



Securities Industry Association

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July 14, 2005

The Honorable Howard M. Radzely
Solicitor
United States Department of Labor
200 Constitution Avenue, NW
Room S2002
Washington, DC 20210

Re: OLMS Question and Answer Guidance of June 22, 2005

Dear Solicitor Radzely:

Thank you for meeting with the Securities Industry Association (SIA) and our counsel on Tuesday, July 12, regarding our concerns about the Office of Labor-Management Standards ("OLMS") Form LM-10. We appreciated your time and your grasp of the difficulties facing financial service providers to Taft-Hartley plans in connection with the filing obligations for past years. The absence of notice, the lack of systems and the inaccessibility of the information needed to complete the form have created significant concern in the industry. As we discussed, the industry did not understand, prior to June 22, 2005, that it was required to file these reports in connection with union sponsored benefit plans and as you know from the last several years of filings, virtually no plan service providers understood themselves to be covered.

We respectfully request that the Department propose a regulation for public notice and comment with respect to this filing obligation. The purpose of notice and comment is to give all interested persons an opportunity to see others' comments and to learn from those comments, at the same time that the government hears a broad and complete range of concerns from all affected parties. Simply using email to communicate concerns to the Department, without any public access to those comments, will, in our view, hamper speedy and complete compliance. In addition, we respectfully request that this reporting requirement be required prospectively only. There are significant interpretational issues that should be addressed in a consistent fashion. The only way to accomplish this is to publish a proposed regulation outlining the scope of the requirement, giving time to businesses to create systems to capture the necessary information for

the report. This is especially true because your current regulations do not mention filings by service providers to Taft Hartley trusts.

Finally, SIA respectfully requests that the Department grant an extension for filing the LM-10 until 90 days following the end of the first fiscal year that begins on or after January 1, 2006. As noted above, our members need substantial lead time (at least several months) to create recordkeeping systems that will track expenditures in a manner that will allow us to provide reporting in a way that achieves the mission of OLMS to provide information to union employees.

Again, we appreciate your willingness to listen to our concerns. We understand that we may differ on the substantive breadth of the law, but we would very much like to work with you to resolve these issues so that to the extent reports are required, they can be filed correctly and accurately. I know you appreciate that the Presidents and Treasurers of our members are extremely reluctant to sign a government filing that is incomplete or incorrect. At this point, they are simply not in a position to make complete and correct filings. Please do not hesitate to contact me at (202) 216-2000 should you or your staff have additional questions. We look forward to working with you.

Sincerely,

Elizabeth Varley

cc: Josh Bolten
Victoria Lipnic