

product was conducted pursuant to Executive Order 13126 and the Department's "Procedural Guidelines for Maintenance of the List of Products Requiring Federal Contractor Certification as to Forced or Indentured Child Labor."

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Executive Order No. 13126, which was published in the **Federal Register** on June 16, 1999 (64 FR 32383), declared that it was "the policy of the United States Government \* \* \* that the executive agencies shall take appropriate actions to enforce the laws prohibiting the manufacture or importation of goods, wares articles, and merchandise mined, produced or manufactured wholly or in part by forced or indentured child labor". Pursuant to the Executive Order, and following public notice and comment, the Department of Labor published in the January 18, 2001 **Federal Register**, a final list of products, identified by their country of origin, that the Department, in consultation and cooperation with the Departments of State and Treasury, has a reasonable basis to believe might have been mined, produced or manufactured with forced or indentured child labor. In addition to this list, the Department of Labor also published on January 18, 2001, a notice of procedural guidelines for maintaining, reviewing, and, as appropriate, revising the list of products required by Executive Order 13126. (66 FR 5351). The list of products can be accessed on the Internet at <http://www.dol.gov/ilab> or can be obtained from: International Child Labor Program (ICLP), Bureau of International Labor Affairs, Room S-5307, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693-4843; fax (202) 693-4830. A copy of the Procedural Guidelines is also available from this office.

Pursuant to Section 3 of the Executive Order, the Federal Acquisition Regulatory Councils published a final rule in the **Federal Register** on January 18, 2001, providing that federal contractors who supply products that appear on the list issued by the Department of Labor must certify to the contracting officer that the contractor, or, in the case of an incorporated contractor, a responsible official of the contractor, has made a good faith effort to determine whether forced or indentured child labor was used to mine, produce or manufacture any product furnished under the contract and that, on the basis of those efforts,

the contractor is unaware of any such use of child labor. (48 CFR subpart 22.15). The regulation also imposes other requirements with respect to contracts for products on the list of products.

##### II. China/Firecrackers Executive Order Submission

On June 29, 2001, the Department of Labor accepted for review a submission under Executive Order 13126 regarding the use of forced child labor in the firecracker industry in China. The submission, which was provided by State Department Watch, consisted of a newspaper article with information describing a March 2001 incident in which children in Jiangxi Province, China were allegedly killed while being forced to manufacture firecrackers at their school.

In accordance with the "Procedural Guidelines for Maintenance of the List," the Department initiated a review into the manufacturing of this product using forced or indentured child labor in China. In conducting the review, the Department focused on available information concerning the use of forced or indentured child labor from a variety of sources, including the Departments of State and Treasury, nongovernmental organizations, and international organizations. In addition, as part of its review effort, the Department released a **Federal Register** notice on August 21, 2002, requesting information from the public on the use of forced child labor in the manufacturing of firecrackers in China. The Department of Labor received no responses to the August 2002 notice. Through this review process, insufficient recent and credible evidence was acquired to corroborate the news article and to establish a reasonable basis to believe that this product is being manufactured with forced or indentured child labor in China.

##### III. Final Determination

In general, the Department of Labor considers and weighs several factors in making determinations under the Executive Order: the nature of the information describing the use of forced or indentured child labor; the source of the information; the date of the information; the extent of corroboration of the information by appropriate resources; and whether the information involved more than an isolated incident. In addition, the Department of Labor also takes into consideration whether recent, credible efforts are being made to address forced or indentured child labor in a particular country or industry.

Based on the lack of recent, credible and appropriately corroborated information found through the review process to establish a reasonable basis to believe that this product is manufactured with forced or indentured child labor, and as the submitted news article is insufficient by itself to establish such a basis, the Department of Labor, after consulting with the Departments of Treasury and State, has determined that firecrackers from China should not be added to the Executive Order 13126 list of products.

Signed at Washington, DC this 30th day of April 2003.

**Martha E. Newton,**

*Acting Deputy Under Secretary for International Labor Affairs.*

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#### DEPARTMENT OF LABOR

##### Employment and Training Administration

##### Proposed Collection; Comment Request

**ACTION:** Notice of proposed data collection.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation process to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This process helps to ensure that requested data can be provided in the desired format, reporting burdens are minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration (ETA) is requesting an extension of the Migrant and Seasonal Farmworker (MSFW) Youth Program Planning, Reporting and Performance System forms and related instructions. OMB approved the forms on November 13, 2001 (OMB Control No. 1205-0429, expiring 7/31/2003). A copy of the proposed Information Collection Request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

**DATES:** Written comments must be submitted to the office listed in the addressee section below on or before July 11, 2003.

**ADDRESSES:** Alina Walker, Acting Chief, Division of Seasonal Farmworker Programs, Employment and Training Administration, U.S. Department of Labor, Room N-4641, 200 Constitution Avenue, NW, Washington, DC 20210. Telephone: 202-693-2706 (this is not a toll-free number) or [walker.alina@dol.gov](mailto:walker.alina@dol.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Workforce Investment Act (WIA) Final Rule at 20 CFR 667.300 requires annual plans and quarterly performance reports from all "direct grant recipients." The data under WIA 167 MFSW Youth Program is used to provide material reports to the Secretary of Labor, respond to congressional inquiries, support congressional testimony on behalf of the program, and identify areas of technical assistance need and performance improvement.

On November 1, 2002, the MSFW Youth Program began on-line reporting via the Enterprise Information Management System (EIMS) of the Department of Labor. All MSFW Youth Grantees are required to submit quarterly reports through the EIMS.

**II. Review Focus**

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's burden estimate for the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques, e.g., permitting electronic submissions of responses.

**III. Current Actions**

This proposed ICR will be used by approximately 12 Workforce Investment Act (WIA) MSFW Youth Program grant recipients as the primary reporting and performance measurement vehicle for enrolled youths to indicate their characteristics, training and services

provided, outcomes (including job placement and retention, and attainment of basic skills), as well as detailed financial data on program expenditures.

*Type of Review:* Extension.

*Agency:* Employment and Training Administration.

*Title:* Planning, reporting, and performance system for WIA MSFW Youth grant recipients.

*OMB Number:* 1205-0429.

*Catalog of Federal Domestic Assistance Number:*

*Record Keeping:* Grant recipients shall retain supporting and other documents necessary for the compilation and submission of the subject reports for three years after submission of the final financial report for the grant in question [29 CFR 97.42 and/or 29 CFR 95.53].

*Affected Public:* State agencies; private, non-profit corporations.

*Cite/Reference/Form/etc.:* The collection instrument is for the MSFW Youth Program Planning, Reporting, and Performance System and related instructions. OMB-approved forms are provided for use in gathering information at the grant recipient field office level.

**IV. Total Burden**

Required section 167 activity	NFJP Form #	Number of respondents	Responses per year	Total responses	Hours per response	Total burden hrs.
Plan Narrative .....		12	1	12	5	60
Data Record .....		12	(1)	5,000	3	15,000
Report from Data Record .....		12	1	12	2	24
Budget Information Summary .....	ETA 9096	12	1	12	15	180
Program Planning Summary .....	ETA 9097	12	1	12	15	180
Program Status Summary .....	ETA 9098	12	4	48	7	336
<b>Totals .....</b>		<b>12</b>	<b>8</b>	<b>5,096</b>	<b>47</b>	<b>15,780</b>

<sup>1</sup> On occasion.

*Total Respondents:* 12.

*Frequency:* Annually for planning information; quarterly for both financial information and participation and characteristics information.

*Total Responses:*

Planning—36 (12 times 3).

*Participant Reporting*—48 (1 Program Status Summary per quarter, per grant recipient per year).

Participant record keeping (MSFW SPIR)—5000 records.

There are four statutorily-required quarterly financial status reports per grant recipient per year, by year of appropriation. For participation and characteristics information, there are four quarterly submissions per year, regardless of the year(s) of funding expended during the program year.

*Average Time per Grantee Response:*

Annual Plan—2 hours.

Budget Information Summary (BIS)—30 minutes; [ETA 9096].

Program Planning Summary (PPS)—1 hour; [ETA 9097].

Financial Status Report—30 minutes; [ETA 9092, OMB Approval No. 1205-0428, expiring 10/04].

Program Status Summary (PSS)—1 hour; [ETA 9098].

Individual Recordkeeping (Workforce Investment Act Standardized Participant Record)—3 hours (per participant record).

The individual time per response varies widely depending on the degree of automation attained by individual grant recipients. Grant recipients also vary according to the numbers of individuals served in each program year. If the grant recipient has a fully

developed and automated Management Information System, the response time is limited to one-time programming, plus processing time for each response.

*Estimated Total Burden Hours:*

Planning (MSFW)—12 responses times 2 hours per response equals 24 burden hours.

BIS (MSFW)—12 responses times 30 minutes per response equals 6 burden hours.

PPS (MSFW)—12 responses times 1 hour per response equals 12 burden hours.

FSR (MSFW)—48 (12 times 4) responses times 30 minutes per response equals 24 minimum burden hours.

PSS (MSFW)—48 (12 times 4) responses times 1 hour per response equals 48 burden hours.

The use of the term "minimum" refers to the fact that an individual grantee must continue to report on expenditures by year of appropriation until those funds are completely expended. Thus, if more than one year's appropriation is expended in a given quarter, two FSRs (or more) must be submitted for that period.

*Total Burden Cost (capital/startup):*  
\$-0-

*Total Burden Cost (operating/maintaining):*

MSFW Youth Program—(hours times \$15.00 per hour).

Costs may vary widely among grantees, from nearly no additional cost to some higher figure, depending on the state of automation attained by each grantee and the wages paid to the staff actually completing the various forms. All costs associated with the submission of these forms are allowable grant expenses.

Comments submitted in response to this request will be summarized and/or included in the Office of Management and Budget request for approval of the

information collection. All comments will become a matter of public record.

Signed at Washington, DC, this 2nd day of May 2003.

**Emily Stover DeRocco,**

*Assistant Secretary of Labor, Employment and Training Administration.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Solicitation for Grant Applications (SGA); National Farmworker Jobs Program; Housing assistance for Migrants and Seasonal Farmworkers

**AGENCY:** Employment and Training Administration (ETA), Labor.

**ACTION:** Notice: amendment to SGA/DFA-03-108.

**SUMMARY:** The Employment and Training Administration published a document in the **Federal Register** dated

April 17, 2003, concerning the availability of grant funds for the National Farmworker Jobs Program (NFJP) and Housing for Migrant and Seasonal Farmworkers (MSFWs). The document is being amended to provide clarifications as follows:

- A completed SF 424 along with a Program Planning Summary (ETA 9094/Attachment I) and a Budget Information Summary (ETA 9093/Attachment II) should be included in all National Farmworker Jobs Program applications. Please note that completing the ETA 9094 will not satisfy the requirement to provide estimated numbers for those proposed to receive training services and to receive related assistance services.

- For the purposes of the Farmworker Housing Assistance SGA, applicants should submit the SF 424 and SF 424A.

Dated: Signed at Washington, DC, this 6th day of May, 2003.

**Lorraine H. Saunders,**

*Grant Officer, Employment and Training Administration.*

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