



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

SMALL BUSINESS/SELF-EMPLOYED DIVISION

November 18, 2020

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Expiration Date: November 18, 2021

Affected IRM: 4.26.16

MEMORANDUM FOR DIRECTOR, SPECIALTY EXAMINATION, CHIEF, BSA  
EXAMINATION, TERRITORY/GROUP MANAGERS, BSA EXAMINATION, BSA  
EXAMINERS

FROM: Wanda R. Griffin, Director,  
Specialty Examination Policy

SUBJECT: Interim Guidance on the IRS Authority Previously Delegated  
through Treasury Directive 15-41

This memo is a reissuance of interim guidance SBSE-04-1019-0046 which conveys the authority of the IRS to take actions that were previously noted in the IRM as delegated through Treasury Directive (TD) 15-41.

**Background:** The IRS, with concurrence of the Financial Crimes Enforcement Network (FinCEN), rendered TD 15-41 obsolete when it was cancelled as of June 5, 2017. This same authority is conveyed in The USA Patriot Act, Bank Secrecy Act Regulations, and memoranda of agreement between FinCEN and the IRS.

**Sources of Authority:**

- a. 31 CFR Chapter X
- b. 31 CFR 1010.810(b)(8)
- c. 31 CFR 1010.810(f)
- d. 31 CFR 1010.810(g)
- e. 31 CFR 1010.912(b)
- f. Treasury Order 180-01
- g. Memorandum of Understanding between FinCEN and IRS dated September 24, 2010.
- h. Letter agreement titled "Electronic Access by the IRS SB/SE to BSA Information for Title 31 Purposes" signed May 20, 2004.
- i. Memorandum of Agreement and Delegation of Authority for Enforcement of FBAR Requirements dated April 2, 2003.
- j. Memorandum of Understanding and Delegation of Authority to Examine Nonfinancial Trades and Businesses dated April 10, 2015.

**Procedural Change:** The Department of the Treasury has primary responsibility for implementing and enforcing the BSA. The Secretary of the Treasury delegated the authority to administer the BSA to the Director, FinCEN who re-delegated responsibility for assuring civil compliance with the law to various federal agencies including the IRS. FinCEN's re-delegation of authority to examine certain financial institutions to determine compliance with BSA requirements to the Commissioner, IRS, is found in the sources listed above.

**Effective Date:** This guidance is effective on November 18, 2020.

**Expiration Date:** This guidance will be incorporated into IRM 4.26.16 by November 18, 2021.

**Contact:** If you have questions concerning this interim guidance, contact Theresa Newton, Program Manager, BSA Policy.

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