

110TH CONGRESS
2D SESSION

S. J. RES. 46

Ensuring that the compensation and other emoluments attached to the office of Secretary of State are those which were in effect on January 1, 2007.

IN THE SENATE OF THE UNITED STATES

DECEMBER 10, 2008

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 State are those which were in effect on January 1, 2007.

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 **STATE.**

6 (a) IN GENERAL.—The compensation and other
7 emoluments attached to the office of Secretary of State
8 shall be those in effect January 1, 2007, notwithstanding
9 any increase in such compensation or emoluments after
10 that date under any provision of law, or provision which

1 has the force and effect of law, that is enacted or becomes
2 effective during the period beginning at noon of January
3 3, 2007, and ending at noon of January 3, 2013.

4 (b) CIVIL ACTION AND APPEAL.—

5 (1) JURISDICTION.—Any person aggrieved by
6 an action of the Secretary of State may bring a civil
7 action in the United States District Court for the
8 District of Columbia to contest the constitutionality
9 of the appointment and continuance in office of the
10 Secretary of State on the ground that such appoint-
11 ment and continuance in office is in violation of arti-
12 cle I, section 6, clause 2, of the Constitution. The
13 United States District Court for the District of Co-
14 lumbia shall have exclusive jurisdiction over such a
15 civil action, without regard to the sum or value of
16 the matter in controversy.

17 (2) THREE JUDGE PANEL.—Any claim chal-
18 lenging the constitutionality of the appointment and
19 continuance in office of the Secretary of State on
20 the ground that such appointment and continuance
21 in office is in violation of article I, section 6, clause
22 2, of the Constitution, in an action brought under
23 paragraph (1) shall be heard and determined by a
24 panel of three judges in accordance with section
25 2284 of title 28, United States Code. It shall be the

1 duty of the district court to advance on the docket
 2 and to expedite the disposition of any matter
 3 brought under this subsection.

4 (3) APPEAL.—

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

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

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

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