



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

FLOOR SITUATION

S.J.Res. 3 is scheduled to be considered on the floor on January 7, 2009, under a motion to suspend the rules, requiring a two-thirds majority vote for passage. This legislation was passed by the Senate on January 6, 2009, by unanimous consent.

SUMMARY

S.J.Res. 3 ensures that the “emoluments” or compensation attached to the office of the Secretary of Interior shall be those in effect on January 1, 2005, notwithstanding any increase after that date.

BACKGROUND

Article 1, Section 6, Clause 2 of the U.S. Constitution—the Sinecure Clause—states that: “No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time.” The clause traditionally limited Presidents’ ability to select Members of Congress to serve in executive positions. In 1973, after President Nixon appointed Senator William Saxbe to serve as Attorney General despite Congress having raised the Attorney General’s salary during his Senate tenure, Congress passed the so-called “Saxbe fix” to reduce the salary of the position to earlier levels. This fix has been used repeatedly, most recently in December 2008, when Senator Clinton was appointed to serve as Secretary of State. However, it is interesting to note that some Administrations have taken a dim view of this legislative fix, particularly the Reagan Administration which viewed it as an end-run around the Sinecure Clause.

S.J.Res. 3 is being considered because the salary for the office of Secretary of Interior increased from \$186,600 to \$191,300 in 2008, during the Senate tenure of Senator Ken Salazar.

COST

A CBO cost estimate is not yet available.

STAFF CONTACT

For questions or further information contact Chris Jacobs at 6-2302.