

SUPPORTING STATEMENT
Committee Form 404

A. Justification (All responses are numbered according to the General Instructions 10/95)

1. The Committee for Purchase from People Who Are Blind or Severely Disabled was established by Public Law 92-28, June 23, 1971 (85 Stat. 77, 41 U.S.C. 46-48c). The Act prescribes three conditions which must be met for an agency to qualify to participate under the Act; they are: be a nonprofit agency organized under the laws of the United States or any State; comply with applicable occupational health and safety standards; and employ people who are blind (in the case of an agency for people who are blind) or people who have other severe disabilities (in the case of an agency for people with other severe disabilities) for not less than 75% of the total work hours of direct labor performed in the agency in each fiscal year (48b(3) & (4)). The Committee is also charged with making rules and regulations necessary to carry out the other provisions of the Act (47(d)). A copy of Title 41 of the code Sections 46 through 48c is enclosed.

Regulations which implement the Act have been published as Chapter 51, Title 41, Code of Federal Regulations. Part 4 of these regulations prescribes certain procedures to be followed by nonprofit agencies serving the blind or people with severe disabilities in qualifying for participation under the Act. Section 51-4.3 requires the submission of the appropriate annual certification by nonprofit agencies. Separate certifications are required for nonprofit agencies for the blind and for nonprofit agencies serving people with severe disabilities since the legal requirements for qualification of the two categories of nonprofit agencies differ. A copy of Part 4 of the regulations is enclosed.

2. This form will be used by the Committee to insure compliance with the Act and the implementing regulations. Without this information the Committee would be unable to assure that the participating nonprofit agencies meet the requirements of the JWOD Act and the implementing regulations.

3. The Committee provides the form in electronic format. However, while the information on the second page can be transmitted electronically, the first page requires signatures of three individuals and at this time NISH and the majority of nonprofit agencies don't have electronic signature capability. Therefore at this time this form must still be transmitted via paper or fax. The Committee is in the early stages of developing a fully web-based form to collect this information and projects that this collection instrument will be implemented within the next 18 months.

4. The information collected on this form has been discussed with NISH and a number of nonprofit agencies. This information is not available from any other source. No other agency has a requirement to collect this information.

5. No methods are used to minimize the burden, for the majority of the information required to complete the form is already maintained. The information requested on this form is limited to that required to assure compliance with 41 U.S.C. 46-48c and the implementing regulations 41 CFR 51.

6. If the collection of this form was less frequent, the Committee would be unable to determine that the nonprofit agencies meet the requirement of the JWOD Act that 75% of the direct labor be performed by people with severe disabilities. Without the certification signatures prosecution of any nonprofits fraudulently submitting data would be severely hampered.

7. None. If a nonprofit agency failed to meet the requirement of the JWOD Act that 75% of the direct labor be performed by people with severe disabilities, then the agency could be required to report information more frequently. However, that requirement would not be more frequent than quarterly.

8. The agency's 60 day notice was published in the Federal Register on November 18, 2005 on pages 69932-69933. A copy is attached. This form was originally developed by a task force consisting of representatives of the Departments of Labor and Health, Education and Welfare; a central nonprofit agency representing the nonprofit agencies; and a nonprofit agency manager. It was reviewed in detail and approved by seven national agencies representing the nonprofit agencies for the blind and nonprofit agencies serving people with severe disabilities participating under the Act. In 1976, the Committee designated the National Industries for the Severely Handicapped (since changed to NISH) as the single nonprofit agency, replacing six other national agencies, to represent nonprofit agencies serving persons with severe disabilities. No comments were received during the 60 day comment period.

9. There has been no decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

10. There is no assurance of confidentiality provided to respondents other than information protected by the Freedom of Information Act.

11. There is no data of a sensitive nature collected. All data will be maintained in the Committee office in individual nonprofit agency files. There are no personal identifiers and the information complies with the Privacy Act of 1974.

12. The respondent universe consists of approximately 600 nonprofit agencies serving people with severe disabilities in the United States. Only those nonprofit agencies currently producing a product or providing a service to the Federal Government under the Committee's program are required to respond. There are currently 566 nonprofit agencies serving people with severe disabilities in the Committee's program and it is anticipated that an average of 10 additional nonprofit agencies will be added over the next three year period.

The data requested on the form is maintained and should be readily available in each nonprofit agency from existing records. Contacts with a variety of nonprofit agencies indicate that the total time required for preparation is expected to be from one to three hours, including clerical time. The participating nonprofit agencies take information from their accounting records and transfer data to the Committee Form 404. The completed form is submitted to the Committee staff through NISH.

13. The collective estimated cost to respondents is \$10,000 which includes the cost of mailing or faxing the form to NISH and the Committee office.

14. The estimated annual cost to the Government is \$5,000 and this includes analyzing the data submitted. The distribution will be by NISH to their nonprofit agencies wishing to participate in the Committee's program.

15. None.

16. Some of the data is compiled and used in the Committee's annual report to show the overall size of the JWOD Program.

B. Collection Method. The collection of information does not employ statistical methods.

Enclosures