February 15, 2022

National Institute of Standards and Technology
U.S. Department of Commerce
100 Bureau Drive, Stop 2000
Gaithersburg, MD 20899

Re: Study to Advance a More Productive Tech Economy (86 FR 66287)

To Whom It May Concern:

The U.S. Chamber of Commerce Technology Engagement Center ("C_TEC") appreciates the opportunity to submit feedback to the National Institute of Standards and Technology's ("NIST") request for information on the "Study to Advance a More Productive Tech Economy." We strongly supported the American Compete Act[1], which was the impetus for NIST's request for this information. Furthermore, we appreciate NIST's ongoing efforts to help "identify, understand, refine, and guide the development of the current and future investment needs of eight emerging technologies[2]." We believe that this is "important to advance the innovative development and deployment of emerging technologies critical to continued U.S. technological leadership.[3]"

 C_TEC strongly believes that when appropriately regulated, AI has the potential to act as a force for good, tackling challenges and spurring economic growth for the benefit of consumers, businesses, and society. The following comments will look to respond specifically to questions around requests for information on artificial intelligence.

1. NIST seeks to gain greater awareness of the federal agencies that have jurisdiction over the emerging technology area or with which industry interacts on issues related to the emerging technology areas.

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[1] https://www.congress.gov/116/plaws/publ260/PLAW-116publ260.pdf
[2] https://www.federalregister.gov/documents/2021/11/22/2021-25428/study-to-advance-a-more-productive-tech-economy
[3] https://americaninnovators.com/research/u-s-chamber-letter-to-congress-supporting-h-r-8132-the-american-compete-act/

A multitude of agencies have a role to play in AI, and we've already seen a variety of workstreams underway, including the Federal Trade Commission's intention to engage in an AI rulemaking and the work on biometrics and an AI Bill of Rights underway in the Office of Science and Technology Policy. NIST is essential in serving as a hub for coordination between regulating agencies. NIST can be the most influential by coordinating across federal agencies to ensure a unified and aligned approach to AI that reduces the potential for conflicts and overlapping regulatory requirements. All agencies must work closely to promote a consistent approach with policies and procedures at other agencies and reduce duplicative standards. NIST is uniquely positioned to coordinate this effort and should focus its expertise on doing so rather than on authority to issue industry-specific rules.

Regarding which federal agencies have jurisdiction over emerging technology areas, we would highlight that the healthcare sector has multiple agencies actively working to address different issues around the regulation of AI within that industry. These regulators include Health and Human Services, Federal Trade Commission, and Federal Drug Administration.

The financial services and telecommunications industries are also heavily regulated, and care must be taken to ensure alignment and to avoid regulatory conflicts.

2. **NIST seeks information on what the federal government could do to foster or enhance the adoption of technology or help expand economic opportunities within the emerging technology areas.**

There are many important steps government can take to foster and enhance the adoption of artificial intelligence. A recent report from C_TEC and Deloitte AI Institute highlighted four specific steps the federal government can take now to advance trustworthy AI. C_TEC strongly believes that Trustworthy AI is a partnership and that "fostering public trust and trustworthiness in AI technologies is necessary to advance its responsible development, deployment, and use.[4]" C_TEC believes the following can assist with fostering and enhancing the adoption of AI:

1. *Conduct fundamental research in trustworthy AI[5]:* Historically, the federal government has played a significant role in building the foundation of emerging

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[4] https://www.uschamber.com/technology/us-chamber-releases-artificial-intelligence-principles
[5] https://americaninnovators.com/news/four-policies-that-government-can-pursue-to-advance-trustworthy-ai/

technologies, including Security and Privacy Enhancing Technologies, by conducting fundamental research. AI is no different.

2. *Improve access to government data and models*[6]**:** High-quality data is the lifeblood of developing new AI applications and tools, and poor data quality can heighten risks. Governments at all levels possess a significant amount of data that could be used to both improve the training of AI systems and create novel applications. To this end, NIST should consider supporting the collection and maintenance of high-quality, publicly accessible data sets.

3. *Increase widespread access to shared computing resources*[7]*:* In addition to high quality data, the development of AI applications requires significant computing capacity. However, many small startups and academic institutions lack sufficient computing resources, which prevents many stakeholders from fully accessing AI's potential.

4. *Enable open source tools and frameworks*[8]*:* Ensuring the development of trustworthy AI will require significant collaboration between government, industry, academia, and other relevant stakeholders. One useful method to facilitate collaboration is encouraging open source tools and frameworks to share best practices and approaches on trustworthy AI.

We also strongly encourage the government to explore experimental governance programs, including implementing Regulatory Sandboxes (RS) and Policy Prototyping Programs (PPPs) as methods to test future laws or other governance instruments on algorithmic accountability

In addition, we believe any government's regulatory approach should be technology agnostic and provide the necessary flexibility to allow for artificial intelligence and machine learning models. This will foster an environment that allows for further innovation, which will help adopt AI and expand economic opportunities.

Finally, C_TEC believes that further federal support for cross-stakeholder consensus building can enhance the adoption of AI technologies and improve

[6] https://americaninnovators.com/news/four-policies-that-government-can-pursue-to-advance-trustworthy-ai/

[7] https://americaninnovators.com/news/four-policies-that-government-can-pursue-to-advance-trustworthy-ai/

[8] https:// https://americaninnovators.com/advocacy/c_tec-comments-on-nist-ai-risk-management-framework/americaninnovators.com/news/four-policies-that-government-can-pursue-to-advance-trustworthy-ai/

outcomes and appropriate risk mitigation. Federal entities should support standards development organizations and industry collaborations.

3. **NIST seeks to better understand the current and future needs, as well as risks, for standards development in the emerging technology areas.**

   A growing patchwork of local, state, federal, and international regulations and standards around AI can pose a risk to its adoption and development. An overcomplicated regulatory environment potentially stifles investment into emerging technologies.

   Furthermore, there is a need to harmonize definitions of key terms so that the global AI community is speaking the same language. A common lexicon will give organizations and society more confidence and promote greater alignment of standards, frameworks, models, etc.

   Lastly, we urge passage of national and comprehensive federal privacy law to set standards for data privacy that can promote predictability and address many of the concerns around AI.

4. **NIST seeks information on existing standards forums in the emerging technology areas.**

   Many standards bodies are already working to develop standards in the emerging technology field. These include but are not limited to ANSI, IEEE, ISO, Consumer Technology Association (CTA), who have all developed AI standards.

   Specifically, within the healthcare sector, existing standards work, such as the [HL7](#)work for [Fast Healthcare 3Interoperability Resources (FHIR)](#) are empowering the efficient exchange of healthcare data. While this work applies to existing technology, it should be considered as it will enable greater data availability and use cases for AI.

5. **NIST seeks to better understand the needs of industry in future public-private investment partnerships to foster innovation in the emerging technology areas.**

We greatly appreciate the ongoing collaborative work from NIST to develop and define AI Risk Management Framework, and look forward to its continuation. Furthermore, we believes NIST has a chance to create a framework that will harmonize with other international risk management standards and support the testing of new standards and methods. We are incredibly supportive of future public-private partnerships that would continue to foster ongoing opportunities for input.

We also appreciate the work of the Office Science Technology Policy (OSTP) and National Science Foundations (NSF) to develop the National Artificial Intelligence Research Resource, NAIRR. We believe that NAIRR is fundamental for the future of scientific discovery and would encourage further work with the private sector for the computing and software infrastructure for the resource.

6. **NIST seeks information on how existing legislation and/or regulations may help or hinder the maturation of the emerging technology areas in the marketplace, and any areas where new legislation and/or regulations are needed to advance the emerging technology areas in the marketplace.**

We strongly supports NIST's work for developing a voluntary framework to help mitigate the risk of over-regulation hindering the maturation of AI. We recommend opportunities to start with guidance and principles and then work within industries to determine appropriate next steps.

In addition, we acknowledge that the National Artificial Intelligence Research Resource is essential in advancing artificial intelligence. By leveraging large and robust government data sets, the NAIRR will help spur further innovation and breakthroughs within the scientific community.

Conclusion:

C_TEC appreciates the opportunity to provide NIST with our thoughts regarding the state of the artificial intelligence industry and the impact such a sector has on the United States economy. We look forward to working alongside NIST and other government agencies to promote the development of AI systems. We encourage further collaboration with stakeholders as we believe an open line of communication between the business community and the government is vital for the continued advancement of AI. Thank you for your consideration of these comments and we are happy to discuss any of these issues further.

Sincerely,

Michael Richards

Michael Richards
Policy Director
Chamber Technology Engagement Center
U.S. Chamber of Commerce