

Proposed Resolution Against Presidential Recess Appointments¹

Whereas the U.S. Constitution provides for presidential power:

“to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.” per [Article II, Section 2, Clause 3](#), and

Whereas the plain meaning of happen is to: take place or occur, and

Whereas Alexander Hamilton in [Federalist Paper #67](#) clearly explained that the purpose of recess appointments that “may happen” *during* Senate recesses, which in our early history sometimes lasted six to nine months, were necessary to permit the continued function of some government services, and

Whereas President Obama recently made four Recess Appointments to executive positions that existed or happened prior to the claimed recess, and

Whereas this is in direct violation of the clear Constitutional requirement for these vacancies to “happen during the recess of the Senate” not prior to the recess, and

Whereas these appointments were made during a pro forma session of the Senate since the House of Representatives was still in session, and the Senate was still holding sessions, and

Whereas the Senate cannot recess more than three days without the approval of the House, per [Article I, Section 5, Clause 4](#), and

Whereas President Obama made a unilateral decision or claim that the Senate was in recess, and

Whereas Congress has the sole authority to determine when to normally adjourn, and

Whereas the purpose of requiring the Senate to advise and consent to all of the Presidents nominations is clearly explained by Hamilton in [Federalist Paper #76](#) as a safeguard against crony appointments or appointments that would not be in the best interests of our Constitutional Republic or of our citizens, and

Whereas this safeguard is unconstitutionally bypassed when presidents fail to have the Senate advise and consent on nominees for vacancies that happen while the Senate is in session, and instead commission these same nominees during short Senate recesses knowing that they would not otherwise be consented to, and

Whereas on January 4, 2012, [Barack Obama](#) made four recess appointments to vacant positions that happened prior to the recess: [Richard Cordray](#) to serve as head of the [Consumer Financial Protection Bureau](#) and appointed three new members to the [National Labor Relations Board](#), and

Whereas these recess appointments were made during pro forma sessions of the Senate,

Therefore, be it resolved, that the House of Representatives will begin immediate impeachment hearings to remove the above appointments if these appointees do not all immediately resign from the offices that they were unconstitutionally commissioned to or unless the President immediately rescinds all of their commissions.