

**JUSTIFICATION FOR EMERGENCY REQUEST FOR OMB APPROVAL  
UNDER THE PAPERWORK REDUCTION ACT OF 1995  
OF A NON-SUBSTANTIVE CHANGE TO AN ALREADY APPROVED  
INFORMATION COLLECTION**

**OMB Control Number: 1205-0509**

**Title: H-2B Application For Temporary Employment Certification, Appendix B**

**Justification and Instructions:** On December 18, 2015 Congress passed the Consolidate Appropriations Act 2016 (the Act) that added specific prohibitions on funding of certain portions of the U.S. Department of Labor's H-2B non-agricultural temporary labor certification program. (Sec 2, Div. H, Title I, §§ 112, 113, and 114 of the Act ) (The pertinent sections of the new law are attached in ROCIS under supplemental documentation.) These provisions of the Act prevent the Department's Employment and Training Administration (ETA) from issuing labor certifications until revised forms are available for public use that comport with the new mandates of Congress. However, employers are planning to start filing applications for labor certifications in massive quantities on January 2<sup>nd</sup> in order to get their visas in time for April 1<sup>st</sup> employment start dates, which coincide with 33,000 new visa numbers becoming available in the H-2B program. The Office of Foreign Labor Certification (OFLC), which is responsible for administering the H-2B program, has halted all adjudications.

The Department is requesting a non-substantive change as we are not making any regulatory changes and the changes to the form do not contribute to any previously calculated burden changes.

The changes being made are only to Appendix B. Appendix B contains the attestations that an employer must make in order to participate in the H-2B program. Because Congress has defunded the enforcement of some of the provisions, employers are no longer required to attest to these provisions. Specifically, the Department is eliminating all references to those workers in corresponding employment and to the three-fourths guarantee.