

NATIONAL COUNCIL ON DISABILITY



Fiscal Year 2021

CONGRESSIONAL BUDGET

National Council on Disability
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TABLE OF CONTENTS

Note from the Chairman.....	3
INTRODUCTION.....	4
AGENCY INFORMATION.....	4
Organizational Structure.....	6
Organizational Chart.....	8
STRATEGIC FRAMEWORK.....	9
Strategic Goals	11
Strategic Objectives	11
Tracking Progress on NCD’s Strategic Objectives.....	12
Next Steps for Strategic Objectives.....	12
SUMMARY OF RESULTS AND PLANS.....	12
CROSS-AGENCY COLLABORATIONS.....	37
INTERAGENCY COORDINATION.....	37
MAJOR MANAGEMENT PRIORITIES & CHALLENGES.....	42
Planned Actions to Address Priorities and Challenges.....	45
Objectives by Team	46
BUDGET JUSTIFICATION.....	47
Cost Discussion	48
Analysis of Resources	49
APPENDIX A.....	57
Costs of Implementing Federal Cybersecurity Requirements	
APPENDIX B.....	59
Staffing Needs to Support the Mission of the Agency	



Note from the Chairman

This document presents both the National Council on Disability (NCD)'s performance plan and budget justification for fiscal year 2021. All resources will be applied to the furtherance of NCD's mission to advise the President, Congress, and other federal agencies regarding federal policies and the impact on people with disabilities.

In support of the President's vision, this budget request reflects NCD's commitment to spend taxpayer dollars efficiently and effectively while supporting national priorities to reduce deficits.

NCD's FY 2021 budget submission focuses on improving the ability to deliver mission critical outcomes. This budget request reflects NCD's efforts to streamline our research efforts by engaging NCD's stakeholders to inform our work, and by developing policy recommendations based on the findings from our research and engagement.

NCD is positioned to do the full scope of work in FY 2021 with twelve full-time career staff, three contractors, and nine part-time congressionally and presidentially appointed Council Members. NCD is committed to implement improvements to the efficiency and effectiveness of our operations in the following areas identified as a priority for this Administration:

- IT Modernization, Data
- Accountability and Transparency
- Developing a Workforce for the 21st Century

NCD is dedicated to fulfilling its mission of advising the President, Congress, and other federal agencies regarding federal policies' impact on people with disabilities.

Respectfully,

Neil Romano
Chairman

INTRODUCTION

Agency & Mission Overview

Agency Mission

The mission of NCD is to be a trusted advisor regarding the impact of federal policies on the lives of people with disabilities to the President, 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.

AGENCY INFORMATION

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. NCD's purview is not limited to a set policy area or subgroup of disabled Americans, so its advice is not siloed at the exclusion of others' interests. On the contrary, NCD's strives to provide advice that thoughtfully considers the diverse needs of its core constituency, which varies greatly by type and severity of disability.

NCD has a critical role to play in preserving and strengthening the impact of the Americans with Disabilities Act (ADA) in our nation's policies and programs. Indeed, NCD's very identity is inextricably intertwined with the ADA and its history. NCD was initially established in 1978 as an advisory board within the U.S. Department of Education (Public Law 95-602). The Rehabilitation Act Amendments of 1984 (Public Law 98-221) transformed NCD into an independent agency and required NCD to provide advice to Congress and the Administration. Changes were also made to NCD'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. NCD delivered on that charge with its path breaking report, *Toward Independence*, which called for enactment of a federal disability civil rights law. NCD later offered the first draft of that recommended civil rights law in 1988. After President George H.W. Bush signed the ADA into law, NCD's mission was again 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 agency's duties are extensive and belie the agency's limited financial and human resources. In FY 2019, NCD had a \$3.25 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..."

NCD's governing body is the Council, comprised of nine presidential and congressional appointees, including a Chair, whom the President designates; and a Vice Chair, determined 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. A Council Member's term can extend beyond the 6-year term limit because the appointee serves until a replacement appointment occurs.

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. Eighty-eight percent of the current Council Members are people with disabilities, and several are parents of children with disabilities.

A small, dedicated full-time staff located in Washington, D.C. support the work of the Council Members. Eighty percent of full-time staff are people with disabilities, and several are parents of children with disabilities.

ORGANIZATIONAL STRUCTURE

To accomplish its policy research work in fulfillment of its mission, NCD's Council is organized into committees for each policy project. These committees are comprised of no more than four Council Members and a full-time NCD staff member who manages the Council's work on a project, drafts portions of policy advice based upon Council 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, NCD staff provide final edits and dissemination of the policy advice to applicable parties. In the instances of the need for brief, nimble responses to proposed legislation or regulations, NCD staff drafts work products directly, drawing upon the Council's existing body of work.

National Council on Disability Organizational Structure

NCD's staff is organized into three teams, led by team directors, all of whom report to the Executive Director and CEO. NCD is committed to supporting the priority of this Administration by developing a Workforce for the 21st Century.

NCD's Policy / Legal (Policy) team

The Policy team analyzes federal laws, regulations, programs, policies, and case law precedent; and proposes and develops NCD policy positions that have a national, state and international impact on the lives of people with disabilities.

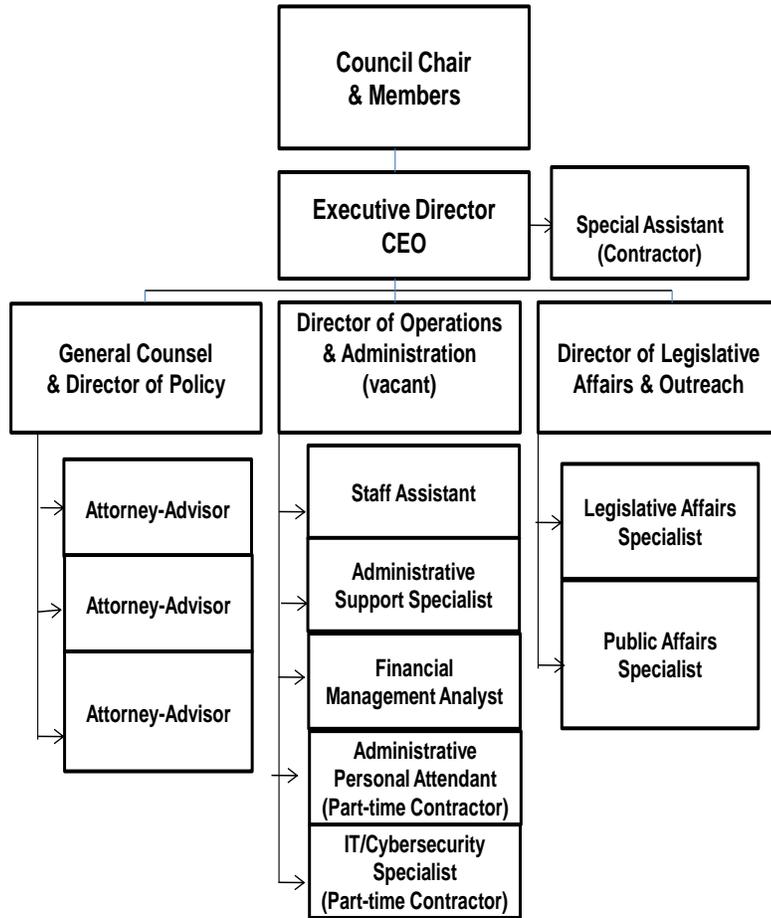
NCD's Legislative / Outreach (LAO) team

The LAO team closely monitors Congressional activity on issues critical to the disability community and cultivates and maintains effective working relationships with NCD stakeholders at the federal, state, and local levels.

NCD's Administration / Finance / Operations (AFO) team

The AFO provides critical staff support and monitors the agency's finance and accounting, information technology, and human resources management, as well as partners with the policy and outreach teams to build strategic relationships that are critical to the agency's work.

NATIONAL COUNCIL ON DISABILITY ORGANIZATIONAL CHART



Performance Section

Strategic Framework, FY 2018 – FY 2022

AGENCY MISSION

The mission of the National Council on Disability (NCD) is to be a trusted advisor regarding the impact of federal policies on the lives of people with disabilities to the President, 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.

AGENCY VISION

The vision of the National Council on Disability (NCD) is to advance the goals of the Americans with Disabilities Act (ADA) through recommendations regarding federal policy.

GOALS

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

OBJECTIVES

GOAL 1 – New Disability Policy Recommendations –

1. Develop materials regarding findings on the impact of charter schools and school vouchers on students with disabilities and offer recommendations to policymakers.
2. Develop materials regarding the use and impact of guardianship on national disability policy goals; federal court jurisdiction regarding guardianship cases; and

the ways guardianship uniquely affects the lives of people with intellectual and developmental disabilities and offer recommendations to policymakers.

3. Provide policymakers NCD's Medicaid policy findings and recommendations during healthcare reform discussions.
4. Provide policymakers NCD's Social Security policy findings and recommendations during Social Security reform discussions.
5. Develop materials and recommendations regarding findings of research on the involuntary institutionalization of people with disabilities as a result of disasters.
6. Develop materials and recommendations regarding findings of research on bioethical issues affecting people with disabilities.
7. Develop materials and recommendations regarding the creation of a centralized accommodations fund for the Federal Government.
8. Develop materials and recommendations regarding accessible medical equipment.

GOAL 2 -- Proposed and Existing Federal Policies --

1. Provide findings and recommendations regarding the implementation of the Workforce Innovation and Opportunity Act's requirement to provide pre-employment transition services to transition-age students with disabilities.
2. Provide recommendations regarding the implementation of the Individuals with Disabilities Education Act and the Higher Education Act if Congress pursues reauthorization efforts.
3. Recommend improvements to the efficiency, effectiveness, and coordination of existing federal disability programs and offices.
4. Develop materials and recommendations regarding findings of research on the use of subminimum wages in for-profit supply chains and highlight best practices used by providers that transitioned away from the use of subminimum wages.
5. Develop materials and recommendations regarding findings of research on modernization of the AbilityOne Commission.

GOAL 3 – Engage Policymakers and Respond to Their Requests for Assistance

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

GOAL 4 – Gather Information from Subject Matter Experts

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

GOAL 5 – Enhance Agency Operational and Programmatic Internal Controls

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

GOAL 6 – Recruit, Retain, and Develop a Highly Qualified Professional Staff

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

STRATEGIC GOALS

NCD has a unique mission among federal agencies because it is charged with reviewing all programs and policies across the Federal Government, not merely one aspect of policy affecting all people with disabilities or all policy areas affecting only one subpopulation of people with disabilities. For that reason, NCD's six strategic goals reflect the agency's areas of core focus in implementing its mission – develop and offer solutions for *current* policy debates affecting people with disabilities; continually review the experience of *existing* policies on people with disabilities; be in tune with the needs of the policymakers who are considering these policies; ensure our information is sourced in quality expertise and reflects our core constituency accurately; and steward

the agency's financial and human capital resources to ensure excellence in delivery of our work.

STRATEGIC OBJECTIVES

NCD has several strategic objectives for each of its six strategic goals for 23 strategic objectives in total. Each of these objectives is reviewed and updated to reflect Council-set policy project work for the upcoming fiscal year, as well as management-set operational, reporting, and compliance priorities based upon OMB-driven guidance, new executive orders, and any new legislative responsibilities.

TRACKING PROGRESS ON NCD'S STRATEGIC OBJECTIVES

NCD accomplishes its mission by assessing concerns and priorities of its stakeholders and then providing independent and reliable information, analysis, and recommendations to Congress, the President, and other federal agencies, in furtherance of the goals of the ADA. NCD defines its programs for purposes of evaluation as its policy development activities, its research initiatives, its communication efforts, and its administrative systems and policies. We conduct program evaluations before implementation (formative needs evaluations), periodically and ad hoc (formative process evaluation), and at the end of each (summative outcome and impact evaluations). Historically, NCD has reported on these evaluations in its annual Performance and Accountability Report (PAR).

NEXT STEPS FOR STRATEGIC OBJECTIVES

NCD's five-year strategic plan for FY 2018 – FY 2022 reflect substantial changes. Each level of the plan implemented strategies approved by OMB to streamline operations and maximize outcomes. NCD's strategic plan provides greater specificity intended to reflect the outcomes the agency is trying to achieve as well as more clearly articulating our plan of action in pursuing those ends. In FY 2019, NCD management updated its strategic objectives to reflect these priorities.

SUMMARY OF RESULTS AND PLANS

RESULTS OF OBJECTIVES FOR GOAL 1

GOAL 1 OBJECTIVES

New Disability Policy Recommendations –

1. Develop materials regarding findings on the impact of charter schools and school vouchers on students with disabilities and offer recommendations to policymakers.
2. Develop materials regarding the use and impact of guardianship on national disability policy goals; federal court jurisdiction regarding guardianship cases; and the ways guardianship uniquely affects the lives of people with intellectual and developmental disabilities and offer recommendations to policymakers.
3. Provide policymakers NCD's Medicaid policy findings and recommendations during healthcare reform discussions.
4. Provide policymakers NCD's Social Security policy findings and recommendations during Social Security reform discussions.
5. Develop materials and recommendations regarding findings of research on the involuntary institutionalization of people with disabilities as a result of disasters.
6. Develop materials and recommendations regarding findings of research on bioethics issues affecting people with disabilities.
7. Develop materials and recommendations regarding the creation of a centralized accommodations fund for the Federal Government.
8. Develop materials and recommendations regarding accessible medical equipment.

In FY 2020, NCD has continued to honor its policy development cycle of engaging NCD's stakeholders, which includes: pursuing policy research in line with stakeholder-identified concerns and priorities; developing policy recommendations to address those concerns; returning to NCD's stakeholders with the final product; working with policymakers regarding its recommendations; and ultimately receiving another round of iterative feedback, concerns and priorities to begin the cycle anew. While the objectives of Goal 1 are primarily executed by the Policy / Legal team, NCD's policy development cycle that produces NCD's new policy products requires blending the work of the Legislative Affairs / Outreach team's core functions as well.

Highlights of NCD's results in Goal 1 objectives for FY 2019 and FY 2020 thus far include:

- **NCD Conducted Timely School Choice Research** – NCD published two reports regarding the impact of charter schools and school choice vouchers on students with disabilities in early FY 2019, both of which included key research findings and recommendations for policymakers.
- **Professional Associations Take Action in Response to NCD Recommendations Regarding Dental Care of People with Intellectual and Developmental Disabilities (ID/DD)** – Individuals with ID/DD and their loved ones often struggle to locate dentists who are trained and are willing to provide dental care to individuals with ID/DD. In FY 2019, NCD conducted follow-up engagement related to its previously published policy brief that highlights these challenges and offers policy recommendations for this largely overlooked issue. The brief recommended that 1) the American Dental Association revise its *Code of Professional Conduct* (often adopted by respective states as state professional liability law) to reflect that, as a matter of civil rights, Dentists may not discriminate in their patient selection based on a person's disability (as is already the case based on a patient's race, creed, color, sex, or national origin); 2) the Commission on Dental Accreditation (CODA) should, as a matter of equal treatment, revise its national standards to require that dental students be trained in the treatment management of patients with ID/DD; and 3) that Congress should revise the Public Health Service Act to designate people with ID/DD as a "medically underserved population" as a means of improving the evident lacking healthcare for that population. Subsequent to NCD's efforts in making these recommendations, the American Dental Association (ADA) informed NCD in early FY 2019 that its House of Delegates passed a vote approving the revision to its Code, stating that dentists may not turn away a patient based on that patient's disability, as recommended by NCD; CODA informed NCD in mid FY 2019 that it has now revised its standards per NCD's recommendation, which now state that all dental and orthodontist program schools in the US must train

their students to manage treatment of patients with ID/DD, and dental hygienist and dental assistant students must also receive training regarding patients with ID/DD ; and a bipartisan bill has been reintroduced in Congress that designates the ID/DD population as a medically underserved population as per NCD's recommendation (more on this legislation noted under Goal 2 below).

- **Professional Associations Take Action In Response to NCD Recommendations Regarding Medical Care of People with Disabilities (Including ID/DD)** – NCD recommended 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 US, 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. The LCME informed NCD in FY 2019 that its Committee has passed a vote to address the issue, with NCD's specific recommendations under advisement.
- **NCD Published a Report on Guardianship** – NCD published a report that examines why people with ID/DD are at increased risk for becoming subject to guardianship as adults, and how that impacts their ability to benefit from civil rights laws aimed at advancing the self-determination and opportunities available to people with ID/DD, including the Americans with Disabilities Act, the Developmental Disabilities Act, the Individuals with Disabilities Education Act, and the Workforce Innovation and Opportunity Act. The report examines how people with ID/DD are treated differently than other adults who are the subjects of guardianship proceedings, including in several states that have separate guardianship laws for people with ID/DD. The findings and recommendations are based on the available data on guardianship for people with ID/DD, an in-depth examination of the experiences of individuals with ID/DD in Washington, DC, and information collected directly from stakeholders across the nation.

NCD Published a Report Concerning the Institutionalization of People with Disabilities During and After Disasters – NCD published a report that

examines occurrences of institutionalization of people with disabilities, as well as threats of institutionalization that were thwarted, in 2017 and 2018, including during Hurricanes Harvey, Irma, Maria, Florence, and Michael, and the California wildfires. This report examines how, when, and why people with disabilities were institutionalized during and after recent disasters; examines the systemic issues that continue to cause institutionalization of persons with disabilities; discusses the grave short- and long-term physical, mental, and financial consequences that institutionalization wreaks; and provides recommendations and promising practices that would enable federal agencies to eliminate institutionalization of persons with disabilities during future disasters.

NCD published a report regarding a cursory look at AbilityOne – In this first of a two-part series, NCD assesses the AbilityOne Program and the work of the AbilityOne Commission in the context of federal disability law and policy. The program is centered on the requirements that federal agencies must purchase goods and services from the AbilityOne Program if contained on a procurement list approved and updated by the Commission, and that people who are blind or have a severe disability account for at least 75 percent of the direct labor hours used to provide the service or produce the goods. Since 2013, the program has come under scrutiny from the press, the Government Accountability Office, and Congress for a lack of rigorous oversight and transparency.

- **NCD Published a Report Regarding Disability Employment Policy** – NCD's study reports, and provides related recommendations, on trends regarding American workers with disabilities being paid below minimum wage, recent policy changes impacting this employment model, and characteristics of for-profit entity use of subminimum wage work in their supply chains.

- **NCD Published Five Reports on the Intersection of Bioethics and Disability**
 In FY 19 and FY 2020, NCD published a report series on bioethics and disability policy. The report series examined policies and practices related to the availability of medical interventions and life-saving medical care for people with disabilities. It examined five intersections of disability and bioethics – organ transplants; medical futility; genetic testing; Quality Adjusted Life Years Analysis (QALYS); and physician-assisted suicide.
- **NCD Conducting Research on the Need for a Centralized Accommodations Fund** – NCD continued research in FY 2019 regarding the creation of a centralized accommodations fund for the Federal Government by conducting outreach to agencies Government-wide regarding their current practices and experiences. Research will continue into and conclude in FY 2020, with NCD’s findings and recommendations for policymakers offered at that time.
- **Accessible Medical Equipment** – NCD posted a research project solicitation concerning the necessity & appropriateness of accessible medical equipment regulations. NCD has previously noted and advised that as a means of ensuring compliance with the Americans with Disabilities Act, and also as a means of saving additional healthcare costs, a clear and unequivocal directive to healthcare providers must be established on the need to provide accessible medical diagnostic equipment. NCD’s Chair has met with the White House Domestic Disability Policy Council to discuss this important issue, and NCD will be researching and publishing the related subsequent report concerning this matter beginning in FY 2020.
- **AbilityOne and 14(c) Subminimum Wage** – In FY 2019 NCD posted a solicitation and began research for a report that will take an in-depth look at the AbilityOne Commission and its role in employing people who are blind or people with significant disabilities. The report is to be published in FY 2020.

- **Other Policy Recommendations** – In addition to the research projects NCD undertook in FY 2019 in order that it might advance policy recommendations for legislators and agency leadership, NCD also advised in short form through letters on several critical issues for people with disabilities.
 - **Letter to HHS/OCR on NCD’s reports on Assisted Suicide, QALYs, and Medical Futility** – Letter describing the findings from three recent NCD reports detailing specific actions that OCR should take to address practices and policies that violate the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act (Section 504), and Section 1557 of the Affordable Care Act (Section 1557).
 - **Letter to HHS/OCR and DOJ/CRT on NCD’s report on Organ Transplant Discrimination** – Letter describing the findings of the report and advising HHS and DOJ to issue non-discrimination guidance under Section 504, Section 1557, And the ADA to entities involved in the organ transplantation process to help ensure that people with disabilities have equal access to life-saving organs.
 - **Letter to the FDA on the Regulation of Prenatal Genetic Tests** - Letter describing the findings and concerns about the lack of oversight of genetic tests from NCD’s report on genetic testing and encouraging the FDA to regulate non-invasive prenatal genetic screening tests that are widely available.
 - **Letter to HHS/HRSA, OPTN, UNOS on NCD’s report on Organ Transplant Discrimination** – Letter describing the findings of the report and making recommendations to ensure that transplant policies and practices, including procurement, are non-discriminatory so people with disabilities have equal access to life-saving organs.

- **Letter to DHS Regarding Inadmissibility on Public Charge Proposed Rule** – NCD provided in-depth comments and advise to DHS in response to its proposed Inadmissibility on Public Charge Grounds Rule.
- **Advisory Letter to HHS OCR in Response to Section 1557 Notice of Proposed Rulemaking** – NCD provided in-depth comments and advise to HHS OCR in response to HHS OCR’s proposed revisions to the Section 1557 regulation.
- **Letter to Congress Regarding the SECURE Act** – To inform Congress’ discussion on discussion on the issue of sexual assault on college campuses, NCD shared parts of our report “Not on the Radar” which calls attention to the disproportionate incidence of sexual assault against students with disabilities and the barriers that these students too often face when they try to report an assault or access post-assault support services.
- **Letter to Congress regarding Restraint and Seclusion in Public Schools** - To inform Congress’ discussion of how to ensure that children are educated in environments where they are treated with dignity and respect. NCD reiterated support for the “Keeping all Students Safe Act” (H.R. 7124); expressed support for the Department of Education’s (ED) Office of Civil Rights’ (OCR) Civil Rights Data Collection (CRDC); and recommended that the ED OCR robustly enforce the CRDC reporting requirements.
- **NCD Letter to Congress Supporting the Introduction of ABLE Age Adjustment Act** – NCD informed Congress’ work on the Act by sharing information on the importance of ABLE accounts and describing its efforts at the federal and state levels to improve implementation and increase utilization of the ABLE program.

- **NCD Letter to Dept. of Ed. Regarding IDEA State and Local Implementation Study** – NCD provided comments and advice to the Department in response to its proposed 2019 Individual with Disabilities Education Act (IDEA) State and Local Implementation Study.
- **Letter to FCC Regarding ITTA Petition** – NCD advised the FCC to reaffirm and further solidify its longstanding rule prohibiting telecommunications carriers from identifying the cost of Telecommunications Relay Services (a Title IV, ADA Service) on telecom invoices, as a fee, surcharge, or line-item (both “separate” and “composite”) on customer invoices.
- **Letter to Dept. of Ed. Regarding Charter School Grant Recommendations** – NCD recommended that Grant applicants should be notified of their obligations with respect to inclusivity, that students with disabilities that are enrolled should not exclude students with more significant disabilities, and that students with disabilities should be educated in the least restrictive environment as per their rights under the Individuals with Disabilities in Education Act. NCD further recommended that notification be provided to grant applicants focusing on high school students to provide a framework for transitioning students with disabilities to fulfill their educational, independent living, and employment goals upon graduation.

PLANNED ACTIVITIES AND OBJECTIVES FOR GOAL 1

NCD kicked off FY 2020 by signing an MOU with Henry Schein Cares to focus on advancing key building blocks for expanding dental care for people with disabilities, including improving oral health literacy and provider cultural competency for treating patients with disabilities, expanding development and utilization of products and

equipment for patients with disabilities, assisting Americans with disabilities to access care, and recommending appropriate financing and reimbursement rates.

The memorandum stipulates that NCD will provide technical assistance to HSC, such as reviewing relevant materials to ensure disability-inclusive language is being used, and confirming the accuracy of information HSC is providing in support of its program. See: <https://ncd.gov/newsroom/2019/NCD-mou-henry-schein-cares>.

Every year, NCD's Council and staff propose and advance new policy priorities based upon current events and national trends, respective areas of expertise, suggestions from policymakers, and anticipated legislative reauthorizations or regulatory activities. Proposals are presented to the full Council and a priority vote occurs after the presentations. Based on the outcome of the prioritization, staff move forward to draft statements of work for each approved priority project and begin the process to undertake the research. NCD will vote on priorities for FY 2020 at the Council meeting scheduled for January 27, 2020.

The Council's area of focus for FY 2020 and FY 2021 include the following priorities for people with disabilities:

Medical Discrimination Against Children with Disabilities

A substantial body of evidence shows that time and time again predictions of a poor quality of life made at birth for a child with a disability are subsequently proven wrong. Despite this and the prohibition against discrimination in federal disability rights laws, recent news and evidence indicates that medical discrimination continues in the form of withholding medical treatment or nourishment from infants born with disabilities. As the next report in NCD's bioethics series, this report will examine the nature and extent of these practices, examine the role of quality of life assessments and economic considerations in medical nontreatment decisions, and make recommendations to remedy deficiencies in existing law and policy. The report will also look at the effect of the relationship between parents and physicians on decisions to withhold medically indicated treatment, a major issue in the Supreme Court's invalidation of *Infant Doe*

regulations in *Bowen v. American Hospital Association*, how the Child Abuse Amendments of 1984 are being enforced, enforcement of section 504 of the Rehabilitation Act of 1973, and efforts of the Department of Health and Human Services to address this issue of national concern.

Employment Search Engines - Technology

Do employment search engines/services discriminate against people with disabilities? With the advent and increasing use of online employment search engines and clearinghouses for employers such as INDEED or Career Builder, more attention needs to be paid to whether or not these services are accessible and helping to improve the employment picture for people with disabilities.

State Employment Strategies

A report focusing on state governments as model employers of persons with disabilities. The Department of Labor published guidance several years ago to states to assist them to reduce the high unemployment rate of persons with disabilities. It would be worthwhile to examine whether the guidance has been implemented. State governments employ millions of individuals, the range of positions vary widely and offer opportunities for persons with disabilities who possess many different skills and qualifications. In addition, the job sites are spread throughout a state and may lessen the challenge of transportation for persons with disabilities. This project would also benefit state governments as many are experiencing shortages of applicants because of the low unemployment rate nationally. Finally, the project would identify barriers that may have prevented states from moving forward with the guidance.

Medicaid Reimbursement

Approximately 60 percent of people in the United States with intellectual and developmental disabilities, and many people with other non-I/DD disabilities, rely on Medicaid for their health insurance coverage and Medicaid's reimbursement doesn't always suffice. While comprehensive dental coverage is mandatory for children enrolled in Medicaid, dental benefits for adults eligible for Medicaid varies depending on the

state. States determine the scope of the dental services covered. While some states provide extensive coverage with more generous expenditure caps annually, others provide limited coverage with shorter caps, and some states only provide coverage for emergency relief alone. While increasing the reimbursement rate with respect to oral healthcare for adult patients with intellectual and developmental disabilities would certainly greatly improve access to care for this patient population, cost concerns certainly cannot be ignored. Access to relevant data concerning the cost/benefit analysis of increasing the Medicaid reimbursement rate of preventive services vis-à-vis the actual savings to the overall healthcare costs made by keeping this population out of emergency and operating rooms is essential. To that end, and assuming this data is not already readily available, it is proposed that NCD consider initiating a project whereby NCD solicits outside proposals to research and pull together this information. This would be done as a means of exploring whether NCD should recommend to Congress and the President that increasing the reimbursement rate for this patient population is economically sound policy, as well as good preventive services policy.

Accessible Medical Equipment Project

This project has already been approved and will be getting underway in the first quarter of FY 2020, but we would like to add more money to it (currently allocated 30K) to allow for full exploration of the issues.

Acquiring Complex Rehabilitation Technology Equipment

Complex Rehabilitation Technology Equipment includes, among other equipment, power wheelchairs with features that tilt, recline or elevate. Those features can be medically necessary for some persons with mobility disabilities and enhance their ability to obtain medical and dental care. In the absence of accessible examination tables and chairs, persons with power wheelchairs with those features could, if they desire, be treated while remaining in their chairs by reclining or tilting. Wheelchairs with those features can also reduce spasticity, facilitate users' ability to conduct pressure relief, and improve their overall quality of life. Private payers, however, often deny requests by enrollees of their health insurance plans to acquire this type of complex rehabilitation

technology often without any reason other than it is not "medically necessary" despite the submission of detailed letters of medical necessity by such person's physicians. These payers uniformly have complex and burdensome appeal procedures purportedly entailing a "peer-review" of the insured's request and the insured's medical provider's letter of medical necessity, yet there is never identification of who the peer is, or the credentials of the peer, conducting the review. This project would examine the approval/disapproval rates of private payers, the process utilized by private payers – Blue Cross Blue Shield, United Healthcare, and other private payers - in considering requests to acquire such equipment, their appeal procedures, and provide recommendations to improve the process by making it more transparent and determining whether federal legislation should be passed mandating such transparency and data reporting. As private payers always take their cues from Medicare when it comes to approving the purchase of complex rehabilitation technology equipment, Medicare's approval criteria should also be examined.

Designation of persons with disabilities as a medically underserved/health disparity population

Countless number of studies published in the Disability and Health Journal and other peer-reviewed periodicals over the past 20+ years document the significant health disparities that exist between persons with disabilities and those without, identifying persons with disabilities as the most medically underserved population in the country and with the greatest likelihood of having unmet medical, dental and prescription medication needs. In the nearly five decades since the passage of Section 504 of the Rehabilitation Act of 1973 and the three decades since the passage of the Americans with Disabilities Act, these health disparities continue to exist. There are several factors that contribute to the disparities, among them, lack of accessible facilities or equipment, the lack of disability specific cultural competency among providers, insufficient involvement of persons with disabilities in health promotion and wellness programs, the lack of accessible fitness equipment and facilities, etc. This report would examine whether designating persons of all categories of disabilities as a medically underserved/health disparity population would help to address reducing those health

disparities. As we know from our recent project to address dental care for persons with intellectual and developmental disabilities, by designating a population as a medically underserved population, that population can be included in federally funded mainstream studies and programs to address health disparities. Similar efforts were undertaken for race/ethnic disparities which led to success in reducing those disparities. The same can be accomplished for persons with disabilities.

Puerto Rico

The effect of the island's commonwealth status upon persons with disabilities. Puerto Rico is the largest and most populous territory of the United States. U.S. citizenship was extended to all persons born on Puerto Rico since 1917 and in 1952 it became a Commonwealth. This report will study the impact of the island's commonwealth status on the approximately 716,000 persons with disabilities residing on the island. The report would examine the disparate treatment of persons with disabilities residing on the island in their participation in Medicare, Medicaid, SNAP, SSI and other programs as compared to persons with disabilities residing on the mainland, programs that they would be entitled to participate in full (assuming they meet the programs' eligibility requirements) if they resided anywhere on the mainland. The report will also examine the effect of the Jones Act, which requires all goods imported into Puerto Rico be carried on American-flagged vessels, on the costs of disability specific durable medical equipment and other supplies.

Section 504 compliance

Under Section 504, any employer and organization that receives Federal funds is required to provide an equal opportunity for people with disabilities to receive program benefits and services, including any activities or services a federal agency, contractor or subcontractor provides to the public. Any program activities and services should be accessible for all people with disabilities (ex. Wheelchair access, ASL, CART, large print). This report is an opportunity to revisit NCD's 2003 report *Rehabilitating Section 504*, and reviewing current implementation and enforcement policies, updating our prior recommendations and highlighting promising practices.

Selective Placement Program Coordinator (SPPC)

An SPPC serves as an agency's point person to assist management in recruiting, hiring and accommodating people with disabilities. One of their roles and responsibilities is to advise managers about candidates available for placement in jobs under special hiring authorities and provide managers with information on reasonable accommodation and needs assessments for applicants and employees. This report would examine each federal agency's Selective Placement Program Coordinator, its roles and responsibilities, implementation of responsibilities, and the correlation between an effective SPPC and the individual agency's hiring and retention of employees with disabilities.

Access to Opioids for People with Disabilities

The U.S. is dealing with an epidemic of opioid addiction that is disproportionately affecting rural areas, people of color, and veterans; the severity of the crisis has lowered the average life expectancy for all US citizens. The CDC, HHS, and Department of Agriculture have issued reports about the opioid crisis, but these have largely focused on educating the public about addiction, and clinical considerations for preventing and treating addiction. Guidance about the Americans with Disabilities Act and opioids has likewise focused on addiction and rights of people receiving treatment. The CDC has acknowledged that physician guidelines are being mis-interpreted and mis-used with people who have chronic pain, even though states are using the guidelines to create laws around addiction. In 2019, consumer groups wrote to the CDC saying that suicides have been increasing as people with chronic pain struggle to get adequate pain control and deal with increasing bureaucracy related to opioid prescriptions., and people with chronic organized nationwide "Don't Punish Pain" protests. The NCD report would be part of the bioethics series, addressing gaps in government and media reports, focusing on people with disabilities (e.g., chronic pain) who legitimately need opiates. It would examine how existing laws, regulations, stigma reduction efforts, and prescribing guidelines have affected them, and make policy recommendations for addressing the needs of this population without hindering federal and state efforts to prevent and treat

opioid addiction, including suggestions for educating opioid users about their rights under the Americans with Disabilities Act and Section 504.

Housing - All people, no matter what their income, should be able to obtain housing that's safe and affordable and provides a stable foundation for educational, employment, and personal growth and achievement. People with disabilities have historically been at a severe disadvantage in finding appropriate accessible housing and despite years of efforts to increase the accessible housing stock, in 2019, the nation continues to have a shortage that negatively impacts the lives of millions of people with disabilities. This report would be the first report concerning the state of housing for people with disabilities since NCD's 2001 report on fair housing. It would describe the need for and available stock of accessible/universally-designed housing that is federally-subsidized at the low-to moderate income levels. It would describe the federal laws that ensure accessible housing; identify the primary reasons for the inadequate stock; describe federal and local government programs and policies that aim to increase accessible housing stock – highlighting programs and public-private partnerships that are successfully increasing affordable and accessible housing, e.g., housing trust funds. The report would also compare the availability of low-income, federally-subsidized accessible units to waiting lists to make the argument that the 5% accessible unit requirement is obsolete and fails to meet the long-standing need. It will make practical and evidence-based recommendations to Congress, HUD, States and localities on ways to increase this much needed housing stock for the current and future generations.

In addition to the priorities that the Council is considering in FY 2020, NCD will also continue to disseminate its work and meet with policymakers regarding its FY 2018, FY 2019 and FY 2020 reports to ensure that its latest policy advice is known and understood. Additionally, even though NCD gives priority to its latest releases, throughout FY 2020, NCD will continue to inform policy discussions and media coverage of topics about which NCD has offered a body of research and advice in recent years.

RESULTS OF OBJECTIVES FOR GOAL 2

GOAL 2 OBJECTIVES

Proposed and Existing Federal Policies –

1. Provide findings and recommendations regarding the implementation of the Workforce Innovation and Opportunity Act's requirement to provide pre-employment transition services to transition-age students with disabilities.
2. Provide recommendations regarding the implementation of the Individuals with Disabilities Education Act and the Higher Education Act if Congress pursues reauthorization efforts.
3. Recommend improvements to the efficiency, effectiveness, and coordination of existing federal disability programs and offices.
4. Develop materials and recommendations regarding findings of research on the use of subminimum wages in for-profit supply chains and highlight best practices used by providers that transitioned away from the use of subminimum wages.
5. Develop materials and recommendations regarding findings of research on modernization of the AbilityOne Commission.

In FY 2019 and FY 2020, NCD continued to regularly examine existing federal policies' effect on the lives of people with disabilities, as well as review and provide insights on proposed legislative and regulatory initiatives and their potential impact on people with disabilities. Highlights of NCD's results in Goal 2 objectives for FY 2019 include:

- **Legislation Reintroduced Designating the ID/DD Population as Medically Underserved** – Consistent with NCD's recommendation, and with the assistance of NCD in drafting the originally submitted legislative language, bipartisan legislation was reintroduced in Congress in FY 2019 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).

- **Legislation Reintroduced to Address the Sexual Assault of Students with Disabilities on College Campuses** – In view of national attention on sexual assault at college campus' as well as the announcement of a bipartisan congressional taskforce to address the issue, NCD published a report in FY 2018 that included an examination of sexual assault statistics, college policies regarding response to sexual assault and how those policies impact and largely ignore the needs of students with disabilities in particular, as is also the case with post-assault services provided to survivors with disabilities. Following the recommendations made in that report, legislation was introduced in Congress in FY 2018 and reintroduced in FY 2019 as a means of addressing these concerns. The Safe Equitable Campus Resources and Education (SECuRE) Act, introduced in March 2018 is bicameral legislation intended to address many of the systemic failures brought to light in NCD's recent report, *Not on the Radar: Sexual Assault of College Students with Disabilities*.
- **Assisted Suicide** – In October 2019, NCD issued its *The Dangers of Assisted Suicide Laws*, which recommended that Congress reintroduce H.Con.Res. 80 as a Sense of Congress resolution regarding the dangers of assisted suicide laws. On December 12, 2019, the bipartisan resolution was reintroduced, again citing the dangers of assisted suicide laws for people with disabilities, in line with NCD's recommendation.
- **Foreign Policy** – NCD has issued a series of reports in the past regarding the inclusion of people with disabilities in U.S. foreign policy. In our FY 2019 report, we marked the progress made on our past recommendations as well as identified the areas that still require follow up at the State Department, USAID, and the Peace Corps. Additionally, in June 2019, the Office of International Disability Rights Act was introduced, which is consistent with recommendations made in

NCD's FY19 report. The bipartisan bill would establish in law the Office of International Disability Rights at the U.S. State Department, to be supervised by a Special Advisor of International Disability Rights.

- **National Disability Policy: A Progress Report** – In early FY 2019, NCD released its statutorily required annual report reporting on the state of disability policy in key areas. In its FY 2019 edition, NCD revisited the NCD report *Promises to Keep: A Decade of Federal Enforcement of the Americans with Disabilities Act*, released in 2000, to assess the progress made by the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Access Board to address NCD's recommendations in the 2000 report. In this year's report, NCD also uses the framework developed in *Promises to Keep* to consider the efforts of the U.S. Department of Labor's (DOL) Employment and Training Administration, Office of Disability Employment Policy, Office of Federal Contract Compliance Programs, Office of the Solicitor, and the Wage and Hour Division to protect and advance the employment of people with disabilities. This report assesses how these agencies implement and enforce the Americans with Disabilities Act and other federal disability rights laws and programs, offers key findings from this assessment, and concludes by offering recommendations to enhance the agencies' investigative and compliance efforts.

In early FY 2020, NCD released the second part of the *Promises to Keep* themed Progress Report – this year focusing on the Federal Communications Commission, the Department of Justice, and the Department of Housing and Urban Development – again assessing how these agencies implement and enforce the Americans with Disabilities Act and other federal disability rights laws and programs and offering recommendations to enhance the agencies' investigative and compliance efforts.

- **A cursory Look at AbilityOne** – In this first of a two-part series, NCD assesses the AbilityOne Program and the work of the AbilityOne Commission in the context of federal disability law and policy. The program is centered on the requirements

that federal agencies must purchase goods and services from the AbilityOne Program if contained on a procurement list approved and updated by the Commission, and that people who are blind or have a severe disability account for at least 75 percent of the direct labor hours used to provide the service or produce the goods. Since 2013, the program has come under scrutiny from the press, the Government Accountability Office, and Congress for a lack of rigorous oversight and transparency. In this brief study, NCD finds that the current structure and implementation of the AbilityOne Program calls into question whether people who are blind or have a severe disability are best served by the program. NCD recommends that more in-depth independent research into the impact of the program be conducted, and that Congress make necessary changes so that the program better aligns with the Americans with Disabilities Act, the Workforce Innovation and Opportunity Act, and other federal disability laws and policies which seek the full participation of people with disabilities, including employment and advancement opportunities within the community.

- **NCD Letter regarding the Disability Employment Incentive Act of 2018** – NCD letter in support of S. 3260, the Disability Employment Incentive Act of 2018 (DEIA). This legislation would increase tax incentives to hire and retain employees with disabilities and also incentivize reducing architectural and transportation barriers for people with disabilities, potentially making it easier for people with disabilities to live and work in the community. For the reasons outlined above, NCD supports S. 3260, the Disability Employment Incentive Act of 2018
- **NCD Letter regarding introduction of Keeping All Students Safe Act** – to applaud the introduction of the “Keeping All Students Safe Act” (H.R. 7124). NCD has consistently opposed the use of seclusion and aversive behavioral therapies and supports the ban on these inappropriate forms of discipline in this legislation.
- **NCD letter applauding introduction of the Transformation to Competitive Employment Act** – NCD applauded the introduction of the Transformation to

Competitive Employment Act (HR 873 and S. 260). This legislation takes the approach that NCD recommended in a 2012 report by NCD to phasing out 14(c) by providing states and individual providers with a meaningful opportunity to transform the way that services are provided to people with disabilities from the outdated subminimum wage in a sheltered workshop model to one that focuses on supports and services leading to and sustaining competitive integrated employment. For this reason, NCD supports this legislation.

- **NCD Letter on Restraint and Seclusion** – NCD applauded the House Subcommittee on Early Childhood, Elementary, and Secondary Education for taking up the important discussion of how to ensure that all children, including children with disabilities, are educated in environments where they are treated with dignity and respect.
- **NCD Letter regarding Expanding Access to Higher Education Act** – NCD applauded the introduction of the “Expanding Access to Higher Education Act” (S. 1176). This legislation implements a number of approaches recommended in a 2015 briefing paper on the Reauthorization of the Higher Education Act (HEA) by improving opportunities for students with disabilities to pursue higher education, improving the ability of institutions of higher learning to meet the needs of students with disabilities and providing for better data collection about the experiences of students with disabilities. For these reasons, NCD supports this legislation.
- **Advisory Letter in Response to Section 1557 Notice of Proposed Rulemaking** – NCD detailed its concerns about the proposed revisions to the Section 1557 Regulation (Section 1557). Section 1557 is vital to addressing the long history of pervasive programmatic, physical, and attitudinal barriers in the health care context which have contributed to the significantly poorer health outcomes experienced by people with disabilities. NCD has documented in numerous reports that people with disabilities continue to encounter discrimination in accessing health care and discrimination in the manner that it is

provided, including inaccessible medical offices, inaccessible medical equipment, and lack of effective auxiliary aids and services for those with sensory disabilities. NCD believes that in order to protect the civil rights of people with disabilities in health care, it is vital that Section 1557's regulations remain intact.

- **NCD Letter of Support for Introduction of ABLE Age Adjustment Act** – NCD supported the introduction of the Able Age Adjustment Act (H.R. 1814/S. 651). In a 2008 report, NCD supported the idea of creating accounts that operate like 529 plans but can be used to fund disability-related expenses and subsequently supported the passage of the ABLE Act. However, the limitation on eligibility to those who were injured prior to age 26 was never part of NCD's original recommendation and potentially limits the overall impact of ABLE. For this reason, NCD supports the ABLE Age Adjustment Act raising the age of onset of disability for ABLE eligibility purposes to 46 years of age.
- **Department of Housing and Urban Development (HUD) Proposed Revisions on Service Animals** – NCD wrote a letter to HUD Assistant Secretary Farias urging a meeting on proposed revisions to guidance on service animals and assistance animals for people with disabilities in housing and HUD-funded programs. As part of its statutorily mandated role, NCD was offering to serve as a conduit to disability policy stakeholders so that revisions would properly be informed by the community most effected by the revisions.
- **Department of Transportation's Plans to Suspend Enforcement of Claims Regarding Psychiatric Service Animals** – NCD sent a letter to U.S. Department of Transportation (DOT) General Counsel Workie concerning service animal discrimination claims, to convey NCD's concerns regarding DOT's plan to indefinitely suspend enforcement of certain disability discrimination claims regarding psychiatric service animals (PSAs) and emotional support animals (ESAs). NCD advised that DOT's proposal to allow airlines to require documentation that is unallowable under the existing regulation, and to deny

complainants with psychiatric disabilities the right to DOT enforcement of legitimate claims, gives airlines permissions to violate the law with impunity, and to impose significant burdens on persons with psychiatric disabilities.

PLANNED ACTIVITIES AND OBJECTIVES FOR GOAL 2

NCD will vote on policy priorities for FY 2020 and FY 2021, including research projects that support the President's priorities during the first council meeting in 2020.

Topics that have been the focus of recent proposals and/or policy discussions on which NCD has advised and will continue to monitor throughout FY 2019, FY 2020 and FY 2021 include:

- Subminimum wage and competitive integrated employment
- Health care reform

In addition to the projects that the Council will vote to commence and disseminate in FY 2020, NCD will also continue to share out its work and meet with policymakers regarding its reports and position letters that address proposed and existing legislation, the most recent of which is mentioned in the FY 2019 highlights section. If IDEA reauthorization is pursued, as an example, NCD's FY 2018 IDEA report series will be front and center in its LAO team's outreach work. Older reports will also be used for informing policy discussions as appropriate. If Social Security reform is pursued, for example, NCD's FY 2015 Securing the Social Contract: Reforming Social Security Disability report will again be brought to policymakers' attention.

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

In FY 2020, NCD's 2020 annual Progress Report will commemorate the 30th anniversary of the ADA. It will focus on the employment of people with disabilities by providing a retrospective of the issue of disability employment during the past 30 years.

It will define and assess the effectiveness of the federal response to the continued low rate of workforce participation and offer recommendations designed to increase workforce participation - including removal of well-documented federal barriers and implementation of federal-private initiatives to eliminate the barriers that continue to impede such participation. It will describe and assess the intended and real impact of Title I of the ADA on the workforce participation of people with disabilities; legislation enacted to improve workforce participation of people with disabilities since enactment of the ADA, including the WIA of 1998, and the WIOA of 2014; legislation enacted or programmatic changes that have hindered workforce participation; NCD and other entities' recommendations made to Congress and federal agencies to improve workforce participation and the response; and federal and federal-private collaborations to improve workforce participation and the results.

In FY 2019, NCD received considerable input from the community in response to a request for public comment on Airline Travel for People with Disabilities - NCD released a position paper in 2004 recommending the Air Carrier Access Act (ACAA) be amended to allow for a private right of action. Our work in this area goes as far back as 1999 report, where NCD specifically addressed wheelchairs being mishandled and refusal to stow adaptive equipment such as walkers and folding wheelchairs in the aircraft cabin. Many problems stem from the unwillingness of some airline staff to recognize that a request for an accommodation in air travel invokes civil rights protections. The newly enacted FAA Reauthorization Act of 2018 includes amendments in the form of directives for the Department of Transportation and DHS that impact the ACAA. Contingent upon funding and workforce capacity, NCD could update our 1999 report and our position paper by evaluating how the directives in the FAA Reauthorization Act of 2018 and how the Act can be utilized to address and improve the outcome of airline travelers with disabilities.

RESULTS OF OBJECTIVES FOR GOAL 3

GOAL 3 OBJECTIVES

Engage Policymakers and Respond to Their Requests for Assistance

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

In FY 2019, NCD continued its efforts to respond to congressional requests for policy assistance; to meet with and offer briefings to congressional and committee offices regarding newly released NCD policy research; to engage with congressional and agency offices regarding their own priority areas that have implications for Americans with disabilities; and to engage media on topics on which NCD has done its research and made its advice to policymakers. Highlights of NCD's results in Goal 3 objectives for FY 2018 include:

- **Bioethics Briefings** – In November and December 2019, NCD provided policy briefings to staff across the U.S. Department of Health and Human Services, including the Office for Civil Rights and the Administration on Community Living, regarding its recently released bioethics report series, specifically focusing on the reports' major findings and the recommendations directed toward HHS for follow-up. Additionally, in December, having received a bipartisan request from two members of Congress, NCD hosted a briefing on Capitol Hill regarding its *The Dangers of Assisted Suicide Laws* report.
- **Congressional Briefing on Competitive Integrated Employment** – In June 2019, NCD held two congressional briefings (one House-side, one Senate-side) to highlight the stories of providers transitioning away from 14(c) wage sheltered

workshop employment to competitive, integrated employment for people with disabilities.

- **ABLE Convenings** – The House Appropriations Committee’s Labor, Health and Human Services, Education, and Related Agencies Appropriations Committee Report included language requesting NCD, when convening stakeholders, to conduct information sessions on ABLE accounts as well as to serve as an interagency coordinator to ensure consistency across Federal agencies and programs regarding ABLE implementation. In FY 2019, in conjunction with its traveling quarterly meetings, NCD hosted information sessions in Henderson, NV; Humacao, PR; and Chicago, IL. NCD also hosted three interagency meetings in October, February, and September. Additionally, NCD supported informing the public of ABLE programs nationwide weekly through social media engagement.
- **Disability Convening on Single-Use Plastics Bans** – In consideration and pursuit of bicameral legislation regarding single-use plastic bans and their impact on people with disabilities, a House and Senate office jointly requested NCD to host a convening of interested disability stakeholders to respond to draft legislation and discuss the community’s concerns regarding bans as well as any state and local bills or initiatives that represent best or worst practices. NCD hosted the discussion in November 2019 with approximately twenty participants joining in person or by phone.
- **Media Engagement and Interest in NCD’s Work** – NCD’s work is routinely highlighted in national media and industry publications, and NCD regularly receives media inquiries for background information to produce stories and to comment on current events related to people with disabilities and to its most recent report releases. A small sampling of NCD’s media mentions in FY 2019 and early FY 2020 follow below:

- NCD's long record of engagement of policy discussions regarding disaster management was noted by Government Technology, Disability Scoop and other media covering NCD's FY 2019 report *Preserving Our Freedom: Ending Institutionalization of People with Disabilities During and After Disasters*.
- Washington Post, Kaiser Health News, and other media outlets reported in FY 2019 on groundbreaking changes NCD recommended in a FY 2018 NCD dental brief for both the American Dental Association professional code changes and the Commission on Dental Accreditation's new dental student requirements.
- Exceptional Parent magazine highlighted NCD's FY 2019 report *Turning Rights into Reality: How Guardianship and Alternatives Impact the Autonomy of People with Intellectual and Developmental Disabilities*
- NY Times and Consumer Reports and other media solicited assistance from NCD in FY 2019 on articles about Achieving a Better Life Experience (ABLE) accounts. NCD is the kingpin for supporting awareness of this national program.
- NCD received national attention in early FY 2019 from POLITICO to coincide with release of NCD's School Choice report series on vouchers and charter schools. Media, including USAToday reporter interviewed NCD Council Members at various publications.
- NCD's Chairman was interviewed extensively regarding NCD's work and recommendations from NCD's FY 2019 *From the New Deal to the Real Deal: Joining the Industries of the Future* report on 14c / subminimum wages.

- NCD Chairman was quoted in early FY 2020 for a Washington Examiner article on transportation accessibility initiatives and autonomous vehicles.
- The National Review in early FY 2020 covered NCD's *The Danger of Assisted Suicide Laws* report. Numerous other blogs and online media posted commentaries and articles referencing the report.
- The New York Times in FY 2019 contacted NCD for assistance in updating an article on ABLE accounts.
- **Other Engagement and Assistance** – In addition to its traditional and primary advisees, throughout each year, NCD also commonly engages or responds to requests for assistance from other groups and interested parties as well. A small sampling of these interactions for FY 2019 follows:
 - **Showcasing U.S. federal disability rights leadership for international delegations** – NCD 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 NCD 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.
 - **American Dental Association** – NCD continued to engage the leadership of the American Dental Association, recommending that it

revise its Code of Professional Conduct to better reflect the rights of people with disabilities in compliance with the Americans with Disabilities Act and as a matter of equal treatment. After several exchanges, the ADA's House of Delegates passed a vote adopting NCD's revisions to its Code (thereby also changing the laws of several US states that adopt the ADA Code as their own law of professional responsibility).

- **Commission on Dental Accreditation (CODA)** – NCD continued to engage the Commission on Dental Accreditation (CODA) requesting and advising that its accreditation standards be revised in compliance with the Americans with Disabilities Act and also as a matter of equal treatment. In FY 2019 CODA informed NCD that it passed a vote adopting NCD's recommendations within its now revised standards.
- **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 advised NCD that it passed a vote agreeing to address the matter with NCD's specific recommendations under advisement.

PLANNED ACTIVITIES AND OBJECTIVES FOR GOAL 3

NCD's update of its five-year strategic plan for FY 2018 – FY 2022 includes enhanced engagement activities that will continue to prominently shape the work of the agency.

In FY 2020 and FY 2021, NCD will continue to work with sponsoring offices of legislation based on NCD's report recommendations, presently including the SECURE Act (sexual assault on college campus legislation), the HEADS Up Act (dental care of people with I/DD), the ABLE Age Adjustment Act (which increases from 26 to 46 the age threshold of tax-favored ABLE savings accounts), the Office of International Disability Rights Act (which would establish in law the Office of International Disability Rights at the U.S. State Department), and autonomous vehicle legislation. NCD was also tasked in FY18 by language in the House Appropriations Committee Report with

new 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. Accordingly, NCD will continue its work in FY 2020 on these new responsibilities.

In FY 2021, NCD will provide regular disability policy briefings for members of the Administration and Hill staff. In line with specific requests of committee and Member offices regarding content, NCD plans to provide at least two congressional briefings a year utilizing NCD research. Additionally, by the end of March 2021 and again by the end of March 2021, NCD plans to provide a high-level primer in the form of a Hill briefing on the policy areas of greatest priority for the disability community, targeting staff of new members' offices.

In FY 2021, NCD will provide congressional leadership and members of the Administration written briefing materials on policy priorities of the disability community. In advance of any congressional hearing regarding a topic of priority concern for the disability community, NCD will provide written briefing materials to committee members, including key findings and recommendations from NCD's body of research, as well as suggested questions for witnesses. Additionally, by the end of March 2021 and again by the end of March 2021, NCD plans to provide a high-level written primer to offer at a Hill briefing on the policy areas of greatest priority for the disability community, targeting staff of new members' offices.

In FY 2021, NCD also plans to increase the time of NCD staff and Council members spent in direct engagement of congressional and Administration policymakers with NCD's policy advice. For its 2019 Washington, DC-located board meeting and every DC-based meeting thereafter, NCD staff plans to arrange agency and congressional meetings to discuss NCD policy advice and solicit advisee feedback to coincide with the time during which the NCD Council Members will be in town. By 1st quarter FY 2019, NCD management will incorporate federal agency advisee outreach following report

release into performance plans of employees tasked with shepherding NCD policy reports to completion.

In FY 2021, NCD will continue to provide public comment opportunities at each of our NCD quarterly meetings to create opportunities for the Council to hear directly from members of the public; meet regularly with international delegations; and provide regular disability policy briefings for members of the Administration and congressional staff. NCD continually receives public comment outside of quarterly meetings via all social media platforms and NCD's website. NCD also plans to examine and revise the format of its publications, briefing materials, and briefing methods in FY 2021, with a mind toward increasing their responsiveness to the specific needs of NCD advisees.

RESULTS OF OBJECTIVES FOR GOAL 4

GOAL 4 OBJECTIVES
<p>Gather Information from Subject Matter Experts</p> <ol style="list-style-type: none">1. Engage the disability community beyond Washington, DC, soliciting their views regarding timely policy matters and providing the input of the disability community for policymakers to weigh in their decision making.2. Develop information partnerships with subject matter experts inside and outside the disability community to generate effective intelligence for policymakers to use in weighing issues.

In FY 2019, 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 agency set for the next fiscal year. For every one of NCD's FY 2019 released reports, NCD's research involved engagement of people with disabilities from across the country in the form of focus groups, interviews, and advisory councils. In each report, NCD highlighted and summarized those interactions to elevate first-hand experiences of people with disabilities to the attention of policymakers.

In FY 2019, NCD entered into cooperative agreements with subject matter experts to assist with nearly all of NCD's 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.

PLANNED ACTIVITIES AND OBJECTIVES FOR GOAL 4

In FY 2020 and FY 2021, NCD will continue its process of purposed engagements of individuals from the disability community from across the country to inform its research reports; and its usage of cooperative agreements to obtain data and elicit expert input into all of its research. NCD will continue to convene stakeholders and host informational sessions on the ABLE Act, inviting members of the disability community, to satisfy one of its new duties under House Appropriations Committee Report language.

RESULTS OF OBJECTIVES FOR GOAL 5

GOAL 5 OBJECTIVES
Enhance Agency Operational and Programmatic Internal Controls <ol style="list-style-type: none">1. Evaluate and update agency IT infrastructure.2. Enhance planning and evaluation of all agency projects to ensure continual improvements.3. Ensure compliance with financial regulatory and reporting requirements.4. Update all agency internal policies and procedures.

In FY 2019, Highlights of NCD's results in Goal 5 objectives for FY 2019 include:

- In FY 2017 and throughout FY 2018 and FY 2019, NCD has worked collaboratively with the Department of Homeland Security to implement EINSTEIN requirements. NCD has complied with all mandated requirements to the maximum extent that the budget allowed.

- In FY 2019, with the assistance of the Department of Interior, NCD completed a security assessment and authorization (SA&A), required by the Federal Information Security Management Act (FISMA). All systems and applications that reside on U.S. government networks must go through a formal SA&A before being put into production. This process has evaluated 514 controls on NCD's network.
- In FY 2018 and throughout FY 2019, NCD began the framing work so that personal identity verification (PIV) cards are activated for individuals who require access to NCD's network. The PIV card will contain the necessary data for the cardholder to be granted to Federal facilities and information systems and assure appropriate levels of security for all applicable Federal applications.
- In FY 2019, NCD created a SharePoint platform to increase transparency, communication and implement additional cybersecurity mandates. The platform will continue development in FY 2020 and FY 2021.
- The Accountability for Tax Dollars Act requirement for an annual preparation and audit of financial statements of smaller agencies was exempted by OMB as a cost savings for NCD and in recognition of the stewardship NCD had presented through ongoing unqualified audits.
- In FY 2019, NCD will implement Managed Trusted Internet Protocol Service (MTIPS) which allows U.S. Federal agencies to physically and logically connect to the public Internet and other external connections in compliance with the Office of Management and Budget's (OMB) Trusted Internet Connection (TIC) Initiative.
- In FY 2019, NCD implemented OpenFISMA, which provides a Web-based centralized repository to manage and track vulnerability reporting and

remediation activities. Users will log in to their role-based accounts to work through or oversee the compliance processes.

- In FY 2020, NCD will implement Voice Over IP (VoIP) for internet and phone service.
- In FY 2019, NCD adopted an Authorization to Operate (ATO) which explicitly accepts the risk to agency operations.
- In FY 2019 throughout the beginning of FY 2020, NCD will complete a bi-annual audit to ensure all fiduciary duties were adhered during FY 2018 and FY 2019.

PLANNED ACTIVITIES AND OBJECTIVES FOR GOAL 5

In FY 2021, NCD will continue to plan actions and milestones (POA&M) to track and fix security vulnerabilities. complete the Plan of Action (POAM) to ensure that all cybersecurity mandates are completed.

In FY 2021, NCD will continue to focus on the agency's Continuity of Operations (COOP) to protect and secure the integrity of the agency and to preserve the work that is critical to the mission of the agency.

NCD's computer equipment was scheduled to refresh in FY 2020. Based upon availability of funding the agency will move forward with refreshing the equipment needs for the agency in FY 2021.

RESULTS OF OBJECTIVES FOR GOAL 6

GOAL 6 OBJECTIVES
Recruit, Retain, and Develop a Highly Qualified Professional Staff <ol style="list-style-type: none">1. Enhance new staff orientation materials and process.2. Perform a SWOT analysis and identify best practices from select agency projects from the prior fiscal year.

3. Identify training to support improvement in areas identified as weaknesses or signifying skills gaps by project analysis.

In FY 2019, NCD experienced the transition of a new congressionally appointed Council Member and contracted with a part-time personal attendant to provide attendant services to staff, members and guests of NCD with disabilities. NCD did not experience any turnover in full-time staff in FY 2019 however, the Director of Operations was appointed to serve the agency as the Executive Director and CEO in FY 2018 and remained in that appointment throughout FY 2019. As a result, the Executive Director and the AFO team continue to absorb the duties of the Director of Operations. This dual responsibility has saved the agency in personnel cost however it is a temporary solution to meet the immediate needs of the agency.

Highlights of NCD's results in Goal 6 objectives for FY 2019 include:

- NCD enhanced procedures to onboard new staff and members by providing an agency-wide orientation. In FY 2019, zero orientations were required due to no turnover in staff and one appointment that occurred at the end of the FY. The orientation process includes all staff and is continually reviewed for accuracy and updates.
- Operational training has been incorporated into council meetings to ensure members and staff receive ongoing training on personnel and financial requirements.
- To ensure ethical conduct of all staff and members, NCD partners with the U.S. Department of Education, Office of the General Counsel, Ethics Division to provide members and staff ethics training every FY.
- In FY 2019, NCD partnered with GAO to evaluate hiring and retaining people with disabilities in the federal government. As a follow-up report to the GAO

report in 2012, GAO is evaluating ten agencies and has NCD as a model agency to assist in the process.

- In FY 2019, NCD complied with all requests by EEO, pursuant to EEOC Policy Guidance on Executive Order 13164. NCD is a model agency, exceeding the goal of making the Federal government a model employer for people with disabilities.

PLANNED ACTIVITIES AND OBJECTIVES FOR GOAL 6

In FY 2021, with adequate funding NCD will employ additional full-time staff to assist with meeting the critical mission of the agency.

In FY 2021, NCD will continue to provide ethics training annually.

NCD will continue review and revision of all administrative policies and procedures to ensure risk is mitigated.

The directors of NCD will continue to complete SWOT analyses to identify best practices from select agency projects from the prior fiscal year and identify training to support improvement in areas identified as weaknesses or signifying skills gaps by project analysis.

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, NCD shares 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. In addition to these piece-meal federal agency collaborations, specific instances of ongoing cross-agency collaborations include the following:

INTERAGENCY COORDINATION

NCD, in executing its new responsibilities regarding ABLÉ implementation coordination, hosted three interagency meetings, with participation from the following agencies:

- Office of Disability Employment Policy, U.S. Department of Labor
- Internal Revenue Service
- Social Security Administration
- Health Resources and Services Administration
- Office of Special Education and Rehabilitative Services, U.S. Department of Education
- Administration on Community Living, U.S. Health and Human Services
- Rehabilitation Services Administration, U.S. Department of Education
- Supplemental Nutrition Assistance Program, U.S. Department of Agriculture
- U.S. Department of Housing and Urban Development
- Centers for Medicare and Medicaid Services
- Federal Student Aid

FEDERAL EMERGENCY MANAGEMENT AGENCY

NCD drafted correspondence to the Administrator of FEMA which included multiple recommendations and a request for a meeting with the Administrator to discuss implementation. The recommendations were to improve data collection, support the amendments to Disaster Recovery Reform Act and current structuring of Regional Disability Integration Specialists. NCD met with Acting Administrator Gaynor in FY 2019 and was informed that FEMA had implemented the majority of the recommendations. NCD continues to collaborate with FEMA to update the language and improve ease of access to its Registration Intake Form for people with disabilities.

DEPARTMENT OF STATE

In FY 2019, NCD met regularly with international delegations, at the request of the U.S. Department of State, to discuss federal disability civil rights laws, such as the Americans with Disabilities Act (ADA), as well as the history and structure of NCD as a disability advisory body within the Federal Government. This year, NCD met with representatives from France, Iceland, Finland, Botswana, Cameroon, Chad, Haiti, Mali, Niger, South Africa, and Togo.

In FY 2019, NCD met with representatives of the Department of State to discuss staff's experiences in providing reasonable accommodations to employees with disabilities, as a means of informing NCD's potential Centralized Accommodation Fund policy recommendations.

DEPARTMENT OF LABOR

NCD continues to serve on the interagency Partners in Transition workgroup regarding increasing systems coordination to improve employment outcomes for young people with disabilities. The workgroup meets monthly, and this past year, NCD leveraged this group and their grantee networks to line up subject matter experts as panelists at its quarterly meetings.

In FY 2019, NCD met with representatives of the Department of Labor to discuss staff's experiences in providing reasonable accommodations to employees with disabilities, as a means of informing NCD's potential Centralized Accommodation Fund policy recommendations.

Also in FY 2019, NCD utilized the subject matter expertise of the Office of Disability Employment Policy staff to identify employment service providers who had made the transition from subminimum wage sheltered work models to competitive, integrated employment work models, and bring their stories to the attention of policymakers in the form of a congressional briefing on the topic.

DEPARTMENT OF TRANSPORTATION

In FY 2019, NCD met with representatives of the Department of Transportation to discuss staff's experiences in providing reasonable accommodations to employees with disabilities, as a means of informing NCD's potential centralized accommodation fund policy recommendations.

NCD is a member of the Interagency Transportation Coordinating Council on Access and Mobility (CCAM). The Council was created to enhance access to transportation to improve mobility, employment opportunities, and access to community services for persons who are transportation disadvantaged. NCD was on the subcommittee which focused on interagency collaboration with a goal to strengthen interagency partnerships and collaboration with State, local, and industry groups. A strategic plan has been drafted and a CCAM meeting in FY 2020 will be convened in the hopes to adopt the strategic plan and determine appropriate next steps in implementation.

DEPARTMENT OF HOMELAND SECURITY

In FY 2019, NCD met with representatives of the Department of Homeland Security to discuss staff's experiences in providing reasonable accommodations to employees with disabilities, as a means of informing NCD's potential Centralized Accommodation Fund policy recommendations.

NATIONAL LABOR RELATIONS BOARD

In FY 2019, NCD with representatives of the National Labor Relations Board to discuss staff's experiences in providing reasonable accommodations to employees with disabilities, as a means of informing NCD's potential Centralized Accommodation Fund policy recommendations.

VETERANS AFFAIRS

In FY 2019, NCD met with representatives of Veterans Affairs to discuss staff's experiences in providing reasonable accommodations to employees with disabilities, as

a means of informing NCD's potential Centralized Accommodation Fund policy recommendations.

FEDERAL ENERGY REGULATION COMMISSION

In FY 2019, NCD met with representatives of the Federal Energy Regulation Commission to discuss staff's experiences in providing reasonable accommodations to employees with disabilities, as a means of informing NCD's potential Centralized Accommodation Fund policy recommendations.

FEDERAL TRADE COMMISSION

In FY 2019, NCD met with representatives of the Federal Trade Commission to discuss staff's experiences in providing reasonable accommodations to employees with disabilities, as a means of informing NCD's potential Centralized Accommodation Fund policy recommendations.

ENVIRONMENTAL PROTECTION AGENCY

In FY 2019, NCD met with representatives of the Environmental Protection Agency to discuss staff's experiences in providing reasonable accommodations to employees with disabilities, as a means of informing NCD's potential Centralized Accommodation Fund policy recommendations.

HEALTH AND HUMAN SERVICES

In early FY 2020, at the request of the Commissioner of the Administration on Disabilities, NCD provided several in-depth policy briefings on its bioethics report series, focusing in particular on findings and recommendations of particular interest to various offices and divisions of HHS.

COURT SERVICES AND OFFENDER SUPERVISION AGENCY

In FY 2019, NCD met with representatives of the Court Services and Offender Supervision Agency to discuss staff's experiences in providing reasonable

accommodations to employees with disabilities, as a means of informing NCD's potential Centralized Accommodation Fund policy recommendations.

FEDERAL HOUSING FINANCE AGENCY

In FY 2019, NCD met with representatives of the Federal Housing Finance Agency to discuss staff's experiences in providing reasonable accommodations to employees with disabilities, as a means of informing NCD's potential Centralized Accommodation Fund policy recommendations.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

In FY 2019, NCD met with representatives of the Corporation for National and Community Service to discuss staff's experiences in providing reasonable accommodations to employees with disabilities, as a means of informing NCD's potential Centralized Accommodation Fund policy recommendations.

NATIONAL SCIENCE FOUNDATION

In FY 2019, NCD met with representatives of the National Science Foundation to discuss staff's experiences in providing reasonable accommodations to employees with disabilities, as a means of informing NCD's potential Centralized Accommodation Fund policy recommendations.

ADMINISTRATION ON COMMUNITY LIVING

Throughout FY 2019, NCD participated in the ACL Multi-Agency Task Force on Increasing Employment Opportunities for People with Disabilities, which is a group of agency representatives working on a National Action Plan to improve employment outcomes. NCD brings NCD's report findings and recommendations regarding employment and poverty to bear in those task force meetings. NCD also met with the Administration on Disabilities to discuss ACL's role in promoting awareness of the Achieving a Better Life Experience (ABLE) Act.

DISABILITY POLICY INTERAGENCY WORKING GROUP (DPG)

NCD leadership meets monthly with the DPG to ensure cross collaboration with other disability agencies focused on information sharing, best practices, and collaborative partnerships designed to make the Federal Government a model employer of people with disabilities.

Throughout fiscal year 2019, NCD also participated in the 898 Panel: Laws and Regulations Subcommittee. Agencies represented on the subcommittee are the DOJ, DOL and AbilityOne. 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.

Major Management Priorities & Challenges

Given NCD's limited budget, we must be diligent in the planning and evaluation of all agency projects and work to ensure continual improvements.

NCD has enhanced Operational and Programmatic Internal Controls and ensured compliance with financial regulatory and reporting requirements by entering 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. NCD entered into a MOA with the DHS, Office of Cybersecurity and Communications to ensure the deployment of EINSTEIN Cybersecurity capabilities. NCD is participating in the deployment of EINSTEIN Intrusion Prevention Security Services (IPSS) on its networks for network security purposes, to look for network traffic indicating known or suspected malicious cyber activity.

NCD is committed to transparency, participation and collaboration. NCD encourages participation from the public in determining policy priorities. Our past and current practice is to receive public comment at our quarterly council meeting in addition to public hearings and information sessions. In addition, NCD's Public Affairs Specialist

has improved feedback channels through NCD's social media accounts and traditional methods.

NCD establishes and maintains effective internal control and financial management systems that meet the objective of the Federal Manager's Financial Integrity Act. We conduct our assessment of the effectiveness and efficiency of internal control and ensure compliance with applicable laws and regulations in accordance with OMB Circular A-123, Management's Responsibility for Internal Control. Based on the results of this evaluation, 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.

In FY 2019, NCD released five full length research reports. In FY 2020, we anticipate releasing eight full length research reports. Each of these research publications often 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 NCD urges policymakers to consider. While NCD will continue to service the needs of policymakers and the disability community's interests and publish full length research and policy reports each year, we are forced to reallocate money from this mission critical task to ensure we are in compliance with cybersecurity mandates. As a result, NCD is transforming the majority of its policy recommendations and research to a shorter brief format. This approach will attempt to be more responsive and timely to a congressional and Administration audience as well as save the agency contractual and print dollars. Our performance indicators will include the feedback we receive to the new format and approach by NCD's core audience – congressional and Administration policymakers and staff.

NCD's management's major priorities in FY 2020 and FY 2021 are to:

1. Thoughtfully assess agency workforce, workload, and workflow against the backdrop Executive Order and accompanying guidance (M-17-22);

2. Ongoing review and updates to NCD's internal control policies and procedures;
3. Complete compliance with mandated cybersecurity protocols; and
4. Train, develop, and retain NCD's existing exceptional workforce and do the same when filling existing vacancies.
5. Continue to practice and promote hiring of people with disabilities.

An enduring management challenge is how best to approach the allocation of the agency's limited financial and human resources. With a full-time career staff of eleven and nine Council members balancing their service on NCD with their own full-time careers, and given the breadth of its mission, the scope of NCD's engagement, policy development, and collaborative activities is necessarily limited. NCD's modest budget figure and small workforce necessitates 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 the experience of a larger agency that can withstand numerous vacancies without immediate implication to mission accomplishment or the operational integrity of the agency, in an agency the size of NCD, even a single vacancy can create a palpable operational effect on the agency. Additionally, with the extent of discrete responsibilities every federal agency faces, regardless of size, some individual NCD employees may be the sole individual responsible for and knowledgeable of how to complete particular tasks. This necessarily creates risk for which the agency must account and control. Therefore, employee retention, professional development, cross-training among employees, and thoughtful hires in the case of vacancies are clear management priorities at all times, as are persisting in efforts to seek opportunities to strengthen and add to the number of staff if possible.

PLANNED ACTIONS TO ADDRESS PRIORITIES & CHALLENGES

In FY 2019, NCD continued to closely monitor areas that could present potential risk for the agency. In FY 2020 and FY 2021, NCD management will continue to pursue

opportunities to improve internal control policies and procedures and enhance program evaluation methods.

Throughout FY 2018 and FY 2019, NCD's management team has spent considerable time understanding and pursuing compliance with all cybersecurity protocols. Given the absence of in-house expertise related to the requirements of the protocol and the lack of resources, it was necessary to shift resources from mission critical work to ensure our compliance with these mandates. The expenses associated with this compliance is further discussed in the budget justification section.

NCD management continues to emphasize cross-training among members of each team and required employees as a part of their annual performance plans to incrementally add and ultimately complete operational manuals to ensure an additional layer of risk mitigation with respect to task completion. NCD's AFO team began work in FY 2018 on a SharePoint intranet to enhance agency coordination across teams and among the staff and Council. This project was rolled out into operation in FY 2019 and will continue testing, training and deployment in FY 2020.

Additional funding would support requirements to implement improvements to the efficiency and effectiveness of our operations in the following areas:

- IT Modernization, Data
- Accountability and Transparency
- Developing a Workforce for the 21st Century.

OBJECTIVES BY TEAM

<p>Strategic Objective</p>	<p>Goal 1 Objective New Disability Policy Advice</p> <p>Goal 2 Objective Proposed and Existing Federal Policies</p>	<p>Goal 3 Objective Engage Policy-makers</p> <p>Goal 4 Objective Subject Matter Expert Information</p>	<p>Support of All Objectives</p> <p>Goal 5 Objective Internal Controls of Operations and Programs</p>	<p>Goal 6 Objective Highly Qualified Career Staff</p>	<p>Oversight of All Objectives</p>
<p>Responsibility by Team</p>	<p>Policy Team</p>	<p>LAO Team</p>	<p>AFO Team</p>	<p>Each Team Director</p>	<p>Executive</p>

As outlined in the Performance Section, NCD’s staff is organized into three teams, each with its own director. NCD’s Policy / Legal (Policy) is the primary team responsible for the agency’s policy development activities. Policy personnel provides legal analysis and advice to the Council; regularly interacts with federal agencies; staffs the Council’s policy project committees; and researches and drafts many of its publications. The director of the Policy / Legal team also serves the agency as the General Counsel, providing advisement and oversight to the agency on all legal and ethical activities.

NCD’s Legislative Affairs / Outreach (LAO) is the primary team responsible for the agency’s engagement activities. LAO regularly interacts with congressional member and committee offices and briefs them on NCD’s work; edits and publishes NCD’s publications; creates and manages content for the agency’s website; regularly interacts with NCD’s core constituency of Americans with disabilities; and organizes briefings and engagement opportunities.

NCD's Administration / Finance / Operations (AFO) team provides critical Council and staff support in furtherance of both strategic objectives. AFO monitors the agency's finances, information technology, human resources management and facility operations.

The Executive Director and CEO provides critical oversight of all teams and monitors progress and performance in furtherance of both objectives and the agency's mission accomplishment. These team / strategic objective relationships are noted in the table below.

BUDGET JUSTIFICATION

DESCRIPTION	FY 2019 Appropriation	FY 2020 Appropriation	FY 2021 Request
BUDGET TOTAL	3,250,000	3,350,000	3,350,000
PERSONNEL	1,860,500	1,881,779	1,963,862
TRAVEL	280,725	303,124	292,000
RENT, UTILITIES AND COMMUNICATIONS	317,463	314,613	317,600
PROGRAM, RESEARCH AND PRINTING	241,500	244,000	170,000
TRAINING AND PROFESSIONAL ASSOCIATIONS	2,849	30,149	30,000
AUDIT	40,000	0	41,404

PAYROLL, ACCOUNTING AND HR SERVICES	122,500	122,500	122,500
SUPPORT CONTRACT SERVICES	155,050	145,500	130,000
INFORMATION TECHNOLOGY	134,927	205,085	173,934
PAYMENTS TO FEDERAL AGENCIES	9,000	6,650	9,000
SUPPLIES, SUBSCRIPTIONS AND MATERIALS	52,986	63,100	66,200
ANTI-DEFICIENCY	32,500	33,500	33,500

COST DISCUSSION

The Council is requesting a total budget authority in FY 2021 of \$3,350,000.

The Council requested a total budget authority in FY 2019 of \$3,250,000.

In FY 2020, the Council was provided \$3,350,000.

In FY 2019, the Council was provided with \$3,250,000.

In support of the President’s vision, this budget request reflects NCD’s commitment to spend taxpayer dollars more efficiently and effectively while supporting National priorities to reduce deficits.

NCD’s FY 2021 budget focuses on improving the ability to deliver mission critical outcomes. This budget reflects NCD’s efforts to enhance the federal workforce and support the President’s education policy.

NCD is positioned to do the full scope of work in FY 2021 with eleven full-time career staff and nine part-time congressionally and presidentially appointed Council Members..

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

ANALYSIS OF RESOURCES

PERSONNEL

FY 2019	\$1,860,500
FY 2020	\$1,881,779
FY 2021	\$1,963,862

For FY 2019, NCD's budget supported 9 Council members and 11 staff (FTEs). The 11 FTEs consist of an Executive Director and 10 permanent staff. NCD was not fully staffed throughout FY 2019. Obtaining and maintaining full time federal staff is critical to fulfillment of the agency's mission, as noted in the Major Management Priorities and Challenges narrative. NCD continues to have one vacant position and the need for several additional positions.

Our FY 2020 budget supported maintaining the current slate of employees, regularly scheduled performance increases per OPM policy and associated benefits. Benefits have been calculated based on our experience with the benefit packages employees have chosen in the past.

Our FY 2021 budget supports 9 Council members and 11 staff (FTEs). If additional funds are available NCD would add additional FTEs. The personnel total includes regularly scheduled performance increases per OPM policy and associated benefits.

Benefits have been calculated based on our experience with the benefit packages employees have chosen in the past.

Staffing needs to support the mission of the agency are detailed in Appendix B.

TRAVEL

FY 2019	\$ 280,725
FY 2020	\$ 303,124
FY 2021	\$ 292,000

The largest portion of our travel budget is devoted to the cost of fulfilling NCD’s statutory requirement to conduct public meetings no less than four times each year. All Council members and staff are reimbursed in accordance with federal per diem regulations. In conjunction with policy development or engagement activities, at times, NCD convenes policy forums to gather or provide expert information. On these occasions, NCD may extend invitations to subject matter experts whose travel-related expenses NCD covers (airfare or train, lodging, per diem, and disability accommodations if applicable).

For FY 2019, NCD’s budget supported travel related to the cost of fulfilling NCD’s statutory requirement to conduct public meetings no less than four times each year. These costs also included additional resources to promote and host ABLE information sessions.

For FY 2020, NCD’s budget request supports quarterly meetings by telephone to maximize the agency’s resources. Due to the variety of disability accommodations necessary for our Council Members and staff to participate fully, telephone conferences are not an ideal medium for meetings as they have a practical impact on the ability of the Council Members to conduct its usual agenda of business, thus we limit the agenda for that meeting. Additionally, telephone conferences curtail our ability to encourage public input and participation.

For FY 2021, NCD is hopeful that the appropriated budget will support travel related to the cost of fulfilling NCD’s statutory requirement to conduct public meetings no less than four times each year in addition to the continuation of hosting ABLE information sessions, policy briefs and to continue the goal of increasing community input and participation, recognizing the need for outreach to the disability community to maximize the impact on the ability of the Council to fulfill the agency’s mission.

RENT, UTILITIES AND COMMUNICATIONS

FY 2019	\$ 317,463
FY 2020	\$ 314,613
FY 2021	\$317,600

NCD currently leases office space from the General Services Administration. Our lease expires August 21, 2021. Costs are attributable to the operational costs and real estate taxes per the occupancy agreement.

With the majority of staff being people with disabilities, and as the federal voice of the over 56 million Americans with a wide variety of disabilities, NCD utilizes several communication methods to facilitate the work of and between NCD members and staff, as well as to engage with stakeholders.

For FY 2019, NCD’s budget supported office space and communication methods related to the cost of fulfilling NCD’s mission and statutory requirement to conduct public meetings no less than four times each year.

For FY 2020, NCD’s budget request supports office space and communication methods related to the cost of fulfilling NCD’s mission and statutory requirement to conduct public meetings no less than four times each year.

NCD renewed its lease For FY 2021, NCD’s budget request supports the increase in leasing fees for office space and communication methods related to the cost of fulfilling NCD’s mission and statutory requirement to conduct public meetings no less than four times each year. NCD anticipates increased cost to update our antiquated telephone system. The ability to remain at the current location, which is accessible for people with disabilities was the motivation for renewing the existing lease.

PROGRAM, RESEARCH AND PRINTING

FY 2019	\$ 241,500
FY 2020	\$ 244,000
FY 2021	\$ 170,000

To reduce costs, NCD has streamlined our report editing and printing processes using several Government Publishing Office (GPO) federal programs that negotiate the best prices for government customers.

In recent time, NCD has begun to rely more heavily on the in-house expertise of its staff to produce its policy projects. However, this is becoming a challenge due to unmet staffing needs. NCD’s policy priorities are established by appointed Council members who represent the disability community. The Council members receive public comments and engage the agency’s stakeholders throughout the year and propose and determine projects based upon the goals and objectives outlined in NCD’s strategic plan. Policy reports, working groups, white papers and projects may at times enlist the support of outside individuals and groups who possess subject matter expertise not available on NCD’s staff or Council or who possess data sets NCD needs to produce its reports.

For FY 2019, NCD’s budget supported policy projects relative to fulfilling the mission of the agency.

For FY 2020, NCD’s budget will support policy projects relative to fulfilling the mission of the agency.

For FY 2021, NCD's budget will support policy projects relative to fulfilling the mission of the agency.

AUDIT

FY 2019	\$ 40,000
FY 2020	\$ 0
FY 2021	\$ 41,404

NCD solicits an outside vendor to conduct a biennial financial audit of our internal operations. The annual 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 agency's annual Performance and Accountability Report.

For FY 2020, as part of NCD's reform plan and allowed per the Accountability for Tax Dollars Act requirement for an annual preparation and audit of financial statements of smaller agencies was exempted by OMB. NCD was granted this exemption in recognition of the stewardship NCD had presented through ongoing unqualified audits.

PAYROLL, ACCOUNTING AND HR SERVICES

FY 2019	\$ 122,500
FY 2020	\$ 122,500
FY 2021	\$ 125,000

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

For FY 2019, NCD relied heavily on service providers due to lack of staff resources to fulfill these duties.

For FY20, NCD will investigate alternate providers to enhance services and reduce cost. NCD will also invest in current personnel to enhance the expertise of full-time staff within NCD.

For FY 2021, NCD anticipates increased costs with reduced services due to attrition in cost. NCD utilizes service providers, as needed, but with enough resources would assign these responsibilities to FTE's.

SUPPORT CONTRACT SERVICES

FY 2019	\$ 155,050
FY 2020	\$ 145,500
FY 2021	\$ 130,000

Many of the staff and Council members are people with a variety of disabilities. NCD provides accommodations for employees with disabilities during work hours and at NCD meetings and events as requested.

For FY 2019, NCD's budget supported contractual services based upon the needs of the agency, staff and members. In recognition of and in response to NCD being a model agency with a combined council and staff representing 84% people with disabilities, NCD entered into a part-time contract to provide personal attendant assistance to staff, council members and guest of NCD.

For FY 2020, NCD's budget supports contractual services based upon the needs of the agency, staff and members. In recognition of and in response to NCD being a model agency with a combined council and staff representing a majority of people with disabilities.

For FY 2021, NCD's budget supports contractual services based upon the needs of the agency, staff and members. In recognition of and in response to NCD being a model agency with a combined council and staff representing a majority of people with disabilities.

INFORMATION TECHNOLOGY (IT)

FY 2019	\$ 134,927
FY 2020	\$ 285,085
FY 2021	\$ 173,934

As a small agency, NCD secures outside support to assist in meeting the agency's IT and cybersecurity requirements. Expenses peaked in FY 2018 because of new federal requirements such as the EINSTEIN cybersecurity initiative. NCD had a part-time contractor assist with these mandates.

For FY 2019, the funds reflected here are to cover contractor costs and day-to-day IT and cybersecurity mandates.

For FY 2020, expenses continue to increase to ensure security of our networks. NCD has a part-time contractor assisting with these mandates. NCD is committed to ensure compliance with all cybersecurity and FISMA mandates.

For FY 2021, funds reflect expense associated with day-to-day IT and cybersecurity requirements. NCD is committed to ensure compliance with all cybersecurity and FISMA mandates.

Funds needed to ensure compliance to support the agency's compliance with IT and cybersecurity mandates are detailed in Appendix A.

PAYMENTS TO FEDERAL AGENCIES

FY 2019	\$ 9,000
FY 2020	\$ 6,650
FY 2021	\$ 9,000

As a small agency, NCD secures interagency agreements with other federal agencies for technical functions such as job postings, procurements, and security services. Utilizing interagency agreements in this way assists NCD in fulfilling federal requirements by providing NCD with subject matter expertise not required on staff for agency mission fulfilment.

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

SUPPLIES, SUBSCRIPTIONS AND MATERIALS

FY 2019	\$ 52,986
FY 2020	\$ 63,100
FY 2021	\$ 66,200

NCD 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 to meet the critical mission for NCD operations.

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.

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

ANTI-DEFICIENCY

FY 2019	\$ 32,500
FY 2020	\$ 33,500

FY 2021 \$ 34,500

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

Appendix A

COSTS OF IMPLEMENTING FEDERAL CYBERSECURITY REQUIREMENTS

In FY 2018 and FY 2019, NCD's IT costs increased 2.5 times the previous FY 2017 level, with \$442,959 budgeted to ensure compliance with DHS's EINSTEIN cybersecurity initiative – 7% of NCD's entire annual budget. This necessitated a reduction in mission critical work for the agency.

The total for FY 2018 and FY 2019 includes the costs of contract staff, refresh of equipment, and implementation of Managed Trusted Internet Protocol Service (MTIPS), which is mandated so federal agencies can connect to the public Internet and other external connections in compliance with the Office of Management and Budget's (OMB) Trusted Internet Connection (TIC) Initiative. We mention these costs simply to highlight the very practical challenges to a small agency of government-wide requirements, when cost curves don't necessarily bend in relation to the size of the agency and with the hope that any future initiatives may consider provision of single-year funds to assist the smaller and micro agencies in complying with clearly meritorious initiatives such as the EINSTEIN cybersecurity protocols. Funds will also be used to provide annual security network maintenance for the Continuous Diagnostics and Mitigation Cybersecurity program.

In FY 2021, the cost to implement improvements to the efficiency and effectiveness of our operations in the area of IT Modernization is summarized below.

Service	Cost	Description
IT Support Services & Cyber Security	\$400,000	Operations, maintenance, remote IT security, VoIP, Helpdesk, remediation, continuous monitoring
Firewall	\$10,000	Unified threat management system maintenance
TIC/MTIPS	\$75,000	OMB/DHS mandate for cybersecurity compliance

VoIP / ISP	\$85,000	Secure internet and phone service
COOP	\$20,000	Continuity of Operations in a secure environment
ATO	\$45,000	Authority to Operate Assessment
Total Amount Needed:	\$635,000	

Appendix B

STAFFING NEEDS TO SUPPORT THE MISSION OF THE AGENCY

Since NCD's inception 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 NCD's work, and yet, the NCD workforce has remained level for several years. In this year's budget request, NCD requests funds to add additional staff and to assist in developing a workforce for the 21st century.

Given NCD's charge to review and advise on existing and proposed laws and policies and given the large and growing number of laws and policies for all people with disabilities, regardless of age or severity of disability, it has become a monumental task for NCD to fulfill the demands to support the mission of the agency with existing personnel in a cost-effective manner. The workload for existing staff has continually increased, with several staff completing assignments that equal the workload of multiple positions.

NCD is committed to support the personnel needs of the agency, produce robust policy research and analysis in broad-ranging disability policy areas and enhance NCD's ability to offer timely research to policymakers on a wide-ranging spectrum of topics. NCD is committed to ensure engagement and follow-up with appropriate officials within the Administration and Congress of NCD's research findings and recommendations.

Despite NCD's small size, the agency must comply with most all of the requirements placed on much greater-resourced agencies, including the recent heightened cybersecurity requirements. The financial demands of mandated requirements have the potential to compromise the agency's ability to complete the work that is critical to the mission of the agency, 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.

NCD is committed to developing a workforce for the 21st Century and work toward IT modernization, including compliance with cybersecurity mandates.

NCD is committed to enhance the agency's workforce and provide focused review and analysis of the president's priorities in education, transition and workforce.

NCD is committed to executing the mission-critical work as well as compliance with mandatory federal requirements to ensure efficiency of operations as we advise this Administration on the effectiveness of policies and the impact on people with disabilities.