

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
11 has the force and effect of law, that is enacted or becomes
12 effective during the period beginning at noon of January
13 3, 2007, and ending at noon of January 3, 2013.

14 (b) CIVIL ACTION AND APPEAL.—

15 (1) JURISDICTION.—Any person aggrieved by
16 an action of the Secretary of State may bring a civil

1 action in the United States District Court for the
2 District of Columbia to contest the constitutionality
3 of the appointment and continuance in office of the
4 Secretary of State on the ground that such appoint-
5 ment and continuance in office is in violation of arti-
6 cle I, section 6, clause 2, of the Constitution. The
7 United States District Court for the District of Co-
8 lumbia shall have exclusive jurisdiction over such a
9 civil action, without regard to the sum or value of
10 the matter in controversy.

11 (2) THREE JUDGE PANEL.—Any claim chal-
12 lenging the constitutionality of the appointment and
13 continuance in office of the Secretary of State on
14 the ground that such appointment and continuance
15 in office is in violation of article I, section 6, clause
16 2, of the Constitution, in an action brought under
17 paragraph (1) shall be heard and determined by a
18 panel of three judges in accordance with section
19 2284 of title 28, United States Code. It shall be the
20 duty of the district court to advance on the docket
21 and to expedite the disposition of any matter
22 brought under this subsection.

23 (3) APPEAL.—

24 (A) DIRECT APPEAL TO SUPREME
25 COURT.—An appeal may be taken directly to

1 the Supreme Court of the United States from
2 any interlocutory or final judgment, decree, or
3 order upon the validity of the appointment and
4 continuance in office of the Secretary of State
5 under article I, section 6, clause 2, of the Con-
6 stitution, entered in any action brought under
7 this subsection. Any such appeal shall be taken
8 by a notice of appeal filed within 20 days after
9 such judgment, decree, or order is entered.

10 (B) JURISDICTION.—The Supreme Court
11 shall, if it has not previously ruled on the ques-
12 tion presented by an appeal taken under sub-
13 paragraph (A), accept jurisdiction over the ap-
14 peal, advance the appeal on the docket, and ex-
15 pedite the appeal.

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

Passed the Senate December 10, 2008.

Attest:

Secretary.

110TH CONGRESS
2D Session

S. J. RES. 46

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