

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2530
OFFERED BY MR. CUMMINGS OF MARYLAND**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “MSPB Interim Stay
3 Authority Act”.

**4 SEC. 2. TEMPORARY AUTHORITY FOR MSPB GENERAL
5 COUNSEL TO ISSUE STAYS OF PERSONNEL
6 ACTIONS.**

7 During the period beginning on the date of the enact-
8 ment of this Act and ending on the first date after such
9 date of enactment that an individual is confirmed by the
10 Senate as a member of the Merit Systems Protection
11 Board under section 1201 of title 5, United States Code,
12 the general counsel of the Board shall carry out the func-
13 tions and authorities relating to stays of personnel actions
14 provided to a member of the Board under subparagraph
15 (A), or to the Board under subparagraph (B), (C), or (D),
16 of section 1214(b)(1) of such title.

1 **SEC. 3. AUTHORITY FOR MSPB MEMBER TO CARRY OUT DU-**
2 **TIES OF THE BOARD IN THE EVENT OF A**
3 **LACK OF QUORUM.**

4 Section 1214(b)(1) of title 5, United States Code, is
5 amended—

6 (1) in subparagraph (C), by inserting after
7 “The Board” the following: “, or, if the Board lacks
8 the number of members appointed under section
9 1201 required to constitute a quorum, any remain-
10 ing member of the Board,”; and

11 (2) in subparagraph (D), in the matter pre-
12 ceding clause (i), by striking “A stay may be termi-
13 nated by the Board at any time, except that a stay
14 may not be terminated by the Board” and inserting
15 the following: “A stay may be terminated by the
16 Board, or, if the Board lacks the number of mem-
17 bers appointed under section 1201 required to con-
18 stitute a quorum, any remaining member of the
19 Board, at any time, except that a stay may not be
20 terminated by the Board or any remaining member
21 of the Board (as the case may be)”.

