March 27, 2024

The Honorable Jeffrey A. Koses
Chairperson
U.S. AbilityOne Commission, and
Senior Procurement Executive
General Services Administration
355 E Street, SW, Suite 325
Washington, DC 20024

Dear Chairperson Koses:

We are writing to share our thoughts regarding a matter of urgent concern to all involved in the AbilityOne Program – expanding and diversifying career opportunities for Americans who are blind or who have significant disabilities.

As you are aware, both Central Nonprofit Agencies (CNAs) and our expansive nonprofit agency (NPA) network have acted collectively for several years to urge Congress to adopt an AbilityOne statutory utilization goal for the U.S. Department of Defense (DOD), by far the largest customer within the program. Such a provision is the most effective means of growing employment and expanding careers for Americans with disabilities.

NIB and NAEPB are asking Congress again this year to adopt an AbilityOne utilization goal of one percent for DOD, and we are joined in this work by SourceAmerica and NCSE. It would be immensely helpful for the U.S. AbilityOne Commission and its program partners to be in alignment on this initiative. Therefore, we seek the AbilityOne Commission's support of the utilization goal. The one percent goal is consistent and integrates with the AbilityOne Commission's focus on program modernization. Additionally, adoption of the one percent utilization goal is consistent with one of several recommendations made to Congress by the Panel on DOD and AbilityOne Contracting Oversight, Accountability, and Integrity (or the 898 Panel).

In the Executive Summary of the final report, the 898 Panel provided the following discussion on enactment of a statutory DOD AbilityOne contract goal of one percent:

Program Goal: The Panel's previous three reports requested Congress enact a statutory DoD AbilityOne contract goal of 1.5 percent. For this report, the Panel is requesting Congress enact a statutory DoD AbilityOne contract goal of 1 percent targeted to increasing the employment of people with significant disabilities, which may include AbilityOne contracts as well as other means. The request for a 1 percent goal is consistent with the Office of Federal Procurement Policy (OFPP) guidance for FY 2021 (the period covered by this report), "Increasing the Participation of Americans with Disabilities in Federal Contracting," issued on October 30, 2020. OFPP requested applicable Federal agencies to establish an ABOR program and make a minimum pledge equal to at least 1 percent of the agency's total amount of funds obligated for annual contracts on AbilityOne products and services from the Procurement List

operated pursuant to title 41 U.S.C. § 8503. While the OFPP memorandum facilitates a targeted pledge for AbilityOne participation in contracting, establishing a statutory goal will make it easier for the acquisition workforce to support the addition of new products and services to the AbilityOne Procurement List. Additionally, a statutory goal will drive performance metrics similar to other socioeconomic program goals in contracting. As a result of the Panel and OIG recommendations, the Commission has updated compliance policies, which has instilled more confidence and integrity in the AbilityOne Program.

A statutory utilization goal provides an incentive for federal agencies to support the program and enables the Commission to accomplish its mission "to tap America's underutilized workforce of individuals who are blind or have significant disabilities to deliver high quality, mission-essential products and services to Federal agencies in quality employment opportunities."

While the Javits-Wagner-O'Day (JWOD) Act speaks to mandatory use of the program, the mandatory requirement applies only to those products and services already on the AbilityOne Procurement List and the Act does not include or identify enforcement mechanisms to compel compliance. The use of a statutory goal in lieu of solely relying on the Procurement List provides the opportunity for NPAs to diversify out of declining lines of business and explore new product and service lines that provide enhanced career opportunities for individuals who are blind or have significant disabilities. Federal agencies acquire all manner of support services, including information technology management, accounting, contract administration, and other functions that provide highly professional career opportunities for those we serve.

We would prefer to focus on growth in the program that supports our collective mission to expand employment opportunities for people who are blind or significantly disabled, versus being in a defensive posture and using our limited resources to retain a continually shrinking pool of contracts. The reality is our program has decreased from 50,000 to 36,000 employees over the past decade due to a variety of factors including the recent pandemic, which had an impact on workers and work environments in general.

Adoption of the statutory utilization goal would allow CNA resources currently focused on reactive activities such as monitoring ETS violations to transition over to more proactive project development and management. Further, it could lead to and include subcontracting opportunities with DOD prime contractors, diversifying employment and demonstrating the broad capabilities of our workforce.

It is vital that, even as we continue to seek ways to modernize and transform the AbilityOne Program, we remain focused on supporting the mission of the program to expand employment opportunities for Americans with disabilities. These are not mutually exclusive goals, and we can and must pursue both objectives at the same time.

We also take this opportunity to express our sincere appreciation to the U.S. AbilityOne Commission for its coordination and collaboration with the CNAs and NPAs as the Commission

works to modernize and transform the program. We support the Commission's efforts to follow through on the recommendations of the Section 898 Panel and hope that you will join us in supporting the one percent statutory goal for DOD.

Sincerely,

Soraya Correa, President & CEO-elect
National Industries for the Blind

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