

tion or other order) against the person, as the attorney general determines to be necessary to—

“(1) restrain the person from engaging, or continuing to engage, in the violation; and

“(2) enforce compliance with the State law.

“(c) FEDERAL JURISDICTION.—

“(1) IN GENERAL.—The district courts of the United States shall have jurisdiction over any action brought under this section by an attorney general against any person, except one licensed or otherwise authorized to produce, sell, or store intoxicating liquor in such State.

“(2) VENUE.—An action under this section may be brought only in accordance with section 1391 of title 28, United States Code, or in the district in which the recipient of the intoxicating liquor resides or is found.

“(d) REQUIREMENTS FOR INJUNCTIONS AND ORDERS.—

“(1) IN GENERAL.—In any action brought under this section, upon a proper showing by the attorney general of the State, the court may issue a preliminary or permanent injunction or other order to restrain a violation of this section. A proper showing under this paragraph shall require clear and convincing evidence that a violation of State law as described in subsection (b) has taken place. In addition, no temporary restraining order or preliminary injunction may be granted except upon—

“(A) evidence demonstrating the probability of irreparable injury if injunctive relief is not granted; and

“(B) evidence supporting the probability of success on the merits.

“(2) NOTICE.—No preliminary injunction or permanent injunction or other order may be issued under paragraph (1) without notice to the adverse party and an opportunity for a hearing.

“(3) FORM AND SCOPE OF ORDER.—Any preliminary or permanent injunction or other order entered in an action brought under this section shall—

“(A) set forth the reasons for the issuance of the order;

“(B) be specific in its terms;

“(C) describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained; and

“(D) be binding upon—

“(i) the parties to the action and the officers, agents, employees, and attorneys of those parties; and

“(ii) persons in active concert or participation with the parties to the action who receive actual notice of the order by personal service or otherwise.

“(e) ADDITIONAL REMEDIES.—

“(1) IN GENERAL.—A remedy under this section is in addition to any other remedies provided by law.

“(2) STATE COURT PROCEEDINGS.—Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any State law.

“SEC. 3. GENERAL PROVISIONS.

“(a) EFFECT ON INTERNET TAX FREEDOM ACT.—Nothing in this Act may be construed to modify or supersede the operation of the Internet Tax Freedom Act (47 U.S.C. 151 note).

“(b) ENFORCEMENT OF TWENTY-FIRST AMENDMENT.—It is the purpose of this Act to assist the States in the enforcement of section 2 of the twenty-first article of amendment to the Constitution of the United States, and not to impose an unconstitutional burden on interstate commerce in violation of article I, section 8, of the Constitution of the United States. No State may enforce under this Act a law regulating the importation or transportation of any intoxi-

cating liquor that unconstitutionally discriminates against interstate commerce by out-of-State sellers by favoring local industries, erecting barriers to competition, and constituting mere economic protectionism.

“(c) SUPPORT FOR INTERNET AND OTHER INTERSTATE COMMERCE.—Nothing in this Act may be construed—

“(1) to permit State regulation or taxation of Internet services or any other related interstate telecommunications services; or

“(2) to authorize any injunction against—

“(A) an interactive computer service (as defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)); or

“(B) electronic communication service (as defined in section 2510(15) of title 18, United States Code) used by another person to engage in any activity that is subject to this Act.”.

SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENT.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendment made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENT.—The amendment made by this Act shall apply only with respect to the importation or transportation of any intoxicating liquor occurring after—

(1) October 31, 1999, or the expiration of the 90-day period beginning on the date of the enactment of this Act, whichever is earlier, if this Act is enacted before November 1, 1999; or

(2) the date of the enactment of this Act if this Act is enacted after October 31, 1999.

SEC. 4. STUDY.

The Attorney General shall submit to the Congress the results of a study to determine the impact of this Act. The Attorney General shall carry out the study required by subsection (a) and shall submit the results of such study not later than 180 days after the date of the enactment of this Act.

The question being put, viva voce,

Will the House now order the engrossment and third reading of the bill, as amended?

The Speaker pro tempore, Mr. CALVERT, announced that the nays had it.

Mr. BARR objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 325 Nays 99

89.14

[Roll No. 363]

YEAS—325

Table listing names of members of the House of Representatives, including Abercrombie, Aderholt, Allen, Archer, Armye, Bachus, Baird, Baker, Baldacci, Baldwin, Ballenger, Barcia, Barr, Barrett (NE), Barrett (WI), Bartlett, Barton, Bass, Bateman, Becerra, Bentsen, Bereuter, Berkeley, Berry, Biggert, Bilirakis, Bishop, Blagojevich, Bliley, Blunt, Boehlert, Boehner, Bonilla, Bonior, Bono, Boswell, Boyd, Brady (PA), Brady (TX), Brown (FL), Brown (OH), Bryant, Burr, Burton, Callahan, Camp, Campbell, Canady, Cannon, Capuano, Cardin, Castle, Chabot, Chambliss, Chenoweth, Clayton, Clement, Clyburn, Coble, Coburn, Collins, Combest, Condit, Brown (FL), Cook, Cooksey, Costello, Coyne, Cramer, Crane, Crowley, Cuban, Cunningham, Danner, Davis (FL), Davis (VA), Deal, Delahunt, DeLay, DeMint, Deutsch, Diaz-Balart, Dickey, Dingell, Dixon, Doolittle, Doyle, Dreier, Duncan, Dunn, Edwards, Ehlers, Ehrlich, Emerson, English, Etheridge, Evans, Everett, Ewing, Filner, Fletcher, Foley, Ford, Fossella, Fowler, Franks (NJ), Frelinghuysen, Frost, Ganske, Gekas, Gibbons, Gilchrest, Gillmor, Gilman, Gonzalez, Goode, Goodlatte, Goodling, Goss, Graham, Granger, Green (TX), Green (WI), Greenwood, Gutknecht, Hall (OH), Hall (TX), Hansen, Hayes, Hayworth, Hefley, Herger, Hill (MT), Hilleary, Hilliard, Hinojosa, Hobson, Hoefel, Hoekstra, Holden, Holt, Hooley, Hostettler, Hutchinson, Hyde, Isakson, Istock, Jefferson, Jenkins, John, Johnson (CT), Johnson, E. B., Johnson, Sam, Kanjorski, Kaptur, Chambliss, Chenoweth, Clayton, Clement, Clyburn, Coble, Coburn, Collins, Combest, Condit, Brown (FL), Cook, Cooksey, Costello, Coyne, Cramer, Crane, Crowley, Cuban, Cunningham, King (NY), Kingston, Kleczka, Klink, Knollenberg, Kolbe, Kucinich, LaFalce, LaHood, Lampson, Largent, Larson, Latham, Lazio, Leach, Levin, Lewis (GA), Lewis (KY), Linder, Lipinski, LoBiondo, Lucas (KY), Lucas (OK), Luther, Maloney (CT), Manzullo, Markey, Mascara, McCollum, McCrery, McGovern, McHugh, McInnis, McIntosh, McIntyre, McKeon, McNulty, Meehan, Menendez, Metcalf, Mica, Miller (FL), Miller, Gary, Mink, Moakley, Moore, Moran (KS), Moran (VA), Morella, Murtha, Myrick, Neal, Ney, Northup, Norwood, Nussle, Oberstar, Obey, Olver, Ortiz, Ose, Pascarell, Payne, Pease, Peterson (MN), Petri, Pickering, Pickett, Pitts, Pomeroy, Porter, Portman, Price (NC), Pryce (OH), Quinn, Rahall, Ramstad, Regula, Reyes, Reynolds, Riley, Rivers, Rodriguez, Roemer, Rogan, Rogers, Ros-Lehtinen, Rothman, Roukema, Royce, Ryan (WI), Ryun (KS), Sabo, Salmon, Sanchez, Sanders, Sandin, Sanford, Sawyer, Saxton, Scarborough, Schaffer, Scott, Sensenbrenner, Sessions, Shadegg, Shaw, Sherwood, Shimkus, Shows, Shuster, Simpson, Siskisky, Skeeen, Smith (MI), Smith (NJ), Smith (TX), Smith (WA), Snyder, Souder, Spence, Spratt, Stabenow, Stearns, Stenholm, Strickland, Stump, Stupak, Sununu, Sweeney, Talent, Tancredo, Tanner, Taylor (MS), Taylor (NC), Terry, Thompson (MS), Thornberry, Thune, Thurman, Tiahrt, Tierney, Toomey, Towns, Traficant, Turner, Udall (CO), Upton, Visclosky, Walden, Walsh, Wamp, Watkins, Watt (NC), Watts (OK), Weldon (FL), Weldon (PA), Weller, Waxler, Weygand, Whitfield, Wicker, Wilson, Wise, Wolf, Wu, Young (AK), Young (FL)

Table listing names of members of the House of Representatives, including King (NY), Kingston, Kleczka, Klink, Knollenberg, Kolbe, Kucinich, LaFalce, LaHood, Lampson, Largent, Larson, Latham, Lazio, Leach, Levin, Lewis (GA), Lewis (KY), Linder, Lipinski, LoBiondo, Lucas (KY), Lucas (OK), Luther, Maloney (CT), Manzullo, Markey, Mascara, McCollum, McCrery, McGovern, McHugh, McInnis, McIntosh, McIntyre, McKeon, McNulty, Meehan, Menendez, Metcalf, Mica, Miller (FL), Miller, Gary, Mink, Moakley, Moore, Moran (KS), Moran (VA), Morella, Murtha, Myrick, Neal, Ney, Northup, Norwood, Nussle, Oberstar, Obey, Olver, Ortiz, Ose, Pascarell, Payne, Pease, Peterson (MN), Petri, Pickering, Pickett, Pitts, Pomeroy, Porter, Portman, Price (NC), Pryce (OH), Quinn, Rahall, Ramstad, Regula, Reyes, Reynolds, Riley, Rivers, Rodriguez, Roemer, Rogan, Rogers, Ros-Lehtinen, Rothman, Roukema, Royce, Ryan (WI), Ryun (KS), Sabo, Salmon, Sanchez, Sanders, Sandin, Sanford, Sawyer, Saxton, Scarborough, Schaffer, Scott, Sensenbrenner, Sessions, Shadegg, Shaw, Sherwood, Shimkus, Shows, Shuster, Simpson, Siskisky, Skeeen, Smith (MI), Smith (NJ), Smith (TX), Smith (WA), Snyder, Souder, Spence, Spratt, Stabenow, Stearns, Stenholm, Strickland, Stump, Stupak, Sununu, Sweeney, Talent, Tancredo, Tanner, Taylor (MS), Taylor (NC), Terry, Thompson (MS), Thornberry, Thune, Thurman, Tiahrt, Tierney, Toomey, Towns, Traficant, Turner, Udall (CO), Upton, Visclosky, Walden, Walsh, Wamp, Watkins, Watt (NC), Watts (OK), Weldon (FL), Weldon (PA), Weller, Waxler, Weygand, Whitfield, Wicker, Wilson, Wise, Wolf, Wu, Young (AK), Young (FL)

NAYS—99

Table listing names of members of the House of Representatives, including Ackerman, Andrews, Berman, Blumenauer, Borski, Boucher, Buyer, Calvert, Capras, Carson, Clay, Conyers, Cox, Cummings, Davis (IL), DeFazio, DeGette, DeLauro, Dicks, Doggett, Dooley, Engel, Eshoo, Farr, Fattah, Forbes, Gallegly, Gejdenson, Gordon, Gutierrez, Hastings (FL), Hastings (WA), Hill (IN), Hinchey, Horn, Houghton, Hoyer, Hulshof, Hunter

Inslée
 Jackson (IL)
 Jackson-Lee (TX)
 Jones (NC)
 Jones (OH)
 Kasich
 Kildee
 Kilpatrick
 Kuykendall
 LaTourette
 Lee
 Lewis (CA)
 Lofgren
 Lowey
 Maloney (NY)
 Martinez
 Matsui
 McCarthy (MO)
 McCarthy (NY)
 McKinney

Meek (FL)
 Meeks (NY)
 Millender-McDonald
 Miller, George
 Minge
 Nadler
 Napolitano
 Nethercutt
 Owens
 Oxley
 Packard
 Pallone
 Pastor
 Paul
 Pelosi
 Phelps
 Pomo
 Radanovich
 Rangel
 Rohrabacher

Roybal-Allard
 Rush
 Schakowsky
 Serrano
 Shays
 Sherman
 Skelton
 Slaughter
 Stark
 Tauscher
 Tauzin
 Thomas
 Thompson (CA)
 Udall (NM)
 Velazquez
 Vento
 Waters
 Waxman
 Weiner
 Woolsey

It was decided in the affirmative { Yeas 310
 Nays 112

89.15 [Roll No. 364]

YEAS—310

Abercrombie
 Aderholt
 Allen
 Archer
 Arney
 Bachus
 Baird
 Baker
 Baldacci
 Baldwin
 Ballenger
 Barr
 Barrett (NE)
 Barrett (WI)
 Bartlett
 Bass
 Bateman
 Becerra
 Bentsen
 Bereuter
 Berkeley
 Berry
 Biggert
 Bilirakis
 Bishop
 Blagojevich
 Bliley
 Blunt
 Boehlert
 Boehner
 Bonilla
 Bonior
 Bono
 Borski
 Boswell
 Boyd
 Brady (PA)
 Brady (TX)
 Brown (FL)
 Brown (OH)
 Bryant
 Burr
 Burton
 Callahan
 Camp
 Campbell
 Canady
 Cannon
 Capuano
 Cardin
 Castle
 Chabot
 Chambliss
 Chenoweth
 Clayton
 Clement
 Clyburn
 Coble
 Coburn
 Collins
 Combest
 Condit
 Cook
 Costello
 Coyne
 Cramer
 Crane
 Crowley
 Cubin
 Cummings
 Cunningham
 Danner
 Davis (FL)
 Deal
 Delahunt
 DeLay
 DeMint
 Deutsch
 Diaz-Balart
 Dickey
 Dicks
 Dingell
 Doyle
 Duncan
 Dunn
 Edwards
 Ehlers
 Ehrlich
 Emerson
 English
 Etheridge
 Evans
 Everrett
 Ewing

Thurman
 Tiahrt
 Tierney
 Toomey
 Towns
 Traficant
 Turner
 Udall (CO)
 Udall (NM)
 Upton

NAYS—112

Ackerman
 Andrews
 Barton
 Berman
 Blumenauer
 Boucher
 Buyer
 Calvert
 Capps
 Carson
 Clay
 Conyers
 Cooksey
 Cox
 Davis (IL)
 Davis (VA)
 DeFazio
 DeFazio
 DeGette
 DeLauro
 Dixon
 Doggett
 Dooley
 Doolittle
 Dreier
 Engel
 Eshoo
 Farr
 Forbes
 Gallegly
 Gejdenson
 Gibbons
 Gordon
 Goss
 Gutierrez
 Hastings (WA)
 Hayworth
 Hill (IN)
 Hinchey

NOT VOTING—11

Barcia
 Bilbray
 Kennedy
 Lantos

McDermott
 Meek (FL)
 Mollohan
 Peterson (PA)

So the bill was passed.
 A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.
Ordered, That the Clerk request the concurrence of the Senate in said bill.

89.16 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. SCARBOROUGH, by unanimous consent,
Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to make technical corrections and conforming changes to the bill.

89.17 TRADE WAIVER WITH RESPECT TO VIETNAM

On motion of Mr. CRANE, pursuant to the order of the House agreed to on Friday, July 30, 1999, the House considered the joint resolution (H.J. Res. 58) disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam.

When said bill was considered and read twice.

After debate,
 By the order of the House of July 30, 1999, the joint resolution was considered as read for amendment, and the previous question was ordered.

The joint resolution was ordered to be engrossed and read a third time, was read a third time by title.

NOT VOTING—9

Bilbray
 Frank (MA)
 Gephardt

Lantos
 McDermott
 Mollohan

Peterson (PA)
 Vitter
 Wynn

So the bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. CONYERS moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill, add the following:

Section 4. STUDY

The Attorney General shall submit to the Congress the results of a study to determine the impact of this Act. The Attorney General shall carry out the study required by subsection (a) and shall submit the results of such study not later than 180 days after the date of enactment of this Act.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, *viva voce*,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. CALVERT, announced that the yeas had it.

So the motion to recommit with instructions was agreed to.

Mr. SCARBOROUGH, by direction of the Committee on the Judiciary and pursuant to the foregoing order of the House reported the bill back to the House with said amendment.

The question being put, *viva voce*,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. CALVERT, announced that the yeas had it.

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. CALVERT, announced that the yeas had it.

Ms. LOFGREN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.