

HEINONLINE

Citation: 4 Bernard D. Reams Jr. Law of E-SIGN A Legislative
of the Electronic Signatures in Global and National
Act Public Law No. 106-229 2000 H8079 2002

Content downloaded/printed from
HeinOnline (<http://heinonline.org>)
Sun Apr 21 22:05:51 2013

- Your use of this HeinOnline PDF indicates your acceptance
of HeinOnline's Terms and Conditions of the license
agreement available at <http://heinonline.org/HOL/License>
- The search text of this PDF is generated from
uncorrected OCR text.

Module in section 201 with generic references to any Russian element in the International Space Station's critical path, and moves the due date for an educational study required in section 317 from October 1, 2000, to December 1, 2000.

Finally, the resolution removes some commas to reduce the number used in a series to address stylistic preferences. These are minor changes that do not affect the substance of the bill adopted by the House on a vote of 399-17 on September 14. They have been discussed with the minority and with the other body and all parties have agreed to them.

Mr. HALL of Texas. I thank the gentleman for his explanation.

Mr. Speaker, the minority concurs in the necessity to correct the enrollment of H.R. 1654. Therefore, we do not object to the immediate consideration of the resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 409

Resolved by the House of Representatives (the Senate concurring), that the Clerk of the House of Representatives shall make the following corrections in the enrollment of the bill H.R. 1654:

(1) In section 1(b), in the item relating to section 205 in the table of contents, insert "research utilization and commercialization" after "Space station".

(2) In section 2(4)—
(A) insert "the" after "commercial providers of"; and
(B) strike the comma after "reusable space vehicles".

(3) In section 201(b)—
(A) strike "the Russian Service Module, other" and insert "any";
(B) strike "or Russian" and insert "or any Russian";

(C) strike "the Russian Service Module, or any other Russian element in the critical path or Russian launch service" and insert "any Russian element in the critical path or any Russian launch services"; and
(D) strike the comma after "with the permanent replacement".

(4) In section 203(o)(2), strike the comma after "Sciences and Applications".

(5) In the section heading of section 205, insert "RESEARCH UTILIZATION AND COMMERCIALIZATION" after "SPACE STATION".

(6) In section 303, strike the comma after "fullest extent feasible".

(7) In section 317(b), strike "October" and insert "December".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1145

**ELECTRONIC COMMERCE
ENHANCEMENT ACT OF 2000**

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4429) to require the

Director of the National Institute of Standards and Technology to assist small and medium-sized manufacturers and other such businesses to successfully integrate and utilize electronic commerce technologies and business practices, as amended.

The Clerk read as follows:

H.R. 4429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Commerce Enhancement Act of 2000".

**TITLE I—ELECTRONIC COMMERCE
SEC. 101. FINDINGS.**

The Congress finds the following:

(1) Commercial transactions on the Internet, by other retail business-to-customer or business-to-business, are commonly called electronic commerce.

(2) In the United States, business-to-business transactions between small and medium-sized manufacturers and other such businesses and their suppliers is rapidly growing, as many of these businesses begin to use Internet connections for supply-chain management, after-sales support, and payments.

(3) Small and medium-sized manufacturers and other such businesses play a critical role in the United States economy.

(4) Electronic commerce can help small and medium-sized manufacturers and other such businesses develop new products and markets, interact more quickly and efficiently with suppliers and customers, and improve productivity by increasing efficiency and reducing transaction costs and paperwork. Small and medium-sized manufacturers and other such businesses who fully exploit the potential of electronic commerce activities can use it to interact with customers, suppliers, and the public, and for external support functions such as personnel services and employee training.

(5) The National Institute of Standards and Technology's Manufacturing Extension Partnership program has a successful record of assisting small and medium-sized manufacturers and other such businesses. In addition, the Manufacturing Extension Partnership program, working with the Small Business Administration, successfully assisted United States small enterprises in remediating their Y2K computer problems.

(6) A critical element of electronic commerce is the ability of different electronic commerce systems to exchange information. The continued growth of electronic commerce will be enhanced by the development of private voluntary interoperability standards and testbeds to ensure the compatibility of different systems.

SEC. 102. REPORT ON THE UTILIZATION OF ELECTRONIC COMMERCE.

(a) ADVISORY PANEL.—The Director of the National Institute of Standards and Technology (in this title referred to as the "Director") shall establish an Advisory Panel to report on the challenges facing small and medium-sized manufacturers and other such businesses in integrating and utilizing electronic commerce technologies and business practices. The Advisory Panel shall be comprised of representatives of the Technology Administration, the National Institute of Standards and Technology's Manufacturing Extension Partnership program established under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l), the Small Business Administration, and other relevant parties as identified by the Director.

(b) INITIAL REPORT.—Within 12 months after the date of enactment of this Act, the Advisory Panel shall report to the Director and to the Committee on Science of the House of Represent-

atives and the Committee on Commerce, Science, and Transportation of the Senate on the immediate requirements of small and medium-sized manufacturers and other such businesses to integrate and utilize electronic commerce technologies and business practices. The report shall—

(1) describe the current utilization of electronic commerce practices by small and medium-sized manufacturers and other such businesses, detailing the different levels between business-to-retail customer and business-to-business transactions;

(2) describe and assess the utilization and need for encryption and electronic authentication components and electronically stored data security in electronic commerce for small and medium-sized manufacturers and other such businesses;

(3) identify the impact and problems of interoperability to electronic commerce, and include an economic assessment; and

(4) include a preliminary assessment of the appropriate role of, and recommendations for, the Manufacturing Extension Partnership program to assist small and medium-sized manufacturers and other such businesses to integrate and utilize electronic commerce technologies and business practices.

(c) FINAL REPORT.—Within 18 months after the date of enactment of this Act, the Advisory Panel shall report to the Director and to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a 3-year assessment of the needs of small and medium-sized manufacturers and other such businesses to integrate and utilize electronic commerce technologies and business practices. The report shall include—

(1) a 3-year planning document for the Manufacturing Extension Partnership program in the field of electronic commerce; and

(2) recommendations, if necessary, for the National Institute of Standards and Technology to address interoperability issues in the field of electronic commerce.

SEC. 103. ELECTRONIC COMMERCE PILOT PROGRAM.

The National Institute of Standards and Technology's Manufacturing Extension Partnership program, in consultation with the Small Business Administration, shall establish a pilot program to assist small and medium-sized manufacturers and other such businesses in integrating and utilizing electronic commerce technologies and business practices. The goal of the pilot program shall be to provide small and medium-sized manufacturers and other such businesses with the information they need to make informed decisions in utilizing electronic commerce-related goods and services. Such program shall be implemented through a competitive grants program for existing Regional Centers for the Transfer of Manufacturing Technology established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k). In carrying out this section, the Manufacturing Extension Partnership program shall consult with the Advisory Panel and utilize the Advisory Panel's reports.

TITLE II—ENTERPRISE INTEGRATION

SEC. 301. ENTERPRISE INTEGRATION ASSESSMENT AND PLAN.

(a) ASSESSMENT.—The Director shall work to identify critical enterprise integration standards and implementation activities for major manufacturing industries underway in the United States. For each major manufacturing industry, the Director shall work with industry representatives and organizations currently engaged in enterprise integration activities and other appropriate representatives as necessary. They shall assess the current state of enterprise integration within the industry, identify the remaining steps in achieving enterprise integration, and work toward agreement on the roles of

the National Institute of Standards and Technology and of the private sector in that process. Within 90 days after the date of the enactment of this Act, the Director shall report to the Congress on these matters and on anticipated related National Institute of Standards and Technology activities for the then current fiscal year.

(b) **PLANS AND REPORTS.—**Within 180 days after the date of the enactment of this Act, the Director shall submit to the Congress a plan for enterprise integration for each major manufacturing industry, including milestones for the National Institute of Standards and Technology portion of the plan, the dates of likely achievement of those milestones, and anticipated costs to the Government and industry by fiscal year. Updates of the plans and a progress report for the past year shall be submitted annually until for a given industry, in the opinion of the Director, enterprise integration has been achieved.

SEC. 202. DEFINITIONS.

For purposes of this title—

(1) the term "Director" means the Director of the National Institute of Standards and Technology;

(2) the term "enterprise integration" means the electronic linkage of manufacturers, assemblers, and suppliers to enable the electronic exchange of product, manufacturing and other business data among all businesses in a product supply chain, and such term includes related application protocols and other related standards; and

(3) the term "major manufacturing industry" includes the aerospace, automotive, electronics, shipbuilding, construction, home building, furniture, textile, apparel industries and such other industries as the Director designates.

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4429.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

(Mr. SENSENBRENNER asked and was given permission to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, small and medium-sized manufacturers contribute greatly to our Nation's economic growth, creating thousands of new jobs each year and providing all Americans with quality manufactured goods.

The emergence of electronic commerce has the potential to assist small and medium-sized manufacturers develop new products and markets, interact more quickly and efficiently with suppliers and customers and improve productivity by increasing efficiency and reducing transaction costs and paperwork.

Despite the benefits electronic commerce has to offer, small and medium-sized manufacturers face significant challenges in integrating electronic commerce into their operation because

of the complexity of multiple technologies, expensive deployment costs and the lack of interoperability standards.

H.R. 4429, the Electronic Commerce Enhancement Act of 2000, helps to assist small and medium-sized businesses to successfully integrate and utilize electronic commerce technologies and business practices. Specifically, the bill requires the National Institute of Standards and Technology of the Department of Commerce to assist small and medium-sized manufacturers by assessing critical enterprise integration standards in implementation activities for major manufacturing industries and to develop a plan for enterprise integration for each major manufacturing industry.

This bill was unanimously approved by the Committee on Science on July 26 of this year. I wish to commend the ranking member of the Subcommittee on Technology, the gentleman from Michigan (Mr. BARCIA) and our chairwoman of the subcommittee, the gentleman from Maryland (Mrs. MORELLA), for their efforts, and urge my colleagues to support its passage today.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4429 is a very important piece of legislation, and I wish to compliment the gentleman from Michigan (Mr. BARCIA) and our chairman for their persistence in focusing the Congress on the impacts that electronic commerce is having on our small businesses throughout this country. Competing as a small businessman can be very tough under the very best of circumstances, and it gets just that much harder during times of rapid change. Today, computers and e-commerce are turning the world of many small businessmen and women on their head. They do not know which way to go.

The gentleman from Michigan (Mr. BARCIA) and his cosponsors have written legislation that will really help small businesses. It will help them tremendously in obtaining the information and expertise necessary to make intelligent business decisions as they move onto the Internet. This help will be available through the Manufacturing Extension Program of the Department of Commerce.

The gentleman from Michigan (Mr. BARCIA), the gentlewoman from Michigan (Ms. RIVERS), and the gentleman from Michigan (Ms. STABENOW) also introduced H.R. 4906 earlier this year. It is a bill that very aggressively addresses another small business problem that is just around the corner.

According to recent testimony before the Committee on Science, European governments are spending over \$45 million per year to develop standards that will permit companies to exchange manufacturing data instantaneously

and in effect establish virtual manufacturing enterprises. H.R. 4906 provides for a meaningful U.S. role in the development of these standards and for creating the tools that small businesses will need to participate in this new mode of business interaction.

We appreciate the willingness of the gentleman from Wisconsin (Chairman SENSENBRENNER) to add sections from H.R. 4906 to the bill before us today, and I urge my colleagues to support H.R. 4429.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. BARCIA).

Mr. BARCIA. Mr. Speaker, I rise today in support of H.R. 4429, The Electronic Commerce Enhancement Act of 2000.

H.R. 4429 is a bipartisan effort to assist small and medium-sized enterprises in bringing their businesses on line. I introduced this bill, along with the gentleman from California (Mr. CALVERT), the gentleman from Washington (Mr. BAIRD), the gentleman from Pennsylvania (Mr. DOYLE), and the gentleman from Colorado (Mr. UDALL) earlier this year. This bill is the result of Subcommittee on Technology hearings and a district workshop I held on the electronic commerce needs of small and medium-sized manufacturers.

As large companies move their business transactions on line, small businesses must go on line also. Unfortunately, many of these smaller manufacturers do not have the information they need to make informed decisions on e-commerce-related purchases and services. As one small manufacturer put it, "I know whether I need a \$20,000 or a \$30,000 truck, but I do not have any idea of whether I need a \$5,000 or a \$50,000 e-mail server."

The goal of this legislation is to provide American small business with information and knowledge they need to make these critical business decisions. This bill builds upon the successful Manufacturing Extension Partnerships Program, or MEP. In addition, H.R. 4429 authorizes the establishment of an advisory panel to determine the e-commerce needs of small businesses nationwide.

The MEP, working with this advisory panel, will establish a pilot program that will allow MEP centers to provide small manufacturers with the information they need to make informed purchases of e-commerce products and services.

In addition, this legislation incorporates some provisions of H.R. 4906, the Enterprise Integration Act, which I introduced along with the gentleman from Michigan (Ms. RIVERS). These provisions address the issue of interoperability in the manufacturing supply chain. The adoption of e-commerce business practices within supply chains is often hindered by the lack of interoperability of software, hardware and networks in exchanging product data and other key business information.

A recent study showed that the U.S. automotive supply chain alone suffers at least \$1 billion in lost productivity due to problems of interoperability. Other industries with complex manufacturing requirements are expected to suffer similar losses, including aerospace, electronics, shipbuilding and construction, to name just a few.

The National Institute of Standards and Technology has supported the first phase of an interoperability program in the auto industry called STEP. In my home State of Michigan, STEP proved to be highly successful and was strongly supported by the auto industry and manufacturers in their supply chain. The provisions of H.R. 4429 build upon this prior experience.

NIST is authorized to perform an assessment to identify critical enterprise integration standards and implementation activities for major manufacturing industries and to report to Congress on the appropriate role for working with industry in this area.

I want to especially this morning thank the Subcommittee on Technology chairwoman, the gentlewoman from Maryland (Mrs. MORELLA), for the series of hearings that she has held on e-commerce during this past 2-year session. These hearings have brought attention to the challenges facing our small manufacturers as they enter the world of electronic business.

I also want to especially thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and the ranking member, the gentleman from Texas (Mr. HALL), for their gracious efforts to move this bill through the Committee on Science and bringing it to the floor so expeditiously.

In closing, I believe this bill represents sound and reasonable policy and builds upon the successful track record of the Manufacturing Extension Partnership Program and the National Institute of Standards and Technology.

I urge my colleagues to support this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I rise today in support of H.R. 4429, the Electronic Commerce Enhancement Act of 2000. I want to thank the chairman of the Committee on Science, the gentleman from Wisconsin (Mr. SENSENBRENNER), for helping to bring this bill to the floor. I want to thank the ranking member, the gentleman from Texas (Mr. HALL), for his yeoman-like work in this. Certainly I value the leadership of the ranking member of the Subcommittee on Technology for the work that he has done and his leadership in helping to forward this very important measure.

During a busy day, most Americans probably do not even stop to think about the daily impact small manufacturing has on our lives; yet it is all but impossible to get through a day without using products that are created by small manufacturers. Everything from

the clothes we wear, to the chairs we sit on, to the telecommunications equipment that we use to broadcast these House proceedings live can be attributed in part to the products of small manufacturers.

Small manufacturers make up over 95 percent of all United States manufacturers, and employ one out of every 10 American workers. It is not surprising that small manufacturers contribute so greatly to our Nation's economic growth and prosperity, and in recognition of this vital sector of our economy, we declared last year the year of the small manufacturer.

Last fall, as has been mentioned, the Subcommittee on Technology, which I Chair and on which the gentleman from Michigan (Mr. BARCIA) is the ranking member, convened a hearing looking at the challenges and the opportunities facing small and medium-sized manufacturers in the coming decade. As implementing successful electronic commerce strategies emerge as one of the industry's top priorities, it is estimated that sales in electronic commerce alone will reach nearly \$3.2 trillion by the year 2003.

Successfully implemented, e-commerce business strategies have the potential to significantly increase productivity and revenues for many small manufacturers. Electronic commerce can help small manufacturers develop new products and markets, while at the same time allowing them to interact more quickly and efficiently with their suppliers and customers.

We had a number of small manufacturers as well as the National Association of Manufacturers testify at our hearing last fall, and they all agreed that we need to address this issue and that the National Institute of Standards and Technology, such a gem in our Federal laboratory system, can play a very important role in helping to achieve that goal.

Mr. Speaker, I urge my colleagues to join in support of the Electronic Commerce Enhancement Act of 2000.

Mr. HALL of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Speaker, I am pleased to rise in support of H.R. 4429, a bill that recognizes the importance of the Internet to our economy, and especially the importance of the Internet as a tool in business to business transactions.

Unfortunately, as Internet opportunities opened up, many small and medium manufacturers who are crucial to our economy were not able to exploit the potential of e-commerce activities because of problems of interoperability.

The costs of this barrier of interoperability are enormous. According to a recent National Institutes of Standards and Technology study of product data exchange in the automotive sector alone, the inability to efficiently exchange product data through the automotive supply chain conservatively

costs the Internet about \$1 billion per year.

This bill would allow the NIST to work with business and industry to develop voluntary standards that will assure that U.S. firms will and can continue to exploit the power of the Internet to collaborate with trading partners and, through greater speed and agility, to participate in global markets.

It also allows for a constructive U.S. role in the development of these standards and for helping equip small businesses with the instruments necessary for this new way of doing business.

I thank the gentleman from Michigan (Mr. BARCIA) for introducing this important bill, and I urge my colleagues to support it.

□ 1200

Mr. HALL of Texas. Mr. Speaker, we have no more speakers, and I yield back the balance of our time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4429, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read as follows: "A bill to require the Director of the National Institute of Standards and Technology to assist small and medium-sized manufacturers and other such businesses to successfully integrate and utilize electronic commerce technologies and business practices, and to authorize the National Institute of Standards and Technology to assess critical enterprise integration standards and implementation activities for major manufacturing industries and to develop a plan for enterprise integration for each major manufacturing industry."

A motion to reconsider was laid on the table.

NATIONAL SMALL BUSINESS REGULATORY ASSISTANCE ACT OF 2000

Mr. SWEENEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4946) to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Small Business Regulatory Assistance Act of 2000".

Document No. 106

