

114TH CONGRESS
2D SESSION

H. R. 4321

To provide that any executive action that infringes on the powers and duties of Congress under section 8 of article I of the Constitution of the United States or on the Second Amendment to the Constitution of the United States has no force or effect, and to prohibit the use of funds for certain purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2016

Mr. STUTZMAN (for himself, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. CARTER of Georgia, Mr. CULBERSON, Mr. GOSAR, Mr. GUINTA, Mr. HUELSKAMP, Mr. FLORES, Mr. LOUDERMILK, Mr. FINCHER, Mr. JODY B. HICE of Georgia, Mr. LAMALFA, Mr. RATCLIFFE, Mr. SCHWEIKERT, Mr. ZINKE, Mr. BRIDENSTINE, Mr. FRANKS of Arizona, Mr. JOYCE, Mr. TOM PRICE of Georgia, Mr. BROOKS of Alabama, Mr. BYRNE, Mr. CONAWAY, Mr. JOHNSON of Ohio, Mr. GROTHMAN, Mr. NEWHOUSE, Mr. COLE, Mr. BURGESS, Mr. PALAZZO, Mr. PALMER, Mr. MILLER of Florida, Mr. WESTERMAN, Mr. ROUZER, Mr. ROGERS of Alabama, Mr. SESSIONS, Mr. MULLIN, Mr. WALKER, Mr. BABIN, Mrs. BLACKBURN, Mr. POE of Texas, Mr. ADERHOLT, Mr. WEBER of Texas, Mr. SHIMKUS, Mr. DUNCAN of Tennessee, Mr. GRAVES of Missouri, Mrs. LUMMIS, Mr. BUCSHON, Mr. LUCAS, Mr. BARTON, Mrs. WALORSKI, Mr. COLLINS of New York, Mr. HARPER, Mr. HULTGREN, Mr. GIBBS, Mr. ROONEY of Florida, Mr. LAMBORN, Mr. CHABOT, Mr. WALBERG, Mr. LABRADOR, Mr. WILSON of South Carolina, Mr. BENISHEK, Mr. ABRAHAM, and Mr. LATTA) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide that any executive action that infringes on the powers and duties of Congress under section 8 of article I of the Constitution of the United States or on the

Second Amendment to the Constitution of the United States has no force or effect, and to prohibit the use of funds for certain purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Separation of Powers
5 Restoration and Second Amendment Protection Act”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that any executive action
8 issued by the President before, on, or after the date of
9 enactment of this Act that infringes on the powers and
10 duties of Congress under section 8 of article I of the Con-
11 stitution of the United States or the Second Amendment
12 to the Constitution of the United States, or that would
13 require the expenditure of Federal funds not specifically
14 appropriated for the purpose of the executive action, is
15 advisory only and has no force or effect unless enacted
16 as law.

17 **SEC. 3. DEFINITION OF EXECUTIVE ACTION.**

18 In this Act, the term “executive action” includes an
19 Executive order, memoranda, proclamation, or signing
20 statement.

21 **SEC. 4. VIOLATION OF EFFECT OF EXECUTIVE ACTION.**

22 Any existing or proposed executive action that in-
23 fringes on the powers and duties of Congress under section

1 8 of article I of the Constitution of the United States or
2 the Second Amendment to the Constitution of the United
3 States shall have no force or effect.

4 **SEC. 5. PROHIBITION AGAINST USE OF FUNDS FOR CER-**
5 **TAIN PURPOSES.**

6 No funds appropriated pursuant to any provision of
7 law may be used to promulgate or enforce any executive
8 action that infringes on the powers and duties of Congress
9 under section 8 of article I of the Constitution of the
10 United States or the Second Amendment to the Constitu-
11 tion of the United States.

12 **SEC. 6. STANDING TO CHALLENGE EXECUTIVE ACTION.**

13 A civil action may be brought in an appropriate dis-
14 trict court of the United States to challenge the validity
15 of any executive action which infringes on the powers and
16 duties of Congress under section 8 of article I of the Con-
17 stitution of the United States or the Second Amendment
18 to the Constitution of the United States by the following
19 persons:

20 (1) CONGRESS AND ITS MEMBERS.—Any Mem-
21 ber of the House of Representatives or the Senate,
22 or either or both chambers acting pursuant to vote,
23 if the challenged executive action—

1 (A) infringes on the powers and duties of
2 Congress under article I, section 8 of the Con-
3 stitution of the United States; or

4 (B) violates the Second Amendment to the
5 Constitution of the United States.

6 (2) STATE AND LOCAL GOVERNMENTS.—The
7 highest governmental official of any State, common-
8 wealth, district, territory, or possession of the
9 United States, or any political subdivision thereof, or
10 the designee of such person, if the challenged execu-
11 tive action infringes on a power of such State or on
12 a power afforded to such commonwealth, district,
13 territory, or possession under any congressional en-
14 actment or relevant treaty of the United States.

15 (3) AGGRIEVED PERSONS.—Any person ag-
16 grieved of the challenged executive action with re-
17 spect to a liberty or property interest adversely af-
18 fected directly by the executive action.

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