

NATIONAL COUNCIL ON DISABILITY



Fiscal Year 2020

CONGRESSIONAL BUDGET JUSTIFICATION

National Council on Disability
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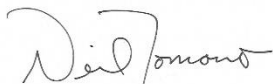
A Note from the Chairman

This document presents both the National Council on Disability (NCD)'s performance plan and budget justification for fiscal year 2020. These resources will be applied to the furtherance of NCD's mission to advise the President, Congress, and other federal agencies regarding federal policies' impact on people with disabilities. We advise by conducting rigorous research, engaging NCD's stakeholders to inform our work, and by developing policy recommendations based on the findings from our research and engagement.

Our appropriated funding also supports requirements to implement improvements to the efficiency and effectiveness of our operations. Unfortunately, due to the requirement to comply with cybersecurity protocols mandated for all federal agencies NCD must reallocate resources from policy priorities to activities that are not mission critical.

NCD is positioned to do the full scope of work in FY 2020 with thirteen full-time career staff and nine part-time, congressionally and presidentially appointed Council Members. More detailed explanations follow in the budget justification.

Respectfully,

A handwritten signature in cursive script that reads "Neil Romano".

Neil Romano
Chairman

Agency & Mission Overview

Agency Mission

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. Two years later, 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 FY18, 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 members (five presidential and four congressional appointees), including a Chair, whom the President appoints; 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.

Council Members are special government employees (SGE) that live across the country and are restricted to serve a maximum of 120 days per year in a part-time capacity. Each 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-nine percent of the current Council Members are people with disabilities and parents of children with disabilities.

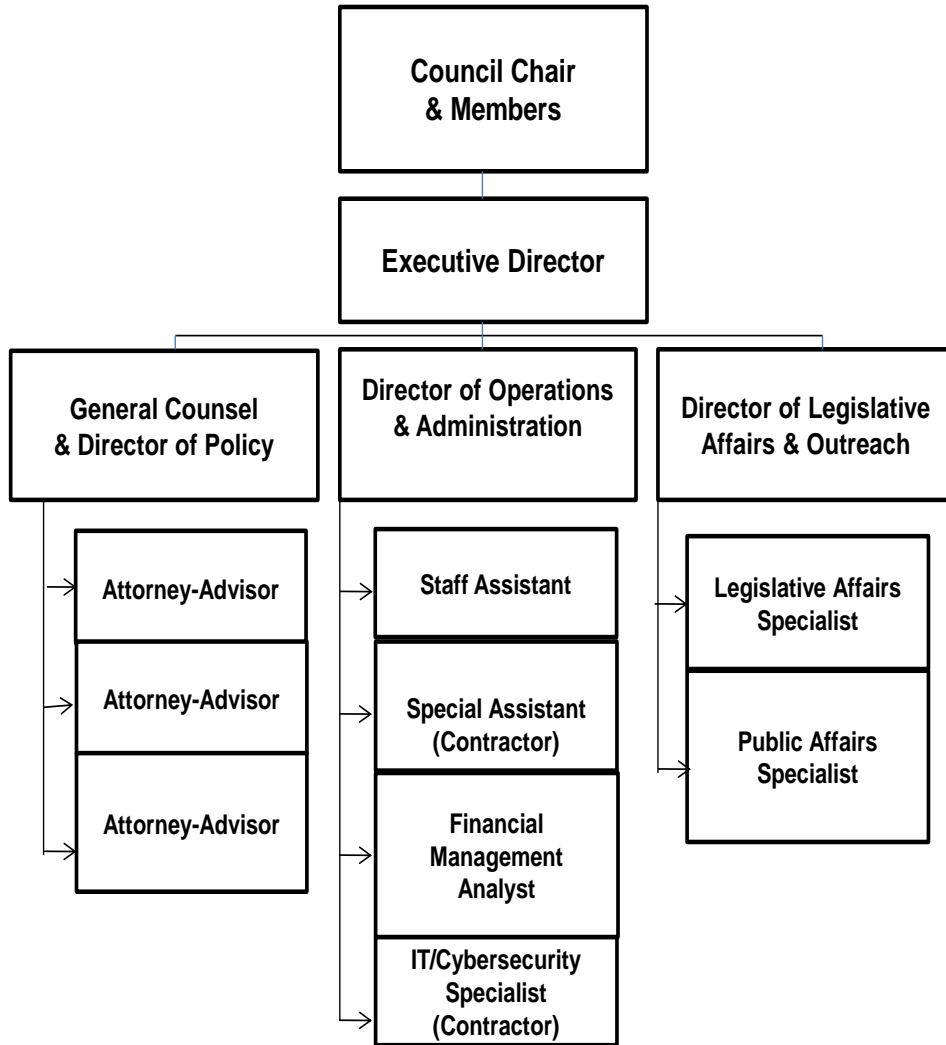
A small, dedicated full-time staff located in Washington, D.C. support the work of the Council Members. Eighty-two percent of full-time staff are people with disabilities and parents of children with disabilities.

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 three or four Council Members each plus 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, which often takes place at in-person quarterly meetings. Once approved, NCD staff provide final edits and dissemination of the policy advice to applicable parties. In the instances of need for brief, nimble responses to proposed legislation or regulations, NCD staff will often draft work products directly, drawing upon the Council's existing body of work in so doing.

National Council on Disability Organizational Chart



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. The Executive Director serves at the pleasure of the Chair and reports to the members of the Council.

NCD's **Policy / Legal (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 **Administration / Finance / Operations (AFO) team** 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.

NCD's **Legislative / Outreach (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.

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
<ol style="list-style-type: none">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 – <ol style="list-style-type: none">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.

OBJECTIVES

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.

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 annually to reflect Council-set policy project work for the upcoming fiscal year, as well as management-set operational, reporting, and compliance priorities based upon OMB-driven guidance, new executive orders, and any new legislative responsibilities.

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

Last year, NCD undertook a review and rewrite of its strategic framework when updating its five-year strategic plan (for FY 2019 – FY 2022). The changes made were substantial, and 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 mid-FY18, following the issuance of the President's Management Agenda and a Council vote on a new set of policy projects for FY19, 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 bioethical issues affecting people with disabilities.
7. Develop materials and recommendations regarding the creation of a centralized accommodations fund for the Federal Government.

In FY18, NCD 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 FY18 included:

- **NCD Conducted Timely School Choice Research** – NCD conducted qualitative and quantitative research regarding the impact of charter schools and school choice vouchers on students with disabilities during the entirety of FY18, culminating in two reports with key research findings and recommendations for policymakers. Those two reports were discussed and approved by the Council in August 2018 and will comprise a single report series release in early FY19 during a congressional briefing.
- **Professional Association Takes 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 2018, NCD completed a short 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* (traditionally 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 that its relevant review committee recommended that the ADA adopt NCD’s recommendation to revise its professional code by a vote of the ADA’s House of Delegates in October 2018, in accordance with NCD’s recommendation; CODA informed NCD that it has begun a public comment period of one year as part of an administrative process concerning the revision of CODA’s standards per NCD’s recommendation; and a bipartisan bill has been introduced in Congress that designates the ID/DD population as a medically underserved population as per NCD’s recommendation (more on this legislation in the next bullet point).

- **Legislation Introduced Designating the ID/DD Population as Medically Underserved** – Consistent with NCD’s recommendation, and with the assistance of NCD in drafting the legislative language, bipartisan legislation was introduced in Congress 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). NCD continues to field related questions by lawmakers concerning the lack of proper healthcare that people with ID/DD continue to suffer in relation to other population groups.
- **Legislation Introduced to Address the Sexual Assault of Students with Disabilities on College Campuses** – In view of recent 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 FY18 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 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*.

- **NCD Conducting Seminal Guardianship Research** – Guardianship is an ongoing interest of the Senate's Special Committee on Aging, within the context of elder abuse and the burgeoning aging population. However, guardianship concerns also greatly impact people with disabilities, which NCD seeks to incorporate into ongoing policy discussions through its research findings and recommendations:
 - Beginning FY17 and concluding in FY18, NCD conducted a comprehensive review of guardianship law and policy using a disability civil rights framework for the analysis. The review included dozens of interviews, ongoing consultation with an advisory panel, and an extensive literature review of existing research. The report focused on how guardianship impacts people with disabilities and their families; how guardianship furthers or impedes national disability policy goals; and how alternatives to guardianship such as supported decision-making may improve outcomes and further the goals of the ADA. The final report, [*Beyond Guardianship: Toward Alternatives That Promote Greater Self-Determination for People with Disabilities*](#), was released March 2018 at the Jacobus tenBroek Disability Law Symposium.
 - Toward the end of FY18, NCD launched two additional guardianship research projects regarding federal court jurisdiction of guardianship cases as well as the ways in which guardianship uniquely affects the lives of people with intellectual and developmental disabilities. The research will conclude in mid-FY19, and the final findings and recommendations will be offered to policymakers in the spring of 2019.
- **NCD Conducting Critical Research on the Involuntary Institutionalization of People with Disabilities as a Result of Disasters** – NCD began research in FY18 on the involuntary institutionalization of people with disabilities as a result of disaster, coordinating the research effort with the Government Accountability Office, who in response to a Congressional request, is researching several related topics as well. The NCD research will conclude in FY19 and the final findings and recommendations will be offered to policymakers in the spring of 2019.

- **NCD Conducting Research on the Intersection of Bioethics and Disability** – NCD also began research in FY18 on what will be released as a report series on bioethics and disability policy. The report series will examine policies and practices related to the availability of medical interventions and life-saving medical care for people with disabilities. It will examine five intersections of disability and bioethics – organ transplants; medical futility; genetic testing for fetal disability; Quality Adjusted Life Years Analysis (QALYS); and physician-assisted suicide. The report series will conclude in FY19 and the series will be offered to policymakers in the spring of 2019.

- **NCD Conducting Research on the Need for a Centralized Accommodations Fund** – NCD began research in FY18 regarding the creation of a centralized accommodations fund for the Federal Government by conducting outreach to agencies Government-wide regarding their current practices. Research will continue into and conclude in FY19, with NCD’s findings and recommendations for policymakers offered at that time.

- **Other Policy Recommendations** – In addition to the research projects NCD undertook in FY18 in order that it might advance policy recommendations for legislators and agency leadership, NCD also advised in short form through letters on the following critical issues:
 - **Accessible Medical Equipment** – NCD drafted a letter to U.S. Attorney General Sessions concerning the necessity & appropriateness of accessible medical equipment regulations. NCD 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.

 - **Disaster Management** – NCD wrote a letter to FEMA Administrator Long concerning disaster management to offer specific recommendations to improve the outcomes of people with disabilities before, during, and after a major disaster. Specifically, NCD recommended restructuring the Regional Disability Integration Specialist roles and responsibilities; supporting Congress in efforts to modify the Stafford Act to eliminate the inclusion of medical expenses for grant max totals and implementing policies to

improve data collection on the outcomes of people with disabilities in the aftermath of a major disaster.

PLANNED ACTIVITIES FOR GOAL 1 OBJECTIVES FOR FY 2020

Every year, NCD's Council and staff propose and advance new policy projects for the coming fiscal year based upon current events and national trends, respective areas of expertise, suggestions from policymakers, and anticipated legislative reauthorizations or regulatory activities. Typically, all of these proposals will be presented to the full Council, one by one, and a priority vote will occur after the presentations. On the basis of the outcome of the prioritization, staff will then draft statements of work for each approved priority project and begin the process to undertake the research. At its January 2019 council meeting, the National Council on Disability voted to approve the following slate of policy projects for the FY19 and FY20 years:

Follow up to NCD's letter (<https://ncd.gov/publications/2018/letter-us-attorney-general-sessions-accessible-medical>) to the Department of Justice (DOJ) regarding accessible medical equipment regulations. In a conference call with Department of Justice officials, DOJ stressed the need for hard data supporting the cost-effectiveness of accessible medical diagnostic equipment. All new regulations must be off-set and come in at a \$0.00 cost cap according to Executive Order number 13771. In order to demonstrate that, DOJ needs research that supports that if all clinics and hospitals have accessible diagnostic equipment, patients with disabilities would not be forced to use emergency rooms, would utilize the health system for preventive care, would reduce injuries to the workforce, and thereby achieve cost-savings that would allow the rule to be promulgated via the rule-making process. NCD would like to complete a research study on the economic cost-savings of accessible medical equipment. The research study could also encompass the savings that have been achieved by the states that have enacted safe patient handling rules.

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 re: ABLE implementation. We will begin ABLE information sessions at the February Council meeting and will continue to do so at other Council meetings. NCD did not receive any funding to conduct this task, thus we are adding it to this list for consideration as a funding priority.

Foreign Policy follow-up – NCD has published a number of reports containing recommendations regarding how US money is spent overseas. In our reports, we have mainly focused on the State Department and USAID. However, in recent years, the Department of Defense (DOD) has played a more significant role in capacity and infrastructure building in developing countries. NCD should conduct a follow-up study looking in depth at the rebuilding conducted by the Department of Defense. As part of this work, NCD could conduct a site visit to a post-conflict country to look at how US funds are being used in rebuilding efforts and accessibility of new infrastructure.

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. NCD could update our 1999 report and our position paper by evaluating how the directives in the FAA Reauthorization Act of 2018 can be utilized to address and improve the outcome of airline travelers with disabilities.

AbilityOne - This paper would be the 2nd in a series on AbilityOne. The 1st paper is the currently underway white paper that will take a cursory 1st look at the Commission's governance and responsibilities. This report will drill down and ultimately discuss whether the AbilityOne Commission is fulfilling its mission and if it has been an effective tool in employing people with disabilities. This report would look at issues discussed in the 1st series in more depth and detail. Such as the 898 Commission; the payment of fees from nonprofit agencies to the CNA's; and in turn the CNA's using those fees to lobby.

Subminimum Wage 14 (c) – A follow-up report to NCD's fall 2018 release From the Real Deal to the New Deal: Joining Industries of the Future. Recommended areas of focus would be to expand data collection beyond the top 50 facilities, which were looked at in the original report, so as to assess representative data as to the overall wage disparity. Elaborate on the relationship between the EEOC and the DOL pertaining to reasonable accommodations for persons with disabilities employed at sheltered workshops. Additionally, discuss in more detail the relationship of for-profit agencies and its use of subminimum wage employees.

Subminimum Wage/AbilityOne - This report would serve as a follow-up to the subminimum wage report and the AbilityOne white paper. This report will be used as a guide to modernize AbilityOne. If the 14 C program is being modernized, then AbilityOne must follow suit. Issues to be addressed is governance, oversight and transparency. How are these 3 factors being addressed by the Commission? What is the mission of AbilityOne? Is that mission being served? Take a deep dive into the data as well as proffering site visits to speak to people around the nation. Getting specific data pertaining to AbilityOne which does not exist at this time. The last report pertaining to AbilityOne was a GAO report released in 2001. This report would offer solid recommendations to go hand-in-hand with the subminimum wage report recommendations to improve the employment outcomes of people with disabilities.

Bioethics – We will have first drafts of NCD’s bioethics report series in February. Based on what research turns up, NCD could follow up on any potential recommendations for further research or study or need for further data.

NCD will also continue to disseminate its work and meet with policymakers regarding its FY18 and FY19 reports (mentioned in the highlights section above), to ensure that its new policy advice is known and understood. Additionally, even though NCD gives priority to its latest releases, NCD’s LAO team 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 throughout FY20.

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.

In FY18, 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 FY18:

- **Workforce Investment Opportunity Act (WIOA) report** – In line with the goals of the Administration and Congress to place an emphasis on increasing employment, NCD released findings and recommendations regarding Vocational Rehabilitation's progress in implementing WIOA's requirement to provide pre-employment transition services (PETS) to transition-age students with disabilities.
- **Individuals with Disabilities in Education Act (IDEA) policy brief series** –To support improved outcomes of students with disabilities and in anticipation of an eventual reauthorization of IDEA, NCD issued a [series of policy briefs](#) that examine the following topics under IDEA -- segregation, funding, monitoring, English Language Learners, and the interplay between IDEA and Every Student Succeeds Act (ESSA).
- **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 2018 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. The report also examined the policies and practices of the Millennium Challenge Corporation to determine whether it applies U.S. disability laws and policies to its programs overseas. In view of the President's budgetary proposal to significantly alter the U.S. approach to foreign aid, NCD released this report in a timely manner to inform planned changes in a way that will not impede progress toward greater inclusion of people with disabilities in U.S. foreign policy.
- **National Disability Policy: A Progress Report** – In early FY18, NCD released its statutorily required [annual report](#) reporting on the state of disability policy in key areas. In its FY18 edition, NCD used the intersection of disability and poverty as its organizing theme, as poverty is a common thread that continues to compound many of the core concerns for people with disabilities in America. The report addressed why people with disabilities are often destined to live in poverty and experience high unemployment despite existing federal regulations and public policies geared toward improving the lives of people with disabilities. The

report concluded with an overview of several emerging and promising practices for achieving economic self-sufficiency for consideration by policymakers to bring to scale.

- **Subminimum Wage Reform / Competitive Integrated Employment** – During late FY18, NCD conducted qualitative research and examined the most current quantitative data regarding the use of Section 14c of the Fair Labor Standards Act that allows payment of subminimum wages to people with disabilities; and examined the best practices of providers that have voluntarily transitioned away from its use. NCD will finalize the research’s findings and recommendations in early FY19, followed by the report’s release and dissemination. Additionally, NCD is creating an infographic that will visually present the outcomes of a person with a disability absent sub-minimum wage and a person with a disability paid sub-minimum wages. The outcome is a testament of the negative impact of 14c.
- **ADA Notification Proposed Legislation** – NCD sent a letter to the leadership of the U.S. House of Representatives advising against H.R. 620, a bill that would limit the recourse of a person with a disability in the face of an inaccessible establishment. Proponents of H.R 620 argue(d) that the Americans with Disabilities Act (ADA) has become a tool of vexatious litigants who use it to extort money from well-meaning business owners who have made every attempt to comply with the law. However, as NCD had argued previously, this is a false narrative. NCD noted that the ADA expressly provides that business owners only have to make their facilities accessible to the extent that is “readily achievable” and does not constitute “undue burden.”
- **Congressional Immigration Reform Discussions** – NCD drafted a letter to Congressional leadership and the President regarding Immigration policy discussions and the impact of U.S. immigration policy on the disability community. Given the well-documented growth in demand for direct care workers for the elderly and people with disabilities that far surpasses current supply, as well as the documentation of the challenges this profession experiences with high turnover, NCD advised Congress and the White House to consider policies that would provide employment-based legal pathways for both currently undocumented immigrants who serve in these roles now, as well as for new immigrants to the U.S. who would commit to working in this highly in-demand service profession.

- **Marrakesh Treaty** – NCD was instrumental in encouraging the U.S. Senate Foreign Relations Committee to ratify of the Marrakesh Treaty. The Marrakesh Treaty allows “authorized entities” to create accessible versions of published materials and share them with individuals who need them to access the material at no cost. Additionally, the treaty allows authorized entities to exchange accessible works across international borders with each other, thereby reducing duplication and cost. NCD advised that the treaty enhances the lives of people all over the world who are blind, visually impaired or print disabled by providing them access to books and other material in accessible formats, including braille, audio, digital, large print and other formats that emerge as technology advances.
- **CMS Notice of Proposed Rulemaking Regarding Medicaid Reimbursement Rates** – NCD drafted a letter to the Center for Medicaid and Medicare Services in response to the Notice of Proposed Rulemaking that sought to give states greater flexibility to lower reimbursement rates to Medicaid providers. NCD proved that lower reimbursement rates can negatively impact the quality of the services provided, which can lead to unintended consequences, particularly for individuals who rely on Medicaid for the services they need to remain in their homes and communities.
- **Department of Transportation Corporate Average Fuel Economy (CAFE) Standards** – NCD sent a letter to U.S. Department of Transportation Secretary Chao and Environmental Protection Agency Administrator Pruitt on the CAFE standards' impact on people with disabilities. NCD noted that two significant concerns stood out, including the standards' possible effects on vehicle affordability and the ability and willingness of vehicle manufacturers to continue to produce vehicles that can be specially equipped for people with disabilities who use heavy wheelchairs.
- **Department of Education's Proposed Postponement of Equity in IDEA Regulations** – NCD sent a letter to U.S. Department of Education Asst. Sec. Collett regarding a proposed postponement of the Equity in IDEA (Individuals with Disabilities Education Act) regulations. In a Notice of Proposed Rulemaking the Department proposed to postpone compliance of the Equity in IDEA regulations for two years so that it could review the regulations to ensure they effectively addressed significant disproportionality. The Department also proposed postponing the date for including children ages three through five in the analysis of significant disproportionality with respect to the identification of

children as children with disabilities and as children with a particular impairment. NCD advised that a postponement would prolong the long-recognized disproportionality in our nation's special education system and the resulting negative impacts on students with disabilities of color and their families.

- **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 FOR GOAL 2 OBJECTIVES FOR FY 2020

NCD will vote on a new slate of policy priorities (as noted herein), including research projects that may examine existing federal laws, at its winter FY19 Council meeting.

In addition to the projects that the Council will vote to commence for work and dissemination in FY20, NCD will also continue to disseminate its work and meet with policymakers regarding its reports and position letters that addressed proposed and existing legislation, the most recent of which is mentioned in the FY18 highlights section. If IDEA reauthorization is pursued, as an example, NCD's FY18 [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 FY15 [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 FY20, NCD's 2019 annual Progress Report will focus on the monitoring and enforcement activities of the U.S. Department of Justice, the U.S. Department of Housing and Urban Development, Ability One and the Federal Communications Commission.

Topics that have been the focus of recent proposals and/or policy discussions on which NCD has weighed in and will continue to weigh in throughout FY19 and FY20 include:

- **Direct care workforce**
- **Subminimum wage and competitive integrated employment**
- **Health care reform**
- **Javits-Wagner O'Day modernization**

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 FY18, 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 FY18 include:

- Legislation Designating the ID/DD Population as Medically Underserved** – In line with NCD’s policy advisement in its December 2017 policy brief on the dental care of people with intellectual and developmental disabilities, NCD assisted a requesting congressional office with drafting and introducing bipartisan legislation that seeks to 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). Since the brief’s release and the bill’s introduction, NCD continues to field related questions by lawmakers and will participate in a congressional briefing with the sponsoring offices in early FY19. Numerous disability groups have made the NCD-inspired legislation a key legislative priority for their respective advocacy groups, indicating the legislation’s resonance.
- Sexual Assault of Students with Disabilities on College Campuses** – Following the release of NCD’s research and policy recommendations on the sexual assault of college students with disabilities, offices in the House and Senate contacted NCD about introducing legislation based on the report’s recommendations. Less than two months after the report’s release, the Safe Equitable Campus Resources and Education (SECuRE) Act was introduced, which intends to address many of the systemic failures brought to light in NCD’s [*Not on the Radar: Sexual Assault of College Students with Disabilities*](#). In conjunction with sponsoring offices, NCD also held a congressional briefing on its report and the legislation introduced based on its recommendations.
- The Disability Community’s Interactions with Law Enforcement** – As a follow-up activity to our December 2016 policy roundtable on the same topic, NCD drafted a letter to U.S. Department of Justice (DOJ) Attorney General Sessions that provided insight and recommendations concerning the interaction between law enforcement and members of the disability community, including the broader cross-disability population, during “first response” scenarios. Subsequent to that correspondence, NCD met with representatives of DOJ, including representatives of DOJ’s Disability Rights section, Special Litigation section, and the Community Oriented Policing Services (COPS) office, to discuss NCD’s recommendations. As a result of this meeting, NCD drafted recommended questionnaire language that DOJ’s National Data Collection Program office is

considering for inclusion in its questionnaire that will be dispersed to local law enforcement agencies across the U.S. as a means of addressing potential first response concerns between law enforcement and people with disabilities.

- **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 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 FY18 follow below:
 - NCD's long record of engagement of policy discussions regarding disaster management was noted by National Public Radio in a piece done in early FY18 that included an interview with NCD about its work in the area of disaster management.
 - In addition to introduced legislation following its *Not on the Radar* report regarding sexual assault on college campuses, national media noted NCD's research findings and recommendations to policymakers, including Politico, the Chronicle of Higher Education, Rewire, and several college radio stations.
 - Teen Vogue prominently featured NCD's [Breaking the School to Prison Pipeline for Students with Disabilities](#) report in a feature piece it ran in its magazine in early FY18.
 - The National Conference of State Legislatures' membership magazine featured NCD's work on 14c / subminimum wages in a feature it ran on nationwide trends away from subminimum wage's use.

- **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 FY18 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.

- **National Governors Association** – NCD reached out to the Director of the National Governors Association "NGA Future" Initiative, as a means of expanding dialogue concerning the importance of accessibility of emerging technologies for people with disabilities, which was well-received.
- **American Dental Association** – NCD engaged 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 House of Delegates voted in favor of implementing NCD’s recommendation and have indeed revised its *Code* accordingly.
- **Commission on Dental Accreditation (CODA)** – NCD contacted the Commission on Dental Accreditation (CODA) requesting and advising that its accreditation standard be revised in compliance with the Americans with Disabilities Act and also as a matter of equal treatment. At present, CODA does not require that dental students be instructed in providing treatment to patients with I/DD (intellectual and developmental disabilities- -representing millions of Americans), thus a treatment gap exists that often leads to great health risks and costs. CODA responded by acknowledging that the standard could be changed and submitted the revision for a public comment period to close in the summer of 2019.

PLANNED ACTIVITIES FOR GOAL 3 OBJECTIVES FOR FY 2020

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 FY19 and FY20, 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), 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 work in FY19 and beyond on these new responsibilities.

In FY 2020, 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 2020 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 2020, 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 2020 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 2020, 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 FY19, 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 2020, NCD will continue to offer "town hall" public comment opportunities at each of our NCD quarterly meetings around the country 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 2020, with a mind toward increasing their responsiveness to the specific needs of NCD advisees.

RESULTS OF OBJECTIVES FOR GOAL 4

GOAL 4 OBJECTIVES

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.

In FY18, 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 FY18 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 so as to elevate first-hand experiences of people with disabilities to the attention of policymakers.

In FY18, 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 FOR GOAL 4 OBJECTIVES FOR FY 2020

In FY19 and FY20, 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. It will also hold informational sessions on the ABLE Act, inviting members of the disability community, at each of its quarterly Council meetings 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

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 FY18, Highlights of NCD's results in Goal 5 objectives for FY18 include:

- In FY17 and throughout FY18, 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 FY18, NCD entered into an agreement with the Department of Interior to complete 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 FY18, NCD entered into an agreement to do 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 FY18, NCD entered into an agreement to create a SharePoint platform to increase transparency, communication and implement additional cybersecurity mandates. The platform will continue development in FY19 and FY20.
- 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 FY19, 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 FY19, NCD will implement OpenFISMA which will provide 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 FY19, NCD will implement Voice Over IP (VoIP) for internet and phone service.
- In FY19, NCD will adopt an Authorization to Operate (ATO) which explicitly accepts the risk to agency operations.

PLANNED ACTIVITIES FOR GOAL 5 OBJECTIVES FOR FY 2020

- In FY20, 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 FY20, NCD will complete a bi-annual audit to ensure all fiduciary duties were adhered during FY18 and FY19.
- In FY20, NCD will 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.
- In FY20, NCD computer equipment is scheduled to refresh. Based upon availability of funding the agency will move forward with refreshing the equipment needs for the agency.

RESULTS OF OBJECTIVES FOR GOAL 6

GOAL 6 OBJECTIVES

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.

In FY18, NCD experienced several significant leadership and staffing changes, including a new incoming Chairman, designated by President Trump, a new Executive Director designated by the Chairman, a new congressionally appointed Council Member, and the hiring of two, new full-time staff to fill vacancies.

Highlights of NCD's results in Goal 6 objectives for FY18 include:

- NCD enhanced procedures to onboard new staff and member by providing an agency-wide orientation within one week of hire or appointment. In FY18, four orientations occurred. In FY17, four orientations occurred. 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 annual ethics training.
- In FY19, NCD will partner 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.

PLANNED ACTIVITIES FOR GOAL 6 OBJECTIVES FOR FY 2020

In FY20, with adequate funding NCD will employ additional full-time staff to assist with meeting the critical mission of the agency.

In FY20, 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:

GOVERNMENT ACCOUNTABILITY OFFICE (GAO)

In FY18, NCD coordinated with GAO regarding NCD's research project on the involuntary institutionalization of people with disabilities as a result of natural disasters given GAO's work in the same area, to ensure duplication of effort was avoided. NCD also continued to correspond regularly with GAO on report GAO-17-115 "Prescription Drug Labels" regarding NCD's work related to an awareness campaign regarding accessible drug labels.

SMALL BUSINESS ADMINISTRATION

In FY 2018, NCD met with the Small Business Administration (SBA) several times to discuss SBA's 8(a) Business Development Program in the context of the disability-owned small businesses and the well-documented employment disadvantages of people with disabilities. Because of the productive discussions, SBA requested NCD to serve in an ex-officio role on its Council on Underserved Communities.

CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS)

In FY 2018, NCD met twice with new leadership of CMS to discuss their intentions regarding potential changes to recent CMS regulations in light of NCD's five-year engagement of Medicaid stakeholders across the country (Medicaid beneficiaries, service providers, managed care organizations, state Medicaid departments) to assess the effectiveness of federal Medicaid policy at the state level.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Prior to the catastrophic hurricanes of 2005 (Katrina and Rita) NCD led a project related to emergency preparedness for people with disabilities - Saving Lives: Including People with Disabilities in Emergency Planning. Based on that work, NCD received additional appropriations through the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA) to continue working on emergency preparedness efforts for people with disabilities and we worked collaboratively with FEMA to co-host conferences and issue follow up recommendations on post-disaster planning including a research study regarding effective communications for people with disabilities before, during, and after emergencies. NCD continues to collaborate with FEMA, most recently co-hosting a Twitter chat on FEMA's effectiveness in fulfilling Section 504 requirements in public-

facing programs during emergencies. NCD also now serves on the Integrated Public Alert and Warning System (IPAWS) Subcommittee to the Federal Emergency Management Agency (FEMA) National Advisory Council (NAC). The subcommittee's creation is pursuant to the IPAWS Modernization Act of 2015 (Public Law 114-143). The IPAWS Subcommittee is tasked with making recommendations through the NAC to ensure that FEMA can provide timely and effective warnings regarding natural disasters, acts of terrorism, and other man-made disasters or threats to public safety. The IPAWS Subcommittee convenes every other month to consult with and consider changes to improve IPAWS and new and developing technologies that may be beneficial to the public alert and warning system. NCD assisted GAO in their assessment of FEMA's response to people with disabilities for people with disabilities.

DEPARTMENT OF JUSTICE

NCD met with representatives of the DOJ, including representatives of DOJ's Disability Rights section, Special Litigation section, and the Community Oriented Policing Services office, to discuss NCD's recommendations regarding potentially harmful interactions between law enforcement and members of the disability community. As a result, NCD drafted recommended questionnaire language that the DOJ's National Data Collection Program office is considering for inclusion in its questionnaire that will be dispersed to local law enforcement agencies across the U.S. as a means of addressing potential first response danger concerns between law enforcement and people with disabilities.

DEPARTMENT OF STATE

In FY 2018, NCD meet 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 Bulgaria; Bahrain; Israel; Argentina; Philippines; Rwanda; Nigeria; Brazil; Ghana; India; Sri Lanka and Sierra Leone; and Vietnam.

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.

ADMINISTRATION ON COMMUNITY LIVING

Throughout FY18, 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.

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

In FY18, NCD participated in a Federal Partners Meeting on Increasing Accessibility of Health Care Facilities, hosted by HHS, Office of Minority Health. NCD presented on its dental brief and discussed progress made towards equal opportunity to dental care for people with DD/ID, as well as on information regarding on the recently developed *Core Competencies on Disability for Health Care Education* and *The Need for Disability Standards in Healthcare Education* (Ohio State University & Alliance for Disability in Healthcare Education) as a way to connect the researchers with federal partners for collaborative efforts to get medical education providers to adopt the standards as part of medical curricula.

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.

In FY18, a sub-group was created to look at the Opioid Crisis. NCD management and council membership is a member of the sub-group

SMALL AGENCY COUNCIL EXECUTIVE COMMITTEE AND GSA PARTNERSHIP

In FY18, the small agency council created a committee to assess federal partnerships with GSA. NCD leadership is a member of the evaluation committee working relationship with GSA to improve their services to the federal government.

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.

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.

Currently, NCD publishes 3-5 full-length reports a year. Each of these research publications often involves 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 research/policy reports each year, we are forced to reallocate money from this mission critical task to ensure we are in compliance with cybersecurity mandates. As a result, NCD is transforming the majority of its policy recommendations and research to shorter brief formats. This approach will attempt to be more responsive and timelier to a Congressional and Administration audience as well as save the agency contractual 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 2019 and FY 2020 are to:

1. Thoughtfully assess agency workforce, workload, and workflow against the backdrop of the March 13, 2018 Reorganization 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 2018, NCD reviewed the profile and continued to closely monitor areas that could present potential risk for the agency. In FY18, NCD management continued to pursue training on program evaluation and outcome measurement. In FY19 and FY20, NCD management will complete an update of the agency's internal control policies and procedures and will continue to pursue opportunities to enhance its program evaluation methods.

Throughout FY18, 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, NCD has had to shift resources from mission critical work to contract for assistance to ensure our compliance with the new requirements. The expense associated with this compliance is further discussed in the budget justification section.

Continuing in FY18, NCD management designated a specific line item per team (based upon the number of employees in each team) for workforce training and development and encouraged employees to pursue such opportunities. NCD management continued 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 "desk manuals" to ensure an additional layer of risk mitigation with respect to task completion. NCD's AFO team also began work in FY18 on a SharePoint intranet that will enhance agency coordination across teams and among the staff and Council. This project will continue and be rolled out into operation in early FY19.

OBJECTIVES BY TEAM

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

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 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.

NCD's Legislative Affairs / Outreach (LAO) is the primary team of 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 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.

NATIONAL COUNCIL ON DISABILITY BUDGET JUSTIFICATION

DESCRIPTION	FY 2018 Appropriation	FY 2019 Appropriation	FY 2020 Request
BUDGET TOTAL	3,250,000	3,250,000	3,450,000
PERSONNEL	1,726,898	1,924,693	2,020,878
TRAVEL	166,528	138,100	148,500
RENT, UTILITIES AND COMMUNICATIONS	327,215	315,590	319,672
PROGRAM, RESEARCH AND PRINTING	225,050	233,695	201,500
TRAINING AND PROFESSIONAL ASSOCIATIONS	32,746	31,610	35,000
AUDIT	30,000	35,000	0
PAYROLL, ACCOUNTING AND HR SERVICES	122,500	122,500	122,500
SUPPORT CONTRACT SERVICES	163,634	130,820	180,500
INFORMATION TECHNOLOGY	235,223	207,736	300,000
PAYMENTS TO FEDERAL AGENCIES	22,306	9,000	20,950
SUPPLIES, SUBSCRIPTIONS AND MATERIALS	50,400	68,756	66,000
LEGAL / OTHER FEES	115,000	0	0
ANTIDEFICIENCY *	32,500	32,500	34,500

Cost Discussion

The Council is requesting a total budget authority in FY 2020 of **\$3,450,000**.

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

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

In FY 2018, the Council was provided with **\$3,250,000**.

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

Analysis of resources follows.

Analysis of Resources

PERSONNEL

FY 2018 \$1,726,898

FY 2019 \$1,924,693

FY 2020 \$2,020,878

For FY 2018, 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 FY2018 however two vacant positions were filled toward the end of the fiscal year (Public Affairs Specialist and Administrative Support Specialist. 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 need several additional positions.

Due to lack of funding, our FY2019 budget request supports maintaining the current slate of employees and filling one vacancy, regularly scheduled performance increases per OPM policy. Benefits have been calculated based on our experience with the benefit packages employees have chosen in the past.

Our FY2020 budget request supports 9 Council members and 13 staff (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.

TRAVEL

FY 2018	\$ 166,528
FY 2019	\$ 138,100
FY 2020	\$ 148,500

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).

NCD has conducted quarterly meetings by telephone in the past however 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 meeting 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 prohibit our ability to encourage public input and participation.

For FY 2018 and FY2019, 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.

For FY 2020, NCD's budget request supports 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 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 2018	\$ 327,215
FY 2019	\$ 315,590
FY 2020	\$ 319,672

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 2018, 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 2019, 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.

For FY 2020, NCD’s budget 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 has anticipated increased cost due to the need to update our current telephone system and the escalation of costs for rental space. The ability to remain at the current location, which is accessible for people with disabilities will be reviewed in contemplation of renewing the lease.

**PROGRAM, RESEARCH AND
PRINTING**

FY 2018	\$ 225,050
FY 2019	\$ 233,695
FY 2020	\$ 201,500

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 2018, NCD's budget supported policy projects relative to fulfilling the mission of the agency.

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

For FY 2020, NCD's budget supported policy projects relative to fulfilling the mission of the agency.

AUDIT

FY 2018	\$ 30,000
FY 2019	\$ 35,000
FY 2020	\$ 0

NCD solicits an outside vendor to conduct a financial audit of our internal operations.

The audit reviews the Council's internal control over financial reporting in compliance with OMB audit guidance for expressing an opinion on financial statements in line with the agency's annual Performance and Accountability Report.

For FY2020, 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 2018	\$ 122,500
FY 2019	\$ 122,500
FY 2020	\$ 122,500

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 FY2019, NCD will invest in training staff and rely more heavily on the in-house expertise of its staff to fulfill these duties, which will allow the agency to avoid an increase in fees.

For FY2020, NCD will continue to rely more heavily on the in-house expertise of its staff to fulfill these duties to avoid an increase in fees.

SUPPORT CONTRACT SERVICES

FY 2018	\$ 166,634
FY 2019	\$ 130,820
FY 2020	\$ 180,500

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 2018, NCD's budget supports contractual services based upon the needs of the agency, staff and members.

For FY 2019, NCD's budget supports contractual services based upon the needs of the agency, staff and members.

For FY 2020, NCD's budget supports contractual services based upon the needs of the agency, staff and members.

INFORMATION TECHNOLOGY (IT)

FY 2018	\$ 235,223
FY 2019	\$ 207,736
FY 2020	\$ 300,000

As a small agency, NCD secures outside support to assist in meeting the agency's IT and cybersecurity requirements. Expenses peaked in FY2018 because of new federal requirements such as the EINSTEIN cybersecurity initiative. NCD has a part-time contractor assisting with these mandates.

For FY2019, the funds reflected here are to cover contractor and / or staffing costs to meet the day-to-day IT and cybersecurity mandates.

For FY2020, funds reflect expenses associated with day-to-day IT and cybersecurity requirements. This amount has increased due to federal requirements requiring compliance with VOIP, MTIPS, & PIV Card implementation to be in compliance with IT and cybersecurity mandates.

PAYMENTS TO FEDERAL AGENCIES

FY 2018	\$ 22,306
FY 2019	\$ 9,000
FY 2020	\$ 20,950

As a micro 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 fulfillment.

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 2018	\$ 50,400
FY 2019	\$ 68,756
FY 2020	\$ 66,000

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.

LEGAL, OTHER FEES

FY 2018	\$ 115,000
FY 2019	\$ 0
FY 2020	\$ 0

NCD closed a legal liability in FY2018. NCD responded to this challenge by developing more projects in-house.

For FY19 and FY20, NCD does not anticipate any legal fees.

ANTI-DEFICIENCY

FY 2018	\$ 32,500
FY 2019	\$ 32,250
FY 2020	\$ 34,500

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