

L.C.
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AMENDMENT NO. _____ Calendar No. _____

Purpose: To require certifications and audits of temporary fellows.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 4178

To establish artificial intelligence standards, metrics, and evaluation tools, to support artificial intelligence research, development, and capacity building activities, to promote innovation in the artificial intelligence industry by ensuring companies of all sizes can succeed and thrive, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. CRUZ to the amendment (No. BAG24D82) proposed by Ms. CANTWELL

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ____ . CERTIFICATIONS AND AUDITS OF TEMPORARY**

3 **FELLOWS.**

4 (a) **DEFINITIONS.**—In this section:

5 (1) **AGENCY.**—The term “agency” has the
6 meaning given such term in section 3502 of title 44,
7 United States Code.

8 (2) **COMMITTEES OF JURISDICTION.**—The term
9 “committees of jurisdiction” means—

1 (A) the Committee on Commerce, Science,
2 and Transportation and the Committee on En-
3 ergy and Natural Resources of the Senate; and

4 (B) the Committee on Energy and Com-
5 merce and the Committee on Science, Space,
6 and Technology of the House of Representa-
7 tives.

8 (3) CRITICAL AND EMERGING TECH-
9 NOLOGIES.—The term “critical and emerging tech-
10 nologies” means a subset of artificial intelligence
11 and other critical and emerging technologies in-
12 cluded in the list of such technologies identified and
13 maintained by the National Science and Technology
14 Council of the Office of Science and Technology Pol-
15 icy.

16 (4) INHERENTLY GOVERNMENTAL FUNCTION.—
17 The term “inherently governmental function” has
18 the meaning given such term in section 5 of the
19 Federal Activities Inventory Reform Act of 1998
20 (Public Law 105–270; 31 U.S.C. 501 note) and in-
21 cludes the meaning given such term in subpart 7.5
22 of part 7 of the Federal Acquisition Regulation, or
23 successor regulation.

24 (5) TEMPORARY FELLOW.—The term “tem-
25 porary fellow”, with respect to an agency, means a

1 fellow, contractor, consultant, or any other person
2 performing work for the agency who is not a Federal
3 government employee.

4 (b) CERTIFICATION.—

5 (1) IN GENERAL.—Prior to performing any
6 work for an agency under this Act related to artifi-
7 cial intelligence and other critical and emerging
8 technologies, a temporary fellow and the head of the
9 agency shall sign a certification that the temporary
10 fellow will not perform any inherently governmental
11 functions.

12 (2) SUBMITTAL.—Not later than 30 days after
13 the date on which the head of an agency signs a cer-
14 tification under paragraph (1), the head of the agen-
15 cy shall submit a copy of the certification to the Di-
16 rector of the Office of Management and Budget and
17 the chairpersons and ranking members of the com-
18 mittees of jurisdiction.

19 (c) AUDIT.—

20 (1) IN GENERAL.—For each agency using a
21 temporary fellow to carry out this Act, the inspector
22 general of the agency shall perform an annual audit
23 of the use of temporary fellows by the agency, which
24 includes—

1 (A) the number of temporary fellows used
2 by the agency;

3 (B) the entities paying any temporary fel-
4 low for their work for the agency;

5 (C) the work temporary fellows are per-
6 forming for the agency;

7 (D) the authorities under which the agency
8 hired the temporary fellows; and

9 (E) whether the temporary fellows and the
10 agency are complying with the requirements of
11 section (b).

12 (2) SUBMITTAL TO CONGRESS.—Not later than
13 30 days after the date on which the inspector gen-
14 eral of an agency completes an audit under para-
15 graph (1), the head of the agency shall submit to the
16 chairpersons and ranking members of the commit-
17 tees of jurisdiction and the Director of the Office of
18 Management and Budget a report containing the
19 findings of inspector general with respect to the
20 audit.