

which elections must be held. Title V outlines the fiduciary duties of union officers. Title VI provides a variety of additional requirements, and grants general investigatory powers to the Department of Labor.

#### THE AMENDMENTS

The bill I introduce today includes several amendments to Landrum-Griffin. Each of these changes will have a positive impact on the everyday lives of union members. Those unions that treat their members fairly will not be affected at all. The legislation introduced today is not an exhaustive list of reforms. There are other changes that Congress may want to consider in the future, but the DRUM Act represents a very productive starting point.

My bill provides: enhanced notification to union members of their rights under the LMRDA; increased authority for the Department of Labor to enforce the notification rights of union members; a requirement that governing bodies hold a hearing before imposing a trusteeship on a subordinate body; authorization for bona fide candidates for elected union office to receive a list of eligible voters; a requirement for direct election of certain authority-wielding officers of intermediate union bodies; a clarification of the term "reasonable qualifications" to allow more union members to participate in the election process; and an improved standard governing circumstances in which elections must be re-run following fraud or abuse.

#### ENHANCED NOTIFICATION RIGHTS

The DRUM Act addresses real problems that have come to the subcommittee's attention during our hearings or through recent court rulings. For example, the legislation requires unions to periodically notify all members of their Title I rights. Some unions, as incredible as it may sound, have argued that a one-time notification of rights under the LMRDA given decades ago satisfies the current law requirement to "inform its members concerning the provisions of" the Act (29 USC § 415).

This issue was the subject of a recent Fourth Circuit case. (*Thomas v. Grand Lodge of Int'l Ass'n of Machinists*, 201 F.3d 517 (4th Cir. 2000)). In *Thomas*, union members sued the International Association of Machinists to require the union to distribute to each member a summary of their rights under Landrum-Griffin. The union claimed that they had fulfilled the notification requirements in 1959 when they distributed the text of the recently-passed law. Incredibly, the district court had agreed with the union leadership despite the fact that most, if not all, of the members were not members in 1959. Fortunately, the Fourth Circuit overruled the district court, and determined that the one-time notification was not sufficient, but stopped short, however, of enumerating what "sufficient notification" entails. My bill clarifies the notification obligation, by requiring the Secretary of Labor to promulgate regulations that provide enhanced guidance to union organizations on how best to inform their members of their LMRDA rights. After all, if union members are not aware that they have rights, they will be unable to exercise them.

#### "REASONABLE QUALIFICATIONS" IN UNION ELECTIONS

An additional line of court cases prompts another provision in DRUM. There is conflicting appeals court precedent on the issue of what constitutes a "reasonable qualification"

(29 USC § 481 (e)) in order to be eligible to run for elected union office. Earlier this year, the First Circuit ruled against the Department of Labor, after the Department sued a local union over an election rule which barred 96 percent of the local's members from running for office (*Herman v. Springfield Mass. Area, Local 497, American Postal Workers Union*, 201 F.3d (1st Cir. 2000)). The court held as reasonable a requirement that union members attend three of the previous nine union meetings in order to run for office. This court decision contradicts a ruling from the D.C. Circuit in 1987, in which a union's election rule was considered unreasonable primarily because it disqualified a large percentage of union members (*Doyle v. Brock*, 821 F.2d 778 (D.C. Cir. 1987)).

In *Herman*, the Majority all but requested that the Department of Labor adopt a regulation using a specific percentage standard. I believe it is the responsibility of the Congress to enact such a requirement, rather than to require the administration to take on the nearly impossible task of interpreting Congressional intent and balancing that intent with contradictory court opinions. As such, the legislation introduced today lays out a clear standard by which election rules will be judged as reasonable or unreasonable. The legislation simply says that any rule excluding more than half of a union's members from running for office is not reasonable. This bright line will benefit union members, candidates for union office, and incumbent union leaders equally, because by removing ambiguity, we will enhance union democracy and reduce potential internal strife.

#### CONCLUSION

The workplace of the 21st Century is vastly different from that existing 40 years ago. Workers and employers are working together toward a common goal, rather than continuing the adversarial relationship which characterized the last century. This evolution in the workplace has reduced industrial strife, and has increased productivity, profits, and, most importantly, the satisfaction and pay of workers.

This same collective strategy is key to the effective operation of internal union affairs. The days of well-heeled union bosses, using their members to enrich themselves at the expense of worker advancement are quickly ending. Unions, which provide workers with camaraderie, personal support—both inside and outside the workplace—and a means to improve their lives, are enriched as members achieve true democracy within their labor organizations. Enhancing the ability of rank-and-file members to take a greater responsibility for how their union operates solidifies the positive impact unions have on the workplace and the lives of working men and women.

HONORING IRVING B. HARRIS FOR  
A LIFETIME OF ACHIEVEMENT  
ON HIS 90TH BIRTHDAY

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 26, 2000*

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to stand today to honor a remarkable individual who has left a lasting mark on our Nation and its children. I am hon-

ored to pay tribute to Irving B. Harris as he celebrates his 90th birthday on August 4, 2000.

Irving's leadership and commitment is inspiring. His passion and advocacy have led the fight for policy development on behalf of very young children and families, attention to the physical and mental health of pregnant women and mothers of infants and toddlers, the prevention of violence, the training of a competent infant/family work force, and the building of effective community-based programs. He is as well-respected as a leading voice for children as he is as a corporate leader. After entering the business world following his graduation from Yale University, he served with both the Board of Economic Warfare and the Office of Price Administration during World War II. He has served in executive capacities for several well-known companies, including the Toni Home Permanent Co., and the Pittway Corp.

However, Mr. Harris is best known for his commitment to improving the chances of disadvantaged children across this country. His many contributions and determined advocacy for the well-being and development of infants, toddlers, and their families are legendary. He was instrumental in creating and establishing such well-respected institutions as the Erikson Institute and the Ounce of Prevention Fund, as well as the highly ambitious Beethoven Project, which has served as models for the development of training and service programs across the country. He helped to establish Zero to Three, a national nonprofit charitable organization whose mission is to strengthen and support families, practitioners and communities to promote the healthy development of babies and toddlers. He was the moving force in the establishment of the Harris Graduate School of Public Policy Studies at the University of Chicago. His vision and leadership have earned him appointments to the National Commission on Children and the Carnegie Corporation of New York's Task Force on Meeting the Needs of Young Children. For his efforts, Irving has been awarded 10 honorary degrees.

He has been, and continues to be, a champion for children and families everywhere. It is with great pride that I rise today to congratulate Irving. I also would like to extend my sincere thanks and appreciation for his many contributions and best wishes for continued health and success. Our Nation's children thank you and wish you a happy birthday.

#### PERSONAL EXPLANATION

**HON. J.D. HAYWORTH**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 26, 2000*

Mr. HAYWORTH. Mr. Speaker, on Thursday, July 20, 2000, I missed rollcall votes 421, 422, 423, 424, 425, 426, 427, and 428 because I was attending to congressional business in my district. Had I been present, I would have voted "aye" on rollcall vote 421, "no" on rollcall vote 422, "aye" on rollcall vote 423, "no" on rollcall vote 424, "no" on rollcall vote 425, "no" on rollcall vote 426, "aye" on rollcall vote 427, and "aye" on rollcall vote 428.