UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA

*Douglas J. McCarron*
General President

July 26, 2019

Lorenzo D. Harrison, Director
Office of Program Operations
Office of Labor-Management Standards
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Re: Request for Comments. RIN 1245-AA09

Dear Mr. Harrison:

I am writing on behalf of the United Brotherhood of Carpenters and Joiners of America ("UBC") in response to a Request for Comments that was issued on May 30, 2019, regarding proposed Form T-1.

The UBC recognizes the importance of preventing the circumvention or evasion of the reporting requirements under Title II of the Labor-Management Reporting and Disclosure Act ("LMRDA"). However, the UBC has concerns regarding Form T-1, as proposed in the Notice of Proposed Rulemaking at 84 FR 25130.

In general, the UBC believes that given the goals of creating more transparency and preventing circumvention of the reporting requirements, the proposed rule does not strike the proper balance. To better achieve the intended goals without imposing excessive burdens on the regulated community, the UBC submits the following suggestions for the Department's consideration. Generally, our suggestions focus on revising the management control/financial dominance test to ensure it actually evidences dominion by any single labor organization. We submit that the final rule should not compel a report for a union contributing as little as $1 to a fund to which other labor organizations or other entities contribute much more money and even if the labor organization had no input in the selection or appointment of the fund's board members. Our comments also address confidentiality concerns and the importance of any final rule including exemptions for ERISA or Taft-Hartley funds.

101 Constitution Avenue, N.W. Washington, D.C. 20001 Phone: (202) 546-6206 Fax: (202) 543-5724

## I. Test For Determining Whether a Labor Organization Needs to File a Form T-1 is Overbroad

The proposal is to require a labor organization with total annual receipts of $250,000 or more to file Form T-1 each year for *each* trust that meets the "trust in which a labor organization is interested" definition in section 3(l) of the LMRDA, 29 U.S.C. § 402, and with respect to which the "management control/financial dominance" test is met. Section 3(l) defines a "Trust in which a labor organization is interested" as follows:

> Trust in which a labor organization is interested" means a trust or other fund or organization (1) which was created or established by a labor organization, or one or more of the trustees or one or more members of the governing body of which is selected or appointed by a labor organization, and (2) a primary purpose of which is to provide benefits for the members of such labor organization or their beneficiaries.

29 U.S.C. § 402(l). "Such labor organizations would trigger the Form T-1 reporting requirements where the labor organization during the reporting period, either alone or in combination with other labor organizations, (1) selects or appoints the majority of the members of the trust's governing board, or (2) contributes more than 50 percent of the trust's receipts." 84 FR 25133. For purposes of this "financial or managerial dominance" test, "contributions made pursuant to a collective bargaining agreement shall be considered the labor organization's contributions." *Id.*

The UBC objects to the test for several reasons. There is no *de minimis* exception with respect to contributions any given labor organization makes, as there is with certain other LMRDA reporting schemes, such as the LM-30 reports filed by labor organization officers and employees. The logic for a minimum dollar threshold for a single union's contribution to trigger reporting is even more compelling when dealing with a large organization than with an individual. The absence of a *de minimis* threshold results in the "in combination with" being overly broad and affecting labor organizations that in reality exercise no control over a trust fund. More generally, the presumption that contributions paid by an employer pursuant to a collective bargaining agreement are under the control of the labor organization is false. And there is no minimum dollar amount or receipts threshold for the trust funds for which labor organizations may be required to file a report.

### A. No *de minimis* exception

Because the filing requirement applies when *either* the managerial dominance or the financial dominance test is met, a labor organization may have to file a report even if it makes a *de minimis* contribution and had no say in the selection or appointment of the trust's governing board. Specifically, a labor organization with total annual receipts of at least $250,000 would have to file the report with respect to a 3(l) trust even if the labor organization did not select or

appoint *any* member of the trust's governing board if it contributed as little as $1 to the trust fund, as long as the total amount contributed by labor organizations—and/or pursuant to the collective bargaining agreements to which they are signatories—makes up more than 50% of the trust's receipts.

Not only will the reporting requirement, as drafted, result in duplicative T-1 reports from labor organizations which contributed a minimal amount to the fund, it will also impose an undue burden on a labor organization in terms of having to gather the required financial information about the trust fund to which the labor organization made a minor contribution. Such information-gathering may involve collecting information as to whether other labor organizations have contributed to the fund, and in what amounts, such that the financial dominance test is met in the first place. Holding the president and treasurer of the labor organization, or the corresponding principal officers, personally responsible for the filing of the report and to require them to maintain data necessary to verify the reported information for at least five years, 84 FR 25159, is unreasonable in situations where the labor organization's contribution is minimal.

As stated in the Notice of Proposed Rulemaking, "[t]he LMRDA's various reporting provisions are designed to empower labor organization members by providing them the means to maintain democratic control over their labor organizations and ensure a proper accounting of labor organization funds." 84 FR 25130. Union members cannot be expected to be interested in every minimal amount contributed to a fund. Further, given the current proposal, it is of little benefit to union members to review a T-1 form filed by a labor organization that itself contributed much less than $10,000 to the trust fund on which the labor organization filed a report. If anything, such a report would cause confusion on the part of the public and would not serve the goal of transparency. That is because the proposed T-1 form would not disclose how much the reporting labor organization contributed to the fund if the contribution was less than the $10,000 itemization threshold, causing confusion on the part of anyone reviewing the form as to whether the filing labor organization's contribution was $1 or $9,999. The form provides information about the *trust fund's* finances, but that information is of little relevance to a union member if he or she belongs to a labor organization that made a *de minimis* contribution to the trust fund for which the report is filed.

For these reasons, the UBC objects to the proposal to impose a filing requirement on labor organizations as to trust funds without establishing a *de minimis* threshold for the amount that the particular labor organization contributed if it does not also meet the managerial control test. Although the UBC strongly believes there should be such a threshold, if one is not established, the reporting union should be asked on the form how much it contributed into the trust fund, so that members are on notice regarding whether the form is of any interest to them.

### B. False presumption that contributions paid by an employer pursuant to a collective bargaining agreement are under the control of the labor organization

The UBC views it as misguided to characterize employer contributions made pursuant to collective bargaining agreements as contributions by the labor organization for purposes of the financial dominance test. Funds contributed to Section 3(l) trusts by employers pursuant to collective bargaining agreements are, by law, not union money. Treating them as such for purposes of this rule sets a dangerous precedent that is inconsistent with current law and likely to confuse union members.

Money from employers that is contributed to a Section 3(l) trust is not money controlled by labor organizations. Employers are separate business entities that have their own assets, management, employees, and business operations. The fact that an employer may have entered into a collective bargaining agreement with a labor organization that obliges the employer to contribute to a (non-Taft-Hartley) Section 3(l) trust does not mean that the labor organization has any control or authority over the disposition of the employer's assets. If the employer fails to make the contribution, the labor organization will file a grievance against the employer if the failure to contribute falls within the arbitration clause of the collective bargaining agreement or, if not, it will file a lawsuit pursuant to Section 301 of the Labor Management Relations Act ("LMRA"), 29 U.S.C. § 185, for violating the contract. In either case, the dispute is treated as one involving the employer's breach of its contractual obligation to contribute to the fund, not as a dispute over the employer holding on to the union's money.

Additionally, under Section 302 of the LMRA, 29 U.S.C. § 186, contributions made by an employer to a fund established by a labor organization that represents employees of the employer are considered to be money from the employer, not money of the labor organization. Indeed, it is because such money is from an employer that a violation occurs with respect to such payment absent an exception under Section 302(c) of the LMRA.

Thus, contributions made by an employer to a fund pursuant to a collective bargaining agreement are not funds that are controlled by the union, and the law does not treat them as such. The union does not have financial dominance over this money. The Department should not confuse these very clear standards by treating such funds as those of the union solely for purposes of the Form T-1.

### C. The "in combination with" test does not screen for labor organizations that exercise dominion over a trust fund

Clearly the goal behind the management control/financial dominance test that triggers the reporting requirement is to screen for labor organizations that exercise control over a fund, and to require only those labor organizations to file the proposed form. However, the "in combination with other labor organizations" test, if met, would not actually evidence control because that

term does not mean that the various labor organizations act in concert with one another or that they contribute any significant sum of money.

The Notice of Proposed Rulemaking states that "[i]n some situations, the Department expects that labor organizations will have to contact the trusts to obtain information about whether the trust's 'pooled receipts' from labor organizations constitute a majority of the trust's receipts during a reporting period. Such 'pooled receipts' would include the total annual receipts of the trust, as the Department defines that term for purposes of the Form LM-2." 84 FR 25137. From this statement, it is clear that the OLMS does not expect a labor organization to always know which other labor organizations, if any, contributed into the fund, meaning that a labor organization does not need to have an agreement or understanding with other labor organizations that they too will contribute into the trust fund. The "in combination with" test therefore simply means in the aggregate, not "in concert with."

Simply because various labor organizations, acting independently, contributed into a trust fund, does not mean that any given contributing labor organization actually exercises control over a fund. Likewise, simply because the majority of the members of the trust's governing board are selected or appointed by labor organizations that did not act in concert in selecting or appointing the members of the governing board does not mean that any given labor organization exercises control over the fund. The proposed test therefore does not help to ascertain which labor organizations exercise control over the fund, such that they should be required to file a form regarding the fund.

### D. No minimum dollar amount for the trust fund to trigger the reporting requirement

The UBC also believes that it does not advance the interests of democracy and transparency to require labor organizations to report on every fund that meets the requirements, no matter how small, particularly when such funds will not have any disbursements or receipts in the amount of $10,000 or more to itemize. For instance, labor organizations may have separate funds set up to cover a part of members' funeral expenses that do not have large sums of money in them.

The UBC believes that a threshold based on the amount of assets in a Section 3(l) trust should be established for Form T-1 filing purposes. This would help to ensure that the administrative burden does not outweigh the value of disclosure and that only trusts with substantial sums of money are required to be reported on a Form T-1.

The UBC proposes that the threshold for such trusts should be no less than $10,000.00. This would ensure that unions and trusts are not unnecessarily burdened with reporting obligations that provide minimal, if any, real value to members.

## II. Protection of Sensitive Information

The Notice of Proposed Rulemaking states that the "proposal protects the disclosure of personal information about members of labor organizations and the disclosure of sensitive information about a labor organization's negotiating or bargaining strategies by subjecting the Form T-1 to the same confidentiality provisions contained in the Form LM-2 regulations, 29 CFR 403.8[.] The only difference between the provisions relating to the Form LM-2 and this proposal for the Form T-1 is that each addresses the distinct itemization thresholds for the two reports ($5,000 for Form LM-2 and $10,000 for Form T-1)."

The UBC appreciates the proposal to exempt such sensitive information from the itemization requirement. It believes that the proposed protection of sensitive information listed in 29 CFR 403.8(b)(2) and (3)[1] is necessary if labor organizations would have to file the Form T-1. A labor organization may have concerns about having to disclose such information on a publicly available form if, for example, a separate fund is set up for organizing purposes. We believe that the exception from itemization for information that would expose the reporting labor organization's prospective organizing strategy should be retained.

The Notice of Proposed Rulemaking includes an exemption for trusts that are part of employee benefit plans that file a Form 5500. The UBC believes that this exemption is crucial, as explained in section III(A) below. Among other reasons, the exemption is needed to prevent information regarding pension benefits from being released for reporting, including the amount of pension benefits and the name and address of the recipient of such benefits. Beyond this exemption, there may be other circumstances where the itemization requirement would expose sensitive information. For instance, there may be a concern for privacy for other types of funds, such as funeral donation funds. The UBC therefore suggests a further exemption or an option to redact information from the itemization section of the proposed form.

## III. The Need for Certain Proposed Exemptions

The Notice of Proposed Rulemaking states that the proposal includes a number of exemptions. 84 FR 25134. Although the UBC believes that there are a number of problems with the Form T-1 proposal in the first place, as outlined above, if the requirement to file a Form T-1

---

[1] 29 CFR 403.8, subsections (b)(2) and (3), respectively, protect "confidential information concerning the organization's organizing or negotiating strategy or individuals paid by the labor organization to work in a non-union facility in order to assist the labor organization in organizing employees, provided that such individuals are not employees of the labor organization who receive more than $ 10,000 in the aggregate in the reporting year from the union" and provide that "disclosure that is otherwise prohibited by law or that would endanger the health or safety of an individual" is not required.

is imposed on labor organizations, we believe that the rule should indeed have some of the proposed exemptions, as explained below.

**A. Trusts that are part of employee benefit plans that file a Form 5500**

One of the proposed exemptions is one for "section 3(l) trusts that are part of employee benefit plans that file a Form 5500 Annual Return/Report under the Employee Retirement Income Security Act of 1974 ('ERISA')." 84 FR 25134. The OLMS specifically asked for "comment on whether to retain such Form T-1 exemptions tied to ERISA." 84 FR 25139.

The UBC believes this exemption should be part of the regulation, if the requirement to file a Form T-1 is imposed, as the lack of an exemption poses a number of issues. First, the T-1 form would largely be duplicative because the Form 5500 already requires a report on the assets and liabilities of an ERISA fund, among other disclosures. In addition to being duplicative, the Form T-1 requirement, as explained below, presents the following issues if the form would have to be filed as to Taft-Hartley funds:

- the OLMS in effect would be regulating and imposing a burden on trust funds governed by the Employee Retirement Income Security Act;
- it would ignore the reality that there are laws in place to ensure that such trust funds are not controlled by labor organizations;
- ERISA plan fiduciaries may be forced to breach their fiduciary obligations and cause the plan to engage in a prohibited transaction in order to make it possible for labor organizations to comply with their reporting requirements;
- private information of beneficiaries may have to be disclosed;
- the required information may not be available by the proposed deadline;
- to the extent the concern is that a union may exercise dominion over an ERISA fund, the Form 5500 already requires the disclosure of information that would evidence union domination, making the T-1 form unnecessary.

The Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. § 1001 et seq., rather than the LMRDA, regulates employee benefit plans, including reporting and disclosure obligations with respect to such plans. Although the proposed form would be filed by labor organizations, it is the trust funds that would be reported on, and if the proposed exemption is eliminated, the OLMS, in effect, will regulate such trusts funds. Such a regulation would be outside of the scope of authority of the OLMS. See 29 U.S.C. §§ 431, 438.

Not including a filing exemption as to ERISA trusts would also be pursuant to a false presumption that such funds are controlled by labor organizations. Under Section 302 of the LMRA, 29 U.S.C. § 186(c)(5)(B), a Taft-Hartley fund must be jointly administered with an equal number of representatives selected by both labor organizations and employers. There must

also be an annual audit. 29 U.S.C. § 186(c)(5)(B). Additionally, under Section 404(a)(1)(A) of ERISA, 29 U.S.C. § 1104(a)(1)(A), a fiduciary is required to discharge his or her duties with respect to a plan solely in the interest of participants and beneficiaries and for the exclusive purpose of providing benefits to participants and their beneficiaries, and defraying reasonable expenses of administering the plan. Therefore, it would be unlawful for a labor organization to have either managerial or financial dominance over a Taft-Hartley fund. The fact that a Taft-Hartley fund is funded by contributions from employers pursuant to collective bargaining agreements does not make such funds controlled by a labor organization. A labor organization, further, may have difficulty obtaining the required information from the legally separate trust funds.

Additionally, the filing requirement would be burdensome for ERISA funds, which already have extensive reporting and disclosure obligations. For example, there are reporting and disclosure requirements set forth in Title I of ERISA, including enhanced disclosure requirements set forth in the Pension Protection Act ("PPA"), P.L. 109-280. See e.g., 29 U.S.C. §§ 1023, 1024. Thus, having ERISA funds provide information in addition to what they are already required to provide to comply with the federal law governing such funds would increase the already existing burden on such funds.

Further, if the requirement to file a Form T-1 is imposed with respect to ERISA funds, there will be the additional burden on such funds of potentially responding to multiple labor organizations that are seeking to comply with their obligation to file the form, as there may be multiple labor organizations interested in the same trust.

Moreover, an ERISA plan fiduciary may risk violating the law in having to spend a lot of time to respond to multiple labor organizations' requests for information in order to comply with the filing requirements. Specifically, having ERISA plans prepare information for labor organizations so that labor organizations can meet their reporting obligations raises possible issues under Section 404(a)(1)(A) of ERISA, 29 U.S.C. § 1104(a)(1)(A), because doing so is not solely in the interest of the plan participants and beneficiaries and is not for the exclusive purpose of providing benefits to them. For a plan fiduciary to have the plan provide the required information to labor organizations may also be a prohibited transaction. See 29 U.S.C. § 1106(a)(1)(C); 29 U.S.C. § 1002(14)(D).

Requiring a Form T-1 to be filed with respect to ERISA trust funds also would require the disclosure of sensitive and private benefit plan information which would then become public. Specifically, the obligation to list information about "major disbursements" means the participants and beneficiaries who receive in the aggregate $10,000 or more during the reporting period would have their names, addresses, and amount of disbursements disclosed. This is not information that should be reported on or disclosed for the public to see.

In addition, the proposed rule provides insufficient time for labor organizations and Section 3(l) trusts to compile the information necessary to complete and file the Form T-1. Under the proposal, a Form T-1 would have to be filed within 90 days of the end of the labor organization's fiscal year. 84 FR 25157. Form 5500, however, is not due until 210 days after the end of an ERISA plan's fiscal year. Assuming that both the labor organization and trust have the same fiscal year, 90 days is not sufficient to compile the necessary information and file Form T-1, particularly in light of the itemization requirements. For instance, some ERISA funds do not get information about the performance of private equity funds that they invest in until after the first quarter.

For all the above reasons, removing the proposed exemption for ERISA funds that file a Form 5500 would place an undue burden on ERISA funds and the labor organizations which would have to report as to these funds that the labor organizations do not control. To the extent the concern is that the Form T-1 is needed to disclose union dominion—or dominion by signatory employers—over an ERISA fund, no additional form is necessary to make this disclosure. This is because among the information required to be disclosed on the Form 5500 with respect to a "party in interest" is the identity of the party, its relationship to the fund, a description of each asset to which the transaction relates, and other information, including the value of the asset to which the transaction relates. 29 U.S.C. § 1023(b)(3)(D). A "party in interest" includes the unions whose members are covered under the fund and contributing employers. 29 U.S.C. § 1002(14)(C) & (D). Thus, there already is transparency with respect to transactions that may be perceived as creating dominion over a Taft-Hartley plan by either a labor organization or a signatory employer. A Form T-1 for an ERISA fund would therefore be not only burdensome but also unnecessary.

**B. PAC's and political organizations**

The Notice of Proposed Rulemaking includes an exemption for "trusts organized as political action committees ('PAC') or political organizations (the latter within the meaning of 26 U.S.C. 527 . . .), that submit timely, complete, and publicly available reports required by federal or state law with government agencies[.]" The UBC believes that this exemption is needed to the extent such committees and organizations already must make and do make disclosures that contain the information that would be included on a Form T-1 and such disclosures are publicly available.

The proposed exemption, as written, includes organizations that already must make disclosures more extensive than what is required by the Form T-1. For instance, Schedules A and B of Form 8872 that is filed by political organizations require the disclosure of contributions of at least $200 and expenditures of at least $500 during a calendar year, which is a lower threshold than the $10,000 for "major disbursements" and "major receipts" for the proposed Form T-1. The Federal Election Commission Form 3X that PAC's file also has lower thresholds

for reporting itemized receipts and itemized disbursements on Schedules A and B of the form. For instance, Form 3X requires the itemization of contributions from individuals in excess of $200 and contributions from political party committees regardless of the amount. Both forms are also made publicly available for labor union members and anyone else to review.

The Form LM-2 already acknowledges that there is no need for duplicative reporting. Part VIII, page 3, of the LM-2 instructions state that "to avoid duplicative reporting, PAC funds that are kept separate from your labor organization's treasury are not required to be included in your organization's Form LM-2 if publicly available reports on the PAC funds are filed with a Federal or state agency." Similarly here, to the extent there already is a timely, complete, and publicly available federal or state report with respect to a PAC or political organization that requires disclosures of everything that would be required to be reported on a Form T-1, the Form T-1 would be unnecessary. Such a form would also create confusion on the part of members of the public who would not understand why two separate forms are filed when one form contains all the information disclosed on another form.

### C. Trusts that meet the statutory definition of a labor organization that file a Form LM-2, Form LM-3, or Form LM-4

The Notice of Proposed Rulemaking states that "no Form T-1 is required for any trust that meets the statutory definition of a labor organization and files a Form LM-2, Form LM-3, or Form LM-4 or is from an entity that the LMRDA exempts from reporting, such as an organization composed entirely of state or local government employees or state or local central body." 84 FR 25134. The UBC believes that this exemption is needed to prevent duplicative filings.

As the Notice of Proposed Rulemaking states, "[t]he proposed Form T-1 . . . is shorter and requires less information than the Form LM-2." 84 FR 25133. Additionally, the $10,000 threshold for the proposed Form T-1 "is a higher amount than the itemization threshold provided for in the Form LM-2 ($5,000)." 84 FR 25138. Since the LM-2 form contains more information, including disclosures about disbursements and receipts of less than $10,000, the Form T-1 would be unnecessary for trusts that are required to file the LM-2.

### D. Trusts for which an audit was conducted in accordance with prescribed standards

The Notice of Proposed Rulemaking includes a proposed "partial exemption for a trust for which an audit was conducted in accordance with prescribed standards and the audit is made publicly available. A labor organization choosing to use this option must complete the first page of the Form T-1 and file it along with a copy of the audit." 84 FR 25134.

While the UBC believes that a partial audit exemption would be appropriate, it also believes there should be some modifications to the exemption. First, it appears that the audit exemption does not contain an exception for the itemization requirement for confidential information that would be protected by 29 CFR § 403.8. 84 CFR 25139. Unlike the Schedules 1 and 2 to proposed T-1, the audit exemption does not appear to provide an exception to the itemization requirement. Further, if there is no exemption for ERISA-governed trust funds, information about payments to beneficiaries would also have to be disclosed, which poses privacy concerns, as explained above.

The itemization requirement also increases the burden on trusts since such itemization is not generally included in audits that are already prepared for funds. Such detailed information is generally not included with respect to audits under Section 302(c) of the LMRA.

Additionally, in many situations the fund's fiscal year may be different from that of the labor organization, so an audit as to the fund may not be completed within 90 days of the end of the labor organization's fiscal year. For this reason, we suggest that labor organizations using the audit exemption be given until at least 12 months after the end of their fiscal year to file the audit report.

### E. Credit unions

The Notice of Proposed Rulemaking stated that the "Department requests comment on whether it should exempt financial institutions affiliated with labor organizations, such as credit unions, from the final rule. Federally insured credit unions are already subject to extensive reporting requirements pursuant to the Federal Credit Union Act, 12 U.S.C. 1751 . . . as well as other laws and regulations."

The UBC believes this exemption needs to be part of the rule for the stated reason. Additionally, the UBC notes that in reality, a credit union set up by a labor organization might meet the financial dominance test although no board member of the credit union is appointed or selected by the credit union. Instead, the credit union is governed by a board of directors who are selected by members of the credit union, and the members could be non-union affiliated individuals, as credit union membership is open to the public. Since there is no real control by a labor union under such circumstances, it is the credit union that should make financial disclosures, not the labor organization.

### F. Reducing duplicative filings

The Notice of Proposed Rulemaking contains a proposal that "only the parent union (i.e., the national/international or intermediate union) would need to file the Form T-1 report for covered trusts in which both the parent union and its affiliates meet the financial or managerial domination test." 84 FR 25134. Although the UBC believes that there are certain problems with

the management control/financial dominance test, as explained in Section I above, if a Form T-1 needs to be filed, the UBC believes this exemption would serve the interest of reducing duplicative filings. Further, requiring the parent union to file the form when both the parent union and its affiliates meet the financial or managerial domination test would be the better option than requiring the affiliate that contributed the most money to file the form because the former creates more predictability in terms of which labor organization must file the form.

## IV. The Need for an Exemption for Labor Management Cooperation Funds

Footnote 6 of the Notice of Proposed Rulemaking states that "labor-management cooperation committees established under LMRA section 302(c)(9) that do not provide ERISA-covered benefits to participants or beneficiaries do not constitute an ERISA-covered employee benefit plan[s]. Thus, they do not file the EBSA Form 5500." It therefore appears that there is no intent to create an exemption for such funds. A labor-management cooperation fund whose board consists of members half of whom are selected by the labor organization, and half by employers, is not controlled by the labor organization simply because the fund is funded by contributions from signatory employers. The separateness of such funds is recognized by LMRA section 302(c)(9), 29 U.S.C. § 186(c)(9). For purposes of the Form T-1, therefore, such funds should not be treated as being controlled by a labor organization. The UBC therefore suggests that such funds be exempted from the filing requirement.

The UBC appreciates the opportunity to comment on this important issue and respectfully requests that its comments be taken into consideration as OLMS further reviewed this matter.

Sincerely,

Douglas J. McCarron
General President