

103D CONGRESS
1ST SESSION

S. 1147

To prohibit Presidential nominees from performing certain governmental functions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 23 (legislative day, JUNE 22), 1993

Mr. KEMPTHORNE (for himself, Mr. BENNETT, Mr. BROWN, Mr. COATS, Mr. COHEN, Mr. COVERDELL, Mr. CRAIG, Mr. DOMENICI, Mr. FAIRCLOTH, Mr. GRASSLEY, Mr. GREGG, Mr. HELMS, Mrs. KASSEBAUM, Mr. LOTT, Mr. NICKLES, Mr. MACK, Mr. MURKOWSKI, Mr. SMITH, Mr. STEVENS, Mr. THURMOND, Mr. WALLOP, Mr. HATFIELD, and Mr. MCCAIN) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To prohibit Presidential nominees from performing certain governmental functions, 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. PROHIBITION OF PRESIDENTIAL NOMINEES**

4 **PERFORMING CERTAIN GOVERNMENTAL**
5 **FUNCTIONS.**

6 (a) IN GENERAL.—(1) Subject to the provisions of
7 subsection (c), no person nominated by the President to
8 serve in an office which requires the advice and consent

1 of the Senate for appointment may perform any function
2 described under paragraph (2) before such appointment
3 is approved by the Senate.

4 (2) The functions referred to under paragraph (1)
5 shall include any function which is authorized or required
6 by law to be performed by an officer of the United States,
7 regardless of whether such function may be delegated by
8 law.

9 (b) NOMINEES COMPENSATED FOR SERVICES.—The
10 provisions of subsection (a) shall apply to any such person,
11 regardless of whether such person is compensated for tem-
12 porary or intermittent services under section 3109 of title
13 5, United States Code, or any other provision of law.

14 (c) APPLICATION.—(1) The provisions of this Act
15 shall not apply to any officer of the United States with
16 respect to the functions of the office held by such officer
17 at the time of nomination by the President for appoint-
18 ment to another office.

19 (2) The provisions of this Act shall not affect the ap-
20 plication of subchapter III of chapter 33 of title 5, United
21 States Code.

22 (3) The provisions of this Act shall not be construed
23 to affect the power of the President to fill a vacancy dur-
24 ing the recess of the Senate.

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