May 29, 2019

The Honorable Johnny Isakson
Chairman
Committee on Veterans’ Affairs
United States Senate
Washington, DC 20510

The Honorable Jon Tester
Ranking Member
Committee on Veterans’ Affairs
United States Senate
Washington, DC 20510

The Honorable Mark Takano
Chairman
Committee on Veterans’ Affairs
United States House of Representatives
Washington, DC 20515

The Honorable Phil Roe
Ranking Member
Committee on Veterans’ Affairs
United States House of Representatives
Washington, DC 20515

Dear Chairman Isakson and Ranking Member Tester, Chairman Takano and Ranking Member Roe:

On behalf of National Industries for the Blind (NIB) and the National Association for the Employment of People who are Blind (NAEPB), we want to express our strong concern about recent decisions by the courts and now the U.S. Department of Veterans Affairs (VA) that have put more than 800 people who are blind at imminent risk of losing their jobs. These actions are unfortunate and unnecessary, and we would respectfully request that Congress advance a legislative solution soon that protects people who are blind and our nation’s veterans.

As you may know, Congress passed the Veterans Benefits Act in 2006, which created the “Rule of Two.” This provision effectively creates a VA contract set-aside for Service-Disabled Veteran-Owned Small Businesses (SDVOSBs) when at least two SDVOSBs are identified as qualified offerors. The courts have ruled that Congress intended for the “Rule of Two” to usurp, or have priority over, the AbilityOne Program and, therefore, eliminate the contracts being performed for the VA by people who are blind through the AbilityOne™ Program.

We support Congress creating a veteran-owned small business entrepreneurial program, but we cannot imagine that Congress ever intended for the Veterans Benefits Act to cost 800 Americans who are blind their jobs and livelihood. Our nonprofit agencies that have existing contracts with the VA provide critical support to our nation’s veterans through the provision of both products and services, and these contracts help provide employment for many veterans, including blinded veterans.

There is no reason why both SDVOSBs and AbilityOne nonprofit agencies cannot co-exist within the Department’s procurement initiatives. There is certainly opportunity for both communities to serve veterans and operate these contracts while providing economic advancement for each of its constituencies, especially given the fact that AbilityOne nonprofit agencies represent a miniscule fraction of the total contracting work for the VA.

With seventy percent of working-age Americans who are blind not currently employed, it will be very difficult for these 800 individuals who are blind to find other employment opportunities and continue careers that are helping them move toward full economic and personal independence.
This is an especially urgent matter that Congress should address before layoffs begin. We look forward to working with you and your staff to find a legislative solution that serves the interests of our nation’s veterans and people who are blind. We can and must serve both of these important constituencies.

Sincerely,

Kevin A. Lynch
President & CEO
National Industries for the Blind (NIB)

Reinhard Mabry
President & CEO, Alphapointe
President, National Association for the Employment of People who are Blind (NAEPB)