**Legislative Agenda of Blind Americans**

***PRIORITIES FOR THE 116TH CONGRESS, FIRST SESSION***

**The National Federation of the Blind is a community of members and friends who believe in the hopes and dreams of the nation’s blind. Every day we work together to help blind people live the lives we want.**

* **The Access Technology Affordability Act (ATAA)**

The cost of critically needed access technology is out of reach for most blind Americans. By providing a refundable tax credit for qualifying purchases, Congress will stimulate individual procurement of this technology and promote affordability of these tools.

* **The Greater Accessibility and Independence through Nonvisual Access Technology (GAIN) Act**

Advanced digital interfaces create barriers that prevent blind individuals from independently operating essential devices that enhance quality of life. Congress must end the digital divide that threatens the independence of blind Americans by developing minimum accessibility requirements for such devices.

* **The Disability Employment Act (DEA)**

An outdated approach to employment fails to adequately equip workers with disabilities for the challenges of the twenty-first century. The Disability Employment Act will spur innovation that will increase and enhance modern employment opportunities for people with disabilities.

**These priorities will remove obstacles to education, employment, and independent living. We urge Congress to support our legislative initiatives.**

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**Access Technology Affordability Act**

**The cost of critically needed access technology is out of reach**

**for most blind Americans**

**The high cost of access technology creates a difficult economic reality.** Most access technology ranges from $1,000 to $6,000. For example, a leading screen reader is $900, a popular Braille note taker is $5,495, one model of a refreshable Braille display is $2,795, and a moderately priced Braille embosser is $3,695. According to the United States Census Bureau 71 percent of blind Americans are either unemployed or underemployed.[[[1]](#endnote-1)](#Two) Consequently, most blind Americans do not have sufficient financial resources needed to purchase these items.[[[2]](#endnote-2)](#Four) These financial barriers can ultimately lead to a loss of employment, insufficient education, or even isolation from community activities.

**Medical insurance will not cover the cost of access technology.** Current definitions of "medical care," "medical necessity," and "durable medical equipment" within common insurance policies do not include access technology.These definitions were adopted in the 1960s “when medical care was viewed primarily as curative and palliative, with little or no consideration given to increasing an individual's functional status.”[[[3]](#endnote-3)](#Five) Many states’ Medicaid programs and individual health insurance plans have adopted similar definitions and likewise will not cover the cost of access technology.[[[4]](#endnote-4)](#Seven)

**Access technology enables blind Americans to participate in today’s workforce.** Blindness is well-defined and measurable,[[[5]](#endnote-5)](#Six) but affects each person differently and at different ages. Since individuals’ needs differ, manufacturers have designed various tools that enable each blind American to perform tasks that they were once unable to accomplish themselves due to their blindness. Braille note takers are frequently used in schools, screen reading software allows workers to check their email at home, and screen magnification software can help seniors losing vision learn about community activities. Access technology equips blind Americans to seek employment and stay employed. For the 71percent of blind Americans who are either unemployed or underemployed, it is a vehicle that facilitates the job seeking process. Despite this critical need however, public and private entities struggle to meet consumer demand[.[[6]](#endnote-6)](#One) This leads to untimely delays in the delivery of necessary technology and ultimately harms the blind consumer.

**Access Technology Affordability Act:**

**Makes access technology more affordable so that blind Americans can procure these items for themselves.** Itestablishes a refundable tax credit for blind Americans in the amount of $2,000 to be used over a three-year period to offset the cost of access technology. The credit created by ATAA will sunset after five years, and will be indexed for inflation.

**Provides flexibility for individuals to obtain access technology based upon their specific needs.** Accessibility requires an individualized assessment of one’s own skills and needs. Therefore, blind Americans should be given the opportunity to procure access technology on their own to ensure that they are receiving the tools that are most useful for them.

**Historically, Congress has implemented tax incentives (e.g., Disabled Access Credit) for business owners required to make accommodations, including access technology, for employees and patrons with disabilities.** Even though Congress created these tax incentives to increase accessibility in the community, these incentives are underutilized.[[7]](#endnote-7) Meanwhile, blind Americans primarily depend on public and private entities to procure access technology for them.

**IMPROVE AFFORDABILITY OF CRITICALLY NEEDED ACCESS TECHNOLOGY NECESSARY FOR EMPLOYMENT AND INDEPENDENT LIVING.**

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**Disability Employment Act**

**an outdated approach to employment fails to adequately equip workers with disabilities for the challenges of the twenty-first century.**

**The Javits-Wagner-O’Day Act (JWOD) is a well-intentioned but obsolete law intended to provide employment for people with disabilities through specialized government contracts.** Enacted in 1938, the Wagner-O’Day Act required that government agencies prioritize the procurement of products produced by blind people. In 1971 the program was expanded to become the Javits-Wagner-O’Day Act,[[8]](#endnote-8) and to include nonprofit agencies employing persons who are blind or have other severe disabilities.[[9]](#endnote-9),[[10]](#endnote-10) While the originally intended goals of the program are noble, the current structure falls short of those ideals by failing to equip workers with the necessary skillsets to compete in the twenty-first century workforce.

**The work experience provided by the AbilityOne Program does not utilize or teach the skills required for today’s fast-paced digital work environment.** Many workers with disabilities employed under the AbilityOne Program are assigned menial, repetitive tasks, which do nothing to equip them with the skills needed to succeed and advance in a modern workplace. As a result, many of these individuals find themselves trapped in these jobs for years, if not decades, with no real hope to advance or find new employment opportunities elsewhere.

**The AbilityOne Program thrives on specialized contracts while at the same time paying employees with disabilities subminimum wages.** Section 14(c) of the Fair Labor Standards Act,[[11]](#endnote-11) passed in 1938, authorizes the Secretary of Labor to issue Special Wage Certificates to certain entities, permitting them to pay workers with disabilities subminimum wages. The vast majority of 14(c)-certificate-holding entities are nonprofit “sheltered workshops” (segregated work environments)[[12]](#endnote-12) that pay over 300,000 workers with disabilities,[[13]](#endnote-13) some as little as pennies per hour.[[14]](#endnote-14) Additionally, the failure of the AbilityOne Commission to adequately manage its own financial resources[[15]](#endnote-15) and display an appropriate level of transparency[[16]](#endnote-16) has eroded public confidence in the program.

**AbilityOne sheltered workshops create a segregated work environment that is antithetical to competitive integrated employment.** The current structure requires that the majority of the work performed on AbilityOne contracts is carried out by employees with disabilities at specialized nonprofits.[[17]](#endnote-17) These specialized nonprofits create an artificially inclusive work environment. Additionally, the current structure incentivizes excluding workers with disabilities from advancement to administrative, managerial, or supervisory positions.[[18]](#endnote-18) This results in people with disabilities stagnating in the same job for years or decades without creating opportunities for advancement to employers outside the program. This model also fails by not sharing best practices to employers outside the program in order to broaden its impact.

**Disability Employment Act:**

**Will expand bidding opportunities within the program.** The Disability Employment Act will allow for-profit as well as nonprofit entities to bid on contracts through a newly created commission.

**Will ensure that workers earn at least the prevailing wage.** The bill will prohibit the use of 14(c) certificates and will require employers to pay workers with disabilities at least the minimum wage, or if greater, the prevailing wage.

**Will equip employers with the necessary tools and supports to integrate workers with disabilities.** The bill establishes an Employment Integration Trust Fund to assist employers to meet reasonable accommodation requirements under Title I of the Americans with Disabilities Act. Employers will have access to financial assistance to ensure that the technology they use is accessible; to train design, development, and manufacturing teams on best practices; and to provide the necessary supports required by individuals with other severe disabilities. This will improve disability employment practices across all sectors of employment.

**Will better integrate with the Randolph-Sheppard Program.** The bill will honor the Randolph-Sheppard Priority for all military dining contracts, including cafeterias.

**Will eliminate the conflicts of interest and lack of accountability in the current program.** The bill will change the composition of the commission, restructure the way the contracts are awarded, and create a trust fund to support the organic integration of workers with disabilities into the mainstream workforce.

**INCREASE AND ENHANCE EMPLOYMENT OPPORTUNITIES FOR PEOPLE WITH DISABILITIES.**

**Sponsor the Disability Employment Act.**

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**Greater Accessibility and Independence through Nonvisual Access Technology (GAIN) Act**

**ADVANCED digital interfaces create barriersthat prevent blind individuals from independently operating ESSENTIAL devices THAT ENHANCE QUALITY OF LIFE.**

**Home use medical devices, home appliances, and fitness equipment are becoming less and less accessible for blind Americans.** The rapid proliferation of advanced technology is undeniable. Most new stoves, glucose monitors, and treadmills now require that consumers interact with a digital display, flat panels, and other user interfaces. This new technology is inaccessible to blind individuals and creates a modern-day barrier. Inaccessibility is not a mere inconvenience; it can threaten the safety, health, and independence of blind Americans. Advancements in technology have the potential to transform how people live in a society but are designed for those with no functional limitations.[[19]](#endnote-19) This flaw in product design limits options for blind Americans who need nonvisual access to important devices that are available to people without disabilities.[[20]](#endnote-20)

**Nonvisual access is achievable, as demonstrated by a number of mainstream products.** Apple has incorporated VoiceOver (a text-to-speech function) into its touch-screen products, making the iPhone, iPod, and iPad fully accessible to blind people right out of the box. Virtually all ATMs manufactured in the United States are accessible, and every polling place provides a nonvisually accessible voting machine. Frequently, a simple audio output or vibrotactile feature can make a product fully accessible at minimal cost.

**Current disability laws are not able to keep up with advancements in technology.** Although the Americans with Disabilities Act and other laws require physical accessibility for people with disabilities (e.g., wheelchair ramps, Braille in public buildings), no laws protect blind consumers’ right to access technology such as home use medical devices, home appliances, or fitness equipment. The National Council on Disability concluded that accessibility standards lag behind the rapid pace of technology, which can interfere with technology access.[[21]](#endnote-21) This trend of inaccessibility will continue if accessibility solutions are ignored. Only a fraction of manufacturers have incorporated nonvisual access standards into their product design while others continue to resist these solutions.

**Greater Accessibility and Independence through Nonvisual Access Technology Act:**

**Calls on the Access Board to conduct a nonvisual access standard review.** The Access Board (an independent federal agency and leading source of information on accessible design) will review the current marketplace, consult with stakeholders and manufacturers, and will issue a report with findings and recommendations for a minimum nonvisual access standard for home use medical devices, home appliances, and fitness equipment.

**Establishes a minimum nonvisual access standard for home use medical devices, home appliances, and fitness equipment.** Six months after the Access Board publishes the above-mentioned report, the Board will begin a rulemaking period, not to exceed 36 months, to establish a minimum nonvisual access standard for home use medical devices, home appliances, and fitness equipment. The final standard will go into effect three years after the final rule.

**Authorizes the Food and Drug Administration (FDA) to enforce the nonvisual access standards for home use medical devices.** Under its authority to ensure the safety, efficacy, and security of medical devices, the FDA will investigate and prosecute violations of manufacturers who fail to comply with the standard.

**Authorizes the Federal Trade Commission (FTC) to enforce the nonvisual accessibility standards for home appliances and fitness equipment.** Under its authority to investigate and enforce consumer protection matters, the FTC will investigate and prosecute violations of manufacturers who fail to comply with the standard.

**END THE DIGITAL DIVIDE FOR BLIND AMERICANS.**

**Sponsor the Greater Accessibility and Independence**

**through Nonvisual Access Technology Act.**

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1. *See* 2016 American Community Survey, www.disabilitystatistics.org. [↑](#endnote-ref-1)
2. Erickson, W., Lee, C., von Schrader, S. (2016). "Disability Statistics from the 2014 American Community Survey (ACS)." Ithaca, NY: Cornell University Employment and Disability Institute (EDI). Retrieved November 11, 2016, from [www.disabilitystatistics.org](http://www.disabilitystatistics.org). [↑](#endnote-ref-2)
3. National Council on Disability, “Federal Policy Barriers to Assistive Technology,” (May 31, 2000) 8, <http://www.ncd.gov/rawmedia_repository/c9e48e89_261b_4dda_bc74_203d5915519f.pdf>. [↑](#endnote-ref-3)
4. Assistive Technology Industry Associates, “AT Resources Funding Guide,” <https://www.atia.org/at-resources/what-is-at/resources-funding-guide/> (last accessed December 10, 2018). [↑](#endnote-ref-4)
5. *See* 26 U.S.C § 63(f)(4). [↑](#endnote-ref-5)
6. *See e.g*. Department of Education, Rehabilitation Services and Disability Research, “Fiscal Year 2019 Budget Request,” https://www2.ed.gov/about/overview/budget/budget19/justifications/i-rehab.pdf, p. I-63. [↑](#endnote-ref-6)
7. U.S. Gen. Accounting Office, *Business Tax Incentives: Incentives to Employ Workers with Disabilities Receive Limited use and have an Uncertain Impact 1,* at 14,(Dec. 12, 2002)

   <http://www.unclefed.com/GAOReports/d0339_sum.pdf>. [↑](#endnote-ref-7)
8. 41 U.S.C. § 8501 – 8506. [↑](#endnote-ref-8)
9. 41 U.S.C. § 8501(6). [↑](#endnote-ref-9)
10. 41 U.S.C. § 8501(7). [↑](#endnote-ref-10)
11. 29 U.S.C. § 214(c)(1). [↑](#endnote-ref-11)
12. United States Department of Labor. “Wage and Hour Division (WHD) Community Rehabilitation Programs (CRPs) List.” Last modified July 1, 2018. http://www.dol.gov/whd/specialemployment/CRPlist.htm. [↑](#endnote-ref-12)
13. National Council on Disability. “From the New Deal to the Real Deal: Joining the Industries of the Future.” October 11, 2018. https://ncd.gov/publications/2018/new-deal-real-deal. [↑](#endnote-ref-13)
14. See http://www.nfb.org/time. [↑](#endnote-ref-14)
15. Office of Inspector General. Committee for Purchase from People who are Blind or Severely Disabled, Independent Auditor’s Report and Financial Statements for the Years Ended September 30, 2018 And 2017. November 15, 2018. https://www.oversight.gov/report/cppbsd/audit-us-abilityone-commissions-financial-statements-fiscal-years-2018-and-2017. [↑](#endnote-ref-15)
16. Id. [↑](#endnote-ref-16)
17. 41 U.S.C. § 8501(6)(C). [↑](#endnote-ref-17)
18. 41 U.S.C. § 8501(3)(B). [↑](#endnote-ref-18)
19. *See* National Council on Disabilities, *National Disability Policy Progress Report: Technology that enables access to the full opportunities of citizenship under the Constitution is a right* at 19 (October 7, 2016), *available at* https://ncd.gov/progressreport/2016/progress-report-october-2016. [↑](#endnote-ref-19)
20. *See Id*. [↑](#endnote-ref-20)
21. *See Id*. [↑](#endnote-ref-21)