

**DEPARTMENT OF LABOR  
Employment & Training Administration  
Solicitation for Grant Applications (SGA)  
[SGA-DFA-PY-10-13]  
Amendment One**

**H-1B Technical Skills Training Grants**

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

**ACTION:** Notice: Amendment to SGA/DFA PY 10-13

**SUMMARY:** The Employment and Training Administration published a notice in the Federal Register on May 3, 2011, announcing the availability of funds and Solicitation for Grant Applications (SGA) for the H-1B Technical Skills Training Grants to be awarded through a competitive process. This amendment to the SGA changes language in Section II.D.2 and clarification. The document is hereby amended. Note that at the end of this Amendment, we have also added a clarification regarding whether incumbent workers are eligible for on-the-job-training under this SGA.

**Section III.D. 2, the following text should be replaced with the new text:**

Old Text – The Department is committed to conducting a transparent grant award process and publicizing information about program outcomes. Applicants are advised that their application and information related to its review and evaluation (whether or not the application is successful) may be made publicly available, either fully or partially. In addition, information about grant progress and results may also be made publicly available.

New Text – DOL is committed to conducting a transparent grant award process and publicizing information about program outcomes. Posting grant applications on public websites is a means of promoting and sharing innovative ideas. For this grant competition, we will publish the abstracts required by Section IV, Part IIIa, for all applications on the Department's website or similar location. Additionally, we will publish a version of the Technical Proposal required by Section IV, Part II, for all those applications that are awarded grants, on the Department's website or a similar location. No other parts of or attachments to the application will be published. The Technical Proposals and abstracts will not be published until after the grants are awarded. In addition, information about grant progress and results may also be made publicly available.

DOL recognizes that grant applications sometimes contain information that an applicant may consider proprietary or business confidential information, or may contain personally identifiable information. Information is considered proprietary or confidential commercial/business information when it is not usually disclosed outside your organization and when its disclosure is likely to cause you substantial competitive harm. Personally identifiable information is information

that can be used to distinguish or trace an individual's identity, such as name, social security number, date and place of birth, mother's maiden name, or biometric records, or other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information.<sup>1</sup>

Abstracts will be published in the form originally submitted, without any redactions. However, in order to ensure that confidential information is properly protected from disclosure when DOL posts the winning Technical Proposals, applicants whose technical proposals will be posted will be asked to submit a second redacted version of their Technical Proposal, with proprietary, confidential commercial/business, and personally identifiable information redacted. All non-public information about the applicant's staff should be removed as well. The Department will contact the applicants whose technical proposals will be published by letter or email, and provide further directions about how and when to submit the redacted version of the Technical Proposal. Submission of a redacted version of the Technical Proposal will constitute permission by the applicant for DOL to post that redacted version. If an applicant fails to provide a redacted version of the Technical Proposal, DOL will publish the original Technical Proposal in full, after redacting personally identifiable information. (Note that the original, unredacted version of the Technical Proposal will remain part of the complete application package, including an applicant's proprietary and confidential information and any personally identifiable information.)

Applicants are encouraged to maximize the grant application information that will be publicly disclosed, and to exercise restraint and redact only information that truly is proprietary, confidential commercial/business information, or capable of identifying a person. The redaction of entire pages or sections of the Technical Proposal is not appropriate, and will not be allowed, unless the entire portion merits such protection. Should a dispute arise about whether redactions are appropriate, DOL will follow the procedures outlined in the Department's Freedom of Information Act (FOIA) regulations (29 CFR part 70).

Redacted information in grant applications will be protected by DOL from public disclosure in accordance with federal law, including the Trade Secrets Act (18 U.S.C. § 1905), FOIA, and the Privacy Act (5 U.S.C. § 552a). If DOL receives a FOIA request for your application, the procedures in DOL's FOIA regulations for responding to requests for commercial/business information submitted to the government will be followed, as well as all FOIA exemptions and procedures. 29 CFR § 70.26. Consequently, it is possible that application of FOIA rules may result in release of information in response to a FOIA request that an applicant redacted in its "redacted copy."

---

<sup>1</sup> Memorandums 07-16 and 06-19. GAO Report 08-536, *Privacy: Alternatives Exist for Enhancing Protection of Personally Identifiable Information*, May 2008, <http://www.gao.gov/new.items/d08536.pdf>.

The Department notes that a Federal agency cannot conduct or sponsor a collection of information unless OMB approves it under the Paperwork Reduction Act of 1995 (PRA-95). In addition, notwithstanding any other provision of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number. When the Department originally published this SGA, OMB had approved an average burden of 20 hours per grant. The Department has requested OMB to approve the additional burden imposed by this transparency provision under Control Number 1205-0086. The Department will publish a separate notice in the Federal Register announcing the result of that OMB review.

**CLARIFICATION:**

ETA Assistant Secretary Jane Oates stated during the live webinar that incumbent workers are eligible for on-the-job-training (OJT); however, incumbent workers are not eligible for OJT under this SGA, and the specific language of the SGA controls this question. Additional questions and answers from the webinar and from universal parties will be available at [www.doleta.gov/grant/find\\_grants.cfm](http://www.doleta.gov/grant/find_grants.cfm).

FOR FURTHER INFORMATION CONTACT: Jeannette Flowers, Grants Management Specialist, Division of Workforce System Federal Assistance (202) 693-3322 or [flowers.jeannette@dol.gov](mailto:flowers.jeannette@dol.gov).

Signed at Washington, D.C., this 9th day of May, 2011

Thomas Martin  
Grant Officer, Employment & Training Administration