

May 31, 2024

The Honorable Laurie E. Locascio
Director, National Institute of Standards and Technology
100 Bureau Drive, Mail Stop 8970
Gaithersburg, MD 20899-8970

Re: Business Roundtable Response to A Plan for Global Engagement on AI Standards (NIST AI 100-5) Draft for Public Comment

Dear Dr. Locascio,

These comments are submitted on behalf of Business Roundtable, an association of more than 200 chief executive officers (CEOs) of America's leading companies, representing every sector of the U.S. economy. Business Roundtable CEOs lead U.S.-based companies that support one in four American jobs and almost a quarter of U.S. GDP. We appreciate the opportunity to comment in response to the National Institute of Standards and Technology's (NIST) public draft NIST AI 100-5, A Plan for Global Engagement on AI Standards.

Introduction

Business Roundtable member companies across sectors—technology, communications, retail, financial services, health, public safety and security, defense, manufacturing, hospitality, insurance, and others—rely on data and data-driven processes to create, deliver, and improve innovative products and services, including with AI. Our members are among the world's largest developers and deployers of AI. Accordingly, they have a strong interest in ensuring that AI systems are developed responsibly in a manner that centers on principles of innovation, trustworthiness, transparency, privacy, safety, security, inclusion and respect for community.

At home and abroad, NIST's work developing standards and facilitating their implementation is essential to ensuring American innovation and competitiveness. Standards enhance collaboration and competitiveness and clarify the regulatory environment. By providing a solid technical and scientific foundation, standards give regulators and stakeholders a key tool to effectively manage AI risks. Alignment through standards encourages innovation by creating the certainty needed for robust deployment and adoption. It also inspires trust among the public that the AI products that come to market will be safe and effective.

Business Roundtable is encouraged by the Administration's efforts to ensure that the United States takes a leadership role in creating global technical standards for AI development and use. U.S. companies are leading the way in AI development and deployment. The United States government must lead in setting the standards for AI to help ensure that our innovation

economy remains the best in the world. We support NIST and other entities working to advance safe, secure and trusted AI as they collaborate with our members and other industry stakeholders on this important issue.

We are particularly encouraged by NIST's commitment to developing standards that are context-specific, performance-based, human-centered and sensitive to societal considerations. A persistent focus on these guideposts will result in actionable, implementable, and measurable standards and technology that puts humans at the center of AI development and deployment. Additionally, we believe that such standards should be risk-based, with more stringent standards applicable to the highest-risk, highest-impact use cases for AI.

As NIST continues to lead development of AI standards, it should facilitate a global process for AI standards that is open, transparent and driven by consensus. Partnering with industry to lead development of standards for trustworthy AI based in the expertise and technology of developers and deployers is a critical part of this process.

Global Leadership

While we support the overall vision of the NIST AI 100-5, Business Roundtable encourages NIST to further stress the United States' collaborative model for standards development. In the draft paper, NIST notes that both friends and adversaries use "top-down" approaches to standards development. NIST observes that such processes are slow, making the standards they create less useful to both industry and regulators. Timely creation of standards is essential given the rapid pace of technological advancement in AI development. NIST should stress the importance of working with industry in its collaboration with other governments to develop standards at a speed that will further innovation.

Business Roundtable has long supported U.S. leadership in the development of global AI standards. Our 2022 Policy Recommendations for Responsible Artificial Intelligence¹ include recommendations to prioritize strategic international engagement on AI issues, engage on global AI standards and guidelines, and strive for common principles and interoperability.

International alignment on consensus standards among U.S. allies and partners allows researchers in different jurisdictions to collaborate using defined terms and interoperable systems, accelerating technological development. This alignment also translates into greater regulatory harmonization, smoother trade partnerships across diverse jurisdictions, stronger competition in international markets and the democratization of access to new AI technologies. As a result, this helps not only the U.S. economy but also the economies of those who voluntarily adopt the global AI standards.

¹ Business Roundtable, *Business Roundtable Policy Recommendations for Responsible Artificial Intelligence* (2022). Available at: https://s3.amazonaws.com/brt.org/Business_Roundtable_Artificial_Intelligence_Policy_Recommendations_Jan2022_1.pdf

Business Roundtable supports NIST's recommendation to expand resources for standards development organizations (SDOs). Participation and leadership in these bodies is essential for establishing appropriate standards, but adequate resources are required to facilitate robust engagement. Business Roundtable is also encouraged by NIST's openness to engaging with countries at different stages of AI development in standards discussions. Engagement with these partners helps align developing AI ecosystems with best practices and specifications in the United States, opening new collaborations and markets as these countries' AI ecosystems develop. Working collaboratively with industry and various governments through SDOs will promote U.S. leadership in global standards development and bolster our AI ecosystem.

Open, Transparent, Consensus-Driven Standards

Business Roundtable supports NIST's proposal to use open, transparent, consensus-driven processes to develop voluntary global standards for AI. Voluntary standards provide organizations with the flexibility to navigate the complexities of AI development and deployment while maintaining adaptability to evolving technologies and allowing for innovation to meet market demands. Global standards also provide a helpful guide for national standards development, and NIST should promote domestic alignment with consensus international guidelines whenever feasible and appropriate.

Business Roundtable supports NIST's objective of setting scientifically sound standards by prioritizing those with science-backed bodies of work which are ready to be acted upon and identifying foundational gaps in understanding that need to be filled through scientific work before creating standards. We agree that this approach ensures that developed standards will be implementable and useful. While standards are a tool to mitigate potential harm, standards-setting bodies should not get ahead of the science of AI technologies to preserve the capacity for innovation.

Industry Leadership and Collaboration

Business Roundtable appreciates the acknowledgement that standards development should continue to be led by industry and supported by civil society, government and academia. Industry is ultimately responsible for the development and deployment of AI solutions, particularly for innovative use cases. To ensure that standards are implementable and useful industry must continue to play a leading role in standards development. Through years of innovation, industry has developed advanced technical talent and substantial resources focused on AI. The integration of industry expertise and engagement with academic and public sector research and discovery drive much of the foundational research and development of best practices that can inform new AI standards.

Public-private partnerships have successfully brought together diverse stakeholders across government, industry, academia and civil society to address friction points and find constructive paths forward. These partnerships also contribute to a stronger AI ecosystem by facilitating

broader, more diverse participation in AI innovation than would otherwise be possible. For example, the U.S. AI Safety Institute Consortium is a public-private partnership bringing stakeholders together around the development of standards and evaluation tools. Continued global engagement among safety institutes is an important tool for global standardization. Moving forward, NIST should ensure these groups reach their full potential by leveraging the resources, expertise and research capabilities of their stakeholders.

Business Roundtable supports the process outlined for facilitating diverse multistakeholder engagement in AI standards development. For standards to gain acceptance, NIST and other standards bodies must involve a diverse group of stakeholders from various sectors and geographic regions in their development. A practitioner viewpoint is invaluable to developing guidelines that are feasible and implementable. Consultation also helps to build goodwill so that any issues can be quickly addressed. This ensures that standards account for the needs of all stakeholders; promote interoperability, security, and trust; and foster responsible AI development and deployment. Regularly convening stakeholders and disseminating information, including case studies and examples, are important features of engagement, and we appreciate their inclusion.

The NIST AI Risk Management Framework (AI RMF) is a strong example of a successful, collaborative process that included a diverse range of stakeholders from research institutions, AI developers and users, and the broader technology industry. The resulting work provides AI developers and users with a risk-based guide to incorporating transparency and accountability throughout the entire AI lifecycle. Importantly, the AI RMF is an evolving document, and future iterations can account for the best and most timely guidance on implementing accountability efforts as AI technology advances. New frameworks and guidance developed and promoted by the U.S. government should be consistent with the AI RMF to avoid uncertainty and fragmentation across global approaches to AI.

Conclusion

Flexible, voluntary, consensus-driven standards developed through active collaboration with industry are an effective way to strengthen all sectors of the U.S. economy, improving efficiency, trust and innovation at the same time. Utilizing this strategy as the basis of U.S. engagement with global allies and partners on AI standards will keep American companies at the forefront of AI innovation around the world.

Business Roundtable appreciates NIST's consideration of our comments and looks forward to continued collaboration to shape the programs that the private sector uses to manage AI risks. For further discussion and engagement on these issues, please contact Amy Shuart, Vice President of Technology & Innovation, Business Roundtable, at ashuart@brt.org or (202) 496-3290.