

May 20, 2025

Chairman Brett Guthrie
Energy and Commerce Committee
U.S. House of Representatives
Washington, D.C. 20515

Ranking Member Frank Pallone
Energy and Commerce Committee
U.S. House of Representatives
Washington, D.C. 20515

Subcommittee Chairman Gus Bilirakis
Commerce, Manufacturing, and Trade Subcommittee
U.S. House of Representatives
Washington, D.C. 20515

Subcommittee Ranking Member Jan Schakowsky
Commerce, Manufacturing, and Trade Subcommittee
U.S. House of Representatives
Washington, D.C. 20515

RE: Private AI Governance

Dear Chairman Guthrie, Ranking Member Pallone, Subcommittee Chairman Bilirakis, and Subcommittee Ranking Member Schakowsky,

Thank you for holding this important hearing on AI Regulation and the Future of US Leadership. We applaud the Committee's continued focus on identifying and addressing gaps in artificial intelligence (AI) policy and your continued efforts to inform the public on the evolution of AI technology.

Fathom's mission is to find, build, and scale the solutions needed to ensure that Americans can thrive in a world with AI. Stakeholders at The Ashby Workshops, where we brought together over 180 leaders from business, government, academia, and the nonprofit sector, expressed the concern that AI governance proposals remain tied to current-day model capabilities, with insufficient consideration for how these capabilities may evolve over time. We believe that an effective AI governance structure must support innovation and be flexible enough to keep up with a technology that is

quickly evolving beyond our day-to-day understanding of its potential—AI tomorrow will be vastly different than AI today.

According to our polling, the American people agree. We conducted multiple polls¹, which found that 65% of voters would trust a public-private coalition made up of AI companies, scholars, and policy experts to develop proper guardrails for AI, compared to only 50% who would trust the companies themselves and 45% who would trust the federal government.

Fathom supports three fundamental goals in AI governance:

- **The U.S. must retain its global lead in AI** to ensure the future of this technology benefits U.S. interests and values. Leading means outpacing strategic competitors in both technical innovation and the widespread, trusted adoption of AI, ensuring that America shapes how and to what ends this transformational technology is used, not our adversaries.
- **AI should be used to improve daily life, especially in critical areas like healthcare and public services.** Achieving this vision requires us to not only reimagine government and the sciences, but also to build frameworks that harness the power of AI while guarding against potential harms it could create.
- **We need sensible rules of the road that foster innovation and security.** Neither government nor industry alone can or should dictate these rules; collaboration across government and industry is vital to support a vibrant AI ecosystem that maintains America's technological advantage. Realizing this vision requires innovation in AI governance.

FATHOM'S SOLUTION

Our proposed solution is private AI governance: a collaborative public-private governance model that brings together AI industry leaders, technical AI experts, and stakeholders across business and American society to create proportionate, responsive, and adaptable standards for AI. Starting with state-based legislation, Fathom plans to help establish a marketplace of agile, private governance entities, called Multi-Stakeholder Regulatory Organizations (MRO):

¹ Fathom.org, Fathom's Inaugural Report (July 2024). Fathom.org, AI at the Crossroads: Public Sentiment and Policy Solutions (September 2024). Both available at <https://fathom.org/resources>.

- **Private Sector and Public Expertise:** MROs will consist of subject matter experts, industry representatives, and stakeholders from across wider society who will collaborate to identify, develop, and evolve best practices for AI development and deployment.
- **Voluntary Certification:** AI companies can opt-in to a certification process and, by demonstrating adherence to the MRO's prescribed standards and protocols, earn greater legal clarity in future negligence claims of personal injury or property damage. MROs turn safety standards and legal clarity into a competitive advantage.
- **Legal Clarity in Tort Law:** Certification by the MRO signifies adherence to rigorous technical and operational standards designed to mitigate risks and prevent harm, creating greater legal clarity for industry, and heightened standards and protections for American consumers. The standard of care is put in the hands of experts before a harm is committed, rather than judges and juries after the fact.

In addition to incentivizing the voluntary adoption of guardrails, this model promotes innovation by ensuring proportionate and adaptable governance:

- **Standards Evolve with AI:** The MRO's autonomy as a private, non-governmental organization will afford it the flexibility to evolve standards and best practices as model capabilities evolve. This would be incentivized by requiring the revocation of an MRO's state license should the licensing authority find its methods obsolete for ensuring acceptable levels of risk.
- **Encourage Competition:** Tailored certification criteria and customized compliance pathways will accommodate companies at varying stages of growth, ensuring that Little Tech is not put at a disadvantage relative to larger platforms

PRIVATE GOVERNANCE

Private governance has been highly successful in the case of formerly frontier technologies. For example, the core architecture of the internet – from the assignment of internet domain names and IP addresses to the standardization of protocols and traffic routing – emerged from rules created by public-private, multistakeholder organizations.



Established in 1986, the Internet Engineering Task Force (IETF) has coordinated the operation, management, and evolution of the Internet for nearly 40 years. IETF comprises a large international community of network designers, operators, vendors, and researchers, who together make decisions based on “rough consensus and running code” across more than 100 working groups. Its successes include the development and management of the Internet Protocol Suite, which includes the Transmission Control Protocol (TCP) and Internet Protocol (IP) that facilitate communication between devices on the Internet.

Fathom is part of a large and growing community, across sectors and the political spectrum, that views MROs as the solution to the AI governance problem. In April a broad coalition of scholars, researchers, and thought leaders, signed an [open letter to California legislators](#) urging support for our model in the context of the MRO legislation under consideration in that state.²The signers, who have dedicated their careers to the research of artificial intelligence, technology policy, and governance, represent different perspectives and have historically held varying views on AI. Yet they all believe that an MRO model stands out as the most responsive, well-designed model yet, able to adapt and evolve over time with the underlying technology.

CONCLUSION

Private AI governance is a win-win solution. Inspired by tried-and-true public-private governance models, we have identified an approach that enables the United States to maintain its competitive lead on the world stage by empowering AI companies to drive at the frontier, while ensuring that U.S. technologies continue to shape the world for the better.

We look forward to working with you and the members of the committee to identify and address policy gaps while preserving innovation and the United States’ dominance in AI. Fathom remains at the Committee’s disposal to assist in your efforts.

Sincerely,

Andrew Freedman
Chief Strategy Officer
Fathom

²https://www.prnewswire.com/news-releases/prominent-ai-scholars-back-private-governance-model-in-california-302433352.html?tc=eml_cleartime