II

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

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A BILL

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

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 ''Nanotechnology Safety Act of 2010''.

SEC. 2. NANOTECHNOLOGY PROGRAM.

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

"SEC. 1011. NANOTECHNOLOGY PROGRAM.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Nanotechnology Safety Act of 2010, the Secretary of Health and Human Services, in consultation with the Secretary of Agriculture, shall establish within the Food and Drug Administration a program for the scientific investigation of nanoscale materials included or intended for inclusion in FDA-regulated products, to address the potential toxicology of such materials, the effects of such materials on biological systems, and interaction of such materials with biological systems.

''(b) PROGRAM PURPOSES.—The purposes of the program 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;

''(3) promote intramural Administration programs and participate in collaborative efforts, to further the understanding of the science of novel prop-

erties at the nanoscale that might contribute to toxicity;

''(4) promote and participate in collaborative efforts to further the understanding of measurement and detection methods for nanoscale materials;

''(5) collect, synthesize, interpret, and disseminate scientific information and data related to the interactions of nanoscale materials with biological systems;

''(6) build scientific expertise on nanoscale materials within such Administration;

''(7) ensure ongoing training, as well as dissemination of new information within the centers of such Administration, and more broadly across such Administration, to ensure timely, informed consideration of the most current science;

''(8) encourage such Administration to participate in international and national consensus standards activities; and

''(9) carry out other activities that the Secretary determines are necessary and consistent with the purposes described in paragraphs (1) through (8).

''(c) PROGRAM ADMINISTRATION.—

''(1) PROGRAM MANAGER.—In carrying out the program under this section, the Secretary shall designate a program manager who shall supervise the planning, management, and coordination of the program.

''(2) DUTIES.—The program manager shall—

''(A) develop a detailed strategic plan for achieving specific short- and long-term technical goals for the program;

''(B) coordinate and integrate the strategic plan with investments by the Food and Drug Administration and other departments and agencies participating in the National Nanotechnology Initiative; and

''(C) develop intramural Administration programs, contracts, memoranda of agreement, joint funding agreements, and other cooperative arrangements necessary for meeting the long-term challenges and achieving the specific technical goals of the program.

''(d) REPORTS.—Not later than March 1, 2012, and March 1, 2014, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee 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—

''(1) a review of the specific short- and long-term goals of the program;

''(2) an assessment of current and proposed funding levels for the program, including an assessment of the adequacy of such funding levels to support 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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