

105TH CONGRESS  
2D SESSION

# H. R. 4770

To amend the Labor-Management Reporting and Disclosure Act of 1959.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 9, 1998

Mr. FAWELL introduced the following bill; which was referred to the  
Committee on Education and the Workforce

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## A BILL

To amend the Labor-Management Reporting and Disclosure  
Act of 1959.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CON-**  
4       **TENTS.**

5       (a) SHORT TITLE.—This Act may be cited as the  
6       “Democratic Rights for Union Members Act of 1998”.

7       (b) REFERENCES.—Whenever in this Act an amend-  
8       ment is expressed in terms of an amendment to, or repeal  
9       of, a section or other provision, the reference shall be con-  
10      sidered to be made to that section or other provision of

1 the Labor-Management Reporting and Disclosure Act of  
2 1959 (29 U.S.C. 401 et seq.).

3 **SEC. 2. FINDINGS.**

4 The Congress finds the following:

5 (1) Authoritarian control of unions is contrary  
6 to the spirit, traditions, and principles that should  
7 guide the labor movement.

8 (2) Union officers should recognize that unions  
9 belong to rank-and-file members and strive to re-  
10 spond to their wishes on issues of policymaking and  
11 decisionmaking.

12 (3) The labor movement derives its strength  
13 from democracy and unions lacking true democracy  
14 at the intermediate and local level cannot serve in  
15 full measure their economic, social, and political  
16 function in a democratic society.

17 **SEC. 3. PURPOSES.**

18 The purposes of this Act are—

19 (1) to strengthen the Labor-Management Re-  
20 porting and Disclosure Act of 1959 to protect and  
21 promote democratic processes and democratic rights  
22 of union members.

23 (2) to ensure that labor organizations exist to  
24 express the will of the members; and

1           (3) to further empower union members and  
2           make labor organizations tools by which workers  
3           truly govern themselves, rather than associations by  
4           which a few leaders empower themselves.

5 **SEC. 4. TRUSTEESHIPS.**

6           (a) PURPOSES OF ESTABLISHMENT OF TRUSTEE-  
7 SHIP.—Section 302 (29 U.S.C. 462) is amended by adding  
8 at the end the following new sentence: “A trusteeship may  
9 be authorized only after a fair hearing either before the  
10 executive board or such other body as may be provided  
11 by the constitution and bylaws of the labor organization.”

12          (b) ENFORCEMENT.—Section 304(c) (29 U.S.C.  
13 464(c)) is amended to read as follows: “Eighteen months  
14 after the authorization of a trusteeship, such trusteeship  
15 shall be presumed invalid in any proceeding pursuant to  
16 this section and its discontinuance shall be decreed unless  
17 the labor organization shall show by clear and convincing  
18 proof that the continuation of the trusteeship is necessary  
19 for a purpose allowable under section 302. In the latter  
20 event the court may dismiss the complaint or retain juris-  
21 diction of the cause on such conditions and for such period  
22 as it deems appropriate.”

23          (c) DISSOLUTION OF TRUSTEESHIP.—Section 304  
24 (29 U.S.C. 464) is amended by adding at the end the fol-  
25 lowing:

1       “(d) Upon dissolution of a trusteeship, the previously  
2       elected officers of the local union shall be reinstated or  
3       a new election promptly held in conformity with title IV.  
4       If the trusteeship is dissolved by order of a court pursuant  
5       to this title, and the court orders an election, such election  
6       shall be conducted under the supervision of the court.”.

7       **SEC. 5. ELECTION OF DISTRICT COUNCIL OFFICERS.**

8       Section 401(d) (29 U.S.C. 481(d)) is amended to  
9       read as follows:

10       “(d) Officers of intermediate bodies, such as general  
11       committees, system boards, joint boards or joint councils  
12       who engage in negotiation, administration or enforcement  
13       of collective agreements, or exercise control over the fi-  
14       nances or other major functions of local unions, shall be  
15       elected not less often than once every 4 years by secret  
16       ballot among members in good standing. Officers of other  
17       intermediate bodies may be elected by representatives of  
18       such members who have been elected by secret ballot.”.

19       **SEC. 6. REGULATIONS.**

20       Not later than 6 months after the date of the enact-  
21       ment of this Act, the Secretary of Labor shall review and  
22       revise all regulations promulgated before such date to im-  
23       plement the amendments made in this Act to the Labor-  
24       Management Reporting and Disclosure Act of 1959.

1 **SEC. 7. EFFECTIVE DATE.**

2       The amendments made by this Act shall take effect  
3 180 days after the date of the enactment of this Act.

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