

111TH CONGRESS
1ST SESSION

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.

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2009

Mr. REID introduced the following joint resolution; which was read twice, considered, read the third time, and passed

JOINT RESOLUTION

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.

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

3 **SECTION 1. COMPENSATION AND OTHER EMOLUMENTS AT-**
4 **TACHED TO THE OFFICE OF SECRETARY OF**
5 **THE INTERIOR.**

6 (a) IN GENERAL.—The compensation and other
7 emoluments attached to the office of Secretary of the Inte-
8 rior shall be those in effect January 1, 2005, notwith-
9 standing any increase in such compensation or emolu-

1 ments after that date under any provision of law, or provi-
2 sion which has the force and effect of law, that is enacted
3 or becomes effective during the period beginning at noon
4 of January 3, 2005, and ending at noon of January 3,
5 2011.

6 (b) CIVIL ACTION AND APPEAL.—

7 (1) JURISDICTION.—Any person aggrieved by
8 an action of the Secretary of the Interior may bring
9 a civil action in the United States District Court for
10 the District of Columbia to contest the constitu-
11 tionality of the appointment and continuance in of-
12 fice of the Secretary of the Interior on the ground
13 that such appointment and continuance in office is
14 in violation of article I, section 6, clause 2, of the
15 Constitution. The United States District Court for
16 the District of Columbia shall have exclusive juris-
17 diction over such a civil action, without regard to the
18 sum or value of the matter in controversy.

19 (2) THREE JUDGE PANEL.—Any claim chal-
20 lenging the constitutionality of the appointment and
21 continuance in office of the Secretary of the Interior
22 on the ground that such appointment and continu-
23 ance in office is in violation of article I, section 6,
24 clause 2, of the Constitution, in an action brought
25 under paragraph (1) shall be heard and determined

1 by a panel of three judges in accordance with section
2 2284 of title 28, United States Code. It shall be the
3 duty of the district court to advance on the docket
4 and to expedite the disposition of any matter
5 brought under this subsection.

6 (3) APPEAL.—

7 (A) DIRECT APPEAL TO SUPREME
8 COURT.—An appeal may be taken directly to
9 the Supreme Court of the United States from
10 any interlocutory or final judgment, decree, or
11 order upon the validity of the appointment and
12 continuance in office of the Secretary of the In-
13 terior under article I, section 6, clause 2, of the
14 Constitution, entered in any action brought
15 under this subsection. Any such appeal shall be
16 taken by a notice of appeal filed within 20 days
17 after such judgment, decree, or order is en-
18 tered.

19 (B) JURISDICTION.—The Supreme Court
20 shall, if it has not previously ruled on the ques-
21 tion presented by an appeal taken under sub-
22 paragraph (A), accept jurisdiction over the ap-
23 peal, advance the appeal on the docket, and ex-
24 pedite the appeal.

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

