

118TH CONGRESS
1ST SESSION

H. R. 5077

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

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2023

Ms. ESHOO (for herself, Mr. McCAUL, Mr. BEYER, and Mr. OBERNOLTE) introduced the following bill; which was referred to the Committee on Science, Space, and Technology

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 of 2023” or the “CREATE AI Act of 2023”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) Cutting-edge artificial intelligence research
2 relies on access to computational resources and large
3 datasets.

4 (2) Access to the computational resources and
5 datasets necessary for artificial intelligence research
6 and development is often limited to very large tech-
7 nology companies.

8 (3) The lack of access to computational and
9 data resources has resulted in insufficient diversity
10 in the artificial intelligence research and develop-
11 ment community.

12 (4) Engaging the full and diverse talent of the
13 United States is critical for maintaining United
14 States leadership in artificial intelligence and ensur-
15 ing that artificial intelligence is developed in a man-
16 ner that benefits all people of the United States.

17 (5) The National Artificial Intelligence Re-
18 search Resource Task Force, authorized under sec-
19 tion 5106 of the National Artificial Intelligence Ini-
20 tiative Act of 2020 (15 U.S.C. 9401 et seq.), rec-
21 ommended the establishment of a National Artificial
22 Intelligence Research Resource in a report entitled
23 “Strengthening and Democratizing the U.S. Artifi-
24 cial Intelligence Innovation Ecosystem: An Imple-

1 mentation Plan for a National Artificial Intelligence
2 Research Resource”, issued on January 24, 2023.

3 **SEC. 3. NATIONAL ARTIFICIAL INTELLIGENCE RESEARCH**
4 **RESOURCE.**

5 (a) NAIRR STEERING SUBCOMMITTEE.—Section
6 5103 of the William M. (Mac) Thornberry National De-
7 fense Authorization Act for Fiscal Year 2021 (15 U.S.C.
8 9413) is amended—

9 (1) by redesignating subsection (e) as sub-
10 section (f); and

11 (2) by inserting after subsection (d) the fol-
12 lowing:

13 “(e) NAIRR STEERING SUBCOMMITTEE.—

14 “(1) DEFINITION.—In this subsection, the
15 terms ‘NAIRR’, ‘National Artificial Intelligence Re-
16 search Resource’, ‘Operating Entity’, ‘Program
17 Management Office’, and ‘resources of the NAIRR’
18 have the meanings given the terms in section 5601.

19 “(2) ESTABLISHMENT.—There is established
20 within the Interagency Committee a Steering Sub-
21 committee for the National Artificial Intelligence Re-
22 search Resource (referred to in this section as the
23 ‘NAIRR Steering Subcommittee’).

24 “(3) CHAIR AND ASSISTANT CHAIRS.—The
25 NAIRR Steering Subcommittee shall be chaired by

1 the Director of the Office of Science and Technology
2 Policy. The Director of the Office of Science and
3 Technology Policy may establish assistant chairs of
4 the NAIRR Steering Subcommittee based on mem-
5 bers of the NAIRR Steering Subcommittee rotating
6 into the assistant chair positions on a predetermined
7 schedule.

8 “(4) MEMBERSHIP.—The Director of the Office
9 of Science and Technology Policy shall select mem-
10 bers of the Interagency Committee to serve on the
11 NAIRR Steering Subcommittee that the Director de-
12 termines—

13 “(A) have substantial expertise;

14 “(B) have substantially funded or con-
15 ducted artificial intelligence research and devel-
16 opment; or

17 “(C) have some other significant relation-
18 ship with the NAIRR.

19 “(5) CHANGES TO NAIRR STEERING SUB-
20 COMMITTEE COMPOSITION.—Not less frequently
21 than once a year, the Director of the Office of
22 Science and Technology Policy shall review the com-
23 position of the NAIRR Steering Subcommittee and
24 update such composition, which may include adding

1 or removing members from the NAIRR Steering
2 Subcommittee, if necessary.

3 “(6) SUBCOMMITTEES AND WORKING
4 GROUPS.—The NAIRR Steering Subcommittee may
5 establish subcommittees, working groups, or other
6 permanent or temporary bodies of certain members
7 of the NAIRR Steering Subcommittee.

8 “(7) DUTIES.—The NAIRR Steering Sub-
9 committee shall—

10 “(A) coordinate with the National Science
11 Foundation and the Program Management Of-
12 fice to—

13 “(i) oversee and approve the operating
14 plan for the NAIRR;

15 “(ii) request the budget for the
16 NAIRR;

17 “(iii) develop and release a request for
18 proposals to solicit bids for the Operating
19 Entity, including establishing the terms
20 and conditions and functions of the Oper-
21 ating Entity; and

22 “(iv) develop and release funding op-
23 portunities for resources of the NAIRR;

24 “(B) work with the Program Management
25 Office to establish criteria for the Operating

1 Entity, review candidates, and select an entity
2 to act as the Operating Entity;

3 “(C) identify resources that could be fed-
4 erated, participate in resource provider selection
5 and funding, and provide direction to the Oper-
6 ating Entity about resource allocation and how
7 those resources should be made accessible via
8 the NAIRR;

9 “(D) define key performance indicators for
10 the NAIRR, in conjunction with the Program
11 Management Office and any relevant Advisory
12 Committees established under section 5602(c);

13 “(E) evaluate NAIRR performance against
14 the key performance indicators defined under
15 subparagraph (D) on a periodic basis and not
16 less frequently than once every year;

17 “(F) develop an annual report, transmitted
18 to the Director of the Office of Science and
19 Technology Policy and publicly released, on the
20 progress of the National Artificial Intelligence
21 Research Resource that includes—

22 “(i) a summary of the results of the
23 evaluation conducted under subparagraph
24 (E); and

1 “(ii) any recommendations for
2 changes to the NAIRR; and

3 “(G) oversee a periodic independent assess-
4 ment of the NAIRR.

5 “(8) PROVISION OF RESOURCES OF THE
6 NAIRR.—Each agency comprising the NAIRR Steer-
7 ing Subcommittee is authorized to provide the Oper-
8 ating Entity with resources of the NAIRR or fund-
9 ing for resources of the NAIRR.”.

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

13 **“TITLE LVI—NATIONAL ARTIFI-**
14 **CIAL INTELLIGENCE RE-**
15 **SEARCH RESOURCE**

“Sec. 5601. Definitions.

“Sec. 5602. Establishment; governance.

“Sec. 5603. Resources of the NAIRR.

“Sec. 5604. NAIRR processes and procedures.

16 **“SEC. 5601. DEFINITIONS.**

17 “In this title:

18 “(1) ADVISORY COMMITTEE.—The term ‘Advi-
19 sory Committee’ means any Advisory Committee es-
20 tablished under section 5602(c).

21 “(2) AI TESTBED.—The term ‘AI testbed’
22 means a testbed described in section 22A(g) of the

1 National Institute of Standards and Technology Act
2 (15 U.S.C. 278h-1(g)).

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

6 “(4) NATIONAL ARTIFICIAL INTELLIGENCE RE-
7 SEARCH RESOURCE; NAIRR.—The terms ‘National
8 Artificial Intelligence Research Resource’ and
9 ‘NAIRR’ have the meaning given the term ‘National
10 Artificial Intelligence Research Resource’ in section
11 5106(g).

12 “(5) OPERATING ENTITY.—The term ‘Oper-
13 ating Entity’ means the Operating Entity selected
14 by the Program Management Office as described in
15 section 5602(b)(3)(A).

16 “(6) PROGRAM MANAGEMENT OFFICE.—The
17 term ‘Program Management Office’ means the Pro-
18 gram Management Office established under section
19 5602(b).

20 “(7) RESOURCE OF THE NAIRR.—The term ‘re-
21 source of the NAIRR’ means a resource described in
22 section 5603(b).

23 “(8) NAIRR STEERING SUBCOMMITTEE.—The
24 term ‘NAIRR Steering Subcommittee’ means the

1 NAIRR Steering Subcommittee established under
2 section 5103(e).

3 “(9) STEM.—The term ‘STEM’ means science,
4 technology, engineering, and mathematics, including
5 computer science.

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

7 “(a) ESTABLISHMENT.—Not later than 1 year after
8 the date of enactment of the Creating Resources for Every
9 American To Experiment with Artificial Intelligence Act
10 of 2023, the Director of the National Science Foundation,
11 in coordination with the NAIRR Steering Subcommittee,
12 shall establish the National Artificial Intelligence Re-
13 search Resource to—

14 “(1) spur innovation and advance the develop-
15 ment of safe, reliable, and trustworthy artificial in-
16 telligence research and development;

17 “(2) improve access to artificial intelligence re-
18 sources for researchers and students of artificial in-
19 telligence, including groups historically underrep-
20 resented in STEM;

21 “(3) improve capacity for artificial intelligence
22 research in the United States; and

23 “(4) support the testing, benchmarking, and
24 evaluation of artificial intelligence systems developed
25 and deployed in the United States.

1 “(b) PROGRAM MANAGEMENT OFFICE.—

2 “(1) ESTABLISHMENT.—The Director of the
3 National Science Foundation shall establish within
4 the National Science Foundation a Program Man-
5 agement Office to oversee the day-to-day functions
6 of the NAIRR and shall appoint an individual to
7 head the Program Management Office.

8 “(2) STAFF.—

9 “(A) IN GENERAL.—The head of the Pro-
10 gram Management Office may identify staff
11 and direct all employees of the Program Man-
12 agement Office, in accordance with the applica-
13 ble provisions of title 5, United States Code.

14 “(B) REPRESENTATION AND REQUIRE-
15 MENTS.—The staff of the Program Manage-
16 ment Office—

17 “(i) may include representation from
18 other Federal agencies providing support
19 for NAIRR resources; and

20 “(ii) shall include not fewer than 3
21 full-time employees.

22 “(3) DUTIES.—The duties of the Program
23 Management Office shall include—

1 “(A) in coordination with the NAIRR
2 Steering Subcommittee and any relevant Advi-
3 sory Committee as appropriate—

4 “(i) developing the funding oppor-
5 tunity and soliciting bids for the Operating
6 Entity, which will be responsible for oper-
7 ation of the National Artificial Intelligence
8 Research Resource;

9 “(ii) selecting, through a competitive
10 and transparent process, a nongovern-
11 mental organization, which may be an
12 independent legal entity or a consortium of
13 1 or more partners (which may include
14 federally funded research and development
15 centers), to be designated the Operating
16 Entity;

17 “(iii) overseeing compliance with the
18 contractual obligations of the Operating
19 Entity;

20 “(iv) establishing evaluation criteria
21 for the NAIRR;

22 “(v) overseeing asset allocation and
23 utilization;

24 “(vi) identifying an external inde-
25 pendent evaluation entity;

1 “(vii) assessing the performance of
2 the Operating Entity on not less than an
3 annual basis and, if such performance is
4 unsatisfactory, ending the agreement with
5 such Operating Entity and selecting a new
6 Operating Entity in accordance with clause
7 (ii);

8 “(viii) developing multi-agency fund-
9 ing opportunities for the selection of
10 NAIRR resources; and

11 “(ix) coordinating resource contribu-
12 tions from participating Federal agencies;
13 and

14 “(B) delegating, with appropriate over-
15 sight, operational tasks to the Operating Enti-
16 ty, including—

17 “(i) coordinating the provisioning of
18 resources of the NAIRR;

19 “(ii) maintaining a portal and associ-
20 ated services for users to access resources
21 of the NAIRR;

22 “(iii) developing policies and proce-
23 dures for the NAIRR;

24 “(iv) hiring and managing a staff (in-
25 cluding experts in cyber infrastructure

1 management, data science, research de-
2 sign, privacy, ethics, civil rights and civil
3 liberties, and legal and policy matters) to
4 support the operations of the NAIRR;

5 “(v) continually modernizing NAIRR
6 infrastructure;

7 “(vi) recommending key performance
8 indicators for the NAIRR, in coordination
9 with the NAIRR Steering Subcommittee
10 and any relevant Advisory Committee;

11 “(vii) publishing publicly available an-
12 nual reports reviewing the performance of
13 the NAIRR, the resources of the NAIRR,
14 and the NAIRR governance structures;

15 “(viii) establishing and administering
16 training to new users on accessing a re-
17 source of the NAIRR, research design, and
18 issues related to privacy, ethics, civil rights
19 and civil liberties, safety, and trust-
20 worthiness of artificial intelligence systems;

21 “(ix) facilitating connections to AI
22 testbeds; and

23 “(x) making resources of the NAIRR
24 available to other Federal agencies, and to
25 Congress, for the purpose of educating

1 Federal Government officials and employ-
2 ees about artificial intelligence.

3 “(c) **ADVISORY COMMITTEES.**—The head of the Pro-
4 gram Management Office, acting through the Director of
5 the Operating Entity, shall establish Advisory Committees
6 to provide advice to the Operating Entity and the Program
7 Management Office. Any such Advisory Committees shall
8 be comprised of members from government agencies, the
9 private sector, academia, and public interest groups.
10 Chapter 10 of title 5, United States Code, shall not apply
11 to any such Advisory Committee.

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

13 “(a) **IN GENERAL.**—The head of the Program Man-
14 agement Office, acting through the Director of the Oper-
15 ating Entity and in coordination with the NAIRR Steering
16 Subcommittee and any relevant Advisory Committee,
17 shall—

18 “(1) coordinate and provision resources of the
19 NAIRR;

20 “(2) establish processes to manage the procure-
21 ment of new resources of the NAIRR, and intake of
22 in-kind contribution of resources of the NAIRR,
23 from Federal agencies or other entities;

1 “(3) establish policies on and review resources
2 of the NAIRR for concerns related to ethics, privacy,
3 civil rights, and civil liberties;

4 “(4) retire resources of the NAIRR no longer
5 available or needed; and

6 “(5) publicly report a summary of categories of
7 available resources of the NAIRR, categories of
8 sources of such resources of the NAIRR, and issues
9 related to resources of the NAIRR.

10 “(b) RESOURCES OF THE NAIRR.—The NAIRR
11 shall offer resources that include, at a minimum, all of
12 the following, subject to the availability of appropriations:

13 “(1) A mix of computational resources, includ-
14 ing—

15 “(A) on-premises, cloud-based, hybrid, and
16 emergent resources;

17 “(B) public cloud providers providing ac-
18 cess to popular computational and storage serv-
19 ices for NAIRR users;

20 “(C) an open source software environment
21 for the NAIRR; and

22 “(D) an application programming interface
23 providing structured access to artificial intel-
24 ligence models.

25 “(2) Data, including by—

1 “(A)(i) in coordination with the National
2 Institute of Standards and Technology and con-
3 sistent with the guidance of the National
4 Science and Technology Council titled ‘Desir-
5 able Characteristics of Data Repositories for
6 Federally Funded Data,’ dated May 2022, or
7 any successor document, publishing interoper-
8 ability standards for data repositories based on
9 the data sharing and documentation standards
10 and guidelines produced under section 22A of
11 the National Institute of Standards and Tech-
12 nology Act (15 U.S.C. 278h–1); and

13 “(ii) selecting and developing, through a
14 competitive bidding process, data repositories to
15 be available to NAIRR users;

16 “(B) establishing acceptable criteria for
17 datasets used as resources of the NAIRR;

18 “(C) identifying and providing access to
19 existing curated datasets of value and interest
20 to the NAIRR user community;

21 “(D) establishing an artificial intelligence
22 open data commons to facilitate community
23 sharing and curation of data, code, and models;
24 and

1 “(E) coordinating with the Interagency
2 Council on Statistical Policy to explore options
3 to make Federal statistical data available to
4 NAIRR users, including through the standard
5 application process established under section
6 3583(a) of title 44, United States Code.

7 “(3) Educational tools and services, including
8 by—

9 “(A) facilitating and curating educational
10 and training materials;

11 “(B) providing technical training and user
12 support; and

13 “(C) providing outreach and programming
14 for groups historically underrepresented in
15 STEM.

16 “(4) AI testbeds, including by—

17 “(A) in coordination with the National In-
18 stitute of Standards and Technology, facili-
19 tating access to artificial intelligence testbeds
20 through which researchers can measure, bench-
21 mark, test, or evaluate engineering or algo-
22 rithmic developments; and

23 “(B) developing a comprehensive catalog of
24 open AI testbeds.

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

2 “(a) USER ELIGIBILITY.—

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

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

9 “(B) An employee of an entity described in
10 clause (iii) or (iv) of paragraph (2)(B) with a
11 demonstrable mission-need.

12 “(2) ENTITIES DESCRIBED.—An entity de-
13 scribed in this paragraph is an entity that satisfies
14 the following:

15 “(A) Is based in the United States.

16 “(B) Is one of the following:

17 “(i) An institution of higher edu-
18 cation.

19 “(ii) A nonprofit institution (as such
20 term is defined in section 4 of the Steven-
21 son-Wydler Technology Innovation Act of
22 1980 (15 U.S.C. 3703)).

23 “(iii) An Executive agency.

24 “(iv) A federally funded research and
25 development center.

1 “(v) A small business concern (as
2 such term is defined in section 3 of the
3 Small Business Act (15 U.S.C. 632), not-
4 withstanding section 121.103 of title 13,
5 Code of Federal Regulations) that has re-
6 ceived funding from an Executive agency,
7 including through the Small Business In-
8 novation Research Program or the Small
9 Business Technology Transfer Program
10 (as described in section 9 of the Small
11 Business Act (15 U.S.C. 638)).

12 “(vi) A category of entity that the Di-
13 rector of the National Science Foundation
14 and the Director of the Office of Science
15 and Technology Policy, after consultation
16 with the NAIRR Steering Subcommittee
17 and any relevant Advisory Committee, de-
18 termine shall be eligible.

19 “(vii) A consortium composed of enti-
20 ties described in clauses (i) through (vi).

21 “(3) EXCLUDED ENTITIES.—

22 “(A) IN GENERAL.—No individual is au-
23 thorized to be an eligible user under paragraph
24 (1) if the individual is employed by a foreign
25 country that is listed in section 4872(d)(2) of

1 title 10, United States Code, or is otherwise au-
2 thorized by such country to act for or on its be-
3 half.

4 “(B) ENFORCEMENT.—The Director of the
5 National Science Foundation shall ensure that
6 individuals authorized as eligible users meet the
7 requirements of subparagraph (A).

8 “(b) PRIVACY, ETHICS, CIVIL RIGHTS AND CIVIL
9 LIBERTIES, SAFETY, AND TRUSTWORTHINESS.—

10 “(1) IN GENERAL.—

11 “(A) REQUIREMENTS.—The head of the
12 Program Management Office, acting through
13 the Director of the Operating Entity and in
14 consultation with any relevant Advisory Com-
15 mittee, shall establish requirements, a review
16 process for applications, and a process for au-
17 diting resources of the NAIRR and research
18 conducted using resources of the NAIRR on
19 matters related to privacy, ethics, civil rights
20 and civil liberties, safety, security, and trust-
21 worthiness of artificial intelligence systems de-
22 veloped using resources of the NAIRR.

23 “(B) FEDERAL STATISTICAL DATA.—Any
24 auditing process required under subparagraph
25 (A) for Federal statistical data included in a re-

1 source of the NAIRR shall be completed by the
2 head of a designated statistical agency (as de-
3 fined in section 3576(e) of title 44, United
4 States Code), in coordination with the Chief
5 Statistician of the United States, consistent
6 with relevant law.

7 “(2) CONSISTENCY.—The head of the Program
8 Management Office shall ensure the requirements
9 and processes described in paragraph (1) are con-
10 sistent with the policies of the Office of Management
11 and Budget policy and relevant policies of other Ex-
12 ecutive agencies. The head of the Program Manage-
13 ment Office shall coordinate with the Senior Agency
14 Official for Privacy and the General Counsel of the
15 National Science Foundation in ensuring compliance
16 with applicable privacy law and policy and Federal
17 laws and regulations.

18 “(3) AVAILABILITY.—The head of the Program
19 Management Office, acting through the Director of
20 the Operating Entity, shall—

21 “(A) when determining access to computa-
22 tional resources of the NAIRR, take into con-
23 sideration the extent to which the access relates
24 to privacy, ethics, civil rights and civil liberties,
25 safety, security, risk mitigation, and trust-

1 worthiness of artificial intelligence systems, or
2 other topics that demonstrate that a project is
3 in the public interest;

4 “(B) ensure that a significant percentage
5 of the annual allotment of computational re-
6 sources of the NAIRR is provided to projects
7 the primary focus of which is related to any of
8 the topics described in subparagraph (A); and

9 “(C) to the extent that demand for access
10 to computational resources of the NAIRR ex-
11 ceeds availability, consider, on a priority basis,
12 projects focusing on any of the topics described
13 in subparagraph (A) when ranking applications
14 for such access.

15 “(c) SCIENTIFIC INTEGRITY.—

16 “(1) IN GENERAL.—The head of the Program
17 Management Office, acting through the Director of
18 the Operating Entity and in consultation with any
19 relevant Advisory Committee, shall develop guidance
20 for—

21 “(A) addressing concerns related to mat-
22 ters of scientific integrity, including matters re-
23 lated to the effects or impacts of research and
24 potential research enabled by the NAIRR; and

1 “(B) mechanisms for an employee of the
2 Operating Entity, an employee of the Program
3 Management Office, a member of the NAIRR
4 Steering Subcommittee or an Advisory Com-
5 mittee, a researcher or student affiliated with a
6 NAIRR user described in subsection (a)(1), an
7 employee of a provider of a resource of the
8 NAIRR, an employee of a NAIRR funding
9 agency, or a member of the public to report vio-
10 lations of the guidance developed under this
11 paragraph, including by confidential and anony-
12 mous means.

13 “(2) CONSISTENCY WITH GOVERNMENT POLI-
14 CIES ON SCIENTIFIC INTEGRITY.—The guidance de-
15 veloped under paragraph (1)(A) shall be published in
16 a publicly accessible location on the website of the
17 NAIRR. Such policies shall, to the degree prac-
18 ticable, be consistent with—

19 “(A) the Presidential memorandum enti-
20 tled ‘Restoring Trust in Government Through
21 Scientific Integrity and Evidence-Based Policy-
22 making’, dated January 27, 2021, or successor
23 document; and

24 “(B) reports produced pursuant to such
25 Presidential memorandum (including the re-

1 ports entitled ‘Protecting the Integrity of Gov-
2 ernment Science’, dated January 2022, and ‘A
3 Framework for Federal Scientific Integrity Pol-
4 icy and Practice’, dated January 2023, pub-
5 lished by the National Science and Technology
6 Council, or successor documents).

7 “(d) SYSTEM SECURITY AND USER ACCESS CON-
8 TROLS.—The head of the Program Management Office,
9 acting through the Director of the Operating Entity and
10 in consultation with the NAIRR Steering Subcommittee,
11 the Director of the Office of Management and Budget, the
12 Director of the National Institute of Standards and Tech-
13 nology, and the Director of the Cybersecurity and Infra-
14 structure Security Agency—

15 “(1) shall establish minimum security require-
16 ments for all persons interacting with the NAIRR,
17 consistent with the most recent version of the Cyber-
18 security Framework, or successor document, main-
19 tained by the National Institute of Standards and
20 Technology; and

21 “(2) may establish tiers of security require-
22 ments and user access controls beyond the minimum
23 requirements relative to security risks.

24 “(e) FEE SCHEDULE.—The head of the Program
25 Management Office, acting through the Director of the

1 Operating Entity, may establish a fee schedule for access
2 to the NAIRR. The Operating Entity may only charge fees
3 in such fee schedule. Such fee schedule—

4 “(1) may differ by type of eligible user and type
5 of affiliated entity described in subsection (a);

6 “(2) shall include a free tier of access based on
7 appropriated funds and anticipated costs and de-
8 mand;

9 “(3) may include cost-based charges for eligible
10 users to purchase resources of the NAIRR beyond
11 the resources included in a free or subsidized tier;
12 and

13 “(4) shall ensure that the primary purpose of
14 the NAIRR is to support research.

15 “(f) RESEARCH SECURITY.—The head of the Pro-
16 gram Management Office, acting through the Director of
17 the Operating Entity and in consultation with the NAIRR
18 Steering Subcommittee and the Director of the Office of
19 Science and Technology Policy, shall—

20 “(1) ensure conformance with the requirements
21 of National Security Presidential Memorandum–33
22 (relating to supported research and development na-
23 tional policy), issued January 2021, and its imple-
24 mentation guidance on research security and re-
25 search integrity, or any successor policy document or

1 guidance, by establishing NAIRR operating prin-
2 ciples that emphasize the research integrity prin-
3 ciples of openness, reciprocity, and transparency;
4 and

5 “(2) designate a member of the leadership team
6 for the Operating Entity as a research security point
7 of contact with responsibility for overseeing conform-
8 ance with the National Security Presidential Memo-
9 randum–33 and its implementation guidance, or any
10 successor policy document or guidance.”.

11 (c) CONFORMING AMENDMENTS.—The table of con-
12 tents in section 2(b) of the William M. (Mac) Thornberry
13 National Defense Authorization Act for Fiscal Year 2021
14 (Public Law 116–283; 134 Stat. 3388) is amended by in-
15 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.”.

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