

S. 2392

At the request of Mr. BENNETT, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2392, a bill to encourage the disclosure and exchange of information about computer processing problems and related matters in connection with the transition to the Year 2000.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 2392, supra.

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2392, supra.

SENATE JOINT RESOLUTION 56

At the request of Mr. GRASSLEY, the names of the Senator from South Carolina (Mr. THURMOND) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of Senate Joint Resolution 56, a joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use.

SENATE CONCURRENT RESOLUTION 83

At the request of Mr. WARNER, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Maine (Ms. COLLINS), the Senator from Oklahoma (Mr. NICKLES), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Alaska (Mr. STEVENS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Kentucky (Mr. MCCONNELL), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of Senate Concurrent Resolution 83, a concurrent resolution remembering the life of George Washington and his contributions to the Nation.

SENATE RESOLUTION 257

At the request of Mr. MURKOWSKI, the names of the Senator from Virginia (Mr. WARNER), the Senator from Missouri (Mr. ASHCROFT), the Senator from Idaho (Mr. CRAIG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Montana (Mr. BAUCUS), the Senator from Utah (Mr. BENNETT), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of Senate Resolution 257, a resolution expressing the sense of the Senate that October 15, 1998, should be designated as "National Inhalant Abuse Awareness Day."

SENATE RESOLUTION 274

At the request of Mr. FORD, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Senate Resolution 274, a resolution to express the sense of the Senate that the Louisville Festival of Faiths should be commended and should serve as model for similar festivals in other communities throughout the United States.

SENATE RESOLUTION 278

At the request of Mr. HATCH, the name of the Senator from Massachu-

setts (Mr. KENNEDY) was added as a cosponsor of Senate Resolution 278, a resolution designating the 30th day of April of 1999, as "Dia de los Ninos: Celebrating Young Americans," and for other purposes.

AMENDMENTS SUBMITTED

INTERNET TAX FREEDOM ACT

ABRAHAM AMENDMENT NO. 3665

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill (S. 442) to establish 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 exaction that would interfere with the free flow of commerce via the Internet, and for other purposes, as follows:

At the appropriate place, insert the following:

**TITLE II—GOVERNMENT PAPERWORK
ELIMINATION ACT**

SEC. 201. SHORT TITLE.

This title may be cited as the "Government Paperwork Elimination Act".

SEC. 202. STUDIES ON USE OF ELECTRONIC SIGNATURES TO ENHANCE ELECTRONIC COMMERCE.

The Secretary shall conduct an ongoing study of the enhancement of electronic commerce and the impact on individual privacy due to the use of electronic signatures pursuant to this title, and shall report findings to the Commerce Committee of the House and to the Commerce, Science, and Transportation Committee of the Senate not later than 18 months after the date of enactment of this title.

SEC. 203. ELECTRONIC AVAILABILITY OF FORMS.

(a) NEW FORMS, QUESTIONNAIRES AND SURVEYS.—The head of an agency or operating unit shall provide for the availability to the affected public in electronic form for downloading or printing through the Internet or other suitable medium of any agency form, questionnaire, or survey created after the date of enactment of this title that is to be submitted to the agency by more than 1,000 non-government persons or entities per year, except where the head of the agency or operating unit determines by a finding that providing for such availability would be impracticable or otherwise unreasonable.

(b) ALL FORMS, QUESTIONNAIRES, AND SURVEYS.—As soon as practicable, but not later than 18 months after the date of enactment of this title, each Federal agency shall make all of its forms, questionnaires, and surveys that are expected to be submitted to such agency by more than 1,000 non-government persons or entities per year available to the affected public for downloading or printing through the Internet or other suitable electronic medium. This requirement shall not apply where the head of an agency or operating unit determines that providing such availability for particular form, questionnaire or survey documents would be impracticable or otherwise unreasonable.

(c) APPLICABILITY OF SECTION.—The requirements of this section shall not apply to surveys that are both distributed and col-

lected one-time only or that are provided directly to all respondents by the agency.

(d) AVAILABILITY.—Forms subject to this section shall be available for electronic submission (with an electronic signature when necessary) under the provisions of section 208, and shall be available for electronic storage by employers as described in section 207.

(e) PAPER FORMS TO BE AVAILABLE.—Each agency and operating unit shall continue to make forms, questionnaires, and surveys available in paper form.

SEC. 204. PAYMENTS.

In conjunction with the process required by section 208—

(1) where they deem such action appropriate and practicable, and subject to standards or guidance of the Department of the Treasury concerning Federal payments or collections, agencies shall seek to develop or otherwise provide means whereby persons submitting documents electronically are accorded the option of making any payments associated therewith by electronic means.

(2) payments associated with forms, applications, or similar documents submitted electronically, other than amounts relating to additional costs associated with the electronic submission such as charges imposed by merchants in connection with credit card transactions, shall be no greater than the payments associated with the corresponding printed version of such documents.

SEC. 205. USE OF ELECTRONIC SIGNATURES BY FEDERAL AGENCIES.

(a) AGENCY EMPLOYEES TO RECEIVE ELECTRONIC SIGNATURES.—The head of each agency shall issue guidelines for determining how and which employees in each respective agency shall be permitted to use electronic signatures within the scope of their employment.

(b) AVAILABILITY OF ELECTRONIC NOTICE.—An agency may provide a person entitled to receive written notice of a particular matter with the opportunity to receive electronic notice instead.

(c) PROCEDURES FOR ACCEPTANCE OF ELECTRONIC SIGNATURES.—The Director, in consultation with the Secretary, shall coordinate agency actions to comply with the provisions of this title and shall develop guidelines concerning agency use and acceptance of electronic signatures, and such use and acceptance shall be supported by the issuance of such guidelines as may be necessary or appropriate by the Secretary.

(1) The procedures shall be compatible with standards and technology for electronic signatures as may be generally used in commerce and industry and by State governments, based upon consultation with appropriate private sector and State government standard setting bodies.

(2) Such procedures shall not inappropriately favor one industry or technology.

(3) Under the procedures referred to in subsection (a), an electronic signature shall be as reliable as is appropriate for the purpose, and efforts shall be made to keep the information submitted intact.

(4) Successful submission of an electronic form shall be electronically acknowledged.

(5) In accordance with all other sections of the title, to the extent feasible and appropriate, and described in a written finding, an agency, when it expects to receive electronically 50,000 or more submittals of a particular form, shall take all steps necessary to ensure that multiple formats of electronic signatures are made available for submitting such forms.

SEC. 206. ENFORCEABILITY AND LEGAL EFFECT OF ELECTRONIC RECORDS.

Electronic records submitted or maintained in accordance with agency procedures

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