

111TH CONGRESS
1ST SESSION

S. 596

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

IN THE SENATE OF THE UNITED STATES

MARCH 16, 2009

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

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 2009”.

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

7 (a) PROGRAM ESTABLISHED.—The Secretary of
8 Commerce shall, acting through the Director of the Na-
9 tional Institute of Standards and Technology, establish a

1 program to award prizes to eligible persons described in
2 subsection (b) for achievement in 1 or more of the fol-
3 lowing applications of nanotechnology:

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

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

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

14 (4) Development of consumer products.

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

17 (1) an individual who is—

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

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

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

25 (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.—Subject to the availability of appro-
 9 priations, the board established under subsection (c) may
 10 make awards under the program established under sub-
 11 section (a) as follows:

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

17 (2) RECOGNITION PRIZE.—

18 (A) IN GENERAL.—The board may recog-
 19 nize an eligible person for superlative achieve-
 20 ment in 1 or more nanotechnology applications
 21 described in subsection (a).

22 (B) NO FINANCIAL REMUNERATION.—An
 23 award under this paragraph shall not include
 24 any financial remuneration.

1 (C) NATIONAL TECHNOLOGY AND INNOVA-
2 TION MEDAL RECOMMENDATIONS.—For each
3 eligible person recognized under this paragraph,
4 the board shall recommend to the Secretary of
5 Commerce that the Secretary recommend to the
6 President under section 16(b) of the Stevenson-
7 Wydler Technology Innovation Act of 1980 (15
8 U.S.C. 3711) that the President award the Na-
9 tional Technology and Innovation Medal estab-
10 lished under section 16(a) of such Act to such
11 eligible person.

12 (e) ADMINISTRATION.—

13 (1) CONTRACTING.—The board established
14 under subsection (c) may contract with a private or-
15 ganization to administer a financial award competi-
16 tion described in subsection (d)(1).

17 (2) SOLICITATION OF FUNDS.—A member of
18 the board or any administering organization with
19 which the board has a contract under paragraph (1)
20 may solicit gifts from private and public entities to
21 be used for a financial award under subsection
22 (d)(1).

23 (3) LIMITATION ON PARTICIPATION OF DO-
24 NORS.—The board may allow a donor who is a pri-
25 vate person described in paragraph (2) to participate

1 in the determination of criteria for an award under
2 subsection (d), but such donor may not solely deter-
3 mine the criteria for such award.

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

9 (f) INTELLECTUAL PROPERTY.—The Federal Gov-
10 ernment may not acquire an intellectual property right in
11 any product or idea by virtue of the submission of such
12 product or idea in any competition under subsection
13 (d)(1).

14 (g) LIABILITY.—The board established under sub-
15 section (c) may require a competitor in a financial award
16 competition under subsection (d)(1) to waive liability
17 against the Federal Government for injuries and damages
18 that result from participation in such competition.

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

22 (i) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—There are authorized to be
24 appropriated sums for the program established
25 under subsection (a) as follows:

1 (A) For administration of prize competi-
2 tions under subsection (d), \$750,000 for each
3 fiscal year.

4 (B) For the awarding of a financial prize
5 award under subsection (d)(1), in addition to
6 any amounts received under subsection (e)(2),
7 \$2,000,000 for each fiscal year.

8 (2) AVAILABILITY.—Amounts appropriated pur-
9 suant to the authorization of appropriations under
10 paragraph (1) shall remain available until expended.

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