



February 2, 2024

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

RE: NIST 231218–0309; Request for Information (RFI) Related to NIST’s Assignments Under Sections 4.1, 4.5 and 11 of the Executive Order Concerning Artificial Intelligence

NIST Colleagues:

We write to share comments regarding the ‘Request for Information (RFI) Related to NIST’s Assignments Under Sections 4.1, 4.5, and 11 of the Executive Order Concerning Artificial Intelligence’ (Biden Executive Order). Capitalized terms not defined in this letter have the meanings given to them in the NIST RFI.

Harnessing AI’s “extraordinary potential” to drive progress is inextricably linked with ensuring a healthy startup ecosystem and pro-competition environment. We urge NIST to consider how it can spur innovation while supporting competition in the context of fulfilling the various assignments given to NIST under the Biden Executive Order.

1. Background on Responsible Innovation Labs

[Responsible Innovation Labs](#) (RIL) is a coalition of leading founders and investors committed to tackling the challenges and opportunities of this moment in the technology industry. Our mission is to stimulate demand for responsible innovation and expand the supply of tools, community, and best practices to meet that demand. We believe responsible innovation is a competency that can be developed, and we are committed to supporting the adoption of responsible innovation practices across the startup ecosystem.

RIL is primarily focused on “how” responsible innovation is implemented in early-stage company building and venture investing. We support the technology ecosystem in implementing a [Responsible AI framework](#). RIL convened a [multi-sector Responsible AI working group](#) of startup operators, investors, civil society, and public sector leaders to help develop this framework. The framework is an actionable ‘how-to’ guide that distills Responsible AI best practices, tools, and resources. It contains voluntary [Responsible AI commitments](#) and a Protocol for [Responsible AI](#), both of which share core concepts with NIST’s Risk Management Framework. We are currently developing the next version of RIL’s responsible AI framework.

2. Comments on the NIST RFI

We urge NIST to be intentional about the level of prescription reasonably perceived by early stage companies in any responsible AI guidance or companion resources developed in connection with the Risk Management Framework.

Responsible AI cannot be a one-size-fits-all compliance framework that is only achievable by well-resourced companies.

The federal government should ensure that startups can compete on a level playing field. Often, responsible AI practices are put forward that are too expensive or are not fit for purpose for



early stage companies. The result is that larger and well-resourced incumbents can derive a competitive advantage from frameworks intended to increase benefits and minimize risks to the public. A lack of competition is contrary to the public interest.

In this regard, RIL developed a [responsible AI framework](#) for early-stage companies. This framework in part translates existing AI resources, including NIST's Risk Management Framework, into actionable steps for resource-constrained startups. NIST's directional guidance for larger enterprises provides one set of parameters that organizations like RIL can adapt and apply for the earliest stages of company building and specific use cases.

To the extent NIST develops companion resources to its Risk Management Framework (and evolves the Risk Management Framework itself), we encourage NIST to outline explicitly whether those materials are more pertinent to a particular stage or maturity of company and/or specific to particular use cases.

Factor in risks to competition when cultivating global standards.

Advancing technical standards worldwide is laudable, but there are risks to competition and innovation if global standards reinforce incumbency. Building consistency between procurement and other standards while ensuring such standards are not overly burdensome for early stage companies is necessary to ensure that America's most promising early stage innovators can compete globally.

Engage with intermediaries to fill gaps in perspective, especially concerning startups.

We acknowledge that NIST will inevitably interface with mature technology companies that possess massive resources when advancing NIST's role in developing standards, risk management frameworks, and other aspects of the Biden Executive Order. Startups are harder to reach. They are large in number and operate in decentralized networks and across sectors. Startups often lack the resources and access to trade associations necessary to engage with policymakers.

As NIST fulfills its obligations under the Biden Executive Order and provides guidance on AI to industry, it is essential for NIST to engage with intermediaries and networks (including RIL) that have proximity to early stage startups and the investors who back them. Incorporating the perspectives of early stage operators is essential to cultivating a competitive landscape. Targeted engagement strategies are crucial going forward to enable a thriving innovation ecosystem.

RIL will continue to foster collaboration and cross-sector dialogue regarding AI. We look forward to engaging with NIST to dialogue and inform your approaches to advancing AI frameworks and standards, especially as those efforts impact the early stage startup ecosystem.

Sincerely,

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Executive Director, Responsible Innovation Labs