

111TH CONGRESS
1ST SESSION

H. CON. RES. 116

Expressing the sense of Congress for the immediate withdrawal of the Department of Labor's notice of proposed rulemaking seeking to rescind the Form LM-2.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2009

Mr. CONAWAY (for himself, Mr. FRANKS of Arizona, Mr. MCHENRY, Mr. MARCHANT, Mr. BARRETT of South Carolina, Mr. CASSIDY, Mr. CARTER, Mr. WESTMORELAND, Mr. POE of Texas, Mr. LAMBORN, Mr. CULBERSON, Mr. NEUGEBAUER, Mr. MCCAUL, Mr. THORNBERRY, Mr. BARTON of Texas, Mr. BOUSTANY, Mr. FLEMING, Mr. SCALISE, Mr. MORAN of Kansas, Mr. MILLER of Florida, Mr. PUTNAM, Mr. WILSON of South Carolina, Mr. DEAL of Georgia, Mr. GINGREY of Georgia, Mr. FORBES, Mr. FLAKE, Mr. BISHOP of Utah, and Mr. KLINE of Minnesota) submitted the following concurrent resolution; which was referred to the Committee on Education and Labor

CONCURRENT RESOLUTION

Expressing the sense of Congress for the immediate withdrawal of the Department of Labor's notice of proposed rulemaking seeking to rescind the Form LM-2.

Whereas President Obama has pledged openness, transparency, and a new area of responsibility in this Administration;

Whereas, on January 21, 2009, President Obama stated, "Let me say it as clearly as I can: Transparency and the rule of law will be the touchstones of this presidency.";

Whereas the Department of Labor under previous Administrations has made tremendous strides to improve the lives of rank-and-file union members by giving them better information on the financial conditions and operations of their labor unions;

Whereas since 2001, the Department of Labor's Office of Labor-Management Standards (OLMS) investigations have yielded a total of 972 indictments with 904 convictions and returned more than \$91 million in restitution to rank-and-file union members;

Whereas during fiscal year 2008, OLMS secured 131 indictments and 103 convictions against union officials and related parties for crimes, such as fraud and embezzlement;

Whereas the Form LM-2 is the annual financial disclosure report form filed with the OLMS by labor organizations with annual receipts of \$250,000 or more;

Whereas on average, over a third of all unions fail to comply with existing requirements to file annual financial disclosure reports on time;

Whereas without the Form LM-2, union organizations have no accountability and rank-and-file members are left with no information about how their dues are spent;

Whereas revisions to the Form LM-2 are needed to ensure that relevant information on union finances is provided to rank-and-file union members to ensure transparency and accountability as required by the Labor Management Reporting and Disclosure Act of 1959;

Whereas, on January 21, 2009, OLMS published in the Federal Register a final rule, making several revisions to Form LM-2;

Whereas the final rule expresses the Department of Labor’s commitment to transparency and accountability for corporations, pension funds, and labor unions;

Whereas the updates to the LM–2 form include additional disclosure of the compensation amounts received by labor organization officers and employees, further details about parties buying or selling union assets and additional information regarding different categories of receipts;

Whereas, on January 29, 2009, eight days after the final rule was published, the Department of Labor notified the public of the Obama Administration’s intention to rescind these same union transparency regulations;

Whereas, on April 21, 2009, the Department of Labor subsequently issued a notice of proposed rulemaking seeking to rescind the changes to Form LM–2 regulation, depriving union members of necessary information about union management;

Whereas if the Form LM–2 regulation is rescinded, union executives will not be required to share information, including the value of the total compensation packages paid to union executives, and details regarding union expenditures and member dues; and

Whereas, on April 23, 2009, 30 United States Senators sent a letter to Secretary Hilda Solis expressing their same concerns with the Department of Labor’s decision to rescind the new Form LM–2 regulations: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of Congress that—

1 (1) the Obama Administration should imme-
2 diately withdraw the Department of Labor's notice
3 of proposed rulemaking seeking to rescind the Form
4 LM-2;

5 (2) the Department of Labor should not weak-
6 en the disclosures provided for in the Form LM-2
7 regulation;

8 (3) the Department of Labor should rededicate
9 itself to the task of fully enforcing the Labor-Man-
10 agement Reporting and Disclosure Act of 1959; and

11 (4) all Americans are encouraged to share their
12 thoughts on financial disclosure of labor organiza-
13 tions with the Department of Labor through the
14 comment process on this rule which closes on May
15 21, 2009.

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