

its powers under any Act referred to in that subsection, a violation of any requirement imposed under this chapter shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (a)<sup>2</sup> of this section, each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this chapter, any other authority conferred on it by law.

**(d) Actions by Commission**

The Commission shall prevent any person from violating a rule of the Commission under section 6502 of this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this chapter. Any entity that violates such rule shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this chapter.

**(e) Effect on other laws**

Nothing contained in this chapter shall be construed to limit the authority of the Commission under any other provisions of law.

(Pub. L. 105-277, div. C, title XIII, §1306, Oct. 21, 1998, 112 Stat. 2681-734.)

REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in subsecs. (a) and (d), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I (§41 et seq.) of chapter 2 of this title. For complete classification of this Act to the Code, see section 58 of this title and Tables.

Section 25(a) of the Federal Reserve Act, referred to in subsec. (b)(1)(B), which is classified to subchapter II (§611 et seq.) of chapter 6 of Title 12, Banks and Banking, was renumbered section 25A of that act by Pub. L. 102-242, title I, §142(e)(2), Dec. 19, 1991, 105 Stat. 2281. Section 25 of the Federal Reserve Act is classified to subchapter I (§601 et seq.) of chapter 6 of Title 12.

The Federal Credit Union Act, referred to in subsec. (b)(3), is act June 26, 1934, ch. 750, 48 Stat. 1216, as amended, which is classified generally to chapter 14 (§1751 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see section 1751 of Title 12 and Tables.

The Packers and Stockyards Act, 1921, referred to in subsec. (b)(5), is act Aug. 15, 1921, ch. 64, 42 Stat. 159, as amended, which is classified generally to chapter 9 (§181 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see section 181 of Title 7 and Tables.

The Farm Credit Act of 1971, referred to in subsec. (b)(6), is Pub. L. 92-181, Dec. 10, 1971, 85 Stat. 583, as amended, which is classified generally to chapter 23 (§2001 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see Short Title note set out under section 2001 of Title 12 and Tables.

This chapter, referred to in subsec. (e), was in the original "Act" and "the Act", respectively, and was translated as reading "this title" to reflect the probable intent of Congress.

EFFECTIVE DATE

For effective date of section, see section 1308 of Pub. L. 105-277, set out as a note under section 6501 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6502 of this title.

**§ 6506. Review**

Not later than 5 years after the effective date of the regulations initially issued under section 6502 of this title, the Commission shall—

(1) review the implementation of this chapter, including the effect of the implementation of this chapter on practices relating to the collection and disclosure of information relating to children, children's ability to obtain access to information of their choice online, and on the availability of websites directed to children; and

(2) prepare and submit to Congress a report on the results of the review under paragraph (1).

(Pub. L. 105-277, div. C, title XIII, §1307, Oct. 21, 1998, 112 Stat. 2681-735.)

**CHAPTER 92—YEAR 2000 COMPUTER DATE CHANGE**

Sec.	
6601.	Findings and purposes. <ul style="list-style-type: none"> <li>(a) Findings.</li> <li>(b) Purposes.</li> </ul>
6602.	Definitions.
6603.	Application of chapter. <ul style="list-style-type: none"> <li>(a) General rule.</li> <li>(b) No new cause of action created.</li> <li>(c) Claims for personal injury or wrongful death excluded.</li> <li>(d) Warranty and contract preservation.</li> <li>(e) Preemption of State law.</li> <li>(f) Application with Year 2000 Information and Readiness Disclosure Act.</li> <li>(g) Application to actions brought by a government entity.</li> <li>(h) Consumer protection from Y2K failures.               <ul style="list-style-type: none"> <li>(i) Applicability to securities litigation.</li> </ul> </li> </ul>
6604.	Punitive damages limitations. <ul style="list-style-type: none"> <li>(a) In general.</li> <li>(b) Caps on punitive damages.</li> <li>(c) Government entities.</li> <li>(d) Institutions of higher education.</li> </ul>
6605.	Proportionate liability. <ul style="list-style-type: none"> <li>(a) In general.</li> <li>(b) Proportionate liability.</li> <li>(c) Joint liability for specific intent or fraud.</li> <li>(d) Special rules.</li> <li>(e) Settlement discharge.</li> <li>(f) General right of contribution.</li> <li>(g) More protective State law not preempted.</li> </ul>
6606.	Prelitigation notice. <ul style="list-style-type: none"> <li>(a) In general.</li> <li>(b) Person to whom notice to be sent.</li> <li>(c) Response to notice.</li> <li>(d) Failure to respond.</li> <li>(e) Remediation period.</li> <li>(f) Failure to provide notice.</li> <li>(g) Effect of contractual or statutory waiting periods.</li> <li>(h) State law controls alternative methods.               <ul style="list-style-type: none"> <li>(i) Provisional remedies unaffected.</li> <li>(j) Special rule for class actions.</li> </ul> </li> </ul>

- Sec.  
6607. Pleading requirements.  
 (a) Application with rules of civil procedure.  
 (b) Nature and amount of damages.  
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6608. Duty to mitigate.  
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6613. Appointment of special masters or magistrate judges for Y2K actions.
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 (d) Standards for waiver.  
 (e) Exceptions.  
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### § 6601. Findings and purposes

#### (a) Findings

The Congress finds the following:

(1)(A) Many information technology systems, devices, and programs 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 dates after December 31, 1999.

(B) If not corrected, 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.

(2) It is in the national interest that producers and users of technology products concentrate their attention and resources in the time remaining before January 1, 2000, on assessing, fixing, testing, and developing contingency plans to address any and all outstanding year 2000 computer date-change problems, so as to minimize possible disruptions associated with computer failures.

(3)(A) Because year 2000 computer date-change problems may affect virtually all businesses and other users of technology products

to some degree, there is a substantial likelihood that actual or potential year 2000 failures will prompt a significant volume of litigation, much of it insubstantial.

(B) The litigation described in subparagraph (A) would have a range of undesirable effects, including the following:

(i) It would threaten to waste technical and financial resources that are better devoted to curing year 2000 computer date-change problems and ensuring that systems remain or become operational.

(ii) It could threaten the network of valued and trusted business and customer relationships that are important to the effective functioning of the national economy.

(iii) It would strain the Nation's legal system, causing particular problems for the small businesses and individuals who already find that system inaccessible because of its complexity and expense.

(iv) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes could exacerbate the difficulties associated with the date change and work against the successful resolution of those difficulties.

(4) It is appropriate for the Congress to enact legislation to assure that the year 2000 problems described in this section do not unnecessarily disrupt interstate commerce or create unnecessary caseloads in Federal courts and to provide initiatives to help businesses prepare and be in a position to withstand the potentially devastating economic impact of such problems.

(5) Resorting to the legal system for resolution of year 2000 problems described in this section is not feasible for many businesses and individuals who already find the legal system inaccessible, particularly small businesses and individuals who already find the legal system inaccessible, because of its complexity and expense.

(6) Concern about the potential for liability—in particular, concern about the substantial litigation expense associated with defending against even the most insubstantial lawsuits—is prompting many persons and businesses with technical expertise to avoid projects aimed at curing year 2000 computer date-change problems.

(7) A proliferation of frivolous lawsuits relating to year 2000 computer date-change problems by opportunistic parties may further limit access to courts by straining the resources of the legal system and depriving deserving parties of their legitimate rights to relief.

(8) Congress encourages businesses to approach their disputes relating to year 2000 computer date-change problems responsibly, and to avoid unnecessary, time-consuming, and costly litigation about Y2K failures, particularly those that are not material. Congress supports good faith negotiations between parties when there is such a dispute, and, if necessary, urges the parties to enter into voluntary, nonbinding mediation rather than litigation.