

Attorney General to act on such requests, 78 Fed. Reg. 35961 (June 14, 2013). Pursuant to the notice, the Attorney General has delegated to the Associate Attorney General the authority to decide whether to grant the request of a tribe to be designated as a "participating tribe" prior to March 7, 2015. The purpose of the collection is to provide information from the requesting tribe sufficient for the Associate Attorney General to make that decision.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Fewer than 40 respondents; average of 16 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 640 annual total burden hours associated with this collection.

The Department of Justice anticipates responses from between 5 and 40 Tribes. The information collection requires Indian tribes seeking accelerated exercise of special domestic violence criminal jurisdiction to provide certain information relating to the tribe's criminal justice system and safeguards for victims' and defendants' rights.

If additional information is required, contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, U.S. Department of Justice, Two Constitution Square, 145 N Street, NE., Room 1407B, Washington, DC 20530.

Dated: February 28, 2014.

**Jerri Murray,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Labor Certification Process for the Temporary Employment of Aliens in Agriculture in the United States: 2014 Allowable Charges for Agricultural Workers' Meals and Travel Subsistence Reimbursement, Including Lodging

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

**ACTION:** Notice.

**SUMMARY:** The Employment and Training Administration (ETA) of the Department of Labor (Department) is issuing this Notice to announce (1) the allowable charges for 2014 that employers seeking H-2A workers may

charge their workers when the employer provides three meals a day, and (2) the maximum travel subsistence meal reimbursement that a worker with receipts may claim in 2014. The Notice also includes a reminder regarding employers' obligations with respect to overnight lodging costs as part of required subsistence.

**DATES:** *Effective Date:* This notice is effective on March 5, 2014.

**FOR FURTHER INFORMATION CONTACT:**

William L. Carlson, Ph.D., Administrator, Office of Foreign Labor Certification (OFLC), U.S. Department of Labor, Room C-4312, 200 Constitution Avenue NW., Washington, DC 20210. Telephone: 202-693-3010 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The United States (U.S.) Citizenship and Immigration Services of the Department of Homeland Security will not approve an employer's petition for the admission of H-2A nonimmigrant temporary agricultural workers in the U.S. unless the petitioner has received from the Department an H-2A labor certification. The H-2A labor certification provides that: (1) There are not sufficient U.S. workers who are able, willing, and qualified, and who will be available at the time and place needed to perform the labor or services involved in the petition; and (2) the employment of the foreign worker(s) in such labor or services will not adversely affect the wages and working conditions of workers in the U.S. similarly employed. 8 U.S.C. 1101(a)(15)(H)(ii)(a), 1184(c)(1), and 1188(a); 8 CFR 214.2(h)(5).

#### Allowable Meal Charge

Among the minimum benefits and working conditions that the Department requires employers to offer their U.S. and H-2A workers are three meals a day or free and convenient cooking and kitchen facilities. 20 CFR 655.122(g). Where the employer provides the meals, the job offer must state the charge, if any, to the worker for such meals. *Id.*

The Department provides, at 20 CFR 655.173(a), the methodology for determining the maximum amounts that H-2A agricultural employers may charge their U.S. and foreign workers for providing them with three meals per day during employment. This methodology provides for annual adjustments of the previous year's maximum allowable charge based upon updated Consumer Price Index (CPI) data. The maximum charge allowed by 20 CFR 655.122(g) is adjusted by the same percentage as the 12-month percent change in the CPI for all Urban

Consumers for Food (CPI-U for Food).<sup>1</sup> The OFLC Certifying Officer may also permit an employer to charge workers a higher amount for providing them with three meals a day, if the higher amount is justified and sufficiently documented by the employer, as set forth in 20 CFR 655.173(b).

The Department has determined that the percentage change between December of 2012 and December of 2013 for the CPI-U for Food was 1.4 percent. Accordingly, the maximum allowable charge under 20 CFR 655.122(g) shall be no more than \$11.58 per day, unless the OFLC Certifying Officer approves a higher charge as authorized under 20 CFR 655.173(b).

#### Reimbursement for Daily Travel Subsistence

The regulations at 20 CFR 655.122(h) establish that the minimum daily travel subsistence expense for meals, for which a worker is entitled to reimbursement, must be at least as much as the employer would charge for providing the worker with three meals a day during employment (if applicable), but in no event less than the amount permitted under § 655.173(a), i.e. the charge annually adjusted by the 12-month percentage change in CPI for all Urban Consumers for food. The regulation is silent about the maximum amount to which a qualifying worker is entitled.

The Department bases the maximum meals component of the daily travel subsistence expense on the standard minimum Continental United States (CONUS) per diem rate as established by the General Services Administration (GSA) at 41 CFR part 301, formerly published in Appendix A, and now found at [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem). The CONUS minimum meals component remains \$46.00 per day for 2014.<sup>2</sup> Workers who qualify for travel reimbursement are entitled to reimbursement for meals up to the CONUS meal rate when they provide receipts. In determining the appropriate amount of reimbursement for meals for less than a full day, the employer may provide for meal expense reimbursement, with receipts, to 75 percent of the maximum reimbursement for meals of \$34.50, as provided for in the GSA per diem schedule. If a worker has no receipts, the employer is not obligated to reimburse above the

<sup>1</sup> Consumer Price Index—December 2013, published January 16, 2014 at <http://data.bls.gov/pdq/SurveyOutputServlet>.

<sup>2</sup> Maximum Per Diem Rates for the Continental United States (CONUS), 78 FR 54651 (Sept. 5, 2013); see also [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem).

minimum stated at 20 CFR 655.173(a) as specified above.

The term “subsistence” includes both meals and lodging during travel to and from the worksite. Therefore, an employer is responsible for providing (either paying in advance or reimbursing a worker) the reasonable costs of transportation and daily subsistence between the employer’s worksite and the place from which the worker comes to work for the employer, if the worker completes 50 percent of the work contract period, and upon the worker completing the contract, return costs. In those instances where a worker must travel to obtain a visa so that the worker may enter the U.S. to come to work for the employer, the employer must pay for the transportation and daily subsistence costs of that part of the travel as well.

As the Department has stated before, we interpret the regulation to require the employer to assume responsibility for the reasonable costs associated with the worker’s travel, including transportation, food, and, in those instances where it is necessary, lodging. The minimum and maximum daily travel meal reimbursement amounts are established above. If transportation and lodging are not provided by the employer, the amount an employer must pay for transportation and, where required, lodging, must be no less than (and is not required to be more than) the most economical and reasonable costs. The employer is responsible for those costs necessary for the worker to travel to the worksite if the worker completes 50 percent of the work contract period, but is not responsible for unauthorized detours, and if the worker completes the contract, return transportation and subsistence costs, including lodging costs where necessary. This policy applies equally to instances where the worker is traveling within the U.S. to the employer’s worksite.

For further information on when the employer is responsible for lodging costs, please see the Department’s H-2A Frequently Asked Questions on Travel and Daily Subsistence, which may found on the OFLC Web site: <http://www.foreignlaborcert.doleta.gov/>.

Signed in Washington, DC, this 21st day of February, 2014.

**Eric Seleznow,**

*Deputy Assistant Secretary, Employment and Training Administration.*

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## DEPARTMENT OF LABOR

### Veterans’ Employment and Training Service

#### Agency Information Collection Activities: Extension of Existing Information Collection; Comment Request

**AGENCY:** Veterans’ Employment and Training Service, Labor.

**ACTION:** 60 Day Notice Of Information Collection For Review; Federal Contractor Veterans’ Employment Reports Vets-100 And Vets-100A; OMB Control No. 1293 0005.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general 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 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to 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, the Veterans’ Employment and Training Service (VETS) is soliciting comments concerning the proposed extension of the currently approved information collection request for the “Federal Contractor Veterans’ Employment Report VETS-100” and the “Federal Contractor Veterans’ Employment Report VETS-100A.” A copy of the proposed information collection request can be obtained by contacting the office listed below in the **ADDRESSES** section of this Notice. There have been no changes to the current VETS-100 and the VETS-100A Reports. Each report has the same number of reporting elements.

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before May 5, 2014.

**ADDRESSES:** Comments are to be submitted to William Kenan Torrans, Deputy Director for the Division of Investigation and Compliance, VETS, U.S. Department of Labor, Room S-1316, 200 Constitution Avenue NW., Washington, DC 20210. Electronic transmission is the preferred method for submitting comments. Email may be sent to [FCP-PRA-04-VETS@dol.gov](mailto:FCP-PRA-04-VETS@dol.gov). Include “VETS-100” or “VETS-100A” in the subject line of the message.

Written comments of 10 pages or fewer also may be transmitted by facsimile to (202) 693-4755 (this is not a toll free number). Receipt of submissions, whether by U.S. Mail, email or FAX transmittal, will not be acknowledged; however, the sender may request confirmation that a submission has been received, by telephoning VETS at (202) 693-4731 (VOICE) or (202) 693-4760 (TTY/TDD) (these are not toll-free numbers).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Vietnam Era Veterans’ Readjustment Assistance Act of 1974 (“VEVRAA”), 38 U.S.C. 4212(d), requires Federal contractors and subcontractors subject to the Act’s affirmative action provisions in 38 U.S.C. 4212(a) to track and report annually to the Secretary of Labor the number of employees in their workforces, by job category and hiring location, who belong to the specified categories of covered veterans. VETS maintains two sets of regulations to implement the reporting requirements under VEVRAA, and uses two different forms for providing the required information on the employment of covered veterans.

The regulations set forth in 41 CFR part 61-250 require contractors that have a Government contract of \$25,000 or more entered into before December 1, 2003, to use the Federal Contractor Veterans’ Employment Report VETS-100 (“VETS-100 Report”) form for reporting information on the number of covered veterans in their workforces.

The regulations set forth in 41 CFR part 61-300 implement amendments to the reporting requirements under VEVRAA that were made by the Jobs for Veterans Act (JVA) (Pub. L. 107-288) enacted in 2002. The JVA amended VEVRAA by: (1) Increased from \$25,000 to \$100,000, the dollar amount of the contract that subjects a Federal contractor to the requirement to report on veterans’ employment; and (2) changed the categories of covered veterans under VEVRAA, and thus the categories of veterans that contractors are required to track and report on annually.

The regulations in 41 CFR part 61-300 require contractors with a Government contract entered into or modified on or after December 1, 2003, in the amount of \$100,000 or more to use the Federal Contractor Veterans’ Employment Report VETS-100A (“VETS-100A Report”) form for reporting information on their