

**NATIONAL COOPERATIVE PRODUCTION AMENDMENTS
OF 1993**

[Public Law 98-462]

[Enacted June 10, 1993, 107 Stat. 117]

[As Amended Through P.L. 103-42, Enacted June 10, 1993]

【Currency: This publication is a compilation of the text of Public Law 98-462. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

An Act to amend the National Cooperative Research Act of 1984 with respect to joint ventures entered into for the purpose of producing a product, process, or service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Cooperative Production Amendments of 1993”.

【15 U.S.C. 4301 note】

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) technological innovation and its profitable commercialization are critical components of the ability of the United States to raise the living standards of Americans and to compete in world markets;

(2) cooperative arrangements among nonaffiliated businesses in the private sector are often essential for successful technological innovation; and

(3) the antitrust laws may have been mistakenly perceived to inhibit procompetitive cooperative innovation arrangements, and so clarification serves a useful purpose in helping to promote such arrangements.

(b) PURPOSE.—It is the purpose of this Act to promote innovation, facilitate trade, and strengthen the competitiveness of the United States in world markets by clarifying the applicability of the rule of reason standard and establishing a procedure under which businesses may notify the Department of Justice and Fed-

Sec. 3 NATIONAL COOPERATIVE PRODUCTION AMENDMENTS OF 1993 2

eral Trade Commission of their cooperative ventures and thereby qualify for a single-damages limitation on civil antitrust liability.

【15 U.S.C. 4301 note】

SEC. 3. AMENDMENTS.

【Amends the National Cooperative Research Act of 1984 (15 U.S.C. 4301 note).】

SEC. 4. REPORTS ON JOINT VENTURES AND UNITED STATES COMPETITIVENESS.

(a) **PURPOSE.**—The purpose of the reports required by this section is to inform Congress and the American people of the effect of the National Cooperative Research and Production Act of 1993 on the competitiveness of the United States in key technological areas of research, development, and production.

(b) **ANNUAL REPORT BY THE ATTORNEY GENERAL.**—In the 30-day period beginning at each 1-year interval in the 6-year period beginning on the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate—

(1) a list of joint ventures for which notice was filed under section 6(a) of the National Cooperative Research and Production Act of 1993 during the 12-month period for which such report is made, including—

(A) the purpose of each joint venture;

(B) the identity of each party described in section 6(a)(1) of such Act; and

(C) the identity and nationality of each person described in section 6(a)(3) of such Act; and

(2) a list of cases and proceedings, if any, brought during such period under the antitrust laws by the Department of Justice, and by the Federal Trade Commission, with respect to joint ventures for which notice was filed under such section at any time.

(c) **TRIENNIAL REPORT BY THE ATTORNEY GENERAL.**—In the 30-day period beginning at each 3-year interval in the 6-year period beginning on the date of the enactment of this Act, the Attorney General, after consultation with such other agencies as the Attorney General considers to be appropriate, shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a description of the technological areas most commonly pursued by joint ventures for production for which notice was filed under section 6(a) of the National Cooperative Research and Production Act of 1993 during the 3-year period for which such report is made, and an analysis of the trends in the competitiveness of United States industry in such areas.

(d) **REVIEW OF ANTITRUST TREATMENT UNDER FOREIGN LAWS.**—In the three 30-day periods beginning 1 year, 3 years, and 6 years after the date of the enactment of this Act, the Attorney General, after consultation with such other agencies as the Attorney General considers to be appropriate, shall submit to the Committee on the Judiciary of the House of Representatives and the

3 NATIONAL COOPERATIVE PRODUCTION AMENDMENTS OF 1993 Sec. 4

Committee on the Judiciary of the Senate a report on the antitrust treatment of United States businesses with respect to participation in joint ventures for production, under the law of each foreign nation any of whose domestic businesses disclosed its nationality under section 6(a)(3) of the National Cooperative Research and Production Act of 1993 at any time.

【15 U.S.C. 4305 note】