June 10, 2019

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Gaithersburg, MD 20899

Comments of Bank of America
Submitted to ai_standards@nist.gov

Re: "RFI: Developing a Federal AI Standards Engagement Plan"

Dear Ms. Tabassi,

We appreciate being given an opportunity to offer our perspective on the National Institute of Standards and Technology (NIST) Request for Information for developing a Federal Artificial Intelligence (AI) Standards Engagement Plan. At Bank of America, we are passionate about the topic of AI. For a company that can state its approach in two words, Responsible Growth, we believe that the use of technology, data and artificial intelligence – one of the key elements of growth – has to be deployed responsibly. As a part of that, Bank of America is the founding donor of the Harvard University Kennedy School of Government's Council on the Responsible Use of AI.

As NIST develops the Federal engagement plan to understand existing standards and plans, define and achieve U.S. technical standards leadership, and prioritize Federal engagement, we recommend the following be taken into consideration.

We have limited our response for now to three pertinent points related specifically to Federal engagement and derived from our participation in the NIST Workshop on May 30, 2019. We look forward to future engagement on this issue with NIST and other public and private sector partners.

(1) Build upon what already exists and focus on gaps

We recommend NIST build its engagement plan with the understanding that AI is not a new development and should build upon existing capabilities – Data Management, Modeling, Application

Development, Information Security Management and Testing – as well as existing rules and regulations. Federal engagement can evaluate proven existing capabilities, consider existing regulations, and recommend addressing gaps. For example, one gap we recommend NIST give particular attention to is that of accountability frameworks, which encourage the responsible use of AI.

(2) Achieve a balance between holistic and sector-specific engagement

We recommend NIST create a holistic engagement approach as a starting point, enabling public-private dialogue. It should also be acknowledged that some sectors of the economy are more regulated than others. A long-term goal should be to create a balance based upon each sector's needs.

(3) Differentiate and focus on applications with the greatest consequences in the lives of the American people

Done well, AI leverages the best of human behaviors and judgment and should be for the benefit of society. AI applications vary greatly in their level of consequence – e.g. the AI outputs for an autonomous vehicle carry far more serious implications than the response from a virtual assistant when asked by a person about the weather forecast. We recommend NIST engage and prioritize on a scale which takes into account this differing level of consequence. Another factor is the accountability framework. NIST should engage on the transparency of algorithms and how that determines the spectrum of who is ultimately accountable for making decisions and applying judgment – humans or computers.