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Subject: AmeriCorps OIG Response to ARRP Phase 1
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Dear Office of Personnel Management (OPM) and Office of Management and Budget (OMB):

The AmeriCorps Office of Inspector General (AmeriCorps OIG) is providing its response to the February 11, 2025 Executive Order *Implementing the President's "Department of Government Efficiency" Workforce Optimization Initiative* (Executive Order) and supplemental OPM guidance. As the Executive Order directs that it "shall be implemented consistent with applicable law", we are submitting this report independent of AmeriCorps in accordance with the Inspector General Act of 1978, as amended (IG Act). 5 U.S.C. §§ 401-424.

Exclusion from Workforce Optimization

AmeriCorps OIG is an establishment Inspector General. 5 U.S.C. § 401(1). Pursuant to 5 U.S.C. § 402, AmeriCorps OIG is authorized to conduct law enforcement activities for fraud, waste, and abuse prevention, detection and investigations in AmeriCorps programs and operations, and carry out public safety functions.

The Executive Order defines law enforcement as "engagement in or supervision of the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law." The Executive Order's reduction in force preparations "do not apply to functions related to public safety, immigration enforcement, or law enforcement." OPM's subsequent guidance further provides specific exclusions for positions that are necessary to meet law enforcement or public safety responsibilities.

To carry out our independent statutory oversight functions, Inspectors General are authorized to "select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General." 5 U.S.C. 406(a)(7). The Executive Order expressly notes under Section 5(a) that nothing in this order shall be construed to impair or otherwise affect: (1) the authority granted by law to an executive department, agency, or the head thereof; and (b) this order shall be implemented consistent with applicable law and subject to the availability of appropriations.

All AmeriCorps OIG positions are established to meet law enforcement responsibilities. AmeriCorps OIG's staff of law enforcement professionals, including special agent/criminal investigators, auditors, and attorneys, are all necessary to meet and/or support mandated law enforcement responsibilities. AmeriCorps OIG's current components and positions are essential to meeting the OIG's law enforcement and public safety responsibilities. Due to our small size, AmeriCorps OIG lacks necessary staff redundancies in areas critical to performing and supporting our mission. Based

on the above, AmeriCorps OIG, as a law enforcement entity mandated with the “prevention, detection, investigation . . . of any person for, any violation of law”, is excluded from the provisions of the Executive Order under the guidance of the joint OMB and OPM memorandum.

AmeriCorps OIG is a Statutorily Required Entity with Mandated Functions

AmeriCorps OIG is a statutorily required entity under the IG Act to prevent, detect, and investigate fraud, waste, and abuse in AmeriCorps programs and operations. Our statutory mandate requires us to conduct investigations and audits of AmeriCorps programs, operations, and activities.

Pursuant to the IG Act, AmeriCorps OIG conducts criminal, civil, and administrative investigations related to AmeriCorps employees, programs, operations, grants, and contracts. Subjects of our criminal, civil, and administrative investigations may be agency employees, contractors, consultants, or any person or entity involved in alleged wrongdoing affecting AmeriCorps programs or operations. As an oversight office, AmeriCorps OIG does not deliver services to the public in the sense we understand for the list requested. However, AmeriCorps OIG employees often interact with members of the public during oversight activities such as investigations, audits, evaluations, and outreach activities. Additionally, AmeriCorps OIG, as mandated by the IG Act, provides direct services to the public through our public-facing website and Fraud Hotline, which is a direct mechanism to the Federal government for citizens to report fraud, waste, abuse, and mismanagement involving AmeriCorps programs or operations. 5 U.S.C. §§ 407(a), 420(a)(1). Most AmeriCorps OIG investigations are opened based on complaints made by the public.

In addition, AmeriCorps OIG has law enforcement authority to assist in criminal investigations. AmeriCorps OIG investigators are law enforcement officers as defined in 5 U.S.C. § 5541(3). AmeriCorps OIG authorities include the ability to carry firearms while engaging in official duties, and seek and execute warrants for arrests, searches of premises, and seizures of evidence. AmeriCorps OIG investigations provide for the public safety of AmeriCorps beneficiaries, who are at-risk individuals, primarily younger and older Americans. AmeriCorps OIG works with the Department of Justice, referring to and reporting on criminal and civil matters, and reports the results of administrative investigations to AmeriCorps management for potential disciplinary or remedial action.

AmeriCorps OIG is also mandated by statute to conduct audits of agency programs and operations, including three annual statutorily required audits.

- Financial Statement Audit. 31 U.S.C. § 3521;
- Information Security (FISMA), Federal Information Security, Modernization Act of 2014. 44 U.S.C. § 3555; and
- Improper Payments, Payment Integrity Information Act of 2019 (PIIA). Pub. L. No. 116-117; (See *also*, Improper Payments Elimination and Recovery Improvement Act of 2012, Pub. L. No. 112-248; Improper Payments Elimination and Recovery Act of 2010, Pub. L. No. 111-204).

In addition, to fulfill our statutory obligation to conduct audits, AmeriCorps OIG executes performance audits of AmeriCorps contractors and grantees. Performance audits typically identify questioned costs and money put to better use. These audits return Federal funds to the U.S. Treasury and/or prevent future fraud, waste, and abuse of AmeriCorps funds. OIG audits are conducted in accordance with Generally Accepted Government Auditing Standards (called the “Yellow Book”), OMB guidance, Council of the Inspectors General on Integrity and Efficiency (CIGIE) guidance, and other professional standards.

Other AmeriCorps OIG statutory requirements include:

- Conduct, supervise, and coordinate audits and investigations regarding the programs and operations of AmeriCorps. 5 U.S.C. § 404(a)(1);
- Review legislation and regulations relating to AmeriCorps and make recommendations regarding efficiency or prevention or detection of fraud and abuse. 5 U.S.C. § 404(a)(2).
- Report to the Attorney General whenever AmeriCorps OIG identifies reasonable grounds to believe there has been a violation of criminal law. 5 U.S.C. § 404(d);
- Permissive receipt of employee complaints. 5 U.S.C. § 407;
- Make recommendations regarding economy, efficiency, as well as detecting fraud and abuse. 5 U.S.C. § 404(a)(3)-(4);
- Review Agency Charge Cards, Government Charge Card Abuse Act of 2012. Pub. L. No. 112-194;
- Review Agency Privacy and Data. 42 U.S.C. § 2000ee-2;
- Report relating to Anti-Trafficking-In-Persons. Pub. L. No. 117-348, Sec. 122;
- Conduct mandatory review of, and report regarding non-frivolous contractor and grantee whistleblower retaliation complaints. 41 U.S.C. § 4712; and
- Ensure compliance with mandates regarding Records (e.g., the Federal Records Act, 44 U.S.C. Chapter 31), information law (e.g., the Freedom of Information Act, 5 U.S.C. § 552, and Privacy Act 5 U.S.C. § 552a) and fiscal mandates (e.g., the Antideficiency Act, 31 U.S.C. § 1341).

The IG Act also requires statutory reporting to Congress of AmeriCorps OIG’s activities on a semiannual basis and of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of AmeriCorps programs and operations. 5 U.S.C. §§ 405(b), (e). In addition, AmeriCorps OIG regularly meets with authorizing committee staff and appropriations staff regarding our work.

AmeriCorps OIG Has Not Recovered from its 2012 Reduction in Force

AmeriCorps OIG remains significantly understaffed since a 2012 reduction in force. Fiscal year 2012 Congressional appropriations cut AmeriCorps OIG’s budget by approximately 49 percent. Due to the significant decrease in funding, it was necessary for AmeriCorps OIG to reduce its personnel size from 36 employees to just 15 employees through a reduction in force. Importantly, AmeriCorps’ funding was not reduced in 2012 and has continued to increase since that time.

Despite recent OIG budget growth, AmeriCorps OIG has struggled to recover from

the reduction in force. AmeriCorps OIG's fiscal year 2024 budget supports 29 positions, or 80% of its 2012 budget. With the current hiring freeze, AmeriCorps OIG operates at just 64% of our 2012 budget, with only 22 positions filled. We remain understaffed, lacking redundancies in many areas, including information technology support, and lack the ability to conduct performance audits due to staffing vacancies, severely limiting our ability to identify fraud, waste, and abuse. Any further staff loss poses a severe risk of mission failure.

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