LEGISLATION TO EXEMPT CERTAIN REPORTS FROM AUTOMATIC ELIMINATION AND SUNSET

LEAHY AMENDMENT NO. 2786

Ms. COLLINS (for Mr. LEAHY) proposed an amendment to the bill (H.R. 3111) to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995; as follows:

Add at the end the following:

SEC. 2(a) SHORT TITLE.—This Act may be cited as the “Continued Reporting of Intercepted Wire, Oral, and Electronic Communications Act”.

(b) FINDINGS.—Congress makes the following findings:

(1) Section 2519(3) of title 18, United States Code, requires the Director of the Administrative Office of the United States Courts to transmit to Congress a full and complete annual report concerning the number of applications for orders authorizing or approving the interception of wire, oral, or electronic communications. This report is required to include information specified in section 2519(3).

(2) The Federal Reports Elimination and Sunset Act of 1995 provides for the termination of certain laws requiring submittal to Congress of annual, semiannual, and regular periodic reports as of December 21, 1999, 4 years after the effective date of that Act.

(3) Due to the Federal Reports Elimination and Sunset Act of 1995, the Administrative Office of the United States Courts is not required to submit an annual report described in section 219(5) of title 18, United States Code, as of December 21, 1999.

(4) The reports required to be filed by subparagraph (A) shall not exceed $500,000.

SEC. 4. DEFINITIONS.

The purposes of this Act are—

(1) to permit and encourage the continued expansion of electronic commerce through the operation of free market forces rather than prescriptive governmental mandates and regulations;

(2) to promote public confidence in the validity, integrity and reliability of electronic commerce and online government under Federal law;

(3) to facilitate and promote electronic commerce by clarifying the legal status of electronic records and electronic signatures in the context of contract formation;

(4) to facilitate the use of private parties engaged in interstate transactions to agree among themselves on the appropriate electronic signature technologies for their transactions; and

(5) to promote the development of a consistent national legal infrastructure necessary to support of electronic commerce at the Federal and state levels within existing areas of jurisdiction.
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31115

(1) ELECTRONIC.—The term “electronic means” means technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
(2) ELECTRONIC AGENT.—The term “electronic agent” means an electronic means, including barriers imposed by a law or regulation directly or indirectly requiring that signatures, or records of transactions, be accomplished or retained in another than electronic form. In its report, each agency shall identify the barriers among those identified whose removal would require legislative action, and shall indicate agency plans to undertake regulatory action to remove such barriers among those identified as are caused by agencies of a State or of the Federal Government or of a State or of any county, municipality, or other political subdivision of a State.
(3) ELECTRONIC SIGNATURE.—The term “electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.
(4) ELECTRONIC TRANSACTION.—The term “electronic transaction” means an electronic means, including barriers imposed by a law or regulation directly or indirectly requiring that signatures, or records of transactions, be accomplished or retained in another than electronic form.
(5) STATE.—The term “State” means a State, other than sections 1–107 and 47(1) of the Employee Retirement Income Security Act of 1974, and a territorial subdivision of a State.
(6) UNIFORM LAW.—The term “uniform law” means a law adopted by a person with the intent to sign the record.
(7) TRANSACTION.—The term “transaction” means an electronic means, including barriers imposed by a law or regulation directly or indirectly requiring that signatures, or records of transactions, be accomplished or retained in another than electronic form.

SECTION 3. INTERSTATE CONTRACT CERTAINTY

(a) IN GENERAL.—In any commercial transaction affecting interstate commerce, a contract may not be denied legal effect or enforceability solely because an electronic signature or electronic record was used in its formation.
(b) METHODS.—Parties to a transaction are permitted to determine the appropriate electronic signature technologies for their transaction, and the means of implementing such technologies.
(c) PRESENTATION OF CONTRACTS.—Notwithstanding subsection (a), if a law requires that a contract be in writing, the legal effect or enforceability of an electronic record of such contract shall be denied under such law, unless it is delivered to all parties to such contract by a governmental unit until such time that a state or subdivision thereof chooses to accept filings electronically.
(d) RESIDENTIAL LANDLORD-TENANT RELATIONSHIP.—A residential landlord-tenant relationship is not governed by any of the following:
(1) The Uniform Commercial Code, as in effect in a State, other than sections 1–107 and 47(1) of the Employee Retirement Income Security Act of 1974, and section 2A-208, Article 2, and Article 2A of the Uniform Law.
(2) Premarital agreements, marriage, adoption, divorce or other matters of family law.
(3) Titles of documents which are filed of record of a governmental unit until such time that a state or subdivision thereof chooses to accept registrations electronically.
(4) Residential landlord-tenant relationship?
(5) The Uniform Health-Care Decisions Act as in effect in a State.
(6) ELECTRONIC AGENTS.—A contract relating to an electronic transaction affecting interstate commerce may not be denied legal effect or enforceability solely because its formation involved—

SECTION 4. UNIFORM HEALTH-CARE DECISIONS ACT

(a) IN GENERAL.—In any commercial transaction affecting interstate commerce, an electronic record or electronic means, including barriers imposed by a law or regulation directly or indirectly requiring that signatures, or records of transactions, be accomplished or retained in another than electronic form.

SECTION 5. UNIFORM TRANSACTIONS ACT

(a) IN GENERAL.—In any commercial transaction affecting interstate commerce, a contract may not be denied legal effect or enforceability solely because an electronic signature or electronic record was used in its formation.
(b) METHODS.—Parties to a transaction are permitted to determine the appropriate electronic signature technologies for their transaction, and the means of implementing such technologies.
(c) PRESENTATION OF CONTRACTS.—Notwithstanding subsection (a), if a law requires that a contract be in writing, the legal effect or enforceability of an electronic record of such contract shall be denied under such law, unless it is delivered to all parties to such contract by a governmental unit until such time that a state or subdivision thereof chooses to accept filings electronically.
(d) RESIDENTIAL LANDLORD-TENANT RELATIONSHIP.—A residential landlord-tenant relationship is not governed by any of the following:
(1) The Uniform Commercial Code, as in effect in a State, other than sections 1–107 and 47(1) of the Employee Retirement Income Security Act of 1974, and section 2A-208, Article 2, and Article 2A of the Uniform Law.
(2) Premarital agreements, marriage, adoption, divorce or other matters of family law.
(3) Titles of documents which are filed of record of a governmental unit until such time that a state or subdivision thereof chooses to accept registrations electronically.
(4) Residential landlord-tenant relationship?
(5) The Uniform Health-Care Decisions Act as in effect in a State.
(6) ELECTRONIC AGENTS.—A contract relating to an electronic transaction affecting interstate commerce may not be denied legal effect or enforceability solely because its formation involved—

SECTION 6. UNIFORM COMMERCIAL CODE

(a) IN GENERAL.—In any commercial transaction affecting interstate commerce, an electronic record or electronic means, including barriers imposed by a law or regulation directly or indirectly requiring that signatures, or records of transactions, be accomplished or retained in another than electronic form.

SECTION 7. UNIFORM LAW

(a) IN GENERAL.—In any commercial transaction affecting interstate commerce, an electronic record or electronic means, including barriers imposed by a law or regulation directly or indirectly requiring that signatures, or records of transactions, be accomplished or retained in another than electronic form.

SECTION 8. UNIFORM ELECTRONIC TRANSACTIONS ACT

(a) IN GENERAL.—In any commercial transaction affecting interstate commerce, an electronic record or electronic means, including barriers imposed by a law or regulation directly or indirectly requiring that signatures, or records of transactions, be accomplished or retained in another than electronic form.

SECTION 9. UNIFORM HEALTH-CARE DECISIONS ACT

(a) IN GENERAL.—In any commercial transaction affecting interstate commerce, a contract may not be denied legal effect or enforceability solely because an electronic signature or electronic record was used in its formation.
(b) METHODS.—Parties to a transaction are permitted to determine the appropriate electronic signature technologies for their transaction, and the means of implementing such technologies.
(c) PRESENTATION OF CONTRACTS.—Notwithstanding subsection (a), if a law requires that a contract be in writing, the legal effect or enforceability of an electronic record of such contract shall be denied under such law, unless it is delivered to all parties to such contract by a governmental unit until such time that a state or subdivision thereof chooses to accept filings electronically.
(d) RESIDENTIAL LANDLORD-TENANT RELATIONSHIP.—A residential landlord-tenant relationship is not governed by any of the following:
(1) The Uniform Commercial Code, as in effect in a State, other than sections 1–107 and 47(1) of the Employee Retirement Income Security Act of 1974, and section 2A-208, Article 2, and Article 2A of the Uniform Law.
(2) Premarital agreements, marriage, adoption, divorce or other matters of family law.
(3) Titles of documents which are filed of record of a governmental unit until such time that a state or subdivision thereof chooses to accept registrations electronically.
(4) Residential landlord-tenant relationship?
(5) The Uniform Health-Care Decisions Act as in effect in a State.
(6) ELECTRONIC AGENTS.—A contract relating to an electronic transaction affecting interstate commerce may not be denied legal effect or enforceability solely because its formation involved—

SECTION 10. UNIFORM TRANSACTIONS ACT

(a) IN GENERAL.—In any commercial transaction affecting interstate commerce, a contract may not be denied legal effect or enforceability solely because an electronic signature or electronic record was used in its formation.
(b) METHODS.—Parties to a transaction are permitted to determine the appropriate electronic signature technologies for their transaction, and the means of implementing such technologies.
(c) PRESENTATION OF CONTRACTS.—Notwithstanding subsection (a), if a law requires that a contract be in writing, the legal effect or enforceability of an electronic record of such contract shall be denied under such law, unless it is delivered to all parties to such contract by a governmental unit until such time that a state or subdivision thereof chooses to accept filings electronically.
(d) RESIDENTIAL LANDLORD-TENANT RELATIONSHIP.—A residential landlord-tenant relationship is not governed by any of the following:
(1) The Uniform Commercial Code, as in effect in a State, other than sections 1–107 and 47(1) of the Employee Retirement Income Security Act of 1974, and section 2A-208, Article 2, and Article 2A of the Uniform Law.
(2) Premarital agreements, marriage, adoption, divorce or other matters of family law.
(3) Titles of documents which are filed of record of a governmental unit until such time that a state or subdivision thereof chooses to accept registrations electronically.
(4) Residential landlord-tenant relationship?
(5) The Uniform Health-Care Decisions Act as in effect in a State.
(6) ELECTRONIC AGENTS.—A contract relating to an electronic transaction affecting interstate commerce may not be denied legal effect or enforceability solely because its formation involved—

SESSIONS (AND JEFFORDS)
AMENDMENT NO. 2788

Ms. COLLINS (for Mr. SESSIONS (for himself and Mr. JEFFORDS)) proposed an amendment to the bill (S. 1309) to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans; as follows:

STRIKE all after the enacting clause and insert the following:

SECTION 1. PURPOSE.
The purpose of this Act is only to clarify the application to a church plan that is a welfare plan of State insurance laws that require or solely relate to licensing, solvency, insolven}