Key Takeaways from "Governing AI With Existing Authorities"

Recent advances in generative artificial intelligence have captured public attention and spurred a myriad of proposals for regulating this transformative technology. A core question in these discussions is whether federal agencies can use their existing authorities to govern AI or if the government needs new legal powers—and potentially a new oversight body—to manage the technology.

Virtually all of the sectors in which AI systems may be deployed are already regulated by the federal government, and we argue that relying on these existing authorities is the most effective approach to promoting the safe development and deployment of AI systems—at least in the near term. This approach would allow U.S. policymakers to respond more quickly to developments in the field of AI and make better use of the sector-specific expertise that already exists across the federal government.

In this brief, we outline a process that could help policymakers, regulators, researchers, and other nongovernmental stakeholders identify existing legal authorities that could apply to AI and spot areas where additional legislative or regulatory action may be needed. This report offers a case study of how this framework may be applied to the field of commercial aviation, and specifically in relation to the use of AI systems in aircraft onboard systems and air traffic control.

Key findings include the following:

- The Federal Aviation Administration—the primary federal regulator of the commercial aviation sector—**is already equipped to govern AI applications** in onboard systems and air traffic control using its existing authorities.
- **The FAA's existing regulatory frameworks need to be updated** to mitigate unique risks presented by AI. This will likely include changes to software assurance processes, testing and evaluation procedures, personnel training, pilot licensing, and cybersecurity and data management practices.
- Going forward, federal agencies will likely face **two common challenges** to effectively governing AI: 1) acquiring the **talent** necessary for developing and implementing effective frameworks, and 2) developing standards and benchmarks needed to **test and evaluate** the safety of AI systems.

For more information:
- Download the report: https://cset.georgetown.edu/publication/governing-ai-with-existing-authorities/
- Contact us: cset@georgetown.edu