

Dated: April 10, 2017.

**Kira Antell,**

Senior Counsel, Office of Legal Policy.

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## DEPARTMENT OF JUSTICE

### Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. Georgia Coastal Land Co., et al.*, No. 2:16-cv-00060-LGW-RSB, was lodged with the United States District Court for the Southern District of Georgia on April 7, 2017.

This proposed Consent Decree concerns a complaint filed by the United States against Georgia Coastal Land Company, Provident Land Holdings Company, Provident Construction Company, and William L. Nutting, pursuant to Sections 301, 309, and 404 of the Clean Water Act, 33 U.S.C. 1311(a), 1319(g)(9), and 1344(s), to obtain injunctive relief from and impose civil penalties against the Defendants for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations by requiring the Defendants to restore impacted areas and perform mitigation, and to pay civil and administrative penalties.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Samara Spence, Trial Attorney for the United States Department of Justice, Environment and Natural Resources Division, Environmental Defense Section, Post Office Box 7611, Washington, DC 20044 and refer to *United States v. Georgia Coastal Land Co., et al.*, DJ #90-5-1-1-20782.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Southern District of Georgia, Brunswick Division, 801 Gloucester Street, Brunswick, GA 31520. In addition, the proposed Consent Decree may be examined electronically at <http://www.justice.gov/enrd/consent-decrees>.

**Cherie L. Rogers,**

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Labor Certification Process for the Temporary Employment of H-2A and H-2B Foreign Workers in the United States: 2017 Allowable Charges for Agricultural Workers' Meals and for Travel Subsistence Reimbursement, Including Lodging

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

**ACTION:** Notice.

**SUMMARY:** The Employment and Training Administration of the Department of Labor is issuing this Notice to announce: (1) The allowable charges for 2017 that employers seeking H-2A workers in occupations other than range herding 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 2017 under the H-2A and H-2B programs. The Notice also includes a reminder regarding employers' obligations with respect to overnight lodging costs as part of required subsistence.

**DATES:** Effective on April 13, 2017.

**FOR FURTHER INFORMATION CONTACT:** William W. Thompson, II, Administrator, Office of Foreign Labor Certification (OFLC), U.S. Department of Labor, 200 Constitution Avenue NW., Room PPII-12-200, Washington, DC 20210. Telephone: 202-513-7350 (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:** 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 or H-2B nonimmigrant temporary workers in the U.S. unless the petitioner has received from the DOL an H-2A or H-2B labor certification. Both the H-2A and H-2B labor certifications provide that: (1) There are not sufficient U.S. workers who are qualified and who will be available 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. See 20 CFR 655.1(a)(H-2B); 20 CFR 655.100 (H-2A).

### Allowable Meal Charge

Among the minimum benefits and working conditions that the Department requires employers to offer their U.S. and H-2A workers who are not engaged in range occupations are three meals a day or free and convenient cooking and kitchen facilities so workers may prepare their own meals.<sup>1</sup> See 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 establishes 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. See 20 CFR 655.173(a). This methodology allows for annual adjustments of the previous year's maximum allowable charge based upon updated U.S. Consumer Price Index for All Urban Consumers (CPI-U) data for Food, not seasonally adjusted. *Id.* 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>2</sup> *Id.* 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 percentage change in the CPI-U for Food between December 2015 and December 2016 was -0.2 percent.<sup>3</sup> Accordingly, the maximum allowable charge under 20 CFR 655.122(g) shall be no more than \$12.07 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 H-2A regulations (20 CFR 655.122(h)(1)) and the H-2B regulations (20 CFR 655.20(j)(1)(i)) establish that the minimum daily travel subsistence expense for meals, for which a worker is entitled to reimbursement, must be at

<sup>1</sup> H-2A employers must provide workers engaged in herding or the production of livestock on the range meals or food to prepare meals without charge or deposit charge. See 20 CFR 655.210(e).

<sup>2</sup> The 12-month percent change in the CPI-U for Food for 2006 through 2016 is available through BLS' Web site at <https://www.bls.gov/cpi/>.

<sup>3</sup> In 2016, the maximum allowable charge under 20 CFR 655.122(g) was \$12.09 per day. 81 FR 9885, 9886 (Feb. 26, 2016). As a result, the maximum allowable meal charge for 2017 has decreased only \$.02.