Federal Mine Safety and Health Review Commission (FMSHRC)

Compliance Plan for OMB Memorandum M-25-21

September 2025

Version:1.0

REVISION HISTORY

Date	Name	Description of Change	Version
6/27/2025		Original Draft	1.0
9/29/2025		Final Version -Approved	1.0

1. Background

Federal Mine Safety and Health Review Commission (FMSHRC) is a small, independent federal agency with fewer than 55 employees and a focused regulatory and oversight mission. FMSHRC is committed to adopting artificial intelligence (AI) technologies in a responsible, transparent, and tailored manner, considering our limited staffing and budgetary resources. While FMSHRC AI adoption is currently restricted in scope and scale, we recognize the importance of aligning with OMB Memorandum M-25-21 and the AI in Government Act of 2020. This compliance plan outlines our strategy for overcoming barriers to responsible AI use, implementing effective governance structures, and fostering public trust through transparent and accountable practices.

2. Driving AI Innovation

As a small agency, our innovation strategy prioritizes low-risk, incremental use of AI within mission support and administrative functions. We aim to utilize AI to automate document classification, enhance internal workflows, and facilitate limited data analysis tasks. Given our resource constraints, our approach emphasizes leveraging shared services, acquiring FedRAMP-authorized AI tools, and maximizing the reuse of government-wide models and solutions where feasible. Innovation at FMSHRC will focus on efficiency, cost-effectiveness, and responsible experimentation with existing technologies under proper oversight.

2.1. Removing Barriers to the Responsible Use of AI

As a small agency with a limited IT and acquisition staff, FMSHRC faces several challenges in adopting AI responsibly. These include the lack of pre-approved tools, restricted access to testing environments, and limited legal and privacy resources for vetting AI use. We are addressing these barriers by collaborating with the Small Agency CIO and CISO Councils to identify shared resources and contract vehicles, and by prioritizing low-risk AI experiments within our existing cloud environment. We also seek to leverage existing partnerships with GSA and CISA for guidance and infrastructure support.

2.2. Sharing and Reuse

Given FMSHRC’s small size and limited internal development capacity, most AI tools will likely be acquired or pre-integrated into existing software platforms. We have begun internal coordination between IT, privacy, and legal staff to track use cases and metadata standards that support reuse and documentation. The Director of Information Technology's office will serve as the hub for collecting and publishing AI code and models that can be shared, provided they are contractually and legally permissible. We also plan to engage with Code.gov and GSA's AI Community of Practice to align our efforts with federal guidance.

2.3. AI Talent

FMSHRC does not currently have dedicated AI staff. Our goal is to build general awareness across our IT and program management workforce through short courses on responsible AI use and acquisition. We are prioritizing training in risk management, bias mitigation, and legal compliance as they relate to vendor-provided artificial intelligence (AI). We also support interagency training events and rotational assignments to temporarily bring in technical expertise.

3. AI Maturity Goals

Due to our size, FMSHRC has adopted a streamlined but effective governance model for AI oversight. We maintain a cross-functional governance team, led by the CAIO, to review and approve the use of AI and associated risks. This body coordinates internal policy alignment, risk review, privacy impact assessments, and cross-agency collaboration. Our approach is designed to ensure appropriate scrutiny, documentation, and compliance without creating unnecessary administrative burden.

3.1. AI Governance Board

As a non-CFO Act agency, FMSHRC is not required to establish a formal AI Governance Board. However, we have designated a small cross-functional working group led by the CAIO. This group includes representatives from IT, acquisition, legal, privacy, and civil rights to review and approve new AI use cases. The group consults with federal guidance and external subject matter experts (SMEs) as needed and participates in relevant interagency communities.

3.2. Agency Policies

FMSHRC is updating its IT acquisition SOPs to require AI use case review and documentation before deployment. We have revised our internal IT policy to reflect FedRAMP and OMB guidance on data provenance and the use of machine learning-based tools. A draft policy on generative AI is currently underway, focusing on use restrictions, transparency, and employee training. We will finalize this policy by January 2026.

3.3. AI Use Case Inventory

The FMSHRC IT Director, which holds both the CISO and CAIO roles, is developing a streamlined process to collect input from each program office on any planned or existing AI use cases, including the use of embedded AI in commercial software. The CIO office will maintain the central inventory. For each case, staff will document its purpose, inputs, outputs, and whether it meets the definition of high impact. Special consideration will be made for AI tools, services, and capabilities that are included as part of high-impact services. Updates will be solicited annually and at the time of significant changes.

4. Shared Services and External Collaboration

Due to our size, FMSHRC has adopted a streamlined but effective governance model for AI oversight. We maintain a cross-functional governance team, led by the Director of IT/CAIO, to review and approve the use of AI and associated risks. This body coordinates internal policy alignment, risk review, privacy impact assessments, and cross-agency collaboration. Our approach is designed to ensure appropriate scrutiny, documentation, and compliance without creating unnecessary administrative burden.

4.1. Determinations of Presumed High-Impact AI

The CAIO will review all new and existing AI use cases against the high-impact criteria in M-25-21. As a baseline, we will consider any AI used in programming decisions, public interactions, or oversight activities for further scrutiny. Our internal risk matrix includes additional criteria for potential impact on due process, fairness, and accessibility. Waivers will only be considered in coordination with legal and civil rights staff and will be tracked in a central log maintained by the Director of Information Technology (DIT).

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

The CAIO will ensure pre-deployment reviews and AI impact assessments are conducted for any high-impact use cases. If we lack source access to proprietary models, we will implement alternative evaluation methods such as output monitoring and vendor attestations. Any AI use that fails to meet minimum safeguards will be suspended, and a remediation plan will be developed. The CAIO maintains the authority to approve or revoke the use of AI, with input from our working group.

APPENDIX A: TERMS AND DEFINITIONS

Technology Resources – means hardware, software, and communications equipment, including, but not limited to, personal computers, mainframes, wide and local area networks, servers, mobile or portable computers, peripheral equipment, telephones, wireless communications, public safety radio services, facsimile machines, technology facilities including, but not limited to, data centers, dedicated training facilities, and switching facilities, and other relevant hardware and software items as well as personnel tasked with the planning, implementation, and support of technology.

Artificial Intelligence - tools or systems used to create models that can generate new and original content, such as images, music, or text, based on patterns and examples from existing data.