U.S. ABILITYONE COMMISSION

September 4, 2026

Edward C. Forst
Administrator
General Services Administration

Dear Administrator Forst:

The U.S. AbilityOne Commission appreciates the General Services Administration's continued collaboration and **our shared commitment to fully support the President's Made in America agenda** by delivering greater transparency, accuracy, and accountability in Federal procurement. This partnership has been pivotal to the AbilityOne mission, which has created **41,000 jobs for Americans who are blind or have significant disabilities, including veterans**.

While every partnership encounters moments of disagreement, I want to assure you that I fully appreciate the concerns raised in your letter dated August 14, 2026 – particularly regarding Country-of-Origin accuracy, application of the Commission's Essentially the Same policy, broader oversight within the AbilityOne Program and the GSA Trade Agreements Act (TAA) class deviation. Below, I have provided detailed responses and clarifications addressing those topics, including steps the Commission has taken and will take to meet your request for additional information and assurances.

Transparency, Accuracy, and Accountability in Country-of-Origin Documentation

The Commission has taken significant steps to reinforce adherence to the Buy American Act (BAA), the Trade Agreements Act (TAA), and Executive Order 14392*, Ensuring Truthful Advertising of Products Claiming to be Made in America*. As noted in your correspondence, **Commission Directive 25-01** (*Strengthening and Ensuring Consistency of AbilityOne Program Compliance with Domestic Sourcing Laws*), issued in September 2025, established mandatory inventory and COO validation processes for all Procurement List items, ensuring that supply-chain risks are promptly identified. **Commission Directive 26-02** (*Updated Guidance for Domestic Sourcing and Accuracy in Product Labels*), issued in May 2026, further strengthened these requirements by mandating comprehensive documentation, COO verification, and certifications for all additions and price changes to the Procurement List. In consultation with GSA, the Commission launched a process in July 2026 to ensure that all Procurement List products meet BAA (or TAA) standards and are supported by verifiable documentation or waivers.[1]

In response to previous GSA requests and Commission directives, both AbilityOne central nonprofit agencies (CNAs) have already conducted a programwide review to validate COO information, review pricing and sourcing data, and ensure consistent compliance with statutory and regulatory requirements.[2] This included a **full review of items offered through GSA platforms**,

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[1] The Commission consults with the Office of Federal Procurement Policy as well as GSA regarding domestic sourcing and other initiatives to create shared awareness of AbilityOne Program alignment and capabilities.
[2] Both CNAs have entered Congressionally mandated written agreements with the Commission to ensure oversight responsibilities are transparent and efficient. In December 2024, the Commission strengthened these agreements by adopting the Uniform Administrative Requirements, Cost Principles, and Audit Requirements (2 C.F.R. § 200) in the second-generation agreements. The Commission took an additional step earlier this year to mandate this

immediate correction of any inaccurately reported COO information, and the proposed deletion of nonconforming or outdated Procurement List items.

The Commission agrees that identifying and addressing potential nonconformities, whether related to domestic sourcing, product labeling, or other compliance requirements, is essential to maintaining the integrity of the AbilityOne Program. As with any large Federal procurement program, isolated instances of nonconforming products may occur. However, the Commission, through Directive 26-02, has established a comprehensive, multilayered oversight framework designed specifically to detect, correct, and/or remove nonconforming products from the Procurement List. These measures go well beyond initial steps, establishing a more rigorous oversight framework than the self-verification process used by many commercial vendors.[3] For example, whenever our partners at GSA identify a potential discrepancy in COO labeling, the Commission staff will investigate the matter and address the concern in real time. That is also true for the alleged irregularities referenced in your letter.

Application of the "Essentially the Same" Policy

The Commission respectfully disagrees with the assertion that application of the Essentially the Same (ETS) policy results in American-made products being replaced by foreign-sourced items. ETS serves one purpose: to preserve the mandatory source requirements of the Javits-Wagner-O'Day Act by ensuring that commercial items offered on Federal platforms are not materially the same as products already on the Procurement List. It does not authorize, encourage, or permit the substitution of domestic products with foreign alternatives.

The Commission's review of the examples cited by GSA found no evidence of systemic foreign sourcing. In fact, the underlying technical evaluations, conducted jointly with GSA engineers, confirmed that the relevant AbilityOne products identified as ETS are domestically sourced and meet the same or higher U.S. content, biobased, compostability, and safety standards as the compared commercial items. Where a product was found not to meet all salient GSA requirements, the Commission removed its ETS designation and permitted commercial competition.[4]

In short, ETS does not and cannot function as a mechanism to replace American-made goods with products from China or other foreign countries. Rather, it protects mandatory source products that meet Federal standards, while the Commission's enhanced COO verification and domestic sourcing compliance processes ensure program integrity and safeguard U.S. supply chain interests.

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approach through Federal rulemaking.

[3] GSA has numerous vendors in its Commercial Platform Program, including third-party entities that operate commercial websites. These site operators have limited oversight responsibilities for vendors selling products on their platforms; GSA's primary role is to set contract requirements and monitor compliance at the contract level, but day-to-day oversight of individual listings and sellers is often minimal. Additionally, the Small Business Administration does not directly enforce Buy American Act (BAA) or Trade Agreements Act (TAA) compliance for all small businesses operating under GSA contracts. Instead, BAA/TAA compliance is governed by Federal Acquisition Regulation (FAR) Part 25 and enforced by GSA contracting officers, who rely on vendor certifications and periodic audits to ensure products meet sourcing requirements.

[4] In the referenced case, the Commission reviewed 17 NSNs in total. It determined that 7 of the NSNs were improperly challenged because the associated products are not subject to ETS restrictions. Another 7 NSNs were confirmed as correctly designated ETS, as comparable Procurement List items satisfy the relevant government-wide requirements. The remaining 3 NSNs, while domestically sourced, did not meet the compostability specifications required by the government and therefore are not protected under the ETS policy.

Broader Oversight within the AbilityOne Program

The Commission also respectfully disagrees with the assertions made regarding price markups, executive compensation, and isolated False Claims Act cases.

First, the claim that AbilityOne nonprofit agencies impose markups "up to 55 percent" is misleading. As the Commission's policy makes clear, the 55 percent ceiling **applies only to commercial distributors who resell AbilityOne products, not to the nonprofit agencies** that manufacture or assemble Procurement List items.[5] These distributors independently set resale prices above the Commission-established Fair Market Price (FMP). When the commercial resellers are GSA contractors, GSA is responsible for negotiating reasonable pricing and overseeing contractor performance, consistent with standard Federal practice. This means the cited markup level is not a reflection of AbilityOne production costs, nor nonprofit pricing practices, and does not diminish the Program's value to taxpayers.

Second, the assertions regarding nonprofit executive salaries misstate both the source of compensation oversight and the nature of the nonprofit sector. The Internal Revenue Service provides Federal oversight of nonprofit agency executive compensation; the Commission is not involved in setting nonprofit executives' compensation. Many AbilityOne nonprofit contractors operate multi-state initiatives and manage complex business operations both within and beyond the AbilityOne Program, making direct comparisons to baseline income levels neither meaningful nor suitable.

Third, the reference to past False Claims Act (FCA) settlements selectively highlights two resolved cases over many years.[6] The Commission agrees that misconduct must be addressed decisively, which is exactly what occurred in the cited cases, resulting in substantial settlements and corrective action. In parallel, the Commission has strengthened contract performance oversight through updated domestic sourcing directives, enhanced supply chain documentation requirements, and robust procedures for quality complaints, deauthorization, and enforcement. The Commission is committed to detecting, deterring, and addressing violations, ensuring that isolated incidents are resolved quickly and do not reflect the broader operations of the AbilityOne Program.

Taken together, the facts show that the assertions regarding markups, executive compensation, and FCA cases do not reflect systemic AbilityOne Program issues. Rather, they illustrate the importance of ongoing oversight—oversight that the Commission has already modernized and intensified to ensure continued accountability, transparency, and value to the taxpayer. For the most recent and accurate information about the Commission, please see our December 2025 Report to the President.

The GSA's TAA-Class Deviation

The Commission acknowledges GSA's decision to remove the AbilityOne exception to the TAA via the recent class deviation applicable to all GSA acquisitions. We share GSA's objective for domestic sourcing rules to apply consistently across procurement vehicles. Through its Directives 25-01 and 26-02, the Commission has already instructed AbilityOne nonprofit contractors to

[5] Commission Policy 51.540 *AbilityOne Authorized Commercial Distributor Program Requirements*

[6] For instance, there are hundreds of recent and substantially larger FCA examples across the Federal Government: DOJ FCA Settlements and Judgments

voluntarily leverage the TAA to maximize U.S. and other compliant sources for all Federal acquisitions. As such, we will continue to work closely with your Senior Procurement Executive to ensure that these changes are implemented effectively and consistently across the Program.

To maintain fairness among vendors, we respectfully request clarity regarding how the GSA class deviation will be applied in conjunction with existing FAR Part 25 rules and thresholds, including set-asides and statutory exceptions, so that AbilityOne nonprofit contractors are held to the same standards as other contractors. The GSA class deviation issued August 14, 2026, **does not include** small business set-asides, nor does it place any meaningful limitations on micropurchases ordered through GSA's Commercial Platform Program. In other words, the class deviation imposes stricter regulatory requirements on AbilityOne and Federal Prison Industries, while other FAR Part 25 exceptions, including small business set-asides, remain in place.[7]

Information Requested

Regarding your request for certain information, the Commission has completed a programwide review of products data submitted in accordance with Directive 25-01. This data was shared with GSA in February 2026, and on an ongoing basis since then. On July 1, 2026, Commission staff launched a thorough process to document and validate COO data pursuant to Directive 26-02, to address and strengthen areas identified as shortcomings in the initial review. The Commission's process, developed in coordination with GSA, ensures that certifications are properly compiled, validated, and transmitted through the designated internal channels.

We believe these steps are responsive to GSA's request for a comprehensive review and establishment of a framework for continuous oversight. The Commission commits to providing GSA with quarterly updates as our certification process is implemented, as well as additional information in furtherance of your August 14, 2026, request no later than **November 12, 2026**.

To advance our shared commitment to upholding COO compliance, **the Commission respectfully requests GSA's assistance in establishing a joint COO working group to develop a Memorandum of Agreement** that addresses operational risks and better aligns the Commission and GSA COO validation processes. With this closer coordination, the Commission will be better positioned to safeguard the integrity of the Procurement List and ensure that taxpayer funds support domestically manufactured products, national security interests, and meaningful employment opportunities for individuals who are blind or have significant disabilities.

Sincerely,

Christina Brandt

Christina Brandt
Chairperson and Presidential Appointee

[7] AbilityOne products represent a fraction of GSA's total spend, and the vast majority are already domestically sourced and manufactured. For context, GSA reports that FY 2025 awards through AbilityOne totaled $579 million; while small businesses received approximately $5.5 billion in prime contracts, and roughly $16.1 billion in subcontracts under GSA acquisitions.