^{111TH CONGRESS} ^{2D SESSION} **S. 2942**

To amend the Federal Food, Drug, and Cosmetic Act to establish a nanotechnology program.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 2010

Mr. PRYOR (for himself and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to establish a nanotechnology program.

- 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 Safety

5 Act of 2010".

6 SEC. 2. NANOTECHNOLOGY PROGRAM.

7 Chapter X of the Federal Food, Drug, and Cosmetic
8 Act (21 U.S.C. 391 et seq.) is amended by adding at the
9 end the following:

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1 "SEC. 1011. NANOTECHNOLOGY PROGRAM.

2 "(a) IN GENERAL.—Not later than 180 days after 3 the date of enactment of the Nanotechnology Safety Act of 2010, the Secretary of Health and Human Services, 4 5 in consultation with the Secretary of Agriculture, shall establish within the Food and Drug Administration a pro-6 7 gram for the scientific investigation of nanoscale materials 8 included or intended for inclusion in FDA-regulated prod-9 ucts, to address the potential toxicology of such materials, the effects of such materials on biological systems, and 10 11 interaction of such materials with biological systems.

12 "(b) PROGRAM PURPOSES.—The purposes of the pro-13 gram established under subsection (a) shall be to—

"(1) assess scientific literature and data on
general nanoscale material interactions with biological systems and on specific nanoscale materials of
concern to Food and Drug Administration;

"(2) develop and organize information using
databases and models that will enable the formulation of generalized principles for the behavior of
classes of nanoscale materials with biological systems;

23 "(3) promote intramural Administration pro24 grams and participate in collaborative efforts, to fur25 ther the understanding of the science of novel prop-

icity;

erties at the nanoscale that might contribute to tox-

3	"(4) promote and participate in collaborative ef-
4	forts to further the understanding of measurement
5	and detection methods for nanoscale materials;
6	((5) collect, synthesize, interpret, and dissemi-
7	nate scientific information and data related to the
8	interactions of nanoscale materials with biological
9	systems;
10	"(6) build scientific expertise on nanoscale ma-
11	terials within such Administration;
12	"(7) ensure ongoing training, as well as dis-
13	semination of new information within the centers of
14	such Administration, and more broadly across such
15	Administration, to ensure timely, informed consider-
16	ation of the most current science;
17	"(8) encourage such Administration to partici-
18	pate in international and national consensus stand-
19	ards activities; and
20	"(9) carry out other activities that the Sec-
21	retary determines are necessary and consistent with
22	the purposes described in paragraphs (1) through
23	(8).
24	"(c) Program Administration.—

1	"(1) Program Manager.—In carrying out the
2	program under this section, the Secretary shall des-
3	ignate a program manager who shall supervise the
4	planning, management, and coordination of the pro-
5	gram.
6	"(2) DUTIES.—The program manager shall—
7	"(A) develop a detailed strategic plan for
8	achieving specific short- and long-term technical
9	goals for the program;
10	"(B) coordinate and integrate the strategic
11	plan with investments by the Food and Drug
12	Administration and other departments and
13	agencies participating in the National Nano-
14	technology Initiative; and
15	"(C) develop intramural Administration
16	programs, contracts, memoranda of agreement,
17	joint funding agreements, and other cooperative
18	arrangements necessary for meeting the long-
19	term challenges and achieving the specific tech-
20	nical goals of the program.
21	"(d) REPORTS.—Not later than March 1, 2012, and
22	March 1, 2014, the Secretary shall submit to the Com-
23	mittee on Health, Education, Labor, and Pensions and the
24	Committee on Appropriations of the Senate and the Com-
25	mittee on Energy and Commerce and the Committee on

Appropriations of the House of Representatives a report
 on the program carried out under this section. Such report
 shall include—

4 "(1) a review of the specific short- and long5 term goals of the program;

6 "(2) an assessment of current and proposed
7 funding levels for the program, including an assess8 ment of the adequacy of such funding levels to sup9 port program activities; and

"(3) a review of the coordination of activities
under the program with other departments and
agencies participating in the National Nanotechnology Initiative.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There
are authorized to be appropriated to carry out this section,
\$25,000,000 for each of fiscal years 2011 through 2015.
Amounts appropriated pursuant to this subsection shall
remain available until expended.".

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