Office of Special Counsel

Artificial Intelligence Compliance Plan
for OMB Memorandum M-25-21

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1. About the Office of Special Counsel

The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. OSC's statutory authority comes from four federal laws: the Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA).

OSC's primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices (PPPs), especially reprisal for whistleblowing. OSC also operates as a secure channel for federal employees to blow the whistle by disclosing wrongdoing. Federal law establishes a unique process for disclosures made to OSC, intended to protect the confidentiality of the whistleblower and ensure that the alleged wrongdoing is investigated and, where necessary, corrected. In addition, OSC enforces the Hatch Act, which puts certain restrictions on partisan political activity by government employees. It also protects the civilian employment and reemployment rights of military service members under USERRA.

2. Driving AI Innovation

Removing Barriers to the Responsible Use of AI.

AI use cases are evaluated for implementation by reviewing (1) the availability of OSC's budgetary and human resources; (2) the nature of the requested AI use case, including how it relates to and would impact the agency's mission; and (3) if implementation would comply with the requirements of OMB Memoranda M-25-21 and M-25-22.

OSC's use of AI is tempered by its small technology team and available budget. However, the agency recognizes that as AI capabilities advance and solutions are developed across the federal government, shared services will likely arise that reduce the technical expertise and overhead costs associated with building AI solutions. Therefore, OSC will monitor the federal AI landscape on a continuing basis to identify potential partnering opportunities with other agencies.

Sharing and Reuse

OSC's current AI use cases utilize commercial-off-the-shelf (COTS) products or services, such as Microsoft's Copilot Chat and M365 Copilot. OSC has not developed custom AI code, large language models, or data sets and the agency has no plans to do so.

AI Talent

The agency's Chief Artificial Intelligence Officer (CAIO) has already coordinated with the agency's Outreach and Training Unit to identify training opportunities for all staff through GSA, public universities, and other organizations dedicated to the education of public service professionals.

To the extent budgetary resources are available, the agency's Information Technology Office (ITO) will actively pursue other AI training opportunities to enhance their understanding of AI and promote its efficient use at OSC.

3. Improving AI Governance

Agency Policies

OSC will review and revise internal agency directives, as needed, relative to IT infrastructure, data, cybersecurity, and privacy to facilitate AI use to ensure consistency with M-25-21 by December 29, 2025.

OSC has developed internal guidance to ensure staff are utilizing generative AI within the OSC protected environment. OSC is in the process of developing a generative AI policy by December 29, 2025, the deadline identified in M-25-21. This policy will set the requirements for acceptable use of generative AI at OSC and establish safeguards and oversight mechanisms that allow generative AI to be used by the agency, when appropriate, without posing undue risk.

AI Use Case Inventory

OSC utilizes a comprehensive list of all applications in use within the agency to determine if the applications are AI capable. Annually, the CAIO meets with the primary program/IT owner of AI capable applications to determine if AI capabilities are utilized. If so, the AI use cases are documented and reviewed. In collaboration with the Senior Agency Official for Privacy (SAOP) AI use cases will be evaluated to determine if they should be included in the agency's AI Use Case Inventory.

In addition to the above efforts, the CAIO and CIO will be notified by the CFO of intent by any programs or offices to purchase information technology applications or services. These applications or services will be analyzed for AI capabilities and if necessary, appropriate use cases will be approved and documented in the agency's AI Use Case Inventory.

4. Fostering Public Trust in Federal Use of AI

Determinations of Presumed High-Impact AI

Each AI use case within the agency's AI Use Case Inventory will be evaluated to determine whether it should be characterized as "high-impact AI" under M-25-21. AI is considered high-impact when its output serves as a principal basis for decisions or actions that have a legal, material, binding, or significant effect on rights or safety. In collaboration with the CIO and SAOP, the CAIO will evaluate the AI's specific output and its potential risks when assessing the applicability of the high-impact definition.

Implementation of Risk Management Practices and Termination of Non-Compliant AI

OSC has no high-impact AI use cases and does not plan to pursue uses of AI that would qualify as "high-impact" under M-25-21. Therefore, the agency has not developed (1) agency-specific minimum risk management practices for high-impact AI, or (2) agency-specific procedures for issuing, denying, revoking, certifying, and tracking waivers for one or more of the minimum risk management practices. However, to ensure compliance with the requirements of M-25-21, OSC will develop and implement such practices and procedures by April 2, 2026.

As OSC does not plan to pursue any use of AI that qualifies as high-impact, the agency complies with M-25-21's requirement to safely discontinue any high-impact AI use cases non-compliant with the requirements in section 4 of the memorandum.