

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–699–702 and 731–TA–1659–1660 (Preliminary)]

Frozen Warmwater Shrimp From Ecuador, India, Indonesia, and Vietnam

Determinations

On the basis of the record¹ developed in the subject investigations, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of frozen warmwater shrimp from Ecuador and Indonesia provided for in subheadings 0306.17.00, 1605.21.10, and 1605.29.10 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (“LTFV”) and imports of the subject merchandise from Ecuador, India, Indonesia, and Vietnam that are alleged to be subsidized by the governments of Ecuador, India, Indonesia, and Vietnam.²

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission’s rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in § 207.21 of the Commission’s rules, upon notice from the U.S. Department of Commerce (“Commerce”) of affirmative preliminary determinations in the investigations under §§ 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under §§ 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Any other party may file an entry of appearance for the final phase of the investigations after publication of the final phase notice of scheduling. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission

¹ The record is defined in § 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

² 88 FR 81043 and 88 FR 81053 (November 21, 2023).

antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations. As provided in section 207.20 of the Commission’s rules, the Director of the Office of Investigations will circulate draft questionnaires for the final phase of the investigations to parties to the investigations, placing copies on the Commission’s Electronic Document Information System (EDIS, <https://edis.usitc.gov>), for comment.

Background

On October 25, 2023, the American Shrimp Processors Association, Port Arthur, Texas, filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized imports of frozen warmwater shrimp from Ecuador, India, Indonesia, and Vietnam and LTFV imports of frozen warmwater shrimp from Ecuador and Indonesia. Accordingly, effective October 25, 2023, the Commission instituted countervailing duty investigation Nos. 701–TA–699–702 and antidumping duty investigation Nos. 731–TA–1659–1660 (Preliminary).

Notice of the institution of the Commission’s investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of October 31, 2023 (88 FR 74511). The Commission conducted its conference on November 15, 2023. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on December 11, 2023. The views of the Commission are contained in USITC Publication 5482 (December 2023), entitled *Frozen Warmwater Shrimp from Ecuador, India, Indonesia, and Vietnam: Investigation Nos. 701–TA–699–702 and 731–TA–1659–1660 (Preliminary)*.

By order of the Commission.

Issued: December 11, 2023.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2023–27480 Filed 12–13–23; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Labor Certification Process for the Temporary Employment of Foreign Workers in Agriculture in the United States: Adverse Effect Wage Rates for Non-Range Occupations in 2024

AGENCY: Employment and Training Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Employment and Training Administration of the Department of Labor (DOL) is issuing this notice to announce the 2024 Adverse Effect Wage Rates (AEWR) for the employment of temporary or seasonal nonimmigrant foreign workers (H–2A workers) to perform agricultural labor or services other than the herding or production of livestock on the range. AEWRs are the minimum wage rates the DOL has determined must be offered, advertised in recruitment, and paid by employers to H–2A workers and workers in corresponding employment so that the wages and working conditions of workers in the United States (U.S.) similarly employed will not be adversely affected. The AEWRs established in this notice are applicable to H–2A job opportunities that are both: classified in one (or more) of the six Standard Occupational Classification (SOC) codes comprising the field and livestock workers (combined) category, and located in States or regions, or equivalent districts or territories, in which the United States Department of Agriculture’s (USDA) Farm Labor Report (better known as the Farm Labor Survey, or FLS) reports wages. In this notice, DOL also announces an update to the average AEWR, which is used to calculate adjustments to required bond amounts for H–2A Labor Contractors.

DATES: These rates are effective January 1, 2024.

FOR FURTHER INFORMATION CONTACT: Brian Pasternak, Administrator, Office of Foreign Labor Certification, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–5311, Washington, DC 20210, telephone: (202) 693–8200 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone numbers above via TTY/TDD by calling the toll-free Federal Information Relay Service at 1 (877) 889–5627.

SUPPLEMENTARY INFORMATION: The 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 nonimmigrant temporary and seasonal agricultural workers into the U.S. unless the petitioner has received an H-2A labor certification from DOL. 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 for which the employer desires to hire temporary foreign workers; 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 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.

FLS-Based AEW Updates

DOL's H-2A regulations at 20 CFR 655.122(l) provide that employers must pay their H-2A workers and workers in corresponding employment at least the highest of: (i) the AEW; (ii) a prevailing wage rate if the Office of Foreign Labor Certification (OFLC) Administrator has approved a prevailing wage survey for the applicable crop or agricultural activity and, if applicable, a distinct work task or tasks performed in that activity; (iii) the agreed-upon collective bargaining wage rate; (iv) the Federal minimum wage rate; or (v) the State minimum wage rate, for every hour or portion thereof worked during a pay period. Further, when the AEW is adjusted during a work contract and is higher than the highest of the previous AEW, a prevailing rate for the crop or agricultural activity and, if applicable, a distinct work task or tasks performed in that activity and geographic area, the agreed-upon collective bargaining wage, the Federal minimum wage rate, or the State minimum wage rate, the employer must pay at least that adjusted AEW upon the effective date of the new rate, as provided in the applicable **Federal Register** Notice. See 20 CFR 655.120(b)(3). When the AEW is adjusted during a work contract and is lower than the wage rate that is guaranteed on the job order, the employer must continue to pay at least the wage rate guaranteed on the job order. See 20 CFR 655.120(b)(4).

On February 28, 2023, DOL published a final rule, *Adverse Effect Wage Rate Methodology for the Temporary Employment of H-2A Nonimmigrants in Non-Range Occupations in the United States*, 88 FR 12760 (Feb. 28, 2023), to establish a new methodology for setting hourly AEWs, effective March 30,

2023. Pursuant to this new rule, while most AEWs will continue to be based, as they have been since 1987, on the USDA FLS, AEWs based on DOL's Bureau of Labor Statistics (BLS) Occupational Employment and Wage Statistics (OEWS) survey will apply to H-2A job opportunities that are: (1) classified in SOC codes other than the six SOC codes comprising the field and livestock workers (combined) category, and/or (2) located in States or regions, or equivalent districts or territories, for which the USDA FLS does not report a wage.¹

The new final rule requires the OFLC Administrator to publish a **Federal Register** Notice at least once in each calendar year to establish each AEW. See 20 CFR 655.120(b)(2). The OFLC Administrator provides this notice by publishing two separate announcements in the **Federal Register**, one to update the non-range AEWs based on the wage data reported by the USDA's FLS, effective on or about January 1, and a second to update the non-range AEWs based on data reported by the BLS OEWS survey, effective on or about July 1.²

The 2024 AEWs for all non-range agricultural employment classified in the field and livestock workers (combined) category are the annual average hourly gross wage rates for field and livestock workers (combined) in the State or region as published by the USDA in the November 2023 FLS.³ Accordingly, the 2024 AEWs to be offered, advertised in recruitment, and paid for agricultural work performed by H-2A and workers in corresponding employment on and after the effective date of this notice are set forth in the table below:

TABLE—2024 ADVERSE EFFECT WAGE RATES

State 2024 AEWs	
Alabama	\$14.68
Arizona	16.32

¹ In the event an employer's job opportunity requires the performance of agricultural labor or services that are not encompassed in a single SOC code's description and tasks, the applicable AEW will be the highest AEW for all applicable SOCs. See 20 CFR 655.120(b)(5).

² See 88 FR at 12775; see also *Labor Certification Process for the Temporary Employment of Foreign Workers in Agriculture in the United States: Adverse Effect Wage Rate Updates for Non-Range Occupations*, 88 FR 39482 (Jun. 16, 2023).

³ See U.S. Dep't of Agriculture, Nat'l Agricultural Statistics Service, *Farm Labor: Annual Average Gross Wage Rates by Type of Worker—Regions and United States: 2022 and 2023* (Nov. 22, 2023), pp. 25–26, available at <https://downloads.usda.library.cornell.edu/usda-esmis/files/x920fw89s/v405tw18s/dn39zk84n/fmla1123.pdf>.

TABLE—2024 ADVERSE EFFECT WAGE RATES—Continued

State 2024 AEWs	
Arkansas	14.53
California	19.75
Colorado	16.63
Connecticut	17.80
Delaware	17.20
Florida	14.77
Georgia	14.68
Hawaii	18.74
Idaho	16.54
Illinois	18.18
Indiana	18.18
Iowa	17.79
Kansas	18.32
Kentucky	15.14
Louisiana	14.53
Maine	17.80
Maryland	17.20
Massachusetts	17.80
Michigan	18.50
Minnesota	18.50
Mississippi	14.53
Missouri	17.79
Montana	16.54
Nebraska	18.32
Nevada	16.63
New Hampshire	17.80
New Jersey	17.20
New Mexico	16.32
New York	17.80
North Carolina	15.81
North Dakota	18.32
Ohio	18.18
Oklahoma	15.55
Oregon	19.25
Pennsylvania	17.20
Rhode Island	17.80
South Carolina	14.68
South Dakota	18.32
Tennessee	15.14
Texas	15.55
Utah	16.63
Vermont	17.80
Virginia	15.81
Washington	19.25
West Virginia	15.14
Wisconsin	18.50
Wyoming	16.54

The AEWs set forth in the table above are the AEWs applicable to the following SOC titles and codes: Farmworkers and Laborers, Crop, Nursery, and Greenhouse (45-2092), Farmworkers, Farm, Ranch, and Aquacultural Animals (45-2093); Agricultural Equipment Operators (45-2091); Packers and Packagers, Hand (53-7064); Graders and Sorters, Agricultural Products (45-2041); and All Other Agricultural Workers (45-2099). Accordingly, the simple average of these AEWs constitutes the average AEW, which is used to calculate the bond amounts required for H-2A Labor Contractors. See 20 CFR 655.103(b) (definition of average AEW), 655.132(c)(2)(ii) (use of average AEW in calculating bond requirements). The

simple average is calculated by finding the sum of the AEWs listed in the table above, then dividing by the total number of AEWs, which is currently 49 ($\$831.98/49 = \16.98). On and after the effective date of this notice, the average AEW to be used to calculate the bond amounts required under 20 CFR 655.132(c)(2) is \$16.98.

Authority: 20 CFR 655.120(b)(2); 20 CFR 655.103(b).

Lenita Jacobs-Simmons,

Deputy Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2023–27435 Filed 12–13–23; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Labor Certification Process for the Temporary Employment of Foreign Workers in Agriculture in the United States: Adverse Effect Wage Rate for Range Occupations in 2024

AGENCY: Employment and Training Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Employment and Training Administration of the Department of Labor (DOL) is issuing this notice to announce the 2024 Adverse Effect Wage Rate (AEWR) for the employment of temporary or seasonal nonimmigrant foreign workers (H–2A workers) to perform herding or production of livestock on the range. AEWs are the minimum wage rates DOL has determined must be offered, advertised in recruitment, and paid by employers to H–2A workers and workers in corresponding employment so that the wages and working conditions of workers in the United States (U.S.) similarly employed will not be adversely affected. In this notice, DOL announces the annual update of the AEW for workers engaged in the herding or production of livestock on the range, as required by the methodology previously established in 2015.

DATES: The rate is effective January 1, 2024.

FOR FURTHER INFORMATION CONTACT: Brian Pasternak, Administrator, Office of Foreign Labor Certification, Employment and Training Administration, Department of Labor, N–5311, 200 Constitution Ave. NW, Washington, DC 20210, Telephone: (202) 693–8200 (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 (877) 889–5627 (TTY/TDD).

SUPPLEMENTARY INFORMATION: The 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 nonimmigrant temporary and seasonal agricultural workers in the U.S. unless the petitioner has received an H–2A labor certification from DOL. The H–2A 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 for which the employer desires to hire temporary foreign workers; 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* 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 Rate for 2024

DOL's H–2A regulations covering the herding or production of livestock on the range, published in the **Federal Register** as the *Temporary Agricultural Employment of H–2A Foreign Workers in the Herding or Production of Livestock on the Range in the United States*, 80 FR 62958 (Oct. 16, 2015), as amended by *Adjudication of Temporary and Seasonal Need for Herding and Production of Livestock on the Range Applications Under the H–2A Program*, 86 FR 71373 (Dec. 16, 2021), provide that employers must offer, advertise in recruitment, and pay each worker employed under 20 CFR 655.200 through 655.235 a wage that is at least the highest of (1) the monthly AEW, (2) the agreed-upon collective bargaining wage, or (3) the applicable minimum wage imposed by Federal or State law or judicial action. *See* 20 CFR 655.210(g); 655.211(a)(1). Further, when the monthly AEW is adjusted during a work contract and is higher than both the agreed-upon collective bargaining wage and the applicable minimum wage imposed by Federal or State law or judicial action in effect at the time the work is performed, the employer must pay that adjusted monthly AEW upon the effective date published by DOL in the **Federal Register**. *See* 20 CFR 655.211(a)(2).

As provided in 20 CFR 655.211(c)(2), the monthly AEW for range occupations in all States for a calendar

year is based on the monthly AEW for the previous calendar year (\$1,901.21 in 2023), adjusted by the Employment Cost Index (ECI) for wages and salaries published by the Bureau of Labor Statistics for the preceding October–October period. The 12-month change in the ECI for wages and salaries of private industry workers between September 2022 and September 2023 was 4.5 percent, resulting in a monthly AEW for range occupations in calendar year 2024 of \$1,986.76.¹ The national monthly AEW rate for all range occupations in the H–2A program in 2024 is calculated by multiplying the monthly AEW for calendar year 2023 by the October 2023 ECI adjustment ($\$1,901.21 \times 1.045 = \$1,986.76$) or \$1,986.76. Accordingly, any employer certified or seeking certification for range workers must offer, advertise in recruitment, and pay each worker a wage that is at least the highest of the monthly AEW of \$1,986.76, the agreed-upon collective bargaining wage, or the applicable minimum wage imposed by Federal or State law or judicial action at the time work is performed on or after the effective date of this notice.

Authority: 20 CFR 655.211(b).

Lenita Jacobs-Simmons,

Deputy Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2023–27434 Filed 12–13–23; 8:45 am]

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DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Pre-Hearing Statement (LS–18)

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Workers' Compensation Programs (OWCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for

¹ The regulation at 20 CFR 655.211(c)(2) states that the monthly AEW is calculated based on the ECI for wages and salaries "for the preceding October–October period." This regulatory language was intended to identify the Bureau of Labor Statistics' (BLS) October publication of ECI for wages and salaries, which presents data for the September-to-September period. Accordingly, the most recent 12-month change in the ECI for private sector workers published on October 31, 2023, by BLS was used for establishing the monthly AEW under the regulations. *See* https://www.bls.gov/news.release/archives/eci_10312023.pdf. The ECI for private sector workers was used rather than the ECI for all civilian workers given the characteristics of the H–2A herder workforce.