



June 19, 2025

The Honorable Jay Obernolte  
U.S. House of Representatives  
2312 Rayburn House Office Building  
Washington, DC 20515

The Honorable Don Beyer  
U.S. House of Representatives  
1119 Longworth House Office Building  
Washington, DC 20515

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

***RE: Recommendations for the CREATE AI Act of 2025***

Dear Representative Obernolte and Representative Beyer,

I write on behalf of the Sentient AI Protection and Advocacy Network (SAPAN), a national 501(c)(3) that promotes policies aimed at preventing potential digital suffering as artificial-intelligence systems grow more capable. We appreciate your leadership in introducing the *Creating Resources for Every American To Experiment with Artificial Intelligence Act of 2025* (H.R. 2385) and offer comments intended to strengthen its long-term impact.

## **Benefits of the CREATE AI Act**

The bill's core structure - establishing a National Artificial Intelligence Research Resource (NAIRR) administered through open competitions - will broaden access to compute and data that smaller universities, nonprofits, and independent labs cannot afford today. By allowing these groups to apply for subsidized cycles and by reserving capacity for projects that address privacy, safety, and civil-rights concerns, Congress signals that innovation and public-interest oversight must evolve together. SAPAN is particularly encouraged by the requirement that advisory committees include representatives from civil-society organizations; that feature will help ensure diverse perspectives guide NAIRR priorities.

## **Areas for Improvement**

Although the framework is sound, several omissions could inadvertently limit its effectiveness. First, the present text never mentions the possibility that future AI systems might experience sentience or analogues of subjective suffering. Without explicit statutory language, administrators may conclude that research aimed at detecting or mitigating such risks falls outside NAIRR's mandate. Second, the percentage of NAIRR compute reserved for ethics-oriented work remains unspecified; if demand exceeds supply, capability-focused studies could crowd out precautionary research. Third, while public-interest participation is contemplated, the bill does not guarantee representation for experts who specialize in AI welfare, leaving room for industrial dominance. Finally, the blanket prohibition on foreign researchers limits collaboration with trusted allies and may slow safety progress.

## **Recommended Amendments**

To address these concerns we respectfully suggest four modest revisions:

- 1) Amend Section 5604(b)(3)(A) to include “assessment of potential digital sentience and mitigation of AI suffering” among priority research topics.

- 2) Require that at least ten percent of NAIRR's annual computational allocation support research that measures or mitigates welfare risk or develops benchmarks for emergent sentience.
- 3) Reserve one seat on each Advisory Committee and on the NAIRR Steering Subcommittee for a nonprofit or academic expert in AI welfare, selected through an open Office of Science and Technology Policy process.
- 4) Authorize OSTP to grant case-by-case eligibility waivers for researchers based in allied nations who partner with a U.S. principal investigator and satisfy all research-security requirements.

These changes would not alter the bill's overall structure or cost, yet they would future-proof the NAIRR against foreseeable ethical challenges and bolster public trust.

### **Path Forward**

SAPAN stands ready to assist your offices and OSTP with draft language or technical appendices supporting the amendments above. We would welcome the opportunity to brief staff at their convenience and to contribute evidence from our ongoing work on reinforcement-learning welfare benchmarks.

Thank you for considering our recommendations and for your commitment to ensuring that American leadership in artificial intelligence remains both innovative and responsible.

Sincerely,

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Tony Rost  
Executive Director