



BILLING CODE 4510-28-P

DEPARTMENT OF LABOR

[Docket Number DOL-2018-0006]

Child Labor, Forced Labor, and Forced or Indentured Child Labor in the Production of Goods in Foreign Countries and Efforts by Certain Foreign Countries to Eliminate the Worst Forms of Child Labor

AGENCY: The Bureau of International Labor Affairs, United States Department of Labor.

ACTION: Notice: Request for information and invitation to comment.

SUMMARY: This notice is a request for information and/or comment on three reports issued by the Bureau of International Labor Affairs (ILAB) regarding child labor and forced labor in certain foreign countries. Relevant information submitted by the public will be used by the Department of Labor (DOL) in preparing its ongoing reporting as required under Congressional mandates and a Presidential directive. The 2017 Findings on the Worst Forms of Child Labor report (TDA report), published on September 20, 2018, discusses efforts of 132 countries and territories to eliminate the worst forms of child labor over the course of 2017 and assesses whether countries made significant, moderate, minimal, or no advancement during that year. It also suggests actions foreign countries can take to eliminate the worst forms of child labor through legislation, enforcement, coordination, policies, and social programs. The 2018 edition of the List of Goods Produced by Child Labor or Forced Labor (TVPR List), also published on September 20, 2018, makes available to the public a list of goods from countries that

ILAB has reason to believe are produced by child labor or forced labor in violation of international standards. Finally, the List of Products Produced by Forced or Indentured Child Labor (EO 13126 List), provides a list of products, identified by country of origin, that DOL, in consultation and cooperation with the Departments of State (DOS) and Homeland Security (DHS), has a reasonable basis to believe might have been mined, produced, or manufactured with forced or indentured child labor. Relevant information submitted by the public will be used by DOL in preparing the next edition of the TDA report, to be published in 2019; the next edition of the TVPRA List, to be published in 2020; and for possible updates to the EO 13126 List as needed.

DATES: Submitters of information are requested to provide their submission to DOL's Office of Child Labor, Forced Labor, and Human Trafficking (OCFT) at the email or physical address below by 5 p.m. on January 11, 2019.

ADDRESSES: Information submitted to the Department of Labor should be submitted directly to OCFT, Bureau of International Labor Affairs, U.S. Department of Labor. Comments, identified as "Docket No. DOL-2018-0006," may be submitted by any of the following methods:

1. Federal eRulemaking Portal: You may submit electronic comments to: <http://www.regulations.gov>. The portal includes instructions for submitting comments. Parties submitting responses electronically are encouraged not to submit paper copies.
2. Facsimile (fax): OCFT, at 202-693-4830.
3. Mail, Express Delivery, Hand Delivery, and Messenger Service (1 copy):
Rachel Rigby and Chanda Uluca

U.S. Department of Labor
OCFT, Bureau of International Labor Affairs
200 Constitution Avenue, NW, Room S-5315
Washington, DC 20210

4. Email: Email submissions should be addressed to both Rachel Rigby (rigby.rachel@dol.gov) and Chanda Uluca (Uluca.Chanda@dol.gov).

FOR FURTHER INFORMATION, CONTACT: Rachel Rigby and Chanda Uluca.

Please see contact information above.

SUPPLEMENTARY INFORMATION:

I. The Trade and Development Act of 2000 (TDA), Public Law 106-200 (2000), established eligibility criterion for receipt of trade benefits under the Generalized System of Preferences (GSP). The TDA amended the GSP reporting requirements of Section 504 of the Trade Act of 1974, 19 U.S.C. 2464, to require that the President’s annual report on the status of internationally recognized worker rights include “findings by the Secretary of Labor with respect to the beneficiary country’s implementation of its international commitments to eliminate the worst forms of child labor.”

The TDA Conference Report clarifies this mandate, indicating that the President consider the following when considering whether a country is complying with its obligations to eliminate the worst forms of child labor: “(1) whether the country has adequate laws and regulations proscribing the worst forms of child labor; (2) whether the country has adequate laws and regulations for the implementation and enforcement of such measures; (3) whether the country has established formal institutional mechanisms to investigate and address complaints relating to allegations of the worst forms of child

labor; (4) whether social programs exist in the country to prevent the engagement of children in the worst forms of child labor, and to assist with the removal of children engaged in the worst forms of child labor; (5) whether the country has a comprehensive policy for the elimination of the worst forms of child labor; and (6) whether the country is making continual progress toward eliminating the worst forms of child labor.”

DOL fulfills this reporting mandate through annual publication of the U.S. Department of Labor's Findings on the Worst Forms of Child Labor with respect to countries eligible for GSP. To access the 2017 TDA report and Frequently Asked Questions, please visit <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

II. Section 105(b) of the Trafficking Victims Protection Reauthorization Act of 2005 (“TVPRA of 2005”), Public Law 109-164 (2006), 22 U.S.C. 7112(b), directed the Secretary of Labor, acting through ILAB, to “develop and make available to the public a list of goods from countries that ILAB has reason to believe are produced by forced labor or child labor in violation of international standards” (TVPRA List).

Pursuant to this mandate, on December 27, 2007, DOL published in the *Federal Register* a set of procedural guidelines that ILAB follows in developing the TVPRA List (72 FR 73374). The guidelines set forth the criteria by which information is evaluated; established procedures for public submission of information to be considered by ILAB; and identified the process ILAB follows in maintaining and updating the TVPRA List after its initial publication.

ILAB published its first TVPRA List on September 30, 2009, and issued updates in 2010, 2011, 2012, 2013, 2014, 2016, and 2018. (In 2014, ILAB began publishing the

TVPRA List every other year, pursuant to changes in the law. See 22 U.S.C. 7112(b.) ILAB can also publish more frequent updates, at its discretion. For a copy of previous editions of the TVPRA List, Frequently Asked Questions, and other materials relating to the TVPRA List, see ILAB's TVPRA Web page at <http://www.dol.gov/ilab/reports/child-labor/list-of-goods/>.

III. Executive Order No. 13126 (E.O. 13126) 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.” The EO 13126 List is intended to ensure that U.S. federal agencies do not procure goods made by forced or indentured child labor. Under procurement regulations, federal contractors who supply products on the EO 13126 List must certify that they have made a good faith effort to determine whether forced or indentured child labor was used to produce the items supplied. Pursuant to E.O. 13126, and following public notice and comment, the Department of Labor published in the January 18, 2001, *Federal Register*, a final list of products (“EO 13126 List”), identified by country of origin, that the Department, in consultation and cooperation with the Departments of State (DOS) and Treasury [relevant responsibilities are now within the Department of Homeland Security (DHS)], had a reasonable basis to believe might have been mined, produced or manufactured with forced or indentured child labor (66 FR 5353). In addition to the EO 13126 List, the Department also published on January 18, 2001, “Procedural Guidelines for Maintenance of the List of Products Requiring Federal

Contractor Certification as to Forced or Indentured Child Labor,” which provide for maintaining, reviewing, and, as appropriate, revising the EO 13126 List (66 FR 5351).

Pursuant to Sections D through G of the Procedural Guidelines, the EO 13126 List may be updated through consideration of submissions by individuals or through OCFT’s own initiative.

DOL has officially revised the EO 13126 List four times, most recently on December 1, 2014, each time after public notice and comment as well as consultation with DOS and DHS.

The current EO 13126 List, Procedural Guidelines, and related information can be accessed on the Internet at <http://www.dol.gov/ilab/reports/child-labor/list-of-products/index-country.htm>.

Information Requested and Invitation to Comment: Interested parties are invited to comment and provide information regarding these reports. DOL requests comments on or information relevant to updating the findings and suggested government actions for countries reviewed in the TDA report, assessing each country's individual advancement toward eliminating the worst forms of child labor during the current reporting period compared to previous years, and maintaining and updating the TVPRA and EO Lists. For more information on the types of issues covered in the TDA report, please see Appendix III of the report. Materials submitted should be confined to the specific topics of the TDA report, the TVPRA List, and the EO 13126 List. DOL will generally consider sources with dates up to five years old (i.e., data not older than January 1, 2014). DOL appreciates the extent to which submissions clearly indicate the time period to which they apply. In the interest of transparency in our reporting, classified information will not be

accepted. Where applicable, information submitted should indicate its source or sources, and copies of the source material should be provided. If primary sources are utilized, such as research studies, interviews, direct observations, or other sources of quantitative or qualitative data, details on the research or data-gathering methodology should be provided. Please see the TDA report, TVPRA List, and the EO 13126 List for a complete explanation of relevant terms, definitions, and reporting guidelines employed by DOL. Per our standard procedures, submissions will be published on the ILAB Web page at <https://www.dol.gov/ilab/submissions/>.

This notice is a general solicitation of comments from the public.

AUTHORITY: 22 U.S.C. § 7112(b)(2)(C) and 19 U.S.C. § 2464

Martha E. Newton,
Deputy Undersecretary for International Affairs.

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