(202) 693–3010 (this is not a toll-free number).

Questions of interpretation and/or enforcement of regulations referenced in this notice may be directed to: Michael S. Jones, Acting Administrator, Office of Policy Development and Research, Employment and Training Administration, U.S. Department of Labor, Room N–5641, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–3700 (this is not a toll-free number).

This notice is available through the printed Federal Register and electronically via the http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR Web site. Copies of this notice may be obtained in alternative formats (Large Print, Braille, Audio Tape or Disc), upon request, by calling (202) 693–0023 (not a toll-free number). TTY/TDD callers may dial toll-free (877) 889–5627 to obtain information or request materials in alternative formats.

SUPPLEMENTARY INFORMATION: OMB has approved under the PRA information collection requirements contained in recently revised final regulations under the Immigration and Nationality Act published by the Department of Labor in the Federal Register on February 21, 2012. See 77 FR 10038. The purpose of the Final Rule was to amend the H–2B regulations at 20 CFR part 655, Subpart B governing the certification of temporary employment of nonimmigrant workers in temporary or seasonal non-agricultural employment to provide for increased worker protections and improve program integrity.

On April 8, 2012, OMB approved the Department’s information collection request under Control Number 1215–0466, thus giving effect to the requirements, as announced and published in the Federal Register on February 21, 2012, under the PRA. The current expiration date for OMB authorization for this information collection is April 30, 2015.

Signed in Washington, this 16th day of April, 2012.

Jane Oates, Assistant Secretary, Employment and Training Administration.

[FR Doc. 2012–9613 Filed 4–20–12; 8:45 am]

BILLING CODE 4510–FF–P
Federal officials are paid at the rate set for positions at Level I of the Executive Schedule (5 U.S.C. 5312). During calendar year 2011, the pay for Level I positions was $199,700, as set forth in Schedule 5 to Executive Order 13561 of December 22, 2010 (75 FR 81817, 81822; December 29, 2010).

The President’s proposal was in response to the fact that the existing statutory formula (enacted in 1997) has resulted in the reimbursement cap tripling since the mid-1990s: whereas the reimbursement ceiling for 1995 was $250,000, the statutory formula has resulted in substantial annual increases in the subsequent years, so that by FY 2010 the reimbursement ceiling had reached $693,951. And, as this notice announces, the statutory formula has resulted in a reimbursement ceiling for FY 2011 of $763,029. This is an increase in just one year of nearly $70,000—and of 10%—in the amount that the taxpayers can be required to reimburse Federal contractors for the compensation that the contractors have chosen to pay to their senior executives.

By proposing to replace the existing statutory formula with a reimbursement cap that is tied to the salary of a Cabinet official (such as the Secretary of Defense), the President’s Plan would bring parity between the amount that the American public pays for the senior executives of the Federal Government and for the senior executives of those contractors who perform work for the Federal Government on a cost-reimbursable or other cost-based arrangement. (As is the case with the current formula under Section 39 of the OFPP Act, the proposal in the President’s Plan would not impose any limits on the amount of compensation that a contractor pays to its executives; the proposed cap at the level of the salaries of Cabinet officials would limit only how much the taxpayers will reimburse the contractors for the compensation decisions that the contractors have chosen.)

To date, Congress has not adopted the Administration’s proposal to replace the existing statutory formula for determining the reimbursement cap. However, in Section 803 of the recently-enacted National Defense Authorization Act for FY 2012 (H.R. 1540; P.L. 112–81, December 31, 2011) (NDAA), Congress did extend the applicability of the existing cap to any contractor employee performing under a “covered contract” under 10 U.S.C. 2324 (which are contracts awarded by the Department of Defense, the Coast Guard, and NASA), with the exception that “the Secretary of Defense may establish one or more narrowly targeted exceptions for scientists and engineers upon a determination that such exceptions are needed to ensure that the Department of Defense has continued access to needed skills and capabilities.”

The effect of this new statutory provision is that, while the cap on reimbursement based on the Section 39 formula is retained, it will now apply to more employees—essentially all employees performing covered contracts for the Department of Defense, Coast Guard, and NASA (with narrowly targeted exceptions). This means that, for the first time, there will be a statutory cap (at the Section 39 level) on reimbursement for employee compensation for all employees performing under covered contracts, rather than only for a limited number of executives as has been the rule under Section 39 until now.

However, this broader application of the Section 39 cap does not apply to FY 2011. That is because Section 803 of the NDAA provides that its amendments “shall apply with respect to costs of compensation incurred after January 1, 2012.” Accordingly, the benchmark compensation amount in this notice, for FY 2011, applies only to the same limited number of contractor executives as did the Section 39 caps for FY 2010 and prior years. The broader application called for in Section 803 of the NDAA will be implemented through regulation and addressed in future notices.

Questions concerning this memorandum may be addressed to Raymond Wong, OFPP, at 202–395–6805.