

119TH CONGRESS
2D SESSION

S. _____

To establish the National Artificial Intelligence Research Resource, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. YOUNG (for himself, Mr. HEINRICH, Mr. ROUNDS, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To establish the National Artificial Intelligence Research Resource, 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 “Creating Resources
5 for Every American To Experiment with Artificial Intel-
6 ligence Act” or the “CREATE AI Act”.

1 **SEC. 2. NATIONAL ARTIFICIAL INTELLIGENCE RESEARCH**
2 **RESOURCE.**

3 (a) IN GENERAL.—The National Artificial Intel-
4 ligence Initiative Act of 2020 (15 U.S.C. 9401 et seq.)
5 is amended by adding at the end the following:

6 **“TITLE LVI—NATIONAL ARTIFI-**
7 **CIAL INTELLIGENCE RE-**
8 **SEARCH RESOURCE**

“Sec. 5601. Definitions.

“Sec. 5602. Establishment; governance.

“Sec. 5603. Resources of the NAIRR.

“Sec. 5604. NAIRR processes and procedures.

9 **“SEC. 5601. DEFINITIONS.**

10 “In this title:

11 “(1) EXECUTIVE AGENCY.—The term ‘Execu-
12 tive agency’ has the meaning given such term in sec-
13 tion 105 of title 5, United States Code.

14 “(2) NATIONAL ARTIFICIAL INTELLIGENCE RE-
15 SEARCH RESOURCE; NAIRR.—The terms ‘National
16 Artificial Intelligence Research Resource’ and
17 ‘NAIRR’ have the meaning given the term ‘National
18 Artificial Intelligence Research Resource’ in section
19 5106(g).

20 “(3) PROGRAM MANAGEMENT OFFICE.—The
21 term ‘Program Management Office’ means the Pro-
22 gram Management Office established under section
23 5602(e).

1 “(4) RESOURCE OF THE NAIRR.—The term ‘re-
2 source of the NAIRR’ means a resource described in
3 section 5603(1).

4 **“SEC. 5602. ESTABLISHMENT; GOVERNANCE.**

5 “(a) ESTABLISHMENT.—Not later than 1 year after
6 the date of enactment of the Creating Resources for Every
7 American To Experiment with Artificial Intelligence Act,
8 the Director of the National Science Foundation shall es-
9 tablish the National Artificial Intelligence Research Re-
10 source to—

11 “(1) advance artificial intelligence research and
12 research that employs artificial intelligence; and

13 “(2) develop artificial intelligence skills for the
14 United States workforce.

15 “(b) FUNCTION.—The function of the NAIRR shall
16 be to connect United States researchers and educators to
17 computational, data, software, and educational resources,
18 provided by Executive agencies, State governments, or
19 nongovernmental entities.

20 “(c) PROGRAM MANAGEMENT OFFICE.—

21 “(1) ESTABLISHMENT.—The Director of the
22 National Science Foundation shall—

23 “(A) establish within the Office of Ad-
24 vanced Cyberinfrastructure (or a successor of-
25 fice) of the National Science Foundation a Pro-

1 gram Management Office to oversee the func-
2 tions of the NAIRR; and

3 “(B) appoint an individual to head the
4 Program Management Office.

5 “(2) DUTIES.—The duties of the Program
6 Management Office shall include—

7 “(A) developing the budget for the
8 NAIRR;

9 “(B) as needed, and with appropriate over-
10 sight, delegating operational tasks to 1 or more
11 nongovernmental organizations that shall be se-
12 lected through a competitive and transparent
13 process;

14 “(C) coordinating resource contributions
15 from participating Executive agencies, State
16 governments, and nongovernmental entities;
17 and

18 “(D) establishing policies and procedures
19 for the NAIRR that carry out all requirements
20 of section 5604.

21 “(d) REPORTING.—The Director of the National
22 Science Foundation shall develop, and make publicly avail-
23 able, an annual report on the progress of the NAIRR.

1 **“SEC. 5603. RESOURCES OF THE NAIRR.**

2 “The head of the Program Management Office
3 shall—

4 “(1) coordinate and provision resources of the
5 NAIRR, which shall include computational re-
6 sources, data, software, models, testbeds, and edu-
7 cational resources;

8 “(2) establish processes to manage the acquisi-
9 tion and integration of new resources of the NAIRR,
10 and intake of in-kind contribution of resources of
11 the NAIRR, from Executive agencies, State govern-
12 ments, or nongovernmental entities; and

13 “(3) publicly report a summary of categories of
14 available resources of the NAIRR.

15 **“SEC. 5604. NAIRR PROCESSES AND PROCEDURES.**

16 “(a) USER ELIGIBILITY.—

17 “(1) ELIGIBLE USERS.—Subject to paragraph
18 (3), the following users shall be eligible for access to
19 the NAIRR:

20 “(A) A researcher, educator, or student
21 based in the United States that is affiliated
22 with an entity described in paragraph (2).

23 “(B) An employee of an entity described in
24 subclause (III) or (IV) of paragraph (2)(A)(ii)
25 with a demonstrable mission-need.

1 tions) that has received funding from
2 an Executive agency, including
3 through the Small Business Innova-
4 tion Research Program or the Small
5 Business Technology Transfer Pro-
6 gram (as described in section 9 of the
7 Small Business Act (15 U.S.C. 638));
8 or

9 “(VI) a consortium composed of
10 entities described in subclauses (I)
11 through (V).

12 “(B) An entity that is determined to be eli-
13 gible by the Director of the National Science
14 Foundation and the Director of the Office of
15 Science and Technology Policy.

16 “(3) EXCLUDED ENTITIES.—

17 “(A) IN GENERAL.—No individual is au-
18 thorized to be an eligible user under paragraph
19 (1) if the individual is employed by a foreign
20 country that is listed in section 4872(f)(2) of
21 title 10, United States Code, or is otherwise au-
22 thorized by such country to act for or on its be-
23 half.

24 “(B) ENFORCEMENT.—The Director of the
25 National Science Foundation shall ensure that

1 individuals authorized as eligible users meet the
2 requirements of subparagraph (A).

3 “(4) USER ACCESS SELECTION.—The head of
4 the Program Management Office shall establish an
5 application process for eligible users to request ac-
6 cess to the NAIRR.

7 “(b) RESEARCH SECURITY.—The head of the Pro-
8 gram Management Office shall—

9 “(1) ensure conformance with the requirements
10 of National Security Presidential Memorandum–33
11 (relating to supported research and development na-
12 tional policy), issued January 2021, and its imple-
13 mentation guidance on research security and re-
14 search integrity, or any successor policy document or
15 guidance; and

16 “(2)(A) designate a member of the Program
17 Management Office as a research security point of
18 contact with responsibility for overseeing conform-
19 ance with National Security Presidential Memo-
20 randum–33 and its implementation guidance, or any
21 successor policy document or guidance; and

22 “(B) if the head of the Program Management
23 Office delegates responsibilities to another entity
24 under section 5602(c)(2)(B), require the entity to
25 designate a member of the leadership team for such

1 entity to serve as a research security point of con-
2 tact as described in subparagraph (A), with respect
3 to the delegated responsibilities.

4 “(c) OPEN SOURCE.—The head of the Program Man-
5 agement Office shall establish policies to encourage soft-
6 ware developed to administer the NAIRR, and software
7 developed using resources of the NAIRR, to be open-
8 source.

9 “(d) FEE SCHEDULE.—

10 “(1) IN GENERAL.—The head of the Program
11 Management Office may establish a fee schedule for
12 access to the NAIRR. Access to the NAIRR may
13 only require a fee if the fee is assessed according to
14 such fee schedule. Such fee schedule—

15 “(A) may differ by type of eligible user
16 and type of affiliated entity described in sub-
17 section (a);

18 “(B) shall include a free tier of access
19 based on available funds and anticipated costs
20 and demand;

21 “(C) may include cost-based charges for
22 specified eligible users; and

23 “(D) shall ensure that the primary purpose
24 of the NAIRR is to support research.

25 “(2) RETENTION AND USE OF FUNDS.—

1 “(A) RETAINING OF FUNDS.—Notwith-
2 standing section 3302 of title 31, United States
3 Code, the head of the Program Management
4 Office may retain fees collected under this sub-
5 section.

6 “(B) AVAILABILITY AND USE OF FUNDS.—
7 Amounts retained under subparagraph (A)
8 shall—

9 “(i) remain available until expended;
10 and

11 “(ii) be available to the head of the
12 Program Management Office, without fur-
13 ther appropriation, for the purposes of this
14 title.

15 “(e) ADVANCED CYBERINFRASTRUCTURE ADVISORY
16 COMMITTEE.—

17 “(1) IN GENERAL.—The Director of the Na-
18 tional Science Foundation shall establish an advisory
19 committee to assess, and make recommendations re-
20 garding, the activities of the Office of Advanced
21 Cyberinfrastructure, including the management of
22 the NAIRR.

23 “(2) MEMBERS.—The membership require-
24 ments for the committee established under para-
25 graph (1) shall be the same as the membership re-

1 requirements described in section 10386(b) of the Re-
2 search and Development, Innovation, and Competi-
3 tion Act (42 U.S.C. 19106(b)).

4 “(3) NONAPPLICABILITY OF FACA.—Chapter 10
5 of title 5, United States Code, shall not apply to the
6 committee established under paragraph (1).”.

7 (b) CONFORMING AMENDMENTS.—The table of con-
8 tents in section 2(b) of the William M. (Mac) Thornberry
9 National Defense Authorization Act for Fiscal Year 2021
10 (Public Law 116–283; 134 Stat. 3388) is amended by in-
11 serting after the items relating to title LV the following:

“TITLE LVI—NATIONAL ARTIFICIAL INTELLIGENCE RESEARCH
RESOURCE

“Sec. 5601. Definitions.

“Sec. 5602. Establishment; governance.

“Sec. 5603. Resources of the NAIRR.

“Sec. 5604. NAIRR processes and procedures.”.