

Mark R Warner

AMENDMENT NO. _____

Calendar No. _____

Purpose: To create a point of order against considering funding legislation for the Office of the President while there is pending litigation alleging a violation of the Take Care Clause.

IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.

S. Con. Res. 7

AMENDMENT N^o 0121

By Warner

To: _____

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Page(s)

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Viz:

- 1 At the appropriate place in title IV, add the following:
- 2 **SEC. 4** _____ . **POINT OF ORDER AGAINST CONSIDERING**
- 3 **FUNDING LEGISLATION FOR THE OFFICE OF**
- 4 **THE PRESIDENT WHILE THERE IS PENDING**
- 5 **LITIGATION ALLEGING A VIOLATION OF THE**
- 6 **TAKE CARE CLAUSE.**

7 (a) POINT OF ORDER.—It shall not be in order in

8 the Senate to consider any bill, joint resolution, motion,

9 amendment, amendment between the Houses, or con-

10 ference report that provides new budget authority for the

1 Office of the President or the White House Office during
2 any period during which there is litigation pending against
3 the President or another officer or employee of the execu-
4 tive branch alleging a violation of the requirement under
5 article II, section 3 of the Constitution of the United
6 States that the President “shall take Care that the Laws
7 be faithfully executed” (commonly known as the “Take
8 Care Clause”).

9 (b) WAIVER AND APPEAL.—Subsection (a) may be
10 waived or suspended in the Senate only by an affirmative
11 vote of three-fifths of the Members, duly chosen and
12 sworn. An affirmative vote of three-fifths of the Members
13 of the Senate, duly chosen and sworn, shall be required
14 to sustain an appeal of the ruling of the Chair on a point
15 of order raised under subsection (a).