

113TH CONGRESS
1ST SESSION

S. 850

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 SENATE OF THE UNITED STATES

APRIL 25, 2013

Mr. ALEXANDER (for himself, Mr. JOHANNES, Mr. ENZI, Mr. ROBERTS, Mr. BLUNT, Mr. INHOFE, Mr. ISAKSON, Mr. SCOTT, Mr. KIRK, Mr. RUBIO, Mr. COBURN, and Mr. RISCH) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

16 **SEC. 3. TERMINATION.**

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

19 (1) all members of the National Labor Rela-
20 tions Board are confirmed with the advice and con-
21 sent of the Senate, in accordance with clause 2 of
22 section 2 of article II of the Constitution, in a num-
23 ber sufficient to constitute a quorum, as set forth in
24 the National Labor Relations Act (29 U.S.C. 151 et
25 seq.);

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

4 (3) the adjournment sine die of the first session
5 of the 113th Congress.

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

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