

# ALLOWABLE MEAL CHARGES AND REIMBURSEMENTS FOR DAILY SUBSISTENCE

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Effective February 13, 2024

**February 13, 2024. Office of Foreign Labor Certification Publishes Annual Update to Allowable Charges for Temporary Workers' Meals and for Travel Subsistence Reimbursement, Including Lodging.**

The Employment and Training Administration (ETA) of the Department of Labor has issued a Notice to announce the annual updated dollar amount H-2A employers may charge workers, other than workers in herding or production of livestock on the range occupations, for providing meals and the maximum and minimum rate at which H-2A and H-2B workers must be reimbursed for travel-related subsistence expenses. The notice also includes a reminder of the continuing obligation of H-2A and H-2B employers to pay certain lodging and travel-related expenses workers incur while traveling to and from H-2A and H-2B employment.

## Allowable Meal Charge to Workers

In its job offer to U.S. and H-2A workers, the employer either must offer and state that it will provide each worker with three (3) meals a day or must state that it will furnish free and convenient cooking and kitchen facilities to the workers that will enable the workers to prepare their own meals. If the employer is going to provide the meals to the workers, the job offer must state the charge, if any, to the worker for such meals.

Until the Department publishes a new amount or approves a higher amount based on a request from an employer, the job offer must not charge a worker more than the following amount for meals:

**Maximum Meal Charge: \$15.88 per day**

## Daily Subsistence Amounts for Workers Traveling

In its job offer to U.S. and H-2A workers, the employer must state the minimum and maximum dollar amount that workers will receive for daily subsistence when traveling to and from the place of employment. For workers who complete 50 percent or more of the work contract period, the employer must provide, pay in advance, or reimburse workers for subsistence expenses incurred traveling from the place the worker came to the place of employment. If the worker either completes the work contract period or is terminated without cause, and the worker has no immediate subsequent H-2A employment, the employer must provide (or pay at the time of departure) workers for subsistence expenses incurred traveling from the place of employment back to the place the worker came from to work for the employer.

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 place of employment 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.

Until the Department publishes a new dollar amount, the job offer must state that the worker will receive the following dollar amount(s) for daily subsistence while traveling:

**Minimum: \$ 15.88 per day**(1)

**Maximum: \$ 59.00 per day**(2) *(with documentation of actual expenses)*

The employer must also provide or pay the reasonable costs for lodging where lodging is necessary. If not provided by the employer, the amount an employer must pay for transportation and, where necessary, lodging must be no less than (and is not required to be more than) the most economical and reasonable costs.

*Important Notes:*

1. Under the regulations, the dollar amount that a worker can receive for daily subsistence must be at least as much as the allowable meal charge while employed with the employer.
2. The maximum daily rate is based on the standard rate for the Continental United States (CONUS) covering meals and incidental expenses as published by General Services Administration (GSA) at <https://www.gsa.gov/travel/plan-book/per-diem-rates/mie-breakdown>.
3. 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 or unnecessary costs.



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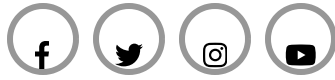
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