

Form T-1, *Trust Annual Report*, Vacated by Court

Subject: OLMS News 12-07: Form T-1, Trust Annual Report, Vacated by Court, Number: 12-07

On July 16, 2007, in *AFL-CIO v. Chao*, the United States District Court for the District of Columbia vacated the September 29, 2006 Final Rule implementing Form T-1, Trust Annual Report. The Department of Labor had originally issued Form T-1 on October 9, 2003 together with the revised Form LM-2. On May 31, 2005 the U.S. Court of Appeals for the District of Columbia Circuit vacated that Final Rule with respect to the Form T-1. Subsequently, the Department issued the September 29, 2006 Final Rule to conform the Form T-1 reporting requirements to the Court of Appeals' ruling.

The District Court vacated the September 29, 2006 Final Rule, concluding that the Department was required to have either published a proposed rule for notice and comment before issuing the Final Rule or included in the Final Rule a finding that there was good cause to dispense with notice and comment as "impracticable, unnecessary, or contrary to the public interest."

As a result of this ruling, no Form T-1 is now required to be filed. If any further developments result in a change to the Form T-1 reporting requirement, OLMS will inform the public through OLMS News and other means.

This News Flash is a duplicate of the OLMS News 12-07.

As always, we will continue to keep you informed. Please let us know if you have any questions.