



FOR IMMEDIATE RELEASE

National Federation of the Blind Sues US AbilityOne Commission *Alleges Violation of Federal Transparency Laws and Regulations*

Baltimore, Maryland (September 26, 2018): The National Federation of the Blind, the nation's oldest and largest organization of blind Americans, filed suit today against the US AbilityOne Commission, which oversees a federal program that is supposed to advance work opportunities for the blind and other Americans with disabilities.

The lawsuit, filed in federal court in Maryland, alleges that AbilityOne violated the Administrative Procedure Act and federal grantmaking and contracting laws when it [designated](#) the American Foundation for the Blind (AFB) as a "central nonprofit agency" (CNA) in the AbilityOne program and signed a long-term agreement with AFB. The Administrative Procedure Act requires federal agencies to give public notice and an opportunity for public comment before making changes to their programs and the requirements for federal grants and contracts require competitive procedures to ensure the most qualified bidders are able to apply.

The AbilityOne program was created in 1938 specifically to increase employment opportunities for the blind. It requires federal contracts to be preferentially awarded to contractors that primarily employ workers with disabilities. Currently, over \$3 billion in goods and services are purchased from over five hundred AbilityOne contractors each year, with more than half from the Department of Defense. The AbilityOne Commission oversees the awards of these contracts and compliance by the contractors. It does so through two CNAs: National Industries for the Blind (NIB) and SourceAmerica.

Without notice and comment or any opportunity for other bidders to apply, AbilityOne made AFB a third CNA as of July 26, 2018. The National Federation of the Blind is challenging this action and asking the federal court to reverse it. If it had been apprised of the opportunity, the NFB would have bid on the contract to become a CNA with the goal of leveraging the power of its fifty thousand members, its nearly eight decades of experience representing the interests of blind workers, and its three affiliated rehabilitation training centers, to move the AbilityOne program toward the full participation of blind people in competitive integrated employment, including new

and emerging industries that pay prevailing wages, offer opportunities for advancement, and provide required accommodations and new technologies.

The National Federation of the Blind and other disability groups have criticized the AbilityOne program and repeatedly [called for its reform](#) because it is based on outdated beliefs about the capabilities of people with disabilities. Many of the contractors given preferential treatment under the program segregate workers with disabilities from workers who do not have disabilities and require the disabled workers to perform menial jobs that do not prepare them for mainstream work. In addition, fifty of the AbilityOne contractors pay workers with disabilities less than the federal minimum wage – pennies per hour, in the worst cases. Furthermore, both the [Government Accountability Office](#) and [Department of Defense](#) have issued reports highlighting a lack of transparency and oversight of the activities of the CNAs and calling for significant changes to the AbilityOne program to increase integration and reduce the risk of fraud.

The AbilityOne Commission’s selection of a new CNA seeks to “provide a framework for a new CNA model in the AbilityOne program that places the focus on increasing job placement and career advancement opportunities in knowledge-based positions” and identify “innovative employment opportunities, careers and lines of business for people who are blind” over five years.

“We appreciate that AbilityOne is pursuing a new CNA to support innovative jobs and careers for people who are blind. The move toward integrated real-world employment for people with disabilities is long overdue. Thanks to federal laws like the Americans with Disabilities Act, blind people have proven we can do real jobs and do not need to be segregated or relegated to menial work,” said Mark Riccobono, President of the National Federation of the Blind. “However, AbilityOne’s decision to authorize a new CNA with no input from the public or from blind individuals, is an example of the inside dealing and lack of transparency that have long pervaded the program. As the nation’s leading membership organization of blind Americans, the National Federation of the Blind is taking this action in solidarity with the blind employees who work on AbilityOne contracts. Blind workers deserve to have input into the future of the AbilityOne program. In addition, as an organization with 78 years of experience helping blind workers find and succeed in competitive, integrated employment, the NFB has expertise and insight about innovations to support blind individuals to pursue the jobs of today and the jobs of tomorrow. We stand ready, willing, and able to help AbilityOne build the future. But we will not tolerate the AbilityOne Commission flouting the law and ignoring the voices of the blind Americans who will be affected by its decisions.”

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About the National Federation of the Blind

The National Federation of the Blind (NFB), headquartered in Baltimore, is the oldest and largest nationwide organization of blind Americans. Founded in 1940, the NFB consists of affiliates, chapters, and divisions in the fifty states, Washington DC, and Puerto Rico. The NFB defends the rights of blind people of all ages and provides information and support to families with blind children, older Americans who are losing vision, and more. We believe in the hopes and dreams of blind people and work together to transform them into reality. Learn more about our many programs and initiatives at www.nfb.org.

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