



WHISTLEBLOWER OFFICE

**DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, DC 20224**

May 08, 2018

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MEMORANDUM FOR WHISTLEBLOWER OFFICE EMPLOYEES

FROM: Lee D. Martin
DIRECTOR, WHISTLEBLOWER OFFICE

SUBJECT: Collected Proceeds

The Bipartisan Budget Act of 2018 (BBA 2018) amended IRC section 7623 by adding a new subsection (c): Proceeds. — For purposes of this section, the term ‘proceeds’ includes — (1) Penalties, interest, additions to tax, and additional amounts provided under the internal revenue laws, and (2) Any proceeds arising from laws for which the Internal Revenue Service is authorized to administer, enforce, or investigate, including — (A) Criminal fines and civil forfeitures, and (B) Violations of reporting requirements.

When reviewing a Form 11369 or making an award determination analyst must look over the Form 211 for allegations that may result in non-title 26 proceeds (e.g. FBAR or Criminal Activity).

If the claim is surveyed then no special review is needed. If the claim is not a survey then review the Form 211 for potential non-title 26 issues and/or proceeds.

If there is a potential for non-title 26 proceeds related to FBAR then contact the FBAR Penalty Coordinator to find out if there is a record of FBAR proceeds. Document the results in e-Trak.

If there is a potential for non-title 26 proceeds related to Criminal Activity then review the Special Agent’s Report and Judgement Documents (like the Judgement and Commitment (J&C)) for any non-title 26 proceeds. Document the results in e-Trak.

If there is a potential for other non-Title 26 proceeds then contact the SPPA Policy Analyst to identify the appropriate point of contact for monitoring/verifying proceeds.