

113TH CONGRESS
1ST SESSION

H. R. 410

To provide that any executive action infringing on the Second Amendment has no force or effect, and to prohibit the use of funds for certain purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2013

Mr. STOCKMAN introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To provide that any executive action infringing on the Second Amendment 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 “Restore the Constitu-
5 tion Act of 2013”.

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

7 (a) IN GENERAL.—That it is the sense of Congress
8 that any executive action issued by the President before,
9 on, or after the date of the enactment of this Act that
10 infringes on the powers and duties of Congress under sec-

tion 8 of article I of the Constitution or the Second Amendment to the Constitution, or that would require the expenditure of Federal funds not specifically appropriated for the purpose of executive action, is advisory only and has no force or effect unless enacted by law.

(b) DEFINITION OF EXECUTIVE ACTION.—In this Act, the term “executive action” includes an Executive order, memoranda, proclamation or signing statement.

SEC. 3. VITIATION OF EFFECT OF EXECUTIVE ACTION.

Any existing or proposed executive action that infringes on the powers and duties of Congress under section 8 of article I of the Constitution or the Second Amendment to the Constitution shall have no force or effect.

SEC. 4. PROHIBITION AGAINST USE OF FUNDS FOR CERTAIN PURPOSES.

No funds appropriated pursuant to any provision of law may be used to promulgate or enforce any executive action that infringes on the powers and duties of Congress under section 8 of article I of the Constitution or the Second Amendment to the Constitution.

1 **SEC. 5. STANDING TO CHALLENGE EXECUTIVE ACTION**
2 **WHICH IMPACTS ARTICLE I, SECTION 8 OF**
3 **THE CONSTITUTION OR THE SECOND AMEND-**
4 **MENT TO THE CONSTITUTION.**

5 The following persons may bring an action in an ap-
6 propriate United States court to challenge the validity of
7 any executive action which infringes on the powers and
8 duties of Congress under section 8 of article I of the Con-
9 stitution or the Second Amendment to the Constitution.

10 (1) CONGRESS AND ITS MEMBERS.—Any Mem-
11 ber of the House of Representatives or the Senate,
12 or either or both chambers acting pursuant to vote,
13 if the challenged action—

14 (A) infringes on the powers and duties of
15 Congress under article I, section 8 of the Con-
16 stitution; or

17 (B) violates the Second Amendment to the
18 Constitution.

19 (2) STATE AND LOCAL GOVERNMENTS.—The
20 highest governmental official of any State, common-
21 wealth, district, territory or possession of the United
22 States, or any political subdivision thereof, or the
23 designee of such person, if the challenged executive
24 action infringes on a power of such State or on a
25 power afforded to such commonwealth, district, ter-

1 ritory, or possession under any congressional enact-
2 ment or relevant treaty of the United States.

3 (3) AGGRIEVED PERSONS.—Any person ag-
4 grieved in a liberty or property interest adversely af-
5 fected by the challenged executive action.

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