



April 6, 2021

Vanessa Countryman, Secretary  
Securities and Exchange Commission  
100 F St NE  
Washington, DC 20549

Re: #SR-NASDAQ-2020-081

Dear Ms. Countryman,

I am writing on behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 220 national advocacy organizations. The Leadership Conference commends NASDAQ for lifting up the importance of corporate diversity, and believes the proposed rule to require NASDAQ-listed companies to have (or explain why they do not have) diversity in their board membership is an important step forward. It is our intent to submit more detailed comments about the full extent of the proposal, but I am writing separately to urge that individuals with disabilities be included within the scope of the new requirements.

Founded in 1950 as the umbrella organization for the American civil rights movement, The Leadership Conference's philosophy is rooted in the understanding that the rights and well-being of people in the United States are best advanced when everyone has a place at the table. To achieve an America truly as good as its ideals, our laws and policies must lift up – and enlist – all communities that have historically been excluded from economic, social, political, and legal institutions. And throughout our organization's history, eliminating barriers faced by people with disabilities has been both inseparable from and instrumental to our overall efforts to advance civil and human rights.

As such, while we applaud the overall intent of the proposed rule, we are concerned that it does not specifically require the inclusion of people with disabilities in its diversity reporting requirements. It is simply not enough to say, as a footnote to the proposal explains, that companies are not precluded from including additional factors such as disability, as this fails to properly reward companies that are doing the right thing and fails to put adequate pressure on companies that could and should be doing more. The most recent Disability Equality Index, compiled by the American Association of People with Disabilities (AAPD) and Disability:IN, shows the logos of 205 well-known companies that scored 80 percent or better in a rating system of corporate disability inclusion practices. Yet it does not take long to think of corporate logos – indeed, some household names – that are still absent from the lists.

We need to utilize every mechanism at our disposal to help ensure more diverse and inclusive workplaces. As other commenters have said, disability does not discriminate – and we are all better off when we see people with disabilities thriving in corporate boardrooms and all other aspects of work and life. Corporations also benefit, not just in terms of good

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PR, but also in terms of untapped energy and unique perspectives and new consumers. And making disability a required category of board diversity disclosure is not just consistent with the broader effort of NASDAQ to respond to the events of 2020; it is an essential component of it.

As such, The Leadership Conference urges you to ensure that disability is covered under the proposed rule. Thank you for your consideration. If you have any questions, please contact Rob Randhava, senior policy counsel, at [randhava@civilrights.org](mailto:randhava@civilrights.org).

Sincerely,



Wade Henderson  
Interim President and CEO



LaShawn Warren  
Executive Vice President for Government Affairs