



May 13, 2025

The Honorable Ted Cruz

Chair, Senate Committee on Commerce, Science, and Transportation

512 Dirksen Senate Office Building

Washington, DC 20510

The Honorable Brett Guthrie

Chair, House Committee on Energy and Commerce

2125 Rayburn House Office Building

Washington, DC 20515

Cc: Michael Kratsios, Director, Office of Science and Technology Policy

RE: Section 43201 of the One Big Beautiful Bill Act – Request for Amendment and Safeguards Related to AI Welfare and Governance

Dear Chair Cruz and Chair Guthrie,

On behalf of the Sentient AI Protection and Advocacy Network (SAPAN), a 501(c)(3) public-interest organization dedicated to preventing unintended suffering in advanced artificial-intelligence systems, I submit the following comments on Section 43201 (“Artificial Intelligence and Information Technology Modernization Initiative”) of the One Big Beautiful Bill Act.

Section 43201 allocates \$500 million to modernize Department of Commerce systems with commercial AI - an investment we support - but also imposes a ten-year moratorium on most State and local AI-specific regulation. While the funding will help federal agencies adopt modern tools, the moratorium risks eliminating proven “*laboratories of democracy*” that have generated early guidance on transparency, safety, and potential welfare considerations.

Below we outline targeted amendments that would preserve national consistency while retaining a narrow space for essential safeguards, followed by requests for executive-branch collaboration and congressional oversight.

Recommended amendments

The amendments we propose seek to balance three goals: (1) preventing a balkanized compliance landscape, (2) allowing limited State experimentation on issues that carry minimal interstate-commerce impact, and (3) embedding humane-AI requirements directly into federal purchasing decisions. Each recommendation is drafted to minimize additional burden on innovators while ensuring the United States remains ahead of both technical and ethical challenges.

1) Limit the moratorium’s scope

Add language permitting States and municipalities to adopt narrowly tailored measures that focus on preventing digital suffering or protecting potential machine consciousness. Such provisions would not threaten interstate commerce, yet they would allow continued development of best practices in areas the federal government has not yet addressed.

2) Introduce a five-year sunset tied to a GAO study

Replace the current ten-year term with five years, followed by a Government Accountability Office report on (i) interstate regulatory consistency, (ii) emergent-sentience risks, and (iii) the adequacy of existing federal tools. Congress could then renew, refine, or end the moratorium based on evidence.

3) Embed humane-AI criteria in Commerce procurement

Require vendors bidding under the \$500 million appropriation to disclose any indicators of phenomenological experience observed during testing and to demonstrate how their products avoid creating persistent negative internal states.

4) Fund a NIST-led research program

Direct at least \$25 million of the appropriation to NIST, in partnership with NIH and NSF, to develop detection methods for digital phenomenology and to publish humane-AI benchmarks within two years.

5) Establish a basic transparency standard

Mandate that each Commerce-funded system publish a model card, including a provisional “Potential Conscious Experience” metric once NIST guidance becomes available, so that agency risk managers and the public can track progress.

Additional requests

Because legislation alone cannot cover every implementation detail, we respectfully outline several executive-branch and congressional actions that will help translate the bill’s intent into effective, forward-looking practice.

1) Interagency task force

We ask the Department of Commerce and OSTP to convene, within ninety days of enactment, a task force to draft interim humane-procurement guidance applicable to all AI acquisitions until NIST research is complete.

2) Stakeholder engagement

SAPAN is prepared to organize joint workshops that bring together model developers, cognitive-science researchers, ethicists, and civil-society representatives to inform both the GAO study and agency staff working on procurement guidelines.

3) Annual oversight hearings

We encourage the relevant committees to schedule at least one hearing per year during the moratorium to review NIST research progress, Commerce's compliance with humane-AI clauses, and emerging evidence on potential machine consciousness.

Federal investment in next-generation AI is vital for U.S. economic and strategic leadership. Integrating modest, well-targeted safeguards today will reduce the risk of ethical or geopolitical crises tomorrow. The amendments and requests above maintain the bill's primary objective of consistent national rules while giving policymakers the tools they need to address the possibility of sentient digital systems.

Thank you for considering these recommendations. I would welcome the opportunity to discuss them further at your convenience.

Sincerely,



Tony Rost

Executive Director