CHAMBER OF PROGRESS

March 26, 2024

Re: *the National Telecommunications and Information Administration (NTIA) request for comment (RFC) on Dual Use Foundation Artificial Intelligence Models with Widely Available Model Weights.* NTIA–2023–0009

On behalf of Chamber of Progress – a tech industry association supporting public policies to build a more inclusive country in which all people benefit from technological leaps – – we appreciate the opportunity to share this response to the RFC regarding Dual Use Foundation Artificial Intelligence Models with Widely Available Model Weights or "open foundation models."

As NTIA considers its next steps, it is essential that the agency advance an agenda of abundance. Fostering a plurality of frontier models - open and closed alike, existing and new entrants - will catalyze AI application development and ultimately benefit consumers. By contrast, favoring either open or closed models would harm competition, limit innovation, and slow the equitable diffusion of AI's benefits across society. To be clear: <u>NTIA must not forcibly open closed models, or forcibly close open models</u>.

An abundance of foundation models, including open foundation, is beneficial to innovation and competition.

Q7(b): *How might the wide availability of open foundation model weights facilitate, or else frustrate, government action in artificial intelligence (AI) regulation?*

Policymakers must resist the temptation to force open model weights for closed models. Instead, it is important to remember that different approaches offer different benefits. Open foundation models will support this administration's goal of advancing competition.[1] An abundance of models will remove barriers to application development, facilitating

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[1] Since open foundation models can be more aggressively customized, they better support innovation across a range of applications. Kapoor, Sayash, et al. "On the Societal Impact of Open Foundation Models." arXiv preprint arXiv:2403.07918, 2024. https://arxiv.org/abs/2403.07918.

market entry for startup entrepreneurs, who would otherwise have to start from scratch on the time and capital-intensive pre-training process.[2]

At the same time, many closed model developers are leaders in responsible AI development and staffing teams tasked with remediating potential for rights-impacting outcomes. For example, Google has committed to advancing the discovery of vulnerabilities in generative AI through its Secure AI Framework, with safety measures such as expanding strong security foundations in the AI ecosystem and adapting control to adjust mitigations and create faster feedback loops for AI deployment.[3] Voluntary transparency promotes understanding of AI's potential benefits and how to maximize their distribution.

Q6: *What are the legal or business issues or effects related to open foundation models?*

As discussed, competition in models lowers costs for startups. It may further allow them to automate business operations, including software development and data analytics.[4] Open models catalyze investment and innovation, and streamline products to market by lowering capital-intensive barriers to entry.[5]

Moreover, open models advance other important interests. Namely, they facilitate research by third parties, including academics and journalists. In particular, this scrutiny can reveal whether models are dispareately impacting historically marginalized groups.

Q7(d)(i): *What role, if any, should the U.S. government take in setting metrics for risk, creating standards for best practices, and/or supporting or restricting the availability of foundation model weights? Should other government or non-government bodies, currently existing or not, support the government in this role? Should this vary by sector?*

Any potential federal regulations should be as narrowly tailored as possible and leave room for sector-specific regulatory efforts, whether formal or voluntary. Such sectoral standards can be further nuanced to industry-specific issues. This collaborative method has been proven successful in the past, including OSTP's 2018 AI Summit on Artificial Intelligence for American Industry which brought together technical experts, industrial research labs, and business leaders. Moreover, formal regulations risk entrenching incumbent players.

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[2]https://www.bloomberglaw.com/external/document/X56BA8BO000000/data-security-professional-perspective-regulation-of-ai-foundati
[3]https://blog.google/technology/safety-security/introducing-googles-secure-ai-framework/
[4] https://www.pwc.com/gx/en/issues/technology/foundation-models.html
[5]https://www.ibm.com/blog/how-foundation-models-and-data-stores-unlock-the-business-potential-of-generative-ai/

Q8(a)*: In the face of continually changing technology, and given unforeseen risks and benefits, how can governments, companies, and individuals make decisions or plans today about open foundation models that will be useful in the future? How should these potentially competing interests of innovation, competition and security be addressed or balanced?*

Transparency builds public trust, which in turn promotes adoption. The tech sector has taken the lead in areas like mechanistic interpretability. For example, Google has launched Explainable AI, a set of tools and framework that helps the user to understand and interpret predictions made by AI models.[6]

Further, while the benefits of open foundation models in innovation might be constrained by their comparative disadvantages in evolution due to lack of direct user feedback and fragmented usage, which impacts economies of scale, emerging research, such as model merging, could offer solutions by mimicking the collaborative benefits seen in open source software.[7]

Q7(g): *What should the U.S. prioritize in working with other countries on this topic, and which countries are most important to work with?*

The U.S. government should be a leader in Artificial Intelligence that promotes innovation and benefits society.

The U.S. is a world leader in innovation from its tech hubs in Silicon Valley and elsewhere to the abundance of research institutions. Technology has flourished in the U.S. as the government has embraced light-touch regulation and permissionless innovation. In turn, the U.S. tech sector has raised living standards, advanced the health sciences, and contributed to improved crop yield.[8] The US government's investments in the tech sector played a key role in this growth. Encouragingly, the Networking and Information Technology Research and Development (NITRD) has committed to making long-term investments in AI research.[9] Currently, NIST is set to launch an open competition for a new Manufacturing USA institute focused on using AI in manufacturing with the anticipation of investing $70 million over five years.[10] The U.S. government should continue to support AI innovation and encourage a proliferation of approaches to models and prioritize that it remains the world leader in technology.

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[6]https://cloud.google.com/explainable-ai#:~:text=Explainable%20AI%20is%20a%20set,others%20understand%20your%20models'%20behavior.

[7] Kapoor, Sayash, et al. "On the Societal Impact of Open Foundation Models." arXiv preprint arXiv:2403.07918, 2024. https://arxiv.org/abs/2403.07918.

[8] https://www.brookings.edu/articles/technology-and-americas-good-times-an-overview/

[9]https://www.nitrd.gov/national-artificial-intelligence-research-and-development-strategic-plan-2023-update/

[10]https://www.nist.gov/news-events/news/2024/03/nist-launch-competition-ai-focused-manufacturing-usa-institute

Q7(h)*:* What insights from other countries or other societal systems are most useful to consider?

The European Union AI Act is a cautionary tale on what not to do in the U.S. with regard to AI. To maintain our global leadership, the U.S. must chart its own course and resist the urge to embrace the tech-skeptical vision of the EU AI Act. Chamber of Progress advocates for values-driven and voluntary steps to promote responsible AI tools. The EU has consistently employed command-and-control style regulations, and repeatedly punished American tech companies for success through questionable enforcement actions, punitive fines, and stifling oversight - all to the detriment of innovation and progress. Instead, Chamber of Progress believes in nurturing a competitive environment where startups can thrive alongside established players. For this reason, we urge the use of more open foundation models that can promote innovation and competition that equally benefit established players, start-ups, and consumers.

Chamber of Progress believes in fostering innovation, technological advancement, and responsible AI practices. Competition among models - including through open and closed approaches - benefits innovation and consumers alike. We encourage collaboration with the tech industry and experts to continue promoting innovation, competition, and inclusivity.