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[Notices]

[Pages 39801-39802]

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[FR Doc No: 2015-16874]

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DEPARTMENT OF LABOR

Employment and Training Administration

Comment Request for Information Collections in the H-2B Temporary

Non-Agricultural Employment-Based Visa Program (OMB Control Number

1205-0509), Extension

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

ACTION: Notice.

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SUMMARY: The Department of Labor (DOL), as part of its continuing

effort to reduce paperwork and respondent burden, conducts a

preclearance consultation program to provide the public and Federal

agencies with an opportunity to comment on proposed and/or continuing

collections of information in accordance with the Paperwork Reduction

Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program helps ensure that

requested data can be provided in the desired format, reporting burden

(time and financial resources) is minimized, collection instruments are

clearly understood, and the impact of collection requirements on

respondents can be properly assessed.

Currently, the Employment and Training Administration (ETA) is

soliciting comments concerning the information collections in the H-2B

temporary non-agricultural employment-based visa program, which

includes Form ETA-9142B, H-2B Application for Temporary Employment

Certification; Appendix B; Form ETA-9155 H-2B Registration; and the

Seafood Industry Attestation. These forms all expire on October 31,

2015. A copy of the proposed information collection request can be

obtained free of charge by contacting the office listed below in the

addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the

addresses section below on or before September 8, 2015.

[[Page 39802]]

ADDRESSES: Submit written comments to Brian Pasternak, National

Director of Temporary Programs, Office of Foreign Labor Certification,

Room C-4312, Employment & Training Administration, U.S. Department of

Labor, 200 Constitution Avenue NW., Washington, DC 20210. Telephone

number: 202-693-3010 (this is not a toll-free number). Individuals with

hearing or speech impairments may access the telephone number above via

TTY by calling the toll-free Federal Information Relay Service at 1-

877-889-5627 (TTY/TDD). Fax: 202-693-2768. Email:

[ETA.OFLC.Forms@dol.gov](mailto:ETA.OFLC.Forms@dol.gov) subject line: ETA-9142B. A copy of the proposed

information collection request (ICR) can be obtained free of charge by

contacting the office listed above.

SUPPLEMENTARY INFORMATION:

I. Background

The information collection is required by sections

101(a)(15)(H)(ii)(b) and 214(c) of the Immigration and Nationality Act

(INA) (8 U.S.C. 1011(a)(15)(H)(ii)(b) and 1184(c)) and 8 CFR

214.2(h)(6). Before an employer may petition for any temporary skilled

or unskilled foreign workers, it must submit a request for

certification to the Secretary of Labor containing the elements

prescribed by the INA and the Department of Labor's (Department)

implementing regulations, which differ depending on the visa program

under which the foreign workers are sought.

The H-2B visa program enables employers to bring nonimmigrant

foreign workers to the U.S. to perform nonagricultural work of a

temporary or seasonal nature as defined in 8 U.S.C.

1101(a)(15)(H)(ii)(b). For purposes of the H-2B program, the INA and

governing federal regulations require the Secretary of Labor to

certify, among other things, that any foreign worker seeking to enter

the United States on a temporary basis for the purpose of performing

non-agricultural services or labor will not, by doing so, adversely

affect wages and working conditions of U.S. workers who are similarly

employed. In addition, the Secretary must certify that qualified U.S.

workers are not available to perform such temporary labor or services.

(8 CFR 214.2(h)(6)(i)(A), (iii)(A).)

The Form ETA-9142B H-2B Application for Temporary Employment

Certification is used to collect information to permit the Department

to meet its statutory responsibilities for administering the H-2B

nonimmigrant temporary non-agricultural employment-based visa program.

Appendix B of the Form ETA-9142B is used by employers to attest that

they will comply with all of the terms, conditions, and obligations of

the H-2B program.

The Form ETA-9155 H-2B Registration is a new form required by the

regulations that went into effect April 29, 2015. Once its use is fully

implemented, it will allow the Department to make a preliminary

determination with respect to an employer's temporary need, and issue

to the employer an H-2B Registration to be used in connection with

subsequent labor certification applications for a period of up to three

consecutive years. Once the ETA-9155 registration form is implemented,

an H-2B employer will have to register with the Department prior to

submitting its request for labor certification.

The Seafood Industry Attestation is an attestation used

specifically by employers in the seafood industry who would like to

avail themselves of the staggered entry provision for H-2B workers

recently enacted by Congress in the Consolidated and Further Continuing

Appropriations Act of 2015, Public Law 113-235.

II. Review Focus

DOL is particularly interested in comments that:

Evaluate whether the proposed collection of information is

necessary for the proper performance of the functions of the agency,

including whether the information will have practical utility;

evaluate the accuracy of the agency's estimate of the

burden of the proposed collection of information, including the

validity of the methodology and assumptions used;

enhance the quality, utility, and clarity of the

information to be collected; and

minimize the burden of the collection of information on

those who are to respond, including through the use of appropriate

automated, electronic, mechanical, or other technological collection

techniques or other forms of information technology, e.g., permitting

electronic submissions of responses.

III. Current Actions

Type of Review: Extension.

Title: H-2B Temporary Nonagriculrural Employment Certification

Program.

OMB Number: 1205-0509.

Affected Public: Individuals or Households, Private Sector--

businesses or other for profits, Government, State, Local and Tribal

Governments.

Form(s): ETA-9142B, H-2B Application for Temporary Employment

Certification; Appendix B; ETA-9155, H-2B Registration; and Seafood

Industry Attestation.

Total Annual Respondents: 7,355.

Annual Frequency: On Occasion.

Total Annual Responses: 184,442.

Average Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 47,992.

Total Annual Burden Cost for Respondents: $3,668,029.

Comments submitted in response to this comment request will be

summarized and/or included in the request for OMB approval of the ICR;

they will also become a matter of public record. Commenters are

encouraged not to submit sensitive information (e.g., confidential

business information or personally identifiable information such as a

social security number).

Portia Wu,

Assistant Secretary for Employment and Training, Labor.

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