

112TH CONGRESS  
2D SESSION

# H. R. 3770

To amend title 5, United States Code, to provide that payment for services may not be made to an individual appointed during a recess of the Senate to fill a vacancy in an existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2012

Mr. LANDRY (for himself, Mr. DUNCAN of South Carolina, Mr. ROSS of Florida, Mrs. BLACK, Mr. ROGERS of Alabama, Mr. BURTON of Indiana, Mr. WESTMORELAND, Mr. JOHNSON of Ohio, Mr. GRIFFITH of Virginia, Mr. STEARNS, Mr. MILLER of Florida, Mr. GOWDY, Mr. SAM JOHNSON of Texas, Mrs. BLACKBURN, Mr. GOSAR, Mr. SCOTT of South Carolina, Mr. FRANKS of Arizona, Mr. BROOKS, Mr. MURPHY of Pennsylvania, Ms. JENKINS, Mr. SCALISE, and Mr. BARLETTA) introduced the following bill

JANUARY 17, 2012

Referred to the Committee on Oversight and Government Reform, and in addition to the Committees on Education and the Workforce and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title 5, United States Code, to provide that payment for services may not be made to an individual appointed during a recess of the Senate to fill a vacancy in an existing office, if the vacancy existed while the Senate was in session and was by law required to be

filled by and with the advice and consent of the Senate,  
and for other purposes.

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 “Executive Appoint-  
5 ments Reform Act”.

6 **SEC. 2. RECESS APPOINTMENTS PAY REFORM.**

7       Section 5503 of title 5, United States Code, is  
8 amended—

9           (1) by striking the second sentence of sub-  
10 section (a);

11           (2) by striking subsection (b); and

12           (3) by striking “(a) Payment” and inserting  
13 “Payment”.

14 **SEC. 3. LIMITATION ON VOLUNTARY SERVICES.**

15       Section 1342 of title 31, United States Code, is  
16 amended—

17           (1) by redesignating the text of such section as  
18 subsection (a); and

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

20       “(b) No officer or employee of the United States Gov-  
21 ernment serving in a position required by law to be filled  
22 with the advice and consent of the Senate may provide  
23 voluntary or gratuitous services.”.

1 **SEC. 4. REQUIREMENT RELATING TO A QUORUM FOR THE**  
2 **NATIONAL LABOR RELATIONS BOARD.**

3 Section 3(b) of the National Labor Relations Act (29  
4 U.S.C. 153(b)) is amended by adding at the end the fol-  
5 lowing: “A quorum shall not be constituted by any mem-  
6 ber of the Board who shall not have been confirmed by  
7 the Senate.”.

8 **SEC. 5. AMENDMENTS RELATING TO THE BUREAU OF CON-**  
9 **SUMER FINANCIAL PROTECTION.**

10 (a) **EFFECTIVENESS OF RULES.**—Section 1022(b)(1)  
11 of the Dodd-Frank Wall Street Reform and Consumer  
12 Protection Act (12 U.S.C. 5512(b)(1)) is amended by add-  
13 ing at the end the following: “No rule, order, or other ad-  
14 ministrative action shall be considered final if the Director  
15 was appointed during a recess of the Senate and the posi-  
16 tion of Director was vacant while the Senate was in ses-  
17 sion, until the Director has been confirmed by the Sen-  
18 ate.”.

19 (b) **REPEAL.**—Section 1017(c) of the Dodd-Frank  
20 Wall Street Reform and Consumer Protection Act (12  
21 U.S.C. 5497(c)) is amended by striking paragraph (2) and  
22 redesignating paragraph (3) as paragraph (2).

23 (c) **TREATMENT OF RECESS APPOINTMENTS; LIMI-**  
24 **TATION ON VOLUNTARY SERVICES.**—Section 1011(b) of  
25 the Dodd-Frank Wall Street Reform and Consumer Pro-

1 tention Act (12 U.S.C. 5491(b)) is amended by adding at  
2 the end the following:

3 “(6) TREATMENT OF RECESS APPOINTEES; LIM-  
4 ITATION ON VOLUNTARY SERVICES.—

5 “(A) RECESS APPOINTEES NOT TO RE-  
6 CEIVE PAY.—Payment for services may not be  
7 made to an individual appointed during a recess  
8 of the Senate to fill a vacancy in the Bureau,  
9 if the vacancy existed while the Senate was in  
10 session and was by law required to be filled by  
11 and with the advice and consent of the Senate,  
12 until the appointee has been confirmed by the  
13 Senate.

14 “(B) LIMITATION ON VOLUNTARY SERV-  
15 ICES.—No officer or employee of the Bureau  
16 serving in a position required by law to be filled  
17 with the advice and consent of the Senate may  
18 provide voluntary or gratuitous services.”.

19 **SEC. 6. EFFECTIVE DATE.**

20 This Act and the amendments made by this Act shall  
21 be effective as of January 1, 2012.

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