

financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration, Office of Workforce Security, is soliciting comments concerning the proposed extension of the process for requesting advances from the Federal Unemployment Account (FUA) and repayment of such advances under Title XII of the Social Security Act (SSA). Technically, there is no request for information. There is, however, a paperwork burden on states because they must prepare and transmit formal requests for advances and transfers to repay those advances. A copy of the proposed procedure can be obtained by contacting the office listed below in the addressee section of this notice or at <http://www.doleta.gov/Performance/guidance/OMBControlNumber.cfm>.

DATES: Written comments must be submitted on or before May 15, 2006.

ADDRESSES: James E. Herbert, U.S. Department of Labor, Employment and Training Administration, Room S 4231, 200 Constitution Ave, NW., Washington, DC 20210; Phone: 202-693-2926 (this is not a toll-free number); Fax: 202-693-2874; e-mail: Herbert.James@dol.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Title XII section 1201 of the SSA provides for advances to states from the FUA. The law further sets out specific requirements to be met by a state requesting an advance:

- The Governor must apply for the advance;
- The application must cover a three month period and the Secretary of Labor must be furnished with estimates of the amounts needed in each month of the three month period;
- The application must be made on such forms and shall contain such information and data (fiscal and otherwise) concerning the operation and administration of the state unemployment compensation law as the Secretary of Labor deems necessary or relevant to the performance of his or her duties under this title;
- The amount required by any state for the payment of compensation in any month shall be determined with due allowance for contingencies and taking into account all other amounts that will be available in the state's unemployment fund for the payment of compensation in such month;

- The term "compensation" means cash benefits payable to individuals with respect to their unemployment exclusive of expenses of administration.

Section 1202(a) of the SSA provides that the Governor of any state may at any time request that funds be transferred from the account of such state to the FUA in repayment of part or all of the balance of advances made to such state under section 1201. These applications and repayments may be requested by an individual designated for that authority in writing by the Governor. The DOL proposes to extend this procedure through June, 2009. The DOL also proposes to allow states the option of submitting electronic requests for advances or continuing the current practice of submitting letters.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed extension of the current procedure is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed extension of the current procedure, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the procedure; and
- Minimize the burden of the procedure on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

III. Current Actions

Type of Review: This action is requested to maintain the continuity of current procedures which have succeeded in the orderly application and repayment operations at both the state and Federal levels.

Agency: Employment and Training Administration, Department of Labor.

Title: Extension of the Unemployment Insurance (UI) Title XII Advances and Voluntary Repayment Process.

OMB Number: 1205-0199.

Affected Public: State governments. Total Respondents: 50 states, Washington, DC, the Virgin Islands, and Puerto Rico are covered by this process.

Frequency: As needed, based on a state's discretion.

Total Responses: The DOL projects 7 states will borrow between 2006 and 2009 and that borrowing states will

average 4 requests for advances and 4 requests for voluntary repayments each year. This results in 56 total responses per year.

Average Time Per Response: 1 hour.

Estimated Total Burden Hours: 56 per year.

Estimated Total Burden Cost: None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 3, 2006.

Cheryl Atkinson,

Administrator, Office of Workforce Security.

[FR Doc. E6-3840 Filed 3-15-06; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Labor Certification Process for the Temporary Employment of Aliens in Agriculture and Logging in the United States: 2006 Adverse Effect Wage Rates, Allowable Charges for Agricultural and Logging Workers' Meals, and Maximum Travel Subsistence Reimbursement

AGENCY: Employment and Training Administration, Department of Labor.

ACTION: Notice of Adverse Effect Wage Rates (AEWRs), allowable charges for meals, and maximum travel subsistence reimbursement for 2006.

SUMMARY: The Employment and Training Administration (ETA) of the Department of Labor (Department or DOL) is issuing this Notice to announce: the 2006 AEWRs for employers seeking to employ temporary or seasonal nonimmigrant alien workers to perform agricultural labor or services (H-2A workers) or logging (H-2 logging workers); the allowable charges for 2006, that employers seeking H-2A workers and H-2 logging workers may levy upon their workers when three meals a day are provided by the employer; and the maximum travel subsistence reimbursement which a worker with receipts may claim in 2006.

AEWRs are the minimum wage rates the Department has determined must be offered and paid to U.S. and alien workers by employers of H-2A workers or H-2 logging workers. AEWRs are established to prevent the employment of these aliens from adversely affecting wages of similarly employed U.S. workers. The Department announces the AEWRs for 2006.

The Department also announces the new rates for 2006, which covered agricultural and logging employers may charge their workers for three daily meals.

Under specified conditions, workers are entitled to reimbursement for travel subsistence expenses. The minimum reimbursement is the charge for three daily meals as noted above. The Department also announces the current maximum reimbursement that may be claimed in 2006, by workers with receipts.

DATES: *Effective Date:* March 16, 2006.

FOR FURTHER INFORMATION CONTACT: John R. Beverly, III, Administrator, Office of National Programs, 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 U.S. Citizenship and Immigration Services may not approve an employer's petition for admission of H-2A workers or H-2 logging workers in the United States unless the petitioner has received from DOL an H-2A or H-2 labor certification, as appropriate. Approved labor certifications attest: (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 alien 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), and 1188.

DOL's regulations for the H-2A and H-2 program require covered employers to offer and pay their U.S., H-2A, and H-2 workers no less than the applicable hourly AEWR in effect at the time the work is performed. 20 CFR 655.102(b)(9) and 655.202(b)(9). *See also* 20 CFR 655.107 and 655.207. Reference should be made to the preamble of the Final Rule, 54 FR 28037 (July 5, 1989), which explains in great depth the purpose and history of AEWRs, DOL's discretion in setting AEWRs, and the AEWR computation methodology at 20 CFR 655.107(a). *See also* 52 FR 20496, 20502-20505 (June 1, 1987).

A. Adverse Effect Wage Rates for 2006

AEWRs are the minimum wage rates which DOL has determined must be offered and paid to U.S. and alien workers by employers of H-2A workers or H-2 logging workers. DOL emphasizes, however, that employers of H-2A workers must pay the highest of (i) The AEWR in effect at the time the work is performed, (ii) the applicable

prevailing wage, or (iii) the statutory minimum wage, as specified in the regulations. 20 CFR 655.102(b)(9). Employers of H-2 logging workers must pay at least the AEWR. 20 CFR 655.202(b)(9).

Except as otherwise provided in 20 CFR part 655, subpart B, the region-wide AEWR for all agricultural employment (except those occupations deemed inappropriate under the special circumstance provisions of 20 CFR 655.93) for which temporary H-2A certification is being sought, is equal to the annual weighted average hourly wage rate for field and livestock workers (combined) for the region as published annually by the U.S. Department of Agriculture (USDA). 20 CFR 655.107(a). USDA does not provide data on Alaska. 20 CFR 655.107(a) requires the Assistant Secretary, Employment and Training Administration, to publish USDA field and livestock worker (combined) wage data as AEWRs in a **Federal Register** notice. Accordingly, the 2006, AEWRs for agricultural work performed by U.S. and H-2A workers on or after the effective date of this notice are set forth in the table below:

TABLE.—2006 ADVERSE EFFECT WAGE RATES

State	2006 AEWR
Alabama	\$8.37
Arizona	8.00
Arkansas	7.58
California	9.00
Colorado	8.37
Connecticut	9.16
Delaware	8.95
Florida	8.56
Georgia	8.37
Hawaii	9.99
Idaho	8.47
Illinois	9.21
Indiana	9.21
Iowa	9.49
Kansas	9.23
Kentucky	8.24
Louisiana	7.58
Maine	9.16
Maryland	8.95
Massachusetts	9.16
Michigan	9.43
Minnesota	9.43
Mississippi	7.58
Missouri	9.49
Montana	8.47
Nebraska	9.23
Nevada	8.37
New Hampshire	9.16
New Jersey	8.95
New Mexico	8.00
New York	9.16
North Carolina	8.51
North Dakota	9.23
Ohio	9.21
Oklahoma	8.32
Oregon	9.01

TABLE.—2006 ADVERSE EFFECT WAGE RATES—Continued

State	2006 AEWR
Pennsylvania	8.95
Rhode Island	9.16
South Carolina	8.37
South Dakota	9.23
Tennessee	8.24
Texas	8.32
Utah	8.37
Vermont	9.16
Virginia	8.51
Washington	9.01
West Virginia	8.24
Wisconsin	9.43
Wyoming	8.47

The AEWRs for all logging employment shall be the prevailing wage rates in the area of intended employment. 20 CFR 655.207(a).

B. Allowable Meal Charges

Among the minimum benefits and working conditions which DOL requires employers to offer their U.S., H-2A, and H-2 logging workers are three meals a day or free and convenient cooking and kitchen facilities. 20 CFR 655.102(b)(4) and 655.202(b)(4). Where the employer provides meals, the job offer must state the charge, if any, to the worker for meals.

DOL has published at 20 CFR 655.102(b)(4) and 655.111(a) the methodology for determining the maximum amounts that covered H-2A agricultural employers may charge their U.S. and foreign workers for meals. The same methodology is applied at 20 CFR 655.202(b)(4) and 655.211(a) to covered H-2 logging employers. These rules provide for annual adjustments of the previous year's allowable charges based upon Consumer Price Index (CPI) data.

Each year the maximum charges allowed by 20 CFR 655.102(b)(4) and 655.202(b)(4) are adjusted by the same percentage as the twelve-month percent change in the CPI for all Urban Consumers for Food (CPI-U for Food) between December of the year just concluded and December of the year prior to that. ETA may permit an employer to charge workers no more than the higher maximum amount set forth in 20 CFR 655.111(a) and 655.211(a), as applicable, for providing them with three meals a day, if justified and sufficiently documented. Each year, the higher maximum amounts permitted by 20 CFR 655.111(a) and 655.211(a) are changed by the same percentage as the twelve-month percent change in the CPI-U for Food between December of the year just concluded and December of the year prior to that. The program's regulations require DOL to make the

annual adjustments and to publish a notice in the **Federal Register** each calendar year, announcing annual adjustments in allowable charges that may be made by covered agricultural and logging employers for providing three meals daily to their U.S. and alien workers. The 2005, rates were published in the **Federal Register** Notice, 70 FR 10152, (March 2, 2005).

DOL has determined the percentage change between December of 2004, and December of 2005, for the CPI-U for Food was 2.4 percent. Accordingly, the maximum allowable charges under 20 CFR 655.102(b)(4), 655.202(b)(4), 655.111, and 655.211 were adjusted using this percentage change, and the new permissible charges for 2006, are as follows: (1) Charges under 20 CFR 655.102(b)(4) and 655.202(b)(4) shall be no more than \$9.30 per day, unless ETA has approved a higher charge pursuant to 20 CFR 655.111 or 655.211; (2) charges under 20 CFR 655.111 and 655.211 shall be no more than \$11.52 per day, if the employer justifies the charge and submits to ETA the documentation required to support the higher charge.

C. Maximum Travel Subsistence Expense

The regulations at 20 CFR 655.102(b)(5) establish that the minimum daily subsistence expense related to travel expenses, for which a worker is entitled to reimbursement, is equivalent to the employer's daily charge for three meals or, if the employer makes no charge, the amount permitted under 20 CFR 655.104(b)(4). The regulation is silent about the maximum amount to which a qualifying worker is entitled.

The Department, in Field Memorandum 42-94, established the maximum meals component of the standard continental United States (CONUS) per diem rate established by the General Services Administration (GSA) and published at 41 CFR Pt. 301. The CONUS meal component is now \$39.00 per day.

Workers who qualify for travel reimbursement are entitled to reimbursement up to the CONUS meal rate for related subsistence when they provide receipts. In determining the appropriate amount of subsistence reimbursement, the employer may use the GSA system under which a traveler qualifies for meal expense reimbursement per quarter of a day. Thus, a worker whose travel occurred during two quarters of a day is entitled, with receipts, to a maximum reimbursement of \$19.50. If a worker has no receipts, the employer is not

obligated to reimburse above the minimum stated at 20 CFR 655.102(b)(4) as specified above.

Signed in Washington, DC this 7 day of March, 2006.

Emily Stover DeRocco,

Assistant Secretary, Employment and Training Administration.

[FR Doc. E6-3841 Filed 3-15-06; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Security Programs: Unemployment Insurance Program Letters Interpreting Federal Law, UIPL 14-05 and UIPL 14-05, Change 1

AGENCY: Employment and Training Administration.

ACTION: Notice.

SUMMARY: In December 2002, the Employment and Training Administration (ETA) began a review of the performance management system for the Unemployment Insurance (UI) program. The review addressed the following topics: (a) The performance measures; (b) the criteria used to gauge success against the measures; and (c) the administration of UI Performs. ETA conducted the review in significant consultation with State Workforce Agencies (SWAs) and indirectly through the National Association of State Workforce Agencies' Subcommittee for UI Performs. ETA contracted with Mathematica Policy Research, Inc. to assist with the data analyses.

The review resulted in a recommendation that ETA publish a guidance to streamline the UI performance management system (UI Performs) in the following three significant ways: (1) Reduce the number of performance goals to a few "core" measures; (2) utilize the data of the remaining measures for program management with no performance goals; and (3) streamline the State Quality Service Plan narrative. In response, on June 16, 2004, ETA published UIPL No. 21-04, which outlined the proposed changes to UI Perform and invited public comments. (69 FR 33669 (2004)).

UIPL 14-05

At the end of the comment period, ETA issued UIPL 14-05 to advise SWAs of the changes made to UI Performs based on the recommendation and data of the comprehensive review and the comments received in response to the June 2004 UIPL. UIPL 14-05 also

summarized the comments that were received in response to the June 2004 publication and established the effective dates for implementing the changes.

In order to fully implement the changes outlined in UIPL 14-05, ETA collected additional data to analyze and formulate policy on the definitions and to determine the Acceptable Levels of Performance (ALPs). Through this Notice, ETA is publishing UIPL 14-05, Change 1, which describes ETA's policy on these issues and the requirements for SWAs.

UIPL 14-05, Change 1

UIPL 14-05, Change 1 identifies the methodology used to measure performance and set the ALP for the detection of overpayments. In addition, this UIPL clarifies the methods for measuring the average age of pending lower and higher authority appeals and clarifies the implementation schedule for the tax quality measure corrective action plans.

DATES: UIPL 14-05 was effective on February 18, 2005. UIPL 14-05, Change 1 was effective on October 12, 2005.

FOR FURTHER INFORMATION CONTACT: Delores Mackall, Office of Workforce Security, Employment and Training Administration, 200 Constitution Avenue, NW., Room 4231, Washington, DC 20210. Telephone (202) 693-3183 (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 (800) 877-8339.

SUPPLEMENTARY INFORMATION: Please go to <http://wdr.doleta.gov/directives/> to view a copy of UIPL 14-05 and UIPL 14-05, Change 1.

Signed in Washington, DC, this 8th day of March, 2006.

Emily Stover DeRocco,

Assistant Secretary of Labor, Employment and Training Administration.

[FR Doc. E6-3839 Filed 3-15-06; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Collection; Comment Request

ACTION: Notice.

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