



February 14, 2024

Ms. Kim Zeich
Executive Director
U.S. AbilityOne Commission
355 E Street SW, Suite 325
Washington, DC 20024

Re: AbilityOne Commission's Proposed Regulation Supporting Competition in the AbilityOne Program (RIN 3037-AA14)

Dear Ms. Zeich,

The American Association of People with Disabilities (AAPD) is thankful for the opportunity to comment on the proposed regulation, *Supporting Competition in the AbilityOne Program*. AAPD works to increase the political and economic power of people with disabilities. As a national disability-led and cross-disability rights organization, AAPD advocates for full civil rights for more than 61 million Americans with disabilities. We do this by promoting equal opportunity, economic power, independent living, and political participation.

AAPD is committed to competitive, integrated employment for people with disabilities that provide good jobs, good wages and benefits, and career paths. We are encouraged by the AbilityOne program's final rule to end the utilization of 14(c) subminimum wages and the proposed new policies aimed at expanding transitions to competitive integrated employment outside the AbilityOne program.

However, we are concerned that the proposed regulation supporting competition would allow price to be the determinative factor in awarding Ability One contracts, which is at odds with the purpose of the Ability One program - to provide vocational support and employment opportunities for people with disabilities who face the most barriers to employment. The proposed regulation ignores the recommendation of the Panel on Department of Defence and AbilityOne Contracting Oversight, Accountability, and Integrity ("898 Panel") to include a "Social Impact" factor under which employment and supports for people with disabilities would be weighed strongly in evaluating bids, and lacks language that would prevent the use of "lowest price technically acceptable" in determining contract awards. The introduction of price competition would significantly undermine other goals of the AbilityOne program, such as moving away from 14(c) subminimum wages, by incentivizing bidders to keep their labor costs low.

The proposed regulation also does not consider the impact on employees with disabilities who may lose their jobs or choose not to continue with a new contractor. The introduction of price



considerations could lead some nonprofit agencies (NPAs) to reduce the number of positions submitted in a competitive bid, or hire individuals with less significant disabilities who are more efficient and productive. Such a scenario would reward contractors who have the lowest costs for labor, and lead AbilityOne NPAs to focus on providing services at the lowest price possible, rather than employing, promoting, and transitioning disabled people to competitive employment outside the program. This also contravenes the recommendations of the 898 Panel, which endeavored to balance competition with the mission of the AbilityOne program to maximize employment opportunities for persons with disabilities. AAPD does not support the segregated employment model used in the AbilityOne program. We agree with the intent of the rule to modernize the program. However, without safeguards in place to ensure continued employment and support of employees with disabilities, the competitive bidding process within this rule could contribute to further employment disparities and less economic security for people with disabilities.

We urge the AbilityOne Commission to reissue the proposed regulation as an Advanced Notice of Proposed Rulemaking in order to secure greater input from stakeholders and ensure that the broader goals of expanding competitive, integrated employment for people with disabilities and ending subminimum wages remain the top priorities for modernization of the AbilityOne program.

We appreciate the opportunity to provide comments on the proposed rule. Please contact Michael Lewis, Vice President of Policy, at (202) 975-0899 or mlewis@aapd.com with any questions.

Sincerely,

Maria Town
President and CEO

Michael Lewis
Vice President of Policy