

the updated Consumer Price Index for All Urban Consumers for Food (CPI-U for Food), not seasonally adjusted. *See id.* The maximum amount employers may charge workers for providing meals is adjusted annually by the 12-month percentage change in the CPI-U for Food for the prior year (*i.e.*, between December of the year just concluded and December of the prior year). *See id.* The Office of Foreign Labor Certification (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 § 655.173(b).

The percentage change in the CPI-U for Food between December 2019 and December 2020 was 3.9 percent.<sup>2</sup> Thus, the annual update to the H-2A allowable meal charge is calculated by multiplying the current allowable meal charge (\$12.68) by the 12-month percentage change in the CPI-U for Food between December 2019 and December 2020 ( $\$12.68 \times 1.039 = \$13.17$ ). Accordingly, the updated maximum allowable charge under §§ 655.122(g) and 655.173 is \$13.17 per day, and an employer is not permitted to charge a worker more than \$13.17 per day unless the OFLC Certifying Officer approves a higher charge, as authorized under § 655.173(b).<sup>3</sup>

### Reimbursement for Travel-Related Subsistence

H-2B and H-2A employers must pay reasonable travel and subsistence costs, including the costs of meals and lodging, incurred by workers during travel to the worksite from the place from which the worker has come to work for the employer and from the place of employment to the place from which the worker departed to work for the employer, as well as any such costs incurred by the worker incident to obtaining a visa authorizing entry to the United States for the purpose of H-2A or H-2B employment. *See* §§ 655.122(h)(1) and (2) and 655.20(j)(1)(i) and (ii).

Specifically, an H-2A employer is responsible for providing, paying in advance, or reimbursing a worker for the reasonable costs of daily travel-related subsistence between the employer's worksite and the place from which the worker has come to work for the employer, if the worker completes 50

percent of the work contract period. The employer must provide (or pay at the time of departure) the worker's return costs upon the worker completing the contract or being dismissed without cause. *See* § 655.122(h)(1) and (2).

Similarly, an H-2B employer is responsible for providing, paying in advance, or reimbursing a worker for the reasonable costs of transportation and daily subsistence between the employer's worksite and the place from which the worker has come to work for the employer—if the worker completes 50 percent of the job order period—and upon the worker completing the job order period or being dismissed early (for any reason), return costs as well. *See* § 655.20(j)(1)(i) and (ii).

The minimum amount of 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 per day during employment (if applicable). Under no circumstances may the employer reimburse workers less than the amount permitted under § 655.173(a) (*i.e.*, the current year's daily meal charge amount of \$13.17). The maximum amount an employer is required to reimburse workers for daily travel-related subsistence, as evidenced with receipts, is equal to the standard 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 <https://www.gsa.gov/travel/plan-book/per-diem-rates>. *See* Maximum Per Diem Reimbursement Rates for the Continental United States, 85 FR 50025 (Aug. 17, 2020) (2020 Update). The standard CONUS meals and incidental expenses rate is \$55.00 per day for 2021.<sup>4</sup> Workers who qualify for travel reimbursement are entitled to reimbursement for meals up to the standard CONUS meals and incidental expenses rate when they provide receipts. In determining the appropriate amount of reimbursement for meals for less than a full day, the employer may limit the meal expense reimbursement, with receipts, to 75 percent of the maximum reimbursement for meals, or \$41.25, based on the GSA per diem schedule. *See* 2020 Update, 85 FR at 50025. If a worker does not provide receipts, the employer is not obligated

to reimburse above the minimum stated at § 655.173, as specified 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. The employer also is responsible for the costs of return transportation and subsistence, including lodging costs where necessary, as described above. These requirements apply equally to instances where the worker is traveling within the U.S. to the employer's worksite. *See* §§ 655.122(h)(1) and (2) and 655.20(j)(1)(i) and (ii).

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, on OFLC's website at <https://www.dol.gov/agencies/eta/foreign-labor>.

**Suzan G. LeVine,**

*Principal Deputy Assistant Secretary for Employment and Training, Labor.*

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## DEPARTMENT OF LABOR

### Office of the Secretary

#### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Federal Contractor Veterans' Employment Report (VETS-4212)

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Veterans' Employment and Training Service (VETS)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before April 9, 2021.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular

<sup>2</sup> Consumer Price Index—December 2020, published January 13, 2020 at [https://www.bls.gov/news.release/archives/cpi\\_01132021.pdf](https://www.bls.gov/news.release/archives/cpi_01132021.pdf).

<sup>3</sup> In 2020, the maximum allowable charge under 20 CFR 655.122(g) and 655.173 was \$12.68 per day. *See* 85 FR 16133 (Mar. 20, 2020).

<sup>4</sup> Maximum Per Diem Reimbursement Rates for the Continental United States (CONUS), 85 FR 50025 (Aug. 17, 2020); *see also* <https://www.gsa.gov/travel/plan-book/per-diem-rates/mie-breakdown>.

information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

**FOR FURTHER INFORMATION CONTACT:**

Anthony May by telephone at 202–693–4129 (this is not a toll-free number) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** 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 protected veterans. VETS maintains regulations to implement the reporting requirements under VEVRAA, and uses the VETS–4212 form for providing the required information on the employment of covered veterans. The regulations in 41 CFR part 61–300 require contractors and subcontractors with a covered Federal contract entered into or modified in the amount of \$150,000 or more to use the Federal Contractor Veterans’ Employment Report VETS–4212 form for reporting information on their employment of covered veterans under VEVRAA.

For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 20, 2020 (85 FR 74390).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject

to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

*Agency:* DOL–VETS.

*Title of Collection:* Federal Contractor Veterans’ Employment Report (VETS–4212).

*OMB Control Number:* 1293–0005.

*Affected Public:* Private Sector: Businesses or other for-profits; not-for-profit institutions.

*Total Estimated Number of Respondents:* 21,000.

*Total Estimated Number of Responses:* 378,000.

*Total Estimated Annual Time Burden:* 128,520 hours.

*Total Estimated Annual Other Costs Burden:* \$1,340.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: March 3, 2021.

**Anthony May,**

*Management and Program Analyst.*

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA–2021–0001]

#### National Advisory Committee on Occupational Safety and Health (NACOSH); Request for Nominations

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Request for nominations.

**SUMMARY:** OSHA invites interested persons to submit nominations for membership on the National Advisory Committee on Occupational Safety and Health (NACOSH).

**DATES:** Nominations for NACOSH membership must be submitted (postmarked, sent, transmitted or received) by May 10, 2021.

**ADDRESSES:** You may submit nominations and supporting materials by one of the following methods:

*Electronically:* You may submit nominations, including attachments, electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the

online instructions for making submissions.

OSHA will place comments and requests for a hearing, including personal information, in the public docket, which will be available online. Therefore OSHA cautions interested parties about submitting personal information such as Social Security numbers and birthdates.

*Docket:* To read or download comments or other material in the docket, go to <http://www.regulations.gov>. Documents in the docket are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through this website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

**FOR FURTHER INFORMATION CONTACT:**

*Press inquiries:* Frank Meilinger, Office of Communications, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693–1999; email: [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

*General information and technical inquiries:* Amy Wangdahl, Office of Maritime and Agriculture, Directorate of Safety and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, telephone: (202) 693–2066; email: [wangdahl.amy@dol.gov](mailto:wangdahl.amy@dol.gov).

**SUPPLEMENTARY INFORMATION:** The Secretary of Labor (Secretary) invites interested individuals to submit nominations for membership on NACOSH.

#### I. Background

The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651, 656) established NACOSH to advise, consult with, and make recommendations to the Secretary and the Secretary of Health and Human Services (HHS Secretary) on matters relating to the administration of the OSH Act. NACOSH is a continuing advisory committee of indefinite duration.

NACOSH operates in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2), implementing regulations (41 CFR part 102–3), the OSH Act, and OSHA’s regulations on NACOSH (29 CFR part 1912a).

The Committee shall meet at least two times a year (29 U.S.C. 656(a)(2)). Committee members serve without compensation, but OSHA provides