

Public Law 98-544
98th Congress

An Act

Oct. 24, 1984

[H.R. 6027]

To clarify the application of the Clayton Act to the official conduct of local governments, and for other purposes.

Local
Government
Antitrust Act of
1984.
15 USC 1 note.
15 USC 34.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Local Government Antitrust Act of 1984".

SEC. 2. For purposes of this Act—

(1) the term "local government" means—

(A) a city, county, parish, town, township, village, or any other general function governmental unit established by State law, or

(B) a school district, sanitary district, or any other special function governmental unit established by State law in one or more States,

(2) the term "person" has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(A)), but does not include any local government as defined in paragraph (1) of this section, and

(3) the term "State" has the meaning given it in section 4G(2) of the Clayton Act (15 U.S.C. 15g(2)).

15 USC 35.

SEC. 3. (a) No damages, interest on damages, costs, or attorney's fees may be recovered under section 4, 4A, or 4C of the Clayton Act (15 U.S.C. 15, 15a, or 15c) from any local government, or official or employee thereof acting in an official capacity.

(b) Subsection (a) shall not apply to cases commenced before the effective date of this Act unless the defendant establishes and the court determines, in light of all the circumstances, including the stage of litigation and the availability of alternative relief under the Clayton Act, that it would be inequitable not to apply this subsection to a pending case. In consideration of this section, existence of a jury verdict, district court judgment, or any stage of litigation subsequent thereto, shall be deemed to be prima facie evidence that subsection (a) shall not apply.

15 USC 36.

SEC. 4. (a) No damages, interest on damages, costs or attorney's fees may be recovered under section 4, 4A, or 4C of the Clayton Act (15 U.S.C. 15, 15a, or 15c) in any claim against a person based on any official action directed by a local government, or official or employee thereof acting in an official capacity.

(b) Subsection (a) shall not apply with respect to cases commenced before the effective date of this Act.

SEC. 5. Section 510 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1985 (Public Law 98-411), is repealed.

SEC. 6. This Act shall take effect thirty days before the date of the enactment of this Act.

Repeal.

Ante, p. 1574.

Effective date.
15 USC 34 note.

Approved October 24, 1984.

LEGISLATIVE HISTORY—H.R. 6027 (S. 1578):

HOUSE REPORTS: No. 98-965 (Comm. on the Judiciary).

No. 98-1158 (Comm. of Conference).

SENATE REPORT No. 98-593 accompanying S. 1578 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 130 (1984):

Aug. 8, considered and passed House.

Oct. 4, considered and passed Senate, amended.

Oct. 11, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40, No. 43 (1984):

Oct. 24, Presidential statement.