

### The ESIGN Section 103 Evaluation

The ESIGN Act directs the Assistant Secretary of Communications and Information to conduct an evaluation of the exceptions set out in section 103 of the Act to determine whether the exceptions continue to be necessary for the protection of consumers, and to submit a report to Congress on the results of the evaluations no later than June 30, 2003. The Assistant Secretary for Communications and Information is the chief administrator of NTIA. As the President's principal advisor on telecommunications policies pertaining to the Nation's economic and technological advancement, NTIA is the executive branch agency responsible for developing and articulating domestic and international telecommunications policy.

The ESIGN section 103 evaluation of the domestic relations and family law documents exception is intended to evaluate the current status of the law and procedure regarding this issue, in preparation for a report to Congress on whether the domestic relations and family law documents exception remains necessary to protect consumers. This evaluation is not a review or analysis of laws relating to these documents for the purpose of recommending that Congress draft legislation or propose changes to those laws but to advise Congress of the current state of law, practice, and procedure regarding this issue. Comments filed in response to this Notice should not be considered to have a connection with or impact on ongoing specific federal and state procedures or rulemaking proceedings concerning family law or domestic relations documents.

### Invitation to Comment

NTIA requests that all interested parties submit written comment on any issue of fact, law, or policy that may assist in the evaluation required by section 103(c). We invite comment from all parties that may be affected by the removal of the family law documents exception from the ESIGN Act including, but not limited to, state agencies and organizations, national and state bar associations, consumer advocates, and family law practitioners. The comments submitted will assist NTIA in evaluating the potential impact of the removal of the family law documents exception from ESIGN on state domestic relations and family law, and state electronic transactions laws. The following questions are intended to provide guidance as to the specific subject areas to be examined as a part

of the evaluation. Commenters are invited to discuss any relevant issue, regardless of whether it is identified below.

1. Describe state laws that allow for electronic access and filing of documents related to domestic relations and family law, including, but not limited to, documents related to adoptions, divorce, child custody or support, guardianship and civil protection.

2. Discuss how statutes that require written documents related to domestic and family law matters may be affected if the exception for domestic relations and family law matters is eliminated from the ESIGN Act.

3. Describe other state, or federal laws, that require family law documents to be excluded from the operation of ESIGN or the applicable state uniform electronic transactions law.

4. Describe state or uniform laws that allow domestic relations and family law documents to be established in an electronic format or with an electronic signature.

5. Discuss any unique issues surrounding the execution of documents for each of the specific areas that states have considered in determining whether domestic relations and family law documents may or may not be processed in an electronic format. The following list is not exhaustive and any other area relevant to domestic relations and family law may be discussed.

- a. petitions for adoption, or transfer of parental rights, or any information regarding the identity of biological parents;

- b. petitions for divorce or applications for alimony authorizations for alimony, custody, or child support (final or pending litigation);

- c. visitation, support and custody agreements or modifications of agreements between parties;

- d. property settlements or agreements related to domestic relations actions;

- e. requests for or answers regarding protective orders, emergency or otherwise;

- f. guardianship proceedings and powers of attorney;

- g. court orders, reports, notices, summons, or service of process regarding items a. through f. above; and

- h. any other domestic relations or family law document or issue that contains a writing requirement, contract, agreement or other document.

6. State whether uniform laws governing domestic relations and family law issues have been adopted and the impact on these laws if the ESIGN exception for domestic relations and family law matters is eliminated (e.g.,

the Uniform Child Custody Jurisdiction and Enforcement Act, the Interstate Family Support Act). Discuss whether any of the uniform laws related to domestic relations and family law, as adopted in any state, either allow or prohibit the use of electronic documents to meet the writing requirements of the law, including notices to parties or communications between courts in different states.

7. Provide a description of any instance in which documents related to domestic relations cases have been executed in an electronic format, including final court orders, or plans to implement procedures for the on-line execution of such documents.

Please provide copies of studies, reports, opinions, research or other empirical data referenced in the responses.

Dated: September 26, 2002.

**Kathy D. Smith,**

*Chief Counsel, National Telecommunications and Information Administration.*

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**BILLING CODE 3510-60-S**

### DEPARTMENT OF DEFENSE

[OMB Control Number 0704-0246]

### Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Government Property

**AGENCY:** Department of Defense (DoD).

**ACTION:** Notice and request for comments regarding a proposed extension of an approved information collection requirement.

**SUMMARY:** In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information

collection for use through January 31, 2003. DoD proposes that OMB extend its approval for use through January 31, 2006.

**DATES:** DoD will consider all comments received by December 2, 2002.

**ADDRESSES:** Respondents may submit comments directly on the World Wide Web at <http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm>. As an alternative, respondents may e-mail comments to: [dfars@acq.osd.mil](mailto:dfars@acq.osd.mil). Please cite OMB Control Number 0704-0246 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Mr. Rick Layser, OUSD (AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062; facsimile (703) 602-0350. Please cite OMB Control Number 0704-0246.

At the end of the comment period, interested parties may view public comments on the World Wide Web at <http://emissary.acq.osd.mil/dar/dfars.nsf>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Rick Layser, at (703) 602-0293. The information collection requirements addressed in this notice are available on the World Wide Web at: <http://www.acq.osd.mil/dp/dars/dfars.html>. Paper copies are available from Mr. Rick Layser, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062.

**SUPPLEMENTARY INFORMATION:** *Title, Associated Forms, and OMB Number:* Defense Federal Acquisition Regulation Supplement (DFARS) Part 245, Government Property, and related clauses in DFARS Part 252; DD Form 1149, Requisition and Invoice/Shipping Document; DD Form 1342, Property Record; DD Form 1419, Industrial Plant Equipment Requisition; DD Form 1637, Notice of Acceptance of Inventory Schedules; DD Form 1639, Scrap Warranty; DD Form 1640, Request for Plant Clearance; and DD Form 1662, Property in the Custody of Contractors; OMB Control Number 0704-0246.

*Needs and Uses:* DoD needs this information to keep an account of Government property in the possession of contractors. Property administrators, contracting officers, and contractors use this information to maintain property records and material inspection, shipping, and receiving reports.

*Affected Public:* Businesses or other for-profit and not-for-profit institutions.

*Annual Burden Hours:* 50,590.

*Number of Respondents:* 14,862.

*Responses Per Respondent:*

Approximately 3.

*Annual Responses:* 42,925.

*Average Burden Per Response:* 1.2 hours.

*Frequency:* On occasion.

### Summary of Information Collection

This requirement provides for the collection of information related to providing Government property to contractors; contractor use and management of Government property; and reporting, redistribution, and disposal of contractor inventory. This information collection covers the requirements relating to DFARS Part 245 and related clauses and forms.

a. DFARS 245.302-1(b)(1)(A)(1) requires contractors to submit DD Form 1419 to the Defense Supply Center Richmond, before acquiring industrial plant equipment (IPE), to determine whether existing reallocable Government-owned facilities can be used.

b. DFARS 245.302-1(b)(1)(B) requires contractors to submit requests for proposed acquisition of automatic data processing equipment through the administrative contracting officer.

c. DFARS 245.405(1) requires contractors to obtain contracting officer approval before using Government production and research property on work for foreign governments or international organizations.

d. DFARS 245.407(a)(iv) requires contractors to submit requests for non-Government use of IPE to the contract administration office.

e. DFARS 245.505-5, 245.505-6, and 245.606-70 require contractors to use DD Form 1342 as a source document for establishing property records; to report information concerning IPE; and to list excess IPE.

f. DFARS 245.603-70(c) requires contractors that perform plant clearance duties to ensure that inventory schedules are satisfactory for storage or removal purposes. Contractors may use DD Form 1637 for this function.

g. DFARS 245.607-1(a)(i) permits contractors to request a pre-inventory scrap determination, made by the plant clearance officer after an on-site survey, if inventory is considered without value except for scrap.

h. DFARS 245.7101-2 permits contractors to use DD Form 1149 for transfer and donation of excess contractor inventory.

i. DFARS 245.7101-4 requires contractors to use DD Form 1640 to request plant clearance assistance or to transfer plant clearance.

j. DFARS 245.7303 and 245.7304 require contractors to use invitations for

bid for the sale of surplus contractor inventory.

k. DFARS 245.7308(a) requires contractors to send certain information to the Department of Justice and the General Services Administration when the contractor sells or otherwise disposes of inventory with an estimated fair market value of \$3 million or more, or disposes of any patents, processes, techniques or inventions, regardless of cost.

l. DFARS 245.7310-7 requires the purchaser of scrap to represent and warrant that the property will be used only as scrap. The purchaser also must sign DD Form 1639.

m. DFARS 252.245-7001 requires contractors to provide an annual report for contracts involving Government property in accordance with the requirements of DD Form 1662.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

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**BILLING CODE 5001-08-P**

## DEPARTMENT OF DEFENSE

[OMB Control Number 0704-0397]

### Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Requests for Equitable Adjustment

**AGENCY:** Department of Defense (DoD).

**ACTION:** Notice and request for comments regarding a proposed extension of an approved information collection requirement.

**SUMMARY:** In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use through March 31,