

Cultural Affiliation

The cultural items in this notice are connected to one or more identifiable earlier groups, tribes, peoples, or cultures. There is a relationship of shared group identity between the identifiable earlier groups, tribes, peoples, or cultures and one or more Indian Tribes or Native Hawaiian organizations. The following types of information were used to reasonably trace the relationship: geographical, archeological, linguistic, oral tradition, historic evidence, other relevant information, and expert opinion.

Determinations

Pursuant to NAGPRA and its implementing regulations, and after consultation with the appropriate Indian Tribes and Native Hawaiian organizations, the Gilcrease Museum has determined that:

- The 10 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- There is a relationship of shared group identity that can be reasonably traced between the cultural items and the Delaware Nation, Oklahoma; Delaware Tribe of Indians; and the Stockbridge Munsee Community, Wisconsin.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the Responsible Official identified in **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after December 13, 2023. If competing requests for repatriation are received, the Gilcrease Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Gilcrease Museum is responsible for sending a copy of this notice to the Indian Tribes identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25

U.S.C. 3003, and the implementing regulations, 43 CFR 10.8, 10.10, and 10.14.

Dated: November 1, 2023.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2023-24890 Filed 11-9-23; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-1593 (Final)]

Certain Freight Rail Couplers and Parts Thereof From Mexico

Determination

On the basis of the record¹ developed in the subject investigation, the United States International Trade Commission ("Commission") determines, pursuant to the Tariff Act of 1930 ("the Act"), that an industry in the United States is materially injured by reason of imports of certain freight rail couplers and parts thereof from Mexico, provided for in subheadings 8607.30.10 and 7326.90.86 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce ("Commerce") to be sold in the United States at less than fair value ("LTFV").^{2 3}

Background

The Commission instituted investigations effective September 28, 2022, following receipt of petitions filed with the Commission and Commerce by the Coalition of Freight Coupler Producers, consisting of McConway & Torley LLC, Pittsburgh, Pennsylvania, and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of FRCs from China were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing 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** on March 15, 2023 (88 FR 16031). The Commission conducted its hearing on May 18, 2023. All persons who requested the opportunity were permitted to participate.

The investigation schedules became staggered when Commerce did not align its antidumping and countervailing duty investigations for China with its antidumping duty investigation for Mexico, and reached earlier final antidumping and countervailing duty determinations for China. On July 3, 2023, the Commission issued final affirmative determinations in its antidumping and countervailing duty investigations of certain freight rail couplers and parts thereof from China (88 FR 43398, July 7, 2023). Following notification of a final determination by Commerce that imports of certain freight rail couplers and parts thereof from Mexico were being sold at LTFV within the meaning of section 735(a) of the Act (19 U.S.C. 1673d(a)), notice of the supplemental scheduling of the final phase of the Commission's antidumping duty investigation 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 2, 2023 (88 FR 67812).

The Commission made this determination pursuant to § 735(b) of the Act (19 U.S.C. 1673d(b)). It completed and filed its determination in this investigation on November 6, 2023. The views of the Commission are contained in USITC Publication 5470 (November 2023), entitled *Certain Freight Rail Couplers and Parts Thereof from Mexico: Investigation No. 731-TA-1593 (Final)*.

By order of the Commission.

Issued: November 6, 2023.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2023-24881 Filed 11-9-23; 8:45 am]

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DEPARTMENT OF JUSTICE

Questions and Answers on the Application of the ADA's Integration Mandate and *Olmstead v. L.C. to Employment and Day Services for People With Disabilities; Notice of Availability*

AGENCY: Civil Rights Division, Department of Justice.

ACTION: Notice of availability.

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 65153 (September 21, 2023).

³ Chairman David S. Johanson dissenting.

SUMMARY: The U.S. Department of Justice (Department) is announcing the availability of a guidance entitled “Questions and Answers on the Application of the ADA’s Integration Mandate and *Olmstead v. L.C.* to Employment and Day Services for People with Disabilities.” This guidance describes how the integration mandate applies to the provision of employment and day services in segregated settings.

FOR FURTHER INFORMATION CONTACT: Rebecca B. Bond, Chief, Disability Rights Section, Civil Rights Division, U.S. Department of Justice, at (202) 307-0663 (voice or TTY) (not a toll-free number) or ADA.TADocs@usdoj.gov. Information may also be obtained from the Department’s toll-free ADA Information Line at (800) 514-0301 (voice) or (833) 610-1264 (TTY).

You may obtain copies of this Notice in an alternative format by calling the ADA Information Line at (800) 514-0301 (voice) or (833) 610-1264 (TTY).

SUPPLEMENTARY INFORMATION:

I. Background

The Department is announcing the availability of a guidance entitled “Questions and Answers on the Application of the ADA’s Integration Mandate and *Olmstead v. L.C.* to Employment and Day Services for People with Disabilities” (“2023 guidance”). The Department’s regulation implementing title II of the Americans with Disabilities Act (“ADA”) requires public entities to “administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.”¹ In *Olmstead v. L.C.*, 527 U.S. 581 (1999), the Supreme Court, interpreting the ADA’s integration mandate, held that title II prohibits the unjustified segregation of individuals with disabilities. The Department’s new 2023 guidance describes how the integration mandate applies to the provision of employment and day services in segregated settings.

The Department issued a similar guidance in 2016, entitled “Statement of the Department of Justice on the Application of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.* to State and Local Governments’ Employment Service Systems for Individuals with Disabilities” (“2016 guidance”), which was subsequently withdrawn in 2017.

The Department’s 2023 guidance largely incorporates the underlying

substance of the withdrawn 2016 guidance, but includes certain new language as described in more detail below.

E.O. 13777 and the Withdrawal of the Department’s 2016 Guidance

In February 2017, the President issued Executive Order 13777, which required each agency to create a Regulatory Reform Task Force to identify regulatory actions to repeal, replace, or modify. Pursuant to Executive Order 13777, the Department developed a Regulatory Reform Task Force (“Task Force”), which published a Request for Comment in the **Federal Register** in June 2017 soliciting public input on “the various kinds of actions taken by the Department’s components that the public perceives to be regulatory in nature * * *.”² The Department noted that this Request for Comment was issued solely for information and planning purposes and indicated that it would give careful consideration to the comments, but did not anticipate providing a point-by-point response to each comment submitted.³ The comment period closed in August 2017.

The Department’s Task Force received 31 total comments, 14 of which related to the Department’s 2016 guidance. The majority of those commenters expressed a belief that the Department’s 2016 guidance negatively affected individuals with disabilities by limiting their choices to work in a segregated sheltered workshop as opposed to in integrated employment settings. Those commenters emphasized their belief that individuals with disabilities have the right to choose the employment setting that best meets their needs and argued that statements in the 2016 guidance failed to recognize this.

In December 2017, the Department withdrew its 2016 guidance to afford further discussion with relevant stakeholders, including public entities and the disability community, as to how best to provide technical assistance in this area.⁴ The Department explained that its withdrawal of the 2016 guidance did not “change the legal responsibilities of State and local governments under title II of the ADA, as reflected in the ADA, its implementing regulations, and other

binding legal requirements and judicial precedent, including the U.S. Supreme Court’s *Olmstead* decision.”⁵

Since then, the Department has heard from numerous stakeholders who have indicated that technical assistance in this area is needed and asked the Department to reissue its withdrawn 2016 guidance.

Issuance of the 2023 Guidance

After consideration of the comments the Task Force received on the 2016 guidance and additional input from stakeholders, the Department is now issuing its 2023 guidance. The bulk of the differences between the 2023 and 2016 documents are intended to (1) address public comments; (2) improve readability and reduce redundancy; and (3) enhance legal precision. While the underlying substance of the 2023 guidance remains consistent with that of the 2016 guidance, the Department has included new language throughout the 2023 guidance to advance these goals.

First, the Department included new language in the 2023 guidance to address public comments that the Department’s Task Force received. For example, the Department has added the question “Does the ADA require an individual with a disability to work in an integrated employment setting or participate in integrated day services?” in response to the commenters who understood the 2016 guidance as requiring people to work in integrated settings. The Department’s answer to this new question clarifies that individuals may decline to accept a service in the most integrated setting appropriate for them. In addition to including this new question, the Department included clarifying language throughout the 2023 guidance to make that point clear. There were other individual comments to which the Department declined to make changes in response. For example, although one commenter objected to the concept of “informed choice” as it was described in the 2016 guidance, the Department declined to omit from its 2023 guidance the concept of “informed choice.” The Department chose not to omit this concept because the law requires that state and local governments provide community-based services to individuals who are appropriate for and do not oppose such services. In general, it would be difficult for a person to meaningfully decide among various options without being aware of all of the options. The Department has consistently taken the position that public entities must take affirmative

² 82 FR 29248 (June 28, 2017).

³ *Id.* at 29249.

⁴ See Dep’t of Just., “Withdrawal of the Statement of the Department of Justice on Application of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.* to State and Local Governments’ Employment Service Systems for Individuals with Disabilities” (Dec. 21, 2017), https://www.ada.gov/withdrawn_olmstead.html.

⁵ *Id.*

¹ 28 CFR 35.130(d).

steps to ensure that people with disabilities are provided information about their service options before deciding where to receive services.⁶

Second, the Department took numerous steps to ensure the document's readability and reduce redundancy. For example, the Department omitted the question "What is an *Olmstead* Plan in the public employment service system context?" because it repeated content that the Department has already detailed in its guidance document on the integration mandate and *Olmstead* that was issued in 2011.⁷ In addition, we have received user feedback from the public asking the Department to use more plain language and to streamline the content of our guidance documents so that they are easier for lay users to read and understand. We made numerous edits throughout the 2023 guidance with that user feedback in mind.

Third, the Department sought to enhance legal precision throughout the document. For example, we included the question, "What is the fundamental alteration defense," to ensure that the 2023 guidance addresses elements of proof as well as limitations on the obligation to comply with the law.

The Department's 2023 guidance is being issued consistent with the Attorney General's July 1, 2021 memorandum entitled "Issuance and Use of Guidance Documents by the Department of Justice."⁸ The guidance is available on the Department's website at <https://www.ada.gov/resources/olmstead-employment-qa/> and the Department's guidance portal at <https://www.justice.gov/guidance/>.

Dated: October 30, 2023.

Kristen Clarke,

Assistant Attorney General, Civil Rights Division.

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⁶ See, e.g., Dep't of Just., "Statement of the Department of Justice On Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.*" (2011); Post-Trial Conclusions of Law, *United States v. Texas*, No. 10-CV-1025 (W.D. Tex. Jan. 18, 2019) at 37-44; Post-Trial Br. in Supp. of Joint Findings of Fact and Conclusions of Law, *United States v. Texas*, No. 5:10-CV-1025, (W.D. Tex. Jan. 18, 2019) at 21-25; Dep't of Just., Investigation of Glenwood and Woodward Res. Ctrs. (Dec. 8, 2021) at 11-18, 11 n.17; Letter from Kristen Clarke, Assistant Att'y Gen., Civ. Rts. Div., Dep't of Just. to Governor Jared Polis (Mar. 3, 2022).

⁷ See Dep't of Just., "Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.*" (2011), https://www.ada.gov/olmstead/q&a_olmstead.htm.

⁸ See Mem. of the Attorney General, "Issuance and Use of Guidance Documents by the Department of Justice" (July 1, 2021), <https://www.justice.gov/opa/page/file/1408606/download>.

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Information Advisory Council

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of a virtual WIAC meeting December 4, 2023.

SUMMARY: Notice is hereby given that the Workforce Information Advisory Council (WIAC or Advisory Council) will meet virtually December 4, 2023. Information for public attendance at the virtual meeting will be posted at www.dol.gov/agencies/eta/wioa/wiac/meetings several days prior to the meeting date. The meeting will be open to the public.

DATES: The meeting will take place December 4, 2023. The meeting will begin at 2 p.m. EST and conclude at approximately 4 p.m. EST. Public statements and requests for special accommodations or to address the Advisory Council must be received by November 27, 2023.

ADDRESSES: Information for public attendance at the virtual meetings will be posted at www.dol.gov/agencies/eta/wioa/wiac/meetings several days prior to each meeting date. If problems arise accessing the meetings, please contact Donald Haughton, Unit Chief in the Division of National Programs, Tools, and Technical Assistance, Employment and Training Administration, U.S. Department of Labor, at 202-693-2784.

FOR FURTHER INFORMATION CONTACT: Steven Rietzke, Chief, Division of National Programs, Tools, and Technical Assistance, Employment and Training Administration, U.S. Department of Labor, Room C-4510, 200 Constitution Ave. NW, Washington, DC 20210; Telephone: 202-693-3912; Email: WIAC@dol.gov. Mr. Rietzke is the WIAC Designated Federal Officer.

SUPPLEMENTARY INFORMATION:

Background: This meeting is being held pursuant to Sec. 308 of the Workforce Innovation and Opportunity Act of 2014 (WIOA) (Pub. L. 113-128), which amends Sec. 15 of the Wagner-Peyser Act of 1933 (29 U.S.C. 491-2). The WIAC is an important component of WIOA. The WIAC is a Federal advisory committee of workforce and labor market information experts representing a broad range of national, State, and local data and information users and producers. The WIAC was established in accordance with provisions of the Federal Advisory Committee Act (FACA), as amended (5

U.S.C. app.) and will act in accordance with the applicable provisions of FACA and its implementing regulation at 41 CFR 102-3. The purpose of the WIAC is to provide recommendations to the Secretary of Labor (Secretary), working jointly through the Assistant Secretary for Employment and Training and the Commissioner of Labor Statistics, to address: (1) the evaluation and improvement of the nationwide workforce and labor market information (WLMI) system and statewide systems that comprise the nationwide system; and (2) how the Department and the States will cooperate in the management of those systems. These systems include programs to produce employment-related statistics and State and local workforce and labor market information.

The Department of Labor anticipates the WIAC will accomplish its objectives by: (1) studying workforce and labor market information issues; (2) seeking and sharing information on innovative approaches, new technologies, and data to inform employment, skills training, and workforce and economic development decision making and policy; and (3) advising the Secretary on how the workforce and labor market information system can best support workforce development, planning, and program development. Additional information is available at www.dol.gov/agencies/eta/wioa/wiac/meetings.

Purpose: The WIAC is continually identifying and reviewing issues and aspects of the WLMI system and statewide systems that comprise the nationwide system and how the Department and the States will cooperate in the management of those systems. As part of this process, the Advisory Council meets to gather information and to engage in deliberative and planning activities to facilitate the development and provision of its recommendations to the Secretary in a timely manner.

Agenda: The agenda topics for the December 4, 2023, meeting are: (1) review minutes from November 2023 meeting; (2) continue discussion from the November 2023 meeting to determine focus areas for the WIAC to research, and (3) set expectations for a multi-day in-person meeting to be held in early 2024. A detailed agenda will be available at www.dol.gov/agencies/eta/wioa/wiac/meetings shortly before the meetings commence.

The Advisory Council will open the floor for public comment at approximately 3:30 p.m. EST for approximately 10 minutes. However, that time may change at the WIAC chair's discretion.