

# **National Council on Disability**

## **Budget Justification**

**Fiscal Year 2025**



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## INTRODUCTION FROM THE ACTING CHAIR

The National Council on Disability (referred to herein as “NCD” or “the Council”) is an independent, nonpartisan federal agency that provides the President, his Administration, the U.S. Congress and the heads of federal agencies with timely analysis and recommendations to advise policy development, revision, implementation, and enforcement efforts to enhance the quality of life for all Americans with disabilities and their families. The Council’s purview is expansive and not limited to a single disability subpopulation, age, or topic matter. As a result, our research traverses a true diversity of issues, attempting always to be timely in response to current events as well as in anticipation of emerging concerns of people with all types of disabilities throughout the United States and in our territories.

The Council presents this budget justification for FY25, requesting a total budget authority of \$4,000,000. These resources will be applied to the furtherance of our mission to advise the President, Congress, and other federal agencies regarding federal policies and the impact on people with disabilities.

As we present this year’s budget justification, challenges affecting people with disabilities throughout the country and in our territories remain formidable. These challenges have been exacerbated for people with disabilities due to the aftermath of the global pandemic that disproportionately affected the health and well-being of persons with disabilities; inflation that has strained the finances of the disabled who are already twice as likely to live in poverty than nondisabled counterparts; and the perennial impacts of underinvestment in accessible, affordable housing and the direct care workforce ecosystem.

It is for those reasons that the Council’s work during Fiscal Year 2025 will remain driven by community feedback of priorities, and a keen emphasis on follow-up activities to policy research and advisement we’ve given to policymakers in those priority areas in recent time.

Throughout all the work we undertake, we will endeavor to work closely and collaboratively with federal partners and legislators on commitments expressed in the President’s disability plan, even as we always advise for even greater efforts.

Our budget submission for Fiscal Year 2025 facilitates the Council’s ability to continue to address pressing issues confronting people with disabilities in the form of advice and counsel to policymakers, and in so doing, serve as the voice of people with disabilities within the Federal Government.

Respectfully,

*Claudia Gordon*

Claudia Gordon  
Vice Chair / Acting Chair

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## **AGENCY OVERVIEW**

### **Agency Mission**

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

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

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

Amendments of 1992 and 1998, the Education of the Deaf Act Technical Amendments of 1993, and most recently, by the Workforce Innovation Opportunity Act (WIOA) of 2014 (Public Law 113-128).

Upon its establishment as an independent agency, Congress charged NCD with a new mandate to review all existing federal policies and programs. Two years later, the Council delivered on that charge with its path breaking report, *Toward Independence*, which called for enactment of a federal disability civil rights law. The Council later offered the first draft of that civil rights law in 1988 – a mile marker we celebrated at our 2023 ADA anniversary celebration when we honored the draft’s author, a former NCD staff member. After President George H.W. Bush signed the ADA into law, the mission of the Council was amended to reflect the national disability policy goals now enshrined in the ADA.

NCD serves a unique role among federal agencies because its mission reflects the breadth and diversity of the disability community itself. In its authorizing statute, the Council’s duties are extensive and belie the Council’s limited financial and human resources. In FY 2023, the Council had a \$3.85 million annual appropriation to support its mission of gathering information and reviewing and evaluating on a continuing basis all “policies, programs, practices, and procedures concerning individuals with disabilities conducted or assisted by federal departments and agencies...,” and “all statutes and regulations pertaining to federal programs which assist such individuals with disabilities...”

## **COUNCIL STRUCTURE**

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

Council members are special government employees (SGE) who live across the country and serve in a part-time capacity. Each appointee brings a unique perspective informed by varied personal and professional experiences. Council members are people with disabilities, disability service providers, parents or family members of people with disabilities, or other people who have substantial knowledge of or experience with disability policies and programs. Council members are appointed to represent people with disabilities, national organizations concerned with disabilities, providers and administrators of services to people with disabilities, people engaged in conducting medical or scientific research related to disabilities, business concerns and labor organizations. By statute, the majority of the members of the Council are to be people with disabilities and are to be broadly representative of minority and other individuals and groups. Currently, eighty-nine percent of the current council members are people with disabilities. Eighty-two percent of full-time staff are people with disabilities.

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

To fulfill the mission of the agency, the Chair appoints members to advise on commissioned policy priorities within a subcommittee structure. These subcommittees are

comprised of no more than four council members and a full-time professional staff member who manages the work of the project, drafts portions of policy advice based upon council members' discussions and research, and who acts as a Contract Officer Representative (COR), or Agreements Coordinator, for any supplemental data provided to a project from a contracted researcher. Once each policy project yields a final draft product, it is shared with the entire Council for review, discussion, refinement, and ultimately, a vote of approval by Council members. Once approved, professional staff work with a professional editor on final edits and report layout before dissemination of the final report, including its policy recommendations to the President, Congress, other federal agencies and all interested parties.

When opportunities or circumstances warrant immediate response to proposed legislation or regulations, including when the Council is requested directly by policymakers for such input, the Council provides brief, nimble responses based upon the Council's existing body of research and recommendations to ensure the needs of people with disabilities are discussed and included present in new legislation and policies.

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

In addition to projects that the Council members vote to commence during the budget cycle, NCD continues to brief and advise on past work and meet with policymakers to ensure that NCD's recommendations are known and understood.

NCD is a respected resource within the Federal Government and beyond on all disability policy issues.

## **ORGANIZATIONAL STRUCTURE**

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

A small, dedicated full-time staff supports the work of the council members, with its physical office located in Washington, DC. The executive director is responsible for hiring technical and professional employees to assist the Council to carry out its duties and is accountable for assignment of staff duties. (See Appendix C, Organizational Chart).

The duties of the professional staff include:

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

## **PERFORMANCE**

### **STRATEGIC FRAMEWORK, FISCAL YEAR 2022 – 2026**

The Council's budget submission is submitted for the third fiscal year of its five-year strategic plan. The plan seeks to reflect goals and objectives approved by the Office of Management and Budget and prioritized by the Council's constituency to focus on the most pressing needs of the disability community in furtherance of the goals of the



Americans with Disabilities Act; optimize operational efficiency and accountability; and pursue mission-critical activities consistent with the Administration's priorities and directives.

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

### **OBJECTIVES, STRATEGIC RESULTS AND PLANNED ACTIVITIES**

NCD has a unique mission among federal agencies as it is charged with reviewing all programs and policies across the Federal Government, not merely one aspect of policy affecting people across all types of disabilities or all policy areas affecting only one subpopulation of people with disabilities. With that unique and far-reaching mission in mind, the Council's strategic goals for FY 2022 – 2026 include the following:

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

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

1. Develop recommendations that help foster quality healthcare and accessibility for people with disabilities in a manner consistent with self-determination through a series of legislative proposals or a combination of executive, administrative, or legislative action.
2. Develop recommendations to address the persistent barriers to full integration for people with mobility disabilities, including public rights-of-way, airline travel, recreation and fitness facilities, and ground transportation. and wheelchair securement systems.
3. Develop recommendations to address the concerns and issues uniquely associated with people with disabilities within tribal communities.
4. Develop recommendations regarding inclusion of people with disabilities in clinical trials.
5. Develop recommendations regarding federally imposed income and asset limitations imposed on people with disabilities.
6. Develop recommendations on the ethical advancement of fetal medicine and genetic technology.
7. Develop recommendations that enhance equal opportunity for people with disabilities to achieve economic self-sufficiency through the elimination of the Medicaid benefits cliff and a national Medicaid buy-in program.
8. Provide recommendations that promote job growth for people with disabilities through the Small Business Administration (SBA) 8(a) Business Development Program.
9. Develop recommendations to address the concerns and issues uniquely associated with people with disabilities within tribal communities.
10. Develop recommendations to address the disparate treatment of citizens with disabilities residing in Puerto Rico (and disabled citizens in other U.S. territories) under certain federal programs in contrast to their counterparts residing on the

mainland.

11. Develop recommendations to improve Home and Community Based Services and transition from institutionalized settings to community living for people with disabilities based on widespread deaths of institutionalized people with disabilities during the COVID-19 pandemic.
12. Develop recommendations to advance the testing and use of alternatives to the Quality Adjusted Life Year (QALY) in valuing prescription drugs and other healthcare interventions.
13. Develop a financial “score” for what it would cost the Federal Government if people with I/DD in the US were designated as a medically underserved population (MUP) under the Public Health Service Act.
14. Develop recommendations to the Internal Revenue Service (IRS) to address the legal implication of a long-standing tax exemption for people with disabilities working in congregate settings (or sheltered workshops) which creates dueling classifications that conflict and undermine other federal employment laws regarding the employment status of people with disabilities, the work they perform, and the compensation they receive.
15. Develop recommendations to address the needs of people with disabilities in climate disasters.
16. Develop recommendations to address issues impacting access and use of dental care services by adults with I/DD.

**In furtherance of Goal 1, the Council accomplished the following in FY 2023:**

- Continued to update and amend NCD’s [Framework to End Health Disparities of People with Disabilities](#); and meet and discuss the framework with a variety of stakeholders, including the National Institute on Minority Health and Health Disparities (NIMHD); the National Advisory Council on Minority Health and Health Disparities (NACMHD) Working Group to evaluate the risks and benefits of designating people living with disabilities; the Joint Commission (on hospital accreditation); the Agency for Healthcare Research and Quality (AHRQ); the Health Resources and Services Administration; the Administration on Community Living (ACL); the National Institute

on Disability, Independent Living, and Rehabilitation; the Centers for Medicare and Medicaid Services; and others in and out of Federal Government.

- [Provided research and statistics](#) on disparities in healthcare access and quality between people with disabilities and non-disabled peers to NIMHD and NACMHD Working Group and requested that NIMHD designate people with disabilities as a “Health Disparity Population.
- [Advised and made extensive comments and recommendations](#) for an AHRQ study on Healthcare Delivery of Preventive Services for People with Disabilities.
- Hosted a panel discussion with the senior-most leaders of premiere medical, dental, and health care education associations, on how to address health disparities of people with disabilities through disability competency clinical care training at NCD’s July 2023 Washington, DC in-person Council meeting.
- Researched and began drafts of upcoming reports on fetal medicine and germline editing; and on the absence of people with disabilities in clinical trials.
- Published [Understanding Disabilities in American Indian & Alaska Native Communities Toolkit Guide](#) in collaboration with the National Indian Council on Aging (NICOA) to increase awareness and knowledge of the needs of Native elders living with disabilities.
- Published the report [Incentivizing Oral Healthcare Providers to Treat Patients with Intellectual and Developmental Disabilities](#), which explores three issues impacting access and use of dental care services by adults with I/DD -- oral healthcare provider participation in Medicaid programs that cover dental services for adults with I/DD; return on investment to states for sufficiently funding a comprehensive Medicaid dental benefit for adults with I/DD; and comparison of Medicaid managed care dental provider reimbursement rates to Medicaid fee-for-service dental provider reimbursement rates.
- Continued to research and develop a report on the denial or ineligibility to receive employment benefits because of misclassifying people with disabilities who work in sheltered employment as client or independent contractors for federal employment tax purposes.

- Provided technical assistance and suggestions for improvement on proposed bill language to several congressional offices contemplating pursuit of legislation that will remove healthcare barriers for people with disabilities.
- Continued to advise the Small Business Administration on adding people with disabilities to the groups that are presumptively eligible to participate in the SBA'S 8(a) business development program.
- Published a [research report on barriers to home and community-based services \(HCBS\)](#), and the impact of insufficient affordable, accessible housing and a direct care workers shortage that are significant barriers to community integration through HCBS waivers.
- Held an online event to launch the HCBS report with panels on the direct care workforce crisis and on accessible, affordable housing that had over 350 participants. Panelists included experts, consumers and current members of Congress.
- Provided [extensive comments and recommendations](#) to the Department of Housing and Urban Development's (HUD) proposed rule to update its Section 504 regulation to increase the amount of affordable, accessible housing and increase compliance with HUD's Section 504 non-discrimination requirements by recipients of HUD financial assistance.
- [Advised and made recommendations](#) to HUD on its proposed rule on Community Development Block Grants for Disaster Relief to clarify and enforce HUD's non-discrimination requirements by grantees of CDGB-DR funds so that people with disabilities do not face barriers to housing reintegration after disasters.
- [Provided comments and recommendations](#) to the Centers for Medicare and Medicaid Services (CMS) on its proposed rule on increasing access to HCBS.
- Researched and began drafting NCD's 2023 Progress Report on income and assets limitations imposed by the Federal government on people with disabilities.
- Provided ongoing technical assistance to Puerto Rico Interagency Policy Council (IPC) agencies to ensure agency deliverables are implemented in a way that is

inclusive and accessible to all people with disabilities.

- Presented on and held a public listening session on air travel, public rights of way, recreation facilities and ground transportation at the National Council on Independent Living (NCIL) conference.
- Published [a research brief on value assessment methods](#) for use in healthcare that do not rely on the QALY or that apply it in a manner that lessens its discriminatory aspects/effects on people with disabilities and chronic illnesses.
- Provided policy advice to the House Natural Resources Committee on legislative language and implementation of a \$1 billion Omnibus appropriation to provide solar panels to disabled and low-income residents of Puerto Rico.
- Provided [policy advice](#) to the Senate Health, Education, Labor and Pensions Committee on legislative language for its draft legislation on the health disparities of people with disabilities.
- Provided research and analysis to the Bipartisan Disabilities Caucus and House sponsors of the Healthcare Extension and Accessibility for Developmentally disabled and Underserved Population Act (HEADS Up Act), H.R. 3380.
- Assisted the House Natural Resources Committee in gathering [support](#) from nearly one hundred disability advocacy organizations in Puerto Rico in order to secure a \$1 billion supplemental emergency appropriation in the Fiscal Year 2023 Omnibus spending package to fund rooftop solar panels and storage for low-income household and people with disabilities that rely on battery or electricity dependent medical devices or assistive technology in Puerto Rico through the Department of Energy (DOE).
- Participated in the House Natural Resources Committee's convening with energy companies assisting DOE with the implementation of the \$1 billion appropriation to fund rooftop solar panels and storage in order to educate these companies about the positive impact that solar panels could have on the needs of people with disabilities in Puerto Rico that rely on electricity or battery-dependent medical devices or assistive technology.
- The House Energy and Commerce Committee and the House Ways and Means

Committee advanced the Protecting Health Care for All Patients Act (H.R. 485), a bill that would prohibit the use of the Quality Adjusted Life Year (QALY) in standard cost-effectiveness analysis under state and federal healthcare programs and based on NCD's [2019](#) and [2022](#) advice cautioning policymakers against the use of QALY-based cost-effectiveness analysis for determining the value of prescription drugs and other health interventions due to the discriminatory impact it could have for people with disabilities.

- Provided technical assistance and review to an early pre-release draft of legislation to for staff of the House Energy and Commerce Committee to ensure it conformed with components of NCD's Health Framework to End Health Disparities of People with Disabilities as intended.
- Assisted the House Natural Resources (Ranking Member) with its Appropriations report language request to be associated with the FY2024 Subcommittee on Energy & Water Development and Related Agencies Appropriation. The Committee also sent a bicameral letter to DOE reminding them to consider the needs of people with disabilities as it develops its solar panel implementation plan, to which [DOE responded](#) referencing NCD's assistance.
- Advised the House Energy and Commerce Committee on ways to address the discriminatory provisions of Crisis Standards of Care policies to be included in the reauthorization of the Pandemic and All Hazards Preparedness Act (PAHPA). NCD's advice was based off of its recent reports, [The Impacts of Extreme Weather Events on People with Disabilities](#) and [Progress Report: The Impact of COVID-19 on People with Disabilities](#).
- Provided targeted technical assistance to staff of the Senate Health, Education, Labor, and Pensions Committee regarding the definition of "accessible healthcare services" intended for use in draft legislation aimed at addressing the shortage of healthcare providers trained to treat patients with disabilities.
- Advised staff of the Senate Aging Committee that the term "accessible" healthcare as used in the [Health Equity for People with Disabilities Act \(S. 1219\)](#) should be defined to require competency curriculum on treating patients with disabilities, based upon NCD's

[Framework to End Health Disparities for People with Disabilities.](#)

- Provided policy advice to House and Senate offices later shared with the House and Senate Labor, HHS, and related agency Appropriations subcommittees, which is reflected in the Committee [report language](#), including:

**From NCD's [Enforceable Accessible Medical Standards:](#)**

“The Committee is aware of a recent NCD report entitled “Enforceable Accessible Medical Equipment Standards—A Necessary Means to Address the Health Care Needs of People with Mobility Disabilities,” which identified inaccessible medical equipment among the reasons for the susceptibility of people with disabilities to experience substandard health care, citing numerous studies documenting access barriers involving medical equipment and the health disparities experienced by millions of people with disabilities. NCD raised concerns that people with physical disabilities often postpone or delay care due to the inability to get onto exam tables and other diagnostic equipment and have to search for facilities that have such equipment.

Relatedly, NCD has recently advised Congress and the Administration regarding the nexus between the lack of disability clinical care training for health care professionals and the well-documented health disparities experienced by people with disabilities. Accordingly, the Committee strongly encourages the Centers for Medicare and Medicaid Services to require disability clinical care training and the availability of accessible medical and diagnostic equipment into its conditions of participation for Part A and Part B providers.”

**From NCD's [Framework to End Health Disparities of People with Disabilities:](#)**

“The Committee strongly encourages the Secretary, acting through the Health Resources and Services Administration, to implement 42 U.S.C. 293(e), to develop a grant-based program in collaboration with the NCD, professional societies, licensing and accreditation entities, health professions schools, and experts in minority health and cultural competency, prevention, and public health and disability groups, and community-based organizations to expand upon the National Initiative



In Developmental Medicine: Draft Curriculum, which targets a patient population of adults with intellectual and developmental disabilities, to include disability clinical care competency training inclusive of all disability patient subpopulations (e.g. Deaf, blind, mobility disabilities, etc.).”

**From [The Danger of Physician Assisted Suicide Laws](#):**

“The Committee strongly encourages the HHS Office of Civil Rights (OCR) to clarify that all HHS suicide prevention grants and services must comply with existing disability rights laws, including the ADA, and Sections 504 and 508 of the Rehabilitation Act, including the provisions requiring accessible communications, so that all videos, documents, and other products ensure access to persons with disabilities. In addition, the Committee encourages OCR to recommend that hospitals create a disability ombudsperson position who is authorized to facilitate communication between healthcare providers and patients with disabilities or their proxies and advocate on the patient’s behalf, when required, to ensure that all clinical and LTSS options and choices are made available.”

**In Fiscal Year 2024, NCD will prioritize work in the following areas of focus:**

- Advise policymakers on the need to include people with disabilities in clinical trials.
- Continue to advise policymakers on addressing the health disparities of people with disabilities.
- Advise policymakers on the barriers imposed on people with disabilities as a result of income and asset limitations in federal programs and benefit eligibility requirements.
- Advise policymakers on ethics and implications for people with disabilities of the rapidly advancing field of fetal medicine and genetic technology and the implications for people with disabilities.
- Advise policymakers on the persistent barriers to full inclusion of people with mobility disabilities in public rights-of-way, air transportation, recreation and fitness facilities, and ground transportation.

- Advise policymakers on the concerns and issues uniquely associated with people with disabilities within tribal communities.
- Advise policymakers on employment related tax issues and how they impact people with disabilities, such as the denial or ineligibility to receive employment benefits as a result of misclassifying people with disabilities who work in sheltered employment as clients or independent contractors for federal employment tax purposes.

<p style="text-align: center;"><b>GOAL 2</b> <b>OBJECTIVES, STRATEGIC RESULTS and PLANNED ACTIVITIES</b></p>
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**GOAL 2: Provide perspectives and analysis on existing federal policies' impact on people with disabilities.**

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

In addition to the projects that the Council approved for research and release in Fiscal Year 2024, the Council continues to meet with policymakers regarding its existing reports and position letters that address proposed and existing legislation. For example, in FY23, NCD met new leadership at the AbilityOne Commission regarding its [2019](#) and [2020](#) reports

outlining major areas of concern with the program, which informed the Commission's strategic planning process as well as regulatory pursuits. Similarly, NCD continued to discuss core elements of its Fiscal Year 2022 [Framework to End Health Disparities of People with Disabilities](#) with committees of jurisdiction, individual offices, interested in pursuing legislation addressing items addressed by the framework; as well as the U.S. Government Accountability Office (GAO) in the pursuit of their research into related topics. NCD is also continuing to serve on a White House interagency committee looking at economic resilience in Puerto Rico and assisting other federal agencies on how the disability community is impacted, drawing heavily from our 2022 report, [Disparate Treatment of Puerto Rico Residents with Disabilities in Federal Programs and Benefits](#).

As another example, as Congress has continued to pursue the goal of lowering prescription drug prices, NCD has continually alerted policymakers of the issues raised in NCD's 2019 and 2022 reports. Additionally, we weigh in with technical advice as well as overarching policy principles with our federal colleagues on disability-related regulatory proposals that impact people with disabilities when they arise (such as HHS OCR's pursuit of a proposed rule regarding disability nondiscrimination in health care); and with congressional staff on general legislative proposals that impact people with disabilities, as well as disability-specific legislation that is introduced.

**In furtherance of Goal 2, the Council accomplished the following in FY 2023:**

- Published a policy brief titled [“Cummings v. Premier Rehab Keller PLLC: Implications and Avenues for Reform.”](#) which analyzes the holding and implications of the U.S. Supreme Court decision in *Cummings v. Premier Rehab Keller P.L.L.C.* which eliminated the ability of people who experience disability-based intentional discrimination to obtain emotional distress damages from entities who receive federal financial assistance, under Section 504 of the Rehabilitation Act of 1973 or Section 1557 of the Patient Protection and Affordable Care Act.
- [Advised](#) and continued to meet with the National Institute on Minority Health and Health Disparities (NIMHD) and the Agency for Healthcare Research and Quality (AHRQ), regarding decades of health research on people with disabilities in support of a designation of people with disabilities as a “health disparity population.”

- Developing a report that examines the legal implication of a longstanding tax exemption for people with disabilities working in congregate settings (or sheltered workshops) that creates “dueling classifications” that conflict and undermine other federal employment laws regarding the employment status of people with disabilities, the work they perform, and the compensation they receive.
- Released [Strengthening the HCBS Ecosystem report](#) that examined the state of the nation’s HCBS in place prior to and during the pandemic that contributed to the inability of residents with I/DD to transition to lesser-density community housing options.
- [Continued to advise](#) the Joint Commission (on hospital accreditation) concerning disability competency training of medical professionals and provided them with related recommendations concerning health equity for people with disabilities.
- Served on HHS’ National Advisory Committee on Individuals with Disabilities and Disasters (NACIDD) to advise the Secretary of Health and Human Services on actions HHS can take before, during, and after disasters and emergencies to meet the unique needs of individuals with disabilities.
- Continued participating in National Institute of Health (NIH)’s monthly meetings on NIH’s development of accessible home diagnostic tests for consumers with limited vision or blindness and those with limited or no dexterity.
- Continued communicating with the SBA Administrator regarding an NCD [advisory letter](#) regarding the addition of people with disabilities to the 8(a) Business Development Program presumed group list.
- Advised the Department of Health and Human Services (HHS) Office for Civil Rights on its draft changes to HHS’ Section 504 regulations.
- Advised CMS on a new tool being developed with the Office of Minority Health to update its National Culturally and Linguistically Appropriate Services Standards toolkit.
- Advised GAO, at GAO’s request, on the issue of disability clinical care and competency training.

- Served on the interagency Coordinating Council on Access and Mobility (CCAM).
- Advised the Department of Justice Civil Rights Division on its draft regulation on accessible medical diagnostic equipment and website accessibility.
- Continued participating in Amtrak quarterly meetings regarding its efforts to make Amtrak stations accessible nationwide, advising on best accessibility practices in stations, in boarding, and the interior of its new Acela line of trains.
- Published [\*The Impacts of Extreme Weather Events on People with Disabilities\*](#), which examines federal health care, housing, education, and emergency management programs before, during, and after the President declares a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as well as the implementation and enforcement of disability rights laws during and after extreme weather events.
- Published the report [\*Incentivizing Oral Healthcare Providers to Treat Patients with Intellectual and Developmental Disabilities\*](#), which explores three issues impacting access and use of dental care services by adults with I/DD -- oral healthcare provider participation in Medicaid programs that cover dental services for adults with I/DD; return on investment to states for sufficiently funding a comprehensive Medicaid dental benefit for adults with I/DD; and comparison of Medicaid managed care dental provider reimbursement rates to Medicaid fee-for-service dental provider reimbursement rates.
- Continued to research and develop a report on the denial or ineligibility to receive employment benefits because of misclassifying people with disabilities who work in sheltered employment as client or independent contractors for federal employment tax purposes.
- Provided technical assistance and suggestions for improvement on proposed bill language to several congressional offices contemplating pursuit of legislation that will remove healthcare barriers for people with disabilities.
- Continued to advise the Small Business Administration on adding people with disabilities to the groups that are presumptively eligible to participate in the SBA'S

8(a) business development program.

- Served on a CMS workgroup to address oral health needs in the United States.
- Published a [research report on barriers to home and community-based services \(HCBS\)](#), and the impact of insufficient affordable, accessible housing and a direct care workers shortage that are significant barriers to community integration through HCBS waivers.
- Held an online event to launch the HCBS report with panels on the direct care workforce crisis and on accessible, affordable housing that had over 350 participants. Panelists included experts, consumers and current members of Congress.
- Provided [extensive comments and recommendations](#) to the Department of Housing and Urban Development's (HUD) proposed rule to update its Section 504 regulation to increase the amount of affordable, accessible housing and increase compliance with HUD's Section 504 non-discrimination requirements by recipients of HUD financial assistance.
- [Advised and made recommendations to HUD on its proposed rule on Community Development Block Grants for Disaster Relief](#) to clarify and enforce HUD's non-discrimination requirements by grantees of CDGB-DR funds so that people with disabilities do not face barriers to housing reintegration after disasters.
- [Provided comments and recommendations to the Centers for Medicare and Medicaid Services \(CMS\)](#) on its proposed rule on increasing access to HCBS.
- Researched and began drafting NCD's 2023 Progress Report on income and assets limitations imposed by the Federal Government on people with disabilities.
- Presented on and held a public listening session on air travel, public rights of way, recreation facilities and ground transportation at the National Council on Independent Living (NCIL) conference.
- Continued to participate in FEMA's disability integration stakeholder workgroups, hosted by the Director of FEMA's Office of Disability Integration and Coordination.

- Participating in HHS' Office of Civil Rights and DOJ's Civil Rights Division Olmstead Interagency Coordination Meetings, held monthly.
- Met with the Ford Foundation to discuss how technology has impacted the lives of people with disabilities.
- Served as an ex officio member on the CVTA Coalition – focusing on the Communications Video Technology Act.
- Met with the National Digital Inclusion Alliance and Easter Seals to discuss enhancing digital inclusion in the BIPOC disability community.
- Published [a research brief on value assessment methods](#) for use in healthcare that do not rely on the QALY or that apply it in a manner that lessens its discriminatory aspects/effects on people with disabilities and chronic illnesses.
- Provided policy advice to the House Natural Resources Committee on legislative language and implementation of a \$1 billion omnibus appropriation to provide solar panels to disabled and low-income residents of Puerto Rico.
- Hosted a virtual meeting with the Internal Revenue Service's (IRS) National Taxpayer Advocate Services (TAS) to advise TAS about the need to conduct a national survey seeking information from sheltered workshop employers about the employment status of people with disabilities for federal employment tax purposes. Treasury has done similar surveys of taxpayers in other industries and asked that NCD assist with the first draft of survey questions. This information is intended to supplement NCD's ongoing research examining a 1965 tax exemption for people with disabilities in congregate work settings ("sheltered workshops") that prevents them from attaining employment status for federal employment tax purposes and other laws. This tax exemption creates a conflict of laws between the Fair Labor Standards Act and the Internal Revenue Code – two sovereign employment statutes with separate jurisdictions and results in "dueling classifications" that leaves people uncertain about their status as "clients" or "employees."
- Began a [report](#) that examines the legal implication of a long-standing 1965 tax

exemption specific to people with disabilities working in congregate settings (or sheltered workshops) which creates dueling classifications that conflict and undermine other federal employment laws regarding the employment status of people with disabilities, the work they perform, and the compensation they receive.

**In Fiscal Year 2024, NCD will prioritize work in the following areas of focus:**

- Advise policymakers on the need to include people with disabilities in clinical trials.
- Advise policymakers on the barriers imposed on people with disabilities because of income and asset limitations in federal program and benefits eligibility requirements.
- Advise policymakers on specific tax exemptions that prevent people with disabilities from attaining employment status for federal employment tax purposes and leaving them ineligible for employer sponsored welfare benefits plans.
- Advise policymakers on the rapidly advancing field of fetal medicine and genetic technology and the implications for people with disabilities.
- Advise policymakers and the Internal Revenue Service (IRS) about legislative and policy reforms needed to address an outdated 1965 tax exemption that prevents employees with disabilities in sheltered workshops from attaining employment status for federal employment tax purposes, leaving them ineligible for employer sponsored welfare benefits plans.



<b>GOAL 3</b> <b>OBJECTIVES, STRATEGIC RESULTS and PLANNED ACTIVITIES</b>
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**GOAL 3: Engage policymakers of both the Administration and Congress and respond to their requests for assistance accurately and efficiently.**

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

In Fiscal Year 2023, we responded to congressional requests for policy assistance; met with and offered briefings to congressional and committee offices regarding our newly released policy research; engaged with congressional and agency offices regarding their own priority areas that have implications for Americans with disabilities; and engaged media on topics on which we have completed research and advised policymakers.

**In furtherance of Goal 3, the Council accomplished the following in FY 2023:**

- Assisted the House Natural Resources Committee and a group of Congressional offices with their legislative [proposal](#) to assist residents with disabilities in Puerto Rico who are most likely to experience fragmented and unreliable access to electricity after natural disasters and in reliance on NCD's report, [\*Disparate Treatment of Puerto Rico Residents with Disabilities in Federal Programs and Benefits\*](#). The resulting \$1 billion supplemental emergency appropriation in the FY2023 Omnibus spending package contained funding for rooftop solar panels and storage for low-income households and people with disabilities that rely on battery or electricity dependent medical devices or assistive technology in Puerto Rico through the Department of Energy.
- The House Energy and Commerce Committee Subcommittee on Health held a

hearing titled: "Lives Worth Living: Addressing the Fentanyl Crisis, Protecting Critical Lifelines, and Combatting Discrimination Against Those with Disabilities," which included a panel of community stakeholders to discuss the Protecting Health Care for All Patients Act (H.R. 485), which relied on the findings and recommendations from NCD's [2019 QALY report](#).

- [Advised the House Armed Services and Rules Committees](#) against adopting a proposed amendment to the National Defense Authorization Act that would increase the AbilityOne Commission's contract set-aside goal, which would vastly expand the program and is inconsistent with NCD's 2019 report, [A cursory look at AbilityOne](#) and our 2020 report, [Policies from the Past in a Modern Era](#).
- Provided a virtual briefing to the White House's Associate Director for Puerto Rico and Territories, Office of Intergovernmental Affairs about NCD's report, [Disparate Treatment of Puerto Rico Residents with Disabilities in Federal Programs and Benefits](#). This resulted in NCD participating the regular White House Interagency Policy Council meetings related to Puerto Rico. The Director agreed that the perspectives and needs of people with disabilities would be informative to the other IPC participating agencies.
- Regularly met with House and Senate committee staff and leadership staff on a bipartisan basis to discuss how NCD's recommendations can assist in their policy objectives to remove barriers for people with disabilities.
- NCD presented at a US Access Board webinar on health equity with approximately 500 attendees. NCD focused on our [Enforceable Accessible Medical Standards](#) report.
- Provided briefings on NCD's [Health Equity Framework](#) at different times to leadership in the Health Resources and Services Administration (HRSA); National Institute on Disability, Independent Living, and Rehabilitation; the Administration for Community Living; and the Centers for Medicare and Medicaid Services; an HHS Health Disparities Council monthly meeting; and staff of the Co-Chairs of the Bipartisan Disabilities Caucus.

- Assisted Congressman Langevin’s office with the relaunch of the House Bipartisan Disabilities Caucus with two new co-chairs and a proposed series of policy briefings for the new fiscal year.
- **Media engagement** – NCD’s work is routinely highlighted in national media and industry publications, and we regularly receive media inquiries for comment and information on current policies and events related to people with disabilities and to our most recent report releases. A small sampling of our media mentions in Fiscal Year 2023 include the following:
  - Axios covered NCD’s [Quality-Assessed Life Years report](#) and the QALY bill in Congress;
  - Disability Scoop covered NCD’s 2022 [Home- and Community-Based Services report](#) Strengthening the HCBS Ecosystem – Responding to Dangers of Congregate Settings during COVID-19. The report builds upon findings in NCD’s 2021 Progress Report: The Impacts of COVID-19 on People with Disabilities and 2012 report Deinstitutionalization: Unfinished Business;
  - Education Week referenced NCD’s [2018 IDEA report](#) and also referenced and linked to NCD’s [2023 Extreme Weather report](#);
  - The Nevada Current article referenced NCD’s 2022 [oral healthcare report](#) recommending that states expand access to dental care through Medicaid. Nevada was one of the states our report noted as having only emergency room oral health Medicaid coverage, with only 22% of its I/DD population receiving basic dental care;
  - Washington Post references NCD in coverage of Senate Bill on Conservatorship/[Guardianship](#).
  - Health Affairs cited NCD on three occasions, including: [Health Equity Framework, delayed and unmet care due to COVID-19](#), and [health equity for people with I/DD](#);
  - ABC News referenced [NCD’s 2017 progress report](#) on poverty and disability,

covering workplace accessibility and its impact on employment for people with disabilities;

- Coverage from the NY Times, on [health equity](#);
- USAToday interviewed [NCD's Executive Director](#) for an article on the objections of people with disabilities against the legalization of assisted suicide;
- NCD is referenced in media coverage of the signing of [Ohio Senate Bill 202](#). Ohio joined fewer than half of states to codify protections for disabled parents, guardians and caregivers;
- NPR referenced NCD's figure on [guardianship](#) and links to NCD's 2018 Beyond Guardianship report;
- MSNBC referenced and linked to [NCD's 2021 Progress Report: The Impact of COVID-19 on People with Disabilities](#);
- NCD's Chairman was quoted in a deep-dive investigative feature by the Times Union data journalist, looking at [seclusion and restraint in schools](#);
- The Hill ran an editorial quoting NCD's [Dangers of Assisted Suicide Laws](#) report;
- NCD participated in PennLive's media listening session in April 2023. Media representatives asked questions about NCD's role in government, disability reporting;
- Kaiser Health News and NPR examined how [medical bills remain inaccessible](#) for many visually impaired Americans, featuring a quote from NCD's Chairman; and
- NCD is cited in the [World Health Organization Global Report](#) on Health Equity for Persons with Disabilities that highlights new numbers of an estimated 1.3 billion people worldwide with disabilities translating to roughly 1 in 6 people experiencing a significant disability.

**In Fiscal Year 2024, NCD will prioritize work in the following areas of focus:**

- NCD will continue to provide briefings on its framework to end health disparities for

people with disabilities for congressional staff in committees of jurisdiction, individual congressional offices indicating interest, and federal agencies with responsibility over areas identified in the framework.

- NCD will provide policy briefings to congressional, committee, and leadership staff as well as colleagues and leadership across the administration on new report releases anticipated in FY24, including reports on the experiences of people with disabilities living on tribal lands; on barriers that people with mobility disabilities confront in public rights of way, federally-funded fitness and recreational facilities, and airline travel; on the inclusion of people with disabilities in clinical trials; on germline editing and fetal medicine; on the impact of federally imposed income and asset limitations on people with disabilities; and on misclassification of employees with disabilities by community service providers / sheltered workshops.
- NCD will continue responding to requests for specific subject matter briefings and technical assistance and research for bill text development, convening stakeholders, and responding to constituent inquiries from individual, committee, and leadership offices as well as from colleagues from within the administration.

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

1. Engage the disability community beyond Washington, DC and solicit their views regarding timely policy matters including but not limited to issues of healthcare equity, employment, and the inclusion of traditionally underserved communities.
2. Deliberate and purposeful outreach to disability communities within tribal communities.
3. Deliberate and purposeful outreach to disability communities in United States' territories.

4. Deliberate and purposeful outreach to the community of disabled veterans.
5. Provide opportunities for the disability community to provide input to policymakers on disabilities issues prior to policy decision-making.
6. Develop information gathering partnerships to generate effective intelligence for policymakers to use in weighing issues.

In Fiscal Year 2023, in service of its policy development cycle, NCD staff and Council members continued outreach efforts to national organizations, individual constituents, academics, disability coalitions; and disability conferences, all of which informed the research projects as well as helped steer the direction of policy priorities the Council set for the next fiscal year. For each one of our reports released throughout Fiscal Year 2023, our research involved engagement of people with disabilities from across the country in the form of focus groups, interviews, and advisory councils. In each report, we highlighted and summarized those interactions to elevate first-hand experiences of people with disabilities to the attention of policymakers.

In Fiscal Year 2023, we entered into cooperative agreements with subject matter experts to assist with all our research endeavors to help ensure that the information provided to policymakers was current, relevant, and accurate. These agreements are with organizations, academic institutions, and research groups that have specialized expertise in certain policy areas.

**In furtherance of Goal 4, the Council accomplished the following in FY 2023:**

- **Disability community nonprofit meetings** – NCD continued to meet with staff and leadership of numerous disability nonprofits in FY23 to discuss their organizational policy priorities and ensure that their constituencies’ concerns are considered and reflected in the work of the Council. As the result of several such meetings, NCD again updated its previously released framework to address the health disparities of people with disabilities with substantive additions to its recommendations to policymakers, and completed a [research brief](#) into the impact of the Supreme Court *Cummings* decision on civil rights enforcement for people with disabilities. Several of those meetings included:

- Hosted a listening roundtable with leaders from the disability community, academics, doctors, researchers, and bioethicists regarding views concerning germline editing and related topics.
- Met with leaders from the Developmental Disabilities, Autism and Family Support Task Force of the Consortium for Citizens with Disabilities regarding medically underserved population designation as well as health disparities designation and corresponding legislation.
- Met with National Disability Rights Network to discuss trends and emerging issues observed across the network of protection and advocacy offices.
- Met with leadership from the Dyspraxia Foundation USA about their priorities for education, employment, and health care policy reform.
- Met with leaders from SourceAmerica to discuss recent and ongoing changes across their network of nonprofit agencies within the AbilityOne program following NCD's 2019 and 2020 reports on the program.
- Met with disability community leaders from Boston, MA, Providence, RI, and surrounding areas in anticipation of NCD's in-person quarterly meeting in Providence, RI in November 2023, which featured a prominent focus on regional concerns of the community.
- Held individual meetings with numerous other national disability advocacy leaders to learn about their policy priorities for 2023 and identify topics for potential policy projects for NCD in 2024.
- Presented NCD's 2023 policy projects to the Task Force Co-Chairs of the Consortium for Citizens with Disabilities (CCD), the largest coalition of national organizations that advocate for federal public policy to ensure self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society and requested their feedback and concerns in order to refine NCD's ongoing research.

- Organized meetings with leaders from the blind community about concerns and priorities vis-à-vis health equity including inaccessible home-use medical devices and service animal users who have been denied access to healthcare services due to the lack of training of medical providers about the rights of patients that rely on service animals.
- Held separate meetings with the AbilityOne Commission's Central Nonprofit Agencies (CNA), National Industries for the Blind (NIB) and SourceAmerica, to discuss NCD's tax policy research about the implications of a 1965 tax exemption for people with disabilities in sheltered workshops which may leave these employees ineligible for employment benefits without their knowledge.
- In preparation for NCD's Fall Quarterly Council Meeting in November 2023, NCD met with leadership of numerous disability nonprofits along with local government officials throughout the New England area during the summer to discuss regional-specific barriers to accessible and affordable housing and their policy priorities to address their constituencies' concerns are accurately reflected in the work of the Council. As the result of several such meetings, NCD will host panels during its November meeting with intent to consider future updates and refinements to NCD's recommendations to expand access to accessible and affordable housing and transportation.
- **Other engagements –**
  - Met with international delegations from Tajikistan, Saudi Arabia, Argentina and Mongolia to discuss the ADA, IDEA, and the CRPD.
  - Met with the Joint Commission (on hospital accreditation) concerning disability competency training of medical professionals and provided them with related recommendations concerning health equity for people with disabilities.
- **Presentations and other conferences**
  - Presented on our [Medicaid Oral Health Coverage for Adults with Intellectual and Developmental Disabilities](#) and [Disparate Treatment of Puerto Rican Residents in Federal Programs](#) report at the ANCOR national conference in Miami,



Florida.

- Presented on our [HCBS COVID-19](#) report at the National Association of Councils on Developmental Disabilities 2023 conference.
- Held a virtual, two-part policy [roundtable](#) on strengthening the home- and community-based ecosystem, with focus on the direct care workforce and affordable, accessible housing
- Provided information at the Administration's request on successful state programs to improve the employment rates of people with disabilities.
- Presented at Melwood's "Inclusion through Policy Innovation" conference at the National Press Club.
- Chairman Gallegos joined American Council of the Blind's podcast as a featured guest.
- Presented a workshop titled "Optimizing Care Systems for People with Intellectual and Developmental Disabilities" at the National Academies of Sciences, Engineering, and Medicine.
- Presented on NCD's body of work regarding improving dental health of people with IDD at the AHEAD Symposium "Universal Dental Curriculum."
- Presented on NCD's [Enforceable Accessible Medical Standards](#) report at Stanford University's Disability in Healthcare and Medicine conference.
- Presented NCD's employment recommendations at the Society of Human Resource Management's policy conference.
- Presented a webinar [Policy Briefing on Extreme Weather](#).
- NCD Executive Director Anne Sommers McIntosh [presented](#) virtually during the Disability Policy Seminar's Virtual Policy Programming and Training, Health and Family Support session
- Chairman Gallegos presented on United Cerebral Palsy's first Conference on

Latinos with Disabilities, discussing NCD's report [\*Disparate Treatment of Puerto Rico Residents with Disabilities in Federal Programs and Benefits\*](#).

- Presented at National Down Syndrome Society a general overview of our 2019 [\*Organ Transplant report\*](#) during their 2023 Down Syndrome Ambassador virtual training to discuss organ transplant discrimination prevention.
- NCD held a policy briefing on our Impact of COVID-19 on People with Disabilities for the Bipartisan Disabilities Caucus staff via Zoom webinar.
- Participated in a Zoom webinar hosted by the Administration for Community Living in honor of Native American Heritage Month.
- **Opportunities for public input** – NCD continues to engage opportunities for the Council to hear directly from members of the public; meet regularly with international delegations when requested; and provide regular disability policy briefings for members of the Administration and congressional staff. We continually receive public comment via all social media platforms on our website as well as to our designated public comment email account. In FY23, NCD collected 139 public comments via email across five live events. This figure is not inclusive of comments posted in the chat on virtual events NCD has held.
- **Developed new agency website and listserv** – NCD in FY23 worked with General Service Administration Technology Transformation Services (TTS) web developers on a complete structural overhaul of our antiquated NCD.gov website by creating and fielding a new beta.ncd.gov official government website on the Federalist Cloud.gov platform. The beta site will become the primary website in early FY24 upon completion of content migration that has included over 400 agency reports and 1,300 web pages, and comprehensive security and accessibility reviews. We tested a new email listserv protocol to facilitate regular communication with advisees and the general public regarding our activities and policy recommendations and enhance accessibility and ease of use.
- **Deliberate and purposeful outreach to people with disabilities in tribal communities** – NCD, in partnership with National Indian Coalition on Aging (NICOA),

[released an update](#) to NCD's 2003 American Indian and Alaskan Native *Understanding Disabilities in American Indian and Alaska Native Communities* Toolkit Guide in March 2023. In addition, NCD identified stakeholders from American Indian and Alaska Native communities to consult with tribal officials in the development of federal policies that have tribal implications.

- **NCD continued to host virtual quarterly Council meetings with increased public participation.** NCD's quarterly Council meetings were attended by gradually increasing numbers of people across the country, and topically targeted public comment periods helped provide valuable information for NCD's ongoing research endeavors.
- **NCD hosted its first in-person meeting in nearly four years.** NCD resumed in-person Council meetings during FY23, with its July 2023 Council meeting hosted in Washington, DC. The meeting was well-attended in-person and virtually, and included a robust public comment regarding disabled peoples' barriers and experiences accessing healthcare. NCD's July 2023 Council meeting also featured senior leadership from The Joint Commission, the American Dental Association, the American Medical Association, American Association of Medical Colleges, the Accreditation Council for Graduate Medical Education, and the American Academy of Developmental Medicine and Dentistry.
- **Addition of language in cooperative agreements** – In response to Executive Order 13985, "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government," NCD amended its cooperative agreement requirements language, which had read "NCD wants to ensure there is stakeholder involvement in Page 42 of 68 the findings and recommendations. The inclusion of people with disabilities must be integral to the planning, development, and execution of this project. At least one section of the report should focus on stakeholder input, but input should be integrated throughout," to further add, "NCD wants to ensure there is stakeholder involvement in the findings and recommendations. The inclusion of people with disabilities, including people with disabilities who are multiply marginalized (black, indigenous, people of color, LGBTQ, e.g.), must be integral to the planning,

development, and execution of this project. At least one section of the report should focus on stakeholder input, but input should be integrated throughout.” This language was integrated into the cooperative agreements we relied upon to generate the reports that were released in FY23 and that are concluding and readying for release in the fall, which reflect advice to policymakers that is inclusive of the breadth of diversity of the disability community constituency.

**In Fiscal Year 2024, NCD will prioritize work in the following areas of focus:**

- NCD will continue to utilize listening sessions and stakeholder engagements in its research that draws upon expertise and perspectives from diverse cross-sections of the community.
- NCD will continue to host town hall style listening sessions with members of the disability community from areas to which the Council travels, including Providence, Rhode Island, as well as target and plan a Council meeting to take place in Indian Country for later in FY24 or FY25.

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

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

**In furtherance of Goal 5, the Council accomplished the following in FY 2023:**

- The Council continues to work collaboratively with the Department of Homeland

Security to implement mandated cybersecurity requirements. We have complied with all mandated requirements to the maximum extent that our budget has allowed.

- National Archives and Records Administration (NARA), Management Federal Records Modernization Initiative (FERMI) – The M-19-21 directive issued by NARA requires federal agencies to transition to electronic documents by December 31, 2022. This includes legacy content. After this time, NARA will no longer accept permanent or temporary records from agencies in non-electronic format. We have been working diligently to meet this deadline by implementing functions in the SharePoint platform and moving exclusively to cloud storage. This government-wide initiative has allowed the agency to transfer our paper documents to the Federal Records Center, designate a Senior Agency Official and Agency Records Officer for records management which include training, scheduling records, workflows, and retention periods. The ongoing process for digitization required maximum staff resources. M-19-21 contextualizes our commitment to digital government and helps explain the progress our agency has made in managing records electronically and NCD fulfilled the requirement and was in full compliance by the December 2022 deadline.
- Plan of Action and Milestones (POAMs) - The Council continued to work across fiscal years to ensure our IT infrastructure was secure and we were moving toward compliance with all regulatory requirements.
- SharePoint - The Council continued its SharePoint platform development to support the transition to electronic documents as required by NARA.
- Updates to EEOC Policies and Procedures - Pursuant to 29 C.F.R. § 1614.102(e), NCD continued to outreach to Equal Employment Opportunity Commission (EEOC) for technical assistance to ensure our policies are in compliance with all mandates and requirements.
- Updates to Administrative and Financial Policies and Procedures - NCD continually monitors and updates our internal policies and procedures in response to agency needs, improving internal controls and in response to government wide directives.
- In FY 2023, we promoted an environment that ensured our operations include multi-

levels of internal controls. We ensured all operation components were safeguarded against waste, fraud, and abuse, which included advising and bringing areas of concern to agency leadership to ensure compliance and oversight.

- NCD continually evaluated the agency's operations during the national pandemic. This required a thorough analysis of ever-changing guidance and directives. As a small independent agency, we did an outstanding job monitoring, and implementing changes to guidance and directives received during the pandemic.
- NCD worked with GSA to initiate an Interagency EIS Transition for services.
- NCD worked with GSA through our Service Level Agreement to come into compliance with the personnel vetting reforms reflected in Trusted Workforce 2.0.
- NCD reviewed and updated our travel procedure to maximize oversight and to ensure NCD official travel procedures were in compliance with all applicable federal travel regulations and complied with the ever-changing COVID-19 pandemic or other public health guidance. This change was followed by a training presentation for Council members and staff.
- NCD issued a request for proposal (RFP) for cyber security support and implemented the agreement in FY 2023. This agreement will assist the agency to ensure compliance with all cybersecurity requirements; identifying and assessing significant risks related to information security; and safeguarding of information system assets by identifying and presenting solutions to solve potential and actual security problems.
- Plan of Action and Milestones (POAMs) - The Council deployed strategies w to ensure our IT infrastructure is secure and moved toward continued compliance with all regulatory requirements.
- Financial Audit - The Accountability for Tax Dollars Act requirement for an annual preparation and audit of financial statements of smaller agencies was exempted by OMB in recognition of our stewardship. This continues to result in biennial cost savings for the Council. The Council incurred the cost of completing an audit for Fiscal Year 2022 and Fiscal Year 2023 in Fiscal Year 2023.

- We began the process of transitioning financial services vendors in an effort to secure improved service and internal controls.
- We implemented a new after-action survey for all Council Members and staff following each Council meeting, to capture real-time feedback on an array of considerations regarding the Council meeting content, operations, and improvement opportunities.

**In Fiscal Year 2024, NCD will prioritize work in the following areas of focus:**

- Plan of Action and Milestones (POAMs) - The Council will continue to work across fiscal years to ensure our IT infrastructure is secure and we are moving toward continued compliance with all regulatory requirements.
- Updates to Administrative and Financial Policies and Procedures - NCD will continue to monitor and update our internal policies and procedures in response to agency needs, improving internal controls and in response to government wide directives.
- SharePoint - The Council will continue to develop the SharePoint platform. In FY 2024, we will incorporate workflows to improve internal operations and assist in continuity and process.
- Financial Audit - The Accountability for Tax Dollars Act requirement for an annual preparation and audit of financial statements of smaller agencies was exempted by OMB in recognition of our stewardship. This continues to result in biennial cost savings for the Council. The Council will incur the cost of completing an audit for Fiscal Year 2024 and Fiscal Year 2025 in Fiscal Year 2025.
- NCD will continue to work with EEOC to receive technical assistance and update and ensure compliance with all federal EEO regulations.
- We will continue to promote an environment that ensures our operations include multi-levels of internal controls, and our operational components are safeguarded against waste, fraud, and abuse.

- As NCD begins to travel to host public meetings, we will continue to review and updated our travel procedure to maximize oversight and to ensure NCD official travel procedures are in compliance with all applicable federal travel regulations and comply with all public health guidance.
- We will monitor and implement processes as identified through the cyber security support agreement. This agreement will continue to assist the agency in complying with all cybersecurity requirements; identifying and assessing significant risks related to information security; and safeguarding of information system assets by identifying and presenting solutions to solve potential and actual security problems.
- We will continue the process of transitioning financial services vendors in an effort to secure improved service and internal controls.

**GOAL 6**

**OBJECTIVES, STRATEGIC RESULTS and PLANNED ACTIVITIES**

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

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

**In furtherance of Goal 6, the Council accomplished the following in FY 2023:**

- We experienced the turnover of six council members and swore in six of nine new members in FY23. We continue to look for ways to improve and enhance the



onboarding process for staff, members, and interns.

- DEIA Strategic Plan –NCD continued to incorporate DEIA in all aspects of our operations, including updating our cooperative agreement language, ensuring that all our research endeavors also reflect our commitment to DEIA principles.
- Flexible Work Program – NCD continued to “right-size” its work schedule and arrangement options with a workforce that reflects full-time in-office; part-time in-office; and full-time remote employment options, striving for workplace flexibilities that benefit work-life balance for NCD’s hardworking employees as well as optimizes NCD’s options for future hires.
- Intern Program – In FY 2023 NCD developed an intern program which incorporates DEIA initiatives. NCD provided intern opportunities to 4 graduate students in FY 2023.
- NCD management revised the performance evaluation period to ensure management and staff had greater opportunity for adequate review and discussion and to add greater distance between the final assessments and the fiscal year closeout.
- NCD participated in the Federal Employee Viewpoint Survey (FEVS), and continually encouraged participation by providing ongoing updates and reminders to management and employees. Agency management worked collaboratively to ensure the agency specific questions would provide helpful data to the management team.
- NCD management committed to increase participation in leadership training and began acting on that commitment through group management trainings.
- DEIA Strategic Plan –In January 2023, NCD presented on incorporating accessibility into operations at OPM’s DEIA Summit.

**In Fiscal Year 2024, NCD will prioritize work in the following areas of focus:**

- NCD will continue to assess ways in which it can support its staff during the first full year of its flexible work policies, including maximum telework and remote work, gliding

flex, and compressed work schedules, including assessing technology needs and updating administrative policies, as necessary.

- NCD will continue to monitor and improve its internship program, ensuring DEIA principles are incorporated in outreach and recruitment, and will regularly assess the program for opportunities for improvement.
- DEIA Strategic Plan –NCD will continue in its long tradition of promoting diversity, equality, inclusion, and accessibility in all aspects of our operations, performance discussions, and workforce optimization decisions.

## **CROSS-AGENCY COLLABORATIONS**

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

- **Government Accountability Office** – NCD met with GAO to discuss the US Access Board, its mission, its cross-agency collaborations, and its operational efficiencies in relation to a GAO study on the US Access Board. NCD also met with GAO, at their request, to discuss disability clinical care and competency training.
- **Administration on Community Living** – NCD holds monthly standing calls with leadership from ACL to update one another on agency work and near-horizon projects.
- **US Access Board** - NCD holds monthly standing calls with leadership from the US Access Board to update one another on agency work and near-horizon projects.
- **Domestic Policy Council (DPC) Interagency Workgroup on Disability** – NCD joins the Domestic Policy Interagency Workgroup on Disability and its related subcommittees regarding a range of issues identified as agenda items by the Director of Disability Policy at the DPC.
- **Small Agency Council (SAC) Executive Committee, Partnership with General Services Administration (GSA) Work Group** – NCD staff are

members of the SAC Executive Committee which is charged with reviewing and providing advisement on activities within GSA's Office of Administrative Services and Human Resources Line of Business, Office of Customer & Stakeholder Engagement, Office of Analytics, Performance & Improvement and GSA's Management Through COVID-19.

- **The Small Agency Chief Information Officer Council (SACC) and Small / Micro-Agency Chief Information Security Officers Council (SMAC)** – NCD participates in the SACC and SMAC and leveraged the expertise of the forum in relation to our drafting of a cybersecurity RFP.
- **AbilityOne** – NCD met with staff and leadership from AbilityOne during its strategic plan updates and rollout as well as for regular updates regarding its planned activities.
- **Internal Revenue Service (IRS)** – NCD is in communication with IRS staff to discuss provisions of the tax code that undermine current disability policy and prevents people with disabilities from attaining employment status for federal employment tax purposes and from receiving critical employment benefits when they choose to work in sheltered workshops.

**NATIONAL COUNCIL ON DISABILITY BUDGET**

Cost Discussion (Appendix A)

**NOTE:** See attached "NCD Advancing Equity\_FY25 Proposal Template.xls" for NCD's response to budget guidance regarding "Advancing Equity through the Federal Government." Longer explanations of proposals contained throughout submission.

<b>DESCRIPTION</b>	<b>FY2024 Annualized CR Level</b>	<b>FY2025 Budget Request</b>
<b>BUDGET TOTAL</b>	<b>3,850,000</b>	<b>4,000,000</b>
<b>PERSONNEL</b>	2,402,000	2,450,040
<b>TRAVEL</b>	101,768	120,000
<b>RENT, UTILITIES AND COMMUNICATIONS</b>	197,000	144,500
<b>PROGRAM, RESEARCH AND PRINTING</b>	216,000	230,500
<b>TRAINING AND PROFESSIONAL ASSOCIATIONS</b>	15,000	27,500
<b>AUDIT</b>	0	3,000
<b>PAYROLL, ACCOUNTING AND HR SERVICES</b>	240,000	195,000
<b>SUPPORT CONTRACT SERVICES</b>	245,982	262,710
<b>INFORMATION TECHNOLOGY</b>	268,000	356,000
<b>PAYMENTS TO FEDERAL AGENCIES</b>	4,750	4,750
<b>SUPPLIES, SUBSCRIPTIONS AND MATERIALS</b>	66,000	66,000
<b>SOFTWARE &amp; EQUIPMENT</b>	55,000	60,000
<b>ANTI-DEFICIENCY</b>	38,500	40,000

## **APPENDIX A**

### **Cost Discussion**

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

- The Council's funding level for Fiscal Year 2024 based on an annualized CR is \$3,850,000.
- The Council's budget request for Fiscal Year 2025 is \$4,000,000.

In Fiscal Year 2025, NCD remains committed to delivering mission critical outcomes while streamlining our operational expenses. We are judicious in optimizing our appropriation in support of NCD's mission to advise the President, Congress, and other federal agencies regarding federal policies and the impact on people with disabilities by looking for opportunities to economize spending and regularly attempting low- or no-cost alternative methods of fulfilling strategic objectives whenever possible. To further maximize NCD's budget, NCD has also taken advantage of cost savings made available to small and micro agencies by the Office of the Federal Chief Information Officer (OFCIO) office. In so doing, NCD responsibly utilizes taxpayer dollars in support of the national priority to reduce deficits.

With a modest \$150,000 increase to Fiscal Year 2025 funds, NCD would be positioned to retain at least one in-person quarterly meeting and look to pursue other, smaller in-person meetings, which are an invaluable point of stakeholder authentication for the Council's work; we would be able to enter into cooperative agreements with more experts to help inform our work and/or expand the scoping of the agreements; and we would seek to keep our IT equipment upgrades on schedule to eliminate the inefficiencies and other attendant expenses that flow from retaining equipment past recommended service life.

Were we to receive this requested increase in our appropriations for Fiscal Year 2025 over Fiscal Year 2024 annualized CR level, in addition to the aforementioned level funding items, we would be able to begin to address the workforce needs of the Council related to the

mission-critical policy research and advisement work of the Council and continued compliance with cybersecurity and other federal requirements. The need is acute, as previously discussed.

## **APPENDIX B**

### **Analysis of Resources**

#### **PERSONNEL**

**FY 2024 Annualized CR Level      \$2,402,000**

**FY 2025 Budget Request              \$2,450,040**

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

- The Fiscal Year 2024 annualized CR level supports 9 Council members and 11 staff (FTEs), and includes mandated salary increase of 4.6%, which includes regularly scheduled performance increases per OPM policy and associated benefits, and a 3% increase anticipated for all federal employees. In FY 2024, we intend to hire a not-to-exceed (NTE) employee to replace contract support services.
- Our Fiscal Year 2025 budget supports 9 Council members and 11 staff (FTEs), which includes regularly scheduled performance increases per OPM policy and associated benefits, and a 2% increase anticipated for all federal employees.

#### **TRAINING AND PROFESSIONAL ASSOCIATIONS**

**FY 2024 Annualized CR Level              \$ 15,000**

**FY 2025 Requested Budget                 \$ 27,500**

In support of Strategic Goal 6, to recruit, retain, and develop a highly qualified professional staff to effectively service execution of statutory duties, NCD is committed to setting aside training dollars and memberships in professional organizations for all employees. All employees are encouraged to utilize training dollars in support of their professional development and the agency's mission. Accordingly, we endeavor to invest funding to train, advance, and retain the existing workforce.

- Our Fiscal Year 2024 annualized CR level of funding for training is a decrease from prior years in response to a voluntary increase in staff utilization of free and low-cost training options, many virtual or on-demand.
- In Fiscal Year 2025, we will return to our longstanding practice of funding training at \$2,500 per employee per year, and the management and staff will identify skill areas that require or could benefit from deepening and pursue training more



robustly.

## **TRAVEL**

<b>FY 2024 Annualized CR Level</b>	<b>\$101,768</b>
<b>FY 2025 Requested Budget</b>	<b>\$120,000</b>

The largest portion of the Council’s travel budget is devoted to the cost of fulfilling our statutory requirement to conduct public meetings no less than four times each year. Additionally, in conjunction with policy development or engagement activities, at times, the Council convenes policy forums to gather or provide expert information. On these occasions, we may extend invitations to subject matter experts, and such invitations may include travel-related costs. All travel is processed in accordance with federal regulations.

- For Fiscal Year 2024, NCD’s travel budget will support one in-person Council meeting and preparatory activities. The rest of the mandatory meetings will be conducted virtually.
- For Fiscal Year 2025, NCD’s travel budget would support one in-person Council meeting and preparatory activities and potentially one small subject matter roundtables or focus groups in connection with advising research the Council has undertaken.

## **RENT, UTILITIES AND COMMUNICATIONS**

<b>FY 2024 Annualized CR Level</b>	<b>\$197,000</b>
<b>FY 2025 Budget Request</b>	<b>\$144,500</b>

We renewed our lease with the General Services Administration pre-pandemic, effective October 1, 2021, for 15 years through September 30, 2031. At that time, we negotiated a reduced cost by entering into a 15-year agreement. The ability to remain at the current location, which is accessible for people with disabilities by three major Metro rail lines and Metro bus was the primary motivation for renewing the existing lease. With the majority of staff being people with disabilities, and as the federal voice to policymakers of the over 61 million Americans with a wide variety of disabilities, having a location that facilitates accessible engagement has been critically important.

Initially in response to the pandemic, and later because of the success of the experience,

NCD embraced enhanced telework and remote work opportunities, and made them available for all employees, while at the same time intentionally linking their offering to the agency’s performance management policy. NCD management recognizes the significance of the cost savings for our annual budget of accordingly “right-sizing” our office space related to rent. (In contrast, NCD’s Fiscal Year 2023 budget allocated \$301,620 to this line item.)

- In Fiscal Year 2024, NCD began a lease release planning process with the General Services Administration of a portion of the office space. The agency will begin financially benefiting from this reduction during Fiscal Year 2024.
- In Fiscal Year 2025, NCD will fully benefit from the partial lease release, which will allow funding to be reallocated to fulfilling mission critical work.

**PROGRAM, RESEARCH AND PRINTING**

**FY 2024 Annualized CR Level \$216,000**

**FY 2025 Budget Request \$230,500**

In support of the mission critical work of the agency, NCD’s program budget supports policy projects related to fulfilling the mission of the council, including the agency’s annual statutorily mandated progress report.

- In Fiscal Year 2024, in addition to our annual progress report to Congress, we will also commence research into the barriers that people with mobility disabilities confront in public rights of way, federally funded fitness and recreational facilities, and airline travel; as well as into the experiences of people with disabilities on tribal lands.
- In Fiscal Year 2025, NCD will commence research into a slate of policy projects voted on and prioritized by the Council Members in second or third quarter Fiscal Year 2024.

**AUDIT**

**FY 2024 Annualized CR Level \$0**

**FY 2025 Budget Request \$43,000**

As part of our reform plan and allowed per the Accountability for Tax Dollars Act requirement for an annual preparation and audit of financial statements of smaller agencies, we are exempted by the office of Management and Budget (OMB) for an annual audit in recognition of

the stewardship we have presented through ongoing unqualified audits. NCD participates in a biennial independent audit to review the Council's internal control over financial reporting in compliance with OMB audit guidance for expressing an opinion on financial statements.

- For Fiscal Year 2024, we are exempt from performing an annual audit and thus will incur no associated costs.
- In Fiscal Year 2025, the audit for FY 2024 and FY 2025 will occur in Fiscal Year 2025 with Fiscal Year 2025 funds. The estimated obligation for an independent audit of NCD's financials is \$43,000.

### **PAYROLL, ACCOUNTING AND HR SERVICES**

**FY 2024 Annualized CR Level    \$240,000**

**FY 2025 Budget Request            \$195,000**

As of Fiscal Year 2023, NCD contracts with the General Services Administration (GSA) Commissions and Boards (CABS) for human resource services and Office of the Chief Financial Officer (OCFO) for payroll, accounting, and HR services. Through these interagency agreements, we receive support to complete payroll, accounting, and human resource services. These agreements position NCD to utilize ad hoc services such as legal consultation, human relations support, and other services as identified. We do not have the resources to employ full-time staff with expertise in all areas the agency requires. With oversight and support of professional FTEs, these service level agreements facilitate smooth operations and assist in fulfilling federal requirements. In Fiscal Year 2023, NCD began the transition of financial services provider from GSA to Enterprise Services Center.

- For Fiscal Year 2024, our budget increased to support the fees associated with the transition in financial service providers to better meet the needs of the agency. A “discovery and engagement” process between the two vendors is followed by full implementation of service by the new vendor.
- In Fiscal Year 2025, our service budget to support the payroll and accounting services for the agency will decrease reflecting the full onboarding of the financial services contractor and the expiration of the former.

### **SUPPORT CONTRACT SERVICES FY 2024**

**Annualized CR Level        \$245,982**

## **FY 2025 Budget Request \$262,710**

Many staff and Council members of NCD are people with a variety of disabilities. We provide accommodations for employees with disabilities during working hours and at meetings and events. NCD also utilizes personal service contractors to assist FTE's in fulfilling duties in support of the agency.

- In Fiscal Year 2024, our contractual services budget supports the operational needs of the agency, reasonable accommodations for staff, members, and invited guests. Our increase in budget for contractual services reflects an increase in needed accommodation supports.
- In Fiscal Year 2025, our contractual services budget supports the operational needs of the agency and provides reasonable accommodations for staff, Council members, and invited guests. We continue to anticipate an increased budget for contractual services reflecting an increase in needed accommodation supports.

## **INFORMATION TECHNOLOGY (IT) AND SOFTWARE AND EQUIPMENT**

**FY 2024 Annualized CR Level \$ 268,000**

**FY 2025 Budget Request \$ 356,000**

As a micro agency, we secure outside support to assist in meeting the Council's IT and cybersecurity requirements. Related expenses continue to represent a significant amount of the Council's appropriation. Additional expenses are a result of new and ongoing federal requirements. These costs are ongoing to ensure compliance with all cybersecurity and FISMA mandates, and to assist in the security and protection of all Government networks.

- For Fiscal Year 2024, funding is necessary for NCD to move toward full and ongoing compliance with IT and cybersecurity mandates. We will also have a full year of service with new Cyber Security Vendor.
- In Fiscal Year 2025, we will roll out necessary software to ensure compliance and focus on implementing the following mandates:
  - Manage NCD's risk management framework for security compliance using OpenFISMA+. The risk management framework describes how an agency must access, monitor, and respond to risk;
  - Upload and monitor our agency Plan of Actions and Milestones (POAM's),

review and respond to the risk of classified and low, medium, or high and guide the agency toward compliance;

- Support and upkeep on SharePoint, to ensure compliance with National Archives and Records Administration requirements;
- Communicate on secured phone lines that are IP based;
- Provide ongoing security for the agency by maintaining MTIPS to address high level federal requirements with a secure connection to the public internet in full compliance with OMB's Trusted Internet Connection (TIC); and
- Employ or contract with a Cyber Security Specialist to write policies, procedures, and standards following OMB & DHS Directives in addition to providing ongoing support and compliance with cybersecurity mandates.

**PAYMENTS TO FEDERAL AGENCIES**

**FY 2024 Annualized CR Level           \$ 4,750**

**FY 2025 Budget Request               \$ 4,750**

As a small agency, we secure services through interagency agreements with other federal agencies for technical functions such as job postings, fingerprinting, procurements, and security services, to name a few. Under the oversight of professional staff, utilizing interagency agreements in this way assists us in fulfilling federal requirements.

- For Fiscal Year 2024, costs are relative to the anticipated needs of the Council during each fiscal year in addition to the Council’s decision to utilize fee-for-service expertise.
- In Fiscal Year 2025, costs are relative to the anticipated needs of the Council during each fiscal year in addition to the Council’s decision to utilize fee-for-service expertise.

**SUPPLIES, SUBSCRIPTIONS AND MATERIALS**

**FY 2024 Annualized CR Level   \$ 66,000**

**FY 2025 Budget Request         \$ 66,000**

The Council utilizes professional periodicals, subscriptions, technical publications, and services to stay informed of policy developments, conduct legal and other research, and

access federal directories in furtherance of its mission. These resources are essential in assisting staff to fulfill mission-critical work for the Council. As a micro agency, NCD utilizes a small budget for office supplies, furniture and general supplies each year. Costs are related to the anticipated needs of the Council during each fiscal year. Due to the success of our flexible work program, we anticipate future savings once the partial lease release is finalized.

- In Fiscal Year 2024, we anticipate the costs of supplies to modestly increase as we reduce our lease space and purchase modular furniture to support our employees in flexible, reconfigurable work environments and shared spaces.
- In Fiscal Year 2025, we anticipate using funds to address accessibility needs in a modular shared workspace, purchasing some furniture to move away from heavy, wood, largely difficult to rearrange or make accessible types and toward more modular, adjustable work stations.

#### **ANTI-DEFICIENCY**

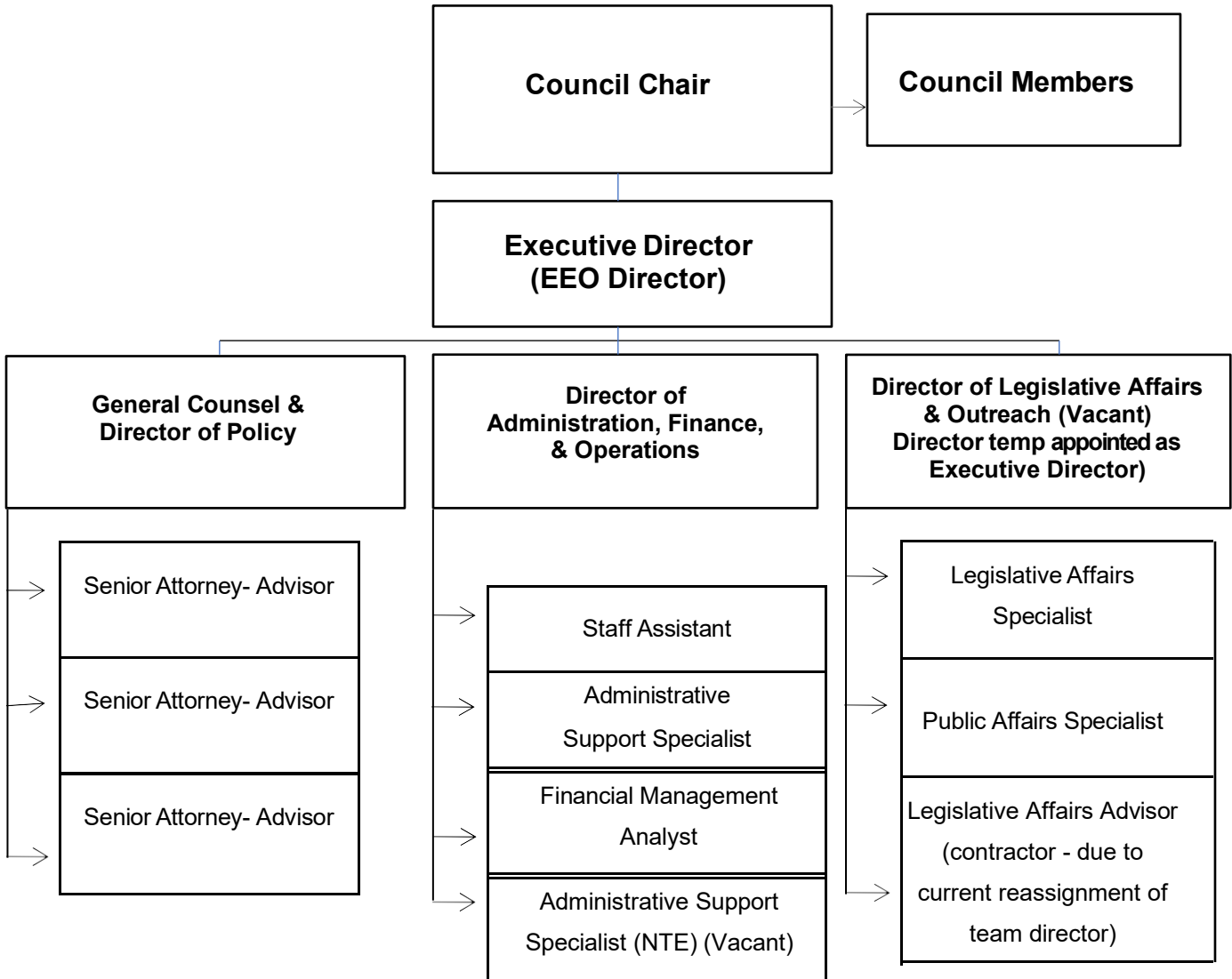
**FY 2024 Annualized CR Level \$ 38,500**

**FY 2025 Budget Request \$ 40,000**

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

**APPENDIX C**

**Organizational Chart**





**APPENDIX D**

**MAJOR MANAGEMENT PRIORITIES AND CHALLENGES**

**Costs of Implementing Federal Cybersecurity Requirements**

We continue to enhance our cybersecurity program. NCD continues to benefit from our Memorandum of Agreement (MOA) with the Department of Homeland Security (DHS) and the Department of Defense (DOD). NCD is committed to deploy cybersecurity strategies that will secure America’s cyber networks. Our MOA with the DHS, Office of Cybersecurity and Communications ensures the deployment of Cybersecurity capabilities. We continue to deploy Intrusion Prevention Security Services (IPSS) on our networks. These services look for network traffic and indicate known or suspected malicious cyber activity. NCD continues to make strides to improve our cybersecurity posture by utilizing initiatives in the Federal Government such as the Continuous Diagnostics and Mitigation (CDM) program Federal Government cybersecurity initiative led by the Department of Homeland Security (DHS) and the Cybersecurity and Infrastructure Security Agency (CISA).

In FY 2025, the total budget needed to implement improvements to the efficiency and effectiveness of our operations in the area of cybersecurity is summarized below.

<b>Activity</b>	<b>FY25</b>	<b>Description</b>
Cingular	\$ 6,000.00	Manages NCD’s risk management framework for security compliance using Cingular. Risk management describes how an agency accesses, monitors, and responds to risk. A contractor uploads and monitors all of our agency plans of actions and milestones (POAM’s) and informs the agency of the risks.
Managed Trusted Internet Protocol Services (MTIPS)	\$ 33,332.00	MTIPS provides security for agencies online traffic and addresses high level federal requirements with a secure connection to the public internet in full compliance with OMB's Trusted Internet Connection (TIC).

ATO (Authority to Operate)	\$ 25,000.00	Authority to operate on Government network which needs to be updated every 12 months.
Cyber Security Support	\$ 106,668.00	Cyber Security Contractor(s) to write required policies, procedures, and standard in addition to providing support by following OMB & DHS directives & mandates.
Continuous Diagnostics and Mitigation (CDM)	\$0	CDM is required by DHS. It helps strengthen the cybersecurity of government networks and systems. This tool develops and reports that the agency is CDM compliant and reports to OMB.
Security Assessment & Authorization	\$ 35,000.00	System Security Plan (SSP) will reveal what system(s) are in place and what support is needed. This will also cover penetration testing which is an ethical hacker that connects to your network in an attempt to obtain passwords. Once the test is done, the agency will know what to improve. A risk assessment will also be completed on our network.
Total Cost	\$ 256,000.00	

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## **MAJOR MANAGEMENT PRIORITIES & CHALLENGES (continued)**

### **Costs of developing a workforce for the 21st Century**

Management's major priorities for the National Council on Disability for Fiscal Year 2025 are to:

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

An enduring management challenge is how best to approach the allocation of the Council's limited financial and human resources. By recognizing the expertise of professional staff, and those staff serving in dual roles since 2018, the Council has been operating with eleven full-time staff and nine Council members. The Council members balance their service to the Council with their own full-time careers. Given the breadth of our mission, the scope of our engagement, policy development, and collaborative activities are often limited by the lack of workforce. Our modest budget and small workforce necessitate balancing and prioritizing stakeholder needs with available resources.

Related to the allocation of resources, maintaining a continuity of workforce is both a management priority and challenge. Unlike a larger agency that can withstand numerous vacancies without immediate implication to mission accomplishment or the operational integrity of the Council, in an agency of our size, even a single vacancy can create a palpable effect on the Council. Additionally, with the extent of discrete responsibilities every federal agency faces, regardless of size, individual employees may be the sole individual responsible for and knowledgeable of how to complete tasks. This necessarily creates risk which the Council must account for and control. Therefore, continuity of leadership, employee retention, professional development, and cross-training among

employees are always priorities of management as are persisting in efforts to seek opportunities to strengthen and add to the number of staff.

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

NCD publishes several full-length reports every year, in addition to advising and responding to multiple requests on various topics from federal policymakers. Most research projects involve outside contractual assistance. These full-length reports are fulsome research endeavors that entail a broad scope of policy consideration, and/or address an emerging topic or technology that we urge policymakers to consider. While we will continue to fulfill our mandate to serve policymakers and respond to the disability community's interests and publish annual research/policy reports, we are also an agency with operational requirements in addition to ever greater needs in the disability community to fulfill.

## **STAFFING NEEDS TO SUPPORT THE MISSION OF THE COUNCIL**

Since the inception of NCD and its original statutory charge to review and advise on laws and policies impacting people with disabilities, numerous amendments to existing civil rights laws as well as the passage of new laws has vastly expanded the scope of our work, and yet, the workforce of the Council has remained level for many years. However, the number of appointed council members decreased as a result of the Workforce Innovation and Opportunity Act (WIOA). The reduction in appointees also presented a reduction in the amount of professional experts who could bring their respective areas of expertise to bear on behalf of the Council's work.

Given our charge to review and advise on existing and proposed laws and policies and the growing number of laws and policies for people across all types of disabilities, regardless of age or severity of disability, it has become a far more difficult task for the Council to

service the mission of the Council with level staffing. To be timely and responsive to our advisees, the workload for existing staff has continually increased, with several staff completing assignments that equal the workload of multiple positions. Any loss in funding directly impacts the mission-critical work of the Council.

Despite our micro size, NCD must comply with requirements placed on much greater-resourced agencies. The financial demands of mandated requirements have the potential to compromise NCD's ability to complete the work that is critical to the mission of the Council, the Federal Government, and the disability community. To ensure the safety and security of the government's network, the demand for resources to support the mandated requirements for compliance is ongoing for the foreseeable future.

Were we to receive an increase in our appropriations for Fiscal Year 2025 over Fiscal Year 2024 appropriated, we would be able to begin to address the workforce needs of the Council related to the mission-critical policy research and advisement work of the Council and continued compliance with cybersecurity and other federal requirements. The need is acute, as previously discussed.

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