

Union Calendar No. 18

113TH CONGRESS
1ST SESSION

H. R. 1120

[Report No. 113-30]

To prohibit the National Labor Relations Board from taking any action that requires a quorum of the members of the Board until such time as Board constituting a quorum shall have been confirmed by the Senate, the Supreme Court issues a decision on the constitutionality of the appointments to the Board made in January 2012, or the adjournment sine die of the first session of the 113th Congress.

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2013

Mr. ROE of Tennessee (for himself, Mr. KLINE, Mr. PETRI, Mr. WILSON of South Carolina, Ms. FOXX, Mr. PRICE of Georgia, Mr. THOMPSON of Pennsylvania, Mr. SALMON, Mr. GUTHRIE, Mr. DESJARLAIS, Mr. ROKITA, Mr. BUCSHON, and Mr. GOWDY) introduced the following bill; which was referred to the Committee on Education and the Workforce

APRIL 9, 2013

Additional sponsors: Mr. MARCHANT, Mr. KELLY, Mr. WALBERG, Mr. CASIDY, Mrs. ROBY, Mr. GRIFFIN of Arkansas, Mr. WESTMORELAND, Mr. HUDSON, Mr. GINGREY of Georgia, Mr. MEADOWS, Mr. KINGSTON, Mr. MESSER, and Mr. SCALISE

APRIL 9, 2013

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To prohibit the National Labor Relations Board from taking any action that requires a quorum of the members of the Board until such time as Board constituting a quorum shall have been confirmed by the Senate, the Supreme Court issues a decision on the constitutionality of the appointments to the Board made in January 2012, or the adjournment sine die of the first session of the 113th Congress.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preventing Greater
5 Uncertainty in Labor-Management Relations Act”.

6 **SEC. 2. ACTIVITIES BY THE NATIONAL LABOR RELATIONS**
7 **BOARD PROHIBITED.**

8 Effective on the date of enactment of this Act, the
9 National Labor Relations Board shall cease all activity
10 that requires a quorum of the members of the Board, as
11 set forth in the National Labor Relations Act (29 U.S.C.
12 151 et seq.). The Board shall not implement, administer,
13 or enforce any decision, rule, vote, or other action decided,
14 undertaken, adopted, issued, or finalized on or after Janu-
15 ary 4, 2012, that requires a quorum of the members of
16 the Board, as set forth in such Act.

17 **SEC. 3. TERMINATION.**

18 The provisions of this Act shall terminate on the date
19 on which—

20 (1) all members of the National Labor Rela-
21 tions Board are confirmed with the advice and con-
22 sent of the Senate, in accordance with clause 2 of
23 section 2 of article II of the Constitution, in a num-
24 ber sufficient to constitute a quorum, as set forth in

1 the National Labor Relations Act (29 U.S.C. 151 et
2 seq.);

3 ~~(2) the Supreme Court issues a decision on the~~
4 ~~constitutionality of the appointments to the Board~~
5 ~~made in January 2012; or~~

6 ~~(3) the adjournment sine die of the first session~~
7 ~~of the 113th Congress.~~

8 **SEC. 4. EFFECT OF CERTAIN BOARD ACTIONS.**

9 In the event that this Act terminates pursuant to
10 paragraphs ~~(1) or (3)~~ of section 3, no decision, rule, vote,
11 or other action decided, undertaken, adopted, issued, or
12 finalized by the Board on or after January 4, 2012, that
13 requires authorization by not less than a quorum of the
14 members of the Board, as set forth in the National Labor
15 Relations Act, may be implemented, administered, or en-
16 forced unless and until it is considered and acted upon
17 by a Board constituting a quorum, as set forth in the Na-
18 tional Labor Relations Act, or the Supreme Court issues
19 a decision on the constitutionality of the appointments to
20 the Board made in January 2012.

21 **SECTION 1. SHORT TITLE.**

22 *This Act may be cited as the “Preventing Greater Un-*
23 *certainty in Labor-Management Relations Act”.*

1 **SEC. 2. ACTIVITIES BY THE NATIONAL LABOR RELATIONS**
2 **BOARD PROHIBITED.**

3 *Effective on the date of enactment of this Act, the Na-*
4 *tional Labor Relations Board shall cease all activity that*
5 *requires a quorum of the members of the Board, as set forth*
6 *in the National Labor Relations Act (29 U.S.C. 151 et seq.).*
7 *The Board shall not appoint any personnel nor implement,*
8 *administer, or enforce any decision, rule, vote, or other ac-*
9 *tion decided, undertaken, adopted, issued, or finalized on*
10 *or after January 4, 2012, that requires a quorum of the*
11 *members of the Board, as set forth in such Act.*

12 **SEC. 3. TERMINATION.**

13 *The provisions of this Act shall terminate on the date*
14 *on which—*

15 *(1) all members of the National Labor Relations*
16 *Board are confirmed with the advice and consent of*
17 *the Senate, in accordance with clause 2 of section 2*
18 *of article II of the Constitution, in a number suffi-*
19 *cient to constitute a quorum, as set forth in the Na-*
20 *tional Labor Relations Act (29 U.S.C. 151 et seq.);*

21 *(2) the Supreme Court issues a decision on the*
22 *constitutionality of the appointments to the Board*
23 *made in January 2012; or*

24 *(3) the adjournment sine die of the first session*
25 *of the 113th Congress.*

1 **SEC. 4. EFFECT OF CERTAIN BOARD ACTIONS.**

2 *In the event that this Act terminates pursuant to para-*
3 *graphs (1) or (3) of section 3, no appointment, decision,*
4 *rule, vote, or other action decided, undertaken, adopted,*
5 *issued, or finalized by the Board on or after January 4,*
6 *2012, that requires authorization by not less than a quorum*
7 *of the members of the Board, as set forth in the National*
8 *Labor Relations Act, may be implemented, administered,*
9 *or enforced unless and until it is considered and acted upon*
10 *by a Board constituting a quorum, as set forth in the Na-*
11 *tional Labor Relations Act, or the Supreme Court issues*
12 *a decision on the constitutionality of the appointments to*
13 *the Board made in January 2012.*

Union Calendar No. 18

113TH CONGRESS
1ST Session

H. R. 1120

[Report No. 113-30]

A BILL

To prohibit the National Labor Relations Board from taking any action that requires a quorum of the members of the Board until such time as Board constituting a quorum shall have been confirmed by the Senate, the Supreme Court issues a decision on the constitutionality of the appointments to the Board made in January 2012, or the adjournment sine die of the first session of the 113th Congress.

APRIL 9, 2013

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed