



February 21, 2024

The Honorable Mike Rogers
Chairman
House Committee on Armed Services
2216 Rayburn House Office Building
Washington, DC 20515

The Honorable Jack Reed
Chairman
Senate Committee on Armed Services
228 Russell Senate Office Building
Washington, DC 20510

The Honorable Adam Smith
Ranking Member
House Committee on Armed Services
2216 Rayburn House Office Building
Washington, DC 20515

The Honorable Roger Wicker
Ranking Member
Senate Committee on Armed Services
228 Russell Senate Office Building
Washington, DC 20510

Dear Chairman Rogers, Chairman Reed, Ranking Member Smith, and Ranking Member Wicker:

On behalf of National Industries for the Blind and National Association for the Employment of People Who Are Blind, we respectfully encourage you to support and champion a 1% AbilityOne utilization goal within the 2025 Reauthorization of the National Defense Authorization Act. This goal reflects the position outlined by the Department of Defense and is the best and most efficient path towards increasing employment for people who are blind or significantly disabled.

As you know, the AbilityOne® Program, authorized by the Javits-Wagner-O'Day (JWOD) Act, creates employment for people who are blind or have significant disabilities through the sale of products and services to the federal government. More than 36,000 Americans achieve economic and personal independence through this program, administered by the Committee for Purchase from People Who Are Blind or Severely Disabled (operating as the U.S. AbilityOne Commission®), an independent federal agency.

The U.S. Department of Defense (DoD) is a loyal, and the largest, federal partner and customer of the AbilityOne Program. Thousands of Americans who are blind or have significant disabilities provide an array of products and services in support of our warfighters. There is an opportunity to help expand careers for these individuals through a 1% utilization goal that would grow the DoD procurement spend through AbilityOne.

Unfortunately, nearly 70% of working-age Americans who are blind are not employed, and we need your help to employ more of this untapped workforce, including veterans with disabilities. And over the past decade, employment in the AbilityOne Program has dropped from 50,000 to 36,000 employees. Adoption of the goal will allow us to employ more of your constituents with disabilities through a near-

doubling of DoD's current utilization (0.55%) of the AbilityOne Program during a reasonable ramp-up period of time.

An AbilityOne utilization goal for DoD was recommended in four consecutive reports sent to Congress by The Panel on Department of Defense and AbilityOne Contracting Oversight, Accountability, and Integrity, established under Section 898 of the National Defense Authorization Act for Fiscal Year 2017, including in its fourth and final report to Congress in December 2021. Additionally, in its April 2022 Equity Action Plan, DoD made a voluntary pledge to increase its utilization of AbilityOne.

We believe that by expanding DoD's participation with AbilityOne over time from its current 0.55 percent utilization rate, we can assist thousands of Americans who are blind to get off the economic sidelines and launch careers in inclusive workplaces that offer competitive wages and benefits that lead to economic and personal security and a pathway to greater community integration and participation.

And because Americans who are blind are not able to serve in the military, this expansion of career opportunities through AbilityOne will allow even more people the privilege and honor of serving the nation by providing critical products and services that support our men and women in uniform.

We also believe it is important to note that we support ongoing efforts by the U.S. AbilityOne Commission to modernize the program, and we now ensure that employees at our nonprofit agencies affiliated with NIB and NAEPB are paid fair wages. Our nonprofit agencies ended the practice of paying subminimum wages on all AbilityOne contracts several years prior to the adoption of a regulation barring the practice.

As you begin the process of drafting the FY 2025 National Defense Authorization Act, we respectfully request that you help lead the effort to include a 1% AbilityOne utilization goal for the Department of Defense, which should be accompanied by required annual reporting on progress toward meeting this critical goal.

We stand ready to work with your staff on the important priority.



Kevin A. Lynch
President and Chief Executive Officer
National Industries for the Blind



Jeffrey Mittman
President
National Association for the Employment of
People Who Are Blind
President & CEO, Bosma Enterprises

March 2024

**AbilityOne Utilization Goal Frequently Asked Questions (FAQs)
[For use by NIB/NAEPB Associated Nonprofit Agencies]**

NOTE: If questions are raised that you are not comfortable responding to, please direct any congressional staff members to Rick Webster, NIB Vice President of Public Policy at rwebster@nib.org.

- 1. How is DoD progressing toward meeting their voluntary 1% utilization goal pledge and why is a statutory goal necessary?**

We have not seen DoD utilization of AbilityOne grow since adoption of the voluntary pledge in April of 2022. While this voluntary goal is greatly appreciated, we also know that creating a statutory or mandatory goal is much more effective since what Congress mandates, it also measures, and it will provide oversight and track progress toward meeting a goal provision in law.

- 2. How many jobs do you think passing this piece of legislation will create or sustain?**

While it is difficult to predict just how many new jobs would be created by adoption of this provision, it would be significant. The Department of Defense accounts for roughly two-thirds of all current AbilityOne contract dollars, and the overall program currently employs 36,000 Americans with disabilities.

Growing DoD utilization of AbilityOne from its current amount of 0.55% to 1.0% (a near doubling) over some period of time would certainly add thousands of great-paying jobs and help employ many more people with disabilities.

- 3. What types of jobs would you expect to be created under an expansion of DoD utilization of AbilityOne? Could this include work not currently being performed for the Department?**

While that would be largely up to DoD, it's possible there could be an expansion of production work that currently provides men and women in uniform with clothing and protective gear, and there would likely be an expansion of current work in professional services such as contract closeout, along with base maintenance and support contracts.

Our existing capabilities in manufacturing (including advanced manufacturing) and new and expanding technologies should also provide for new lines of work to support the Department of Defense.

4. Does the Administration support a statutory goal?

We can tell you that in all its reports delivered to Congress, the Sec. 898 Panel (Panel on Department of Defense and AbilityOne Contracting Oversight, Accountability, and Integrity) led by the Department of Defense; and which was a government-wide panel; supported the creation of a statutory utilization goal.

There also remains in place a memorandum from the Office of Management and Budget that calls on all federal agencies to voluntarily increase their utilization of AbilityOne and to participate in the AbilityOne Representatives (ABORS) program, which leverages senior federal contracting officials to work toward the same – expanded opportunities for AbilityOne nonprofit providers to perform more contracts for federal agencies which leads to expanded employment for Americans with disabilities.

- 5. The NCD report of 2020 called for the dismantling of the AbilityOne program over an eight year period and you all want to expand it. NCD is a voice in this space that we consider for input on disability policy. Why should we ignore what they are saying and pass this legislation?**

The National Council on Disability (NCD) raised some important issues in its 2020 report, but its recommendation to phase out and eliminate the AbilityOne Program is misguided and dangerous. NCD's position to terminate AbilityOne runs counter to the spirit of employing Americans who are blind or have significant disabilities, the sustained employment AbilityOne creates, and policy goals to build inclusive employment opportunities.

The report advocated for a hasty termination of a working program and requiring AbilityOne employers in 50 states to terminate jobs for 36,000 individuals with disabilities with the hope those same individuals will be re-employed by other federal prime contractors through a yet-to-be established program. This conclusion and recommendation was based on limited outreach to AbilityOne nonprofit agencies; partial, misleading, or inaccurate information; and selective use of data.

- 6. We get a lot of pushback from other socio-economic groups on growing this mandatory source program. How do you see expanding the AbilityOne program to one percent of DoD's procurement effecting the small and small and disadvantaged business community?**

We do not anticipate that growth of AbilityOne work with DoD will have a negative effect on small businesses. Because of partnerships that already exist with small businesses as suppliers, it could actually result in more opportunities for small business.

7. **The Armed Services Committee isn't the Committee of jurisdiction for the AbilityOne Program. Why should NDAA be the legislative vehicle for this provision?**

With two-thirds of all AbilityOne contract dollars originating from the Department of Defense, Defense-related sub-agencies, and all the branches of service, it's logical that the annual National Defense Authorization Act (NDAA) should serve as the legislative vehicle for such a provision, with input from the committees with jurisdiction over the AbilityOne Program (House Committee on Oversight and Accountability, and Senate Committee on Homeland Security and Governmental Affairs).

8. **The AbilityOne Commission and the administration has their own legislative package on Capitol Hill that doesn't champion this 1% utilization goal. Why is that? Do you support their legislative package? And if there are differences, is there a compromise that gets everyone on the same page?**

The AbilityOne Commission's legislative package includes some interesting and important elements, and we are always willing to engage in discussions regarding this package in order to provide our input and be part of the conversation.

While we support reforms and changes to the AbilityOne Program, our focus remains on growing employment opportunities for Americans who are blind. We are working to expand the range of career options for this important group of people that pay great wages with benefits, and allow them to support themselves and their families, and help them fulfill their own version of the American Dream.

9. **We've heard that AbilityOne's prices are higher than competitive awards. Is that true and if so why should the government pay more for products and services on the AbilityOne Procurement List than they would in the open market?**

Prices charged for products and services through the AbilityOne Program are based on a Fair Market Price (FMP), and are negotiated with the federal customer in advance of any contracts being approved by the U.S. AbilityOne Commission.

The federal customer is able to purchase quality goods and receive top notch services at a good value, while at the same time helping to provide great-paying careers for Americans who are blind or have significant disabilities. This fulfills the ongoing mission for which Congress created this program over 85 years ago.

10. Where are all the jobs being created for people with disabilities through the AbilityOne Program? What is the current impact in our district?

The 36,000 people who work in the AbilityOne Program are spread throughout the country and across all the states, and in the vast majority of congressional districts. These are jobs in manufacturing and professional services that pay competitive wages and are inclusive workplaces where individuals are provided all the necessary accommodations and supports to allow them to be fully productive and to successfully fulfill contracts with federal customers.

(NOTE: Each NPA can fill in details about their presence and number of employees in a particular state or congressional district.)

11. What happens next year if this doesn't get passed?

During each passing year that this provision is not included in the NDAA, and without additional federal contracting opportunities being added to the AbilityOne Procurement List, we will continue to experience a decline in employment in this program.

Over the past decade, employment numbers in this program have declined from 50,000 to 36,000. Because they routinely face discrimination in seeking employment, people who are blind or who have significant disabilities need the dignity and the financial support that comes with meaningful careers provided by this program.

Without higher rates of utilization by the Department of Defense and other non-Defense agencies, jobs created through this program will continue to decline. We need this statutory utilization goal to stem the losses and begin to expand these critical job opportunities, including into new lines of business that are possible now through leveraging new and expanding technologies.