

December 19, 2022

Jennifer Hawes
General Services Administration
Regulatory Secretariat Division
1800 F Street NW
Washington, DC 20405-0001

FAR Case 2021-015

Dear Ms. Hawes:

Thank you for the opportunity to comment on the proposed rule amending the Federal Acquisition Regulation (FAR) to implement a requirement to ensure certain federal contractors disclose their greenhouse gas emissions and climate-related financial risk and, for major contractors that are for-profit companies, submit CDP-based annual climate disclosure and set science-based targets to reduce their greenhouse gas emissions.

SourceAmerica®, an AbilityOne® Authorized Enterprise, connects the federal government and a national network of nearly 400 AbilityOne-participating nonprofit agencies, that hire a talented and diverse workforce segment — people with disabilities. The economic impact of our work is felt in communities across our nation, and we have more than 45 years of experience in the contracting and disability employment space.

The nearly 400 nonprofit agencies in our network provide training and employment opportunities for more than 65,000 people with significant disabilities, including approximately 36,000 individuals with significant disabilities through the AbilityOne Program. Individuals with disabilities have been historically disadvantaged as it relates to employment opportunities and continue to face many and varied barriers to employment. Today, nearly 70% of working-age people with disabilities do not have jobs. Census data shows that there are more than 9 million people with significant disabilities in the U.S. who could work given the appropriate opportunity and support.

SourceAmerica supports the Administration's intent to reduce federal contractors' greenhouse gas emissions. However, we are concerned that the implementation of the proposed rule as written, as an unfunded mandate, will impose a substantial burden on our network of nonprofit agencies and have unintentional consequences by shifting resources from hiring and training people with significant disabilities to increasing reporting requirements. Compliance at every level would require a substantial amount of resources (new staff, time of organization as a whole, consultants). Nonprofit agencies operating under the AbilityOne Program already have considerable administrative costs and numerous reporting requirements which are not required of for-profit federal contractors.

This proposed rule would have a disproportionately negative impact on a program designed to provide job opportunities for people with disabilities. There are approximately 70 nonprofit agencies within SourceAmerica’s network that would be impacted by the Executive Order. However, each of these nonprofit agencies performs contract work at federal civilian facilities or military bases, which currently have Agency Annual Site Sustainability Reporting Requirements. It would be difficult if not impossible for our nonprofit agencies to assess and mitigate direct and/or indirect emissions at these locations.

SourceAmerica offers the following comments on the proposed rule amending the FAR:

Exceptions

We recommend that the proposed FAR include AbilityOne nonprofit agencies as a complete exception. We are part of the underserved community that will be impacted. The proposed regulation appropriately excludes all non-profit organizations who may otherwise be “major” contractors from the enormous additional expense of an annual climate review and setting of science-based targets. Nonetheless, as stated above, approximately 70 AbilityOne nonprofit agencies still would be affected by the Executive Order and are required to submit the annual reporting required by Scope 1 and Scope 2 while performing most of the required contract work at federal civilian facilities or on military bases. These facilities are already subject to comprehensive federal sustainability performance and reporting requirements.

Clarification

In addition, we are seeking clarification on the reference to ‘nonprofits’ in Section “C. Exceptions.”. One of the entities currently listed as a qualified entity to be exempted is a nonprofit research entity. However, the proposed language in FAR section 23.XX04(b) provides an additional exception for a nonprofit organization. SourceAmerica seeks clarification to determine if there is a distinction between the two nonprofit references to ensure that any nonprofit organization is also exempted from the reporting requirements for Scope 1, and Scope 2 as a federal contractor.

SourceAmerica appreciates the opportunity to comment on the proposed rule to amend the FAR to implement Executive Order 14030, Disclosure of Greenhouse Gas Emission and Climate-Related Financial Risk. If you have any questions or need any additional information, please contact Ricardo Terrazas at rterrazas@SourceAmerica.org or (571) 421-8779.

Sincerely,

Ricard Belden
President and CEO