

**AMENDMENT TO H.R. 2474, AS REPORTED  
OFFERED BY MR. ROONEY OF FLORIDA**

In section 4, strike “Section 203(c)” and insert the following:

1           (a) REPORT OF EMPLOYERS.—Section 203(c)

In section 4, add at the end the following:

2           (b) DISCLOSURE OF REQUIREMENTS.—Section 208  
3 of the Labor-Management Reporting and Disclosure Act  
4 of 1959 (29 U.S.C. 438) is amended—

5                 (1) by striking “The Secretary” and inserting  
6           “(a) The Secretary”; and

7                 (2) by adding at the end the following:

8           “(b) Notwithstanding subsection (a) and for each fis-  
9 cal year, a labor organization that would be required to  
10 file form LM–2 under part 403 of title 29, Code of Fed-  
11 eral Regulations, under section 201(a) (as such part was  
12 in effect on October 12, 2009) shall be required to annu-  
13 ally file with the Secretary—

14                 “(1) form LM–2, as published in the appendix  
15 to the final rule issued by the Secretary of Labor en-  
16 titled ‘Labor Organization Annual Financial Re-  
17 ports’ (74 Fed. Reg. 3678 (January 21, 2009)); or

1           “(2) a successor form that includes all of the  
2           information required in such form LM–2 (as such  
3           form was published on January 21, 2009).

4           “(c) Notwithstanding subsection (a) and for each fis-  
5           cal year, a labor organization that would be required to  
6           file form T–1 under part 403 of title 29, Code of Federal  
7           Regulations (as such part was in effect on November 30,  
8           2010) shall file with the Secretary, as the report con-  
9           cerning trusts in which a labor organization is inter-  
10          ested—

11           “(1) form T–1, as published in the appendix to  
12           the final rule issued by the Secretary entitled ‘Labor  
13           Organization Annual Financial Reports for Trusts  
14           in Which a Labor Organization Is Interested, Form  
15           T–1’ (73 Fed. Reg. 57412 (October 2, 2008)); or

16           “(2) a successor form that includes all of the  
17           information required in such form T–1 (as such  
18           form was published on October 2, 2008).

19           “(d) Notwithstanding subsection (a) and for each fis-  
20           cal year, an officer or employee of a labor organization  
21           who would be required to file form LM–30 under part 404  
22           of title 29, Code of Federal Regulations (as such part was  
23           in effect on October 25, 2011) shall be required to file  
24           with the Secretary—

1           “(1) form LM–30, as published in the appendix  
2           to the final rule issued by the Secretary entitled  
3           ‘Labor Organization Officer and Employee Report,  
4           Form LM–30’ (72 Fed. Reg. 36106 (July 2, 2007));  
5           or

6           “(2) a successor form that includes all of the  
7           information required in such form LM–30 (as such  
8           form was published on July 2, 2007).”.

9           (c) CIVIL FINES RELATED TO DISCLOSURE VIOLA-  
10          TIONS.—

11           (1) CIVIL FINES FOR FAILURE TO PROVIDE IN-  
12          FORMATION TO MEMBERS.—Section 201 of the  
13          Labor-Management Reporting and Disclosure Act of  
14          1959 (29 U.S.C. 431) is amended—

15                   (A) by redesignating subsection (c) as sub-  
16                   section (c)(1); and

17                   (B) by inserting after such subsection  
18                   (c)(1) the following:

19           “(2) Any labor organization that fails to meet the re-  
20          quirements of paragraph (1) with respect to a member,  
21          by refusing to make available the information required to  
22          be contained in a report required to be submitted under  
23          this title, and any books, records, and accounts necessary  
24          to verify such report (unless such failure or refusal results  
25          from matters reasonably beyond the control of the labor

1 organization), may in the court’s discretion, and in addi-  
2 tion to any other relief provided by law and determined  
3 proper by the court, be liable to such member for an  
4 amount that is not more than \$250 a day from the date  
5 of such failure or refusal (except that such amount shall  
6 be adjusted for inflation in the same manner as the Sec-  
7 retary adjusts the amount of a civil fine under section  
8 211(e)). For purposes of this paragraph, each violation  
9 with respect to any single member shall be treated as a  
10 separate violation.”.

11 (2) CIVIL ENFORCEMENT FOR FAILURE TO  
12 FILE A TIMELY REPORT.—Section 210 of the Labor-  
13 Management Reporting and Disclosure Act of 1959  
14 (29 U.S.C. 440) is amended to read as follows:

15 **“SEC. 210. CIVIL ENFORCEMENT.**

16 “(a) IN GENERAL.—Whenever it shall appear that  
17 any person has violated or is about to violate any of the  
18 provisions of this title, or section 301(a), the Secretary  
19 may bring a civil action for such relief, including an in-  
20 junction or the enforcement of a civil fine imposed under  
21 section 211, as may be appropriate. Any such action may  
22 be brought in the district court of the United States where  
23 the violation occurred or in the United States District  
24 Court for the District of Columbia.

1       “(b) JUDICIAL REVIEW FOR ENFORCEMENT OF  
2 CIVIL FINES.—

3           “(1) STANDARD OF REVIEW.—Upon a com-  
4 plaint filed by the Secretary seeking the enforcement  
5 of a civil fine, the appropriate district court shall im-  
6 pose the civil fine that has been determined to be  
7 appropriate by the Secretary—

8           “(A) if the person, labor organization, or  
9 employer against whom the civil fine is sought  
10 has been provided written notice and an oppor-  
11 tunity to be heard before the Secretary or a  
12 designee of such Secretary, in accordance with  
13 procedures established by the Secretary under  
14 section 211(g)(1); and

15           “(B) unless the Secretary’s determination  
16 is shown to be arbitrary and capricious.

17           “(2) SCOPE OF REVIEW.—The appropriate  
18 court shall not consider any objection or argument  
19 that was not raised in the proceedings before the  
20 Secretary.

21       “(c) APPROPRIATENESS OF INJUNCTIVE RELIEF.—  
22 Upon a complaint filed by the Secretary seeking relief  
23 under this section demonstrating that a person, labor or-  
24 ganization, or employer has failed to file timely and com-  
25 plete reports required by this title or section 301(a), or

1 has filed reports that are substantially incomplete or inac-  
2 curate, or that information required to be reported may  
3 be lost or destroyed absent such relief, the district court  
4 shall issue an order enjoining continued violation of this  
5 title or section 301(a). Injunctive relief may be awarded  
6 in addition to any other additional civil or criminal remedy  
7 and whether or not the Secretary seeks enforcement of a  
8 civil fine.”.

9 (3) **AUTHORITY TO IMPOSE CIVIL FINES.**—Title  
10 II of the Labor-Management Reporting and Disclo-  
11 sure Act of 1959 (29 U.S.C. 431 et seq.) is amend-  
12 ed—

13 (A) by redesignating section 211 as section  
14 212; and

15 (B) by inserting after section 210 the fol-  
16 lowing:

17 **“SEC. 211. CIVIL FINES.**

18 “(a) **NOTICE; CORRECTION PERIOD.**—Upon finding  
19 a violation of subsection (a) or (b) of section 201 or sec-  
20 tion 202, 203, 207, 212, or 301(a), the Secretary shall,  
21 in accordance with standards and procedures established  
22 by the Secretary under subsection (g), provide the person,  
23 labor organization, or employer responsible for such viola-  
24 tion—

25 “(1) written notice of the violation; and

1           “(2) a period of time to correct the violation  
2           that is not more than 30 days after the date that  
3           the Secretary provides such written notice.

4           “(b) FINES ASSESSED.—Subject to the other provi-  
5           sions of this section, if the Secretary determines that a  
6           person, labor organization, or employer has violated sub-  
7           section (a) or (b) of section 201 or section 202, 203, 207,  
8           212, or 301(a) and has not corrected the violation within  
9           the period described in subsection (a)(2), the Secretary  
10          may assess a civil fine against the person, labor organiza-  
11          tion, or employer responsible for such violation.

12          “(c) AMOUNT OF CIVIL FINE.—

13                 “(1) MAXIMUM AMOUNT.—A civil fine under  
14                 this section shall be for an amount that is not more  
15                 than \$250 a day from the date of the violation, and  
16                 not more than \$45,000 in the aggregate, except that  
17                 such amounts shall be adjusted in accordance with  
18                 the inflation adjustment procedures prescribed in the  
19                 Federal Civil Penalties Inflation Adjustment Act of  
20                 1990 (28 U.S.C. 2461 note; Public Law 101–410).

21                 “(2) FACTORS IN DETERMINING AMOUNT.—In  
22                 determining the amount of a civil fine under this  
23                 section, the Secretary may consider—

24                         “(A) the gravity of the offense;

1           “(B) any history of prior offenses (includ-  
2           ing offenses occurring before the date of enact-  
3           ment of this section) of the person, labor orga-  
4           nization, or employer responsible for such viola-  
5           tion;

6           “(C) the ability of such person, labor orga-  
7           nization, or employer to pay the civil fine with-  
8           out material impairment of the ability to carry  
9           out representational functions or honor other fi-  
10          nancial obligations;

11          “(D) any injury to uninvolved members of  
12          the labor organization or to the public;

13          “(E) any benefits to such person, labor or-  
14          ganization, or employer resulting from such vio-  
15          lation;

16          “(F) the ability of the civil fine to deter fu-  
17          ture such violations; and

18          “(G) any other factors that the Secretary  
19          may determine to be appropriate to further the  
20          purposes of this Act.

21          “(d) LIMITATION.—A person, labor organization, or  
22          employer shall not be required to pay a civil fine under  
23          this section for a violation of subsection (a) or (b) of sec-  
24          tion 201 or section 202, 203, 207, 212, or 301(a) for



1 which a material cause was reasonably beyond the control  
2 of such person, labor organization, or employer.

3 “(e) INCOMPLETE REPORTS.—A report rejected by  
4 the Secretary as incomplete shall be considered not filed  
5 for purposes of determining the existence of a violation  
6 of subsection (a) or (b) of section 201 or section 202, 203,  
7 207, 212, or 301(a), and a civil fine may be assessed for  
8 such violation.

9 “(f) EFFECT ON CRIMINAL SANCTIONS.—The impo-  
10 sition of a civil fine under this section shall not affect the  
11 availability of criminal sanctions against any person, labor  
12 organization, or employer who knowingly or willfully vio-  
13 lates a provision of this Act.

14 “(g) STANDARDS AND PROCEDURES.—

15 “(1) IN GENERAL.—The Secretary shall estab-  
16 lish, pursuant to sections 208 and 606, standards  
17 and procedures governing the imposition of a civil  
18 fine under this section that include providing the  
19 person, labor organization, or employer responsible  
20 for an alleged violation of subsection (a) or (b) of  
21 section 201 or section 202, 203, 207, 212, or 301(a)  
22 with—

23 “(A) written notice of such violation; and

24 “(B) an opportunity for a hearing before  
25 the Secretary or a designee of such Secretary.

1           “(2) JUDICIAL REVIEW.—

2                   “(A) IN GENERAL.—After exhausting all  
3 administrative remedies established by the Sec-  
4 retary under paragraph (1), a person, labor or-  
5 ganization, or employer against whom the Sec-  
6 retary has imposed a civil fine under this sec-  
7 tion may obtain a review of such fine in the  
8 United States District Court where the viola-  
9 tion occurred or in the United States District  
10 Court for the District of Columbia, by filing in  
11 such court, within 30 days of the entry of a  
12 final order imposing the civil fine, a written pe-  
13 tition that the Secretary’s order or determina-  
14 tion be modified or be set aside in whole or in  
15 part.

16                   “(B) STANDARD OF REVIEW.—Upon peti-  
17 tion for review of a civil fine under this section,  
18 the appropriate district court shall impose the  
19 civil fine determined to be appropriate by the  
20 Secretary—

21                           “(i) if the person, labor organization,  
22 or employer against whom the civil fine is  
23 sought has been provided written notice  
24 and an opportunity to be heard, in accord-

1                   ance with the procedures established by the  
2                   Secretary under paragraph (1); and

3                   “(ii) unless the Secretary’s determina-  
4                   tion is shown to be arbitrary and capri-  
5                   cious.

6                   “(C) SCOPE OF REVIEW.—In reviewing a  
7                   civil fine under this section, the appropriate dis-  
8                   trict court shall not consider any objection or  
9                   argument that was not raised in the pro-  
10                  ceedings before the Secretary.

11                  “(h) SETTLEMENT BY SECRETARY.—The Secretary  
12                  may compromise, modify, or remit any civil fine that may  
13                  be, or has been, imposed under this section.”.

14                  (4) TECHNICAL AND CONFORMING AMEND-  
15                  MENTS.—The Labor-Management Reporting and  
16                  Disclosure Act of 1959 (29 U.S.C. 401 et seq.) is  
17                  further amended—

18                         (A) in section 205 (29 U.S.C. 435), by  
19                         striking “211” each place it appears and insert-  
20                         ing “212”;

21                         (B) in section 207(b) (29 U.S.C. 437(b)),  
22                         by striking “211” each place it appears and in-  
23                         serting “212”; and

1 (C) in section 301(b) (29 U.S.C. 461(b)),  
2 by striking “and 210” and inserting “210, and  
3 211”.

4 (d) WHISTLEBLOWER PROTECTIONS FOR LABOR OR-  
5 GANIZATION EMPLOYEES.—Title II of the Labor-Manage-  
6 ment Reporting and Disclosure Act of 1959 (29 U.S.C.  
7 431 et seq.) is amended by inserting after section 211 the  
8 following:

9 **“SEC. 211A. WHISTLEBLOWER PROTECTION FOR LABOR OR-**  
10 **GANIZATION EMPLOYEES.**

11 “(a) WHISTLEBLOWER PROTECTION.—It shall be un-  
12 lawful for any labor organization to discharge or in any  
13 other manner discriminate against any employee because  
14 such employee has filed any complaint or instituted or  
15 caused to be instituted any proceeding under or related  
16 to this Act, or has testified or is about to testify in any  
17 such proceeding.

18 “(b) ENFORCEMENT AND REMEDIES.—Any person  
19 whose rights secured by the provisions of this title have  
20 been infringed by any violation of this title may bring a  
21 civil action in the appropriate district court of the United  
22 States for such relief as may be appropriate, including an  
23 injunction. A civil action under this subsection against a  
24 labor organization shall be brought in the district court  
25 of the United States for the district where the alleged vio-

- 1 lation occurred or where the principal office of such labor
- 2 organization is located.”.

