

State and regional nanotechnology programs), and other appropriate groups conducting research on and using nanotechnology;

(7) develop a plan to utilize Federal programs, such as the Small Business Innovation Research Program and the Small Business Technology Transfer Research Program, in support of the activity stated in subsection (b)(7);

(8) identify research areas that are not being adequately addressed by the agencies' current research programs and address such research areas;

(9) encourage progress on Program activities through the utilization of existing manufacturing facilities and industrial infrastructures such as, but not limited to, the employment of underutilized manufacturing facilities in areas of high unemployment as production engineering and research testbeds; and

(10) in carrying out its responsibilities under paragraphs (1) through (9), take into consideration the recommendations of the Advisory Panel, suggestions or recommendations developed pursuant to subsection (b)(10)(D), and the views of academic, State, industry, and other appropriate groups conducting research on and using nanotechnology.

**(d) Annual report**

The Council shall prepare an annual report, to be submitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science, and other appropriate committees, at the time of the President's budget request to Congress, that includes—

(1) the Program budget, for the current fiscal year, for each agency that participates in the Program, including a breakout of spending for the development and acquisition of research facilities and instrumentation, for each program component area, and for all activities pursuant to subsection (b)(10);

(2) the proposed Program budget for the next fiscal year, for each agency that participates in the Program, including a breakout of spending for the development and acquisition of research facilities and instrumentation, for each program component area, and for all activities pursuant to subsection (b)(10);

(3) an analysis of the progress made toward achieving the goals and priorities established for the Program;

(4) an analysis of the extent to which the Program has incorporated the recommendations of the Advisory Panel; and

(5) an assessment of how Federal agencies are implementing the plan described in subsection (c)(7), and a description of the amount of Small Business Innovative Research and Small Business Technology Transfer Research funds supporting the plan.

(Pub. L. 108-153, § 2, Dec. 3, 2003, 117 Stat. 1923.)

REFERENCES IN TEXT

Section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, referred to in subsec. (c)(3), is section 246 of Pub. L. 107-314, which is set out as a note under section 2358 of Title 10, Armed Forces.

CHANGE OF NAME

Committee on Science of House of Representatives changed to Committee on Science and Technology of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

SHORT TITLE

Pub. L. 108-153, § 1, Dec. 3, 2003, 117 Stat. 1923, provided that: "This Act [enacting this chapter] may be cited as the '21st Century Nanotechnology Research and Development Act'."

**§ 7502. Program coordination**

**(a) In general**

The President shall establish a National Nanotechnology Coordination Office, with a Director and full-time staff, which shall—

(1) provide technical and administrative support to the Council and the Advisory Panel;

(2) serve as the point of contact on Federal nanotechnology activities for government organizations, academia, industry, professional societies, State nanotechnology programs, interested citizen groups, and others to exchange technical and programmatic information;

(3) conduct public outreach, including dissemination of findings and recommendations of the Advisory Panel, as appropriate; and

(4) promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Federal Government, and to United States industry, including startup companies.

**(b) Funding**

The National Nanotechnology Coordination Office shall be funded through interagency funding in accordance with section 631 of Public Law 108-7.

**(c) Report**

Within 90 days after December 3, 2003, the Director of the Office of Science and Technology Policy shall report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Science on the funding of the National Nanotechnology Coordination Office. The report shall include—

(1) the amount of funding required to adequately fund the Office;

(2) the adequacy of existing mechanisms to fund this Office; and

(3) the actions taken by the Director to ensure stable funding of this Office.

(Pub. L. 108-153, § 3, Dec. 3, 2003, 117 Stat. 1926.)

REFERENCES IN TEXT

Section 631 of Public Law 108-7, referred to in subsec. (b), is section 631 of Pub. L. 108-7, div. J, title VI, Feb. 20, 2003, 117 Stat. 471, which is not classified to the Code.

CHANGE OF NAME

Committee on Science of House of Representatives changed to Committee on Science and Technology of House of Representatives by House Resolution No. 6,

One Hundred Tenth Congress, Jan. 5, 2007. Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

### § 7503. Advisory Panel

#### (a) In general

The President shall establish or designate a National Nanotechnology Advisory Panel.

#### (b) Qualifications

The Advisory Panel established or designated by the President under subsection (a) shall consist primarily of members from academic institutions and industry. Members of the Advisory Panel shall be qualified to provide advice and information on nanotechnology research, development, demonstrations, education, technology transfer, commercial application, or societal and ethical concerns. In selecting or designating an Advisory Panel, the President may also seek and give consideration to recommendations from the Congress, industry, the scientific community (including the National Academy of Sciences, scientific professional societies, and academia), the defense community, State and local governments, regional nanotechnology programs, and other appropriate organizations.

#### (c) Duties

The Advisory Panel shall advise the President and the Council on matters relating to the Program, including assessing—

- (1) trends and developments in nanotechnology science and engineering;
- (2) progress made in implementing the Program;
- (3) the need to revise the Program;
- (4) the balance among the components of the Program, including funding levels for the program component areas;
- (5) whether the program component areas, priorities, and technical goals developed by the Council are helping to maintain United States leadership in nanotechnology;
- (6) the management, coordination, implementation, and activities of the Program; and
- (7) whether societal, ethical, legal, environmental, and workforce concerns are adequately addressed by the Program.

#### (d) Reports

The Advisory Panel shall report, not less frequently than once every 2 fiscal years, to the President on its assessments under subsection (c) and its recommendations for ways to improve the Program. The first report under this subsection shall be submitted within 1 year after December 3, 2003. The Director of the Office of Science and Technology Policy shall transmit a copy of each report under this subsection to the Senate Committee on Commerce, Science, and Technology, the House of Representatives Committee on Science, and other appropriate committees of the Congress.

#### (e) Travel expenses of non-Federal members

Non-Federal members of the Advisory Panel, while attending meetings of the Advisory Panel or while otherwise serving at the request of the head of the Advisory Panel away from their

homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for individuals in the government serving without pay. Nothing in this subsection shall be construed to prohibit members of the Advisory Panel who are officers or employees of the United States from being allowed travel expenses, including per diem in lieu of subsistence, in accordance with existing law.

#### (f) Exemption from sunset

Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Panel.

(Pub. L. 108–153, §4, Dec. 3, 2003, 117 Stat. 1927.)

#### REFERENCES IN TEXT

Section 14 of the Federal Advisory Committee Act, referred to in subsec. (f), is section 14 of Pub. L. 92–463, which is set out in the Appendix to Title 5, Government Organization and Employees.

#### CHANGE OF NAME

Committee on Science of House of Representatives changed to Committee on Science and Technology of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

#### TRANSFER OF FUNCTIONS

President's Council of Advisors on Science and Technology to serve as the advisory panel identified in this section and to be known as the National Nanotechnology Advisory Panel when performing the functions of such advisory committee, see section 2(a)(iv) of Ex. Ord. No. 13539, set out as a note under section 6601 of Title 42, The Public Health and Welfare.

### § 7504. Triennial external review of the National Nanotechnology Program

#### (a) In general

The Director of the National Nanotechnology Coordination Office shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a triennial evaluation of the Program, including—

- (1) an evaluation of the technical accomplishments of the Program, including a review of whether the Program has achieved the goals under the metrics established by the Council;
- (2) a review of the Program's management and coordination across agencies and disciplines;
- (3) a review of the funding levels at each agency for the Program's activities and the ability of each agency to achieve the Program's stated goals with that funding;
- (4) an evaluation of the Program's success in transferring technology to the private sector;
- (5) an evaluation of whether the Program has been successful in fostering interdisciplinary research and development;
- (6) an evaluation of the extent to which the Program has adequately considered ethical, legal, environmental, and other appropriate societal concerns;
- (7) recommendations for new or revised Program goals;
- (8) recommendations for new research areas, partnerships, coordination and management