

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Kerry in connection with the subpoena served upon him in the case of *Tyree v. Central Intelligence Agency, et al.*

SENATE RESOLUTION 291—TO AUTHORIZE REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 291

Whereas, the Secretary of the Senate, Gary Sisco, and the Sergeant at Arms and Doorkeeper of the Senate, Gregory S. Casey, have been named as defendants in the case of *Clifford Alexander, et al. v. William M. Daley, et al.*, Case No. 1:98CV02187, now pending in the United States District Court for the District of Columbia; and

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1987, 2 U.S.C. 288b(a) and 288c(a)(1), the Senate may direct its counsel to represent officers of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent the Secretary of the Senate and the Sergeant at Arms and Doorkeeper of the Senate in the case of *Alexander, et al. v. Daley, et al.*

AMENDMENTS SUBMITTED

INTERNET TAX FREEDOM ACT

GRAHAM AMENDMENTS NOS. 3750-3751

(Ordered to lie on the table.)

Mr. GRAHAM submitted two amendments intended to be proposed by him to amendment No. 3722 submitted by Mr. MCCAIN to the bill (S. 442) to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise Congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, and for other purposes; as follows:

AMENDMENT NO. 3750

On page 2, line 4, strike "and" and insert the following:

"(E) an examination of the effects of taxation including the absence of taxation, on all interstate sales transactions, including transactions using the Internet, on local retail businesses and on State and local governments, which examination may include a review of the efforts of State and local governments to collect sales and use taxes owned on in-State purchases from out-of-State sellers; and"

AMENDMENT NO. 3751

On page 2, line 4, strike "and" and insert the following:

"(E) with respect to electronic commerce, an examination of the efforts of State and local governments to collect sales and use taxes owned on purchases from interstate sellers, the advantages and disadvantages of authorizing State and local governments to require such sellers to collect and remit such taxes, the likely impact of such collections on local retail sales, and the level of contacts sufficient to permit a State or local government to impose an obligation to collect such taxes on such interstate sellers; and"

GRAHAM AMENDMENT NO. 3752

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to amendment No. 3720 submitted by Mr. MCCAIN to the bill, S. 442, supra; as follows:

On page 1, line 8, strike " , assessed or" and insert "and".

GRAHAM AMENDMENT NO. 3753

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to amendment No. 3716 submitted by Mr. MCCAIN to the bill, S. 442, supra; as follows:

On page 1, line 1, strike "4" and insert "3".

GRAHAM AMENDMENT NO. 3754

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to amendment No. 3715 submitted by Mr. MCCAIN to the bill, S. 442, supra; as follows:

On page 1, line 1, strike "6" and insert "3".

GRAHAM AMENDMENT NO. 3755

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to amendment No. 3714 submitted by Mr. MCCAIN to the bill, S. 442, supra; as follows:

On Page 1, line 1, strike "5" and insert "3".

GRAHAM AMENDMENTS NOS. 3756-3758

(Ordered to lie on the table.)

Mr. GRAHAM submitted three amendments intended to be proposed by him to amendment No. 3711 submitted by Mr. MCCAIN to the bill, S. 442, supra; as follows:

AMENDMENT NO. 3756

On page 3, line 4, strike " ; or" and all that follows through line 23, and insert a period.

AMENDMENT NO. 3757

On page 2, strike lines 16 through 22.

AMENDMENT NO. 3758

On page 2, line 19, insert "billing," after "business,".

BENNETT (AND OTHERS) AMENDMENT NO. 3759

(Ordered to lie on the table.)

Mr. BENNETT (for himself, Mr. KERREY, Ms. LANDRIEU, and Mr. MCCAIN) submitted an amendment in-

tended to be proposed by them to the bill, S. 442, supra; as follows:

Beginning on page ____, line ____, strike all through page ____, line ____, and insert:

SEC. 101. MORATORIUM.

(a) MORATORIUM.—No State or political subdivision thereof shall impose any of the following taxes on transactions occurring during the period beginning on July 29, 1998, and ending 3 years after the date of the enactment of this Act:

(1) Taxes on Internet access.

(2) Bit taxes.

(3) Multiple or discriminatory taxes on electronic commerce.

(b) APPLICATION OF MORATORIUM.—Subsection (a) shall not apply with respect to the provision of Internet access that is offered for sale as part of a package of services that includes services other than Internet access, unless the service provider separately states that portion of the billing that applies to such services on the user's bill.

SEC. 102. ADVISORY COMMISSION ON ELECTRONIC COMMERCE.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the Advisory Commission on Electronic Commerce (in this title referred to as the "Commission"). The Commission shall—

(1) be composed of 16 members appointed in accordance with subsection (b), including the chairperson who shall be selected by the members of the Commission from among themselves; and

(2) conduct its business in accordance with the provisions of this title.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commissioners shall serve for the life of the Commission. The membership of the Commission shall be as follows:

(A) Four representatives from the Federal Government comprised of the Secretary of Commerce, the Secretary of State, the Secretary of the Treasury, and the United States Trade Representative, or their respective representatives.

(B) Six representatives from State and local governments comprised of—

(i) two representatives appointed by the Majority Leader of the Senate;

(ii) one representative appointed by the Minority Leader of the Senate;

(iii) two representatives appointed by the Speaker of the House of Representatives; and

(iv) one representative appointed by the Minority Leader of the House of Representatives.

(C) Six representatives of the electronic industry and consumer groups comprised of—

(i) two representatives appointed by the Majority Leader of the Senate;

(ii) one representative appointed by the Minority Leader of the Senate;

(iii) two representatives appointed by the Speaker of the House of Representatives; and

(iv) one representative appointed by the Minority Leader of the House of Representatives.

(2) APPOINTMENTS.—Appointments to the Commission shall be made not later than 45 days after the date of the enactment of this Act. The chairperson shall be selected not later than 60 days after the date of the enactment of this Act.

(3) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) ACCEPTANCE OF GIFTS AND GRANTS.—The Commission may accept, use, and dispose of gifts or grants of services or property, both real and personal, for purposes of aiding or facilitating the work of the Commission. Gifts or grants not used at the expiration of the Commission shall be returned to the donor or grantor.