



June 16, 2023

Chair Reed, Ranking Member Wicker
Senate Committee on Armed Services
Washington, DC 20510

Chair Rogers, Ranking Member Smith
House Committee on Armed Services
Washington, DC 20515

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

The National Disability Rights Network (NDRN)* writes to urge you to not include any provisions to expand AbilityOne, a federal program that requires all federal agencies to purchase certain supplies and services from agencies that employ people with disabilities, in the Fiscal Year (FY) 24 National Defense Authorization Act (NDAA) process.

Over the years, NDRN and our members, the nationwide network of Protection and Advocacy (P&A) and Client Assistance Program (CAP) agencies have led the campaign for greater inclusion of people with disabilities in the workforce. In particular, we have been [vocal and adamant](#) about the need to eliminate section 14(c) of the Fair Labor Standards Act (FLSA), which permits employers to pay certain people with disabilities less than the applicable federal minimum wage, as well as ensuring integration of people with disabilities in the workforce.

NDRN documented the concerns of the P&A / CAP Network and the broader disability community about work performed by persons with disabilities in segregated settings including in sheltered environments, in two reports: [Segregated and Exploited](#) and [Beyond Segregated and Exploited](#). Additionally, concerns about sub-minimum wages were well documented in the award-winning film [Bottom Dollars](#). The evidence over the years has shown that full employment of people with disabilities is not only possible, but also probable if high expectations are set and individuals are provided with the supports and services they need.

The Javits-Wagner-O'Day (JWOD) Act, which authorizes the AbilityOne program, is an antiquated statute which has not kept up with the evolution of federal civil rights law and disability policy. In fact, the AbilityOne Commission itself has correctly pointed out that the requirement that 75% of the agencywide direct labor hours (DLH) used to produce goods or provide services performed by people who are blind or have other significant disabilities is in logical tension with the goal of having people who are blind or have significant disabilities work side-by-side with people without disabilities.

It is well documented that rather than investing in developing the skills of individuals who are blind or have significant disabilities to succeed in employment in the general workforce, much of the AbilityOne Program has perpetuated models that segregate and alienate people with disabilities, and decrease opportunities for developing skills in fields that people with disabilities may be interested in based on low expectations of what these workers can do when given the proper supports.

In the absence of a serious statutory update to JWOD, it is our belief that true competitive integrated employment is unlikely to be achieved within the current AbilityOne model. Given this and the evidence from above, we do not find any compelling reason to expand the program through the NDAA and especially not through a mandatory contract set-aside goal which by definition will increase more non-CIE jobs and bolster the current segregated model of employment which is antithetical to other federal, state, and local effort to increase CIE opportunities for people with disabilities.

Again, we oppose any legislative efforts in the FY 24 NDAA process to expand the AbilityOne program including, but not limited to, a Congressionally mandated contract set-aside goal for the AbilityOne program. Please be in touch with Stephanie Flynt, Public Policy Analyst, at stephanie.flynt@ndrn.org with any questions you may have.

Sincerely,

A handwritten signature in blue ink that reads "Marlene Sallo". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Marlene Sallo
Executive Director
National Disability Rights Network

* NDRN is the non-profit membership association of Protection and Advocacy (P&A) and Client Assistance Program (CAP) agencies located in all 50 States, the District of Columbia, and the United States Territories. In addition, there is a P&A and CAP affiliated with the Native American Consortium which includes the Hopi, Navajo, and San Juan Southern Paiute Nations in the Four Corners region of the Southwest.

P&A and CAP agencies are authorized under various federal statutes to provide legal representation and related advocacy services, and to investigate abuse and neglect of individuals with disabilities in a variety of settings. The P&A /CAP Network comprises the nation's largest provider of legally based advocacy services for persons with disabilities. NDRN and the P&A /CAP Network advocate for many people with disabilities concerning the employment of people with disabilities.