

and guidelines established pursuant to the title, or electronic signatures or other forms of electronic authentication used in accordance with such procedures and guidelines, shall not be denied legal effect, validity or enforceability because they are in electronic form.

#### SEC. 207. EMPLOYER ELECTRONIC STORAGE OF FORMS.

If an employer is required by any Federal law or regulation to collect or store, or to file with a Federal agency forms containing information pertaining to employees, such employer may, after 18 months after enactment of this title, store such forms electronically unless the relevant agency determines by regulation that storage of a particular form in an electronic format is inconsistent with the efficient secure or proper administration of an agency program. Such forms shall also be accepted in electronic form by agencies as provided by section 208.

#### SEC. 208. IMPLEMENTATION BY AGENCIES.

(a) IMPLEMENTATION.—Consistent with the Privacy Act of 1974 (5 U.S.C. 552a) and after consultation with the Attorney General, and subject to applicable laws and regulations pertaining to the Department of the Treasury concerning Federal payments and collections and the National Archives and Records Administration concerning the proper maintenance and preservation of agency records, Federal agencies shall, not later than 18 months after the enactment of this title, establish and implement policies and procedures under which they will use and authorize the use of electronic technologies in the transmittal of forms, applications, and similar documents or records, and where appropriate, for the creation and transmission of such documents or records and their storage for their required retention period.

(b) ESTABLISHMENT OF A TIMELINE FOR IMPLEMENTATION.—Within 18 months after the date of enactment of this title, Federal agencies shall establish timelines for the implementation of the requirements of subsection (a).

(c) GENERAL ACCOUNTING OFFICE REPORT.—The Comptroller General shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce 21 months after the date of enactment of this title on the proposed implementation policies and timelines described in subsections (a) and (b).

(d) IMPLEMENTATION DEADLINE.—Except where an agency makes a written finding that electronic filing of a form is either technically infeasible, economically unreasonable, or may compromise national security, all Federal forms must be made available for electronic submission within 60 months after the date of enactment of this title.

#### SEC. 209. SENSE OF THE CONGRESS.

Because there is no meaningful difference between contracts executed in the electronic world and contracts executed in the analog world, it is the sense of the Congress that such contracts should be treated similarly under Federal law. It is further the sense of the Congress that such contracts should be treated similarly under State law.

#### SEC. 210. APPLICATION WITH OTHER LAWS.

Nothing in this title shall apply to the Department of the Treasury or the Internal Revenue Service, to the extent that—

(1) it involves the administration of the internal revenue laws; and

(2) it conflicts with any provision of the Internal Revenue Service Restructuring and Reform Act of 1998 or the Internal Revenue Code of 1986.

#### SEC. 211. DISCLOSURE OF INFORMATION.

Except as provided by law, information collected in the provision of electronic signa-

ture services for communications with an agency, as provided by this Act, shall only be used or disclosed by persons who obtain, collect, or maintain such information as a business or government practice, for the purpose of facilitating such communications, or with the prior affirmative consent of the person about whom the information pertains.

#### SEC. 212. DEFINITIONS.

For purposes of this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(2) AGENCY.—The term "agency" means executive agency, as that term is defined in section 105 of title 5, United States Code.

(3) ELECTRONIC SIGNATURE.—The term "electronic signature" means a method of signing an electronic message that—

(A) identifies a particular person as the source of such electronic message; and

(B) indicates such person's approval of the information contained in such electronic message.

(4) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(5) FORM, QUESTIONNAIRE, OR SURVEY.—The terms "form", "questionnaire", and "survey" include documents produced by an agency to facilitate interaction between an agency and non-government persons.

### FEDERAL VACANCIES REFORM ACT OF 1998

#### THOMPSON AMENDMENT NO. 3666

(Ordered to lie on the table.)

Mr. THOMPSON submitted an amendment intended to be proposed by him to amendment No. 3656 submitted by Mr. GLENN to the bill (S. 2176) to amend sections 3345 through 3349 of title 5, United States Code (commonly referred to as the "Vacancies Act") to clarify statutory requirements relating to vacancies in and appointments to certain Federal offices, and for other purposes; as follows:

In the matter proposed to be inserted strike "General Schedule." and insert "General Schedule; and

"(C) is not a limited term appointee, limited emergency appointee, or noncareer appointee (as such terms are defined under section 3132(a), (5), (6), and (7)), or an appointee to a position of a confidential or policy-determining character under schedule C of part 213 of title 5, Code of Federal Regulations."

#### DURBIN AMENDMENTS NOS. 3667-3668

(Ordered to lie on the table.)

Mr. DURBIN submitted two amendments intended to be proposed by him to the bill, S. 2176, supra; as follows:

#### AMENDMENT NO. 3667

At the appropriate place, add the following:

#### "§ 3349d. Nominations reported to Senate

"Any nomination submitted to the Senate that is pending before a committee of the Senate for more than 150 calendar days, shall on the day following such 150th calendar day be discharged from such committee, placed on the Senate executive calendar, and be deemed as reported favorably by such committee."

#### AMENDMENT NO. 3668

At the appropriate place, add the following:

#### "§ 3349d. Consideration of nomination in Senate

"(a) Any nomination remaining on the Senate executive calendar for 150 calendar days shall be considered for a vote by the Senate in executive session within the next 5 calendar days following such 150th day in which the Senate is in session.

"(b) The Senate may waive subsection (a) by unanimous consent."

### YEAR 2000 INFORMATION AND READINESS DISCLOSURE ACT

#### HATCH (AND OTHERS) AMENDMENT NO. 3669

Mr. ROBERTS (for Mr. HATCH for himself, Mr. LEAHY, and Mr. KYL) proposed an amendment to the bill (S. 2392) to encourage the disclosure and exchange of information about computer processing problems and related matters in connection with the transition to the Year 2000; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Year 2000 Information and Readiness Disclosure Act".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1)(A) At least thousands but possibly millions of information technology computer systems, software programs, and semiconductors are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if those dates represent the year 1900 or thereafter or will fail to process those dates.

(B) The problem described in subparagraph (A) and resulting failures could incapacitate systems that are essential to the functioning of markets, commerce, consumer products, utilities, government, and safety and defense systems, in the United States and throughout the world.

(C) Reprogramming or replacing affected systems before the problem incapacitates essential systems is a matter of national and global interest.

(2) The prompt, candid, and thorough disclosure and exchange of information related to year 2000 readiness of entities, products, and services—

(A) would greatly enhance the ability of public and private entities to improve their year 2000 readiness; and

(B) is therefore a matter of national importance and a vital factor in minimizing any potential year 2000 related disruption to the Nation's economic well-being and security.

(3) Concern about the potential for legal liability associated with the disclosure and exchange of year 2000 readiness information is impeding the disclosure and exchange of such information.

(4) The capability to freely disseminate and exchange information relating to year 2000 readiness, solutions, test practices and test results, with the public and other entities without undue concern about litigation is critical to the ability of public and private entities to address year 2000 needs in a timely manner.

(5) The national interest will be served by uniform legal standards in connection with the disclosure and exchange of year 2000 readiness information that will promote disclosures and exchanges of such information in a timely fashion.

(b) PURPOSES.—Based upon the powers contained in article I, section 8, clause 3 of the