



SEP 11 2020

MEMORANDUM FOR JOSHUA BRAMMER

Desk Officer, Office of Information and Regulatory Affairs
Office of Management and Budget

FROM:

for BRYAN SLATER
Assistant Secretary for
Administration and Management

SUBJECT:

Request for emergency processing for ICR
Reference Number: 202009-1291-001

Pursuant to Office of Management and Budget (OMB) procedures established at 5 Code of Federal Regulations (CFR) Part 1320, *Controlling Paperwork Burdens on the Public*, I request that the proposed information collection project, "*Aligning Federal Contracting and Hiring Practices With the Interests of American Workers*" be processed as an Emergency Clearance Request in accordance with 5 CFR Part 1320.13 (Emergency Processing).

I have determined that this information must be collected prior to the timelines established under 44 United States Code Chapter 35 (the Paperwork Reduction Act of 1995 or PRA) and 5 CFR Part 1320. This information is essential to the Department of Labor's compliance with Executive Order (E.O.) 13940 (issued on 8/3/2020).

Section 2(a) and (b) of the Order require agencies to review their federal contractors' use of temporary foreign labor or offshoring practices where contract work is moved from domestic to foreign performance. Section 2(d) of the Order requires agencies to submit a report to the Office of Management and Budget (OMB) by December 1, 2020, summarizing the results of these reviews and discussing any planned follow-up actions and recommendations for executive or other action.

Additionally, information regarding federal contractors' use of temporary foreign labor or offshoring practices is not normally collected in current contracting processes nor is it captured by programs at the Departments of Labor or Homeland Security in a manner that could provide insight into federal contractors' hiring practices in the allotted timeframe. As a result, agencies would not be able to perform the impact analysis required by the Executive Order without requesting information from the contractors about their hiring practices and use of temporary foreign labor as well as their offshoring actions.

The Department of Labor cannot reasonably comply with the normal clearance procedures under the PRA since E.O. 13940 requires agencies to perform the required analysis and report back to OMB with summary results, follow-up actions, and recommendations within 120 days of issuance of the Order, which is December 1, 2020.

For these reasons, the Department seeks emergency processing of the “*Aligning Federal Contracting and Hiring Practices With the Interests of American Workers*” information collection. The Department requests that OMB approve the information collection for use by September 15, 2020 and waive publication of the emergency collection as required under 5 CFR Part 1320.13(d).

If you have any questions regarding the attached procedures, please contact Carrie Snidar, snidar.carrie@dol.gov, 202-302-2691.