
Program Planning Guidance and Information Package

A. Introduction

Congress appropriates annual funding for state foreign labor certification activities through the State Unemployment Insurance and Employment Service Operations (SUIESO) account. These state grants are provided to SWAs in accordance with approved state plans. SWAs are required to submit their three-year strategic grant plans 30 calendar days from the issuance of this TEGL or subsequent guidance. The plan must reflect foreign labor program activities to be performed between October 1, 2024, and September 30, 2027. While the Department strongly encourages states to spend the entirety of their allocated funds within the fiscal year they are allocated, the Department understands that unforeseen circumstances may affect fund expenditure and will allow states up to two years to expend all funds allocated for a fiscal year.

B. Grant Procedures, Requirements, and Timeline

In an effort to achieve greater efficiency and as part of ETA's on-going efforts to streamline the grant award process, grantees are required to submit the application through www.grants.gov.

1. Grant Application. The SWA grant application must be developed in accordance with the instructions contained in this TEGL. The grant application package must be submitted via the www.grants.gov portal and must consist of the following documents:

- Three-Year Strategic Grant Plan, Expiration Date 07/31/2025, Office of Management and Budget (OMB) Control No. 1225-0086.
- SF-424: Application for Federal Assistance, Expiration date 11/30/2025, OMB Control No. 4040-0004.
- SF-424A: Budget Information, Non-Construction Programs, Expiration Date 02/28/2025, OMB Control No. 4040-0006.
- Budget Narrative to explain the projected costs reflected in each line item of the SF-424A, demonstrating how grant funds will be used. See Attachment VII for instructions on completing the budget narrative, including justification and supporting documentation for any proposed equipment purchases of \$10,000 or more. To purchase capital assets (including equipment), the award recipient must submit a request and receive **prior written approval** from the Grant Officer as defined in the Uniform Guidance at 2 CFR 200.1 and 200.439. A request to purchase capital assets (equipment) will be reviewed and approved in an amendment to the award. See 2 CFR 200.1 for the definitions of capital expenditures, equipment, special purpose equipment, general purpose equipment, and capital assets.
- Indirect Cost Rate Agreement (if applicable): SWAs requesting indirect costs must submit a current copy of the Negotiated Indirect Cost Rate Agreement (NICRA) or Cost Allocation Plan (CAP) supplied by the Federal Cognizant Agency (FCA) on file as part of this application.

Note: For any grantee that chooses to include estimated indirect costs in its budget and that either does not have a NICRA/CAP or has a pending NICRA/CAP, the Grant Officer will release funds in the amount of 15 percent of Modified Total Direct Costs (MTDC) to support indirect costs at the time of the award. Within 90 days of award, the grantee must submit a NICRA or CAP proposal to the Federal Cognizant Agency (FCA). If the FCA for indirect costs is DOL, these documents should be submitted to the DOL's Cost and Price Determination Division (CPDD). In addition, the recipient must notify the Federal Project Officer (FPO) that the documents have been submitted to the appropriate FCA.

Important Reminders:

- An electronically submitted SF-424, *Application for Federal Assistance* through www.grants.gov constitutes the official signed document and must reflect the total amount requested in item #18, *Estimated Funding*. Item #11 must include the *Catalog of Federal Domestic Assistance Number* (CFDA), 17.273. The application/budget must be based on the projected state/territory needs for the fiscal year. Please use Attachment IV of this TEGL or subsequent guidance for the fiscal year's funding level.

2. Grant Submission. A completed grant application package must be submitted by the SWA to ETA using the www.grants.gov portal no later than **30 calendar days** from the date of this TEGL's issuance or subsequent guidance. The SF-424 must be electronically signed, and the completed package must be submitted through www.grants.gov for the Funding Opportunity Number described in the guidance (in the format ETA-TEGL-12-25). SWAs may find it helpful to review their prior grant application package submissions and revisions to prepare their annual grant application packages.

To submit the required documents, applicants must follow the "Apply for Grants" link on www.grants.gov/applicants and search for the TEGL number or CFDA number to access the grant application workspace. If applicants encounter a problem with www.grants.gov and do not find an answer in any of the other resources, please call 1-800- 518-4726 (U.S.) or 606-545-5035 (International) to speak to a Customer Support Representative or email support@grants.gov.

3. Grant Approval. Within 30 calendar days of receipt, OFLC will review the grant application package and inform the SWA, in writing, of any concerns or deficiencies that may prevent the grant application package from being approved. After verifying that a SWA's grant application package meets the established criteria in the attachments to this TEGL, the OFLC Administrator will recommend approval to the ETA Grants Officer. After reviewing the SWA grant application package recommended for approval by the OFLC Administrator, the ETA Grant Officer will issue the grant award, including the approved grant application package and a Notice of Award (NOA), to the SWA.

4. Use of Fiscal Year funds. The funding received from the OFLC in response to a SWA's three-year strategic grant application package is a cost reimbursable grant provided to the SWAs for the period of October 1 through September 30 of the applicable FY.

5. Grant Signatures. The SWA's authorized representative must sign the SF-424: Application for Federal Assistance. If that individual has changed from the prior year, the SWA must provide an official letter, on state letterhead, with the grant application package identifying the new authorized representative.
6. Grant Modifications. The grantee, at the recommendation of the OFLC Administrator and with approval from the ETA Grant Officer, may modify the SWA three-year strategic plan to include negotiated changes in program activities (e.g., review of job orders, wage or prevailing practice surveys, etc.) and any necessary budget realignments during the grant period of performance. A grant plan amendment request must include a transmittal letter on agency letterhead, signed by the Authorized Representative for the grant, with a written narrative of the proposed modification(s), as well as a revised SF424A (if a budget realignment is necessary). In the event that the Secretary is required by future legislation, regulatory action, or court order to carry out responsibilities related to the administration of foreign labor certification programs not currently anticipated, the OFLC Administrator will notify the SWAs and request that they submit appropriate modifications to their approved grant plans directly to the ETA Grant Officer in order to fully carry out their responsibilities based on their existing foreign labor certification grant allocations.
7. High-Quality Award Descriptions. High-quality award descriptions include specificity regarding the purpose of the award, activities to be performed, deliverables and expected outcomes, intended beneficiaries, subrecipient activities, plain language, and any other pertinent information needed to ensure stakeholders understand the intended outcomes of the award. For foreign labor program activities, the following award description will be used:
- **Purpose:** To ensure that U.S. workers are notified of available job opportunities, that U.S. employers can meet their labor needs when qualified U.S. workers are not available, and that foreign workers and workers in corresponding employment are provided fair wages, working conditions, and that adequate and safe housing for agricultural workers is available.
 - **Activities to be performed:** SWAs will review and post job orders to recruit U.S. workers for available positions for which employers intend to file applications for H-2A or H-2B labor certification, ensure that agricultural workers are provided with safe and adequate housing by conducting pre-occupancy inspections and, to the extent resources are available, protect workers' wages and working conditions by conducting agricultural surveys to determine prevailing wages and practice standards.
 - **Deliverables and Expected Outcomes:** Adequate and safe housing is provided to all H-2A workers and, as applicable, workers in corresponding employment as required by 20 CFR 655.122(d)(1)(i) and (ii), and 20 CFR 655.122(d)(2). Timely review and posting of job orders. Referral of qualified and available U.S. workers to job opportunities.
 - **Intended Beneficiaries:** U.S. and foreign workers. U.S. employers.
 - **Subrecipient Activities:** Grantee may or may not have subawards.

8. Grant Monitoring. OFLC reserves the right to conduct onsite and/or remote monitoring visits. The primary objective of a monitoring visit is to evaluate the management and administration of the grant, the quality of the program and/or services, and the performance of the grant to determine if the program is operating in compliance with the grant agreement and in a manner that ensures achievement of its goals and outcomes. If your grant is selected for a monitoring visit, the FPO will reach out at least 60 days prior to the anticipated visit for SWA confirmation. The FPO will provide guidance and work closely with SWA staff to help ensure a productive visit.
9. Grant Use. The expenditure period for FY 2025 FLC State Grants is October 1, 2024, to September 30, 2027. The three-year strategic grant plan must reflect foreign labor program activities to be performed over the full three-year period covered by this TEGL. States will, however, continue to receive annual allocations contingent on future appropriations for FLC activities. While the Department strongly encourages states to spend the entirety of their allocated funds within the fiscal year that the funds are received, the Department understands that unforeseen circumstances may affect fund expenditure and will allow states up to two additional years to expend all allocated funds. However, remaining balances from prior year grants may impact future funding allocations.

Important Reminder – Discontinuation of Form ETA-9127: On February 20, 2025, ETA received approval OMB to discontinue OMB Control Number 1205-0457 which covered Form ETA-9127, *Foreign Labor Certification Activity Report*, and accompanying instructions, *Foreign Labor Certification Activity Report, Instructions for Completing the Form ETA-9127*. The Form ETA-9127 was used by SWAs to report foreign labor certification grant activities on a quarterly basis. OFLC uses the information that was formerly provided on the Form ETA-9127 to monitor and assess SWA grant performance in the temporary labor certification programs on a quarterly basis, as required under grant agreements, including compliance with statutory and regulatory timeframes. OFLC is now able to collect the information that was formerly collected through Form ETA-9127 using other instruments and mechanisms of reporting, so the form was discontinued to avoid redundant collection of information and eliminate an unnecessary burden on the SWAs. SWAs are no longer required to complete Form ETA-9127 and OFLC will no longer accept submission of the form.

The discontinuation of the use of the Form ETA-9127 to provide the required information does not eliminate SWAs' responsibilities. SWAs are still required to carry out their grant activities and perform their work using OFLC's national FLAG system (e.g., Form ETA-9142B, *H-2B Application for Temporary Employment Certification*, and related appendices; Form ETA-790A, *Agricultural Clearance Order*; Form ETA-9142A, *H-2A Application for Temporary Employment Certification*, and related appendices; Form ETA-232, *Domestic Agricultural In-Season Wage Report*), as that – in combination with the activities contained in grant plans (e.g., schedule of surveys) and information obtained during site visits and technical assistance outreach – now fulfills the information needed by OFLC to continue to monitor grant performance. SWA staff should direct all grant questions to the OFLC National Office at FLC.Grant@dol.gov.