



AMERICANS for FAIR ELECTRONIC
COMMERCE TRANSACTIONS

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Partial Listing of Members

- Alliance of American Insurers
- American Association of Law Libraries
- American Council of Life Insurers
- American Committee for Interoperable Systems
- American Library Association
- American Troublebusters
- Anheuser-Busch.com
- Art Libraries Society of North America
- Association of Research Libraries
- Association for Computing Machinery
- Blue Feather Technologies
- Boeing
- Caterpillar Inc.
- Catholic Healthcare West
- Center for Study of Responsive Law
- Columbia Consumer Ed. Council
- VA Networking Users Advisory Board
- Computer & Communications Industry Association
- Computer Professionals for Social Responsibility
- ConsoleGames.com
- Consumer Federation of America
- Consumer Project on Technology
- Deere & Company
- Doghouse Computing
- Electronic Frontier Foundation
- Fusionwerx
- Gallant Technologies, Inc.
- Georgetown University Law Center
- Georgia Pacific Corporation
- H B Fuller Company
- Harris Systems
- Infowarrior.org
- Infoworld
- International Communications Association
- International Paper
- Jackson Laboratories
- Massachusetts Mutual Life Ins. Co.
- MBNA
- Medical Library Association
- Metropolitan Life Insurance Company
- Murray and Murray Co. LPA
- My PC Xpert
- National Consumer Law Center
- National Consumers League
- National Council of Teachers of English
- National Humanities Alliance
- Nationwide Insurance Co.
- New York Life Insurance Co.
- Northwestern Mutual Life Ins. Co.
- OpenContent
- OpenSonic Networks
- Our-Tech
- Perdue Farms
- Principal Financial Group
- Prudential Insurance Company
- Radsoft.net
- Razorvision Studios
- Reynolds Metals Corporation
- Satisfice, Inc.
- Sheller Law Firm
- Society for Information Management
- Special Libraries Association
- Sun Microsystems, Inc.
- Tesla Systems
- Trescott Research
- TSI
- Ubersoft.net
- USAA
- Utah Academic Library Consortium
- Virginia Association of Law Libraries
- Virginia Consumer Council
- Walgreen Corporation
- Workstation Integrations, Inc.

August 3, 2001

John M. McCabe
Legislative Director/Legal Counsel
National Conference of Commissioners on Uniform State Laws
676 North St. Clair Street, Suite 1700
Chicago, Illinois 60611

Dear Mr. McCabe:

Americans for Fair Electronic Commerce Transactions (AFFECT) is a broad-based coalition of consumers, retail and manufacturing businesses, insurers, technology professionals and librarians opposed to the Uniform Computer Information Transactions Act (UCITA). During your 2001 Annual Meeting, an issue will be addressed that will impact the future of transactions in computer information. We wish to provide the perspective of AFFECT’s membership on this issue and also to indicate that we remain opposed to enactment of UCITA regardless of whether the Conference adopts the proposed amendments to Sections 605 and 816 of that Act.

Proposed Amendments to UCC, Article 2

We understand the proposed amendments to Article 2 that are currently to be considered by NCCUSL are silent on its scope and that Section 2-103 continues to apply to “transactions in goods.” We also understand that proponents of UCITA are proposing, and may offer floor amendments, to remove some forms of software from Article 2. Given our belief that this section of Article 2 adequately balances the interests of consumers, businesses and other interested parties, we would urge that the Conference not make any change to Section 2-103 that would change its scope.

Proposed Amendments to UCITA

We do not believe the proposed amendments to UCITA represent any meaningful change in the effect of automatic restraint or self-help on licensees. Therefore – and notwithstanding the notes to the amendments stating that, “The acceptance of the amendments will result in substantial added support from retail and financial industries.” and that the changes to Section 816 “will increase support for UCITA” - we wish to make clear that our opposition to UCITA will be unaffected by the Conference’s adoption or rejection of those amendments.

Thank you for this opportunity to comment on these issues.

Sincerely,

O. Gordon Pence
President, Americans for Fair Electronic Commerce Transactions