110TH CONGRESS
1ST SESSION

S. 1623

To require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is not engaged in global taxation schemes.

IN THE SENATE OF THE UNITED STATES

JUNE 14, 2007

Mr. INHOFE (for himself, Mr. NELSON of Nebraska, Ms. SNOWE, Mr. STEVENS, Mr. BUNNING, Mr. CRAPO, Mr. CRAIG, Mr. KYL, Mr. ENSIGN, Mr. COBURN, Mr. SHELBY, Mr. CHAMBLISS, Mrs. HUTCHISON, Mr. VITTER, Mr. SESSIONS, Mr. THUNE, Mr. BOND, Mr. SMITH, Mr. COCHRAN, Mr. BURR, Mrs. DOLE, and Mr. ALLARD) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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A BILL

To require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is not engaged in global taxation schemes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protection against United Nations Taxation Act of 2007'', the ''PUNT Act of 2007'', or the ''Helms-Biden Reauthorization Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Congress has previously taken action in opposition to United Nations taxation schemes in section 921 of the United Nations Reform Act of 1999 (chapter 2 of title IX of the Admiral James W. Nance and Meg Donovan Foreign Relations Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–478) (commonly referred to as ''Helms-Biden'')).

(2) The 2005 United Nations' Human Development Report, released September 7, 2005, envisages ''raising additional revenue through international taxation mechanisms''.

(3) The 2005 United Nations' Human Development Report states, ''Several governments are assessing the implications of an international tax on aviation fuel. Even set at a low level, such a tax could raise $9-$10 billion a year.''.

(4) The 2005 United Nations' Human Development Report states, ''Another proposal calls for a flat-rate tax on airline passenger tickets,'' with sev-

eral countries having ''reached an agreement in principle to introduce a national air ticketing tax to finance development spending''.

(5) The 2005 United Nations' Human Development Report states, ''Other countries have advocated a tax on currency transactions. Indeed, Belgium has already passed legislation on the adoption of a currency tax.''.

(6) It has been estimated that a ''Tobin tax,'' named after Dr. James Tobin who first proposed it, would raise $13,000,000,000,000 from a small levy on international currency transactions.

(7) The 2005 United Nations' Human Development Report states, ''Advocates for the use of international levies to mobilize financing for development claim that the approach would produce important benefits for the MDGs [Millennium Development Goals] and beyond.''.

(8) The 2005 United Nations' Human Development Report highlights the fact that, in a 2004 report, the Government of France argues that new international taxes and fees are a good idea.

(9) The 2005 United Nations' Human Development Report recognizes that ''the United States, in

particular, is opposed to the approach'' of employing international taxation mechanisms.

(10) United Nations officials have made numerous and repeated proposals to provide financing for the United Nations outside the scrutiny of Member States of the United Nations, including borrowing from international financial institutions, assuming control of bonds issued by Member States, and imposing taxes on an extensive range of transactions, goods, and services.

(11) The 1994 United Nations' Human Development Report stated that ''[i]t is appropriate that the proceeds of an international tax be devoted to international purposes and be placed at the disposal of international institutions''.

(12) On January 14, 1996, United Nations General Secretary Boutros Boutros-Ghali stated that an international tax would mean that ''[he would] not be under the daily financial will of the Member States''.

(13) The United Nations and its organizations are replete with mismanagement, waste, corruption, and inefficiency which cost American taxpayers millions of dollars each year.

(14) The power to tax is an attribute of sovereignty.

(15) The United Nations does not have the attributes of sovereignty and is not a sovereign power.

(16) The United Nations has no legal authority to impose taxes on United States citizens.

(17) On August 30, 2005, the United States Representative to the United Nations wrote to colleagues at the United Nations to caution against international spending targets ''which bear no relation to countries' needs or ability to use aid effectively'' and to warn against ''ignor[ing] the need for an enabling environment at the national level for aid to be effective in promoting development''.

(18) The Report of the United Nations Commission on the Private Sector and Development estimates that developing countries have $9,400,000,000,000 in private financial assets that cannot be fully mobilized because of corruption and inadequate legal protection for property and contracts.

(19) On August 30, 2005, the United States Representative to the United Nations observed, ''Prosperity requires institutions at the national level

that generate wealth and enable countries to participate in the global economy.''.

(20) As a matter of prioritization, foreign national and international corruption and legal protection for property and contracts must be addressed before additional spending of American taxpayer dollars on foreign aid exacerbates these problems.

(21) On August 30, 2005, the United States Representative to the United Nations observed, ''Development is about putting into place a complex set of policies and institutions that will generate economic growth and sustain it over the long haul to the benefit of all countries.''.

(22) On August 30, 2005, the United States Representative to the United Nations observed, ''A global partnership is predicated on the acceptance by developing countries of their national responsibility to undertake specific reforms to improve their economic governance and respect for human rights and the rule of law.''.

(23) On August 30, 2005, the United States Representative to the United Nations stated clearly and firmly that ''the United States is unable to agree'' to ''new open-ended donor financial commitments''.

(24) On August 30, 2005, the United States Representative to the United Nations stated clearly and firmly that "the U.S. does not accept global aid targets or global taxes".

(25) Any activity by United Nations officials, personnel, agents, or contractors to develop, advocate, or promote international taxes or fees, except as noted in section 3(b)(4), is unacceptable and must be thoroughly investigated.

(26) On August 30, 2005, the United States Representative to the United Nations cautioned against "global governance" and objected to "assert[ing] a primacy for the United Nations in international economic governance without respecting the roles and mandates of other institutions".

(27) On March 21, 2005, United Nations Secretary-General Kofi Annan addressed the General Assembly to present a report entitled, "In Larger Freedom" that advocates, "Global development assistance must be more than doubled over the next few years. . . . Each developed country that has not already done so should establish a timetable to achieve the 0.7% target of gross national income for official development assistance no later than 2015, starting with significant increases no later than

2006, and reaching 0.5% by 2009. The increase should be front-loaded through an International Finance Facility, and other innovative sources of financing should be considered for the longer term.''.

(28) The term ''innovative sources of financing'' involves developing, advocating, endorsing, publicizing, promoting, and collecting international taxes and fees.

(29) According to the ''In Larger Freedom'' report, the United Nations proposes to create an international revenue service named the International Finance Facility.

(30) This proposed international revenue service would extract long-term binding financial commitments from developed nations and collect this money.

(31) This proposed international revenue service would also issue debt on the global market for bonds issued by supranational institutions and agencies and transfer wealth to developing nations.

(32) The January 2003 proposal of the United Kingdom for an International Financing Facility, which the United Nations has endorsed, states, ''There have been other proposals for new and innovative ways to raise funds to meet these goals, in-

cluding a Tobin tax, arms tax and an issue of IMF special drawing rights (SDRs).''.

(33) On Friday, June 10, 2005, at the United Nations in New York, the Inter-Parliamentary Union (IPU), in cooperation with the United Nations Department for Economic and Social Affairs (Financing for Development Office), organized a panel discussion entitled, ''Promoting innovative sources of financing for development: What role for parliaments?''.

(34) The United Nations panel of June 10, 2005, laid the lobbying groundwork for global taxes and fees, stating ''The panel aimed at providing the United Nations with a first direct impression of the political support that currently exists at the parliamentary level or that may be mobilized in future for innovative sources of development financing.''.

(35) The United Nations panel of June 10, 2005, concluded that ''most proposed new sources of financing will eventually require a legislative framework either to regulate existing financing mechanisms or to create brand new ones''.

(36) The United Nations panel of June 10, 2005, stated, ''[T]he role of parliaments is essential

to mobilize the required political support for the various innovative mechanisms on the table.''.

(37) The United Nations panel of June 10, 2005, lobbied to maximize new international taxes, ''The seven parliamentarians on the panel agreed that no single innovative proposal alone would suffice to fill the financing gap left open by traditional sources (estimated between 50 and 100 billion dollars a year). It was important therefore that a number of proposals be advanced at the same time.''.

(38) The United Nations panel of June 10, 2005, explained the rationale behind the first, most promising way to levy new international revenues from the likes of United States nationals, stating, ''Among these, the IFF was likely to be a favourite because it did not require universality, could mobilize considerable sums, created a more predictable and stable flow, and could easily be scrutinized by contributing countries' parliaments. Because the IFF can be implemented in the short term, it constitutes the most rapid response. . . . The first IFF, to raise $4 billion . . . will be launched this year.''.

(39) The United Nations panel of June 10, 2005, lobbied to find the most efficient way to transfer wealth out of the United States, stating, ''On re-

mittances, the impression of the panel was that it should not be too difficult to find some creative solution to reduce the average 20 percent transaction fee, and thus increase the overall flow.''.

(40) The United Nations panel of June 10, 2005, lobbied to make life easier for illegal immigrants, stating, ''A more intractable problem, however, has to do with facilitating money transfers for illegal migrants who fear exposure to the authorities. The situation has become particularly difficult in the United States, the largest remittance-sending country, following the tightening of security measures since the September 11th attacks.''.

(41) The United Nations panel of June 10, 2005, confronted the challenges of international taxation and offered some glimmer of hope, ''When it comes to discussions about international taxation, some of the parliamentarians on the panel felt strongly that this would for several years to come be a political non-starter in too many legislatures (although the Canadian House of Commons did adopt a motion on an international currency transaction tax that expressed support for such a tax 'in concert with the international community'). The reasons adduced for this negative assessment were the classic

ones: international taxes can distort investment and trade flows, can undermine national sovereignty, may be impossible to universalize, and may even tamper with a country's defence capacities (in the case of taxes on arms sales).''.

(42) In order to tax with the greatest of ease, the United Nations panel of June 10, 2005, advocated the following: ''For other panelists, however, at least some new fiscal levies could be instituted without seeking a universal consensus. The best example of this is given by flight departure taxes; these can be implemented at the country level and can generate a fairly predictable and rich stream.''.

(43) On August 28, 2005, Asia-Europe Dialogue & Partner offered their Declaration on Innovative Sources of Financing for Development, ''At the initiative of President Luiz Inácio Lula da Silva, of Brazil, we gathered in New York, on 20th September 2004, to . . . increase financing for development. . . . [T]he international discussions of innovative sources of funding have gained momentum. The issue has become a regular feature in UN discussions on financing for development and has been in the agenda of multilateral financial institutions and other important international fora.''.

(44) The United Nations General Assembly agenda item dated on October 15, 2004, and titled ‘‘Follow-up to and implementation of the outcome of the International Conference on Financing for Development’’ states the determination of the General Assembly ‘‘to continue to implement and build further on the commitments made and agreements reached at the International Conference on Financing for Development and to strengthen the coordinated and coherent engagement of all relevant stakeholders in the financing for development process’’.

(45) The World Federalist Movement Web page on Global Economic Governance states that organization’s position on global levies or taxes, noting the United Nations’ calls for major efforts to mobilize additional financial resources and stating that a treaty or convention for collection of revenues for funding is in the works: ‘‘For multilateral institutions to be effective and independent they must have stable and adequate funding. There is a fundamental need for new financial mechanisms to provide for a strengthened and democratized multilateral system. Since the U.N. conference on Financing for Development in 2002, more intergovernmental attention has been given to the possibility of innovative sources of

finance such as environmental charge, currency transaction taxation, taxation of arms trade, International Financial Facility as proposed by the British government, and remittance's benefits as well as voluntary contributions through credit cards and lotteries.

"Several reports have been written on the feasibility of some of these innovative sources of finance by Member-States and U.N. bodies. In the note by the U.N. Secretary-General on innovative sources of financing for development, he calls for 'major efforts by developing countries and the international community to mobilize additional financial resource'. Brazil, France, Chile and Spain have taken the lead in a campaign for Action against Hunger and Poverty emphasizing the need for innovative finance mechanisms if the Millennium Development Goals (MDGs) are to be accomplished.

"Whereas the current intergovernmental debate about innovative sources of finance is placed within the framework of financing development and more specifically the MDGs, WFM believes that the debate should be seen in a broader perspective to also include the element of independent funding of multilateral organizations.

"At present the most powerful countries provide the vast majority of funding for international organizations and possess an immense and unbalanced control over the political decisions of these organizations. To reverse this trend, WFM calls for a mixture of state and independent funding of international organizations to ensure fair and democratic decision-making processes exempt from power politics. WFM thus believes that independent funding for multilateral organizations would address the challenges and obstacles for achieving democratic global governance.

"WFM specifically consider the global taxation of transnational currency transactions to be the most important source of independent funding and advocates a global implementation of the Tobin tax. Eventually, in cooperation with other NGOs and legal experts, WFM hopes to draft a treaty or convention for collection of revenues for funding the multilateral system that can be proposed and carried forth in intergovernmental processes.".

(46) The International Financial Institutions in Latin America state on their Web page the following: "Another study on innovative sources of financing for development, commissioned by the U.N.

from WIDER (The World Institute for Development Economics Research), was published in August 2004. Undertaken by Professor Anthony B. Atkinson of Nuffield College, Oxford University, the study examines some of the same potential sources for additional aid as well as considering how international taxes might be administered by national authorities.

"In addition to the Tobin tax, it considers a global environmental levy, a carbon-use tax, applied at a rate of US4.8 cents a US gallon (E 0.01 per litre). This tax 'levied only on high-income countries could indeed raise some US$60 billion a year'.".

(47) On August 17, 2004, the United Nations General Assembly distributed a document entitled, "Innovative Sources of Financing for Development", which stated the following:

"The General Assembly, in its resolution 58/230 of 23 December 2003, decided to consider at its fifty-ninth session possible innovative sources of financing for development, and requested the Secretary-General to submit the result of the analysis on this issue as called for in paragraph 44 of the Monterrey Consensus of the International Conference on Financing for Development. In the Consensus, heads of State and Government recognized the value of exploring innovative sources of finance provided that those sources did not unduly burden developing countries, and agreed to study, in the appropriate forums, the results of the analysis requested from the Secretary-General on possible innovative sources of finance.

“In this connection, it should be recalled that the General Assembly, in the context of the five-year review of the implementation of the outcome of the World Summit for Social Development, adopted resolution S–24/2 of 1 July 2000, on further initiatives for social development, in which it called for a rigorous analysis of the advantages, disadvantages and other implications of proposals for developing new and innovative sources of funding, both public and private, for dedication to social development and poverty eradication programmes.

“In response to the decisions of the Assembly, the Department of Economic and Social Affairs of the United Nations Secretariat commissioned the World Institute for Development Economics Research of the United Nations University (UNUWIDER) to undertake, during the period from 2003 to 2004, a study of new and innovative sources of development finance. The purpose of the study was not to devise new financing mechanisms for development but to consider some of the better-known existing proposals, focusing on their design and policy implications. An international expert on fiscal issues, Professor Anthony B. Atkinson, Warden of Nuffield College, Oxford University, led the project, which engaged a number of academics to prepare separate papers on a selection of innovative financing proposals. The UNU-WIDER study, entitled New Sources of Development Finance, will be published by Oxford University Press in 2004.

"An edited version of a policy-focused summary, entitled 'New Sources of Development Finance: Funding the Millennium Development Goals', prepared by Professor Atkinson in his capacity as director of the UNU-WIDER study, is contained in the annex to the present note. It presents the analytical framework, short summaries of the seven proposed sources of funding (i.e., global environmental taxes, tax on currency transactions, creation of new special drawing rights, an international finance facility, increased private donations for development, a global lottery and global premium bond, and increased remittances from emigrants), an overview of the key findings, and some conclusions.''.

(48) The foreword to the United Nations University book entitled ''New Sources of Development Finance'' observes that, ''Proposals for any form of global taxation meet immediate opposition from powerful elements in the US Congress. On the other hand, there is widespread appreciation of the need for new resource flows . . . .''.

(49) The foreword to the book also explains that earmarking of taxes for particular uses can be an effective tactic for the implementation of new taxes, stating that ''[w]e can learn from the analysis of the ear-marking of taxes . . .''.

(50) The foreword to the book also clearly explains the lobbying goal of the book, stating, ''The ultimate aim is to help break the present impasse in external finance for developing countries, and we believe this study will make an important contribution to the debate.''.

(51) One contributor to New Sources of Development Finance suggests that taxes be collected by national governments and then provided for international purposes, perhaps through ‘‘an international agency’’. Another contributor suggests the establishment of a ‘‘World Tax Authority’’ under the United Nations system.

(52) In June 2001, Ruben P. Mendez, formerly of the United Nations Development Programme, presented a paper entitled ‘‘The Case for Global Taxes: An Overview’’ to the United Nations ad hoc Expert Group Meeting on Innovation in Mobilizing Global Resources for Development.

(53) In ‘‘The Case for Global Taxes’’ Mr. Mendez claims that as a percentage of gross national product, official development assistance from the United States to foreign nations ‘‘runs at about 0.22 per cent, or less than one-third of the universally accepted norm of 0.7 per cent’’ and explains that the public transfer of resources from the United States to foreign nations could be brought to 22 to 28 percent, or one hundred times what it is now, through a formal system of international taxation of the United States.

(54) According to Jeffrey D. Sachs, a Special Advisor to United Nations Secretary-General Annan on the Millennium Development Goals, the rate of United States assistance remains at 0.15 percent and, therefore, ''We are short by $65 billion each year.''.

(55) In his 2001 United Nations paper, Mr. Mendez states, ''Permits to pollute, in fact, are a form of corrective, or 'Pigovian', taxation and could presage the acceptance of global taxation per se in view of the interest of the big industrial polluting nations in this approach.''.

(56) The 2001 United Nations paper continues, ''In the international economy, however, the global commons are generally used free of charge. It is therefore only logical to have a system of global taxes, or user charges. The global commons may be defined as those physical attributes of the universe that fall outside national jurisdiction or ownership. In addition to the traditional, tangible kinds of geographical space and features, e.g., land, bodies of water, ocean depths, air, natural resources and ecosystems, they include impalpable but nevertheless important physical facts such as the different levels

of outer space, the orbits of geostationary satellites, and the electromagnetic spectrum.''.

(57) The 2001 United Nations paper reflects, ''Nobel Memorial Prize-winning economist James Tobin of Yale has proposed taxing foreign exchange transactions . . . . Professor Tobin has noted that it could also be a 'terrific fund raiser' that 'could cover everything'—a potential that has not been lost on people concerned with international fund raising, who have now latched on to the 'Tobin tax' bandwagon.''.

(58) Journalist Steven Solomon, a former staff reporter at Forbes Magazine, estimates that the Tobin tax ''might net some $13 trillion a year''.

(59) The 2001 United Nations paper alternately advocates the creation of a foreign currency exchange to replace the role banks currently play and to levy user charges.

(60) The 2001 United Nations paper also advocates an ad valorem tax on international trade, which the paper claims is justified, arguing, ''trade uses the global commons, and 95 percent consists of goods transported by ocean freight. It would be a form of user fee. An alternative would be a tax on ocean freight.''

(61) The 2001 United Nations paper also advocates, ''Military expenditures and arms transfers could also be taxed.''.

(62) The 2001 United Nations paper also advocates, ''Taxes could also be on specific traded commodities, for instance, internationally traded oil, other exhaustible materials ... or manufactured goods.''.

(63) The 2001 United Nations paper also advocates ''serious attempts to compensate [developing countries] for the opportunity costs of conservation or to promote the generation of positive externalities whose returns these countries are unable to capture''.

(64) The 2001 United Nations paper also advocates taxing, overflight, stating, ''Like the high seas, international air space provides a passage for international transport. Since it lies outside national jurisdiction, is used by aircraft of various nations and is congestible, there is logic behind having the international public sector assert global ownership and charge user fees. One way this could be accomplished is through a surcharge on international air tickets, a proposal suggested by former Secretary-

General Boutros Boutros-Ghali, but not repeated since an outcry by a group of US congressmen.''.

(65) The 2001 United Nations paper also advocates, ''In addition to taxing and tapping foreign exchange transactions, discussed at the beginning of this section, there are two measures of a monetary nature, with considerable possibilities for fund raising, that are worth revisiting: Special drawing rights (SDRs) and IMF gold holdings.''.

(66) The 2001 United Nations paper also advocates, ''The 'Bhagwati tax' is one of many which have an economic and ethical rationale but must be appraised in terms of political and national juridical considerations. Although not presented initially within a public economics framework, it can be seen as a way for the developed countries to compensate generators of positive externalities—the countries of origin of the highly trained emigrants, who benefit the receiving countries and do not produce returns that can be captured by their home countries. Such taxes have existed for some time, such as the exit taxes of the Russian Federation and the former USSR, although Bhagwati's point is that it is the beneficiaries, including the recipient countries, which should pay the taxes.''.

(67) In the 2001 United Nations paper, Mendez declared that, ''The concept of automaticity in international public financing [mandatory international taxation] was first discussed in an official international forum in 1977, at the United Nations Conference on Desertification (UNCOD) in Nairobi. It was developed and incorporated in concrete proposals in subsequent studies and reports, in 1978 and 1980, by the United Nations Environmental Programme (UNEP) and the Secretary-General to the Economic and Social Council (ECOSOC) and the General Assembly on financing the UNCOD Plan of Action. These proposals were first analysed in an international public finance framework in my 1992 book on the subject . . . .''.

(68) The global tax proposals have thus been developed from 1977 to the present, calling into question the validity of the Helms-Biden certification required under section 921 of the United Nations Reform Act of 1999 (chapter 2 of title IX of the Admiral James W. Nance and Meg Donovan Foreign Relations Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act;

113 Stat. 1501A–478) (commonly referred to as ''Helms-Biden'')).

(69) The 2001 United Nations paper concludes simply that ''the dawn of global taxation appears to be at hand''.

(70) The handling by the United Nations of the global tax issue is discussed in the book, ''World Democratic Federalism,'' by Myron J. Frankman, who says that one factor behind the ''hostile reaction'' of the United States Congress ''to activity by the UN aimed at the promotion of any global taxes was the publication by the United Nations Development Program of a 1996 book titled, 'The Tobin Tax' ''.

(71) The United Nations and international organizations have developed, advocated, endorsed, promoted, and publicized proposals concerning the imposition of taxes and fees on United States nationals in order to raise revenue for the United Nations and international organizations.

SEC. 3. PAYMENT OF CERTAIN CONTRIBUTIONS CONTINGENT UPON CERTIFICATION OF NO UNITED NATIONS TAXATION SCHEMES.

(a) WITHHOLDING OF PORTION OF ASSESSED CONTRIBUTIONS.—Notwithstanding any other provision of law, until the President submits the certification required under subsection (b) for a fiscal year, the United States shall withhold during such year 20 percent of assessed contributions to the regular budget of the United Nations and other applicable international organizations.

(b) CERTIFICATION.—

(1) CERTIFICATION REQUIRED.—The certification referred to in subsection (a) is an annual certification made by the President to Congress that the following conditions have been met:

(A) NO UNITED NATIONS LEGAL TAXATION AUTHORITY.—Except as provided in paragraph (2), neither the United Nations nor any of its specialized or affiliated agencies nor any other international organization has the authority under United States law to impose taxes or fees on the United States Government or on the several States or on United States corporate citizens or on United States nationals.

(B) NO TAXES OR FEES.—Except as provided in paragraph (2), a tax or fee has not been imposed on the United States Government or on the several States or on United States corporate citizens or on United States nationals by the United Nations or any of its specialized or affiliated agencies or any other international organization.

(C) NO TAXATION PROPOSALS.—Except as provided in paragraph (2), neither the United Nations nor any of its specialized or affiliated agencies nor any other international organization has developed, advocated, endorsed, promoted, or publicized any proposal concerning the imposition of a tax or fee on any United States national or any income earned in the United States in order to raise revenue for the United Nations, any foreign government, or any international organization.

(2) EXCEPTION.—The conditions in subparagraphs (A) through (C) of paragraph (1) do not apply to—

(A) fees for publications or other kinds of fees that are not tantamount to a tax on United States citizens;

(B) the World Intellectual Property Organization; or

(C) the staff assessment costs of the United Nations and its specialized or affiliated agencies.

SEC. 4. SAVINGS CLAUSE.

(a) ENFORCEMENT OF RESTRICTIONS.—

(1) IN HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider any bill, joint resolution, amendment, motion, or conference report suspending, waiving, or repealing the requirement in section 3(a).

(2) IN SENATE.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report suspending, waiving, or repealing the requirement in section 3(a).

(b) WAIVER OF RULE IN SENATE.—Subsection (a) may be waived or suspended in the Senate only by the affirmative vote of two-thirds of the Members, duly chosen and sworn.

(c) APPEALS.—

(1) PROCEDURE.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, resolution, amendment, or conference report, as the case may be.

(2) SUSTAINABILITY OF APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen

and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

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