



Labor Condition Application for Nonimmigrant Workers
ETA Form 9035 & 9035E
Appendix A: Additional Attestations
U.S. Department of Labor

Appendix A: Additional Employer Labor Condition Statements for Employers Who Are Not H-1B Dependent, But Are Required to Comply with H-1B Dependent Employer Regulations (Employers hiring H-1B workers who receive funds through the Troubled Asset Relief Program (TARP) or under section 13 of the Federal Reserve Act)

The American Recovery and Reinvestment Act of 2009, Public Law 111-5, section 1611(b), Div. A, referred to as the Employ American Workers Act, makes it unlawful for any recipient of funding under title I of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343) or section 13 of the Federal Reserve Act (12 U.S.C. 342 et seq.) to hire any nonimmigrant described in section 101(a)(15)(h)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(h)(i)(b) unless the recipient is in compliance with the requirements for an H-1B dependent employer.. Employers who are recipients of such funding may not file Labor Condition Applications (LCAs) for new hires unless they complete the actions and make the attestations required of dependent employers. All employers who are required, under the Employ American Workers Act (or any similar provision of law or extension thereof), to comply with the same requirements as H-1B dependent employers must read and agree to statements (A) through (C) in **Section I – Subsection 2 of the Labor Condition Application – General Instructions Form ETA 9035CP under the heading “Additional Employer Labor Condition Statements” and indicate its agreement to all three (3) additional statements summarized below.** (This appendix is subject to the same record retention requirements and public access as required of H-1B dependent employers.)

1. Is the employer required to comply with the requirements for H-1B dependent employers?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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If No, do not attach this appendix to your application.

- A. **Displacement:** Non-displacement of the U.S. workers in the employer's workforce
- B. **Secondary Displacement:** Non-displacement of U.S. workers in another employer's workforce; and
- C. **Recruitment and Hiring:** Recruitment of U.S. workers and hiring of U.S. workers applicant(s) who are equally or better qualified than the H-1B nonimmigrant(s).

2. I have read and agree to Additional Employer Labor Condition Statements A, B, and C above and as fully explained in Section I – Subsection 2 of the Labor Condition Application – General Instructions Form ETA 9035CP.	<input type="checkbox"/> Yes <input type="checkbox"/> No
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