



AMERICANS FOR  
LIMITED GOVERNMENT

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February 13, 2009

Denise Boucher  
Director, Office of Policy, Reports and Disclosure  
Office of Labor-Management Standards  
Employment Standards Administration  
U.S. Department of Labor  
200 Constitution Ave., NW, Suite N-5609  
Washington, DC 20210

Submitted Via Regulations.gov

**RE: RIN 1215-AB62, Labor Organization Annual Financial Reports**

Dear Ms. Boucher:

These comments are submitted pursuant to the notice published by the Department of Labor's Office of Labor-Management Standards (OLMS) in the Federal Register on February 3, 2009. In that notice OLMS seeks public comment on whether to delay the effective date of the most recent regulatory action promulgated by OLMS, that being the updates to the Form LM-2 and the setting in place of standards and procedures to revoke the simplified filing privilege that smaller unions enjoy, when revocation of such privilege is warranted. The notice also seeks comment on whether to rescind the regulation.

For the reasons discussed below and others, we strongly urge the Department to not delay the effective date of this regulation and to not rescind it either.

Before the Department published the Notice of Proposed Rulemaking (NPRM) on this regulatory action it first held two public stakeholder meetings. The Department solicited suggestions from the members of the public at these meetings. Subsequent to this the Department then published the NPRM in the Federal Register and accepted public comments for a period of 60 days. The Department then spent months performing careful, detailed analysis of these comments. After this analysis was performed the Department published the Final Rule in the Federal Register on January 21, 2009. There is no reason now to perform a second round of comment on this already completed regulatory process. To do so would be a terrible waste of government resources, resources that could be put to better use educating the public about the requirements of the

Labor-Management Reporting and Disclosure Act (LMRDA) and prosecuting evildoers who plunder members' dues monies.

Given the extremely short period of time between January 21, 2009 when the final rule at issue was published and the date of the notice, February 3, 2009, it is clear beyond doubt that the decision to re-think the decisions made in the final rule is both arbitrary and capricious. No serious person can reasonably believe that in the seven working days between the time when the final rule was published (January 21, 2009) and the time that the Department made public its intention to publish the notice (January 29, 2009) that facts and circumstances surrounding the final rule have changed to the point where it is now necessary to re-think that final regulation. Since there are no changed circumstances surrounding the final rule which would provide a legitimate basis to change the rule the Department is courting certain legal disaster under the Administrative Procedures Act if it continues down this path. We are left to wonder why the lawyers in the Office of the Solicitor have not pointed this out to Department officials.

The Department previously went well out of its way to obtain comments from members of the public and took an enormous amount of time evaluating those comments. Nothing has changed since these comments were received. Therefore we strongly urge the Department to immediately end this foolishness, to not delay the effective date of the regulation, to not rescind the regulation, to not issue any further NPRM on this regulation, and to get back to the business of enforcing the LMRDA.

Sincerely,

A handwritten signature in cursive script that reads "William A. Wilson". The signature is written in black ink and is positioned above the typed name and title.

William Wilson  
President  
Americans for Limited Government