Options for an AI Governance Entity

SPECIAL COMPETITIVE STUDIES PROJECT

Artificial intelligence (AI) should be governed by sector and outcomes. AI regulation should focus on use cases that are of high consequence, either beneficial or harmful to individuals and society. **A new governance authority must possess the capacity to:**

1. Either directly, or through a supporting role, establish the regulatory requirements for identifying high consequence AI use cases across departments/agencies and establish the regulation applicable for AI tools deemed high consequence; and
2. Either directly, or through a supporting role, conduct case-by-case reviews of AI tools submitted for high-consequence designation.

Potential Locations for a New Governance Authority

New Standalone Agency

Pros:
- Creates a locus of AI expertise and institutional memory that provides a strategic, cross-sectoral perspective on AI governance.
- Allows for more flexibility and agility in responding to the rapid pace of technological change.
- Helps prevent cross-cutting AI matters slipping through jurisdictional cracks between existing departments/agencies.

Cons:
- Could be costly and time-consuming to establish a new agency.
- Could be difficult to attract and retain qualified staff for a new agency.
- Could pull the regulatory process away from sector-specific departments/agencies that have deep sectoral expertise.

New Office Within an Existing Dept/Agency

Pros:
- Leverages the existing resources and expertise of an existing agency.
- Would likely be more cost-effective than establishing a new agency.
- Could draw on existing department/agency authorities.

Cons:
- Could be overly constrained in perspective by the existing agency's preexisting mission and responsibilities.
- May be limited in its ability to operate when AI tools touch on equities governed by existing sector-specific agencies with authorities.
- Could result in cumbersome process or rubber-stamping if coupled with existing sector-specific agencies.

New Office or Unit Within the Executive Office of the President (EOP)

Pros:
- Would gain legitimacy operating from neutral ground as it facilitates among existing sector-specific departments/agencies.
- Would structurally support pushing AI regulation to sector-specific departments/agencies given constraints on EOP regulating.

Cons:
- Could not directly regulate, making it dependent on sector-specific departments/agencies.
- Would be structurally limited in its ability to guide independent agencies.

Possible Organizational Models for Each New Governance Authority

Full-Time Permanent Staff

- Create a permanent staff of full-time employees.
- This option would build internal government capacity and lessen conflicts of interest, but it would be costly and could lead to a lack of public-private talent circulation.

Mixed Staff of Full-Time, Permanent Employees & Rotating Academic and Private Sector Fellows

- Employ a small, core leadership and administrative staff, but rely on a rotating cadre of private sector/academic fellows to perform the analytical work.
- This option would lower costs and support the exchange of quality and up-to-date talent from the private sector and/or academia, but it could raise concerns of conflicts of interest, and IP concerns could chill private actors from submitting their AI tools for review.

Mixed Staff of Full-Time, Permanent Employees and External Contract-Based Analysts

- Employ a small, core leadership and administrative staff, but rely on external part-time contractors to review submissions of AI tools and provide analysis to inform regulation.
- This option would further reduce costs and most directly plug into private sector/academic talent, but it may not deliver a sufficient workforce and would entail similar conflict of interest concerns as the preceding option.

Full-Time Permanent Staff Supported By a Federally Funded Research and Development Center (FFRDC)

- Employ a small, core leadership and administrative staff, but rely on an FFRDC to supply the necessary analytical capacity.
- This option would better distribute costs, provide a more lasting government-connected set of expertise, and reduce potential conflicts, but it may not reduce overall costs and could raise questions of the cost and ability to attract long-term quality talent to the FFRDC.

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