



HOUSE COMMITTEE ON

VETERANS' AFFAIRS

Republicans | Ranking Member Phil Roe, M.D.

H.R. 4920: The VA Contracting Preference Consistency Act

Background:

The AbilityOne Program was originally created by Congress in 1938 to require the Federal government to give a preference to non-profit companies that employ individuals who are blind or severely disabled when contracting for certain products and services including office and medical supplies, clothing items, janitorial work, and call center staffing. The Veterans First Program was created by Congress in 2006 to require the Department of Veterans Affairs (VA) to give a preference to service-disabled veteran-owned small businesses and veteran-owned small businesses when awarding contracts generally. VA spent approximately \$27 billion on contracts and charge cards last year. Of that, more than \$5 billion was allocated pursuant to Veterans First while approximately \$110 million was allocated pursuant to AbilityOne. Whereas earlier VA contracting legislation specifically exempted the AbilityOne Program, the 2006 legislation that created the Veterans First Program did not. As a result, Veterans First and AbilityOne have come into conflict in a series of contract protests and court cases over the last several years. In one key case, *PDS Consultants v. United States, Winston-Salem Industries for the Blind*, the U.S. Court of Appeals for the Federal Circuit invalidated the AbilityOne preference in VA. Now, as existing VA contracts with Ability One companies expire, the jobs of approximately 2,800 individuals who are blind or severely disabled in 30 states are threatened.

The VA Contracting Preference Consistency Act would preserve the AbilityOne Program with respect to products and services VA was purchasing before the Veterans First Program was created in 2006. The Veterans First Program would apply to all other products and services.

The Message:

- The VA Contracting Preference Consistency Act preserves VA's longest-standing partnerships with AbilityOne non-profit companies, while also preserving the Veterans First Program by applying it to all other VA purchasing.
- This bill would protect meaningful employment opportunities for thousands of blind and severely disabled individuals across the country that would otherwise be in jeopardy.