

CHAFEE Coastal Barrier Resources System"; to the Committee on Resources.

By Mr. NADLER (for himself, Mr. RANGEL, Mr. ENGEL, Mr. RAMSTAD, and Mr. WEINER):

H.R. 3254. A bill to amend title 28 of the United States Code to authorize Federal district courts to hear civil actions to recover damages or secure relief for certain injuries to persons and property under or resulting from the Nazi government of Germany; to the Committee on the Judiciary.

By Ms. NORTON (for herself and Mr. WYNN):

H.R. 3255. A bill to assist local governments in conducting gun buyback programs; to the Committee on the Judiciary.

By Mr. PASCRELL (for himself, Mrs. MCCARTHY of New York, Mr. RAHALL, Mr. SHOWS, Mr. ABERCROMBIE, Mr. FRANK of Massachusetts, Mr. BALDACCI, Mr. KLINK, Mr. PALLONE, Mr. BRADY of Pennsylvania, Mr. COOK, Mr. GUTIERREZ, Mr. STARK, Mr. BAIRD, Mrs. KELLY, Mr. ROTHMAN, Ms. HOOLEY of Oregon, Ms. LOFGREN, Mr. HOLT, Mr. CROWLEY, Mr. CAPUANO, Mr. MALONEY of Connecticut, Mr. FALEOMAVAEGA, Mr. COYNE, Mr. FROST, Mr. UNDERWOOD, Mr. OLVER, Mr. MCGOVERN, Mr. WAXMAN, Mr. OBEY, Mr. BERMAN, Mr. DEFAZIO, Mr. STUPAK, Mr. ROMERO-BARCELÓ, Mr. BARCIA, Mr. MOORE, Mr. GORDON, Mrs. THURMAN, Mr. TALENT, Mr. PHELPS, Mr. HINCHEY, Mr. ENGLISH, Mrs. CAPPS, Mr. DAVIS of Florida, Ms. PELOSI, Mr. FORBES, Ms. CARSON, Mr. SKELTON, Mr. VIS-CLOSKY, and Mr. HOYER):

H.R. 3256. A bill to amend title 38, United States Code, to improve outreach programs carried out by the Department of Veterans Affairs to provide for more fully informing veterans of benefits available to them under laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. REYNOLDS (for himself, Mr. CONDIT, Mr. DREIER, Mr. PORTMAN, Mr. MORAN of Virginia, Mr. DAVIS of Virginia, Mr. LINDER, Mr. GOSS, and Mr. SESSIONS):

H.R. 3257. A bill to amend the Congressional Budget Act of 1974 to assist the Congressional Budget Office with the scoring of State and local mandates; to the Committee on Rules.

By Mr. SMITH of Michigan:

H.R. 3258. A bill to amend title 11 of the United States Code to make debts to governmental units for the care and maintenance of minor children nondischargeable; to the Committee on the Judiciary.

By Ms. VELÁZQUEZ:

H.R. 3259. A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to establish certain requirements for managed care plans; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS:

H.J. Res. 76. A joint resolution waiving certain enrollment requirements for the remainder of the first session of the One Hundred Sixth Congress with respect to any bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2000; to the Committee on House Administration.

By Mr. MATSUI (for himself, Ms. ROY-BAL-ALLARD, and Mr. DOOLITTLE):

H. Res. 363. A resolution recognizing and honoring Sacramento, California, Mayor Joe Serna, Jr., and expressing the condolences of the House of Representatives to his family and the people of Sacramento on his death; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII,

279. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a House Resolution memorializing the Congress of the United States to Direct the Health Care Financing Administration to Allow an Emergency Medigap Open Enrollment for Senior Citizens; jointly to the Committees on Ways and Means and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. DUNCAN introduced a bill (H.R. 3260) for the relief of Henry R. Jones; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. HOLT and Mr. FLETCHER.
 H.R. 137: Ms. SANCHEZ.
 H.R. 148: Ms. BERKLEY.
 H.R. 180: Mr. GREENWOOD.
 H.R. 220: Mr. CRANE.
 H.R. 303: Mr. TERRY, Mr. CONYERS, Mr. ROGERS, Mr. DEAL of Georgia, Mr. SPENCE, and Mrs. MCCARTHY of New York.
 H.R. 460: Ms. ESHOO.
 H.R. 531: Mr. OWENS.
 H.R. 583: Mr. WAMP.
 H.R. 670: Mr. WALDEN of Oregon, Mr. SHIMKUS, Mrs. NAPOLITANO, and Mr. HILL of Indiana.
 H.R. 725: Ms. BERKLEY.
 H.R. 842: Mr. MURTHA.
 H.R. 914: Ms. HOOLEY of Oregon.
 H.R. 1178: Mr. OXLEY.
 H.R. 1196: Mr. BONIOR.
 H.R. 1221: Mr. SESSIONS, Mr. FLETCHER, and Ms. CARSON.
 H.R. 1356: Mr. WEXLER.
 H.R. 1413: Mr. RAHALL.
 H.R. 1432: Mr. PEASE.
 H.R. 1606: Mr. MARKEY.
 H.R. 1621: Mr. MENENDEZ.
 H.R. 1622: Mr. ABERCROMBIE.
 H.R. 1657: Mr. SAWYER and Mr. OWENS.
 H.R. 1871: Mr. STUPAK.
 H.R. 1885: Ms. MILLENDER-MCDONALD.
 H.R. 1926: Mr. GOODLATTE.
 H.R. 2059: Mr. McNULTY, Mr. RANGEL, and Mr. BONIOR.
 H.R. 2141: Mrs. EMERSON.
 H.R. 2355: Mr. DOGGETT.
 H.R. 2380: Ms. WOOLSEY.
 H.R. 2442: Mr. SHAW and Mr. LANTOS.
 H.R. 2446: Ms. BERKLEY.
 H.R. 2498: Mr. PAYNE, Ms. CARSON, and Mr. STRICKLAND.
 H.R. 2570: Mr. GEKAS and Mr. GOODLING.
 H.R. 2573: Mr. GOODLATTE.
 H.R. 2596: Mr. HUTCHINSON, Mr. TERRY, Mr. BRADY of Texas, Mr. SAXTON, Mr. KNOLLENBERG, Mr. RILEY, Mr. ISTOOK, Mr. SALMON, Ms. DUNN, Mr. KINGSTON, Mr. GEKAS, Mr.

COMBEST, Mr. FOSSELLA, Mr. DOOLITTLE, and Mr. MCCOLLUM.

H.R. 2620: Mr. CANADY of Florida.
 H.R. 2631: Ms. SANCHEZ.
 H.R. 2640: Mr. TRAFICANT.
 H.R. 2697: Mr. OWENS.
 H.R. 2720: Mr. WU and Mr. OLVER.
 H.R. 2722: Mr. BONILLA.
 H.R. 2727: Ms. WOOLSEY.
 H.R. 2730: Mr. RUSH, Mr. FALEOMAVAEGA, and Ms. MILLENDER-MCDONALD.
 H.R. 2733: Mr. DOOLITTLE.
 H.R. 2741: Mr. MORAN of Virginia and Mr. DEUTSCH.
 H.R. 2749: Mr. GILCHREST and Mr. MILLER of Florida.
 H.R. 2764: Mr. RAHALL, Ms. PELOSI, and Ms. DEGETTE.
 H.R. 2781: Mr. WAXMAN.
 H.R. 2785: Mr. RANGEL.
 H.R. 2840: Ms. ESHOO.
 H.R. 2859: Mr. BROWN of Ohio and Mr. LANTOS.
 H.R. 2865: Mr. REYES and Mrs. MINK of Hawaii.
 H.R. 2867: Mr. BAKER, Mr. DEMINT, Mr. HOEKSTRA, Mr. HAYES, Mr. RYUN of Kansas, Mr. REYNOLDS, Mr. STUMP, Mr. DOOLITTLE, Mr. MCINTOSH, Mr. GOODE, Mr. BALLENGER, Mr. SMITH of Michigan, Mr. CAMPBELL, Mr. HOSTETTLER, Mr. ISTOOK, Mr. WELDON of Florida, Mr. HILL of Montana, Mr. WELDON of Pennsylvania, Mr. PAUL, Mr. NETHERCUTT, Mrs. FOWLER, Mr. LATOURETTE, Mr. BURR of North Carolina, Mr. SENSENBRENNER, Mr. CANADY of Florida, Mr. SUNUNU, Mr. KUYKENDALL, Mr. SANFORD, Mr. STEARNS, Mr. COBURN, Mr. FLETCHER, Mr. HILLEARY, Mr. MANZULLO, Mr. ARMEY, Mr. LUCAS of Oklahoma, Mr. COX, and Mr. HERGER.
 H.R. 2890: Ms. SCHAKOWSKY, Mr. RODRIGUEZ, and Ms. LEE.
 H.R. 2893: Mrs. BIGGERT, Mr. FOSSELLA, Mr. PAUL, and Mr. SANDERS.
 H.R. 2899: Mr. FRANK of Massachusetts.
 H.R. 2930: Mrs. MALONEY of New York, and Mr. McDERMOTT.
 H.R. 2939: Ms. CARSON, Ms. BALDWIN, and Ms. WOOLSEY.
 H.R. 2966: Mr. BROWN of Ohio, Mrs. BONO, Ms. ESHOO, Mr. HINCHEY, Mr. KINGSTON, and Mr. LUCAS of Kentucky.
 H.R. 2985: Mr. MCKEON.
 H.R. 2991: Mr. THORNBERRY, Mr. REGULA, Mr. CALVERT, Mr. RADANOVICH, Mr. MINGE, Mr. DOOLITTLE, and Mr. OBERSTAR.
 H.R. 3030: Mr. ACKERMAN, Mr. BOEHLERT, Mr. CROWLEY, Mr. ENGEL, Mr. FORBES, Mr. FOSSELLA, Mr. GILMAN, Mr. HOUGHTON, Mrs. KELLY, Mr. KING, Mr. LAFALCE, Mr. LAZIO, Mrs. LOWEY, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. McNULTY, Mr. MEEKS of New York, Mr. NADLER, Mr. OWENS, Mr. QUINN, Mr. RANGEL, Mr. REYNOLDS, Mr. SERRANO, Ms. SLAUGHTER, Mr. SWEENEY, Mr. TOWNS, Ms. VELAZQUEZ, Mr. WALSH, and Mr. WEINER.
 H.R. 3047: Mr. BARRETT of Wisconsin.
 H.R. 3083: Mr. RANGEL and Mr. LANTOS.
 H.R. 3091: Ms. LEE, Mr. LAMPSON, Mr. STRICKLAND, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. NADLER, Ms. HOOLEY of Oregon, and Mr. MASCARA.
 H.R. 3136: Mr. INSLEE.
 H.R. 3140: Mr. McDERMOTT, Ms. HOOLEY of Oregon, Mr. BEREUTER, Mr. HALL of Ohio, Mr. SANDLIN, Mr. SANFORD, Mr. MCGOVERN, Mr. CUMMINGS, Mr. EWING, Ms. MCKINNEY, Mr. POMEROY, Mr. NUSSLE, Ms. BALDWIN, Mr. INSLEE, Mr. BLUMENAUER, Mr. CAMPBELL, Mr. MINGE, Mr. MALONEY of Connecticut, Mr. SANDERS, Mr. DICKEY, and Mr. McNULTY.
 H.R. 3144: Mr. HINOJOSA, and Mr. HOYER.
 H.R. 3180: Mr. LUTHER, Mr. BACHUS, and Mr. WELDON of Pennsylvania.

H.R. 3220: Mr. LAFALCE, Mr. BERMAN, Mr. VENTO, Mrs. JONES of Ohio, and Mr. DELAHUNT.

H.R. 3224: Mr. GONZALEZ, Mr. McNULTY, and Mr. CAPUANO.

H.R. 3228: Mr. BATEMAN.

H.R. 3239: Mr. SANFORD.

H. Con. Res. 115: Mr. HASTINGS of Florida, Mr. ROMERO-BARCELÓ, Mrs. MEEK of Florida, and Mr. GREENWOOD.

H. Con. Res. 175: Mr. LUTHER and Ms. BERKLEY.

H. Con. Res. 197: Mr. HALL of Texas.

H. Con. Res. 218: Mr. DOOLITTLE, Mr. HOLT, Mr. DELAHUNT, and Mr. WYNN.

H. Res. 94: Mr. CAPUANO.

H. Res. 238: Mr. DOOLITTLE.

H. Res. 320: Mr. LIPINSKI.

H. Res. 325: Mr. MCKEON and Mr. BLUMENAUER.

H. Res. 340: Mr. WAXMAN.

H. Res. 347: Mr. LARSON, Mr. MARKEY, Ms. LEE, Mr. VENTO, Mr. ROGAN, Mr. COYNE, and Mr. KING.

H. Res. 350: Mr. FOSSELLA, Mr. LEWIS of Kentucky, Mr. HAYES, Mr. SAM JOHNSON of Texas, Mr. MANZULLO, Mr. ROHRBACHER, Mr. WELDON of Pennsylvania, Mr. DOOLITTLE, Mr. SOUDER, Mr. HALL of Texas, Mr. HAYWORTH, Mr. CHABOT, Mr. COOK, Mr. PACKARD, Mr. SHIMKUS, Mr. LAHOOD, and Mr. HILLEARY.

H. Res. 357: Mr. FILNER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1714

OFFERED BY: Mr. BLILEY

[Amendment in the Nature of a Substitute]

AMENDMENT NO. 1: Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Signatures in Global and National Commerce Act".

TITLE I—VALIDITY OF ELECTRONIC RECORDS AND SIGNATURES FOR COMMERCE

SEC. 101. GENERAL RULE OF VALIDITY.

(a) GENERAL RULE.—With respect to any contract, agreement, or record entered into or provided in, or affecting, interstate or foreign commerce, notwithstanding any statute, regulation, or other rule of law, the legal effect, validity, or enforceability of such contract, agreement, or record shall not be denied—

(1) on the ground that the contract, agreement, or record is not in writing if the contract, agreement, or record is an electronic record; or

(2) on the ground that the contract, agreement, or record is not signed or is not affirmed by a signature if the contract, agreement, or record is signed or affirmed by an electronic signature.

(b) AUTONOMY OF PARTIES IN COMMERCE.—

(1) IN GENERAL.—With respect to any contract, agreement, or record entered into or provided in, or affecting, interstate or foreign commerce—

(A) the parties to such contract, agreement, or record may establish procedures or requirements regarding the use and acceptance of electronic records and electronic signatures acceptable to such parties;

(B) the legal effect, validity, or enforceability of such contract, agreement, or record shall not be denied because of the type or method of electronic record or elec-

tronic signature selected by the parties in establishing such procedures or requirements; and

(C) nothing in this section requires any party to use or accept electronic records or electronic signatures.

(2) CONSENT TO ELECTRONIC RECORDS.—Notwithstanding subsection (a) and paragraph (1) of this subsection—

(A) if a statute, regulation, or other rule of law requires that a record be provided or made available to a consumer in writing, that requirement shall be satisfied by an electronic record if—

(i) the consumer has separately and affirmatively consented to the provision or availability of such record, or identified groups of records that include such record, as an electronic record; and

(ii) has not withdrawn such consent; and

(B) if such statute, regulation, or other rule of law requires that a record be retained, that requirement shall be satisfied if such record complies with the requirements of subparagraphs (A) and (B) of subsection (c)(1).

(c) RETENTION OF CONTRACTS, AGREEMENTS, AND RECORDS.—

(1) ACCURACY AND ACCESSIBILITY.—If a statute, regulation, or other rule of law requires that a contract, agreement, or record be in writing or be retained, that requirement is met by retaining an electronic record of the information in the contract, agreement, or record that—

(A) accurately reflects the information set forth in the contract, agreement, or record after it was first generated in its final form as an electronic record; and

(B) remains accessible, for the period required by such statute, regulation, or rule of law, for later reference, transmission, and printing.

(2) EXCEPTION.—A requirement to retain a contract, agreement, or record in accordance with paragraph (1) does not apply to any information whose sole purpose is to enable the contract, agreement, or record to be sent, communicated, or received.

(3) ORIGINALS.—If a statute, regulation, or other rule of law requires a contract, agreement, or record to be provided, available, or retained in its original form, or provides consequences if the contract, agreement, or record is not provided, available, or retained in its original form, that statute, regulation, or rule of law is satisfied by an electronic record that complies with paragraph (1).

(4) CHECKS.—If a statute, regulation, or other rule of law requires the retention of a check, that requirement is satisfied by retention of an electronic record of all the information on the front and back of the check in accordance with paragraph (1).

SEC. 102. AUTHORITY TO ALTER OR SUPERSEDE GENERAL RULE.

(a) PROCEDURE TO ALTER OR SUPERSEDE.—Except as provided in subsection (b), a State statute, regulation, or other rule of law may modify, limit, or supersede the provisions of section 101 if such statute, regulation, or rule of law—

(1)(A) constitutes an enactment or adoption of the Uniform Electronic Transactions Act as reported to the State legislatures by the National Conference of Commissioners on Uniform State Laws; or

(B) specifies the alternative procedures or requirements for the use or acceptance (or both) of electronic records or electronic signatures to establish the legal effect, validity, or enforceability of contracts, agreements, or records; and

(2) if enacted or adopted after the date of enactment of this Act, makes specific reference to this Act.

(b) LIMITATIONS ON ALTERATION OR SUPERSESSION.—A State statute, regulation, or other rule of law (including an insurance statute, regulation, or other rule of law), regardless of its date of enactment or adoption, that modifies, limits, or supersedes section 101 shall not be effective to the extent that such statute, regulation, or rule—

(1) discriminates in favor of or against a specific technology, process, or technique of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures;

(2) discriminates in favor of or against a specific type or size of entity engaged in the business of facilitating the use of electronic records or electronic signatures;

(3) is based on procedures or requirements that are not specific or that are not publicly available; or

(4) is otherwise inconsistent with the provisions of this title.

(c) EXCEPTION.—Notwithstanding subsection (b), a State may, by statute, regulation, or rule of law enacted or adopted after the date of enactment of this Act, require specific notices to be provided or made available in writing if such notices are necessary for the protection of the safety or health of an individual consumer. A consumer may not, pursuant to section 101(b)(2), consent to the provision or availability of such notice solely as an electronic record.

SEC. 103. SPECIFIC EXCLUSIONS.

(a) EXCEPTED REQUIREMENTS.—The provisions of section 101 shall not apply to a contract, agreement, or record to the extent it is governed by—

(1) a statute, regulation, or other rule of law governing the creation and execution of wills, codicils, or testamentary trusts;

(2) a statute, regulation, or other rule of law governing adoption, divorce, or other matters of family law;

(3) the Uniform Commercial Code, as in effect in any State, other than sections 1-107 and 1-206 and Articles 2 and 2A;

(4) any requirement by a Federal regulatory agency or self-regulatory organization that records be filed or maintained in a specified standard or standards (including a specified format or formats), except that nothing in this paragraph relieves any Federal regulatory agency of its obligations under the Government Paperwork Elimination Act (title XVII of Public Law 105-277);

(5) the Uniform Anatomical Gift Act; or

(6) the Uniform Health-Care Decisions Act.

(b) ADDITIONAL EXCEPTIONS.—The provisions of section 101 shall not apply to—

(1) any contract, agreement, or record entered into between a party and a State agency if the State agency is not acting as a market participant in or affecting interstate commerce;

(2) court orders or notices, or official court documents (including briefs, pleadings, and other writings) required to be executed in connection with court proceedings; or

(3) any notice concerning—

(A) the cancellation or termination of utility services (including water, heat, and power);

(B) default, acceleration, repossession, foreclosure, or eviction, or the right to cure, under a credit agreement secured by, or a rental agreement for, a primary residence of an individual; or

(C) the cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities).