

Note to Reviewer
1205-0466
H-2A Final Rule

This ICR was submitted twice to OMB during two separate NPRMs in order to provide the public with an additional opportunity to comment on this information collection. The first NPRM was published by DOL/ETA/OFLC on February 13, 2008 and the second was published on May 22, 2008. OMB first received this ICR on February 14, 2008 in conjunction with the NPRM published February 13, 2008 (RIN 1205-AB55) regarding the Temporary Agricultural Employment of H-2A Aliens in the United States; Modernizing the Labor Certification Process and Enforcement. The second NPRM was published on May 22, 2008 (RIN 1205-AB54) and is known as Labor Certification Process and Enforcement for Temporary Employment in Occupations Other Than Agriculture or Registered Nursing in the United States (H-2B Workers), and Other Technical Changes. On May 30, 2008 OMB issued a Notice of Office of Management and Budget Action in which it filed a comment on the proposed rule and assigned a temporary OMB control number (1205-0466). On September 16, 2008 OMB issued another Notice of Action in which it submitted a comment requesting that the hourly burdens be divided by individual rulemaking. Therefore, the ICR has been divided into two ICs that are categorized by rulemaking rather than by form number. The two previous ICs have been removed, but are still visible in ROCIS as ICs #1 and #2.

The Form ETA 9141, Job Offer and Required Wage Request Form, is no longer needed for the H-2A program because another existing collection (Form ETA-790, OMB number 1205-0134) can be utilized to achieve the same outcome without a duplication of effort for the public. The Supporting Statement for the H-2A rule and the Preamble of the Final Rule for H-2A both explain this change.