

Signed in Washington, DC.

Portia Wu,

Assistant Secretary, Employment and Training Administration.

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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: 2017 Adverse Effect Wage Rates

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 the 2017 Adverse Effect Wage Rates (AEWRs) for the employment of temporary or seasonal nonimmigrant foreign workers (H-2A workers) to perform agricultural labor or services.

AEWRs are the minimum wage rates the Department has determined must be offered and paid by employers to H-2A workers and workers in corresponding employment for a particular occupation and area so that the wages of similarly employed U.S. workers will not be adversely affected. In this notice, the Department announces the annual update of the AEWRs.

DATES: *Effective Date:* This notice is effective December 23, 2016.

FOR FURTHER INFORMATION CONTACT: William W. Thompson, II, Acting Administrator, U.S. Department of Labor, Employment and Training Administration, Office of Foreign Labor Certification, 200 Constitution Avenue NW., Room PPII-12-200, Washington, DC 20210. Telephone: 202-513-7350 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: As a condition precedent to receiving an H-2A visa, employers must first obtain a labor certification from the Department of Labor. The 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); 20 CFR 655.100.

Adverse Effect Wage Rates for 2017

The Department's H-2A regulations at 20 CFR 655.120(l) provide that employers must pay their H-2A workers and workers in corresponding employment at least the highest of: (i) The AEWR; (ii) the prevailing hourly wage rate; (iii) the prevailing piece rate; (iv) the agreed-upon collective bargaining wage rate, if applicable; or (v) the Federal or State minimum wage rate, in effect at the time the work is performed.

Except as otherwise provided in 20 CFR part 655, subpart B, the region-wide AEWR for all agricultural employment (except those occupations characterized by other than a reasonably regular workday or workweek as described in 20 CFR 655.102) 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) in the State or region as published annually by the United States Department of Agriculture (USDA). 20 CFR 655.120(c) requires that the Administrator of the Office of Foreign Labor Certification publish the USDA field and livestock worker (combined) wage data as AEWRs in a **Federal Register** notice. Accordingly, the 2017 AEWRs to be paid for agricultural work performed by H-2A and U.S. workers on or after the effective date of this notice are set forth in the table below:

TABLE—2017 ADVERSE EFFECT WAGE RATES

State	2017 AEWRs
Alabama	\$10.62
Arizona	10.95
Arkansas	10.38
California	12.57
Colorado	11.00
Connecticut	12.38
Delaware	12.19
Florida	11.12
Georgia	10.62
Hawaii	13.14
Idaho	11.66
Illinois	13.01
Indiana	13.01
Iowa	13.12
Kansas	13.79
Kentucky	10.92
Louisiana	10.38
Maine	12.38
Maryland	12.19
Massachusetts	12.38
Michigan	12.75
Minnesota	12.75
Mississippi	10.38
Missouri	13.12
Montana	11.66

TABLE—2017 ADVERSE EFFECT WAGE RATES—Continued

State	2017 AEWRs
Nebraska	13.79
Nevada	11.00
New Hampshire	12.38
New Jersey	12.19
New Mexico	10.95
New York	12.38
North Carolina	11.27
North Dakota	13.79
Ohio	13.01
Oklahoma	11.59
Oregon	13.38
Pennsylvania	12.19
Rhode Island	12.38
South Carolina	10.62
South Dakota	13.79
Tennessee	10.92
Texas	11.59
Utah	11.00
Vermont	12.38
Virginia	11.27
Washington	13.38
West Virginia	10.92
Wisconsin	12.75
Wyoming	11.66

Pursuant to the H-2A regulations at 20 CFR 655.173, the Department will publish a separate **Federal Register** notice in early 2017 to announce (1) the allowable charges for 2017 that employers seeking H-2A workers may charge their workers for providing them three meals a day; and (2) the maximum travel subsistence reimbursement which a worker with receipts may claim in 2017.

Signed in Washington, DC

Portia Wu,

Assistant Secretary, Employment and Training Administration.

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DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Workforce Innovation Fund Grants Reporting and Recordkeeping Requirements

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, "Workforce Innovation Fund Grants Reporting and Recordkeeping Requirements." This comment request is part of continuing Departmental

efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.*

DATES: Consideration will be given to all written comments received by February 21, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free by contacting Wendy Havenstrite by telephone at (202) 693-2618, TTY 1-877-889-5627, (these are not toll-free numbers or by email at havenstrite.wendy@dol.gov.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Washington, DC 20210; by email: havenstrite.wendy@dol.gov; or by Fax 202-693-3817.

FOR FURTHER INFORMATION CONTACT:

Contact Wendy Havenstrite by telephone at (202) 693-2618 (this is not a toll-free number) or by email at havenstrite.wendy@dol.gov.

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure 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 can be properly assessed.

The Workforce Innovation Fund (WIF) was created as a grant program by the Full-Year Continuing Appropriations Act, 2011 (in Sec. 1801, Title VIII, Div. B of Pub. L. 112-10), the Consolidated and Further Continuing Appropriations Act, 2013 (Pub. L. 113-6), and the Consolidated Funding Act, 2014 (Pub. L. 113-76). The first round of grants was awarded in June 2012, with service delivery beginning in 2013. (The first round of grants are ending by the current ICR end date). The second round of grants, awarded September 2014, were awarded to a combination of state workforce agencies and local workforce investment boards and began service delivery in 2015. The final round of grants, awarded in September 2015, went to five States and one tribal entity with service delivery beginning in

2016. According to these Acts, the WIF was established to “carry out projects that demonstrate innovative strategies or replicate effective evidence-based strategies that align and strengthen the workforce investment system in order to improve program delivery and education and employment outcomes for program beneficiaries.” One of the purposes of the WIF grants is to contribute to the documentation of evidence-based practice within the field of workforce development.

This document requests approval to continue to collect information to meet the reporting and recordkeeping requirements of the WIF grant program through the end of each grantee’s reporting cycle. In applying for the WIF grant program, grantees agreed to submit quarterly reports—both narrative and performance reports—that describe project activities and outcomes that relate to the project and document the training or labor market information approaches used by the grantee. The quarterly performance narrative report will provide a format for a detailed account of program activities, accomplishments, and progress toward performance outcomes during the quarter. These reports will collect aggregate information on participants’ grant progress and accomplishments, grant challenges, grant technical assistance needs and success stories and lessons learned through five questions—four programmatic questions and one performance question. Because WIF grants tackle a range of employment and training services and strategies, each grant will have a unique set of performance goals and outcome measures designed by the grantee for the specific innovation and project being pursued in the grant. The fifth of the five questions in the quarterly performance narrative report will ask for performance data based on the unique grant performance measures and key project milestones identified by each grantee.

The information from these reports will be used to evaluate the performance of the WIF projects; manage performance risk; and collect lessons learned in terms of processes, strategies, and performance from the projects. ETA will use the data to help inform policy about the workforce and possible changes in structures and policies that enable a closer alignment and integration of workforce development, education, human services, social insurance, and economic development programs. The data will also be used to determine what technical assistance needs the WIF grantees have so that ETA can provide such assistance to

support improvement of grantee outcomes.

The information provided in the quarterly performance narrative reports, including the lessons learned through innovative projects, is necessary for increasing the body of knowledge about what works in workforce development. This information collection maintains a reporting and record-keeping system for a minimum level of information collection that is necessary to hold WIF grantees appropriately accountable for the Federal funds they receive and to allow the Department to fulfill its oversight and management responsibilities.

To reduce grantee burden, grantees will only report on performance measures they identify in their project that are specifically applicable to their grant. This approach minimizes the reporting burden on grantees and encourages grantees to identify and document a new set of achievements and performance measures that apply directly to the grant projects. The Full-Year Continuing Appropriations Act, 2011 (in Sec. 1801, Title VIII, Div. B of Pub. L. 112-10), the Consolidated and Further Continuing Appropriations Act, 2013 (Pub. L. 113-6), and the Consolidated Funding Act, 2014 (Pub. L. 113-76) authorizes this information collection.

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 it is approved by the OMB under the PRA 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 Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention Workforce Innovation Fund Grants Reporting and Recordkeeping Requirements, OMB Control Number 1205-0515.

Submitted comments will also be a matter of public record for this ICR and posted on the Internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential

business data, or other sensitive statements/information in any comments.

The DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information 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 collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through 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.

Agency: DOL–ETA.

Type of Review: Extension without changes.

Title of Collection: Workforce Innovation Fund Grants Reporting and Recordkeeping Requirements.

Form: Quarterly narrative and performance reports.

OMB Control Number: 1205–0515.

Affected Public: Workforce Innovation Fund grant recipients.

Estimated Number of Respondents: 17.

Frequency: Quarterly.

Total Estimated Annual Responses: 68.

Estimated Average Time per Response: 20 hours.

Estimated Total Annual Burden Hours: 1,360 hours.

Total Estimated Annual Other Cost Burden: \$0.

Authority: 44 U.S.C. 3506(c)(2)(A).

Portia Wu,

Assistant Secretary for Employment and Training Administration, Department of Labor.

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OFFICE OF MANAGEMENT AND BUDGET

Reissuance of OMB Circular No. A–108, “Federal Agency Responsibilities for Review, Reporting, and Publication Under the Privacy Act”

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice of availability.

SUMMARY: The Office of Management and Budget (OMB) has reissued OMB Circular A–108, “Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act.” The reissued Circular revises and relocates the guidance that previously had been included in Circular A–130, “Management of Federal Information Resources,” Appendix I, “Federal Agency Responsibilities for Maintaining Records About Individuals.” The reissued Circular replaces the November 28, 2000 version of Appendix I to Circular A–130 and supplements and clarifies existing OMB guidance.

DATES: Effective upon publication as of December 23, 2016, OMB is making reissued Circular A–108 available to the public at https://www.whitehouse.gov/omb/inforeg_infopoltech.

FOR FURTHER INFORMATION CONTACT: Kevin Herms, Office of Management and Budget, Office of Information and Regulatory Affairs, at privacy-oira@omb.eop.gov

SUPPLEMENTARY INFORMATION:

Background

The Privacy Act of 1974, which has been in effect since September 27, 1975, sets forth a series of requirements governing Federal agency practices with respect to certain information about individuals. Although the Privacy Act places principal responsibility for compliance on agencies, the statute requires the Director of OMB to develop guidelines and provide continuing assistance to and oversight of implementation by agencies. See 5 U.S.C. 552a(v). The reissuance of Circular A–108 describes agency responsibilities for implementing the review, reporting, and publication requirements of the Privacy Act of 1974 and related OMB policies. It supplements and clarifies existing OMB guidance, including OMB Circular No. A–130, “Managing Information as a Strategic Resource,” “Privacy Act Implementation: Guidelines and Responsibilities,” “Implementation of the Privacy Act of 1974: Supplementary Guidance,” and “Final Guidance Interpreting the Provisions of Public

Law 100–503, the Computer Matching and Privacy Protection Act of 1988.” All OMB guidance is available on the OMB Web site at https://www.whitehouse.gov/omb/inforeg_infopoltech.

Comments

On October 7, 2016, OMB requested public comment (81 FR 69871) and posted the proposed Circular A–108 on its Web site. Although some commenters were critical of specific aspects of the proposed policy, the commenters were generally supportive of the overall Circular and the approaches taken.

While OMB carefully considered all of the comments submitted, some of them were beyond the scope of the Circular. Several of the comments criticized agency compliance with Privacy Act legal and policy requirements, while others appeared to be inconsistent with certain statutory provisions or other OMB policy requirements, or would have the effect of modifying certain statutory provisions or prohibiting certain legally permissible agency actions. The reissuance of Circular A–108 and the supplementary guidance and clarification it provides are intended to assist agencies in their implementation of, and facilitate their compliance with, the Privacy Act's review, reporting, and publication requirements. The Circular is meant to establish general standards and it would be beyond the scope of the Circular to address specific agency practices or compliance efforts or to accept comments that may be inconsistent with other legal or policy requirements.

Several comments identified areas in which the guidance could be modified to improve the quality of notice provided to the public in agency system of records notices. Based on OMB's consideration and responses to the public comments, the revised Circular A–108:

- Revises the routine use section of the guidance to state that agency routine uses that only apply to certain records in a system of records should indicate their limited scope. In addition, a subheading in the section of the Circular describing the scope of a system of records was revised to better emphasize the need to consider routine uses when determining the scope of a system.

- Requires that the description of linkages between different systems be in the “Policies and Practices for Retrieval of Records” section of the notice, which is included in the Privacy Act Issuances. In addition, the language describing the requirement to describe linkages