

114TH CONGRESS
1ST SESSION

S. 2434

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 SENATE OF THE UNITED STATES

DECEMBER 18, 2015

Mr. PAUL introduced the following bill; which was read the first time

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”.

1 **SEC. 2. SENSE OF CONGRESS.**

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

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

13 In this Act, the term “executive action” includes an
14 Executive order, memoranda, proclamation, or signing
15 statement.

16 **SEC. 4. VITIATION OF EFFECT OF EXECUTIVE ACTION.**

17 Any existing or proposed executive action that in-
18 fringes on the powers and duties of Congress under section
19 8 of article I of the Constitution of the United States or
20 the Second Amendment to the Constitution of the United
21 States shall have no force or effect.

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

24 No funds appropriated pursuant to any provision of
25 law may be used to promulgate or enforce any executive
26 action that infringes on the powers and duties of Congress

1 under section 8 of article I of the Constitution of the
 2 United States or the Second Amendment to the Constitu-
 3 tion of the United States.

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

5 A civil action may be brought in an appropriate dis-
 6 trict court of the United States to challenge the validity
 7 of any executive action which infringes on the powers and
 8 duties of Congress under section 8 of article I of the Con-
 9 stitution of the United States or the Second Amendment
 10 to the Constitution of the United States by the following
 11 persons:

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

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

19 (B) violates the Second Amendment to the
 20 Constitution of the United States.

21 (2) STATE AND LOCAL GOVERNMENTS.—The
 22 highest governmental official of any State, common-
 23 wealth, district, territory, or possession of the
 24 United States, or any political subdivision thereof, or
 25 the designee of such person, if the challenged execu-

1 tive action infringes on a power of such State or on
2 a power afforded to such commonwealth, district,
3 territory, or possession under any congressional en-
4 actment or relevant treaty of the United States.

5 (3) AGGRIEVED PERSONS.—Any person ag-
6 grievd of the challenged executive action with re-
7 spect to a liberty or property interest adversely af-
8 fected directly by the executive action.

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