

§ 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. (a) Findings. (b) Purposes.
6602.	Definitions.
6603.	Application of chapter. (a) General rule. (b) No new cause of action created. (c) Claims for personal injury or wrongful death excluded. (d) Warranty and contract preservation. (e) Preemption of State law. (f) Application with Year 2000 Information and Readiness Disclosure Act. (g) Application to actions brought by a government entity. (h) Consumer protection from Y2K failures. (i) Applicability to securities litigation.
6604.	Punitive damages limitations. (a) In general. (b) Caps on punitive damages. (c) Government entities. (d) Institutions of higher education.
6605.	Proportionate liability. (a) In general. (b) Proportionate liability. (c) Joint liability for specific intent or fraud. (d) Special rules. (e) Settlement discharge. (f) General right of contribution. (g) More protective State law not preempted.
6606.	Prelitigation notice. (a) In general. (b) Person to whom notice to be sent. (c) Response to notice. (d) Failure to respond. (e) Remediation period. (f) Failure to provide notice. (g) Effect of contractual or statutory waiting periods. (h) State law controls alternative methods. (i) Provisional remedies unaffected. (j) Special rule for class actions.
6607.	Pleading requirements. (a) Application with rules of civil procedure. (b) Nature and amount of damages. (c) Material defects. (d) Required state of mind.
6608.	Duty to mitigate. (a) In general. (b) Preservation of existing law.

Sec.

	(c) Exception for intentional fraud.
6609.	Application of existing impossibility or commercial impracticability doctrines.
6610.	Damages limitation by contract.
6611.	Damages in tort claims. (a) In general. (b) Economic loss. (c) Certain other actions.
6612.	State of mind; bystander liability; control. (a) Defendant's state of mind. (b) Limitation on bystander liability for Y2K failures. (c) Control not determinative of liability. (d) Protections of the Year 2000 Information and Readiness Disclosure Act apply.
6613.	Appointment of special masters or magistrate judges for Y2K actions.
6614.	Y2K actions as class actions. (a) Material defect requirement. (b) Notification. (c) Forum for Y2K class actions. (d) Effect on rules of civil procedure.
6615.	Applicability of State law.
6616.	Admissible evidence ultimate issue in State courts.
6617.	Suspension of penalties for certain year 2000 failures by small business concerns. (a) Definitions. (b) Establishment of liaisons. (c) General rule. (d) Standards for waiver. (e) Exceptions. (f) Expiration.

§ 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 de-

voted 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.

(b) Purposes

Based upon the power of the Congress under Article I, Section 8, Clause 3 of the Constitution of the United States, the purposes of this chapter are—

(1) to establish uniform legal standards that give all businesses and users of technology products reasonable incentives to solve year

2000 computer date-change problems before they develop;

(2) to encourage continued remediation and testing efforts to solve such problems by providers, suppliers, customers, and other contracting partners;

(3) to encourage private and public parties alike to resolve disputes relating to year 2000 computer date-change problems by alternative dispute mechanisms in order to avoid costly and time-consuming litigation, to initiate those mechanisms as early as possible, and to encourage the prompt identification and correction of such problems; and

(4) to lessen the burdens on interstate commerce by discouraging insubstantial lawsuits while preserving the ability of individuals and businesses that have suffered real injury to obtain complete relief.

(Pub. L. 106-37, § 2, July 20, 1999, 113 Stat. 185.)

SHORT TITLE

Pub. L. 106-37, § 1(a), July 20, 1999, 113 Stat. 185, provided that: "This Act [enacting this chapter] may be cited as the 'Y2K Act'."

§ 6602. Definitions

In this chapter:

(1) Y2K action

The term "Y2K action"—

(A) means a civil action commenced in any Federal or State court, or an agency board of contract appeal proceeding, in which the plaintiff's alleged harm or injury arises from or is related to an actual or potential Y2K failure, or a claim or defense arises from or is related to an actual or potential Y2K failure;

(B) includes a civil action commenced in any Federal or State court by a government entity when acting in a commercial or contracting capacity; but

(C) does not include an action brought by a government entity acting in a regulatory, supervisory, or enforcement capacity.

(2) Y2K failure

The term "Y2K failure" means failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data, including failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately to process any specific date in 1999, 2000, or 2001; or

(C) accurately to account for the year 2000's status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(3) Government entity

The term "government entity" means an agency, instrumentality, or other entity of Federal, State, or local government (including multijurisdictional agencies, instrumentalities, and entities).