

Congressional Budget Justification

## National Council on Disability

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Fiscal Year 2018

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Fiscal Year 2018

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# A note from the chair

This document presents both the National Council on Disability (NCD)’s performance plan and budget justification for fiscal year 2018. We are requesting a total budget authority of $3,211,000. Those resources will be applied to the furtherance of NCD’s mission to advise the President, Congress, and other federal agencies regarding federal policies’ impact on people with disabilities. We will advise by engaging NCD’s stakeholders to inform our work and by developing policy recommendations based on the findings from our research. We will also steward a portion of those funds toward improvements to the efficiency and effectiveness of our operations and to ensure compliance with the Department of Homeland Security’s EINSTEIN cybersecurity protocols. NCD plans to do its work in FY 2018 with thirteen, full-time, career staff (filling two vacancies currently staffed by contractors) and nine part-time congressionally and presidentially appointed Council Members -- although we are in the process of conducting an agency self-review in response to the President’s ­­­March 13, 2017 Reorganization Executive Order and accompanying guidance (M-17-22). More detailed explanations follow in the budget justification.

Respectfully,

Clyde Terry
Council Chair

# Agency & Mission Overview

## Agency Mission

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

## Agency Information

The National Council on Disability (NCD) is an independent, nonpartisan federal agency that provides the Administration and the U.S. Congress with timely analysis and recommendations to advise policy development, revision, implementation, and enforcement efforts as they have impact on the lives of people with disabilities across America. NCD’s purview is not limited to a set policy area or subgroup of disabled Americans, so its advice is not siloed at the exclusion of others’ interests. On the contrary, NCD’s strives to provide advice that has thoughtfully considered the diverse needs of its core constituency, which varies greatly by type and severity of disability.

NCD has a critical role to play in preserving and strengthening the impact of the Americans with Disabilities Act (ADA) in our nation’s policies and programs. Indeed, NCD’s very identity is inextricably intertwined with the ADA and its history. NCD was initially established in 1978 as an advisory board within the U.S. Department of Education (Public Law 95-602). The Rehabilitation Act Amendments of 1984 (Public Law 98-221) transformed NCD into an independent agency and required NCD to provide advice to Congress and the Administration. Changes were also made to NCD’s statutory mandate by the Rehabilitation Act Amendments of 1992 and 1998, the Education of the Deaf Act Technical Amendments of 1993, and most recently, by the Workforce Innovation Opportunity Act (WIOA) of 2014 (Public Law 113-128).

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

NCD serves a unique role among federal agencies because its mission reflects the breadth and diversity of the disability community itself. In its authorizing statute, the agency’s duties are extensive and belie the agency’s limited financial and human resources. In FY17, NCD had a $3.25 million annual appropriation to support its mission of gathering information and reviewing and evaluating on a continuing basis all “policies, programs, practices, and procedures concerning individuals with disabilities conducted or assisted by federal departments and agencies…,” and “all statutes and regulations pertaining to federal programs which assist such individuals with disabilities…”

NCD’s governing body is the Council, comprised of nine members (five presidential and four congressional appointees), including a Chair, whom the President appoints; and a Vice Chair, determined by the Chair. Congressional appointees are appointed by each of the following: the Speaker of the House, the House Minority Leader, the Senate Majority Leader, and the Senate Minority Leader. Each Council Member serves a three-year term, with the possibility of a second term.

Council Members serve part-time and live across the country. Each brings a unique perspective informed by varied personal and professional experiences. Council Members are people with disabilities, disability service providers, parents or family members of people with disabilities, or other people who have substantial knowledge of or experience with disability policies and programs. Council Members are appointed to represent people with disabilities, national organizations concerned with disabilities, providers and administrators of services to people with disabilities, people engaged in conducting medical or scientific research related to disabilities, business concerns and labor organizations. The majority of the current Council Members are people with disabilities.

A small, dedicated full-time staff located in Washington, D.C. support the work of the Council Members.

## Organizational Structure

To accomplish its policy research work in fulfillment of its mission, NCD’s Council is organized into committees for each policy project. These committees are comprised of three or four Council Members each plus a full-time NCD staff member who manages the Council’s work on a project, drafts portions of policy advice based upon Council discussions and research, and who acts, when appropriate, as a Contract Officer Representative (COR) for any supplemental data provided to a project from time to time from an outside researcher. Once each policy project yields a final draft product, it is shared with the entire Council for review, discussion, refinement, and ultimately, a vote of approval, which often takes place at in-person quarterly meetings. Once approved, NCD staff provide final edits and dissemination of the policy advice to applicable parties. In the instances of need for brief, nimble responses to proposed legislation or regulations, NCD staff will often draft work products directly, drawing upon the Council’s existing body of work in so doing.

NCD’s staff is organized into three teams, led by team directors, all of whom report to the Executive Director.

NCD’s **Policy / Legal (Policy) team** provides legal analysis and advice to the Council; regularly interacts with federal agencies; staffs the Council’s policy project committees; and researches and drafts publications.

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

NCD’s **Administration / Finance / Operations (AFO) team** provides critical Council and staff support; and monitors the agency’s finances, information technology, and human resources management. Each team director reports to the Executive Director, who reports to the Chair (and is appointed by the Chair).

# **Performance section**

## Strategic Framework, FY 2012 – FY 2017

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| Agency Mission |
| The mission of NCD is to be a trusted advisor regarding the impact of federal policies on the lives of people with disabilities to the President, Congress, and other federal agencies by developing policy recommendations; reviewing existing policies’ effects on the quality of life of people with disabilities; and by engaging policymakers and responding to their requests for assistance accurately, efficiently and without bias. |
| Agency Vision |
| NCD works toward fulfillment of the goals of the ADA so that all Americans with disabilities can live free and full lives in communities of their choosing; can learn in ways that enrich their lives and enable them to reach their full potential; and can provide financially for themselves and their families.  |
| GOAL | Objectives |
| Advance the goals of the Americans with Disabilities Act by promoting policies, programs, practices and procedures that guarantee **equal opportunity** and provide for **economic self-sufficiency**, **independent living**, and **inclusion and integration** into all aspects of society for individuals with disabilities. | **Engagement –** Engage stakeholders in order to assess concerns and priorities and build a network of NCD partners. |
| **Policy Development & Collaboration –** Address stakeholder concerns and priorities by advancing specific, practical policy solutions and encouraging collaboration. |

## Strategic Goal

NCD has a unique mission among federal agencies because it is charged with reviewing all programs and policies across the Federal Government, not merely one aspect of policy affecting all people with disabilities or all policy areas affecting only one subpopulation of people with disabilities. For that reason, NCD’s singular strategic goal is intended to reflect the broad, long-term outcomes the agency is aspiring to achieve by implementing its mission – namely, to advance the Americans with Disabilities Act (ADA)’s *four* goals for all Americans with disabilities – equality of opportunity; full inclusion; independent living; and economic self-sufficiency.

## Strategic Objectives

NCD’s two strategic objectives are to engage stakeholders in order to assess concerns and priorities; and to address those concerns and priorities by advancing specific, practical policy solutions and encouraging collaboration.

### Tracking Progress on NCD’s Strategic Objectives

NCD accomplishes its mission by assessing concerns and priorities of its stakeholders and then providing independent and reliable information, analysis, and recommendations to Congress, the President, and other federal agencies, in furtherance of the goals of the ADA. NCD evaluates its performance and tracks its progress utilizing a mix of numeric measures of the agency’s reach, the results of its work, external engagement of stakeholders, and other indicators internal to the operations of the agency. (Examples of numeric measures of the agency’s reach include unique website visitors, readership of news articles highlighting NCD’s reports and recommendations, agency social media account followers, and audience sizes of conferences at which NCD Council Members and staff present at regarding our policy findings and recommendations.) NCD reports on these measures in its annual Performance and Accountability Report (PAR).

### Next Steps for Strategic Objectives

NCD has recently undertaken a review of its existing strategic framework (FY 2012 – FY 2017) in the process of updating its five-year strategic plan (for FY 2018 – FY 2022) and is likely to update it in the near term and solicit feedback of four express strategic goals that articulate the manner in which NCD plans to fulfill its mission to advise – by *developing new policy recommendations; reviewing and analyzing proposed and existing federal policies’ impact on people with disabilities; engaging policymakers and responding to their requests for assistance;* and *gathering information from subject matter experts to inform policymakers’ work.*

In our recent review of the strategic plan, we have discussed devising objectives with greater specificity underneath each proposed strategic goal, to reflect the impact the agency is trying to achieve. As an example, underneath the proposed strategic goal of developing new policy recommendations, we have drafted several strategic objectives that focus on what specifically we plan to develop – the first example being materials regarding recommendations on school choice for students with disabilities.

NCD is in the process of conducting an agency self-review for both its plan to maximize employee performance and the Agency Reform Plan in response to the President’s ­­­March 13, 2017 Reorganization Executive Order and accompanying guidance (M-17-22). These activities will further inform the direction of NCD’s revised strategic framework for FY 2018 – FY 2022. NCD will solicit feedback of its updated, five-year, draft strategic plan from appropriate congressional staff prior to submission to OMB for review by June 2, 2017.

## Summary of Results and Plans

### Objective 1 Results

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| Objective 1. |
| **Engagement –** Engage stakeholders in order to assess concerns and priorities and build a network of NCD partners. |

In FY 2016 and into the first half of FY 2017, NCD has continued to honor its policy development cycle of engaging NCD’s stakeholders, which includes: pursuing policy research in line with stakeholder-identified concerns and priorities; developing policy recommendations to address those concerns; returning to NCD’s stakeholders with the final product; working with policymakers regarding its recommendations; and ultimately receiving another round of iterative feedback, concerns and priorities to begin the cycle anew. While Objective 1 is primarily executed by the Legislative / Outreach team; and Objective 2 is primarily executed by the Policy / Legal team, NCD’s engagement / policy development cycle also assists in blending the work of the two teams’ core functions.

In addition to maintaining NCD’s standard congressional and disability community liaison activities through our existing staffing structure (Legislative and Outreach team), several noteworthy FY 2016 and FY 2017 highlights of NCD’s results for its engagement objective include:

* **Advancing policy discussions by convening an important cross-section of stakeholders with senior agency leadership at CMS –** NCD convened a day-long roundtable discussion in Baltimore, MD with senior leadership of the Centers for Medicare and Medicaid Services (CMS) regarding the Medicaid Managed Care rule, the home-and-community-based services (HCBS) rules, and the adequacy of resources to carry out these rules. We called the roundtable, “The Sustainability of the HCBS System: Compliance, Access, Rates,” and the 33 participants included state lawmakers, disability service providers, disability advocates, protection and advocacy attorneys, managed care organizations, and Medicaid beneficiaries from across the country in the discussion (AZ, DC, FL, IA, KS, MA, NH, NJ, MD, NY, OH, PA, VA). Senior leadership of CMS was present and remained engaged through the course of the roundtable and heard from an impressive cross-section of stakeholders regarding concerns and requests for additional guidance. CMS followed the meeting with publication of [a Request for Information (RFI)](https://www.gpo.gov/fdsys/pkg/FR-2016-11-09/html/2016-27040.htm) several months later, requesting additional information and data on additional reforms and policy options that CMS could consider to accelerate the provision of HCBS to Medicaid beneficiaries taking into account issues affecting beneficiary choice and control, program integrity, rate setting, quality infrastructure, and the homecare workforce. -- topics for which roundtable participants had requested additional guidance from CMS.
* **Showcasing U.S. federal disability rights leadership for international delegations –** NCD staff and Council Members met with representatives from nearly 30 countries to discuss U.S. federal disability civil rights laws (which many nations desire to study and replicate) and the structure and role of NCD as an independent federal advisory body regarding disability policy. Many countries have signed and ratified the Convention on the Rights of Persons with Disabilities and thus are seeking information from the United States on how best to implement it, given our long history with the Americans with Disabilities Act and other disability laws. While it is difficult to gauge specific outcomes from these meetings, the most frequent subject of discussion is how to create their own “National Council on Disability,” what structure of government is required; how to achieve the right make-up; and how to ensure it can be effective in its role.
* **Offering more engaging forms of information within our policy publications –** In FY 2016 and continuing into FY 2017, and in response to congressional request for shorter, more reader-friendly policy publications, NCD began to regularly develop and offer infographics (visual, graphical depictions of policy findings) as a supplementary, reader-friendly method of accompanying long-form policy narratives. These infographics have not only helped capture the essence of many of NCD’s policy findings, they have also assisted with making NCD’s policy publications more readily understandable by members of the general public.
* **Briefing Senate staff on disability considerations of autonomous vehicle technology –** The NCD Council Chair briefed Senate Commerce Committee staff from both parties on the impact that autonomous vehicle technology could have for the disability community and on potential barriers the technology or its regulation could inadvertently impose on people with disabilities. The briefing was held in anticipation of future legislation that would establish a federal role in autonomous vehicle technology. In light of NCD’s FY 2016 [“Self-Driving Cars: Mapping Access to a Technology Revolution”](http://ncd.gov/publications/2015/self-driving-cars-mapping-access-technology-revolution) report, the Commerce Committee invited NCD’s participation in the briefing as a thought leader in the area.
* **Convening a roundtable discussion on the disability community’s interactions with law enforcement** – At the request of the White House, after receiving a number of public comment requests for the Council to weigh in on the topic, and building off of the agency’s past work in the area of juvenile justice, in December 2016, NCD organized a round-table discussion in collaboration with staff from United Cerebral Palsy, with participation from experts in criminal justice reform; staff from DOJ, TSA, ED, and the White House; disability rights advocates (participants from CA, DC, IL, MA, MD, NC, NJ, NY, PA, VA, WI); representatives from law enforcement organizations; and individuals with disabilities with experiences with law enforcement. The purpose of the roundtable was to begin a discussion regarding the intersection of people with disabilities and negative police interactions as it pertains to the need for changes to data collection, community engagement, and training. The roundtable was intended to help inform NCD’s policy project focused on first responders’ engagement with the disability community (more information to follow under Objective 2).
* **Promoting awareness of best practices regarding accessible prescription drug labeling –** In accordance with its obligations in the Food and Drug Administration Safety Innovation Act, in FY 2016 and into FY 2017, NCD continued to promote awareness of voluntary best practices regarding accessible prescription drug labeling for people who are blind or have low vision. NCD developed and disseminated an [awareness brochure](http://www.ncd.gov/publications/2016/best-practices-accessible-prescription-drug-labeling) on the best practices, which, by partnering with the American Pharmacists Association, was distributed to over 285,000 individuals who receive their email newsletters and another 150,000+ who receive their “Pharmacy Today” publication. Additionally, NCD finalized a 30-second [public service announcement](http://www.ncd.gov/publications/2016/best-practices-accessible-prescription-drug-labeling) and has secured commitments to run the PSA in four major markets in the near term. The PSA has already aired 45 times on a worldwide radio network.
* **Engaging with advice prior to, during, and following promulgation of a SSA regulation that sought to restrict firearm ownership –**NCD played a prominent role in the policy debate regarding the Social Security Administration (SSA)’s rule that would have prohibited certain individuals with representative payees from owning or possessing a firearm. Even before the rule was drafted, in 2013, NCD [advised](http://www.ncd.gov/publications/2013/Jan142013) an Administration task-force on gun violence that such a policy would stigmatize and prove ineffective given the absence of correlation between the inability to manage funds and a propensity for violence. NCD relayed that [same message](http://www.ncd.gov/publications/2016/ncd-letter-ssa-regarding-proposed-rule-nics-improvements-act) to SSA again when the regulation was proposed in 2016, and later [recommended to Congress](http://www.ncd.gov/publications/2017/ncd-letter-repeal-SSA-NICS-rule) that it consider repeal of the rule. When the rule did receive repeal, Senator Grassley (R-IA) directly mentioned NCD’s work in this area when he introduced the resolution of disapproval. NCD sent our analysis on this issue to 529 congressional and committee staff. Subsequently, NCD met with legislators on this issue from both sides of the aisle to explain our analysis and position and fielded numerous national media calls. NCD’s analysis and position were referenced in numerous media outlets, most notably of which included USA Today, with a daily circulation of 2,301,917 readers; The Guardian (UK), with a readership of 17 million; and the National Review, with a monthly readership of 150,000. The resolution passed and was signed by the President on February 28th, 2017.
* **Strengthening policy recommendations through regular stakeholder input –** NCD continued to regularly solicit stakeholder input at its public quarterly meetings throughout the year. NCD conducted eleven public comment periods during FY 2016. During those sessions, individuals provided public comment either in written format by email, by phone or in person on the following topics:
* Mental health services in higher education
* Guardianship and supported decision-making
* Medicaid managed care and challenges for the direct care workforce
* Emerging technology, direct care workforce challenges
* Poverty and disability
* Police/state violence
* Criminal justice and disability, and special education

Continuing into calendar year 2017, NCD continued soliciting stakeholder input by conducting four additional comment periods at our quarterly meetings in which individuals provided comments either in written format, by email, by phone or in person on the following topics:

* Education and mental health
* Economic challenges to people with disabilities
* The linkages between disability and poverty
* Charter schools and vouchers within the context of IDEA rights

### Objective 1 Planned Activities for FY 2018

As previously noted, NCD’s review and update to its five-year strategic plan for FY 2018 – FY 2022 is well underway as of the time of the writing of this report. We anticipate that engagement activities will continue to prominently shape the work of the agency and may be emphasized and elevated in focus and resource allocation during the agency’s response to the ­­­March 13, 2017 Reorganization Executive Order and accompanying guidance (M-17-22).

In FY 2018, NCD will continue to offer “town hall” public comment opportunities at each of our NCD quarterly meetings around the country to create opportunities for the Council to hear directly from members of the public; meet regularly with international delegations; and provide regular disability policy briefings for members of the Administration and congressional staff. NCD also plans to examine and revise the format of its publications, briefing materials, and briefing methods in FY 2018, with a mind toward increasing their responsiveness to the specific needs of NCD advisees. NCD will also examine ways in which it can increase the time of its staff and Council members dedicated to direct engagement of congressional and Administration policymakers with NCD’s policy advice.

### Objective 2 Results

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| Objective 2. |
| **Policy Development & Collaboration –** Address stakeholder concerns and priorities by advancing specific, practical policy solutions and encouraging collaboration. |

In FY 2016 and the first half of FY 2017, NCD continued to regularly develop policy recommendations for policymakers and encourage collaboration among federal partners. We have shortened the length of many of NCD’s policy reports, in reflection of feedback received in previous fiscal year cycles on their size, and strive to make them easier to read.

Several noteworthy FY 2016 and FY 2017 highlights of NCD’s results for its policy development and collaboration objective include:

* [***Self-Driving Cars: Mapping Access to a Technology Solution***](http://ncd.gov/publications/2015/self-driving-cars-mapping-access-technology-revolution) ***–*** In FY 2016, NCD released a [report](http://www.ncd.gov/publications/2015/self-driving-cars-mapping-access-technology-revolution) that examined the challenges and advances associated with autonomous vehicle technology and proposed directions in research and development that will most benefit people with disabilities who are transportation disadvantaged because their disabilities prevent them from driving even a modified vehicle. In the report, NCD proposes model legislation. In follow-up to the report, NCD engaged in discussions with leaders in private industry including Google, Mercedes Benz, Audi, Ford, GM, and others to talk about the accessibility issues tied to people with disabilities accessing this exciting technology. The Council also continued to engage the National Highway Transportation Safety Administration and relevant congressional offices on the opportunities to be gained by making this technology accessible for people with disabilities.
* [***Affordable Care Act (ACA) report series***](http://ncd.gov/publications/2016)– In FY 2016, NCD released a [brief report series](http://www.ncd.gov/policy/health-care) analyzing the implementation, impact, and enforcement of ACA for people with disabilities. ACA’s changes to the country’s health care system has affected millions of Americans, with a disproportionate impact on people with disabilities. The report series outlines implementation choices that could greatly affect the nature of impact of ACA provisions on people with disabilities; evaluates policy options states face as they consider reconfiguring Medicaid; provides a snapshot of the impact of early implementation of ACA on people with disabilities; and identifies issues for ongoing monitoring.
* **Co-hosting a forum with the White House on the rights of parents with disabilities –**

Since our 2012 publication of *Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and their Children*, NCD has received steady interest from federal and state legislators, community-based organizations, and the general public about next steps with the report findings. On the 26th anniversary of the Americans with Disabilities Act, the White House co-hosted a forum with NCD on the topic with the objective of advancing the policy conversation with a mind toward determining what progress has been made on the recommendations in NCD’s report since its issuance. The forum was divided into the topics of child custody, foster care, and adoption areas of focus.

* ***Student Mental Health Services in Institutions of Higher Education* report –** Considering the recent passage of the Mental Health on Campus Improvement Act late last year, as well as the ongoing priority that mental health policy remains to federal policymakers NCD recently completed a study examining the state of mental health services on college campuses for students with disabilities. NCD plans to release the report this summer. In recent years, people with mental health challenge have faced growing fear and stigma. While this part of the disability community has significant unmet needs across society, gaps in support and negative consequences of stigma are particularly apparent within higher education contexts. Students with psychiatric disabilities frequently report inadequate mental health services on college campuses. In addition, those who take advantage of available support services may be at risk of discrimination due to campus concerns around liability for violent or suicidal behavior from students with psychiatric disabilities.
* ***Dental Care and the Intellectual and Developmental Disabilities (ID/DD) Community* policy brief –** Individuals with ID/DD and their loved ones often struggle to locate dentists who are both trained in and are willing to provide dental care to individuals with ID/DD. NCD recently completed a short policy brief that highlights these challenges and offers policy recommendations for this largely overlooked issue. NCD anticipates release of this report in the very near term.
* ***National Disability Policy: A Progress Report (2016) –*** NCD released its statutorily required [annual report](http://www.ncd.gov/progressreport/2016/progress-report-october-2016) utilizing information and communication technology (ICT) as an organizing theme given its potential to improve how people with disabilities live in the world. The annual progress report, released in early FY 2017 through a congressional briefing at which leaders from IBM and Microsoft responded to NCD’s report and recommendations, examines the efforts of policymakers, technology industry leaders, people with disabilities, and others to promote policies and practices that will lead to technology that can be used by all. The report offers policy recommendations to Congress, federal agencies, and industry that, if implemented, demonstrate an unwavering commitment to accessible ICT and assistive technology (AT).

### Objective 2 Planned Activities for FY 2018

At its July quarterly meeting, the Council will vote on its policy priorities for work set to begin the coming fiscal year. Also, in the course of developing the agency’s response to the ­­­March 13, 2017 Reorganization Executive Order and accompanying guidance (M-17-22), it is likely that the focus and methods of delivering our policy work may also change consistent with the priorities outlined in those documents as well as the President’s Budget, which is set for release later this month.

As previously noted, NCD’s review and update to its five-year strategic plan is well underway as of the time of the writing of this report. Many policy development activities currently under development and set for FY 2018 completion will likely continue as planned unless revisited for alteration or elimination due to changes to the strategic goals and objectives made in the next iteration of the strategic plan. However, as it currently sands, in FY2018, NCD is scheduled to release policy findings and recommendations on the following subjects:

**Currently Under Development**

* **Workforce Investment Opportunity Act (WIOA) report –** In line with the goals of the Administration and Congress to place an emphasis on increasing employment, NCD will release findings and recommendations regarding Vocational Rehabilitation’s progress in implementing WIOA’s requirement to provide pre-employment transition services (PETS) to transition-age students with disabilities.
* **Individuals with Disabilities in Education Act (IDEA) policy brief series** –To support improved outcomes of students with disabilities, NCD will issue a series of policy briefs that examine the following topics under IDEA -- segregation, funding, monitoring, English Language Learners, and the interplay between IDEA and Every Student Succeeds Act (ESSA).
* **Technology Principles –** NCD’s 2016 Progress Report recommended the development of a list of principles for technology accessibility. As the Internet, portable digital device applications, and other technologies continue to become more vital for an individual's ability to succeed and continue to thrive in modern day society, it is NCD's position that such technology is required to be accessible as per the Americans with Disabilities Act (ADA) and the Rehabilitation Act. With that position in mind, NCD seeks to put forth and support a set of principles that would reinforce that current laws, regulations, and executive orders do indeed require that technology be made accessible and establish principles to that effect for all future legislation and development of new technologies. This project was also selected after leaders from both IBM and Microsoft endorsed the idea of articulating a clear set of technology accessibility principles during a respondent panel at the 2016 Progress Report release.
* **Foreign Policy –** NCD has issued a series of reports in the past regarding the inclusion of people with disabilities in U.S. foreign policy. In our FY 2018 report, we plan to mark the progress made on our past recommendations as well as identify the areas that still require follow up at the State Department, USAID, and the Peace Corps. The report will also examine the policies and practices of the Millennium Challenge Corporation to determine whether it applies U.S. disability laws and policies to its programs overseas. In view of the President’s budgetary proposal to significantly alter the U.S. approach to foreign aid, NCD hopes that its report will come in a manner timely to inform planned changes in a way that will not impede progress toward greater inclusion of people with disabilities in U.S. foreign policy.
* **Direct Care Workforce –** In the last several years, new regulations from the Department of Labor (DOL) have had significant implications for the nation’s direct care workforce. The direct care workforce is a critical lynchpin for many people with disabilities to access education, employment, and full participation, consistent with many longstanding national disability policy goals. This project will examine the overburdened and underpaid direct care workforce and what impact the DOL application of the Fair Labor Standards Act Domestic Service final rule will have on coverage and retention for this employment sector. This rule, among other things, requires that direct care workers be paid overtime. Medicaid is the primary payer of direct care workers. This report will address the implications of the overtime rule on current funding.
* **The Disability Community’s Interactions with Law Enforcement** **–**As a follow-up activity to our December 2016 policy roundtable on the same topic, in the form of a short policy brief, NCD hopes to provide insight and recommendations concerning the interaction between law enforcement and members of the disability community, including the broader cross-disability population, during “first response” scenarios. NCD hopes to make recommendations regarding training; accountability; and data collection.

**FY 2018 Focus**

* **Keeping the Promise of the ADA: Moving Toward a Unified Federal Response to Disability in America** – In line with the Administration’s interest in reforming the federal government to create greater coordination and efficiencies, NCD will address examples of government inefficiencies with respect to services provided for people with disabilities, as well as the confusion and frustrations that arise among individuals trying to navigate through the various federal systems of programs and benefits, often siloed by topic or agency. Based on its findings, NCD aims to make recommendations to Congress and the President to remove barriers, improve access to government services for people with disabilities, and in the process, enhance efficiencies and effectiveness within the Federal Government.
* **2018 Progress Report** – NCD releases a national disability policy progress report every year as statutorily required. Although in recent years, the Council has chosen a topical organizing theme for each year’s report, for FY 2018, NCD intends to reorient the progress report as a snapshot of the progress regarding monitoring and enforcement of disability civil rights law over the past decade. This report theme flowed out of a reoccurrence of public comment at NCD’s quarterly meetings around the country, which was patterned around concerns involving enforcement of existing laws.
* **Sexual Assault of Students with Disabilities on College Campuses –** In view of recent national attention on campus sexual assault as well as the announcement of the bipartisan congressional taskforce to address the issue, NCD’s FY 2018 report will include an examination of sexual assault statistics, college policies regarding response to sexual assault and how those policies impact students with disabilities in particular, as well as post-assault services provided to survivors with disabilities.
* **Guardianship –** Guardianship is an ongoing interest of the Senate’s Special Committee on Aging, within the context of elder abuse. In NCD’s FY 2018 report, we will seek to foster understanding of guardianship in the context of existing federal disability policy and to advance recommendations that balance the need for decision-making assistance with the goals of the Americans with Disabilities Act, and the integration mandate outlined in the Supreme Court’s *Olmstead* decision. It will examine guardianship’s use among certain subgroups of people with disabilities that are frequently subject to it, including those with intellectual disabilities, brain injuries and psychiatric disabilities. The report will focus on how guardianship impacts people with disabilities and their families; how guardianship furthers or impedes national disability policy goals; and how alternatives to guardianship such as supported decision-making may improve outcomes and further the goals of the ADA. NCD
* **Parenting Rights –** NCD issued a groundbreaking report in 2012 on the rights of parents with disabilities. No other entity (governmental or nonprofit) has comprehensively addressed the rights of parents with disabilities in the way NCD did so, addressing the spectrum of parental rights from adoption and the child welfare system to the need for accessible/adapted cribs. Since its release nearly five years ago, the report has continued to be the number one viewed report on NCD’s website each year. While garnering several thousand views a month around the time of its release, even in this fiscal year, it is still averaging over 200 views a month. Similarly, NCD continues to field media calls about the report findings several times each year. In FY 2018, NCD hopes to continue work on this topic, narrowing in on the experiences and needs of specific communities by developing policy briefs addressing specific communities of parents. For example, addressing parents who are veterans with disabilities, parents in Native American communities, amongst others.

## 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 is in line with our strategic objective to develop policy recommendations and encourage collaboration. With each policy project, NCD shares our recommendations in advance with the agencies we are examining to ensure technical accuracy and strives to follow up with the same agencies in assessing their implementation of our recommendations. In addition to these piece-meal federal agency collaborations, specific instances of ongoing cross-agency collaborations include the following:

### Small Business Administration

In FY 2016, NCD met with the Small Business Administration (SBA) several times to discuss SBA’s 8(a) Business Development Program in the context of the disability-owned small businesses and the well-documented employment disadvantages of people with disabilities. Because of the productive discussions, SBA requested NCD to serve in an ex-officio role on its Council on Underserved Communities.

### Centers for Medicare and Medicaid Services (CMS)

In FY 2014 – FY 2016, NCD regularly engaged core Medicaid stakeholders across the country (Medicaid beneficiaries, service providers, managed care organizations, state Medicaid departments) to assess how federal Medicaid policy was playing out in the states, and in each instance, NCD invited the participation of regional CMS leadership, and in most instances, they did. This culminated in a willingness for most of CMS’s most senior leadership in Baltimore to join NCD in meeting directly with a smaller cross-section of the same individuals from across the country to hear from them directly to help inform the content of their Request for Information (RFI) that came out in early FY 2017.

### Federal Emergency Management Agency

Prior to the catastrophic hurricanes of 2005 (Katrina and Rita) NCD led a project related to emergency preparedness for people with disabilities - Saving Lives: Including People with Disabilities in Emergency Planning. Based on that work, NCD received additional appropriations through the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA) to continue working on emergency preparedness efforts for people with disabilities and we worked collaboratively with FEMA to co-host conferences and issue follow up recommendations on post-disaster planning including a research study regarding effective communications for people with disabilities before, during, and after emergencies. NCD continues to collaborate with FEMA, and we now serve on the Integrated Public Alert and Warning System (IPAWS) Subcommittee to the Federal Emergency Management Agency (FEMA) National Advisory Council (NAC). The subcommittee’s creation is pursuant to the IPAWS Modernization Act of 2015 (Public Law 114-143). The IPAWS Subcommittee is tasked with making recommendations through the NAC to ensure that FEMA can provide timely and effective warnings regarding natural disasters, acts of terrorism, and other man-made disasters or threats to public safety. The IPAWS Subcommittee will convene every other month to consult with and consider changes to improve IPAWS and new and developing technologies that may be beneficial to the public alert and warning system.

### Department of Justice

At the end of FY 2016, the U.S. Department of Justice’s Community Relations Service requested NCD’s assistance to review offer feedback on its Developmental Disabilities Awareness Training for Law Enforcement.

### Department of State

In FY 2016 and the first half of FY 2017, NCD continued to regularly meet with international delegations, at the request of the U.S. Department of State, to discuss federal disability civil rights laws, such as the Americans with Disabilities Act (ADA), as well as the history and structure of NCD as a disability advisory body within the Federal Government. NCD met with representatives from South Korea, Burma, Canada, China, Egypt, Ghana, Hungary, Iceland, Latvia, Maldives, Moldova, Nepal, Oman, Pakistan, Palestinian Territories, Philippines, Russia, Tajikistan, Tanzania, Uganda, Kazakhstan, and Vietnam.

### Department of Labor

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

## Major Management Priorities & Challenges

NCD’s management’s major priorities in FY 2017 and FY 2018 are to:

1. Finalize an updated five-year agency strategic plan;
2. Thoughtfully assess agency workforce, workload, and workflow against the backdrop of ­­­the March 13, 2017 Reorganization Executive Order and accompanying guidance (M-17-22);
3. Review and update NCD’s internal control policies and procedures;
4. Come into compliance with the Department of Homeland Security (DHS)’s EINSTEIN cybersecurity protocols; and
5. Train, develop, and retain NCD’s existing exceptional workforce and do the same when filling existing vacancies.

A persistent management challenge is how best to approach the allocation of the agency’s limited financial and human resources. With a full-time career staff of thirteen and nine Council members balancing their service on NCD with their own full-time careers, and given the breadth of its mission, the scope of NCD’s engagement, policy development, and collaborative activities is necessarily limited. NCD’s modest budget figure and small workforce necessitates balancing and prioritizing stakeholder needs with available resources.

Related to the allocation of resources, maintaining a continuity of workforce is both a management priority and challenge. Unlike the experience of a larger agency that can withstand numerous vacancies without immediate implication to mission accomplishment or the operational integrity of the agency, in an agency the size of NCD, even a single vacancy can create a palpable operational squeeze on the agency. Additionally, with the extent of discrete obligations every federal agency faces, regardless of size, some individual NCD employees are the sole individual responsible for and knowledgeable of how to complete a particular task. This necessarily creates risk for which the agency must account and control. Therefore, employee retention, professional development, cross-training among employees, and thoughtful hires in the case of vacancies are clear management priorities at all times.

### Planned Actions to Address Priorities & Challenges

NCD’s staff and Council are on sure footing in the revision of its five-year strategic plan. A draft of the updated plan will be discussed and voted on at the Council’s May quarterly meeting, in advance of the June 2 OMB deadline of the initial strategic framework. Following OMB and congressional feedback, NCD will finalize the plan and discuss operationalizing it managerially into workforce, workload, and workflow decisions and resource allocation for FY 2018 – year one of the new plan.

In December 2016, NCD’s management team participated in an agency training on the Green Book (internal controls) by the GAO Center for Audit Excellence. Following the training, NCD renewed team-level evaluations via risk assessments, and began work on its risk profile summarizing the team-level evaluations. NCD’s management team also briefed the Council’s Executive Committee on OMB Circular A-123’s internal control requirements and with their consent, designated the Council’s Executive Committee and NCD’s management team as the agency’s Senior Management Council to assess and monitor deficiencies in internal control. By June 2, NCD’s management team will have completed an update of the agency’s internal control policies and procedures as well as its initial risk profile, for submission to OMB.

NCD’s management team has also spent considerable time understanding and pursuing compliance with the DHS EINSTEIN cybersecurity protocols. The EINSTEIN capabilities are part of the DHS National Cybersecurity Protection System (NCPS), which is controlled and operated by The Office of Cybersecurity and Communications' (CS&C) National Cybersecurity and Communications Integration Center (NCCIC) and its U.S. Computer Emergency Readiness Team (US-CERT) to protect information and information systems from cybersecurity risks. Given the absence of in-house expertise related to the requirements of the protocol, NCD contracted for assistance to ensure our compliance with the new requirements. These requirements include various projects that deal with multi-year plans, new cutting-edge technologies or issues, and require developing new policies or making significant changes to existing policies. The scope of the contract into which NCD entered requires the contractor to review and recommend new systems, networks and software designs for potential security risks; recommend mitigation or countermeasures; and resolve integration issues related to the implementation of new systems within the existing infrastructure. The expense associated with this compliance is further discussed in the budget justification section.

Finally, beginning in FY 2016, NCD management began designating a specific line item per team (based upon the number of employees in each team) for workforce training and development and encouraged employees to pursue such opportunities. NCD management continued to emphasize cross-training among members of each team, and required employees to incrementally add and ultimately complete “desk manuals” to ensure an additional layer of risk mitigation with respect to task completion.

# Budget Justification

## Analysis of Resources

### Budget, Whole Agency View

**NATIONAL COUNCIL ON DISABILITY BUDGET
(in dollars)**

|  |  |  |  |
| --- | --- | --- | --- |
| **DESCRIPTION** | **FY 2016 Appropriation** | **FY 2017 Appropriation** | **FY 2018 Request** |
| **BUDGET TOTAL** | **3,250,000** | **3,250,00** | **3,211,000** |
| **PERSONNEL** | 1,615,697 | 1,722,643 | 1,960,202 |
| **TRAVEL** | 131,673 | 160,000 | 146,000 |
| **RENT, UTILITIES AND COMMUNICATIONS** | 299,977 | 334,631 | 425,603 |
| **PROGRAM, RESEARCH AND PRINTING** | 651,736 | 202,500 | 150,100 |
| **TRAINING AND PROFESSIONAL ASSOCIATIONS** | 36,300 | 40,188 | 33,750 |
| **AUDIT** | 30,000 | 27,500 | 30,000 |
| **PAYROLL, ACCOUNTING AND HR SERVICES** | 110,000 | 122,500 | 122,500 |
| **SUPPORT CONTRACT SERVICES** | 169,213 | 188,057 | 78,500 |
| **INFORMATION TECHNOLOGY**  | 97,108 | 250,466 | 64,000 |
| **PAYMENTS TO FEDERAL AGENCIES** | 7439 | 22,306 | 3,954 |
| **SUPPLIES, SUBSCRIPTIONS AND MATERIALS** | 54,545 | 51,609 | 44,180 |
| **LEGAL / OTHER FEES** | 0 | 115,000 | 120,000 |
| **ANTIDEFICIENCY** | 32,500 | 32,500 | 32,211 |

### Spend Plan by Team

As outlined in the Performance Section, NCD’s staff is organized into three teams, each with its own director. NCD’s Policy / Legal (Policy) is the primary team of responsibility for the agency’s policy development activities. Policy provides legal analysis and advice to the Council; regularly interacts with federal agencies; staffs the Council’s policy project committees; and researches and drafts many of its publications. NCD’s Legislative Affairs / Outreach (LAO) is the primary team of responsibility for the agency’s engagement activities. LAO regularly interacts with congressional member and committee offices and briefs them on NCD’s work; edits and publishes NCD’s publications; creates and manages content for the agency’s website; regularly interacts with NCD’s core constituency of Americans with disabilities; and organizes briefings and engagement opportunities. NCD’s Administration / Finance / Operations (AFO) team provides critical Council and staff support in furtherance of both strategic objectives. AFO monitors the agency’s finances, information technology, and human resources management. The Executive Director provides critical oversight of all teams and monitors progress and performance in furtherance of both objectives and the agency’s mission accomplishment. These team / strategic objective relationships are noted in the table below.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Strategic Objective** | **Support of Both Objectives** | **Objective 1: Engagement** | **Objective 2: Policy Development** | **Oversight of Both Objectives** |
| **Primary Team of Responsibility** | **AFO Team** | **LAO Team** | **Policy Team** | **Executive** |

**SPEND PLAN PER TEAM
(in dollars)**

| **DESCRIPTION** | **Total Spend Plan** | **AFO Spend Plan** | **LAO Spend Plan** | **Policy Spend Plan** | **Executive Spend Plan** |
| --- | --- | --- | --- | --- | --- |
| Full and Part Time Permanent (Staff) | 1,435,283 | 472,018 | 329,143 | 470,019 | 164,103 |
| Term and Indefinite Appointments (Council) | 80,000 | 0 | 0 | 0 | 80,000 |
| Personnel Benefits | 432,019 | 142,077 | 99,072 | 141,475 | 49,395 |
| Awards | 12,900 | 12,900 | 0 | 0 | 0 |
| **SALARY & BENEFITS** | **1,960,202** | **626,995** | **428,215** | **611,494** | **293,498** |
| Program Travel | 75,000 | 13,200 | 13,000 | 15,200 | 33,600 |
| Meetings and Conferences Travel | 45,000 | 6,000 | 6,000 | 10,000 | 23,000 |
| Local Travel | 6,000 | 250 | 250 | 250 | 5,250 |
| Invitational Travel | 20,000 | 0 | 0 | 0 | 20,000 |
| **TRAVEL & TRANSPORTATION** | **146,000** | **19,450** | **19,250** | **25,450** | **81,850** |
| Rental Payments to Federal Sources | 282,075 | 282,075 | 0 | 0 | 0 |
| Data Services | 121,200 | 121,200 | 0 | 0 | 0 |
| Wireless Telephone | 3,200 | 3,200 | 0 | 0 | 0 |
| Local Telephone | 3,000 | 3,000 | 0 | 0 | 0 |
| Telephone Long Distance Federal | 13,400 | 13,400 | 0 | 0 | 0 |
| Postal Services | 500 | 500 | 0 | 0 | 0 |
| Express Mail Services | 1,000 | 1,000 | 0 | 0 | 0 |
| Courier and Messenger Services | 1,228 | 428 | 800 | 0 | 0 |
| **RENT, UTILITIES AND COMMUNICATIONS** | **425,603** | **424,803** | **800** | **0** | **0** |
| **General Printing and Duplicating - Non-Federal** | **100** | **0** | **100** | **0** | **0** |
| **PRINTING & REPRODUCTION** | **100** | **0** | **100** | **0** | **0** |
| **IT Advisory & Consultant Services** | **60,000** | **39,744** | **20,256** | **0** | **0** |
| **Research Contracts** | **150,000** | **0** | **0** | **150,000** | **0** |
| **Other Misc. & Contractual Services** | **78,500** | **73,264** | **5,236** | **0** | **0** |
| **Training - Commercial Provider** | **32,500** | **12,500** | **7,500** | **10,000** | **2,500** |
| **Accounting & Audit** | **30,000** | **30,000** | **0** | **0** | **0** |
| **Memberships in Professional Associations** | **1,250** | **0** | **250** | **1,000** | **0** |
| **GSA Finance/Payroll & HR Services** | **122,500** | **122,500** | **0** | **0** | **0** |
| **Department of Homeland Security** | **3,954** | **3,954** | **0** | **0** | **0** |
| **CONTRACT SERVICES** | **478,704** | **281,962** | **33,242** | **161,000** | **2,500** |
| **Office and General Supplies** | **5,000** | **5,000** | **0** | **0** | **0** |
| **Newspapers and Periodicals-Non-Federal** | **17,400** | **0** | **17,400** | **0** | **0** |
| **Technical Publications - Non-Federal** | **18,780** | **0** | **18,780** | **0** | **0** |
| **Office Furnishings**  | **3,000** | **3,000** | **0** | **0** | **0** |
| **SUPPLIES & MATERIALS** | **44,180** | **8,000** | **36,180** | **0** | **0** |
| **Automated Information Equipment** | **4,000** | **4,000** | **0** | **0** | **0** |
| **Software** | **0** | **0** | **0** | **0** | **0** |
| **EQUIPMENT & COMPUTERS** | **4,000** | **4,000** | **0** | **0** | **0** |
| **Attorney's Fees** | **0** | **0** | **0** | **0** | **0** |
| **Legal/Other**  | **120,000** | **0** | **0** | **120,000** | **0** |
| **LIABILITY** |  **120,000**  |  **-**  |  **-**  |  **120,000**  |  **-**  |
| **Anti-deficiency** | **32,211** | **32,211** | **0** | **0** | **0** |
| **RESERVE** | **32,211** | **32,211** | **0** | **0** | **0** |
| **TOTAL FY 18 BUDGET** | **3,211,000** | **1,397,421** | **517,787** | **917,944** | **377,848** |

## Cost Discussion

The Council is requesting a total budget authority in FY 2018 of **$3,211,000.**
In FY 2017, the Council was provided with **$3,250,000.**A discussion of costs follows.

|  |  |  |
| --- | --- | --- |
| **PERSONNEL**FY 2016 $1,615,697FY 2017 $1,722,643FY 2018 $1,960,202 |  | For FY 2018, NCD’s budget request supports 9 Council members and 13 staff (FTEs). The 13 FTEs consist of an Executive Director and 12 permanent staff. NCD was not fully staffed in FY2017. Obtaining and maintaining full time federal staff is critical to fulfillment of the agency’s mission, as noted in the “Major Management Priorities and Challenges” narrative above. Our FY2018 budget request includes funds for two additional FTEs (IT Specialist and Special Assistant -- both positions currently filled by contractors), regularly scheduled performance increases per OPM policy, a 2% COLA, and associated benefits. Benefits have been calculated based on our experience with the benefit packages employees have chosen in the past.  |
| **TRAVEL**FY 2016 $ 131,673FY 2017 $ 160,000FY 2018 $ 146,000 |  | The largest portion of our travel budget is devoted to the cost of fulfilling NCD’s statutory requirement to conduct public meetings no less than four times each year. All Council members and staff are reimbursed in accordance with federal per diem regulations. In conjunction with policy development or engagement activities, at times, NCD convenes policy forums to gather or provide expert information. On these occasions, NCD may extend invitations to subject matter experts whose travel-related expenses NCD covers (airfare or train, lodging, per diem, and disability accommodations if applicable). NCD usually conducts one of its required quarterly meetings by telephone conference to save money. However, due to the variety of disability accommodations necessary for our Council Members and staff to participate fully, telephone conferences are not an ideal medium for meeting as they have a practical impact on the ability of the Council Members to conduct its usual agenda of business, thus we limit the agenda for that meeting.  |
| **RENT, UTILITIES AND COMMUNICATIONS**FY 2016 $ 299,977FY 2017 $ 314,631FY 2018 $ 425,603 |  | NCD currently leases office space from the General Services Administration. Our lease expires August 21, 2021. Increasing costs are attributable to the operational costs and real estate taxes per the occupancy agreement. With a majority of its board and staff being people with disabilities, and as the federal voice of the over 56 million Americans with a wide variety of disabilities, NCD utilizes several communication methods to facilitate the work of and between NCD members and staff, as well as to engage with stakeholders.  |
| **PROGRAM, RESEARCH AND PRINTING**FY 2016 $ 651,736FY 2017 $ 202,600FY 2018 $ 150,100 |  | To reduce costs, NCD has streamlined our report editing and printing processes through the use of several Government Publishing Office (GPO) federal programs that negotiate the best prices for government customers. In recent time, NCD has begun to rely more heavily on the in-house expertise of its staff to produce its policy projects. NCD’s policy priorities are established by appointed Council members who represent the disability community. The Council members receive public comments and engage the agency’s stakeholders throughout the year and propose and determine projects based upon the goals and objectives outlined in NCD’s strategic plan. Policy reports, working groups, white papers and projects may at times enlist the support of outside individuals and groups who possess subject matter expertise not available on NCD’s staff or Council or who possess data sets NCD needs to produce its reports. Any reduction in NCD’s funding directly impacts NCD’s ability to conduct its program and research activities.  |
| **AUDIT**FY 2016 $ 30,000FY 2017 $ 27,500FY 2018 $ 30,000 |  | NCD solicits an outside vendor to conduct an annual financial audit of our internal operations. The annual audit reviews the Council's internal control over financial reporting as a basis for compliance with the Office of Management and Budget (OMB) audit guidance for expressing an opinion on financial statements in line with the agency’s annual Performance and Accountability Report. |
| **PAYROLL, ACCOUNTING AND HR SERVICES**FY 2016 $ 110,000FY 2017 $ 122,500FY 2018 $ 122,500 |  | NCD contracts with the General Services Administration (GSA) Commissions and Boards (CABS) and Office of the Chief Financial Officer (OCFO) for accounting, payroll and financial service provision. Through these interagency agreements, NCD receives support to complete payroll, accounting, human resource services and legal consultation. These contracts facilitate smooth operations at NCD and assists in fulfilling federal requirements.  |
| **SUPPORT CONTRACT SERVICES**FY 2016 $ 169,213FY 2017 $ 188,057FY 2018 $ 78,500 |  | Many of the staff and Council members are people with a variety of disabilities. NCD provides accommodations for employees with disabilities during work hours and at NCD meetings and events as requested.  |
| **INFORMATION TECHNOLOGY (IT)**FY 2016 $ 97,108FY 2017 $ 250,466FY 2018 $ 64,000 |  | As a small agency, NCD secures outside support to assist in meeting the agency’s IT needs. Expenses peaked in FY2017 because of new federal requirements such as the EINSTEIN cybersecurity initiative and it necessitating an upgrade in equipment. NCD plans to hire a FTE in FY2018 to minimize the escalation of costs for FY2018 as NCD ensures compliance with all cybersecurity and FISMA mandates.  |
| **PAYMENTS TO FEDERAL AGENCIES**FY 2016 $ 7,439FY 2017 $ 22,306FY 2018 $ 3,954 |  | As a small agency, NCD secures interagency agreements with other federal agencies for technical functions such as job postings, procurements, and security services. Utilizing interagency agreements in this way assists NCD in fulfilling federal requirements by providing NCD with subject matter expertise not required on staff for agency mission fulfilment.  |
| **SUPPLIES, SUBSCRIPTIONS AND MATERIALS**FY 2016 $ 54,545FY 2017 $ 51,609FY 2018 $ 44,180 |  | NCD utilizes professional periodicals, and subscriptions to 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 for NCD operations. As a micro agency, NCD is a good steward of federal funds and utilizes a very small budget for office supplies, furniture and general supplies each year. |
| **LEGAL, OTHER FEES**FY 2016 $ 0FY 2017 $ 115,000FY 2018 $ 120,000 |  | NCD has a legal liability in FY2017. This liability extends into FY2018 and FY2019. This liability has encroached upon NCD’s research budget. NCD has responded to this challenge by developing more projects in-house.  |
| **ANTI-DEFICIENY** FY 2016 $ 32,500FY 2017 $ 32,500FY 2018 $ 32,211 |  | NCD reserves 1% of our annual appropriated budget for unanticipated expenses and to ensure the agency does not exceed available funds.  |

## Costs of Implementing New Federal Cybersecurity Requirements

As a brief note, in FY 2017, NCD’s IT costs increased 2.5 times their previous FY 2016 level, with $250,466 spent to ensure compliance with DHS’s EINSTEIN cybersecurity initiative – nearly 8% of NCD’s entire annual budget. This total includes the costs of contract staff, complete refresh of antiquated equipment, and implementation of Managed Trusted Internet Protocol Service (MTIPS), which is mandated so federal agencies can connect to the public Internet and other external connections in compliance with the Office of Management and Budget's (OMB) Trusted Internet Connection (TIC) Initiative. We mention these costs simply to highlight the very practical challenges to a small agency of government-wide requirements, when cost curves don’t necessarily bend in relation to the size of the agency and with the hope that any future initiatives may consider provision of single-year funds to assist the smaller and micro agencies in complying with clearly meritorious initiatives such as the EINSTEIN cybersecurity protocols.