

AFFECT CELEBRATES WITHDRAWAL OF UCITA FROM ABA CONSIDERATION

Seattle, Feb. 11 -- AFFECT, Americans for Fair Electronic Commerce Transactions, expressed gratification with the withdrawal of a resolution seeking approval of the Uniform Computer Information Transactions Act (UCITA) from the ABA House of Delegates.

"Implicit in the decision not to push for a vote was the recognition that the ABA was not going to approve UCITA as appropriate for enactment by the states," said AFFECT President Miriam Nisbet. In recent weeks, major sections of the ABA, including Business Law, Intellectual Property Law, Litigation, and Tort Trial and Insurance Practice, voted to defer indefinitely or to reject the UCITA resolution placed before the ABA at its Midyear Meeting. Also, the ABA's Standing Committee on Law and National Security last week informed the National Conference of Commissioners on Uniform State Laws (NCCUSL), the sponsor of UCITA, that the committee could not support UCITA because the act's provisions could "present a significant security concern, potentially affecting key aspects of our nation's critical infrastructure." In addition, the president of the American Law Institute recently advised the House of Delegates that he could not support the effort to have the ABA approve UCITA. ALI normally co-sponsors uniform laws with NCCUSL but had withdrawn from recommending UCITA in 1999 because of concerns that the act did not meet ALI standards in several key areas.

Nisbet said that she was pleased to hear NCCUSL assure the House of Delegates that it has no intention of bringing the act back to the ABA. AFFECT believes the inability of NCCUSL to win approval for UCITA from the ABA this year will lead to its rejection in Oklahoma and other states where it is currently under consideration. Nisbet said, "The failure to pass the ABA hurdle after almost four years of 'fixes' underscores the fact that it is time for UCITA to go back to the drawing board."

AFFECT is a broad-based national coalition of consumers, retail and manufacturing businesses, financial institutions, technology professionals and librarians opposed to UCITA. AFFECT members have been following UCITA for the past decade and the coalition has been involved in every state where UCITA has been legislatively active.

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