

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 submission of responses.

*Agency:* DOL-Office of the Secretary.

*Type of Review:* Extension without change of a currently approved collection.

*Title of Collection:* Solicitation of Nominations for the Iqbal Masih Award for the Elimination of Child Labor.

*OMB Control Number:* 1290-0007.

*Affected Public:* Private Sector—businesses or other for profits and not-for-profit institutions.

*Estimated Number of Respondents:* 50.

*Frequency:* Once.

*Total Estimated Annual Responses:* 50.

*Estimated Average Time per Response:* 10 hours.

*Estimated Total Annual Burden*

*Hours:* 500 hours.

*Total Estimated Annual Other Cost Burden:* \$0.

Dated: September 24, 2012.

**Michel Smyth,**

*Departmental Clearance Officer.*

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**BILLING CODE 4510-28-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Comment Request for Information Collection; Unemployment Insurance (UI) Title XII Advances and Voluntary Repayment Process; Extension Without Revisions

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

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (Department), 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, ETA is soliciting comments concerning the collection process for data on UI Title XII advances and voluntary repayments, which expires 11/30/2012.

**DATES:** Written comments must be submitted to the office listed in the addresses section below on or before November 27, 2012.

**ADDRESSES:** Submit written comments to Scott Gibbons, Office of Unemployment Insurance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210. Telephone number: 202-693-3008 (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). Email: [gibbons.scott@dol.gov](mailto:gibbons.scott@dol.gov). A copy of the proposed information collection request (ICR) can be obtained by contacting Mr. Gibbons.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Title XII Section 1201 of the Social Security Act (SSA) provides for advances to states from the Federal Unemployment Account (FUA). The law further sets out specific requirements to be met by a state requesting an advance:

- The Governor, or designee, must apply for the advance;
- The application must cover a three month period and the Secretary of Labor (Secretary) must be furnished with estimates of the amounts needed in each month of the three month period;
- The application must be made on such forms and shall contain such information and data (fiscal and otherwise) concerning the operation and administration of the state unemployment compensation law as the Secretary deems necessary or relevant to the performance of his or her duties under this title;
- The amount required by any state for the payment of compensation in any month shall be determined with due allowance for contingencies and taking into account all other amounts that will be available in the state's unemployment fund for the payment of compensation in such month; and
- The term "compensation" means cash benefits payable to individuals with respect to their unemployment exclusive of expenses of administration.

Section 1202(a) of the SSA provides that the Governor of any state may at any time request that funds be transferred from the account of such state to the FUA in repayment of part or all of the balance of advances made to such state under section 1201. These applications and repayments may be requested by an individual designated for that authority in writing by the Governor.

##### II. Review Focus

The Department is particularly interested in comments which:

- 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 without changes.

*Title:* Unemployment Insurance (UI) Title XII Advances and Voluntary Repayment Process.

*OMB Number:* 1205-0199.

*Affected Public:* State Workforce Agencies.

*Form(s):* Not Applicable.

*Total Annual Respondents:* Up to 53.  
*Annual Frequency:* As needed, based on a state's discretion.

*Total Annual Responses:* DOL currently estimates that 24 states will borrow during fiscal year 2013, and 22 states could continue to be borrowing during calendar year 2014 and beyond. Although it's impossible to know the exact number of responses, the maximum would be four requests for advances and four requests for voluntary repayments per state each year. This will result in a maximum possible number of responses of 544 over the three year window or an average of 181.33 responses per year.  
*Average Time per Response:* 1 hour.  
*Estimated Total Annual Burden Hours:* 181.33 hours.

*Total Annual Burden Cost for Respondents:* There is no burden cost.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the ICR; they will also become a matter of public record.

Dated: Signed in Washington, DC, this 21st day of September, 2012.

**Jane Oates,**

*Assistant Secretary for Employment and Training, Labor.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Electronic Filing of H-2A and H-2B Labor Certification Applications Through the iCERT Visa Portal System

**AGENCY:** Employment and Training Administration, Department of Labor.

**ACTION:** Notice.

**SUMMARY:** The Employment and Training Administration (ETA) is announcing the implementation of electronic filing for the submission of nonimmigrant temporary labor certification applications under the H-2A and H-2B visa programs through the Department of Labor's (Department) iCERT Visa Portal System (iCERT System) at <http://icert.doleta.gov>. This new electronic filing capacity will enhance the accessibility and quality of labor certification services, reduce the data collection and reporting burden on small employers, facilitate more streamlined business processes, and establish greater transparency in the Department's decisions. Employers or their authorized representatives will be able to submit H-2B applications electronically beginning on October 15, 2012, and H-2A applications beginning on December 10, 2012. In order to make this transition as smooth as possible, the Department will hold four webinar training sessions (two for filing in the H-2B program and two for filing in the H-2A program) to orient program users to electronic filing through the iCERT System. These sessions will be announced on the OFLC's Web site (<http://www.foreignlaborcert.doleta.gov/>) once dates are finalized. Employers or their authorized representatives choosing not to use this new filing option must continue to file their H-2A and H-2B applications with the Department using the traditional paper-based filing method.

**DATES:** This Notice is effective September 28, 2012.

**FOR FURTHER INFORMATION CONTACT:** For further information please contact William L. Carlson, Ph.D., Administrator, Office of Foreign Labor Certification, Employment and Training Administration, 200 Constitution Avenue NW., Room C-4312, Washington, DC 20210; Telephone: (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 1-800-877-8339.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Immigration and Nationality Act (INA) and Department of Homeland Security U.S. Citizenship and Immigration Services (USCIS) regulations assign specific responsibilities to the U.S. Secretary of Labor for the administration of certain employment-based immigration programs that require a labor certification. 8 U.S.C. 1184(c)(1), 1188(a)(1); 8 CFR 214.2(h)(5), (6). These responsibilities include determining whether there are able, willing, and qualified U.S. workers for a position for which certification is requested, and whether there would be any adverse impact on similarly employed U.S. workers should a labor certification be granted. Accordingly, statutory and regulatory provisions require employers seeking a labor certification for either permanent or temporary nonimmigrant labor to apply to the Secretary of Labor. The Secretary has delegated the responsibilities for the administration of these programs to the Employment and Training Administration's (ETA) Office of Foreign Labor Certification (OFLC).

The H-2A and H-2B nonimmigrant worker labor certification programs administered by the OFLC enable United States (U.S.) employers to employ foreign workers on a temporary basis only where the Secretary of Labor has certified that there are not sufficient U.S. workers who are able, willing, and qualified to perform the services or labor, and the employment of the foreign workers will not adversely affect the wages and working conditions of U.S. workers similarly employed. 20 CFR part 655, Subpart B (H-2A workers); 20 CFR part 655, Subpart A (H-2B workers). Under current practice, employers or their authorized representatives (attorneys or agents) submit H-2A and H-2B temporary labor certification applications (i.e., the ETA Form 9142—*Application for Temporary*

*Employment Certification*, appendices, and supporting documentation) in paper form bearing original signatures directly to the OFLC Chicago National Processing Center (NPC). The Chicago NPC performs a manual review of each application for compliance with the criteria for certification; provides written notification to the employer, normally through means that assure next-day delivery (e.g., U.S. mail or private mail courier and electronic mail when available), of any deficiencies or additional information needed; issues a written determination either granting or denying the temporary labor certification application; and retains a copy of the paper-filed application for record retention purposes.

As a component of the Department's E-Government initiative and in accordance with 20 CFR 655.20(b) and 655.130(c), ETA is publishing this Notice to inform the public, including the regulated community, of its intention to implement electronic filing of temporary labor certification applications under the H-2A and H-2B visa programs through the iCERT System located at <http://icert.doleta.gov>. Using this system, agricultural associations, employers and/or their authorized representatives will be able to establish Web-based accounts; create associate user accounts and manage security privileges; file the ETA Form 9142 online and upload scanned documentation supporting the application; track the status of all applications filed and processed by the Chicago NPC; and receive email notifications and other official correspondence during key points of the application adjudication process. The implementation of this new electronic filing capacity will enhance the accessibility and quality of labor certification services, reduce the data collection and reporting burden on small employers, facilitate more streamlined business processes, and establish a greater level of transparency in the Department's decision making.<sup>1</sup>

##### *iCERT System Availability and Program Components*

The OFLC has experienced an increased demand for its labor certification program processing services, especially its electronic application filing; case processing and tracking; and document management services. On April 15, 2009, the OFLC implemented a one-stop Web-based

<sup>1</sup> Sunstein, Cass R. "Memorandum for the Heads of Executive Departments and Agencies: Reducing Reporting and Paperwork Burdens." Office of Information and Regulatory Affairs (June 22, 2012).