

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2385**

**OFFERED BY M** \_\_\_\_\_.

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Creating Resources  
3 for Every American To Experiment with Artificial Intel-  
4 ligence Act of 2026” or the “CREATE AI Act of 2026”.

**5 SEC. 2. DEFINITIONS.**

6 Section 5002 of the National Artificial Intelligence  
7 Initiative Act of 2020 (15 U.S.C. 9401; enacted as part  
8 of division E of the William M. (Mac) Thornberry Na-  
9 tional Defense Authorization Act for Fiscal Year 2021  
10 (Public Law 116–283)) is amended—

11 (1) by redesignating paragraphs (4), (5), (6),  
12 (7), (8), (9), (10), and (11) as paragraphs (5), (9),  
13 (10), (11), (12), (13), (14), and (15), respectively;

14 (2) by inserting after paragraph (3) the fol-  
15 lowing new paragraph:

16 “(4) ARTIFICIAL INTELLIGENCE SYSTEM.—The  
17 term ‘artificial intelligence system’ means any data  
18 system, software, application, hardware, tool, service,

1 or utility that operates in whole or in part using ar-  
2 tificial intelligence.”;

3 (3) by inserting after paragraph (5), as so re-  
4 designated, the following new paragraphs:

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

8 “(7) FEDERAL LABORATORY.—The term ‘Fed-  
9 eral laboratory’ has the meaning given such term in  
10 section 4 of the Stevenson-Wydler Technology Inno-  
11 vation Act of 1980 (15 U.S.C. 3703).

12 “(8) FOREIGN COUNTRY OF CONCERN.—The  
13 term ‘foreign country of concern’ has the meaning  
14 given such term in section 10638 of the Research  
15 and Development, Competition, and Innovation Act  
16 (Public Law 117–167; 42 U.S.C. 19237).”; and

17 (4) by adding at the end the following new  
18 paragraphs:

19 “(16) NATIONAL ARTIFICIAL INTELLIGENCE  
20 RESEARCH RESOURCE; NAIRR.—The terms ‘National  
21 Artificial Intelligence Research Resource’ and  
22 ‘NAIRR’ have the meaning given the term ‘National  
23 Artificial Intelligence Research Resource’ in section  
24 5106(g).

1           “(17) OPERATING ENTITY.—The term ‘Oper-  
2           ating Entity’ means the Operating Entity selected  
3           by the National Science Foundation as described in  
4           section 5601(c).

5           “(18) RESOURCE OF THE NAIRR.—The term  
6           ‘resource of the NAIRR’ means a resource described  
7           in section 5602.”.

8   **SEC. 3. NATIONAL ARTIFICIAL INTELLIGENCE RESEARCH**  
9                           **RESOURCE.**

10          (a) IN GENERAL.—The National Artificial Intel-  
11          ligence Initiative Act of 2020 (15 U.S.C. 9401 et seq.;  
12          enacted as division E of the William M. (Mac) Thornberry  
13          National Defense Authorization Act for Fiscal Year 2021  
14          (Public Law 116–283)) is amended by adding at the end  
15          the following new title:

16   **“TITLE LVI—NATIONAL ARTIFI-**  
17           **CIAL INTELLIGENCE RE-**  
18           **SEARCH RESOURCE**

“Sec. 5601 Establishment of the NAIRR.

“Sec. 5602. Resources of the NAIRR.

“Sec. 5603. Policies and governance of the NAIRR.

19   **“SEC. 5601 ESTABLISHMENT OF THE NAIRR.**

20          “(a) ESTABLISHMENT.—If the Director of the Na-  
21          tional Science Foundation determines the NAIRR pilot  
22          program, as directed in Executive Order 14110 on the  
23          Safe, Secure and Trustworthy Development and Use of  
24          Artificial Intelligence (October 30, 2023), is successful,

1 the Director, in coordination with the with the Interagency  
2 Committee under section 5103, shall establish the Na-  
3 tional Artificial Intelligence Research Resource to carry  
4 out the following:

5           “(1) Advance artificial intelligence research,  
6           and research that employs artificial intelligence.

7           “(2) Develop artificial intelligence skills for the  
8           United States workforce.

9           “(3) Expand capacity for artificial intelligence  
10          research in the United States.

11          “(b) ACTIVITIES.—In carrying out subsection (a), the  
12          NAIRR shall connect United States researchers and edu-  
13          cators to computational, data, software, and educational  
14          resources provided by Executive agencies, State govern-  
15          ments, or nongovernmental entities.

16          “(c) DUTIES.—The Director of the National Science  
17          Foundation shall oversee the functions of the NAIRR. In  
18          overseeing the NAIRR, the Director may carry out the  
19          following:

20               “(1) Make an award, on a competitive and  
21               merit-review basis, to a nongovernmental organiza-  
22               tion, to be designated as the Operating Entity,  
23               which will be responsible for operation of the  
24               NAIRR.

1           “(2) Oversee compliance with the contractual  
2 obligations of the Operating Entity.

3           “(3) Oversee and work with the Operating En-  
4 tity to coordinate asset allocation and utilization, in-  
5 cluding resource contributions from participating  
6 Federal agencies and through partnerships with non-  
7 Federal entities.

8           “(d) OPERATING ENTITY ACTIVITIES.—The activi-  
9 ties of the Operating Entity shall include the following:

10           “(1) Coordinating the provisioning of resources  
11 of the NAIRR.

12           “(2) Maintaining a portal and associated serv-  
13 ices for users to access resources of the NAIRR.

14           “(3) Developing policies and procedures for the  
15 NAIRR.

16           “(4) Hiring and managing a staff (including ex-  
17 perts in cyber infrastructure management, data  
18 science, research design, privacy, ethics, civil rights  
19 and civil liberties, and legal and policy matters) to  
20 support the operations of the NAIRR.

21           “(5) Continually modernizing NAIRR infra-  
22 structure.

23           “(6) Publishing publicly available annual re-  
24 ports reviewing the performance of the NAIRR, the

1 resources of the NAIRR, and the NAIRR govern-  
2 ance structures.

3 “(7) Establishing and administering training to  
4 new users on the following:

5 “(A) Accessing a resource of the NAIRR.

6 “(B) Research design.

7 “(C) Issues related to privacy, ethics, civil  
8 rights and civil liberties, safety, and trust-  
9 worthiness of artificial intelligence systems.

10 “(8) Making resources of the NAIRR available  
11 to other Federal agencies and Congress (including  
12 legislative branch employees), for the purpose of  
13 educating Federal Government officials and employ-  
14 ees about artificial intelligence.

15 “(9) Other routine operational matters as de-  
16 termined appropriate by the Director.

17 “(e) RESTRICTION.—The Director of the National  
18 Science Foundation shall ensure staff hired and managed  
19 under this subsection are citizens, nationals, or lawful per-  
20 manent residents of the United States.

21 **“SEC. 5602. RESOURCES OF THE NAIRR.**

22 “(a) IN GENERAL.—The Director of the National  
23 Science Foundation shall carry out the following:

24 “(1) Federate, coordinate, and provision re-  
25 sources of the NAIRR, including computational re-

1 sources, data, software, models, testbeds, educational  
2 resources, and other resources determined appro-  
3 priate by the Director.

4 “(2) Establish processes to manage the acquisi-  
5 tion and integration from Federal agencies, State  
6 governments, nongovernmental entities, or other en-  
7 tities of new resources of the NAIRR, and intake of  
8 in-kind contribution of resources into the NAIRR.

9 “(3) Establish policies on and review resources  
10 of the NAIRR for concerns related to ethics, privacy,  
11 security, safety, civil rights, and civil liberties pursu-  
12 ant to section 5603.

13 “(4) Retire or provide plans to phase out re-  
14 sources of the NAIRR which are no longer available  
15 or needed.

16 “(5) Publicly report a summary of categories of  
17 available resources of the NAIRR, categories of  
18 sources of such resources of the NAIRR, and issues  
19 related to resources of the NAIRR.

20 “(b) PARTNERSHIPS.—The Director of the National  
21 Science Foundation shall seek to partner with institutions  
22 of higher education, nonprofit research organizations, in-  
23 dustry, private sector organizations, and civil society orga-  
24 nizations to facilitate access to resources from in-kind con-  
25 tributions for eligible users.

1 **“SEC. 5603. POLICIES AND GOVERNANCE OF THE NAIRR.**

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 who is affiliated  
8 with a qualified entity described in paragraph  
9 (2).

10 “(B) An employee of a qualified entity de-  
11 scribed in clause (iii) or (iv) of paragraph  
12 (2)(B) with a demonstrable mission-need.

13 “(2) QUALIFIED ENTITY.—A ‘qualified entity’  
14 described in this paragraph is an entity that satisfies  
15 the following:

16 “(A) Is based in the United States, includ-  
17 ing territories or possessions of the United  
18 States.

19 “(B) Is one of the following:

20 “(i) An institution of higher edu-  
21 cation.

22 “(ii) A nonprofit institution (as such  
23 term is defined in section 4 of the Steven-  
24 son-Wydler Technology Innovation Act of  
25 1980 (15 U.S.C. 3703)).

26 “(iii) An Executive agency.

1                   “(iv) A federally funded research and  
2                   development center.

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

14                  “(vi) A category of entity that the Di-  
15                  rector of the National Science Foundation  
16                  and the Director of the Office of Science  
17                  and Technology Policy determine shall be  
18                  eligible.

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

21                  “(3) PROHIBITION.—A qualified entity may not  
22                  operate within a foreign country of concern.

23                  “(b) OPEN SOURCE.—The Director of the National  
24                  Science Foundation shall establish guidelines to encourage

1 resources developed to administer the NAIRR, to the ex-  
2 tent practicable, to be open source.

3 “(c) FEE SCHEDULE.—The Director of the National  
4 Science Foundation may establish a fee schedule for ac-  
5 cess to the NAIRR. Fees charged under this subsection  
6 may be retained and used for the purposes of this title.  
7 The Director may only charge fees specified in such fee  
8 schedule. Such fee schedule—

9 “(1) shall—

10 “(A) include a free tier of access based on  
11 appropriated funds and anticipated costs and  
12 demand; and

13 “(B) ensure that the primary purpose of  
14 the NAIRR is to support research; and

15 “(2) may—

16 “(A) differ by type of eligible user and  
17 type of qualified entity described in subsection  
18 (a); and

19 “(B) include cost-based charges for eligible  
20 users to purchase resources of the NAIRR be-  
21 yond the resources included in a free or sub-  
22 sidized tier referred to in paragraph (1)(A).

23 “(d) RESEARCH SECURITY.—The Director of the Na-  
24 tional Science Foundation shall ensure the activities au-  
25 thorized in this section are carried out in accordance with

1 the provisions of subtitle D of title VI of the Research  
2 and Development, Competition, and Innovation Act (42  
3 U.S.C. 19231 et seq.; enacted as part of division B of Pub-  
4 lic Law 117–167) and section of 223 of the William Mac  
5 Thornberry National Defense Authorization Act for Fiscal  
6 Year 2021 (42 U.S.C. 6605).”.

7 (b) CLERICAL AMENDMENT.—The table of contents  
8 in section 2(b) of the William M. (Mac) Thornberry Na-  
9 tional Defense Authorization Act for Fiscal Year 2021  
10 (Public Law 116–283) is amended by inserting after the  
11 items relating to title LV the following:

“TITLE LVI—NATIONAL ARTIFICIAL INTELLIGENCE RESEARCH  
RESOURCE

“Sec. 5601. Establishment of the NAIRR.

“Sec. 5602. Resources of the NAIRR.

“Sec. 5603. Policies and Governance of the NAIRR.”.

12 **SEC. 4. CONFORMING AMENDMENTS.**

13 (a) NATIONAL ARTIFICIAL INTELLIGENCE INITIA-  
14 TIVE ACT OF 2020.—The National Artificial Intelligence  
15 Initiative Act of 2020 is amended—

16 (1) in section 5103 (15 U.S.C. 9413)—

17 (A) in subsection (d)(2), by amending sub-  
18 paragraph (G) to read as follows:

19 “(G) support, coordinate, and assess inter-  
20 agency programs related to artificial intelligence  
21 research, development, and demonstration au-  
22 thorized under this title, including the network

1 of artificial intelligence research institutes de-  
2 scribed in section 5201(b)(7)(B) and the  
3 NAIRR described in section 5601;” and

4 (B) by adding at end the following new  
5 subsection:

6 “(f) PROVISION OF RESOURCES FOR ARTIFICIAL IN-  
7 TELLIGENCE RESEARCH.—As practicable and appro-  
8 priate, each Federal agency comprising the Interagency  
9 Committee is authorized to participate in and provide re-  
10 sources or funding for resources for the following:

11 “(1) The network of artificial intelligence re-  
12 search institutes described in section 5201(b)(7)(B).

13 “(2) The NAIRR described in section 5601.”;

14 (2) in paragraph (7) of section 5201(b) (15  
15 U.S.C. 9431(b)), by adding at the end the following  
16 new subparagraph:

17 “(C) RELATION TO NAIRR.—Institutes es-  
18 tablished under this section shall coordinate  
19 with the National Artificial Intelligence Re-  
20 search Resource (NAIRR) established under  
21 section 5601 to provide and receive resources of  
22 the NAIRR.”; and

23 (3) in section 5501 (15 U.S.C. 9461), by—

24 (A) redesignating subsections (j) and (k)  
25 as subsections (k) and (l), respectively; and

1 (B) inserting after subsection (i) the fol-  
2 lowing new subsection:

3 “(j) NAIRR.—As practicable and appropriate, the  
4 Secretary shall support the development, management,  
5 and resources of the National Artificial Intelligence Re-  
6 search Resource (NAIRR) established under section  
7 5601.”.

8 (b) NATIONAL INSTITUTE OF STANDARDS AND  
9 TECHNOLOGY ACT.—Subsection (b) of section 22A of the  
10 National Institute of Standards and Technology Act (15  
11 U.S.C. 278h-1) is amended—

12 (1) in paragraph (4), by striking “and” after  
13 the semicolon;

14 (2) in paragraph (5), by striking the period and  
15 inserting “; and”; and

16 (3) by adding at the end the following new  
17 paragraph:

18 “(6) as practicable and appropriate, support the  
19 development, management, and resources of the  
20 NAIRR established under section 5601 of the Na-  
21 tional Artificial Intelligence Initiative Act of 2020  
22 (Public Law 116–283).”.

