

**Calendar No. 234**

118TH CONGRESS }  
*1st Session*

SENATE

{ REPORT  
118-109

AI LEADERSHIP TRAINING ACT

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R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS  
UNITED STATES SENATE

TO ACCOMPANY

S. 1564

TO REQUIRE THE DIRECTOR OF THE OFFICE OF  
PERSONNEL MANAGEMENT TO ESTABLISH, OR OTHERWISE  
ENSURE THE PROVISION OF, A TRAINING PROGRAM ON  
ARTIFICIAL INTELLIGENCE FOR FEDERAL MANAGEMENT  
OFFICIALS AND SUPERVISORS, AND FOR OTHER PURPOSES



NOVEMBER 2, 2023.—Ordered to be printed

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NOVEMBER 2, 2023.—Ordered to be printed

Mr. PETERS, from the Committee on Homeland Security and  
Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 1564]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 1564), to require the Director of the Office of Personnel Management to establish, or otherwise ensure the provision of, a training program on artificial intelligence for Federal management officials and supervisors, and for other purposes, having considered the same, reports favorably thereon with an amendment, in the nature of a substitute, and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

S. 1564, the *Artificial Intelligence Leadership Training Act*, requires the Director of the Office of Personnel Management (OPM) to provide or otherwise ensure that federal supervisors and management officials receive annual training on artificial intelligence (AI). Instruction required in this legislation includes trustworthy and responsible AI; the benefits and risks of AI; how risks can be mitigated; and, future trends. The bill encourages the OPM Director to utilize interactive learning with technologists, scholars, and

other experts from the private, public, and nonprofit sectors. The bill requires methods to measure the participation of trainees and receive their feedback, and includes a sunset of 10 years after the date of enactment.

## II. BACKGROUND AND NEED FOR THE LEGISLATION

As the federal government ramps up investments in AI, leaders in the federal government need training on its capabilities and risks.<sup>1</sup> Along with positive impacts for agencies and society, there are parallel causes of concern that, if improperly or maliciously applied, AI could cause grave harm to our citizens as well as to national security.<sup>2</sup>

The need for workforce training on AI has been recognized by experts such as the National Security Commission on Artificial Intelligence (NSCAI).<sup>3</sup> In its report, NSCAI is particularly concerned with the implications of an under-trained federal workforce, noting: “Government agencies that rely solely on contractors for digital expertise will become incapable of understanding the underlying technology well enough to make successful acquisition decisions independent of contractors.”<sup>4</sup> More recently, the National AI Advisory Committee also recommended training for public and private sector entities, citing lack of knowledge and skills among personnel as a challenge to adoption of trustworthy AI.<sup>5</sup>

## III. LEGISLATIVE HISTORY

Senator Gary Peters (D–MI) introduced S. 1564, the *Artificial Intelligence Leadership Training Act*, on May 11, 2023, with original cosponsor Senator Mike Braun (R–IN). The bill was referred to the Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 1564 at a business meeting on May 17, 2023. At the business meeting, Senator Peters offered a substitute amendment, as well as a modification to the substitute amendment due to negotiations with the Ranking Member. The Peters substitute amendment as modified adds more time to implement the bill and adds a requirement for the training program in the bill to cover the risks that federal government use of AI, including the use of AI for censorship and surveillance and the risks AI poses to the First and Fourth Amendments to the Constitution. The Peters substitute amendment as modified also allows Congress to request information from the OPM Director on materials used

<sup>1</sup>National Security Commission on Artificial Intelligence, *Final Report* (Mar. 2021) ([www.nscai.gov/wp-content/uploads/2021/03/Full-Report-Digital-1.pdf](http://www.nscai.gov/wp-content/uploads/2021/03/Full-Report-Digital-1.pdf)); National Artificial Intelligence Advisory Committee, *Year 1 Report* (May 2023) ([www.ai.gov/wp-content/uploads/2023/05/NAIAC-Report-Year1.pdf](http://www.ai.gov/wp-content/uploads/2023/05/NAIAC-Report-Year1.pdf)).

<sup>2</sup>Pew Research Center, *Themes: The most harmful or menacing changes in digital life that are likely by 2035* (June 21, 2023) ([www.pewresearch.org/internet/2023/06/21/themes-the-most-harmful-or-menacing-changes-in-digital-life-that-are-likely-by-2035/](http://www.pewresearch.org/internet/2023/06/21/themes-the-most-harmful-or-menacing-changes-in-digital-life-that-are-likely-by-2035/)); Brookings Institution, *Protecting privacy in an AI-driven world* (Feb. 10, 2020) ([www.brookings.edu/research/protecting-privacy-in-an-ai-driven-world/](http://www.brookings.edu/research/protecting-privacy-in-an-ai-driven-world/)); Government Accountability Office, *Artificial Intelligence: An Accountability Framework for Federal Agencies and Other Entities* (GAO–21–519SP) (June 30, 2021); Government Accountability Office, *Facial Recognition Technology: Federal Law Enforcement Agencies Should Better Assess Privacy and Other Risks* (GAO–21–518) (June 29, 2021); see also Government Accountability Office, *Forensic Technology: Algorithms Strengthen Forensic Analysis, but Several Factors Can Affect Outcomes* (GAO–21–435SP) (July 6, 2021).

<sup>3</sup>National Security Commission on Artificial Intelligence, *Final Report* (Mar. 2021) ([www.nscai.gov/wp-content/uploads/2021/03/Full-Report-Digital-1.pdf](http://www.nscai.gov/wp-content/uploads/2021/03/Full-Report-Digital-1.pdf)).

<sup>4</sup>*Id.* at 123.

<sup>5</sup>National Artificial Intelligence Advisory Committee, *Year 1 Report* (May 2023) ([www.ai.gov/wp-content/uploads/2023/05/NAIAC-Report-Year1.pdf](http://www.ai.gov/wp-content/uploads/2023/05/NAIAC-Report-Year1.pdf)).

to carry out the training program, including the name and organization of any person responsible for developing any part of the training provided by the program, and it provides the Director 14 days to respond to any request. The Committee adopted the modification to the Peters substitute amendment and the Peters substitute as modified by unanimous consent, with Senators Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Blumenthal, Paul, Lankford, Romney, and Scott present.

Senator Paul offered an amendment to the bill that would have required a GAO evaluation and report of all censorship and surveillance activities conducted by the Department of Homeland Security. The Paul amendment was not adopted, by roll call vote of 6 yeas to 9 nays, with Senators Paul, Lankford, and Scott voting in the affirmative, and Senators Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Blumenthal, and Romney voting in the negative. Senators Johnson, Hawley, and Marshall voted yea by proxy, and Senator Carper voted nay by proxy.

The bill, as amended by the Peters substitute amendment as modified, was ordered reported favorably by roll call vote of 9 yeas to 1 nay, with Senators Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Blumenthal, Lankford, and Romney voting in the affirmative, and Senator Paul voting in the negative. Senators Carper and Marshall voted yea by proxy, for the record only, and Senators Johnson, Scott, and Hawley voted nay by proxy, for the record only.

#### IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

##### *Section 1. Short title*

This section establishes the short title of the bill as the “Artificial Intelligence Leadership Training Act” or the “AI Leadership Training Act.”

##### *Section 2. Artificial Intelligence leadership training program*

Subsection (a) defines the terms “AI,” “covered employee,” “director,” “executive agency,” “management official,” “supervisor,” and “program.”

Subsection (b) instructs the Director of OPM to develop and implement, or otherwise ensure the provision of, an AI leadership training program for covered employees, who are supervisors and managers, to be provided on an annual basis. The purpose is to ensure that these leaders have knowledge regarding (1) the capabilities and risks associated with AI; (2) safety and ethical issues relating to AI; (3) federal government requirements and best practices with respect to AI, such as with respect to the procurement, use, testing, evaluation, and auditing of AI capabilities; and (4) other matters relating to requirements for the development and use of AI within and by the federal government. This subsection enumerates the purposes of the topics that, at a minimum, must be included in the program.

This subsection also requires the Director to update the program every two years, and to establish a means by which to measure participation in the program and to receive and incorporate feedback from participants. This subsection includes a sense of Congress that the program should include interactions with technologists, scholars, and other experts from the private, public, and

nonprofit sectors. Finally, this subsection requires the program to sunset 10 years after the enactment of this bill.

#### V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

#### VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

<b>S. 1564, AI Leadership Training Act</b>			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on May 17, 2023			
By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	10	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	No
		<b>Mandate Effects</b>	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

S. 1564 would require the Office of Personnel Management (OPM) to establish a training program to provide federal managers with an introductory understanding of the operational benefits and privacy risks of using artificial intelligence, or AI, which allows computer systems to perform tasks that typically require human intelligence.

Using information from OPM and other agencies about efforts to use AI across the federal government, CBO anticipates that OPM would need five full-time employees to create and manage the training program. Accounting for the time needed to develop the program, CBO estimates that implementing the bill would cost \$10 million over the 2023–2028 period for staff and technology costs. Any spending would be subject to the availability of appropriated funds.

The costs of the legislation, detailed in Table 1, fall within budget function 800 (general government). For this estimate, CBO assumes that the bill will be enacted late in fiscal year 2023 and that costs from implementing the bill will begin in fiscal year 2024.

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER S. 1564

	By fiscal year, millions of dollars—						
	2023	2024	2025	2026	2027	2028	2023– 2028
Estimated Authorization .....	0	2	2	2	2	2	10
Estimated Outlays .....	0	2	2	2	2	2	10

The CBO staff contact for this estimate is Aldo Prosperi. The estimate was reviewed by Christina Hawley Anthony, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,  
*Director, Congressional Budget Office.*

#### VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation would make no change in existing law, within the meaning of clauses (a) and (b) of subparagraph 12 of rule XXVI of the Standing Rules of the Senate, because this legislation would not repeal or amend any provision of current law.

