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INNOVATION ECONOMY

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National Institute of Standards and Technology
100 Bureau Drive, Mail Stop 8900
Gaithersburg, MD 20899

RE: NIST AI 100-5, A Plan for Global Engagement on AI Standards

To Whom It May Concern:

TechNet appreciates the opportunity to comment on the National Institute of Standards and Technology's (NIST) Plan for Global Engagement on AI Standards (NIST AI 100-5). Many of our nation's leading AI developers, deployers, researchers, and users are TechNet members.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. Our membership includes dynamic American businesses ranging from startups to the most iconic companies on the planet and represents over 4.4 million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

The U.S. must be the global leader in AI investment, research, development, and deployment to ensure it is implemented safely worldwide. We appreciate NIST's release of this draft plan to help guide international collaboration on standards development and look forward to working with the Biden Administration to support its continued dialogues with allied and competing nations.

TechNet strongly values NIST's ongoing work to partner with industry, academia, and civil society to support the development of resilient and responsible standards for testing AI systems. Several TechNet members are participants in the AI Safety Consortium. This body includes over 200 organizations working with NIST to provide expert perspectives and cutting-edge resources for standards development. We have seen other nations establish their own AI Safety Institutes or organizations to support the development of AI testing and evaluation standards. TechNet supports the United States partnering with these entities to develop consistent approaches across the globe. An organized and collaborative approach to international standards development for the growing network of global safety institutes is important to avoid a fragmented regime for AI that could undercut

American innovation. We also want to stress that it is critical that America retains its role as the global innovation leader and as a leading contributor to the development of AI standards that can be used around the globe, particularly as companies and national governments seek to increase their influence in AI standards development. The National Standard Strategy for Critical and Emerging Technology (NSSCET) underscored this well – "Strength in standards development has been instrumental to the United States' global technological leadership."

While the draft plan is focused on international technical standards, we also urge NIST to promote international consistency of AI frameworks and best practice guidance. While not as rigorous as technical standards, harmonized frameworks and best practices can provide crucial guideposts for responsible AI development across borders. As the science of AI safety evolves, having aligned high-level principles and risk management practices will be essential. International consistency on AI governance frameworks will facilitate cross-border collaboration, build public trust, and help mitigate risks that could otherwise proliferate from fragmented approaches. TechNet supports NIST leveraging its convening power and the international network of AI Safety Institutes to foster frameworks and best practices through multistakeholder consultation with industry, civil society, and global partners.

TechNet believes that any new AI standards, frameworks, and best practices need to be based on scientific evidence — and not policy preferences — to allow American AI developers and deployers to continue innovating and building next-generation tools. We agree with NIST AI 100-5 that "the more grounded a standard is in the underpinning science, the more implementable and useful for the global AI community." Furthermore, we know from decades of real-world experience that standards must consider market needs to ensure uptake of the standards. However, the document also details social considerations for AI standards when approaching international agreements, which we are concerned can distract from the development of consistent and unbiased evaluation methods. While specific cultural risks may be considered for individual nations, we believe multinational agreements should be built on consistent scientific practices. We also appreciate that NIST AI 100-5 advocates for performance-based standards, focusing on the outcomes that AI systems may produce. This allows for continued innovation in AI development and supports market competition.

Much of the scientific research on AI evaluation is still ongoing, such as the important work at NIST and the AI Safety Institute Consortium. We agree with NIST on Section 4 (Priority Topics for Standardization Work) that the proposed standards topics listed are incredibly important for responsible AI development and deployment and worthy of stacked attention. We want to stress that as the necessary underpinning scientific research for these key issues is ongoing, we advise that international AI standards be used as guideposts for regulators in the development of regulatory regimes that are flexible and adaptable as AI technology evolves. This will allow for real-time testing of standards and the continued

development of best practices and avoid locking in methods that may inadvertently hinder AI development.

We agree with the draft plan's acknowledgment of the success of industry-led standards development and encourage NIST and the U.S. government to continue to leverage private sector expertise. There are also several existing industry-led standards that should be reviewed before developing new processes, many of which are included in the draft plan's appendix. Due to the high costs of developing frontier AI models, many of the key human and computer resources in advanced AI are consolidated in the private sector. It is to America's advantage to harness our nation's leading companies that develop and deploy AI products across the globe in the development of standards that will shape the innovation economy for generations to come.

We also encourage the U.S. government to partner with the private sector in developing bilateral engagements on AI policy and collaborations on scientific research. Such engagement is particularly critical when NIST or U.S. government agencies seek to introduce standards-related discussions in government-only fora, where the private sector does not have the opportunity to participate. Ongoing engagement with the private sector will help ensure that standards-related outcomes of these government-to-government discussions can be supported by the U.S. private sector and will help strengthen U.S. private sector and government alignment of priority issues.

We look forward to working with you on AI policy and appreciate the opportunity to discuss this innovative technology. We stand ready to serve as a resource to you in your examination of this important issue. Thank you for your consideration of our perspective.

Sincerely,

Linda Moore

Linda Moore
President and CEO