

105TH CONGRESS
2D SESSION

S. 2384

Entitled the “Year 2000 Enhanced Cooperation Solution”.

IN THE SENATE OF THE UNITED STATES

JULY 30, 1998

Mr. ASHCROFT (for himself and Mr. FAIRCLOTH) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

Entitled the “Year 2000 Enhanced Cooperation Solution”.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Year 2000 Enhanced
5 Cooperation Solution”.

6 **SEC. 2. TEMPORARY ANTITRUST EXEMPTION.**

7 (a) EXEMPTION.—Except as provided in subsection
8 (b), the antitrust laws shall not apply to conduct engaged
9 in, including making and implementing an agreement,
10 solely for the purpose of facilitating responses designed
11 to mitigate the impact of computer date failure in a com-
12 puter system, in a component of a computer system, or

1 in a computer program or software, if such conduct oc-
2 curs, or such agreement is made and implemented, after
3 the date of enactment of this Act and before December
4 31, 2001.

5 (b) EXCEPTION TO EXEMPTION.—Subsection (a)
6 shall not apply with respect to conduct that results in a
7 boycott of any person or that involves an agreement to
8 allocate a market or to fix prices or output.

9 (c) DEFINITION OF ANTITRUST LAWS.—For pur-
10 poses of this section, the term “antitrust laws”—

11 (1) has the meaning given it in subsection (a)
12 of the first section of the Clayton Act (15 U.S.C.
13 12(a)), except that such term includes section 5 of
14 the Federal Trade Commission Act (15 U.S.C. 45)
15 to the extent such section 5 applies to unfair meth-
16 ods of competition, and

17 (2) includes any State law similar to the laws
18 referred to in subparagraph (A).

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