

POSITION PAPER

READ THE BILLS ACT

By: John W. Wallace

Congressional legislation, which can consist of hundreds or even thousands of pages of text, is routinely drafted by congressional staff members, special interest groups and/or lobbyists and oftentimes is not even read by the members of congress themselves. Although the people, via the U.S. Constitution, have exclusively given Congress the power to write our laws, many of our representatives have delegated this power to their staff members, government agency bureaucrats, special interest groups and corporate lobbyists who prepare much of the legislation. The danger is that these bureaucrats, special interest groups and lobbyists are not necessarily looking out for the best interest of the American people, but rather for the best interest of whoever is paying them. Could they slip in a paragraph here and a sentence there to promote their own objectives? Absolutely! It would be very easy to do because no one is reading the legislation. Because of the sheer volume of material contained in proposed legislation, individual Members of congress simply do not have the time to read all of the legislation they are voting on. A prime example is the Federal budget that can run hundreds of thousands of pages.

The current system has allowed many pieces of legislation to get through both houses of congress without adequate debate or understanding. For example, very few of the Senators read the recent 790-page proposed Comprehensive Immigration Reform Bill (S. 1348) before it was voted on and only a handful of copies of the original USA Patriot Act were available when it was voted on. The longer a piece of legislation is, the less likely it is that our representatives will have the time to read the entire document.

By routinely failing to read what they are voting on, members of congress have given the American people many excessively long, sometimes incomprehensible and burdensome laws. It has allowed unpopular measures, earmarks, pork barrel amendments or hidden provisions for special interests to be attached to very popular legislation that few in Congress would be willing to oppose publicly. This practice is called "log-rolling." Additions and deletions to legislation can even be made at the last minute. Votes are sometimes held with little debate or public notice and sometimes printed copies of the legislation are not available for legislators to read before they vote.

The sheer length of many of the bills proposed in congress deprives the average American citizen and their elected representatives of the opportunity to thoroughly examine the text of proposed legislation and amendments in detail prior to voting on it.

I support the “*READ THE BILLS ACT*” as drafted by DownsizeDC.org, or I will support similar legislation that requires elected representatives to do the following before they can bring any legislation to a vote:

- Read every word of every bill before a vote can be held on that bill.
- Read every word of every old law that comes up for renewal under the sunset provisions.
- Publish (including on the internet) every pending bill at least 7 days before a vote is held, to allow time for public comment.
- Be present at the reading of bills and that all discussions relating to the bills be open, and
- All legislators must certify that they have read and understood the bill, including any amendments, before voting on it.

The “Read the Bills Act” would not only eliminate a lot of poor legislation, it would also encourage elected representatives to propose legislation that is brief, understandable and to the point. The openness of the process will help reduce or possibly even eliminate the current practice of adding billions of dollars of non-related pork barrel amendments to "must pass" budget measures and other key legislation.

I also believe that all bills and legislation should address one specific issue only and any proposed amendments to the bill should only address the specific issue at hand. No pork barrel amendments of any kind and no unrelated riders should be attached to any bill.

All votes on bills should be conducted by roll call vote so that the American public will know who voted for or against a particular piece of legislation.

For more information about John W. Wallace, or to find out about his positions on other issues, please go to: www.TeaPartyRep.com

(SEE DRAFT LEGISLATION ON THE PAGES THAT FOLLOW)

110TH CONGRESS
1ST SESSION

H.R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. _____ introduced the following bill;
which was referred to the Committee on Rules

A BILL

To require before final passage of any Bill the printing and full verbatim reading of the text of such Bill, and each and every amendment attached thereto, to each house of Congress called to order with a quorum physically assembled throughout, the entry of such a printing and reading in the journal of each house of Congress, and the verbatim publication of every such Bill, and each and every amendment thereto, on the official Internet web site of the Senate and the House of Representatives at least seven days before floor consideration and final passage of any Bill, and each and every amendment thereto by each house of Congress; and to provide for enforcement of the printing, reading, entry, publication, recording and affidavit requirements herein.

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

SECTION 1. SHORT TITLE

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

SECTION 2. FINDINGS

(a) The United States Constitution vests all legislative powers granted therein to the United States Congress, members of both the Senate and House of which are elected by the people to whom each member is accountable to represent the people of the State and of the House District in the exercise of each member's legislative powers.

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

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

(d) According to Section I of Thomas Jefferson's 1812 Manual of Parliamentary Practice for the Use of the Senate of the United States (“Jefferson's Manual”), “nothing tended more to throw power into the hands of administration and those who acted with the majority ... than a neglect of, or departure from, the rules of proceeding [which] operated as a check and control of the actions of the majority [and] a shelter and protection to the minority.”

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

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

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

(h) Under current House rules, the House of Representatives has by Rule XVI (8) and Rule XVIII (5) embraced its original practice of full first and second readings of each bill, but has regularly departed from this practice by unanimous consent of the House, and has dispensed altogether its original practice of a verbatim third reading of each bill before passage, limiting such third reading to the reading of the title only, including the reading of the title only even when members of the House have no printed or other verbatim copy of a bill before passage.

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

(j) As a direct consequence of the Senate and the House of Representatives departure from the salutary practice of full, verbatim readings of each bill before final passage, and further, as a direct consequence of Congress, by concurrent resolution, having permitted certain appropriation and budget bills to be enacted into law without such bills being printed and presented to Congress in written form prior to final passage, Congress has: (a) imposed upon the American people excessively long bills, largely written by an unelected bureaucracy, resulting in generally incomprehensible, cumbersome, oppressive and burdensome laws, containing hidden provisions for special interests; (b) deprived the American people and their elected Senators and Representatives of a full and fair opportunity to examine the text of said bills, and all amendments thereto, prior to passage; (c) undermined the confidence of the American people by its failure to give adequate notice to the people before a vote is taken on said bills and their amendments in the bills; and (d) has called into question the integrity and reliability of the legislative processes in both houses of Congress by its failure to ensure that each member of the Senate and each member of the House has, prior to passage, either listened attentively to the reading of the full text of each bill, and its amendments, or has personally read the text thereof.

SECTION 3. READ THE BILLS BEFORE PASSAGE

(a) Chapter 2 of Title 1, United States Code, shall be amended by inserting at the end of the first sentence of Section 106, the following: “provided however, that no bill — including, but not limited to, any bill produced by conference between the two houses of Congress and any bill or resolution extending, modifying, or otherwise affecting the expiration date of a bill previously passed and enacted into law by Congress — shall pass either house of Congress: (a) without the

full text of said bill, and the full text of each and every amendment thereto and — if the bill or resolution extends, modifies, or in any way affects the expiration date of a bill previously passed and enacted into law — without the full text of such bill or resolution and the full text of the bill previously passed and enacted into law having first been individually read verbatim by the Clerk of each house to the body of each house called to order and physically assembled with a quorum present throughout the time of the full textual reading of said bill, and of the full text of any bill previously passed and enacted into law, if any, that is the subject of a bill or resolution extending, modifying or in any way affecting the expiration date of such previously passed bill enacted into law; and (b) without the full text of said bill, and the full text of each and every amendment thereto, and the full text of the previously passed bill and enacted into law, if any, having been published verbatim on the official Internet web site of each house at least seven days prior to a final vote thereon in each house, together with an official notice of the date and time on which the vote on the final version of said bill and its amendments will take place.”

(b) Chapter 2, Title 1, United States Code, shall be further amended by striking the last sentence of Section 106, and substituting therefor: “With respect to each bill and each and every amendment thereto, and each bill previously passed and enacted into law, the expiration date having been extended, modified or in any way changed by a bill or resolution, each house of Congress shall cause to be recorded in its journal of proceedings: (a) that the reading, printing, and publishing requirements of this section have been met; and (b) the names of those members of the Senate and of the House present during the reading of each bill and each and every amendment thereto. Each member of the Senate and each member of the House shall execute a sworn affidavit, such affidavit being executed under penalty of perjury as provided in Section 1621, Title 18, United States Code, that the member either was present throughout the entire reading of each bill, each and every amendment thereto, and listened attentively to such reading, or, prior to any vote on passage of the bill, and each and every amendment thereto, personally read attentively each bill, and each and every amendment thereto, in their entirety. Neither house of Congress, nor Congress jointly — by concurrent resolution, or by unanimous consent, or by any other order, resolution, vote, or other means — may dispense with, or otherwise waive or modify, the printing, reading, entry, publishing, recording, or affidavit requirements set forth herein.”

(c) Chapter 2, Title 1, United States Code, shall be further amended by renumbering Sections 106a and 106b to 106b and 106c respectively and adding a new Section 106a as follows: “Enforcement Clause. No bill shall become law, nor enforced or applied as law, without Congress having complied fully with the printing, reading, entry, publishing, recording, and affidavit requirements of Section 106, Title 2, United States Code and any person against whom such a bill is enforced or applied may invoke such noncompliance as a complete defense to any action,

criminal or civil, brought against him. Any person aggrieved by the enforcement of, or attempt or threat of enforcement of, a bill passed without having complied with the printing, reading, entry, publishing, recording, and affidavit requirements of Section 106, Title 2, United States Code, and any member of Congress aggrieved by the failure of the house of which he or she is a member to comply with the requirements of Section 106, and any person individually aggrieved by the failure of the elected Senator of the State in which the aggrieved person resides, or elected member of the House of the District in which the aggrieved person resides, to fulfill that Senator's or House member's obligations under Section 106, shall, regardless of the amount in controversy, have a cause of action under Sections 2201 and 2202, Title 28, United States Code and Rules 57 and 65, Federal Rules of Civil Procedure, against the United States to seek appropriate relief, including an injunction against enforcement of any law, the passage of which did not conform to the requirements of Section 106.”

SECTION 4. SEVERABILITY CLAUSE

If any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in any court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.
