

From: Executive Secretariat <m-Executive.Secretaria@dol.gov>
Sent: Thursday, April 9, 2020 5:02 PM
To: lsequeira@lrs-law.com
Subject: RE: Request for Extension in NPRM Comment Period - RIN 1290-AA39

Dear Mr. Sequeira:

The Department of Labor (the Department) has received your request, submitted on April 3, 2020 via the regulations.gov docket, for extension of the comment period associated with the recently published Notice of Proposed Rulemaking (NPRM) titled Discretionary Review by the Secretary, 85 FR 13086 (March 6, 2020). The comment period expired on April 6, 2020.

After considering the request, the Department continues to believe that the original 30-day comment period is a reasonable and adequate amount of time to provide notice and an opportunity for the public to comment on the proposed rule. The proposal will establish a system of discretionary secretarial review over decisions issued by and cases pending before the Board of Alien Labor Certification Appeals. It will also make various conforming amendments to the Department's regulations to make them consistent with Secretary's Order 01-2020—Delegation of Authority and Assignment of Responsibility to the Administrative Review Board, 85 FR 13186, which was signed and went into effect on February 21, 2020. It is important to conclude the rulemaking expeditiously to avoid any potential confusion and inconsistency between the Secretary's Order and existing regulations.

The proposed rule is not long or complex relative to other proposed rules issued by the Department. Further, the proposal was made public on the Department's website on February 21st, meaning interested parties have had notice of and have had the opportunity to examine the proposal and to prepare comments for longer than the 30 days provided for comment.

Your request raised the disruption caused by the coronavirus pandemic as the reason for the Department to authorize an extension to the comment period. While the pandemic has caused general disruption to the lives of all Americans, comments to proposed rules are submitted electronically and do not rely on physical means of delivery or preparation that may be hindered by the pandemic. The Department therefore believes that the 44-day period between initial publication and the close of the comment period is sufficient under the circumstances of this particular proposed rule. Accordingly, the Department will not extend the comment period.

We have added this letter to the rulemaking record as a related document, which can be accessed through www.Regulations.gov, Docket ID: ETA_FRDOC_0001-0237.

Thank you for your interest in this rulemaking.

Sincerely,

Caroline Harman Robinson
Executive Secretary
Office of the Secretary
U.S. Department of Labor

From: lsequeira@lrs-law.com <lsequeira@lrs-law.com>
Sent: Friday, April 3, 2020 11:53 AM
To: Shepherd, Thomas - BRB <Shepherd.Thomas@dol.gov>
Subject: Request for Extension in NPRM Comment Period - RIN 1290-AA39

Mr. Shepherd,

Please see below my request for an extension to comment period in the above-referenced rulemaking.

Regards,
Leon