

Wednesday, September 21, 2011
re: your **Notice of Proposed Rulemaking**

To Whom it May Concern:

This letter is to comment regarding your **Notice of Proposed Rulemaking** narrowing the "advice exception" under the Labor Management Reporting and Disclosure Act. This proposed rule is unnecessary, and extreme over-reach and a direct threat to job creation in the United States. The timing and scope of the proposed rule can only be described as political payback to labor unions. at the expense of small businesses and entrepreneurs, who are the ones most likely to be harmed by these new regulations.

I object to this proposed rulemaking because there is NO need for this new interpretation, the proposed rules don't really impact the supposed problems with the current reporting rules, and the potential financial impact of the rule is devastating. Even a non-political person and business person such as I can see the harm this will bring.

The proposal makes no sense and there are major problems with this proposed rule, such as:

1. Subjectivity is brought into the equation rather than use of fact and objectivity and companies will need lawyers on hand at all times;
2. The proposed rule interferes with long-standing attorney-client and consultant-client relationships and undermines trust;
3. The reporting requirement is extremely burdensome on both small and large businesses, exacting a toll whereby the running of the business necessitates increasing prices in order to comply;
4. This impacts both employers, employees and attorneys and consultants freedom of speech.

There is nothing in the text of the LMRDA or the legislative history that suggests that Congress intended employers to have to report basic HR activities as potential 'persuasion' activity.

I strongly urge the rule be withdrawn and that the current common-sense and bright line interpretation remain in place. Don't tamper with what is working now.

Submitted by Eileen Bloustein, EB ART EB ADS LLC