

113TH CONGRESS  
1ST SESSION

# H. R. 976

To declare that certain agency actions by the National Labor Relations Board shall have no force or effect until final disposition is made in certain actions relating to the appointment of individuals to such Board that are pending in Federal court, and to prohibit further actions by such Board until such time.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2013

Mr. WOMACK (for himself, Mr. GRIFFIN of Arkansas, Mr. CRAWFORD, Mr. COTTON, Mr. CONAWAY, Mr. HARRIS, Mr. ADERHOLT, Mr. ROGERS of Alabama, Mr. KINGSTON, Mr. WESTMORELAND, Mr. JONES, Mr. MULVANEY, Mr. COLE, Mr. CRAMER, Mr. SCALISE, and Mr. LONG) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To declare that certain agency actions by the National Labor Relations Board shall have no force or effect until final disposition is made in certain actions relating to the appointment of individuals to such Board that are pending in Federal court, and to prohibit further actions by such Board until such time.

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. REGULATIONS ISSUED BY NLRB TO HAVE NO**  
2 **FORCE OR EFFECT PENDING FINAL ACTION**  
3 **IN FEDERAL COURT.**

4 (a) INVALIDITY OF REGULATIONS.—Notwithstanding  
5 any other provision of law, any agency action taken by  
6 the National Labor Relations Board since January 4,  
7 2012, shall have no force or effect unless each member  
8 of such Board has been appointed—

9 (1) by and with the advice and consent of the  
10 Senate, in accordance with clause 2 of section 2 of  
11 article II of the United States Constitution; or

12 (2) appropriately in accordance with clause 3 of  
13 section 2 of article II of the United States Constitu-  
14 tion.

15 (b) EFFECTIVE DATE.—Subsection (a) shall cease to  
16 have effect on the date on which final disposition is made  
17 in all actions that allege as a material fact the unconsti-  
18 tutionality of the appointment of individuals to such  
19 Board that are pending before a Federal court as of the  
20 date of enactment of this Act.

21 **SEC. 2. PROHIBITION ON NLRB ACTIONS.**

22 Notwithstanding any other provision of law, the Na-  
23 tional Labor Relations Board shall not take any agency  
24 action until the date on which final disposition is made  
25 in all actions that allege as a material fact the unconsti-  
26 tutionality of the appointment of individuals to such

1 Board that are pending before a Federal court as of the  
2 date of enactment of this Act.

3 **SEC. 3. AGENCY ACTION DEFINED.**

4 As used in this Act, the term “agency action” has  
5 the meaning given such term in section 551 of title 5,  
6 United States Code, but does not include an action taken  
7 by the General Counsel of the National Labor Relations  
8 Board under authority set forth section 3(d) of the Na-  
9 tional Labor Relations Act (29 U.S.C.153(d)).

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