



MANUAL TRANSMITTAL

Department of the Treasury
Internal Revenue Service

1.1.26

NOVEMBER 7, 2023

EFFECTIVE DATE

(11-07-2023)

PURPOSE

- (1) This transmits revised IRM 1.1.26, *Organization and Staffing, Whistleblower Office*.

BACKGROUND

- (1) This IRM describes the Whistleblower Office, its structure and responsibilities

MATERIAL CHANGES

- (1) IRM 1.1.26.1.3 - Removed responsibility for discontinued governance board.
- (2) IRM 1.1.26.1.3.1(3) - Clarified mission statement.
- (3) IRM 1.1.26.1.3.3(3) - Updated responsibilities for Strategic Planning and Program Operations.
- (4) IRM 1.1.26.1.3.3.1(3) - Further described Quality Assurance and Data Reporting responsibilities to include monitoring of key performance metrics.
- (5) IRM 1.1.26.1.4 - Further described annual report requirements.
- (6) Updated throughout to reflect changes from one deputy director to two associate directors.
- (7) Editorial updates made throughout the section that did not result in substantive changes.

EFFECT ON OTHER DOCUMENTS

IRM 1.1.26, dated September 29, 2021 is superseded

AUDIENCE

All Divisions and Functions

John W. Hinman
Director, Whistleblower Office

1.1.26

Whistleblower Office

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1.1.26.1
(01-11-2018)
Program Scope and Objectives

- (1) *Purpose:* This IRM section describes the organization and staffing of the Whistleblower Office.
- (2) *Audience:* Servicewide.
- (3) *Policy Owner:* Director, Whistleblower Office is the policy owner of this program
- (4) *Program Owner:* Director, Whistleblower Office is the program office responsible for oversight over this program.

1.1.26.1.1
(01-11-2018)
Background

- (1) On December 20, 2006, the Tax Relief and Health Care Act of 2006 (the Act) was enacted. Section 406 of the Act amends Internal Revenue Code (IRC) Section 7623 concerning the payment of awards to whistleblowers. The amendment made significant changes to the IRS award program and also required the establishment of a Whistleblower Office within the Internal Revenue Service that has responsibility for the administration of the award program. The 2006 amendments re-designated the prior IRC Section 7623 as IRC Section 7623(a), added new provisions as IRC Section 7623(b), and included program administration requirements that were not incorporated into the Internal Revenue Code.

1.1.26.1.2
(01-11-2018)
Authority

- (1) The Whistleblower Office administers the Whistleblower Program governing payment of awards under IRC Section 7623.

1.1.26.1.3
(11-07-2023)
Responsibilities

- (1) The Whistleblower Office:
 - a. Reviews and evaluates claims for an award filed by whistleblowers.
 - b. Coordinates whistleblower claims with other functions within the Service.
 - c. Monitors claims throughout the life of each claim, including through the investigation, examination, appeals, collection process, and award issuance.
 - d. Evaluates the contribution of the information brought forward by the whistleblower.
 - e. Makes a determination about the appropriateness of an award including the applicable award percentage, amounts attributable, and collected proceeds.
 - f. Facilitates communication with external and internal customers and stakeholders concerning the Whistleblower Program.

1.1.26.1.3.1
(11-07-2023)
Whistleblower Office

- (1) The Whistleblower Office was established as a result of enactment of the Tax Relief and Health Care Act of 2006 (the Act), signed into law on December 20, 2006. Section 406 of the Act amended IRC Section 7623 concerning the payment of awards. The prior statutory authority to pay awards was reassigned as IRC Section 7623(a) and a new IRC Section 7623(b) was added. Additional provisions in Section 406 of the Act required establishment of a Whistleblower Office within the IRS to address award program administration issues. The IRC Section 7623(a) awards remains as a discretionary program while awards under IRC Section 7623(b) are statutory provided certain criteria are met.
- (2) The Director, who reports to the Commissioner and to the Deputy Commissioner, Services and Enforcement, has primary supervisory responsibility for the Whistleblower Office, including oversight and control of all policy decisions and implementation.

- (3) The mission of the Whistleblower Office is to effectively administer the Whistleblower Program by ensuring:
 - a. IRS compliance functions receive and consider specific, timely, and credible whistleblower claims that identify non-compliance with tax laws or other laws the IRS is authorized to administer, enforce, or investigate;
 - b. Whistleblowers receive required notifications timely; and
 - c. Awards are fairly determined and timely paid.
- (4) To accomplish the mission, the Director:
 - a. Coordinates with operating divisions, Criminal Investigation, and Counsel.
 - b. Defines and communicates key performance goals.
 - c. Analyzes Whistleblower Program trends to drive policy and outreach strategies.
 - d. Develops clear process standards within the Whistleblower Program.
 - e. Develops and fosters working relationships with partner organizations.
 - f. Conducts outreach activities with external stakeholders to educate and guide actions to improve submissions.
 - g. Develops educational strategies and designs curriculum focusing on developing Whistleblower Office key competencies.
 - h. Develops and directs the implementation of office policy and procedures.
 - i. Monitors performance goals.
 - j. Sets policy pertaining to whistleblower claims.
 - k. Provides technical guidance.
 - l. Conducts a study each year and reports to Congress on the use of IRC Section 7623 and any legislative or administrative recommendations for IRC Section 7623.
 - m. Monitors and maintains the Whistleblower Office e-mail inbox.
 - n. Acts as a liaison for Freedom of Information Act requests.
 - o. Acts as a liaison with Congress for the Whistleblower Office.
- (5) The following report to the Director, Whistleblower Office.
 - a. Associate Director, Claim Administration.
 - b. Associate Director, Strategic Planning and Program Operations
 - c. Technical Advisor

1.1.26.1.3.2
(11-07-2023)

Claim Administration

- (1) The Associate Director, Claim Administration, reports to the Director, Whistleblower Office.
- (2) Claim Administration is primarily responsible for direction, guidance, and oversight of Case Development and Oversight; Award Recommendation and Coordination; and Litigation, Monitoring, and Notification Teams.
- (3) To accomplish its mission, Claim Administration:
 - a. Approves award determinations or makes recommendations for Director approval according to delegated authority.
 - b. Reviews and evaluates the activities of Claim Administration subordinate organizations to measure the achievement of Whistleblower Program objectives.
 - c. Coordinates with other internal and external functions to improve operations, provide a customer forum, and build alliances.
 - d. Works with practitioners, industry stakeholders, and government agencies.

- e. Identifies and coordinates on emerging and unique issues.

1.1.26.1.3.2.1
(11-07-2023)

Case Development and Oversight

- (1) The Manager, Case Development and Oversight (CDO), reports to the Associate Director, Claim Administration.
- (2) CDO is primarily responsible for reviewing and developing information submitted by whistleblowers, coordinating with the operating divisions, and award determinations based on feedback from the operating divisions.
- (3) To accomplish its mission, CDO:
 - a. Evaluates submissions filed by whistleblowers for awards.
 - b. Refers cases to operating divisions as appropriate.
 - c. Provides coordination with the operating divisions to ensure whistleblower submissions are evaluated in a timely manner and in accordance with established policy and procedures.
 - d. Monitors the cases through examination, investigation, assessment and collection of proceeds.
 - e. Reviews the operating divisions' examination results to evaluate the whistleblower's contribution and performs complex award calculations in order to recommend an award percentage and amount.
 - f. Prepares a proposed determination to the Director, Whistleblower Office.
 - g. Acts as liaison for the Whistleblower Office and the operating divisions.

1.1.26.1.3.2.2
(11-07-2023)

Award Recommendation and Coordination

- (1) The Manager, Award Recommendation & Coordination (ARC), reports to the Associate Director, Claim Administration.
- (2) ARC provides award processing for the Whistleblower Office.
- (3) To accomplish its responsibilities, ARC:
 - a. Reviews the operating divisions' examination results to evaluate the whistleblower's contribution, recommends an award percentage and amount, and finalizes award calculations.
 - b. Prepares and issues award determination letters.

1.1.26.1.3.2.3
(11-07-2023)

Litigation, Monitoring and Notifications

- (1) The Manager, Litigation, Monitoring, and Notifications (LMN), reports to the Associate Director, Claim Administration.
- (2) LMN provides litigation support, payment monitoring, and required Taxpayer First Act of 2019 Notifications for the Whistleblower Office.
- (3) To accomplish its responsibilities, LMN:
 - a. Coordinates with Counsel on all matters related to petitioned award determinations.
 - b. Assists in award computations for complex claims.
 - c. Monitors target taxpayers for proceeds related to whistleblower claims.
 - d. Sends required Taxpayer First Act of 2019 Notifications.

1.1.26.1.3.3
(11-07-2023)

Strategic Planning and Program Operations

- (1) The Associate Director, Strategic Planning and Program Operations (SPPO), reports to the Director, Whistleblower Office.

- (2) SPPO provides oversight of the Quality Assurance and Data Reporting team and administration of budget, policy and procedure guidance, personnel, staffing activities, and strategic planning, for the Whistleblower Office
- (3) To accomplish its responsibilities, SPPO:
 - a. Coordinates strategic objectives and plans for the Director, Whistleblower Office.
 - b. Maintains a high level of communication with Claim Administration and with Counsel to address changing needs and emerging issues.
 - c. Oversees the financial resources of the Whistleblower Office including tracking resource usage against targets and establishing financial policies, procedures, and controls in accordance with overall Service guidelines and procedures.
 - d. Develops and issues policy, procedural guidance, and technical analysis for administering the Whistleblower Program.
 - e. Oversees risk management activities.
 - f. Supports educational strategies and serves as key advisor for the Whistleblower Program education and training activities.
 - g. Supports the Whistleblower Office with workforce forecasting, recruitment planning and identification, and resolution of division-wide labor management issues.
 - h. Provides strategy and oversight for all internal and external communications affecting Whistleblower Office, including marketing and media relations.
 - i. Oversees the Whistleblower Office's database platform (e-Trak).
 - j. Oversees the Whistleblower Office compliance with federal tax and information filing requirements for whistleblower award payments.
 - k. Authorizes release of funds for purposes of paying a whistleblower award under IRC Section 7623 in accordance with delegated authority.

1.1.26.1.3.3.1

(11-07-2023)

Quality Assurance and Data Reporting

- (1) The Manager, Quality Assurance and Data Reporting (QADR), reports to the Associate Director, SPPO
- (2) QADR provides quality assurance reviews of all aspects of the whistleblower program, data validation, and preparation of the annual report to Congress.
- (3) To accomplish its responsibilities, QADR:
 - a. Develops data collection requirements and performs data analysis in order to measure program results and monitors key performance metrics.
 - b. Ensures Whistleblower Office and operating division personnel follow applicable policy and procedures when working whistleblower claims.
 - c. Identifies quality improvement opportunities.

1.1.26.1.3.4

(11-07-2023)

Initial Claims Evaluation

- (1) Effective July 10, 2016, the Whistleblower Office's case processing operation, the Initial Claim Evaluation Team (ICE), was realigned to Small Business/Self-Employed (SB/SE). ICE acts as the primary receipt and control function responsible for performing whistleblower claim intake, monitoring, award processing, and responding to correspondence and telephone inquiries from internal and external customers.
- (2) The Whistleblower Office has strategy, policy, administration, oversight, review, and reporting responsibility for the Whistleblower Program. In this capacity, the

Whistleblower Office retains procedural and policy oversight of ICE. The Whistleblower Office will work with SB/SE to ensure:

- a. ICE's procedures and processes are consistent with Whistleblower Office policy,
 - b. Established processing time frames are met, and
 - c. Work is performed consistent with procedures.
- (3) SB/SE has operational responsibility for the ICE Unit. In this capacity, SB/SE will ensure that ICE resources are used efficiently and effectively. SB/SE will determine the staff levels needed to deliver the Whistleblower Program expectations.

1.1.26.1.4
(11-07-2023)
Program Reports

- (1) The Whistleblower Office must conduct a study annually and report to Congress on the use of IRC Section 7623, including an analysis of the use of such section during the preceding year and the results of such use, and any legislative or administrative recommendations regarding the provisions of such section and its application.

1.1.26.1.5
(01-11-2018)
Terms

- (1) For a list of terms used throughout the Whistleblower Program see IRM 25.2.1.1.3, *Terms*, and IRM 25.2.2.1.4, *Terms*.

1.1.26.1.6
(01-11-2018)
Acronyms

- (1) For a list of acronyms used throughout the Whistleblower Program see IRM 25.2.1.1.4, *Acronyms*, and IRM 25.2.2.1.5, *Acronyms*.

1.1.26.1.7
(11-07-2023)
Related Resources

- (1) The following resources provide additional information on the Whistleblower Office:
- Whistleblower Office intranet website - <https://irs.gov.sharepoint.com/sites/WO>.
 - IRS.gov public website - <https://www.irs.gov/compliance/whistleblower-office>.
 - IRM 25.2.1, *General Operating Division Guidance for Working Whistleblower Claims*.
 - IRM 25.2.2, *Whistleblower Awards*.
 - Pub 5251, *The Whistleblower Claim Process*.

