



Federal Register

**Monday,
April 24, 2006**

Part XXI

**Committee for
Purchase From
People Who Are
Blind or Severely
Disabled**

Semiannual Regulatory Agenda

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED (CPBSD)

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

41 CFR Ch. 51

Semiannual Regulatory Agenda

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Semiannual regulatory agenda.

SUMMARY: This document sets forth the regulatory agenda of the Committee for Purchase From People Who Are Blind or Severely Disabled (the Committee). This agenda is issued in accordance with Executive Order 12866 and the Regulatory Flexibility Act. The agenda lists regulations that are currently under development or review or that the

Committee expects to have under development or review during the next 12 months. The purpose for publishing this agenda is to advise the public of the Committee's current and future regulatory actions.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact G. John Heyer, General Counsel, Committee for Purchase From People Who Are Blind or Severely Disabled, 1421 Jefferson Davis Highway, Jefferson Plaza 2, Suite 10800, Arlington, VA 22202-3259; (703) 603-2121. For information about a specific regulation project listed on the agenda, contact the person designated in the agenda for that regulation.

SUPPLEMENTARY INFORMATION: Under Executive Order 12866 (58 FR 51735, October 4, 1993), each agency is required to prepare an agenda of all

regulations under development or review. The Regulatory Flexibility Act (5 U.S.C. 601 to 612) has a similar agenda requirement (5 U.S.C. 602). Under the law, the agenda must list any regulation that is likely to have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has issued guidelines prescribing the form and content of the regulatory agenda. Under those guidelines, the agenda must list all regulatory activities being conducted or reviewed in the next 12 months and provide certain specified information on each regulation. All of the items on this agenda are current or projected rulemakings.

Dated: February 26, 2006.
Leon A. Wilson, Jr.,
Executive Director.

Committee for Purchase From People Who Are Blind or Severely Disabled—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2872 | Javits-Wagner-O'Day Program; Determining Whether Commodities Are "Essentially the Same" | 3037-AA01 |
| 2873 | Javits-Wagner-O'Day (JWOD) Program Ratio Requirements | 3037-AA02 |
| 2874 | Javits-Wagner-O'Day Program; Initial Qualification Criteria | 3037-AA05 |

Committee for Purchase From People Who Are Blind or Severely Disabled—Long-Term Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2875 | Governance Standards for Central Nonprofit Agencies and Nonprofit Agencies Participating in the Javits-Wagner-O'Day Program | 3037-AA00 |
| 2876 | Javits-Wagner-O'Day (JWOD) Program; Suitability Criteria and Determinations | 3037-AA03 |
| 2877 | Responsibilities of Central Nonprofit Agencies | 3037-AA04 |

Committee for Purchase From People Who Are Blind or Severely Disabled (CPBSD)

Proposed Rule Stage

2872. JAVITS-WAGNER-O'DAY PROGRAM; DETERMINING WHETHER COMMODITIES ARE "ESSENTIALLY THE SAME"

Priority: Other Significant

Legal Authority: 41 USC 46 to 48c

CFR Citation: 41 CFR 51-5

Legal Deadline: None

Abstract: The Committee for Purchase From People Who Are Blind or

Severely Disabled (the Committee), which is responsible for administering the Javits-Wagner-O'Day (JWOD) Act, proposes to amend its regulations by adding guidelines for Federal agencies' use in determining whether commercial commodities are "essentially the same" as items on the Procurement List. The Procurement List is the official list of commodities and services that the Committee has determined to be

suitable for provision to the Government by nonprofit agencies employing people who are blind or who have other severe disabilities and that, pursuant to the JWOD Act and the regulations, must be purchased from the source designated by the Committee. The guidelines for Federal agencies would clarify the meaning and applicability of the term "essentially the same," which currently appears but

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Proposed Rule Stage

is not defined in the Committee's regulations. As such, the guidelines would assist Federal employees who make purchasing decisions in complying with the JWOD Act.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 09/00/06 | |
| NPRM Comment | 11/00/06 | |
| Period End | | |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

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RIN: 3037-AA01

2873. JAVITS-WAGNER-O'DAY (JWOD) PROGRAM RATIO REQUIREMENTS

Priority: Other Significant

Legal Authority: 41 USC 46 to 48c

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Committee for Purchase From People Who Are Blind or Severely Disabled (the Committee), which is responsible for administering and overseeing the implementation of the Javits-Wagner-O'Day (JWOD) Act, is planning to propose to amend its

regulations by adding a requirement that for total JWOD project work, the direct labor hours performed by people who are blind or severely disabled must be at least 75 percent, and for individual JWOD projects, the direct labor hours performed by people who are blind or severely disabled must be no lower than 60 percent. This proposed rule would also, among other things, provide a mechanism for the phase-in of projects that cannot initially meet the direct labor hour percentage requirements set forth in the proposal.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/06 | |
| NPRM Comment | 01/00/07 | |
| Period End | | |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Local, State

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RIN: 3037-AA02

2874. JAVITS-WAGNER-O'DAY PROGRAM; INITIAL QUALIFICATION CRITERIA

Priority: Other Significant

Legal Authority: 41 USC 46 to 48c

CFR Citation: 41 CFR 51-4

Legal Deadline: None

Abstract: The Committee for Purchase From People Who Are Blind or Severely Disabled (the Committee), which is responsible for administering and overseeing the implementation of the Javits-Wagner-O'Day (JWOD) Act, is planning to propose to amend its regulations by revising and clarifying the initial qualification criteria for nonprofit agencies that would like to participate in the JWOD Program. These criteria are set forth at 41 CFR 51-4.2 of the regulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/06 | |
| NPRM Comment | 01/00/07 | |
| Period End | | |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Undetermined

Agency Contact: Louis Bartalot, Director, Program Analysis and Evaluation, Committee for Purchase From People Who Are Blind or Severely Disabled, 1421 Jefferson Davis Highway, Jefferson Plaza 2, Suite 10800, Arlington, VA 22202-3259
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RIN: 3037-AA05

Committee for Purchase From People Who Are Blind or Severely Disabled (CPBSD)

Long-Term Actions

2875. GOVERNANCE STANDARDS FOR CENTRAL NONPROFIT AGENCIES AND NONPROFIT AGENCIES PARTICIPATING IN THE JAVITS-WAGNER-O'DAY PROGRAM

Priority: Other Significant

Legal Authority: 41 USC 46 to 48c

CFR Citation: 41 CFR 51-2; 41 CFR 51-3; 41 CFR 51-4

Legal Deadline: None

Abstract: The Committee for Purchase From People Who Are Blind or

Severely Disabled (the Committee), which is responsible for administering and overseeing the implementation of the Javits-Wagner-O'Day (JWOD) Act, proposes to amend its regulations by requiring nonprofit agencies awarded Government contracts under the authority of the JWOD Act, as well as central nonprofit agencies designated by the Committee, to comply with new governance standards. The proposed governance standards are primarily based on standards that are common

practice in nonprofit and business communities. These new standards would include, among other things, standards concerning the practices of boards of directors and the reasonableness of executive and other employee compensation. Recent accounts alleging, and public concern regarding, isolated instances of excessive compensation packages for nonprofit agency executives; a perceived lack of full disclosure in the financial reporting of nonprofit

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Long-Term Actions

agencies; and the absence of formal guidelines to establish independent boards of directors for JWOD-affiliated central nonprofit agencies and nonprofit agencies prompted this proposed change. If fully implemented, this change would help promote sound governance procedures for central nonprofit agencies and nonprofit agencies participating in the JWOD-Program, help ensure the effective and transparent administration of Government contract funds, and continue to maintain a high level of public support for the JWOD Program's employment mission.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|--------------|-------------|
| NPRM | 11/12/04 | 69 FR 65395 |
| NPRM Comment Period Extended | 12/03/04 | 69 FR 70214 |
| NPRM Comment Period End | 02/10/05 | |
| Next Action | Undetermined | |

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:**

Undetermined

Federalism: Undetermined

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RIN: 3037-AA00**2876. JAVITS-WAGNER-O'DAY (JWOD) PROGRAM; SUITABILITY CRITERIA AND DETERMINATIONS****Priority:** Other Significant**Legal Authority:** 41 USC 46 to 48c**CFR Citation:** 41 CFR 51-2**Legal Deadline:** None

Abstract: The Committee for Purchase From People Who Are Blind or Severely Disabled (the Committee), which is responsible for administering and overseeing the implementation of the Javits-Wagner-O'Day (JWOD) Act, is planning to propose to amend its regulations by revising and clarifying the current suitability criteria in 41 CFR 51-2.4. These criteria are used by the Committee to make determinations regarding whether a commodity or service is suitable to be added to the Procurement List, which is the list of commodities and services that the Committee has determined are suitable to be furnished to the Government by nonprofit agencies employing people who are blind or who have other severe disabilities pursuant to the JWOD Act and the regulations.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 04/00/07 | |
| NPRM Comment Period End | 06/00/07 | |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Local, State

Agency Contact: Louis Bartalot, Director, Program Analysis and Evaluation, Committee for Purchase From People Who Are Blind or Severely Disabled, 1421 Jefferson Davis Highway, Jefferson Plaza 2, Suite 10800, Arlington, VA 22202-3259
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RIN: 3037-AA03**2877. RESPONSIBILITIES OF CENTRAL NONPROFIT AGENCIES****Priority:** Other Significant**Legal Authority:** 41 USC 46 to 48c**CFR Citation:** 41 CFR 51-3**Legal Deadline:** None

Abstract: The Committee for Purchase From People Who Are Blind or Severely Disabled (the Committee), which is responsible for administering and overseeing the implementation of the Javits-Wagner-O'Day (JWOD) Act, is planning to propose to amend its regulations by revising and clarifying the current responsibilities under the JWOD Program of central nonprofit agencies designated by the Committee. These responsibilities are set forth at 41 CFR 51-3.2 of the regulations.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 04/00/07 | |
| NPRM Comment Period End | 06/00/07 | |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

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RIN: 3037-AA04

[FR Doc. 06-2062 Filed 04-21-06; 8:45 am]

BILLING CODE 6353-01-S