

110TH CONGRESS  
2D SESSION

# S. 3269

To require the Secretary of Commerce to establish an award program to honor achievements in nanotechnology, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 16, 2008

Mr. WYDEN (for himself and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To require the Secretary of Commerce to establish an award program to honor achievements in nanotechnology, and for other purposes.

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 “Nanotechnology Inno-  
5 vation and Prize Competition Act of 2008”.

6 **SEC. 2. NANOTECHNOLOGY AWARD PROGRAM.**

7 (a) PROGRAM ESTABLISHED.—The Secretary of  
8 Commerce shall establish a program to award prizes to  
9 eligible persons described in subsection (b) for achieve-

1 ment in 1 or more of the following applications of  
2 nanotechnology:

3 (1) Improvement of the environment, consistent  
4 with the Twelve Principles of Green Chemistry of  
5 the Environmental Protection Agency.

6 (2) Development of alternative energy that has  
7 the potential to lessen the dependence of the United  
8 States on fossil fuels.

9 (3) Improvement of human health, consistent  
10 with regulations promulgated by the Food and Drug  
11 Administration of the Department of Health and  
12 Human Services.

13 (4) Development of consumer products.

14 (b) ELIGIBLE PERSON.—An eligible person described  
15 in this subsection is—

16 (1) an individual who is—

17 (A) a citizen or legal resident of the  
18 United States; or

19 (B) a member of a group that includes  
20 citizens or legal residents of the United States;  
21 or

22 (2) an entity that is incorporated and maintains  
23 its primary place of business in the United States.

24 (c) ESTABLISHMENT OF BOARD.—

1           (1) IN GENERAL.—The Secretary of Commerce  
2 shall establish a board to administer the program es-  
3 tablished under subsection (a).

4           (2) MEMBERSHIP.—The board shall be com-  
5 posed of not less than 15 and not more than 21  
6 members appointed by the President, of whom—

7                   (A) not less than 1 shall—

8                           (i) be a representative of the interests  
9 of academic, business, and nonprofit orga-  
10 nizations; and

11                           (ii) have expertise in—

12                                   (I) the field of nanotechnology; or

13                                   (II) administering award com-  
14 petitions; and

15                   (B) not less than 1 shall be from each of—

16                           (i) the Department of Energy;

17                           (ii) the Environmental Protection  
18 Agency;

19                           (iii) the Food and Drug Administra-  
20 tion of the Department of Health and  
21 Human Services;

22                           (iv) the National Institutes of Health  
23 of the Department of Health and Human  
24 Services;

1 (v) the National Institute for Occupa-  
2 tional Safety and Health of the Depart-  
3 ment of Health and Human Services;

4 (vi) the National Institute of Stand-  
5 ards and Technology of the Department of  
6 Commerce; and

7 (vii) the National Science Foundation.

8 (d) AWARDS.—The board established under sub-  
9 section (c) shall make awards under the program estab-  
10 lished under subsection (a) as follows:

11 (1) FINANCIAL PRIZE.—The board may hold a  
12 financial award competition and award a financial  
13 award in an amount determined before the com-  
14 mencement of the competition to the first competitor  
15 to meet such criteria as the board shall establish.

16 (2) RECOGNITION PRIZE.—The board may rec-  
17 ognize an eligible person for superlative achievement  
18 in 1 or more nanotechnology applications described  
19 in subsection (a). The award shall not include any  
20 financial remuneration.

21 (e) ADMINISTRATION.—

22 (1) CONTRACTING.—The board established  
23 under subsection (c) may contract with a private or-  
24 ganization to administer a financial award competi-  
25 tion described in subsection (d)(1).

1           (2) SOLICITATION OF FUNDS.—A member of  
2           the board or any administering organization with  
3           which the board has a contract under paragraph (1)  
4           may solicit funds from a private person to be used  
5           for a financial award under subsection (d)(1).

6           (3) LIMITATION ON PARTICIPATION OF DO-  
7           NORS.—The board may allow a donor who is a pri-  
8           vate person described in paragraph (2) to participate  
9           in the determination of criteria for an award under  
10          subsection (d), but such donor may not solely deter-  
11          mine the criteria for such award.

12          (4) NO ADVANTAGE FOR DONATION.—A donor  
13          who is a private person described in paragraph (2)  
14          shall not be entitled to any special consideration or  
15          advantage with respect to participation in a financial  
16          award competition under subsection (d)(1).

17          (f) INTELLECTUAL PROPERTY.—The Federal Gov-  
18          ernment may not acquire an intellectual property right in  
19          any product or idea by virtue of the submission of such  
20          product or idea in any competition under subsection  
21          (d)(1).

22          (g) LIABILITY.—The board established under sub-  
23          section (c) may require a competitor in a financial award  
24          competition under subsection (d)(1) to waive liability

1 against the Federal Government for injuries and damages  
2 that result from participation in such competition.

3 (h) ANNUAL REPORT.—Each year, the board estab-  
4 lished under subsection (c) shall submit to Congress a re-  
5 port on the program established under subsection (a).

6 (i) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated sums for the program  
8 established under subsection (a) as follows:

9 (1) For administration of prize competitions  
10 under subsection (d), \$750,000 for each fiscal year.

11 (2) For the awarding of a financial prize award  
12 under subsection (d)(1), in addition to any amounts  
13 received under subsection (e)(2), \$2,000,000 for  
14 each fiscal year.

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