DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224
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OFFICE OF
CHIEF COUNSEL

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MEMORANDUM FOR ASSISTANTS REGIONAL COUNSEL (CRIMINAL TAX)

FROM: Barry J. Finkelstein
                        Assistant Chief Counsel (Criminal Tax) CC:EL:CT

SUBJECT: Treasury Inspector General for Tax Administration

The Secretary recently issued Treasury Order 115-01, setting out the authority and responsibility of the newly-created Treasury Inspector General for Tax Administration (TIGTA). In addition, the Commissioner and the Acting TIGTA recently entered into an MOU regarding the investigative jurisdiction of IRS-CID and the TIGTA. Copies of both documents are attached.

The MOU project originally represented an effort by the Assistant Commissioner (Criminal Investigation) and the then-Chief Inspector to delineate the two functions' responsibilities, to prevent disputes and facilitate cooperation. The IRS Restructuring and Reform Act of 1998, P. L. 105-206, transferred most of Inspection's functions to the TIGTA, as well as creating expanded authority for the TIGTA. Paragraph 2.a.7 of the Treasury Order refers to the respective responsibilities of the TIGTA and the IRS to enforce criminal law, and directs the two entities to develop policies and procedures to assure a clear delineation of their respective jurisdictions. The MOU is the result.

Points of interest regarding TIGTA's authority include the provision of money laundering jurisdiction (MOU § II and T.O. 115-01, § 2.a.(12)), and the final say in matters regarding substantive tax offenses committed by IRS personnel (MOU § II.I and III). The Treasury Order states that TIGTA will not perform actual program operating responsibilities (§ 1.g.).

If questions arise concerning the interpretation of these documents, or if you are consulted in the context of CI-TIGTA jurisdictional issues, please call on Rich Delmar, who may be reached on (202) 622-4470.

Attachments (2)