

Annotated Bibliography: Shaping a New Digital Regulator

March 31, 2026

By: Anna Lenhart¹ & Asad Ramzanali²

In recent years, academics, advocates, and policymakers have proposed or discussed the need for a new digital regulator (NDR)—a new agency of the federal government that regulates the AI and technology industry, with a particular focus on market competition, data privacy, and transparency & safety. Below, we have documented over 20 academic papers and studies, think tank reports, books and parts of books, essays and op-eds, and pieces of legislation that propose such agencies or analyze such proposals. We have also cataloged these, along with additional essays and op-eds, in a shared, public library collection on Zotero, a research and citation management tool. Please let us know if we have missed any sources.

[ZOTERO LIBRARY](#)

¹ Policy Fellow, George Washington University Institute for Data, Democracy, and Politics | annalenhart@gwu.edu

² Director of Artificial Intelligence & Technology Policy, Vanderbilt Policy Accelerator | asad.ramzanali@vanderbilt.edu

Books, Reports, Scholarly Articles, and White Papers

Sorted with most recent publications listed first

Lenhart, A. (2025, August 7). *Designing a New Digital Regulator*. Institute for Data, Democracy & Politics (IDDP) | Columbian College of Arts & Sciences.

<https://iddp.gwu.edu/designing-new-digital-regulator>

Summary of a design thinking workshop centered on two common challenges with new digital regulator proposals: the need to operate efficient interagency processes, and the need to issue fast value-laden judgements related to technology.

Feld, H., & Macpherson, L. (2025, March). *Building the Digital Platform Commission: How To Design a Regulator To Rein in Big Tech*. Public Knowledge.

<https://publicknowledge.org/policy/building-the-digital-platform-commission-how-to-design-a-regulator-to-rein-in-big-tech/>

Public Knowledge revisited their [earlier proposal](#) for a *Digital Platform Commission (DPC)* and emphasized the importance of information generation through both research the Commission conducts and by making data available for academic and civil society researchers. They also suggest that digital platforms and AI tools fall under the authority of the same agency.

Wihbey, J. P. (2025). *Governing Babel: The Debate Over Social Media Platforms and Free Speech—and What Comes Next*. The MIT Press.

Wihbey suggests a new regulatory body that could “audit the behavior of social and information communication platforms and judge them on broad patterns of responsibility and response.” He suggests the penalty for compliance should focus on “loss of growth opportunity” such as a sanction on adding additional users or advertisers.

Lenhart, A., & Myers West, S. (2024). *Lessons from the FDA for AI.* AI Now Institute.

<https://ainowinstitute.org/lessons-from-the-fda-for-ai>

AI Now initiated this project at the start of 2023 when there was interest in ex ante or premarket regulatory scrutiny for AI and decided to take a deeper look at the FDA which famously oversees pre-market approval of drugs. They offer that there are important lessons regulators of AI can learn from the FDA's ability to transform “the pharmaceutical sector in the United States, from a domain of snake oil salesmen and quack doctors to a market that produces lifesaving drugs that are tested rigorously enough for people around the world to travel to the US just to obtain them.” Specifically, the report highlights the importance of measuring safety and efficacy, post-market monitoring, producing information, engaging expertise, and preventing industry capture.

Stein, M., & Dunlop, C. (2023). *Safe before sale: Learnings from the FDA's model of life sciences oversight for foundation models.* Ada Lovelace Institute.

<https://www.adalovelaceinstitute.org/report/safe-before-sale/>

The Ada Lovelace team underscores “that foundation models may pose risks to the public that are similar to—or even greater than—Class III medical devices (the FDA's highest risk category). To begin to address the mitigation of these risks through the lens of the FDA model, the paper lays out general principles to strengthen oversight and evaluation of the most capable foundation models, along with specific recommendations for each layer in the supply chain.” Principles for a new regulator include: continuous, risk-based evaluations and audits throughout the foundation model supply chain, evaluation of critical safety evidence, independent regulators and external evaluators, enable structured access to foundation models and adjacent components for evaluators and civil society, enforce a foundation model pre-market approval process, shifting the burden of proof to developers.

MacCarthy, M. (2023). *Regulating Digital Industries: How Public Oversight Can Encourage Competition, Protect Privacy, and Ensure Free Speech* (1st ed). Brookings Institution Press.

MacCarthy’s book advocates that competition, privacy, and free speech are “objectives that must be pursued in a coordinated fashion by a dedicated industry regulator.” The book combines an analysis of history and existing regulatory reform efforts in the US and abroad to make the case for a “single digital agency with jurisdiction to reconcile and balance the complementary and conflicting goals of promoting competition, protecting privacy, and preserving free speech in digital industries.”

Bogan, L. (2022, May 17). *Congress and Crises: Technology, Digital Information, and the Future of Governance*. The Belfer Center for Science and International Affairs.

<https://www.belfercenter.org/publication/congress-and-crises-technology-digital-information-and-future-governance>

Bogan, a former Senate staffer, outlines a proposal for a new *Department of Innovation* created using human-centered design. The proposal includes a digital services organization within the agency, recommends the agency has the power to both regulate the technology industry and encourage technology innovation, hires expertise, collaborates internationally, collaborates with the now debunked Global Engagement Center (GEC), continues regulation by vertical with slight adjustment, harmonizes issue where agency jurisdiction overlaps.

Bernstein, S. (2022). Consumer Data Protection and Privacy: A Proposal for a New Law and an Independent Agency. *University of Pittsburgh Law Review*, 83 (5).

<https://doi.org/10.5195/lawreview.2022.839>

Bernstein's proposal outlines a *Consumer Data Privacy and Protection Bureau* that would consolidate data protection jurisdiction from various agencies to ease compliance. Her proposal would also grant basic data rights to consumers.

Simpson, E., & Conner, A. (2021). *How To Regulate Tech: A Technology Policy Framework for Online Services*. Center for American Progress.

<https://www.americanprogress.org/article/how-to-regulate-tech-a-technology-policy-framework-for-online-services/>

The Center for American Progress report outlines a framework for regulating online services of all sizes and suggests new authorities that vary by tier/gatekeeper status that could be housed within an existing agency or new agency. The proposal advocates “for a hybrid approach, encompassing baseline prohibitions of highly problematic practices in statute and a system of proactive, principles-based rule-making organized around the protection of civil rights and consumers, promotion of innovation and competition, and the need to balance occasionally competing interests among these values.”

Ramzanali, A. (2021). *Toward a Privacy Agency: Policy and Politics*. Master’s Thesis John F. Kennedy School of Government.

Ramzanali’s master’s thesis analyzes the policy case and political feasibility of creating a standalone US federal privacy agency rather than relying on the FTC for privacy law enforcement. It argues that the FTC lacks sufficient authority, resources, expertise, and insulation from political pressure to serve as an effective privacy regulator. The paper recommends an independent, director-led privacy agency with rulemaking, enforcement, and supervisory powers. It concludes that while agency creation is a long-term political project, privacy could be a central regulatory “vessel” for broader tech reform in the United States.

Wheeler, T., Verveer, P., & Kimmelman, G. (2020, August 20). *New Digital Realities; New Oversight Solutions*. The Shorenstein Center.

<https://shorensteincenter.org/resource/new-digital-realities-tom-wheeler-phil-verveer-gene-kimmelman/>

Wheeler et al. argue that in “the absence of federal oversight, the dominant digital companies have made their own rules and imposed them on consumers and the market.” The report advocates for a “reinstatement of responsibilities long established in common law: the duty of care and the duty to deal.” And offers an agile approach that includes “cooperatively developed and enforceable code of conduct for specific digital activities.”

Kornbluh, K., Goodman, E., & Weiner, E. (2020, March 24). *Safeguarding Democracy Against Disinformation*. German Marshall Fund of the United States.

<https://www.gmfus.org/news/safeguarding-democracy-against-disinformation>

Kornbluh et al. outline a new Digital Democracy Board or an existing agency that oversees a code of conduct focused on practices, not content. The proposal also mandates that platforms support data portability and interoperability, and offer transparency such as moderation decision logs and data on how content is algorithmically curated.

Stigler Committee on Digital Platforms. (2019). *Final Report*.

<https://www.chicagobooth.edu/research/stigler/news-and-media/committee-on-digital-platforms-final-report>

The Stigler committee was an “independent and non-partisan Committee —composed of more than 30 highly-respected academics, policymakers, and experts —spent over a year studying in-depth how Digital Platforms such as Google and Facebook impact: economy and antitrust laws; data protection; the political system; and the news media industry” that was organized to issue a comprehensive report.

One longer term vision the report laid out was “the creation of a Digital Authority: The strongest indication emerging from the four reports is the importance of having a single powerful regulator capable of overseeing all aspects of DPs. DPs generate several concerns across different fields, all linked to the power of data. To address these concerns in a holistic way, there needs to be a single regulator able to impose open standards, to mandate portability of and accessibility to data, to monitor the use of dark patterns and the risks of addiction, and to complement the FTC and the DOJ in merger reviews.”

Kornbluh, K., & Goodman, E. (2019, June 13). *Bringing Truth to the Internet*. Democracy Journal. <https://democracyjournal.org/magazine/53/bringing-truth-to-the-internet/>

Kornbluh and Goodman advocate for a new *Digital Democracy Agency* that “would emulate the process design of the Consumer Financial Protection Bureau in operating with open data and open procedures, and would use evidence-based methods devised through work with experts and its own research, conduct citizen/user education, enforce laws, and conduct rulemakings.” proposals include enhanced transparency, user controls, privacy protections, d libraries, reporting on bot activity, content moderation rules, researcher access to data, limits on dark patterns and internal A/B testing, etc.

Feld, H. (2019). *The Case for the Digital Platform Act: Market Structure and Regulation of Digital Platforms*. Roosevelt Institute | Public Knowledge. [https://publicknowledge.org/wp-content/uploads/2021/11/Case for the Digital Platform Act Harold Feld 2019.pdf](https://publicknowledge.org/wp-content/uploads/2021/11/Case_for_the_Digital_Platform_Act_Harold_Feld_2019.pdf)

Feld proposes a federal *Digital Platform Act* that designates a federal agency to have ongoing and continuous oversight of digital platforms. He proposes a new measure of dominance: the “cost of exclusion” (CoE). The proposals describes in most detail a regulatory toolkit for competition, including: Data portability, open application programming interfaces (APIs) and interconnection; mandatory fair and reasonable non-discriminatory (FRAND) licensing for essential intellectual property; customer proprietary network information (CPNI) rules protecting the information of competitors that must operate on or interconnect with platforms to reach their customers; limits on size and limits on vertical integration (including possible break ups of existing dominant platforms as a last resort if necessary); product unbundling; non-discrimination rules; “privacy by design”; and due process rights for companies that are subject to regulation and for those seeking to exercise regulatory rights against dominant platforms.

Sitaraman, G. (2019). *The Great Democracy: How to Fix Our Politics, Unrig the Economy, and Unite America.* Basic Books. pp. 129-141

Sitaraman proposes re-launching the FTC as the Anti-Monopoly Agency (AMA) as part of a set of bold actions to reverse monopolization, especially in the technology industry. The AMA would be led by a single director rather than a multi-member commission, use rulemaking to define specific violations of antitrust laws (without adhering to the limiting consumer welfare standard) across the economy, and apply antitrust laws more aggressively to the tech sector including by breakup in the tech platforms and preventing mergers.

Foer, F. (2017). *World Without Mind: The Existential Threat of Big Tech.* Penguin Press. pp. 199-202.

As part of a chapter on possible solutions to various societal issues, Foer proposes a “Data Protection Authority,” comparing what the agency would do to what the government does to protect the information environment through thoughtful regulations.

Schneier, B. (2016). *Data and Goliath: The Hidden Battles to Collect Your Data and Control Your World.* W. W. Norton & Company. pp 197-199.

Schneier proposes “an independent data protection agency,” comparable to the DPAs in other countries, because while the FTC and FCC have some authorities that could be used to deal with the data abuses the book describes, patching holes in their authorities is less desirable than a new data protection regulatory regime and agency.

Tutt, A. (2016). An FDA for Algorithms. *SSRN Electronic Journal*, 69 *Admin. L. Rev.* 83 (2017).
<https://doi.org/10.2139/ssrn.2747994>

Then-DOJ attorney Andrew Tutt proposed an “FDA for Algorithms” that focused on performance, design, transparency, and other aspects of algorithms that undergird modern digital technologies. He argues that “the criminal law and tort regulatory systems will prove no match for the difficult regulatory puzzles algorithms pose.” He describes how the regulator should have three powers: “First, it should have the power to organize and classify algorithms into regulatory categories by their design, complexity, and potential for harm (in both ordinary use and through misuse). Second, it should have the power to prevent the introduction of algorithms into the market until their safety and efficacy has been proven through evidence-based pre-market trials. Third, the agency should have broad authority to impose disclosure requirements and usage restrictions to prevent algorithms’ harmful misuse.”

Calo, R. (2014, September 15). *The case for a federal robotics commission*. Brookings.
<https://www.brookings.edu/articles/the-case-for-a-federal-robotics-commission/>

Legal scholar Ryan Calo proposed a *Federal Robotics Commission* that would “advise on issues at all levels—state and federal, domestic and foreign, civil and criminal—that touch upon the unique aspects of robotics and artificial intelligence and the novel human experiences these technologies generate.”

Bracha, O., & Pasquale, F. (2008). Federal Search Commission—Access, Fairness, and Accountability in the Law of Search. *Cornell Law Review*, 93(6), 1149.

Scholars Oren Bracha and Frank Pasquale proposed a *Federal Search Commission* focused on the need to regulate search engines as common carriers. They describe how search engines rely on personal data and can be manipulated and argue that regulation would not violate the first amendment.

Rotenberg, M. (1991). In support of a data protection board in the United States. *Government Information Quarterly*, 8(1), 79–93. [https://doi.org/10.1016/0740-624X\(91\)90026-5](https://doi.org/10.1016/0740-624X(91)90026-5)

Rotenberg describes how a new *Privacy Protection Commission* was part of the scheme developed by Congress in the early 1970s but was never enacted. He emphasizes key principles of fair information practices: “Any information obtained for one purpose should not be used for another purpose without the consent of the person.”

Legislative Proposals

New Agencies and Commissions

U.S. Digital Privacy Agency

Online Privacy Act (Reps. Anna Eshoo (D-CA) & Zoe Lofgren (D-CA), and later joined by between two and five cosponsors), H.R. 4978, 116th Cong. ([2019](#)); H.R. 6027, 117th Cong. ([2021](#)); H.R. 2701, 118th Cong. ([2023](#)), H.R. 8014, 119th Cong. ([2026](#)).

A section-by-section summary can be viewed [here](#).

Data Protection Agency (DPA)

Data Protection Act (Sen. Kirsten Gillibrand (D-NY) later joined by Sen. Sherrod Brown (D-OH)), H.R. 3300, 116th Cong. ([2020](#)); S. 2134, 117th Cong. ([2021](#)); S. 5170, 118th Cong. ([2024](#)).

A section-by-section summary can be viewed [here](#).

Digital Platform Commission

Digital Platform Commission Act (Sen. Michael Bennet (D-CO) & Rep. (later Sen.) Welch (D-VT)), S. 4201 & H.R. 7858, 117th Cong. ([2022](#)); S. 1671, 118th Cong. ([2023](#)).

A section-by-section summary can be viewed [here](#).

Digital Consumer Protection Commission

Digital Consumer Protection Commission Act (Sen. Elizabeth Warren (D-MA) and Sen. Graham(R-SC)), S. 2597, 118th Cong. ([2023](#)).

A section-by-section summary can be viewed [here](#).

New Bureaus at the Federal Trade Commission

Bureau of Privacy

Recent congressional proposals have included the creation of a new bureau to oversee privacy rules.

American Data Privacy and Protection Act (Reps. Frank Pallone (D-NJ) & Cathy McMorris Rodgers (R-WA), Jan Schakowsky (D-IL), Gus Bilirakis (R-FL)), H.R. 8152, 117th Cong. ([2022](#)) § 401(a); see also, American Privacy Rights Act (Sen. Maria Cantwell (D-WA) & Rep. Cathy McMorris Rodgers (R-WA)), discussion draft, 118th Cong. ([2024](#)) § 17(a).

A section-by-section summary for ADPPA can be viewed [here](#) and for APRA [here](#).

Bureau of Digital Services Oversight and Safety

Digital Services Oversight and Safety Act (Rep. Lori Trahan (D-MA)), H.R. 6796, 117th Cong. ([2022](#)) § 3.

A section-by-section summary can be viewed [here](#).