

Chair's prior announcement, further proceedings on this motion will be postponed.

ENSURING THAT THE COMPENSATION AND OTHER EMOLUMENTS ATTACHED TO THE OFFICE OF THE SECRETARY OF THE INTERIOR ARE THOSE WHICH WERE IN EFFECT ON JANUARY 1, 2005

Mr. TOWNS. Madam Speaker, I move to suspend the rules and agree to the Senate joint resolution (S.J. Res. 3), ensuring that the compensation and other emoluments attached to the office of Secretary of the Interior are those which were in effect on January 1, 2005.

The Clerk read the title of the Senate joint resolution.

The text of the Senate joint resolution is as follows:

S.J. RES. 3

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPENSATION AND OTHER EMOLUMENTS ATTACHED TO THE OFFICE OF SECRETARY OF THE INTERIOR.

(a) IN GENERAL.—The compensation and other emoluments attached to the office of Secretary of the Interior shall be those in effect January 1, 2005, notwithstanding any increase in such compensation or emoluments after that date under any provision of law, or provision which has the force and effect of law, that is enacted or becomes effective during the period beginning at noon of January 3, 2005, and ending at noon of January 3, 2011.

(b) CIVIL ACTION AND APPEAL.—

(1) JURISDICTION.—Any person aggrieved by an action of the Secretary of the Interior may bring a civil action in the United States District Court for the District of Columbia to contest the constitutionality of the appointment and continuance in office of the Secretary of the Interior on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution. The United States District Court for the District of Columbia shall have exclusive jurisdiction over such a civil action, without regard to the sum or value of the matter in controversy.

(2) THREE JUDGE PANEL.—Any claim challenging the constitutionality of the appointment and continuance in office of the Secretary of the Interior on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution, in an action brought under paragraph (1) shall be heard and determined by a panel of three judges in accordance with section 2284 of title 28, United States Code. It shall be the duty of the district court to advance on the docket and to expedite the disposition of any matter brought under this subsection.

(3) APPEAL.—

(A) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order upon the validity of the appointment and continuance in office of the Secretary of the Interior under article I, section 6, clause 2, of the Constitution, entered in any action brought under this subsection. Any such appeal shall be taken by a notice of appeal filed within 20 days after such judgment, decree, or order is entered.

(B) JURISDICTION.—The Supreme Court shall, if it has not previously ruled on the

question presented by an appeal taken under subparagraph (A), accept jurisdiction over the appeal, advance the appeal on the docket, and expedite the appeal.

(c) EFFECTIVE DATE.—This joint resolution shall take effect at 12:00 p.m. on January 20, 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TOWNS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. I yield myself as much time as I may consume.

S.J. Res. 3 is a measure needed to ensure Senator SALAZAR of Colorado will be able to serve our country as the Secretary of the Interior during the Obama administration.

The Constitution provides that no Member of the House or Senate may be appointed to an office in the Federal Government for which the salary was raised during the Member's term. Fortunately, this does not prohibit the appointment of Senators or House Members to positions in the executive branch and will not prevent Senator SALAZAR from becoming Secretary of the Interior.

Numerous historical precedents and Justice Department interpretations hold that such appointments are, in fact, permissible so long as the salary is set at the level it was before the appointee's term began.

This long-standing practice dates back at least 100 years and is often referred to as the "Saxbe Fix," referring to the solution which set the salary for President Nixon's nominee for Attorney General, William Saxbe, so that it would reflect the salary level in place before his congressional term of office began.

Other Cabinet officials appointed under such arrangement include Secretary of State Edmund Muskie and Secretary of the Treasury Lloyd Bentsen. The House also passed a similar measure by unanimous consent just last December to ensure that Senator CLINTON may serve as Secretary of State.

This is a commonsense solution with ample precedent, which I urge all Members to support.

Madam Speaker, I reserve the balance of my time.

Mr. ISSA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am strongly in support of this resolution as necessary and appropriate. It is sort of interesting to have to bring a vote to give somebody less money and save the taxpayers money, but I'm pleased to do it

at any time, and hopefully we will find larger savings as the year goes on.

But I would like to comment on one thing. This is obviously something that we've agreed on beforehand and we look forward to quick passage, but I am committed here today, and would say on the floor with the chairman, to going back to committee to drafting a broader bill, one we would bring before the House within a few days that would cover Congresswoman HILDA SOLIS, former Congressman Ray LaHood, and other Members who are going to be in the same situation of having voted for the tax bill or been present for it and are going to be, in all likelihood, in the President's Cabinet. I believe that we should bring a piece of legislation that, on a blanket basis, says if you want to accept the job, you will accept the lower pay.

So, although I was pleased to be on the floor and participate in the UC, I am pleased to do this. I would hope that for judicial expedience that we would bring a single bill in the next coming weeks that would cover anyone who chooses in the first 2 years to be in the Obama administration, and I look forward to the savings that will come from those appointments.

I reserve the balance of my time.

Mr. TOWNS. Let me just say to the gentleman that he makes a very good point, and we will review it and see in terms of what we can do to be able to move things along. Also, I'm for saving. Any way we can save, let's do it.

S.J. Res. 3 sets the salary of the Secretary of the Interior to the level in effect on January 1, 2005, before the start of Senator SALAZAR's term, satisfying the constitutional requirements. I urge Members to support the resolution and, of course, look forward to working with my colleague in terms of being able to look at a broader kind of legislation to be able to deal with others who might be moving forward or going into the administration.

Madam Speaker, I don't have any other speakers, and I want to know if the minority has any other speakers.

Mr. ISSA. Madam Speaker, I have no other speakers and would yield back.

Mr. TOWNS. Madam Speaker, on that note, I ask my colleagues to be supportive of this legislation because, after all, I think that when we look at the service that is provided and what it is going to do in the days ahead, I think we should be supportive.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and agree to the Senate joint resolution, S.J. Res. 3.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate joint resolution was agreed to.

A motion to reconsider was laid on the table.