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Congress of the United States
House of Representatives
Washington, DC 20515

January 17, 2012

Congressman Lamar Smith
Chairman
House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Smith,

It is with great conviction that I write you regarding the recent debate surrounding the constitutionality of President Barak Obama's use of executive powers to appoint a head to the Consumer Financial Protection Bureau (CFPB) and three board members to the National Labor Relations Board (NLRB). This tremendous usurp of power from the elected representatives of the people of the United States is a breach of constitutional law.

Under the Constitution, Article II, §2, clause 2, the President has the power to make appointments to high-level policy making positions in the federal government with collaboration and approval by the Senate. The President may make temporary recess appointments when the Senate is in a period of recess. The Senate cannot take a recess of more than 3 days unless approval is given by the House of Representatives. As you are aware, the Senate was in a pro forma session when the President made his appointments.

My major cause of concern comes from the President's complete lack of regard for the Constitution and the proper and defined roles of the three branches of government. The push by the President to appoint a head to the CFPB directly defies the Senate and prevents appropriate oversight in the approval of executive appointments.

As we push for greater transparency and accountability to the American people, I urge you to hold a hearing on the constitutionality of the President's use of executive recess appointment authority to a federal agency that has not yet been appropriated federal taxpayer funding. As stewards of the authority and funds of the American people, we have an obligation to ensure fiscal responsibility and strict adherence to the Constitution that we all swore to protect.

Sincerely,



W. Todd Akin
Member of Congress