



SENT VIA EMAIL

August 2, 2018

Tina Ballard  
Executive Director  
United States AbilityOne Commission  
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Dear Ms. Ballard:

We were shocked and dismayed to learn that the AbilityOne Commission (Commission) has pursued a secret process to appoint the American Foundation for the Blind (AFB) as a third authorized central nonprofit agency (CNA). The manner in which this secret action has been taken undermines the intent of the program and brings further doubt on the efficacy of the program—which will ultimately hurt blind people. This letter is to call on you to take immediate action to correct this action and uphold your obligations to the American people especially the blind.

The surreptitious method employed by AbilityOne to add AFB as a third CNA is in direct conflict with requests from advocates, consumers, and even the United States Congress to operate in a more transparent manner. In fact, on page 920 of the National Defense Authorization Act for Fiscal Year 2019 Conference Report, dated July 25, 2018, the committee rejected an amendment to increase the contract goal for the AbilityOne Program and stated that the AbilityOne Commission is expected to “take appropriate steps in the future to increase transparency and effectiveness of the program.” It is puzzling that in the wake of such an admonishment, the AbilityOne Commission would flaunt this directive.

Furthermore, we wonder why the AbilityOne Commission would be moving to create another CNA for blindness programs when the National Industries for the Blind (NIB) is the only CNA working to adhere to the progressive direction of the AbilityOne program. Are there specific benchmarks or policy directions that the Ability One Commission has expected NIB to fulfill that have gone unaccomplished? If so, have blind consumers been consulted about those benchmarks and have the reports of failed progress been publically disclosed? If so, we, the organized blind, are unaware of such action. NIB, in line with the Commission’s Declarations of Subminimum Wages, has adopted policies and procedures that have resulted in all but perhaps one of their nonprofit agencies discontinuing the use of their Section 14(c) subminimum wage certificates. In contrast, SourceAmerica, the CNA for those with severe disabilities, refuses to take any substantive action to eliminate the use of the subminimum wage certificates. In fact, SourceAmerica, in many instances inferring that they represent AbilityOne, have engaged in advocacy promoting the use of

the certificates. Moreover, they are currently attempting to lower the bar for the definition of Competitive Integrated Employment, set by the Workforce Innovation and Opportunity Act while NIB is working collaboratively with the blind to raise expectations. While we have additional steps that we want NIB to take, they have engaged in meaningful collaboration with the blind—a standard of commitment that the Ability One Commission apparently does not share.

The AbilityOne program has just recently undergone tremendous public scrutiny, and actions of the program continue to be questioned by members of Congress, so much so that in 2015 Congress directed the establishment of an AbilityOne Inspector General. The lack of transparency, and the refusal to allow for an open competitive process, further compromises the reputation of the AbilityOne program. We will be investigating whether these actions are a violation of the Administrative Procedures Act.

The National Federation of the Blind urges you to cancel and withdraw from the cooperative agreement with AFB and conduct an open, fair, and transparent process for making substantive changes to the program structure. We also urge you to work closely with us on program decisions that will significantly impact blind people. While we support raising standards and innovative practices, we expect to be part of the decision-making process, and we expect changes to be done with transparency. We anticipate a timely response from you on this matter and urge you to open meaningful communications with leaders elected by blind people.

Sincerely,



Mark A. Riccobono, President  
National Federation of the Blind

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AbilityOne Commission:  
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Note: Other commission positions are vacant.

Senator Lamar Alexander, Chair, Senate Committee on Health, Education, Labor, and Pensions; [david\\_cleary@alexander.senate.gov](mailto:david_cleary@alexander.senate.gov)

Senator Patty Murray, Ranking Member, Senate Committee on Health, Education, Labor, and Pensions; [mike\\_spahn@murray.senate.gov](mailto:mike_spahn@murray.senate.gov)

Representative Virginia Foxx, Chair, House Committee on Education and the Workforce; [cyrus.artz@mail.house.gov](mailto:cyrus.artz@mail.house.gov);

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