

**112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**

**H.R. \_\_\_\_\_  
READ THE BILLS ACT**

**CONSTITUTIONAL AUTHORITY STATEMENT**

*Pursuant to clause 7 of Rule XII of the Rules of the House of Representatives, the following statement is submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.*

This bill is enacted pursuant to the power conferred by the United States Constitution upon each house of Congress by:

(a) Article I, Section 5, Clauses 2 and 3 to determine the rules and to keep a journal of its proceedings, respectively;

(b) Article I, Section 7, Clause 2 to ensure that bills that become law have been actually passed by, not just passed through, each house of Congress; and

(c) Article I, Section 8, Clause 18, which authorizes Congress to make all laws that are necessary and proper for carrying into execution the rules of each house.

The provision of this Act under which any person who is aggrieved by the enforcement of any law enacted either in violation of the rules of proceedings of either house of Congress, or by the suspension of such rules, as prescribed herein, shall have standing in a court of law, is pursuant to Article III, Section 2 of the United States Constitution.

**H.R.** \_\_\_\_\_

IN THE HOUSE OF REPRESENTATIVES

Mr. \_\_\_\_\_ introduced the following bill;  
which was referred to the Committee on \_\_\_\_\_.

**A BILL**

To require a **Constitutional Authority Statement** in support of every bill or resolution, the verbatim **inclusion** in each bill or resolution the text of any existing law amended, and, before final passage of any bill (other than a private bill) or resolution, the full verbatim **reading** of the text to each house of Congress called to order with a quorum physically assembled throughout, the verbatim **publication** of every such Bill on an official Internet **web site** of the Senate and the House of Representatives before final passage of any Bill in each house of Congress, **prior notice** of the calendar week on which the final vote is scheduled to be taken, the execution of an **affidavit** by every member of each house of Congress attesting that, prior to voting for passage of a bill the individual member had either listened attentively to the reading of said bill **or** had personally read it in its entirety; and to provide for **enforcement** of the printing, reading, entry, publication, recording and affidavit requirements herein.

1 *Be it enacted by the Senate and House of Representatives of the United States*  
2 *Congress assembled,*

3 **CONTENTS**

4	Sec. 1. Short Title. . . . .	2
5	Sec. 2. Constitutional Authority Statement. . . . .	2
6	Sec. 3. Findings. . . . .	2
7	Sec. 4 Text of Bill or Resolution to Set out Constitutional Authority. . .	6
8	Sec. 5. Text of Bill or Resolution to Set out Current Law. . . . .	8
9	Sec. 6. Procedures Prior to Vote on Bill or Resolution. . . . .	9
10	Sec. 7. Enforcement. . . . .	11
11	Sec. 8. Severability Clause. . . . .	13

1           **SEC. 1. SHORT TITLE.**

2           This Act may be cited as the “Read the Bills Act.”

3           **SEC. 2. CONSTITUTIONAL AUTHORITY STATEMENT.**

4           (a) This bill is enacted pursuant to the power conferred by the United  
5 States Constitution upon each house of Congress by:

6                   (i) Article I, Section 5, Clauses 2 and 3 to determine the rules and  
7 to keep a journal of its proceedings, respectively;

8                   (ii) Article I, Section 7, Clause 2 to ensure that bills that become  
9 law have been actually passed by, not just passed through, each house of  
10 Congress; and

11                   (iii) Article I, Section 8, Clause 18, which authorizes Congress to  
12 make all laws that are necessary and proper for carrying into execution  
13 the rules of each house.

14           (b) The provision of this Act under which any person who is aggrieved  
15 by the enforcement of any law enacted either in violation of the rules of  
16 proceedings of either house of Congress, or by the suspension of such rules, as  
17 prescribed herein, shall have standing in a court of law, is pursuant to Article  
18 III, Section 2 of the United States Constitution.

19           **SEC. 3. FINDINGS.**

20           (a) The United States Constitution vests all legislative powers granted therein  
21 to the United States Congress, members of both the Senate and House of which

1 are elected by the people to whom each member is accountable to represent the  
2 people of the State and of the House District in the exercise of each member's  
3 legislative powers.

4 (b) As a government of enumerated powers, Article I, Section 1 of the  
5 Constitution obliges Congress to exercise only those legislative powers set forth  
6 in the Constitution, and Article VI of the Constitution requires of each member  
7 of Congress an oath or affirmation to support the Constitution by enacting only  
8 those laws, and making only those resolutions that are pursuant to the  
9 Constitution and not prohibited thereby.

10 (c) To the end that Congress be politically and legally accountable to the  
11 people, Article I, Section 4 of the United States Constitution requires each  
12 House of Congress to keep a journal of its proceedings and from time to time  
13 publish the same.

14 (d) To the end that no legislation be passed without effective representation of  
15 the people's interest by the elected members of the Congress, Article I, Section  
16 7 of the United States Constitution states that only those Bills “which shall have  
17 passed the House of Representatives and the Senate,” and not vetoed by the  
18 President, “shall become” Laws.

19 (e) According to Section I of Thomas Jefferson's 1812 Manual of  
20 Parliamentary Practice for the Use of the Senate of the United States  
21 (“Jefferson's Manual”), “nothing tended more to throw power into the hands of  
22 administration and those who acted with the majority ... than a neglect of, or

1 departure from, the rules of proceeding [which] operated as a check and control  
2 of the actions of the majority [and] a shelter and protection to the minority.”

3 (f) According to Sections XXII and XL of Jefferson's Manual, it was the rule  
4 of the Senate that every bill receive three readings, two full readings by the  
5 Clerk of the Senate, and a third reading of the title of the bill only in that “every  
6 member of the Senate had a printed copy [of said bill] in his hand.”

7 (g) According to Sections XXIV, XXV, and XL of Jefferson's Manual, it  
8 was the rule of the House of Representatives, following the parliamentary  
9 procedure of the English House of Commons, that every bill received two full  
10 readings by the Clerk of the House, and a reading of the whole contents of the  
11 bill verbatim by the Speaker of the House before the House voted on each bill.

12 (h) Under current Senate rules, the Senate has departed from its original  
13 practice of a full first and second reading of each bill, and of ensuring that each  
14 Senator has a printed or other verbatim copy of each bill before passage thereof,  
15 having by Rule XIV limited each reading of a bill to the reading of the bill's title  
16 only, unless the Senate in any case shall otherwise order.

17 (i) Under current House rules, the House of Representatives has by Rule XVI  
18 (8) and Rule XVIII (5) embraced its original practice of full first and second  
19 readings of each bill, but has regularly departed from this practice by unanimous  
20 consent of the House, and has dispensed altogether its original practice of a  
21 verbatim third reading of each bill before passage, limiting such third reading to  
22 the reading of the title only, including the reading of the title only even when

1 members of the House have no printed or other verbatim copy of a bill before  
2 passage.

3 (j) Although Section 106, Title 1, United States Code, requires a bill to be  
4 made available in written form to each member of Congress before final passage  
5 Congress has by statute conferred upon itself the power, during the last six days  
6 of a session of Congress, by concurrent resolution, to vote for passage of a bill  
7 that is not in said form at the time of final passage.

8 (k) As a direct consequence of the Senate and the House of Representatives  
9 departure from the salutary practice of full, verbatim readings of each bill  
10 before final passage, and further, as a direct consequence of Congress, by  
11 concurrent resolution and otherwise, having permitted certain appropriation,  
12 budget, and regulatory bills to be enacted into law without such bills being  
13 printed and presented to Congress in written form prior to final passage,  
14 Congress has: (i) imposed upon the American people excessively long bills,  
15 largely written by an unelected bureaucracy, resulting in generally  
16 incomprehensible, cumbersome, oppressive and burdensome laws, containing  
17 hidden provisions for special interests; (ii) deprived the American people and  
18 their elected Senators and Representatives of a full and fair opportunity to  
19 examine the text of said bills, and all amendments thereto, prior to passage; (iii)  
20 undermined the confidence of the American people by its failure to give  
21 adequate notice to the people before a vote is taken on said bills and their  
22 amendments in the bills; and (iv) has called into question the integrity and

1 reliability of the legislative processes in both houses of Congress by its failure to  
2 ensure that each member of the Senate and each member of the House has, prior  
3 to passage, either listened attentively to the reading of the full text of each bill,  
4 and its amendments, or has personally read the text thereof.

5 (l) Federal law currently proscribes various requirements relating to the form  
6 of bills and procedure used regarding the enactment of laws, including: (i) the  
7 form of the enacting clause of all Acts of Congress is set out in 1 U.S.C.  
8 Section 101; (ii) the form of the resolving clause of all joint resolutions is set  
9 out in 1 U.S.C. Section 102; (iii) a limitation on the use of enacting or  
10 resolving words is set out in 1 U.S.C. Section 103; (iv) a requirement  
11 regarding the numbering sections and the requirement that each contain a single  
12 proposition is set out in 1 U.S.C. Section 104; (v) the style and title for all Acts  
13 making appropriations is set out in 1 U.S.C. section 105; and (vi) the process  
14 by which each bill or joint resolution is handled after passage is set out in 1  
15 U.S.C. section 106.

16 **SEC. 4. TEXT OF BILL OR RESOLUTION TO SET OUT**  
17 **CONSTITUTIONAL AUTHORITY.**

18 (a) TEXT OF BILL OR RESOLUTION TO SET OUT CONSTITUTIONAL  
19 AUTHORITY.— Chapter 2 of Title 1 of the United States Code is Amended to  
20 include a new Section 105a, as follows:

1 “Section 105a.— TEXT OF BILL OR RESOLUTION TO SET OUT

2 CONSTITUTIONAL AUTHORITY.—

3 (A) (i) Any bill or resolution introduced in either house of Congress  
4 shall contain a provision citing the specific powers granted to  
5 Congress in the United States Constitution to enact the proposed  
6 bill or resolution, including all the provisions thereof.

7 (ii) Any bill or resolution not complying with subsection (A)(i)  
8 shall not be accepted by the Clerk of the House of  
9 Representatives or the Secretary of the Senate.

10 (B) (i) In addition, the requirements of subsection (A)(i) shall apply  
11 to all bills or resolutions presented for floor action in either house  
12 of Congress, including, but not limited to, those bills or  
13 resolutions reported from a Committee of either house of  
14 Congress, produced by conference between the two houses of  
15 Congress, or offered as a manager’s amendment.

16 (ii) Any bill or resolution not complying with subsection (A)(i)  
17 shall not be submitted to a vote on final passage.

18 (C) Neither house of Congress, nor Congress jointly — by concurrent  
19 resolution, or by unanimous consent, or by any other order, resolution, vote, or  
20 other means — may dispense with, or otherwise waive or modify, the  
21 requirements set forth in this section.”

1           **SEC. 5. TEXT OF BILL OR RESOLUTION TO SET OUT**  
2           **CURRENT LAW.**

3           (a) **TEXT OF BILL OR RESOLUTION TO SET OUT CURRENT LAW.—**

4           Chapter 2 of Title 1 of the United States Code is Amended to include a new  
5           Section 105b, as follows:

6           “Section 105b.— **TEXT OF BILL OR RESOLUTION TO SET OUT CURRENT**  
7           **LAW.—**

8           (A)   (i) Any bill or resolution introduced in either house of Congress,  
9                 designed to amend or modifying the effect of, or which would  
10                have the effect of amending or modifying the effect of, any  
11                current provision of law, including but not limited to the  
12                expiration date of any law, shall set out (a) the current version of  
13                the entire section of the Act of Congress or the U.S. Code being  
14                amended, verbatim, followed by (b) the amendments being  
15                proposed by the bill, followed by (c) the current section of law as  
16                it would read as modified by the amendments being proposed,  
17                provided however, that this subsection shall not apply to any bill  
18                or resolution which would strike the text of an entire section of an  
19                Act of Congress or the U.S. Code.

1 (ii) Any bill or resolution not complying with this subsection shall  
2 not be accepted by the Clerk of the House of Representatives or  
3 the Secretary of the Senate.

4 (B) (i) In addition, the requirements of subsection (A)(i) shall apply  
5 to all bills or resolutions presented for floor action in either house  
6 of Congress, including, but not limited to, those reported from a  
7 Committee of either house of Congress, produced by conference  
8 between the two houses of Congress, offered as a manager's  
9 amendment.

10 (ii) Any bill or resolution not complying with this subsection shall  
11 not be submitted to a vote on final passage.

12 (C) Neither house of Congress, nor Congress jointly — by concurrent  
13 resolution, or by unanimous consent, or by any other order, resolution, vote, or  
14 other means — may dispense with, or otherwise waive or modify, the  
15 requirements set forth in this section.”

16 **SEC. 6. PROCEDURES PRIOR TO VOTE ON BILL OR**  
17 **RESOLUTION.**

18 (a) Chapter 2 of Title 1 of the United States Code is Amended to include  
19 a new Section 105c, as follows:

1 “Section 105c.— PROCEDURES PRIOR TO VOTE ON BILL OR RESOLUTION.

2 (A) In addition, no bill (except for private bills) or resolution shall be put  
3 to a vote on final passage before either house of Congress without:

4 (i) publication of its full text at least seven calendar days prior on an  
5 official Internet web site of each house of Congress, easily  
6 available to and readily usable by the public, using an open  
7 format that is platform independent, machine readable, and  
8 available without restrictions respecting searching, retrieval,  
9 downloading, and indexing, separate and apart from the Senate or  
10 House Calendar;

11 (ii) public notice of the specific calendar week during which such  
12 vote is scheduled to take place having been posted on the official  
13 Internet web site described in subsection (A)(i) at least six  
14 calendar days prior to Monday of that scheduled calendar week,  
15 with failure to take the vote during the noticed week requiring a  
16 new notice; and

17 (iii) reading of its full text verbatim by the Clerk of the House of  
18 Representatives or Secretary of the Senate to the respective body  
19 of each house called to order and physically assembled with a  
20 constitutionally-required Quorum to do business being present  
21 throughout the time of the full textual reading of said bill,  
22 provided however, that once a bill or resolution is enrolled by

1           either house of Congress, any subsequent consideration of that  
2           enrolled bill or resolution need not be reread in full before the  
3           house of Congress which passed the bill, but only the reading of  
4           any amendments thereto.

5           (B) Prior to voting in favor of final passage of any bill (except a private  
6           bill) or resolution, each member of the Senate and each member of the House  
7           shall sign an affidavit executed under penalty of perjury as provided in Section  
8           1621, Title 18, United States Code, that the member either (i) was present  
9           throughout the entire reading of each such bill or resolution, and listened  
10          attentively to such reading in its entirety, or (ii) prior to voting for passage of  
11          such bill, read attentively each such bill in its entirety, or (iii) some combination  
12          of (i) or (ii), provided however, such affidavit shall not be required of any  
13          member of either House if such member votes against the passage of any bill or  
14          resolution. Copies of the affidavits shall be maintained by the Clerks of each  
15          house of Congress,

16          (C) With respect to each vote on final passage of a bill (except for a  
17          private bill) or resolution, each house of Congress shall cause to be recorded in  
18          its journal of proceedings the publishing, notice, reading, and affidavit  
19          requirements of this section have been met.

20          (D) Neither house of Congress, nor Congress jointly — by concurrent  
21          resolution, or by unanimous consent, or by any other order, resolution, vote, or

1 other means — may dispense with, or otherwise waive or modify, any of the  
2 requirements set forth in this section.”

3 **SEC. 7. ENFORCEMENT CLAUSE.**

4 (a) Chapter 2 of Title 1, United States Code is Amended to include a  
5 new Section 105d, as follows:

6 “Section 105d.— ENFORCEMENT CLAUSE.

7 (1) Effective 90 calendar days after the enactment of this bill, no bill  
8 shall become law, nor enforced or applied as law, without Congress having  
9 complied fully with the requirements of Section 105a, Section 105b, and Section  
10 105c of Chapter 2 of Title 1, United States Code, and any person against whom  
11 such a bill is enforced or applied may invoke such noncompliance as a complete  
12 defense to any action, criminal or civil, brought against him.

13 (2) Any person aggrieved by the enforcement of, or attempt or threat of  
14 enforcement of, a bill passed without having complied with the said  
15 requirements, and any member of Congress aggrieved by the failure of the  
16 house of which he or she is a member to comply with said requirements, and  
17 any person individually aggrieved by the failure of the elected Senator of the  
18 State in which the aggrieved person resides, or elected member of the House of  
19 the District in which the aggrieved person resides, to fulfill that Senator's or  
20 House member's obligations under said requirements, shall, regardless of the  
21 amount in controversy, have a cause of action under Sections 2201 and 2202,  
22 Title 28, United States Code and Rules 57 and 65, Federal Rules of Civil

1 Procedure, against the United States to seek appropriate relief, including an  
2 injunction against enforcement of any law, the passage of which did not conform  
3 to the requirements of Sections 105a, 105b, and 105c.”

4 **SEC. 8. SEVERABILITY CLAUSE.**

5 (a) If any provision of this Act or the application thereof to any person or  
6 circumstance is held invalid for any reason in any court of competent  
7 jurisdiction, that invalidity does not affect other provisions or any other  
8 application of this Act which can be given effect without the invalid provision or  
9 application, which for this purpose the provisions of this Act are declared  
10 severable.