



January 28, 2026

Dominic Mancini
Deputy Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street N.W.
Washington, DC 20503

Dear Mr. Mancini:

Pursuant to Office of Management and Budget (OMB) procedures established at 5 CFR Part 1320, Controlling Paperwork Burdens on the Public, I request that the proposed information collection, Attestation for Employers Seeking to Employ H-2B Nonimmigrant Workers Under Section 105 of Division G, Title I of the Further Consolidated Appropriations Act, 2024, Public Law 118-47, as extended by Public Law 119-37, Form ETA-9142B-CAA-10 (1205-NEW), be processed as an Emergency Clearance Request in accordance with section 1320.13, Emergency Processing.

I have determined that this information must be collected prior to the time periods established under the Paperwork Reduction Act (PRA) and 5 CFR Part 1320 and that this information is essential to the mission of the Employment and Training Administration's (ETA) Office of Foreign Labor Certification to administer the labor certification process for the H-2B program, as well as the Department of Homeland Security's (DHS) responsibilities in connection with the same program.

Specifically, ETA is requesting emergency clearance of an information collection request (ICR) that supports the Temporary Final Rule (TFR), Exercise of Time-Limited Authority to Increase the Numerical Limitation for Fiscal Year 2026 for H-2B Temporary Nonagricultural Worker Program and Portability Flexibility for H-2B Workers Seeking To Change Employers, which is being promulgated by the Department of Labor (Department) and DHS (collectively, the Departments). The regulatory requirements will be codified at 8 CFR part 214 and 20 CFR part 655. The ICR includes a new form, Form ETA-9142B-CAA-10.

ETA cannot reasonably comply with the normal clearance procedures under the PRA and ensure the implementation of regulatory requirements as well as the ability to immediately seek H-2B workers upon the release by DOL and DHS of an additional 64,716 visas. DHS' authorization, after consultation with DOL, to increase the number of H-2B visas available to U.S. employers in FY 2026, under Public Law 118-83, as extended by Public Law 119-37, which expires on January 30, 2026. To meet Congress's mandate and the current demand for workers within the statutory timeframe for such visas to be released, the rule in question will need to become effective upon publication in the *Federal Register* and the forms must be in place in time for employers to be able to petition for these additional workers immediately. Without the approval of this form in a manner that foregoes prior notice and comment, public harm is likely to occur

and the agencies may not be able to release any additional visas under the H-2B program in time for them to be useful to meet the demand for supplemental H-2B visas that the Departments determined to exist in exercising the statutory authority granted by Congress to make such visas available. See Section 105 of Division G, Title I of the Further Consolidated Appropriations Act, 2024, Public Law 118-47, as extended by Public Law 119-37 (January 30, 2026). Ensuring that employers can immediately apply for supplemental visas also helps prevent the irreparable harm that U.S. employers attest to be experiencing or to be impending if they are unable to access supplemental H-2B visas. The Departments anticipate publication of the TFR will take place no later than January 30, 2026. The Form ETA-9142-B-CAA-10, as well as its instructions, must be made immediately available to all employers that will be seeking to benefit from the 64,716 supplemental H-2B visas that the rule announces, through the procedures established under the soon-to-be enacted regulations and in compliance with the above-mentioned Congressional mandate.

ETA requests a 180-day emergency clearance to establish the Attestation for Employers Seeking to Employ H-2B Nonimmigrant Workers under Section 105 of Division G, Title I of the Further Consolidated Appropriations Act, 2024, Public Law 118-47, as extended by Public Law 119-37, Form ETA-9142B-CAA-10.

Please provide an approval/disapproval determination of this request to collect information under an emergency clearance by no later than January 28, 2026.

Respectfully,



Lori Frazier Bearden
Principal Deputy Assistant Secretary