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July 29, 2019

Office of Information and Regulatory Affairs
ATTN: OMB Desk Officer for DOL-OLMS
Office of Management and Budget
725 17th Street, N.W.
Washington, D.C. 20503

Re: Labor Organization Annual Financial Reports for Trusts in Which a Labor Organization Is Interested, Form T-1; RIN 1245-AA09.

Dear Sir or Madam:

The Credit Union National Association (CUNA) represents America's credit unions and their 115 million members. On behalf of our members, we are writing in response to the Department of Labor's (Department or DOL) proposed rule to amend a form used by labor organizations to file trust annual financial reports to the Office of Labor-Management Standards (OLMS). CUNA strongly recommends the Department include an exemption for credit unions affiliated with labor organizations in any final rule.

The Department is proposing to establish "Form T-1" in order to capture financial information pertinent to "trusts in which a labor organization is interested." The Form T-1 is intended to be completed and submitted by a *covered labor organization*. The proposed Form T-1 would implement statutory financial reporting requirements pursuant to the Labor-Management Reporting and Disclosure Act. The Act is intended to provide a labor organization's *members* with financial disclosures and detailed information related to the "trusts in which [the] labor organization is interested." In considering the scope of labor organizations' "trusts," the Department cites examples that "include *credit unions*, strike funds, redevelopment or investment groups, training funds, apprenticeship programs, building funds, and educational funds." (emphasis added) However, in its proposal the Department acknowledges that credit unions are already subject to "extensive reporting requirements under other laws and regulations and, for that reason, the DOL is considering an exemption for the reporting of information related to affiliated financial institutions from the final rule.

Although the Form T-1 would be completed and reported by the covered labor organization, not the affiliated trust or financial institution, CUNA strongly recommends the Department issue a final rule that includes an exemption for credit unions affiliated with labor organizations. In 2008, the Department recognized the highly regulated nature of union-affiliated banks and exempted those institutions from Form T-1 reporting but failed extend to this common-sense solution to credit unions. The Department should fix this oversight and provide parity by extending the reporting exemption to credit unions as credit unions are also highly regulated by the National Credit Union Administration (NCUA or agency) and other financial regulatory agencies.

In addition, the structure of a credit union – which includes a Board of Directors democratically-elected by the credit unions' *entire* membership – does not warrant the treatment of a credit union as a labor organization's "trust." Credit unions, including those with a labor organization-based field-of-membership, are distinct, independently-managed legal entities. As such, the NCUA has strict rules in place prohibiting improper lending and self-dealing and the agency conducts regular examinations for compliance with these requirements.

On behalf of America's credit unions and their 115 million members, thank you for the opportunity to share our views on the proposed Form T-1. If you have questions or require additional information related to our feedback, please do not hesitate to contact me at (202) 508-3629 or amonterrubio@cuna.coop.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alexander Monterrubio', with a stylized flourish extending to the right.

Alexander Monterrubio
Senior Director of Advocacy & Counsel