^{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-

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TACHED TO THE OFFICE OF SECRETARY OF 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 has the force and effect of law, that is enacted or becomes
 effective during the period beginning at noon of January
 3, 2007, and ending at noon of January 3, 2013.

4 (b) CIVIL ACTION AND APPEAL.—

(1) JURISDICTION.—Any person aggrieved by 5 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 2, of the Constitution, in an action brought under 22 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 duty of the district court to advance on the docket
 and to expedite the disposition of any matter
 brought under this subsection.

(3) Appeal.—

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5 (\mathbf{A}) DIRECT APPEAL TO SUPREME 6 COURT.—An appeal may be taken directly to 7 the Supreme Court of the United States from any interlocutory or final judgment, decree, or 8 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 ques18 tion presented by an appeal taken under sub19 paragraph (A), accept jurisdiction over the ap20 peal, advance the appeal on the docket, and ex21 pedite the appeal.

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

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