

# [***Federal Court Rules Major Biden Spending Bill Was Passed Unconstitutionally***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BF5-H231-JBFB-H1T4-00000-00&context=1516831)

The Daily Caller

February 28, 2024 Wednesday 01:54 AM EST

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**Section:** DAILY-CALLER-NEWS-FOUNDATION; ***politics***; ***politics***

**Length:** 566 words

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**Body**

[*Link to Image*](https://cdn01.dailycaller.com/wp-content/uploads/2023/10/Photo-by-Drew-AngererGetty-Images-412412-e1697644623300.jpg)

A federal judge ruled Tuesday that a $1.7 trillion spending bill was unconstitutionally passed in December 2022 due to the lack of a quorum, blocking enforcement of a law about pregnant women in the workplace.

United States District Judge James Wesley Hendrix of the Northern District of Texas [*said*](https://www.texaspolicy.com/wp-content/uploads/2024/02/Texas-v.-Garland-Final-Judgment.pdf) that the House of Representatives improperly passed the spending package because a quorum of members was not physically present. The then-Democrat-controlled body allowed [*proxy voting*](https://dailycaller.com/2022/12/23/house-sends-1-7-trillion-spending-package-biden-desk/) for the measure, which 215 Democrats and nine Republicans supported. [***(RELATED: DCNF Reporter Details Dem Rep.'s Proxy Voting-Enabled High Life)***](https://dailycaller.com/2022/07/06/dcnf-kaminsky-oann-rush-proxy/)

HUGE WIN: We Just Secured A Win On The Case Chal­leng­ing $1.7 Trillion Fed­er­al Fund­ing Bill Passed Uncon­sti­tu­tion­al­ly With Less Than Half of U.S. Con­gress Phys­i­cal­ly Present Congress acted egregiously by passing the largest spending bill in U.S. history with fewer... [*https://t.co/5GiKsg9S2C*](https://t.co/5GiKsg9S2C)

- Attorney General Ken Paxton (@KenPaxtonTX) [*February 27, 2024*](https://twitter.com/KenPaxtonTX/status/1762617355383750846?ref_src=twsrc%5Etfw)

“Although the Court finds that the passage of the Consolidated Appropriations Act violated the Constitution, Texas does not seek an injunction of-and the Court does not enjoin-the entire Act,” Hendrix wrote in the 120-page [*opinion*](https://www.texasattorneygeneral.gov/sites/default/files/images/press/Quorum%20Clause%20opinion.pdf). “Rather, the Court enjoins only the application of the Pregnant Workers Fairness Act against Texas. The relief granted here is limited to abating the injury that Texas has proven will occur.”

“Based on the Quorum Clause's text, original public meaning, and historical practice, the Court concludes that the Quorum Clause bars the creation of a quorum by including non-present members participating by proxy,” Hendrix added. “Supreme Court precedent has long held that the Quorum Clause requires presence, and the Clause's text distinguishes those absent members from the quorum and provides a mechanism for obtaining a physical quorum by compelling absent members to attend. This power to compel attendance makes little sense divorced from physical presence.”

Paxton [*sued*](https://www.texasattorneygeneral.gov/news/releases/paxton-sues-biden-signing-unconstitutional-17-trillion-spending-bill) President Joe Biden in February 2023 for signing the measure, arguing in [*court documents*](https://www.texasattorneygeneral.gov/sites/default/files/images/press/Quorum%20Clause%20Complaint.pdf) that congressional power to force absent members to attend “would make little sense if the Constitution did not require physical attendance.”

“Congress acted egregiously by passing the largest spending bill in U.S. history with fewer than half the members of the House bothering to do their jobs, show up, and vote in person,” Paxton said in a Tuesday afternoon [*release*](https://www.texasattorneygeneral.gov/news/releases/attorney-general-ken-paxton-wins-case-challenging-17-trillion-federal-funding-bill-passed). “Former Speaker Nancy Pelosi abused proxy voting under the pretext of COVID-19 to pass this law, then Biden signed it, knowing they violated the Constitution. This was a stunning violation of the rule of law. I am relieved the Court upheld the Constitution.”

The Supreme Court [*ruled against*](https://dailycaller.com/2022/01/24/supreme-court-proxy-voting-kevin-mccarthy-nancy-pelosi/) Republican efforts to challenge the proxy voting rule put in place during the 2020 COVID-19 pandemic in January 2022.

The White House did not immediately respond to a request for comment from the Daily Caller News Foundation.

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**Graphic**

WASHINGTON, DC - NOVEMBER 01: Texas Attorney General Ken Paxton speaks outside the U.S. Supreme Court on November 01, 2021 in Washington, DC. On Monday, the Supreme Court heard arguments in a challenge to the controversial Texas abortion law which bans abortions after 6 weeks. (Photo by Drew Angerer/Getty Images)

**Load-Date:** February 27, 2024

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