

103^D CONGRESS
1ST SESSION

H. R. 23

To encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. FISH introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States.

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 “Cooperative Productiv-
5 ity and Competitiveness Act of 1993”.

6 **SEC. 2. AMENDMENTS.**

7 (a) TERMINOLOGY.—The National Cooperative Re-
8 search Act of 1984 (15 U.S.C. 4301, et seq.) is amended
9 by striking the term “joint research and development ven-

1 ture” each place it appears and inserting in lieu thereof
2 “joint research, development, or production venture”;

3 (b) DEFINITION.—Section 2(a)(6) of the National
4 Cooperative Research Act of 1984 (15 U.S.C.
5 4301(a)(6)) is amended—

6 (1) in subparagraph (D) by striking “or”,

7 (2) in subparagraph (E)—

8 (A) by striking “(E)” and inserting “(F)”,

9 and

10 (B) by striking “and (D)” and inserting

11 “(D), and (E)”,

12 (3) by inserting after subparagraph (D) the fol-
13 lowing:

14 “(E) the production of any product, proc-
15 ess, or service in a jointly owned or operated fa-
16 cility, or”, and

17 (4) in the matter following subparagraph (F),
18 as so redesignated, by inserting “development, or
19 production,”, after “the conducting of research,”.

20 (c) EXCLUSIONS.—Section 2(b) of the National Co-
21 operative Research Act of 1984 (15 U.S.C. 4301(b)) is
22 amended—

23 (1) in paragraph (1) by striking “conduct the
24 research and development that is” and inserting
25 “carry out”,

1 (2) in paragraph (2)—

2 (A) by striking “or marketing” the first
3 place it appears and inserting “, marketing, or
4 distribution”;

5 (B) by striking “or marketing of” and in-
6 serting “, marketing, or distribution of any
7 product, process, service, or”;

8 (C) by striking “such as patents and trade
9 secrets,”; and

10 (D) by inserting “(including patents and
11 trade secrets)” after “proprietary information”;
12 and

13 (3) in paragraph (3) by striking “other research
14 and development activities” and inserting “any other
15 joint research, development, or production venture
16 activity”.

17 (d) RULE OF REASON STANDARD.—Section 3 of the
18 National Cooperative Research Act of 1984 (15 U.S.C.
19 4302) is amended by adding at the end the following: “For
20 the purpose of determining a properly defined, relevant
21 market, the worldwide capacity of suppliers to provide a
22 product, process, or service shall be considered.”.

23 (e) TECHNICAL AMENDMENTS.—(1) Section 3 of the
24 National Cooperative Research Act of 1984 (15 U.S.C.
25 4302) is amended by striking “research and development

1 markets” and inserting in lieu thereof “research, develop-
2 ment, or product markets”, and

3 (2) Section 6 of the National Cooperative Research
4 Act of 1984 (15 U.S.C. 4305) is amended—

5 (A) in the heading by striking “Research and
6 Development”, and

7 (B) in subsection (a) by inserting “(or, with re-
8 spect to a venture involving the production of any
9 product, process, or service, not later than 90 days
10 after the effective date of the Cooperative Productiv-
11 ity and Competitiveness Act of 1991”) after “Act”.

○