



U.S. ABILITYONE COMMISSION

Policy 51.207

Effective Date: 08/01/2025

TITLE: OVERSIGHT AND MANAGEMENT OF THE RULEMAKING AND POLICY DEVELOPMENT PROCESSES

1. PURPOSE.

This policy prescribes U.S. AbilityOne Commission (Commission) oversight and management of its rulemaking and policy development processes. It establishes and updates the Commission's AbilityOne Program (Program) Policy System, defines staff roles and responsibilities, and delineates the structure for all AbilityOne Program policies, regulations, and other issuances.

2. APPLICABILITY.

The policies prescribed herein apply to the Commission Subcommittees and Commission staff.

3. AUTHORITY.

- (a) 41 U.S.C. 8501–8506, Javits-Wagner-O'Day (JWOD) Act
- (b) 5 U.S.C. Chapter 5, Administrative Procedure Act (APA)
- (c) 5 U.S.C. Chapter 8, Congressional Review Act (CRA)
- (d) 44 U.S.C. Chapter 35, Paperwork Reduction Act (PRA)
- (e) 5 U.S.C. Chapter 6, Regulatory Flexibility Act (RFA)
- (f) 41 CFR 51-2.2, Powers and Responsibilities

4. DEFINITIONS AND ACRONYMS.

Definitions, abbreviations, and acronyms frequently used throughout this policy system are provided in Policy 51.102, Definitions of Terms. Terms unique to a specific subject matter will be defined in the associated policy and/or procedure.

5. RESPONSIBILITIES.

- (a) The Commission will:
 - i. Review and vote on policies related to the Commission's duties (51.200 series) and oversight of the Central Nonprofit Agencies (CNAs) (51.300 series); and
 - ii. Approve its part of the Federal government's semiannual Unified Agenda of Regulatory and Deregulatory Actions (Unified Agenda).
- (b) The Chairperson will:



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- i. Appoint a Regulations and Policy Subcommittee (Subcommittee) of Commission members; and
 - ii. Serve as the signature authority and the Commission proponent (exception authority) for policies related to the Commission's duties (51.200 series) and oversight of the CNAs (51.300 series).
- (c) The Regulations and Policy Subcommittee shall:
 - i. Review and develop recommendations for the Unified Agenda for submission to the full Commission;
 - ii. Review and recommend changes to the Commission's AbilityOne Program policies; and
 - iii. Meet and hold meetings as necessary to address regulatory and policy matters.
- (d) The Executive Director (ED) shall:
 - i. Serve as the approval authority for all policies issued pursuant to the authority delegated by the Commission Chairperson and necessary for the day-to-day operations of the Commission;
 - ii. Serve as the approval authority for all policies in the 51.100 series and the 51.400 through 51.800 series;
 - iii. Ensure sufficient staff resources to support the Subcommittee, and work with the Subcommittee Chairperson regarding applicable policy and rulemaking recommendations for Commission approval; and
 - iv. Ensure that the full Commission is consulted in the approval process for rulemaking, including the Unified Agenda and applicable policies, and is informed by the Subcommittee's recommendations.
- (e) The Office of General Counsel (OGC) shall:
 - i. Oversee the Commission's policy process, including maintaining the necessary system of policies and procedures to ensure effective management of the AbilityOne Program and internal Commission policies;
 - ii. Provide legal review and drafting support for Directorates on policy drafts;
 - iii. Prepare the semiannual Unified Agenda for the Regulations and Policy Subcommittee for review and recommendation to the Commission;
 - iv. Provide legal review and drafting support to Directorates on regulation drafts; and
 - v. Manage the submission process of rulemaking drafts and serve as a liaison with the Office of Information and Regulatory Affairs (OIRA) and Regulatory Information Service Center (RISC).
- (f) The Commission Staff Directors shall:
 - i. Ensure currency of policy and procedures within their functional areas;

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- ii. Assign policies to appropriate subject matter experts (SMEs) within their respective directorate;
- iii. Review and approve the SME draft of policy; and
- iv. Coordinate with OGC on all Unified Agendas, rulemakings, and policies and procedures development.

6. POLICY.

- (a) Unified Agenda. The Unified Agenda of Federal Regulatory and Deregulatory Actions is a semiannual compilation of information about regulations under development by Federal agencies, published in the spring and fall. RISC requests data for the Fall and Spring Unified Agenda in March and September, respectively.
 - i. Unified Agenda Development.
 - a. If Directorates want to propose changes to the Commission regulations, the requested change and rationale must be submitted to OGC.
 - b. Unified Agenda submissions must be reviewed and approved by the ED prior to submission to the Subcommittee for review.
 - ii. Unified Agenda Development and Submission.
 - a. Unified Agenda submissions must be reviewed by the Subcommittee, and the Subcommittee must make a recommendation to the full Commission on whether to approve the Unified Agenda.
 - b. Final Unified Agenda submissions must be approved by the Commission prior to submission to OIRA.
 - c. OGC must electronically submit the approved Final Unified Agenda submission to OIRA in the RISC/OIRA Consolidated Information System (ROCIS).
- (b) Rulemaking. The JWOD Act authorizes the Commission to issue regulations to provide administrative oversight of the AbilityOne Program(e.g., regulations related to ratio compliance, study and evaluation, etc.), add and remove items from the Procurement List (PL), and ensure that Federal agencies adhere to mandatory source requirements.
 - i. Rulemaking Development. Commission staff will prioritize and develop rulemaking in accordance with the established Unified Agenda.
 - a. SMEs are primarily responsible for drafting documents required at all stages of the rulemaking process. OGC shall provide support in preparing the rulemaking package.
 - b. Prior to submitting to the Subcommittee for review, all rulemakings must be reviewed by:
 - 1. The applicable component Director;
 - 2. The OGC; and
 - 3. The ED (or designee).

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ii. Rulemaking Approval & Submission.

- a. The Subcommittee must review rulemakings and make a recommendation, for approval or disapproval, to the full Commission.
- b. Rulemakings must be approved by the Commission prior to submission to OIRA.
 1. Exception. Rulemaking considered routine, frequent, or informational/administrative (e.g., a rulemaking to amend 41 CFR § 51-1.3, Definitions, to add longstanding terms defined in policy) does not require a notice and comment period and would not require Commission vote.
- c. OGC must electronically submit the approved rulemaking to OIRA in the RISC/OIRA Consolidated Information System (ROCIS).
- d. The Director of Business Operations must submit approved rulemakings to the Government Printing Office (GPO).

(c) Policies and Procedures

- i. Policy Development. The Commission establishes policy and procedures that implement the JWOD Act, enforce the Commission's regulations, and govern the Program. Since policies and procedures are an extension of existing Commission authority, any conflicts with statute or regulation must give way to superior authority. To ensure accuracy and effectiveness, Commission policies shall be reviewed at least every 5 years or as otherwise required by changes in statute or regulation, or Executive Orders (EO).
 - a. Directors are responsible for the policy content within their respective functional areas and for assigning an SME for each policy in their respective policy series.
 - b. The applicable SME, as directed by their supervisor, is responsible for ensuring policies are accurate, relevant, and aligned with current regulations and the Commission's Strategic Plan.
 - c. OGC is responsible for maintaining the policy system and tracking when Commission policies are due for review.
- ii. Policy Review and Analysis. All policies must be reviewed prior to approval and signature as follows:
 - a. Reviewed by the SME's Director;
 - b. Circulated internally to the Senior Leadership Team (SLT) and other relevant managers for their review and/or the review of their staff;
 - c. Determined to be legally sufficient by OGC. OGC will also provide drafting support for all policy drafts prior to approval;
 - d. Reviewed and verified for accessibility.
- iii. Policy Approval & Distribution.
 - a. Chairperson Signature. Commission Policies in the 51.200 and 51.300 series must be signed by the Commission Chairperson to be effective.



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1. Subcommittee clearance is generally required before such policies are submitted to the full Commission for a vote.
 2. Commission approval is required before such policies are signed by the Chairperson and made effective.
 3. Policies affecting the terms of the Cooperative Agreements with the CNAs must abide by any notice requirements described within those agreements.
- b. Executive Director Signature. Commission Policies in the 51.100 series, and 51.400 series and above, must be signed by the ED to be effective.
1. The ED must notify the Commission at least 30 days before issuing a new policy, but Subcommittee clearance is not necessarily required before such policies are signed and implemented.
 2. The Executive Director may seek input from the Subcommittee chairperson to determine which policies – usually those of a significant nature that impact participating employees or Federal customers – may be reviewed by the Subcommittee if requested by the Subcommittee Chair.
 3. Policies affecting the terms of the Cooperative Agreements with the CNAs must abide by any notice requirements described within those agreements.
- c. Distribution. All policy issuances shall be distributed electronically and will be available electronically on the Commission website, unless an exception is granted by the Executive Director or the Chairperson.
- (d) Chairperson and Executive Memoranda or Directives
- i. Administrative memoranda issued by the Executive Director function as an agency level guidance (operating procedure) that apply to Commission staff and contracted personnel. However, if a memorandum is issued by the Chairperson, it will generally apply to both Commission members and agencywide staff.
 - ii. Administrative directives issued by the ED (under delegated authority) or the Chairperson may be applicable to CNAs or nonprofit agencies (NPAs) in instances where it is necessary to clarify existing policies or procedures or to immediately comply with Executive or judicial orders.
 - iii. Memoranda or directives, unless based on an Executive or judicial order, may not be used to circumvent the normal policy or rulemaking process described at Part 7 of this policy.
 - iv. OGC shall provide legal support and review for both Chairperson and Executive Directives prior to issuance.

7. PROCEDURES.

- (a) Unified Agenda. The Unified Agenda submission procedures below shall adhere to the schedule found at Appendix A.

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i. Unified Agenda Development.

- a. Directorates shall work with OGC to develop proposed items for addition to the Unified Agenda submission.
- b. OGC shall develop a proposed Unified Agenda submission and submit it to the ED.
- c. The ED shall review the proposed Unified Agenda submission, and OGC will work to resolve any feedback prior to ED approval.

ii. Unified Agenda Approval & Submission.

- a. Commission staff shall submit the proposed Unified Agenda submission to the Subcommittee.
- b. The Subcommittee shall review the proposed Unified Agenda submission and make a recommendation to the full Commission.
- c. Commission staff shall work with Subcommittee to address any concerns and resolve any feedback.
- d. Upon Subcommittee recommendation, the Commission staff shall prepare a Decision Document for the Commission members to vote on the proposed Unified Agenda submission.
- e. Commission members will cast a vote for approval or disapproval of the proposed Agenda via a Decision Document.
 1. If the Commission votes to disapprove the proposed Unified Agenda submission, the Commission staff will schedule a meeting of the full Commission to address and resolve any concerns. Commission staff will revise the proposed Agenda and prepare a new Decision Document reflecting the agreed-upon items in the meeting.
 2. Commission members will vote on the revised proposed Unified Agenda submission via the new Decision Document.
- f. Upon Commission approval of the Final Agenda, OGC shall coordinate with the RISC analyst and OIRA desk officer to submit it for OMB approval.

(b) Rulemaking.

i. Rulemaking Development.

- a. The SME in coordination with OGC shall draft the regulatory language and accompanying Federal Register notice in accordance with Subcommittee guidance.
- b. The SME's Director shall then review and provide feedback on the draft rulemaking.
- c. After Director review, OGC shall conduct a final legal review of the draft rulemaking and submit to the ED for review.

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- d. The ED shall review the draft rulemaking and provide any comment and revisions.
- e. OGC shall coordinate any ED feedback with the SME, work to resolve any outstanding issues, and prepare a draft for Subcommittee review.
- ii. Rulemaking Approval and Submission.
 - a. The ED will coordinate with the Subcommittee Chairperson to facilitate the Subcommittee's review and clearance.
 - b. The Subcommittee shall submit draft rulemaking feedback to OGC for adjudication.
 - c. OGC shall review Subcommittee feedback on draft rulemakings and coordinate with the SME to address and resolve Subcommittee comments.
 - d. OGC will provide the revised draft rulemakings and responses to the ED for review.
 - e. Upon ED approval, OGC shall submit the revised draft rulemakings for Subcommittee review. Subcommittee review must be completed within 30 days of submission. The Subcommittee chair may extend the review time by 15 days for any reason. However, any extensions beyond 15 days must be approved by the Commission Chairperson.
 - f. Upon resolution of any Subcommittee feedback, the ED will submit the revised draft rulemaking package to the Subcommittee with legal recommendations and will coordinate a final decision package for Commission vote.
 - g. The ED will brief the draft rulemaking to Commission members at least 30 days before a Decision Document is issued.
 - h. The Commission staff will issue a Decision Document to all Commission members to request approval of the proposed regulatory language. Commission members will follow the voting protocols in Commission Policy 51.203. If approved, OGC, unless otherwise directed, has 15 days to finalize the rulemaking package for submission to OIRA.
 - i. OGC shall coordinate with the OIRA desk officer to submit the Commission-approved draft rulemaking package for OMB approval and will send the Federal Register notice to the Director of Operations for submission to GPO.
- j. Interagency Review & Public Comment Process.
 - 1. OGC, in conjunction with the SME, will review feedback from interagency review and public comments received in response to rulemaking and submit recommended responses to the ED for review and approval.
 - 2. If the regulatory language is not substantively different from the version approved by the Commission, the rulemaking will proceed to publication.
 - 3. If the regulatory language has substantively changed, the Commission staff shall issue a new Decision Document to all Commission members to request



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approval of the revised regulatory language. If approved, the final rule will proceed to publication.

- k. OGC shall submit the Commission-approved rulemaking package to OIRA for review and the OMB approval process.
- l. OGC shall provide the Commission-approved rulemaking package to the Director of Operations for submission to GPO.

(c) Policies and Procedures.

- i. Policy Development. By the end of each Fiscal Year (FY), OGC shall identify and provide the ED a list of policies that are due for review in the upcoming FY.
- ii. Policy Review and Analysis.
 - a. Each Directorate shall review the list of policies due for review as provided by the ED.
 - b. The applicable SME, as directed by their supervisor, shall review the policies for accuracy and relevancy and ensure that the policy is aligned with current regulations and the Commission's Strategic Plan.
 - c. Recommendations and revisions should be submitted to the component Director for review.
 - d. The Director should submit the approved draft to OGC for legal review.
 - e. OGC shall conduct a legal review and work with the SME to resolve any feedback.
 - f. Upon completion of legal review, OGC shall submit the document for ED review and feedback. OGC shall coordinate the resolution of any ED feedback with the SME and Director, as necessary.
 - g. Upon review, if a policy is deemed still effective and accurate, OGC shall document the date of review and notate the policy is still current as part of the Commission's policy management system maintained by OGC.
- iii. Policy Approval.
 - a. Policies signed by the Chairperson (Commission Policy series 51.200 and 51.300).
 1. The ED (or designee) shall coordinate with the Subcommittee Chairperson to facilitate Subcommittee's review and recommendations. The Subcommittee has 30 days to complete its review and provide recommendations. The Subcommittee chair may extend the review period by 15 days for any reason. However, any extensions beyond 15 days must be approved by the Commission Chairperson.
 2. The ED (or designee) shall submit the Subcommittee's comments to OGC for resolution.
 3. OGC shall resolve feedback (if necessary) from the Subcommittee within 10



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days, unless additional time has been granted by the Subcommittee chair.

4. If the Subcommittee concerns have been addressed, the Subcommittee shall submit their final recommendation to OGC to develop the Decision Document for Commission vote no later than 15 days after Subcommittee review process has been completed.
 5. Policies will be signed by the Chairperson no later than 15 days after Commission approval.
- b. Policies signed by the ED (Commission Policy series 51.100, and 51.400 and above).
1. After OGC review of a draft policy, OGC shall transmit the policy for review to the SLT for review and comment. The SLT has 10 days to complete its initial review and provide comments.
 2. OGC shall work with the SME to resolve feedback and comments on the draft and coordinate resolution of feedback from the SLT.
 3. Upon resolution of SLT feedback, OGC shall provide draft policies to the Executive Leadership Team (ELT) for review and comments. The ELT has 10 days to review the submission and provide comments.
 4. OGC shall coordinate with ED to resolve any feedback or revisions.
 5. Policies will be signed by the ED no later than 15 days after Commission approval.

8. EXCEPTIONS.

The AbilityOne Commission Chairperson is the proponent of this policy. No exceptions to this policy or related procedures are permitted without written approval from the Chairperson. Except as otherwise stated, any authorities assigned to the Executive Director may be delegated in accordance with Commission Policy 51.205.

9. SUPERSESSSION

This policy supersedes Commission Policy 51.101 dated August 23, 2012.



APPROVED: _____ Date: _____
Robert D. Hogue
Chairperson



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Policy 51.101 AbilityOne Program Policy System

Appendix A – Semiannual Unified Agenda Schedules

Fall Semiannual Unified Agenda Milestone	Due Dates
Directorates submit proposed items for addition to the Agenda to OGC.	By September 30
OGC reviews Directorate submissions and submits recommendation to ED items for prioritization on Agenda.	By October 31
ED reviews and coordinates with OGC on draft Agenda and submits approved draft Agenda to the Subcommittee.	By November 30
Subcommittee reviews draft Agenda; coordinates with ED and OGC to finalize an approved draft Agenda.	By December 31
Subcommittee makes Agenda recommendation to full Commission.	By January 31
Obtain Commission approval on Agenda via Decision Document.	By February 28
OGC submits approved Agenda to OIRA.	March

Spring Semiannual Unified Agenda Milestone	Due Dates
Directorates submit proposed items for addition to the Agenda to OGC.	By March 31
OGC reviews Directorate submissions and submits recommendation to ED items for prioritization on Agenda.	By April 31
ED reviews and coordinates with OGC on draft Agenda and submits approved draft Agenda to the Subcommittee.	By May 31
Subcommittee reviews draft Agenda; coordinates with ED and OGC to finalize an approved draft Agenda.	By June 30
Subcommittee makes Agenda recommendation to full Commission.	By July 31
Obtain Commission approval on Agenda via Decision Document.	By August 31
OGC submits approved Agenda to OIRA.	September