

responsibility for Section 18C of the FLSA (29 U.S.C. 218C) and the associated FLSA authorities in Sections 9 and 11 (29 U.S.C. 209 and 211) to issue subpoenas and conduct investigations under Section 18C are delegated and assigned to the Assistant Secretary for Occupational Safety and Health.

(x) Consumer Financial Protection Act, 12 U.S.C. 5567.

(y) Consumer Product Safety Improvement Act, 15 U.S.C. 2087.

(z) Seaman's Protection Act, 46 U.S.C. 2114.

(aa) FDA Food Safety Modernization Act, 21 U.S.C. 399d.

(bb) Moving Ahead for Progress in the 21st Century Act, 49 U.S.C. 30171.

(cc) Taxpayer First Act, 26 U.S.C. 7623(d).

(dd) Responsibilities of the Secretary of Labor with respect to safety and health, or whistleblower provisions of any other Federal law except those responsibilities which are assigned to another DOL agency.

(2) The authority of the Assistant Secretary for Occupational Safety and Health under the Occupational Safety and Health Act of 1970 does not include authority to conduct inspections and investigations, issue citations, assess and collect penalties, or enforce any other remedies available under the statute, or to develop and issue compliance interpretations under the statute, with regard to the standards on:

(a) Field sanitation, 29 CFR 1928.110; and

(b) Temporary labor camps, 29 CFR 1910.142, with respect to any agricultural establishment where employees are engaged in "agricultural employment" within the meaning of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1802(3), regardless of the number of employees, including employees engaged in hand packing of produce into containers, whether done on the ground, on a moving machine, or in a temporary packing shed, except that the Assistant Secretary for Occupational Safety and Health retains enforcement responsibility over temporary labor camps for employees engaged in egg, poultry, or red meat production, or the post-harvest processing of agricultural or horticultural commodities.

Nothing in this Order shall be construed as derogating from the right of States operating OSHA-approved State plans under 29 U.S.C. 667 to continue to enforce field sanitation and temporary labor camp standards if they so choose. The Assistant Secretary for Occupational Safety and Health retains the authority to monitor the activity of

such States with respect to field sanitation and temporary labor camps. Moreover, the Assistant Secretary for Occupational Safety and Health retains all other agency authority and responsibility under the Occupational Safety and Health Act with regard to the standards on field sanitation and temporary labor camps, such as rulemaking authority.

(3) The Assistant Secretary for Occupational Safety and Health is also delegated authority and assigned responsibility for coordinating Agency efforts with those of other officials or agencies having responsibilities in the occupational safety and health area.

B. The Assistant Secretary for Occupational Safety and Health and the Administrator of the Wage and Hour Division are directed to confer regularly on enforcement of the Occupational Safety and Health Act with regard to the standards on field sanitation and temporary labor camps (see paragraph 4.A.(2) of this Order), and to enter into any memoranda of understanding which may be appropriate to clarify questions of coverage which arise in the course of such enforcement.

C. The Solicitor of Labor is responsible for providing legal advice and assistance to all Department of Labor officials relating to implementation and administration of all aspects of this Order. The bringing of legal proceedings under those authorities, the representation of the Secretary and/or other officials of the Department of Labor, and the determination of whether such proceedings or representations are appropriate in a given case, are delegated exclusively to the Solicitor.

D. The Commissioner of Labor Statistics is delegated authority and assigned responsibility for:

(1) Furthering the purpose of the Occupational Safety and Health Act by developing and maintaining an effective program of collection, compilation, analysis, and publication of occupational safety and health statistics consistent with applicable law and Secretary's orders.

(2) Making grants to states or political subdivisions thereof in order to assist them in developing and administering programs dealing with occupational safety and health statistics under Sections 18, 23, and 24 of the Occupational Safety and Health Act.

(3) Coordinating the above functions with the Assistant Secretary for Occupational Safety and Health.

E. The Regional Administrators for Occupational Safety and Health are also hereby delegated authority and assigned responsibility to issue subpoenas and

conduct investigations under Sections 9 and 11 of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 209 and 211, in cases arising under Section 18C of the FLSA, 29 U.S.C. 218C.

5. *Reservation of Authority and Responsibility.*

A. The submission of reports and recommendations to the President and the Congress concerning the administration of the statutory provisions and Executive Orders listed in paragraph 4.a. above is reserved to the Secretary.

B. No delegation of authority or assignment of responsibility under this Order will be deemed to affect the Secretary's authority to continue to exercise or further delegate such authority or responsibility.

C. Nothing in this Order shall limit or modify the delegation of authority and assignment of responsibility to the Administrative Review Board by Secretary's Order 01-2019 (February 15, 2019).

6. *Effective Date.* This delegation of authority and assignment of responsibility is effective immediately.

Signed in Washington, DC, this 15th day of May, 2020.

**Eugene Scalia,**  
*Secretary of Labor.*

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## DEPARTMENT OF LABOR

### Secretary's Order 09-2020— Procedures for Appointment of Individuals to Department of Labor Advisory Committees

**ACTION:** Notice.

1. *Purpose.* To provide for efficiency and flexibility in the processes by which the Secretary of Labor ("Secretary") or the Secretary's designee select and appoint individuals to advisory committees within the Department of Labor ("Department").

2. *Authorities and Directives Affected.*  
A. Authorities. This Order is issued pursuant to the following authorities:

1. 29 U.S.C. 551 *et seq.*;
2. 5 U.S.C. 301-02; and
3. 5 U.S.C. app. 2, 1-15.

B. Directives Affected. Secretary's Order 04-2018 is hereby cancelled.

3. *Definitions.*

"Committee" refers to any advisory committee, committee, board, task force, or working group to which the Secretary or the Secretary's designee appoints individuals subject to the Federal Advisory Committee Act, and these bodies' subcommittees. This Order does

not apply to internal committees, boards, task forces, or working groups, or to purely interagency committees, boards, task forces, or working groups.

#### 4. Background.

The Secretary or the Secretary's designee has the authority and responsibility to appoint members of Committees that provide information, expertise, and recommendations to Department agencies. The formation of Committees and the selection of their membership are governed in detail by the Department of Labor Manual Series. Secretary's Order 04–2018 established new, additional procedures for the selection and appointment of Committee members. These procedures included specific requirements regarding the content of vacancy notices, screening procedures, the composition and number of employees involved in recommending selections, and various procedures governing recommendations and appointments by agency heads, the Deputy Secretary, and the Secretary. While the Department has a strong interest in obtaining disinterested expert advice from its Committees, after two years, the Department has determined these new procedures on balance are unnecessary and inefficient.

The Department's Committees vary widely in the issues on which they advise the Department and the qualifications required of their members. The processes by which Committee members are selected should reflect the differing needs and priorities associated with each Committee and be proportionate to them. Accordingly, this Order rescinds Secretary's Order 04–2018. Appointments previously made under Secretary's Order 04–2018 are unaffected by this Order.

#### 5. Responsibilities.

A. The Deputy Secretary is responsible for issuing written guidance, as necessary, to implement this Order.

B. The Committee Management Officer (CMO), as required by § 8(b) of the Federal Advisory Committee Act, is responsible for coordinating all Federal Advisory Committee activities with DOL agencies. The CMO is an employee of the Office of the Executive Secretariat.

C. The Assistant Secretary for Administration and Management, in consultation with the Deputy Secretary, Solicitor of Labor, and the Committee Management Officer, is responsible for maintaining internal Department guidance related to the selection and appointment of members to Committees.

D. The Solicitor of Labor is responsible for providing legal advice to

the Department on all matters arising in the implementation and administration of this Order.

6. *Privacy.* This Order is subject to the applicable laws, regulations, and procedures concerning the privacy of applicants to Committees.

7. *Controlling Law; Administrative Matters.* The requirements of this Order are intended to be general in nature, and accordingly shall be construed and implemented to be consistent with more specific requirements of any statute, Executive Order, or other law governing the composition of a particular Committee. If a conflict arises, the specific statute, Executive Order, or other law shall govern.

8. *Redelegation of Authority.* Except as otherwise provided by law, all authorities delegated in this Order may be redelegated to serve the purposes of this Order.

9. *Effective Date.* This order is effective immediately.

Signed in Washington, DC, this 8th day of September, 2020.

**Eugene Scalia,**  
Secretary of Labor.

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## DEPARTMENT OF LABOR

### Bureau of Labor Statistics

#### Technical Advisory Committee; Request for Nominations

**AGENCY:** Bureau of Labor Statistics (BLS), Department of Labor.

**ACTION:** Request for nominations for membership on the BLS Technical Advisory Committee.

**SUMMARY:** The BLS is soliciting new members for the Technical Advisory Committee (TAC) to address five member terms expiring on April 12, 2021, and any vacancy that may occur on the TAC between the date of publication of this notice and April 12, 2021. The TAC provides advice to the Bureau of Labor Statistics on technical aspects of data collection and the formulation of economic measures and makes recommendations on areas of research. On some technical issues there are differing views, and receiving feedback at public meetings provides BLS with the opportunity to consider all viewpoints. The Committee consists of 16 members chosen from a cross-section of economists, statisticians, and behavioral scientists who represent a balance of expertise. The economists have research experience with technical issues related to BLS data and are

familiar with employment and unemployment statistics, price index numbers, compensation measures, productivity measures, occupational and health statistics, or other topics relevant to BLS data series. The statisticians are familiar with sample design, data analysis, computationally intensive statistical methods, non-sampling errors, or other areas which are relevant to BLS work. The behavioral scientists are familiar with questionnaire design, usability, or other areas of survey development. BLS invites persons interested in serving on the TAC to submit their names for consideration for committee membership. Economists and statisticians with an expertise in data science will receive special consideration. Typically, TAC members are appointed to three-year terms, and serve as Special Government Employees.

**DATES:** Nominations for the TAC membership should be postmarked or transmitted by October 19, 2020.

**ADDRESSES:** Nominations for the TAC membership should be emailed to [BLSTAC@bls.gov](mailto:BLSTAC@bls.gov). Email nominations are preferred, but may also be mailed to Lucy Eldridge, U.S. Bureau of Labor Statistics, 2 Massachusetts Avenue NE, Room 2150, Washington, DC 20212.

**FOR FURTHER INFORMATION CONTACT:** Lucy Eldridge, Associate Commissioner, U.S. Bureau of Labor Statistics, 2 Massachusetts Avenue NE, Office of Productivity and Technology, Room 2150, Washington, DC 20212. Telephone: 202–691–5600. This is not a toll free number. Email: [BLSTAC@bls.gov](mailto:BLSTAC@bls.gov).

**SUPPLEMENTARY INFORMATION:** The Bureau often faces highly technical issues while developing and maintaining the accuracy and relevancy of its data on employment and unemployment, prices, productivity, and compensation and working conditions. These issues range from how to develop new measures to how to make sure that existing measures account for the ever-changing economy. BLS presents issues and then draws on the specialized expertise of Committee members representing specialized fields within the academic disciplines of economics, statistics and survey design. Committee members are also invited to bring to the attention of BLS issues that have been identified in the academic literature or in their own research.

The TAC was established to provide advice to the Commissioner of Labor Statistics on technical topics selected by the BLS. Responsibilities include, but