

September 12, 2017

**VIA EMAIL ONLY (ETA.OFLC.Forms@dol.gov)**

William W. Thompson II  
Administrator  
Office of Foreign Labor Certification, Box # 12-200  
Employment and Training Administration  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington, DC 20210

**RE:     ETA-9035**

Dear Mr. Thompson,

Intel Corporation ("Intel") submits this letter in response to the request for comments on the Request for Information Collection for Form ETA-9035, Labor Condition Application for Nonimmigrant Workers (OMB Control Number 1205-0310), Revision of a Currently Approved Collection, published in the Federal Register on August 3, 2017, Vol. 82, No. 148, pp. 36158-36159.

Specifically, Intel is concerned with the proposed questions 2 and 3 under subsection a. Place of Employment Information 1 under section F. Employment and Wage Information.

***Question 2. Indicate whether the worker(s) subject to this LCA will be placed with a secondary employer at this place of employment.***

***Question 3: If "Yes" to question 2, provide the legal business name of the secondary employer.***

As expressed in Intel's comments on September 7, 2012 to Dr. William Carlson in response to similar proposed changes, whether an engagement is an end-client location or not, and the name of the end-client or strategic partner are irrelevant to the Department of Labor's ability to exercise its LCA enforcement authority. The Department of Homeland Security (DHS) is already privy to this information from Form I-129 questions. It is unclear what DOL hopes to achieve by obtaining this information.

Intel is a leading technology company. While the majority of Intel's employees work at Intel site locations, from time to time Intel may temporarily place key talent at non-Intel locations pursuant to

**Intel Corporation**  
Human Resources  
Mail Stop OC2-265  
4500 S Dobson Road  
Chandler, AZ 85248  
480-715-4205

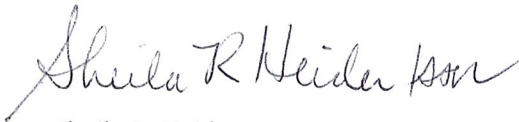
Mr. William W. Thompson  
September 12, 2017 Letter  
Page 2 of 2

strategically sensitive collaboration engagements or joint ventures. Since the ETA-9035 is publicly available, forcing Intel and other employers to reveal the number of foreign nationals employees assigned and the name and location of the third party company where the employees are assigned could tip off Intel's competitors to its strategic plans, disclose information subject to a non-disclosure agreement, and jeopardize the global competitiveness of US companies.

Intel urges the Department of Labor (DOL) to remove these questions from its proposed revisions to the ETA-9035 form. Alternatively, Intel suggests that the Department consider asking the question, "Is the employee being placed at the premises of another company pursuant to an outsourcing arrangement?" This will facilitate the Department's ability to identify the number of third party placements that occur as part of the outsourcing of certain work to service companies.

Thank you for the opportunity to comment on the proposed changes to Form ETA-9035. Intel looks forward to better understanding the DOL's motivation and legal authority for proposing these changes.

Sincerely yours,

A handwritten signature in cursive script that reads "Sheila R. Heider". The signature is written in black ink and is positioned above the typed name and title.

Sheila R. Heider  
U.S. Immigration Ops Manager  
Intel Corporation