities.
- **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 and enhance accessibility and ease of use.

- **Strategic plan** – Throughout FY21, we worked on updating our five-year strategic plan that begins in Fiscal Year 2022. On Aug. 3, 2021, NCD held a virtual forum to solicit feedback on the draft plan.
- **Deliberate and purposeful outreach to people with disabilities in tribal communities** – NCD entered into a Memorandum of Understanding with National Indian Coalition on Aging (NICOA) to update NCD's 2003 American Indian and Alaskan Native *Understanding Disabilities in American Indian and Alaska Native Communities* Toolkit Guide. NCD identified stakeholders from American Indian and Alaska Native communities to consult with tribal officials in the development of federal policies that have tribal implications.
- **Deliberate and purposeful outreach to people with disabilities in U.S. territories** – NCD researched and finalized a report titled *Disparate Treatment of Puerto Rican Residents in Federal Programs*, slated for release in May 2022, that highlights the disparities between federal programs offered to U.S. citizens with disabilities living on the mainland versus those living in Puerto Rico.
- **NCD continued to host virtual quarterly Council meetings with increased public participation.** Due to the virtual environment, NCD's quarterly Council meetings featured state disability policy highlights without incurring expenses associated with invited speaker travel. The virtual meetings were attended by gradually increasing numbers of people across the country, and topically targeted public comment periods helped provide valuable information for NCD's ongoing research endeavors.

In Fiscal Year 2022, NCD will prioritize work in the following areas of focus:

- **In February 2022, NCD hosted a health equity stakeholder call with nearly 600 attendees.** The virtual Zoom webinar attracted over 1,000 registrants who were interested in learning more about NCD's [Health Equity Framework](#). NCD edited the recorded webinar and remediated it for accessibility, posting it online for additional views.
- **In January 2022, NCD presented at a well-attended US Access Board webinar on health equity of approximately 500 attendees.** NCD discussed our report on accessible medical and diagnostic equipment.

- NCD will continue to utilize listening sessions and stakeholder engagements in its research that draws upon expertise and perspectives from diverse cross-sections of the community.
- NCD will host a town hall style listening session with members of the disability community from the U.S. territories (Guam, American Samoa, North Mariana Islands, and the U.S. Virgin Islands).
- NCD will finalize and release its updated *Understanding Disabilities in American Indian and Alaska Native Communities* Toolkit Guide.
- NCD will finalize and release its report on the disparate treatment of people with disabilities in Puerto Rico.

<p>GOAL 5 OBJECTIVES, STRATEGIC RESULTS and PLANNED ACTIVITIES</p>

GOAL 5: Enhance agency operational and programmatic internal controls to effectively service execution of statutory duties.

1. Enhance planning and evaluation of all agency projects to ensure continual improvements.
2. Ensure compliance with financial regulatory and reporting requirements.
3. Regularly evaluate and as needed update internal policies and procedures to ensure federal compliance, improved efficiencies, and internal controls.

Since Fiscal Year 2017 and throughout Fiscal Year 2021, the Council 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 our budget has allowed.

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

- **Special Government Employee (SGE)** – In Fiscal Year 2021, NCD enhanced the reporting requirement for Council Members to ensure compliance with the restriction to serve a maximum of 130 days per year.

- **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 ATO to explicitly accept the risk to agency operations. At present, we have obtained an interim ATO. We continue to operate under a temporary ATO. Currently, we are researching software options in support of our ATO. Contingent upon funding, the ATO will be completed no later than Fiscal Year 2023.
- **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) provided technical assistance to make minor modifications to the Council’s Sexual and Nonsexual Harassment policy, which EEOC confirmed in Fiscal Year 2021 remains in compliance.
- **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. In Fiscal Year 2021, NCD has enhanced our internal financial reports to ensure effective oversight and management of our financial services provider.
- **National Archives and Records Administration (NARA), Management Federal Records Modernization Initiative (FERMI)** – The M-19-21 directive issued by NARA requires federal agencies to transition to electronic documents by December 31, 2022. This includes legacy content. After this time, NARA will no longer accept permanent or temporary records from agencies in non-electronic format. We have been working diligently to meet this deadline by implementing functions in the SharePoint platform and moving exclusively to cloud storage. This government-wide initiative has allowed the agency to transfer our paper documents to the Federal Records Center, designate a Senior Agency Official and Agency Records Officer for records management which include training, scheduling records, workflows, and retention periods. The ongoing process for digitization will require maximum staff resources. M-19-21 reinforces our commitment to digital government and recognizes the process our agency has made in managing electronic records electronically for full compliance by Fiscal Year 2022.
- **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. Since that time, a vendor has been selected and all VoIP equipment is in the NCD office awaiting phased reentry for completion of rollout

- **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 was delayed to Fiscal Year 2022. To assist with the telework environment, all telework employees were issued work cell phones. In Fiscal Year 2022, the Council refreshed equipment needs for FTEs and provided laptops and docking stations.
- **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 continues to result in a biennial cost savings for the Council. The Council absorbed the cost of completing an audit for Fiscal Year 2020 and Fiscal Year 2021 in Fiscal Year 2021. We will continue to seek approval from OMB for an annual exemption. If granted, NCD will recognize savings in our Fiscal Year 2022 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.

In Fiscal Year 2022, NCD will prioritize work in the following areas of focus:

- NCD will work with EEOC to receive technical assistance and update and ensure compliance with all federal EEO regulations.
- NCD will conclude its biennial financial audit.

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. Engage in a human capital management assessment to evaluate staffing and consider opportunities for workforce optimization.
2. Enhance new staff, members, and intern orientation materials and process.
3. Encourage staff to conduct SWOT (strengths, weaknesses, opportunities, and threats) analyses as a means of identifying professional development opportunities and enhancing performance.

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 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. NCD will continue this practice for new staff, council members, and interns.
- Continued to enhance swearing in opportunities for newly appointed council members by providing a remote event. The swearing in process is continually reviewed for efficiency, inclusion opportunities and improvements. In response to the agency operating in a telework posture, the Council successfully conducted virtual swearing in ceremonies for five new council members. NCD employs staff who is a licensed notary public who helps facilitate remote and in-person swearing in ceremonies.
- In response to COVID, and in support of retaining, and developing highly qualified professional staff, employees participated 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.
- The Council continually reviews and revises administrative policies and financial procedures to ensure risk is mitigated. In Fiscal Year 2021, the Council continued to

respond to guidance on return on work plans, developed its reentry plan in accordance with OMB and OPM guidance, and extended work schedule flexibilities to NCD staff to help ensure mission of the Council is achieved during the pandemic.

In Fiscal Year 2022, NCD will prioritize work in the following areas of focus:

- NCD will develop and roll out several new or updated administrative policies regarding work schedules in light of phased reentry.
- NCD will continue to seek opportunities to onboard interns, including interns from underserved communities, including students with disabilities.

CROSS-AGENCY COLLABORATIONS

NCD'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 Council 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:

- **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.

- **Offices and Divisions across US Department of Health and Human Services –** NCD has met with numerous offices and divisions from across HHS regarding information linked to NCD's health equity framework. Meetings have included CMS, ACL, CDC, NIDLRR, the Surgeon General's Office, ASPE, NIH, and OCR.
- **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. NCD further coordinated roundtable discussion with FEMA, CMS, HHS ACL, ASPR, DHS, CRCL, DOJ and HUD to discuss FEMA policies and reimbursements to assist people with disabilities before, during and after disasters. In response to the roundtable, FEMA and NCD coordinated to implement a Federal Advisory Committee (FAC) to develop a guide for stakeholders that will describe in detail available federal programs and how to access those programs and receive reimbursement if needed. The FAC is meeting monthly.
- **Administration on Community Living –** NCD holds monthly standing calls with leadership from ACL to update one another on agency work and near-horizon projects.
- **US Access Board -** NCD holds monthly standing calls with leadership from the US Access Board to update one another on agency work and near-horizon projects.
- **Domestic Policy Council (DPC) Interagency Workgroup on Disability –** NCD meets regularly with members of the Domestic Policy Interagency Workgroup on Disability and its related subcommittees regarding a range of issues identified as agenda items by the Director of Disability Policy at the DPC.

- **Interagency Disability Senior Leadership Meetings** – NCD has continued to participate in Interagency Disability Senior Leadership group meetings to exchange information about the activities of various federal agencies as it pertains to disability policy.
- **Small Agency Council (SAC) Executive Committee, Partnership with General Services Administration (GSA) Work Group** – NCD staff are members of the SAC Executive Committee which is charged with reviewing and providing advisement on activities within GSA’s Office of Administrative Services and Human Resources Line of Business, Office of Customer & Stakeholder Engagement, Office of Analytics, Performance & Improvement and GSA’s Management Through COVID-19.
- **Congressional Budget Office** – NCD met with CBO to discuss concerns regarding their reliance on the quality adjusted life year (QALY) in estimating costs. NCD provided a summary of concerns based on our report and CBO’s expressed interest in exploring alternatives to the QALY when conducting future cost estimates of drug pricing bills.
- **US Department of State** - NCD’s policy team met with U.S. Special Advisor in International Disability Rights with the State Department. NCD discussed its current projects and how they intersect with the State Department’s interests. NCD is engaging the State Department on several projects, including the 2022 progress report on climate change.

NATIONAL COUNCIL ON DISABILITY BUDGET

Cost Discussion (Appendix A)

DESCRIPTION	FY2021	FY2022 Budget Request	FY2023
BUDGET TOTAL	3,350,000	3,750,000	3,850,000
PERSONNEL	1,963,862	2,147,857	2,274,846
TRAVEL	292,000	85,000	145,000
RENT, UTILITIES AND COMMUNICATIONS	317,600	283,451	352,000
PROGRAM, RESEARCH AND PRINTING	170,000	345,000	240,000
TRAINING AND PROFESSIONAL ASSOCIATIONS	30,000	28,950	27,500
AUDIT	41,404	0	42,500
PAYROLL, ACCOUNTING AND HR SERVICES	122,500	158,000	235,000
SUPPORT CONTRACT SERVICES	130,000	279,642	260,500
INFORMATION TECHNOLOGY	173,934	319,800	165,904
PAYMENTS TO FEDERAL AGENCIES	9,000	4,800	6,750
SUPPLIES, SUBSCRIPTIONS AND MATERIALS	66,200	60,000	61,500
ANTI-DEFICIENCY	33,500	37,500	38,500

APPENDIX A

Cost Discussion

NCD is committed to fulfil its mission of advising the President, Congress, and other federal agencies regarding federal policies' impact on people with disabilities in a cost-effective manner.

- The Council presents a budget of \$3,850,000 for Fiscal Year 2023.
- The Council's appropriated budget for Fiscal Year 2022 is \$3,750,000.

In Fiscal Year 2023, NCD remains committed to delivering mission critical outcomes while streamlining our operational expenses wherever possible as a means of optimizing our appropriation toward expenses directly connected to research and advice activities. In so doing, NCD judiciously utilizes taxpayer dollars in support of the national priority to reduce deficits.

APPENDIX B

Analysis of Resources

PERSONNEL

FY 2022 \$2,147,857

FY 2023 \$2,274,846

- Our Fiscal Year 2022 budget supports 9 Council members and 11 staff (FTEs), and regularly scheduled performance increases per OPM policy and associated benefits. If NCD receives the requested appropriation for Fiscal Year 2022, we will move forward with supporting our slated number of FTEs during FY 2022 with a term not to exceed (NTE) hire. The NTE hire will assist with the work of the Legislative Affairs and Outreach (LAO) team while the LAO Director supports the agency by serving in the administratively determined (AD) appointment as the Executive Director. It is anticipated that the LAO director role will be resumed following the termination of the AD appointment, at which time NCD will support 12 FTEs.
- Our Fiscal Year 2023 budget supports 9 Council members and 13 staff (FTEs), regularly scheduled performance increases per OPM policy and associated benefits. The increase in FTEs is in support of the mission critical work of the agency.

Recruiting and retaining full-time federal employees is critical to fulfillment of the Council's mission.

TRAVEL

FY 2022 \$85,000

FY 2023 \$145,000

- For Fiscal Year 2022, in anticipation of ongoing travel restrictions as a result of COVID-19, and budget restraints NCD reduced the travel budget to support two in-person Council meetings. In support of return-to-work strategies, NCD will adjust travel costs consistent with COVID-19 guidance.

- For Fiscal Year 2023, NCD budgeted for three in-person Council meetings. Pre-pandemic, NCD's practice was to conduct four statutorily required meetings in-person to maximize public input toward policy priorities. Consistent with the aim of return-to-work strategies and budget restrictions, our budget request supports three in-person Council meetings during Fiscal Year 2023.

The largest portion of the Council's 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, staff, in conjunction with policy development or engagement activities to gather or provide expert information, invited guests.

Additionally, the Council convenes policy forums to educate attendees on policy recommendations. On these occasions, if necessary and based upon availability of funds we pay travel to subject matter experts.

All travel is processing in accordance with federal per diem regulations.

RENT, UTILITIES AND COMMUNICATIONS

FY 2022	\$283,451
FY 2023	\$352,000

We renewed our lease with the General Services Administration pre-pandemic. Effective October 1, 2021, for 15 years through September 30, 2031. We secured an accessible space and negotiated a reduced cost by entering a 15-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. The agency will receive rent abatements for months 1 through 6 in the amount of \$132,889.38, thus producing a one-time reduction in rental costs for FY 22.

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

PROGRAM, RESEARCH AND PRINTING

FY 2022 \$345,000

FY 2023 \$240,000

- For FY 2022, our budget will support policy projects related to fulfilling the mission of the Council.
- For FY 2023, 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 FY 2022. In view of information NCD has received during extensive and ongoing stakeholder engagements in FY 2021 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, , 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. The Council voted to prioritize three additional areas of focus in FY 22 and FY 23, noted earlier in the justification in more detail:

- follow up to our Medicaid reimbursement report;
- tax policy implications on people with disabilities; and
- and a federal employment program inventory.

In FY 22, we are slated to complete our recently commissioned work on how to improve home and community-based services in light of what we've learned during the pandemic, and states use of Quality Adjusted Life Year (QALY) Based Cost-Effectiveness Reports to Inform Medicaid Coverage for Prescription Drugs, following up on NCD's report, *Quality Adjusted Life years and the Devaluation of Life with a Disability*.

AUDIT

FY 2022 \$ 0

FY 2023 \$42,500

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 is conducted utilizing an outside vendor to conduct a two-year financial audit of our internal operations. This first biennial audit occurred in FY 2019 for FY 2018 and FY 2019 and concluded with no findings. The audit for FY 2020 and FY 2021 utilized 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 \$42,500 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 2022 \$158,000

FY 2023 \$235,000

- For FY 2022, an increase in costs associated with our vendors is reflected in the budget accordingly.
- For FY 2023, we budgeted for increase of 60% in our overall Accounting and Payroll services and adjusted the budget accordingly. NCD is pursuing a transition in service providers to better meet the needs of the agency.

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, and human resource services. Our agreements also position NCD to utilize adhoc services such as legal consultation, human relations support, and other services as identified. We do not have the resources to employ full-time staff with expertise in all areas the agency requires. With oversight and support of professional FTEs, these service level agreements facilitate smooth operations and assists in fulfilling federal requirements.

SUPPORT CONTRACT SERVICES

FY 2022 \$279,642

FY 2023 \$260,500

- For FY 2022, our contractual services budget is based upon the needs and accommodations of the Council, staff, and members.
- For FY 2023, our contractual services budget is based upon the needs and accommodations of the Council, staff, and members.

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. In FY 2020, we contracted with a part-time personal services contractor, which we have maintained, to provide personal attendant assistance to staff, council members and guests.

INFORMATION TECHNOLOGY (IT)

FY 2022 \$319,800

FY 2023 \$165,904

- 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 access, 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); and
 - Employ or contract with a Cyber Security Specialist to write policies, procedures, and standards following OMB & DHS Directives in addition to providing ongoing support and compliance with cybersecurity mandates.
- For FY 2023, NCD will continue to move toward full and ongoing compliance with IT and cybersecurity mandates.

As a small agency, we secure outside support to assist in meeting the Council's IT and cybersecurity requirements. Expenses began increasing in FY 2018 and have continued to represent a significant amount of the Council's appropriation. Additional expenses are a result of new and ongoing federal requirements such as the EINSTEIN cybersecurity initiative, and implementation of TIC 3.0 and OpenFisma++, to name a few. These costs are ongoing to ensure compliance with all cybersecurity and FISMA mandates, and to assist in the security and protection of all Government networks.

PAYMENTS TO FEDERAL AGENCIES

FY 2022 \$ 4,800

FY 2023 \$ 6,750

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, to name a few. Under the oversight of professional staff, utilizing interagency agreements in this way assists us in fulfilling federal requirements by providing subject matter expertise.

SUPPLIES, SUBSCRIPTIONS AND MATERIALS

FY 2022 \$ 60,000

FY 2023 \$ 61,500

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 as we support our employees in a maximum telework environment. Furniture needs are expected to decrease due to working in a maximum telework environment.

ANTI-DEFICIENCY

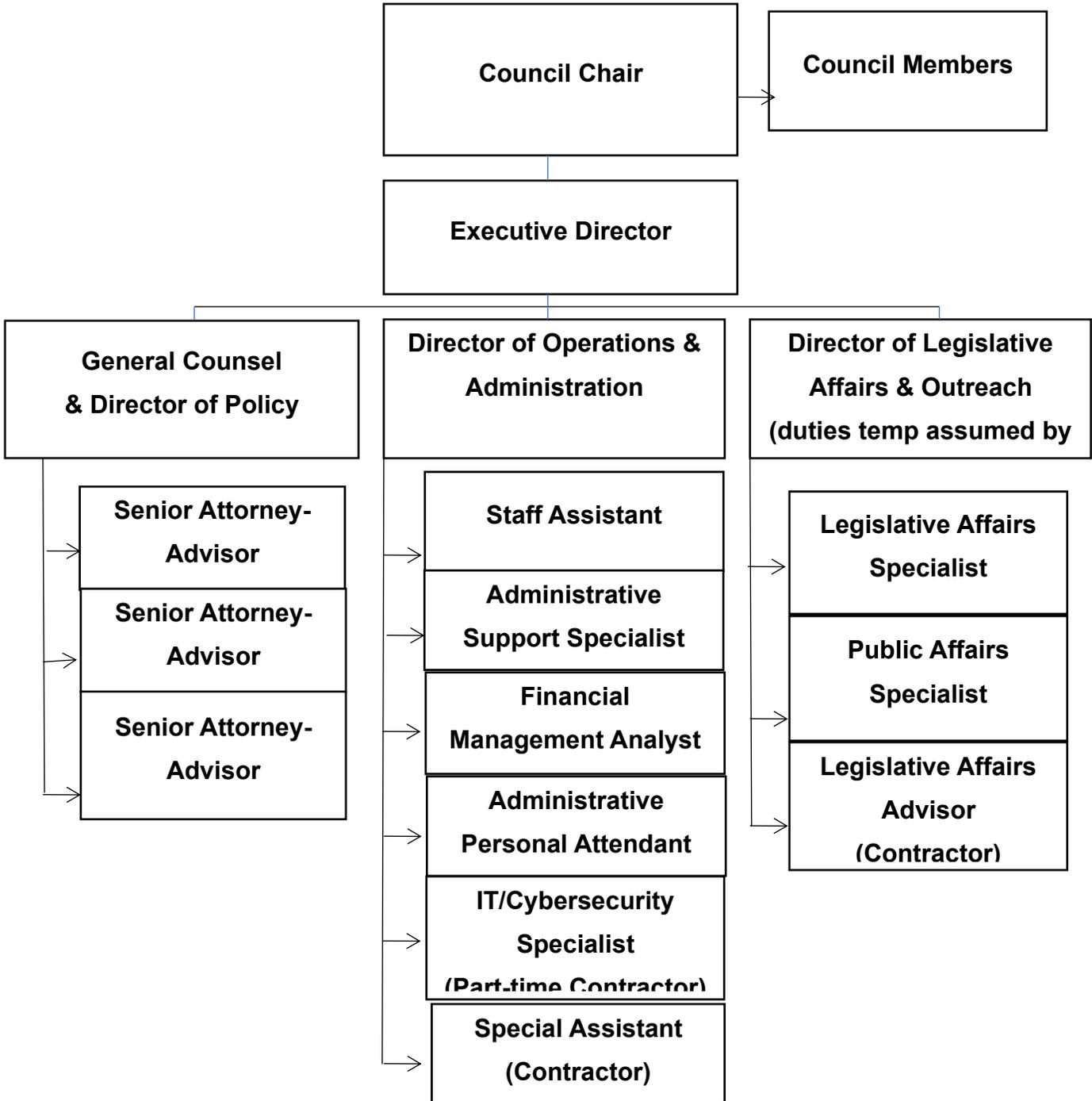
FY 2022 \$ 37,500

FY 2023 \$ 38,500

The Council reserves one percent 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

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 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. NCD continues to make strides to improve our cybersecurity posture by utilizing initiatives in the Federal Government such as the Continuous Diagnostics and Mitigation (CDM) program Federal Government cybersecurity initiative led by the Department of Homeland Security (DHS) and the Cybersecurity and Infrastructure Security Agency (CISA).

In FY 2023, the total budget needed to implement improvements to the efficiency and effectiveness of our operations in the area of cybersecurity is summarized below.

Activity	FY23	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)	\$ 33,332.00	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 addition 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	\$ 307,132.00	

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 2023 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; and
4. Hire, train, develop, and retain an exceptional workforce, with a priority on hiring 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 of 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. 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 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 always priorities of management as are persisting in efforts to seek opportunities to strengthen and add to the number of staff.

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 released three 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 fulfill our mandate to serve policymakers and respond to the disability community's interests and publish annual research/policy reports, we are also an agency with operational requirements in addition to ever greater needs in the disability community to fulfill.

STAFFING NEEDS TO SUPPORT THE MISSION 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 has vastly expanded the scope of our work, and yet, the workforce of the Council has remained level for many years. However, the number of appointed council members decreased as a result of the Workforce Innovation and Opportunity Act.. The reduction in appointees also represented a reduction in the amount of professional experts who could bring their respective areas of expertise to bear on behalf of the Council's work.

Given our charge to review and advise on existing and proposed laws and policies and the growing number of laws and policies for people across all types of disabilities, regardless of age or severity of disability, it has become a far more difficult task for the Council to service the mission of the Council with level staffing. To be timely and responsive to our advisees, the workload for existing staff has continually increased, with several staff completing assignments that equal the workload of multiple positions. Any loss in funding directly impacts the mission critical work of the Council.

Despite our small size, NCD must comply with requirements placed on much greater-resourced agencies. The financial demands of mandated requirements have the potential

to compromise NCD's ability to complete the work that is critical to the mission of the Council, the Federal Government, and the disability community. To ensure the safety and security of the government's network, the demand for resources to support the mandated requirements for compliance are ongoing for the foreseeable future.

Based upon our FY 2023 request and cybersecurity requirements, we will 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 (NTE) 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. We recognize that it is likely to be a modest initial investment in a much larger need than we currently have resources to accommodate. Accordingly, we will endeavor to invest more funding into efforts to hire, train and retain the Council's existing workforce in future fiscal years as budget and guidance allows.

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