**FOR INTERNAL USE ONLY - Frequently Asked Questions for the**

**Access Technology Affordability Act (H.R. 431/S. 212)**

**Can the refundable tax credit be used to purchase laptops, desktops, and smartphones?**

No. Provisions in this bill only permit the refundable tax credit to be used for qualified access technology. The term “qualified access technology” means hardware, software, or other information technology the primary function of which is to convert or adapt information which is visually represented into forms or formats usable by blind individuals.

**Does medical insurance cover access technology for the blind?**

**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. Many states’ Medicaid programs and individual health insurance plans have adopted similar definitions and likewise will not cover the cost of access technology.

**Why is there a sunset provision in the bill?**

The sunset provision was added to lower the cost of the bill. However, we are confident that this bill will not only pay for itself but actually grow revenue for the federal government in addition to helping many blind Americans gain employment and improve productivity. Therefore, we intend to advocate for a more permanent access technology credit once it is passed.

**Is a blind spouse or blind dependent eligible for the tax credit?**

Yes. The blind taxpayer, a blind spouse, or a blind dependent are all be eligible for the tax credit.

**What has the committee said about the bill?**

The House Ways and Means Committee has 18 committee members cosponsoring the bill. The Senate Finance Committee has 9 committee members cosponsoring the bill. Chairman Wyden of the Senate Finance Committee has cosponsored this bill, while Chairman Neal of the House Ways and Means committee has also stated his support for this bill.

**What is the cost of this bill?**

Typically we try not to mention the cost (frequently referred to as the “score”) of the bill unless asked. If asked, the Joint Committee on Taxation (JCT) scored the bill at $3.1 billion. Of course this score does not reflect the savings to the federal government as more people enter the workforce and are less reliant on SSI and SSDI. In addition, as people enter the workforce they will be paying federal taxes. Furthermore, that score is over the course of ten years because that is the standard time frame to score a bill.

**Where can I learn more about this legislation?**

For more information, please contact Jeff Kaloc, government affairs specialist at the National Federation of the Blind, by email at [jkaloc@nfb.org](mailto:jkaloc@nfb.org) or by phone at 410-659-9314, extension 2206.

# FOR INTERNAL USE ONLY - Frequently Asked Questions for the Medical Device Nonvisual Accessibility Act (MDNA) H.R. 4853

**What does nonvisual access mean?**

Nonvisual access is defined as a manner that allows blind or low-vision persons to access the same information, to engage in the same interactions, and to enjoy the same services offered to other persons with the same privacy, independence, and the same ease of use.

**Why is nonvisual access to medical devices important to blind Americans?**

The lack of nonvisual accessibility in medical devices with a digital interface prevents blind Americans with conditions like diabetes from being able to independently monitor their conditions and care for themselves. Adding nonvisual accessibility to these devices has the potential to help blind people maintain privacy and self-sufficiency.

**How prevalent are nonvisually accessible medical devices?**

While nonvisual accessibility is not difficult, manufacturers who produce medical devices that are nonvisually accessible are rare.

**What are Class II and Class III medical devices?**

According to the FDA,most medical devices are considered Class II devices. Examples of Class II devices include powered wheelchairs and some pregnancy test kits. Forty-three percent of medical devices fall under this category. Additionally, Class III devices usually sustain or support life, are implanted, or present potential unreasonable risk of illness or injury. Examples of Class III devices include implantable pacemakers and breast implants. Ten percent of medical devices fall under this category.

**What are the impacts to safety and efficacy if medical devices are not accessible to blind people?**

The inaccessibility of these devices can pose extremely serious consequences, including, but not limited to, overdose on injected medicine, avoidable hospitalizations, and death, in some cases. Additionally, lack of nonvisual accessibility impedes the use of such devices as home-based dialysis and chemotherapy treatments.

**Where can I learn more about this Act?**

For more information about H.R. 4853, please contact Jesa Medders, National Federation of the Blind, by email at [jmedders@nfb.org](mailto:jmedders@nfb.org) or by phone at 410-659-9314, extension 2207.

# FOR INTERNAL USE ONLY - Frequently Asked Questions for the Twenty-First Century Websites and Applications Accessibility Act

**Does the U.S. Access Board have experience promulgating website regulations?**

Yes. In January 2017, the U.S. Access Board promulgated a final rule updating accessibility requirements for information and communication technology (ICT) covered by Section 508 of the Rehabilitation Act of 1973.

**Which websites will be covered?**

The websites of employers, state and local entities, and places of public accommodation will be covered.

**Does federal law already require websites to be accessible?**

Yes. In general, the ADA already requires ADA Title, I, II, and III entities to make their mobile apps and websites accessible to people with disabilities. However, specific regulations for website accessibility do not exist. This bill would create a clear statutory definition of accessibility and require the Department of Justice and the Equal Employment Opportunity Commission to promulgate regulations.

**Are companies in favor of website regulations?**

Yes. In general, companies want regulatory clarity regarding website accessibility.

**Does this bill open the ADA up for amendments?**

No. The Twenty-First Century Websites and Applications Accessibility Act utilizes existing ADA definitions and does not amend the ADA.

**What is the enforcement mechanism for companies or entities that violate the provisions of the bill?**

The Department of Justice and the Equal Employment Opportunity Commission will have the authority to investigate accessibility concerns and commence civil action if necessary.

**Where can I learn more about this legislation?**

For more information, please contact Jeff Kaloc, government affairs specialist at the National Federation of the Blind, by email at [jkaloc@nfb.org](mailto:jkaloc@nfb.org) or by phone at 410-659-9314, extension 2206.

# FOR INTERNAL USE ONLY - Frequently Asked Questions for the Transformation to Competitive Integrated Employment Act (H.R. 2373/S. 3238)

**Does paying people with disabilities subminimum wages prepare them for competitive integrated employment?**

The minimum wage exemption does nothing to help people with disabilities prepare for or obtain competitive integrated employment.

**What is an alternate method for employing people with disabilities and what would a successful transition look like?**

Employment First is a successful example of such a transition program that operates in many states across the nation and prioritizes competitive integrated employment. Other proven techniques to obtain competitive integrated employment include supported employment and customized employment. These programs focus on matching a worker’s skills and abilities to a job, rather than simply placing a worker in a predetermined manufacturing position regardless of his or her ability to perform such work.

**How long is the transition period in the Transformation to Competitive Integrated Employment Act?**

The transition to at least the minimum wage can take no more than four years and six months.

**Does the bill include any assistance to help employers transition employees to the minimum wage and competitive integrated employment?**

Yes. The Transformation to Competitive Integrated Employment Act establishes a grant program to help 14(c) certificate holders transition their subminimum wage employees into competitive integrated employment. It also requires the Department of Labor to collect information on strategies and best practices from employers to aid in the transition.

**Some certificate holders claim that they will be forced to fire workers if this bill is passed. What is your response?**

This is absolutely false. Many employers of people with disabilities, including nonprofits that hold or have held special wage certificates, have already transitioned their business model to pay their workers the federal or state minimum wage or higher. These entities are still operating and in fact thriving.

**Have any states already enacted legislation to phase out subminimum wages for people with disabilities?**

Yes. Ten states have passed legislation that eliminates, either completely or in part, the payment of subminimum wages to people with disabilities. The employment rate of people with disabilities in those states is no less, and in some cases is greater, than states where subminimum wages are permitted.

**Where can I learn more about this legislation?**

For more information, please contact Jeff Kaloc, government affairs specialist at the National Federation of the Blind, by email at [jkaloc@nfb.org](mailto:jkaloc@nfb.org) or by phone at 410-659-9314, extension 2206.