
TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION



*Independent Attestation Review of the
Internal Revenue Service's Fiscal Year 2018
Annual Accounting of Drug Control Funds
and Related Performance*

February 26, 2019

Reference Number: 2019-10-020

This report has cleared the Treasury Inspector General for Tax Administration disclosure review process and information determined to be restricted from public release has been redacted from this document.

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HIGHLIGHTS

INDEPENDENT ATTESTATION REVIEW OF THE INTERNAL REVENUE SERVICE'S FISCAL YEAR 2018 ANNUAL ACCOUNTING OF DRUG CONTROL FUNDS AND RELATED PERFORMANCE

Highlights

Final Report issued on February 26, 2019

Highlights of Reference Number: 2019-10-020
to the Commissioner of Internal Revenue.

IMPACT ON TAXPAYERS

The IRS supports the National Drug Control Strategy through its continued support of the Organized Crime Drug Enforcement Task Force. Complete and reliable financial and performance information is critical to the IRS's ability to accurately report on the results of its operations to both internal and external stakeholders, including taxpayers.

IRS management is responsible for preparing the annual Office of the National Drug Control Policy (ONDCP) Detailed Accounting Submission and Performance Summary Report. TIGTA reviewed the assertions in the IRS's Fiscal Year 2018 report.

WHY TIGTA DID THE AUDIT

This review was conducted as required by the ONDCP and ONDCP Circular: *Accounting of Drug Control Funding and Performance Summary*, dated May 8, 2018. The National Drug Control Program agencies are required to submit to the Director of the ONDCP, not later than February 1 of each year, a detailed accounting of all funds expended (the ONDCP Circular requires amounts obligated) during the previous fiscal year. Agencies must also identify and document performance measures that show the results associated with these expenditures.

Further, the ONDCP Circular requires that the agency provide the report to the agency's Inspector General prior to its submission for the

purpose of expressing a conclusion about the reliability of each assertion made in the report.

WHAT TIGTA FOUND

TIGTA identified significant variances reported between IRS actual results and its performance goals. The IRS asserted that the explanation provided in the Fiscal Year 2018 Detailed Accounting Submission and Performance Summary Report for not meeting its performance goals (*i.e.*, completed cases, convictions, conviction rate) were reasonable. However, the IRS was unable to provide any analysis supporting its explanation. As such, TIGTA was unable to determine if the IRS assertions are reliable.

Additionally, the ONDCP Circular requires an agency to provide a description of its plans and schedules for meeting future goals if any performance goal for the most recent fiscal year was not met. TIGTA found that the IRS did not include this information in its report.

With the exception of the concerns identified above, nothing came to our attention that caused us to believe that the assertions in the Detailed Accounting Submission and Performance Summary Report are not fairly presented in all material respects in accordance with the ONDCP's established criteria.

WHAT TIGTA RECOMMENDED

TIGTA recommended that the Chief, Criminal Investigation, analyze the causes of any significant variances between the performance goals and actual accomplishments. In addition, the ONDCP assertions should be based on this analysis and include a detailed explanation. Finally, a description of the IRS's plans and schedules for meeting future goals should be included in the Detailed Accounting Submission and Performance Summary Reports when the most recent fiscal year goals are not met.

In their response, IRS management agreed with the recommendation.



TREASURY INSPECTOR GENERAL
FOR TAX ADMINISTRATION

DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

February 26, 2019

MEMORANDUM FOR COMMISSIONER OF INTERNAL REVENUE

FROM: Michael E. McKenney
Deputy Inspector General for Audit

SUBJECT: Final Audit Report – Independent Attestation Review of the Internal Revenue Service’s Fiscal Year 2018 Annual Accounting of Drug Control Funds and Related Performance (Audit # 201810030)

This report presents the results of our attestation review of the Internal Revenue Service’s Fiscal Year 2018 annual accounting of drug control funds and related performance. The overall objective of this review was to express a conclusion about the reliability of each assertion made in the Internal Revenue Service’s report. This review is included in our Fiscal Year 2019 Annual Audit Plan and addresses the major management challenge of Achieving Program Efficiencies and Cost Savings.

Management’s complete response to the draft report is included as Appendix V.

Copies of this report are also being sent to the Internal Revenue Service managers affected by the report recommendation. If you have any questions, please contact me or Deann L. Baiza, Acting Assistant Inspector General for Audit (Management Services and Exempt Organizations).



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Abbreviations

FY	Fiscal Year
IRS	Internal Revenue Service
ONDCP	Office of National Drug Control Policy



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Background

The Anti-Drug Abuse Act of 1988 established the Office of National Drug Control Policy (ONDCP) to set priorities, implement a national strategy, and certify Federal Government drug control budgets.¹ The Internal Revenue Service (IRS) supports the National Drug Control Strategy through its continued support of the Organized Crime Drug Enforcement Task Force. The mission of IRS's Criminal Investigation in Federal law enforcement's anti-drug efforts is to reduce or eliminate the financial gains (profits) of major narcotics trafficking and money laundering organizations through the use of its unique financial investigative expertise and statutory jurisdiction.

The National Drug Control Program agencies² are required to submit to the Director of the ONDCP, not later than February 1 of each year, a detailed accounting of all funds expended (the ONDCP Circular requires amounts obligated) during the previous fiscal year.³ Agencies must also identify and document performance measure(s) that show the results associated with these expenditures. The Chief Financial Officer, or other accountable senior-level executive, of each agency for which a Detailed Accounting Submission is required must provide a Performance Summary Report to the Director of the ONDCP. Further, the ONDCP Circular requires that each report be provided to the agency's Inspector General prior to its submission for the purpose of expressing a conclusion about the reliability of each assertion made in the report.

Since Fiscal Year (FY) 2014, the IRS has modified the methodology it uses to report ONDCP expenditures to include costs applicable to all narcotics investigations. Previously, the IRS reported only costs applicable to narcotics investigations performed as part of a coordinated task force. IRS officials stated that this change was made to allow for more comprehensive reporting of the resources it devotes to the National Drug Control Strategy. This change was approved by the ONDCP. The reporting of performance measures was similarly modified to include accomplishments applicable to all narcotics investigations.

This review was conducted as required by the ONDCP and ONDCP Circular: *Accounting of Drug Control Funding and Performance Summary*, dated May 8, 2018. We performed this review at the IRS Headquarters offices of the Chief Financial Officer and Chief, Criminal Investigation, in Washington, D.C., during the period July 2018 through December 2018. Our review was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and in compliance with generally accepted government

¹ Pub. L. No. 100-690, 102 Stat. 4181 (1988).

² A National Drug Control Program agency is defined as any agency that is responsible for implementing any integral aspect of the National Drug Control Strategy.

³ Any yearly accounting period, regardless of its relationship to a calendar year. The Federal Government's fiscal year begins on October 1 and ends on September 30.



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auditing standards. An attestation review is substantially less in scope than an examination, the objective of which is the expression of an opinion on the report. Accordingly, we do not express such an opinion. In general, our review procedures were limited to inquiries and analytical procedures appropriate for an attestation review based upon the criteria in the ONDCP Circular. Detailed information on our audit objective, scope, and methodology is presented in Appendix I. Major contributors to the report are listed in Appendix II.



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Results of Review

**Summary of the Independent Attestation Review of the Fiscal
Year 2018 Office of National Drug Control Policy Detailed
Accounting Submission and Performance Summary Report**

We reviewed the assertions in the IRS's ONDCP Detailed Accounting Submission and Performance Summary Report (the report) for FY 2018, which ended September 30, 2018.⁴ The report was prepared pursuant to 21 United States Code Section 1704 (d) and the ONDCP Circular. IRS management is responsible for preparing the report.

Our review was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and in compliance with generally accepted government auditing standards. An attestation review is substantially less in scope than an examination, the objective of which is the expression of an opinion on the report. Accordingly, we do not express such an opinion.

We identified significant variances reported between IRS actual results and its performance goals. The IRS asserted that the explanation it provided for not meeting the performance goals (*i.e.*, completed cases, convictions, conviction rate) is reasonable. However, the explanation provided was insufficient to adequately address the significant variances reported between the actual results and goals. Figure 1 shows the performance goals the IRS missed for FY 2018.

Figure 1: IRS's FY 2018 Missed Performance Goals

Performance Measure	Goal	Actual	Variance
Investigations Completed	936	767	-18%
Convictions	634	483	-24%
Conviction Rate	90.5%	89.6%	-0.9%

Source: IRS's FY 2018 ONDCP Detailed Accounting Submission and Performance Summary Report.

IRS management stated that the IRS did not meet its FY 2018 performance goals due to a reduction in Criminal Investigation special agent staffing. IRS management also stated that agents are being directed to work the most complex investigations, which focuses resources on

⁴ Appendix IV presents the IRS's Fiscal Year 2018 ONDCP Detailed Accounting Submission and Performance Summary Report.



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fewer but more significant investigations. Although the explanation provided generally appears reasonable, the IRS was unable to provide any analysis showing the impact of these trends on the narcotics program. Given the IRS's explanation, the total hours charged to narcotics cases and the number of closed cases should logically decrease from FY 2017. The Detailed Accounting Submission and Performance Summary Report shows the number of closed cases increased from 693 cases in FY 2017 to 767 cases in FY 2018. In addition, the total hours charged to narcotics cases in FY 2018 decreased by less than 1 percent compared to FY 2017. IRS management was unable to provide us with additional support for the variances identified. As such, we are unable to determine if the statements are reliable.

In addition, the ONDCP Circular requires a description of the agency's plans and schedules for meeting future goals if any performance goal for the most recent fiscal year was not met. TIGTA found that the IRS did not include this information in the report. IRS management advised us that they plan to expand the FY 2019 goals to provide additional clarity regarding program performance.

With the exception of the concerns identified above, based on our review, nothing came to our attention that caused us to believe that the assertions in the IRS's Detailed Accounting Submission and Performance Summary Report are not fairly presented in all material respects in accordance with the ONDCP's established criteria.

While this report is an unrestricted public document, the information it contains is intended solely for the use of the IRS, the U.S. Department of the Treasury, the ONDCP, and Congress. It is not intended to be used by anyone other than the specified parties.

Recommendation

Recommendation 1: The Chief, Criminal Investigation, should analyze the causes of any significant variances between the narcotics program performance goals and actual accomplishments. The ONDCP assertions should be based on this analysis and include a detailed explanation. In addition, a description of the plans and schedules for meeting future goals should be included in the Detailed Accounting Submission and Performance Summary Report when the most recent fiscal year goals are not met.

Management's Response: Criminal Investigation officials indicated that they will work with the ONDCP to update the methodology associated with performance measures/goals for the Criminal Investigation's narcotics program. Moreover, Criminal Investigation management indicated they would ensure that plans and schedules for meeting future performance measures are included in the Detailed Accounting Submission and Performance Summary report when there is a significant variance and provide analysis and a detailed explanation.



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Appendix I

Detailed Objective, Scope, and Methodology

Our overall objective was to perform an independent attestation review of the IRS's reporting of FY¹ 2018 ONDCP expenditures and related performance for the purpose of expressing a conclusion about the reliability of each assertion made in the Detailed Accounting Submission and Performance Summary Report. To accomplish our objective, we:

- I. Obtained an understanding of the process used to prepare the FY 2018 Detailed Accounting Submission and Performance Summary Report.
 - A. Discussed with responsible IRS personnel the process used to record ONDCP expenditures and performance information.
 - B. Obtained any documents such as written procedures and supporting worksheets that evidence the methodology used.
- II. Evaluated the reasonableness of the drug methodology process for detailed accounting submissions.
 - A. Reviewed data supporting the Detailed Accounting Submission to establish the relationship to the amounts being reported.
 - B. Verified whether all drug-related activities are reflected in the drug methodology.
 - C. Obtained documentation to support any modifications to the initial drug methodology and verified that the modifications were submitted to the ONDCP for review prior to implementation.
- III. Performed selected reviews of reported obligations in the Detailed Accounting Submission.
 - A. Verified that the Detailed Accounting Submission included all of the elements specified in Section 6 of ONDCP Circular: *Accounting of Drug Control Funding and Performance Summary*.
 - B. Verified the mathematical accuracy of the obligations presented in the Table of FY 2018 Drug Control Obligations.
 - C. Traced the information contained in the Table of FY 2018 Drug Control Obligations to the supporting documentation.

¹ Any yearly accounting period, regardless of its relationship to a calendar year. The Federal Government's fiscal year begins on October 1 and ends on September 30.



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- D. Reviewed the supporting documentation for reasonableness.
- IV. Evaluated the reasonableness of the methodology used to report performance information for National Drug Control Program activities.
 - A. Reviewed data supporting the Performance Summary Report to establish the relationship to the National Drug Control Program activities.
 - B. Verified whether all drug-related activities are reflected in the performance information.
- V. Performed sufficient verifications of reported performance information to support our conclusion on the reliability of the assertions.
 - A. Verified that the Performance Summary Report included all of the elements specified in Section 7 of the ONDCP Circular.
 - B. Verified the mathematical accuracy of the performance information presented.
 - C. Traced the performance information presented to the supporting documentation.
 - D. Reviewed the supporting documentation for reasonableness.
 - E. Verified that explanations for not meeting performance targets are reasonable.



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Appendix II

Major Contributors to This Report

Gregory D. Kutz, Assistant Inspector General for Audit (Management Services and Exempt Organizations)

Deann L. Baiza, Acting Assistant Inspector General for Audit (Management Services and Exempt Organizations)

Troy D. Paterson, Acting Assistant Inspector General for Audit (Management Services and Exempt Organizations)

Alicia P. Mrozowski, Director

Anthony J. Choma, Audit Manager

Paige K. Krivda, Lead Auditor

Angela Garner, Senior Auditor



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Appendix III

Report Distribution List

Deputy Commissioner for Operations Support
Deputy Commissioner for Services and Enforcement
Deputy Chief Financial Officer
Deputy Chief, Criminal Investigation
Director, Office of Audit Coordination



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Appendix IV

*Internal Revenue Service's Fiscal Year 2018
Detailed Accounting Submission
and Performance Summary Report*




CHIEF FINANCIAL OFFICER

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

November 16, 2018

MEMORANDUM FOR MICHAEL E. MCKENNEY
DEPUTY INSPECTOR GENERAL FOR AUDIT

FROM:

For Ursula S. Gillis
Chief Financial Officer 

SUBJECT:

Annual Accounting and Authentication of Fiscal Year (FY) 2018
Drug Control Funds, Related Performance, and Assertion of
Performance Information

The purpose of this memorandum is to transmit the IRS FY 2018 Annual Accounting and Authentication of Drug Control Funds and Related Performance Report, as directed in the Office of National Drug Control Policy (ONDCP) Circular: Accounting of Drug Control Funding and Performance Summary, dated January 18, 2013. This circular requires the Treasury Inspector General for Tax Administration (TIGTA) to perform an attestation review before the IRS submits this document to the ONDCP. After IRS receives TIGTA's conclusion as to the reliability of each assertion, I will forward the document to the ONDCP.

If you have any questions, please contact me at (202) 317-6400, or have a member of your staff contact Jason Bumiller, Director, Budget Execution, at (202) 317-4307.

Attachment



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INTERNAL REVENUE SERVICE
Annual Accounting and Authentication of Drug Control Funds and Related Performance

DETAILED ACCOUNTING SUBMISSION

A. Table of Fiscal Year (FY) 2018 Drug Control Obligations

	Narcotics
Drug Resources by Function	
Investigations	<u>\$63,075,897</u>
Total	\$63,075,897
Drug Resources by Decision Unit	
Narcotics Crimes	<u>\$63,075,897</u>
Total	\$63,075,897

1) Drug Methodology

- a) All Drug Control Obligations (the resources appropriated and available for these activities) are reported under one Drug Control Function and one Budget Decision Unit, as shown in the above chart.
- b) The Internal Revenue Service (IRS) Drug Control Budget encompasses the Criminal Investigation (CI) Narcotics Program¹. Criminal Investigation's overall Direct Investigative Time (DIT) applied to narcotics investigations for FY 2018 was 11.81 percent of total DIT.

The methodology for computing the resources appropriated and realized for the Narcotics Program is the application of the DIT attributable to narcotics investigations and applying the DIT percentage to the total realized appropriated resources, reduced by reimbursable funds and Earned Income Tax Credit (EITC) resources, for the year for which the resources are being reported. The result is determined to be the amount of resources expended

¹ The IRS-CI Narcotics Program consist of 5 sub-programs which include, Organized Crime Drug Enforcement Task Forces (OCDETF); High Intensity Drug Trafficking Area (HIDTA); HIDTA-OCDETF; Terrorism-OCDETF; and Narcotics-Other.



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on the Narcotics Program. This methodology was approved by CI, the IRS Chief Financial Officer, and the Office of National Drug Control Policy (ONDCP) during FY 2017 and was effective for FY2018 and all subsequent fiscal years.

2) Methodology Modifications

No changes or modifications in the methodology from the prior year.

3) Material Weaknesses or Other Findings

None

4) Reprogramming or Transfers

None

5) Other Disclosures

None

B. Assertions

1) Obligations by Budget Decision Unit

Obligations reported by the Budget Decision Unit are a result of applying DIT data derived from the Criminal Investigation Management Information System (CIMIS) to the actual obligations from the CI realized Financial Plan, less reimbursements and EITC funds.

2) Drug Methodology

The current methodology used to calculate obligations of prior-year budgetary resources has not changed from FY 2017 to FY 2018. There was no impact in the methodology in FY 2018 since the methodology in FY 2017 did not change.

a) Data

Data is derived from CIMIS to determine the DIT applied to the Narcotics Program. Each special agent submits CIMIS time reports monthly detailing their activities relating to specific investigations. Each investigation is associated with a specific program and sub-program area. The percentage of DIT applied to each program area is calculated monthly with a final annual percentage determined after the close of the fiscal year to determine the total resources expended to support the U.S. Government's National Drug Control



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Strategy. The annual percentage of DIT relating to all narcotics sub-programs is applied to the total resources expended for FY 2018 in the CI Appropriated Enforcement Budget (excluding reimbursements and EITC).

b) Other Estimation Methods

None

c) Financial Systems

The IRS Integrated Financial System (IFS) is the final authority for the IRS resource obligations and yields data which fairly presents drug related obligation estimates.

3) Application of Drug Methodology

The methodology disclosed in this section was the actual methodology used to generate the required table and meets all requirements described in Section 6 of the ONDCP Circular: Accounting of Drug Control Funding and Performance Summary. Calculations made using this methodology are sufficiently documented to independently reproduce all data and ensure consistency between reporting years.

4) Reprogramming or Transfers

The data presented is associated with obligations against a financial plan and properly reflects any revisions occurring during the fiscal year.

5) Fund Control Notices

Criminal Investigation asserts the data presented is associated with obligations against a financial plan that fully complied with all fund control notices issued by the Director under 21 U.S.C. § 1703(f) and Section 9 of the ONDCP Circular: Budget Execution, as applicable.

C. Performance Summary Report

1) Performance Reporting

a) Performance Measures

The IRS reviewed performance measures used by other agencies that support the National Drug Control Strategy as well as budget-level performance measures that are already used to address the effectiveness of CI activities. As a result of the review, the IRS determined that, in addition to the number of subject criminal investigations completed, the most appropriate



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performance measures to evaluate its contribution to the National Drug Control Strategy were number of convictions and conviction rate. These are both budget-level performance measures already used by CI to evaluate its performance as a whole. Criminal investigations completed for the Narcotics Program and all other programs are defined as total subject criminal investigations completed during the fiscal year, including those resulting in a prosecution recommendation to the DOJ, discontinuance due to lack of evidence, or a finding that the allegation was false (or other reasons). Convictions are defined as the total number of subject criminal investigations with CIMIS status codes of guilty plea, nolo-contendere, judge guilty, or jury guilty. Conviction rate is defined as the total number of subject criminal investigations with CIMIS status codes of guilty plea, nolo-contendere, judge guilty, or jury guilty divided by these status codes nolle prosequi, judge dismissed, and jury acquittal.

These measures assess CI's performance of its mission to serve the public by conducting investigations of potential violations of the Internal Revenue Code and related financial crimes (which narcotics investigations are an important component), to foster confidence in the tax system and enhance voluntary compliance. In addition, it reduces or eliminates the profits and financial gains from narcotics trafficking and money laundering.

Criminal Investigation's Narcotics Program supports the goals of the; President's Strategy to Combat Transnational Organized Crime, the U.S. National Drug Control Strategy, and the National Money Laundering Strategy by seeking to reduce or eliminate the profits and financial gains from Transnational Criminal Organizations involved in narcotics trafficking and money laundering. Criminal Investigation has participated in the OCDETF program since its inception in 1982 and focuses its narcotics efforts almost exclusively on high-priority OCDETF cases where its contributions will have the greatest impact.

b) Prior Years Performance Targets and Results

The performance results for FY 2013 through FY 2017 are shown below:

	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Investigations Completed	943	862	1039	788	693
Convictions	621	584	601	695	542
Conviction Rate	88%	91%	92.0%	90.6%	87.4%

Note: The performance results for FY2013 indicated in the above table was based on the prior drug methodology and only include investigations coded as OCDETF.



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c) Current Year Performance Targets and Results

Criminal Investigation calculated its year-end performance using the status date of investigations. The results for FY 2018 are shown below:

FY 2018 Narcotics Targets & Performance	FY 2018 Narcotics Targets	FY 2018 Performance Results Narcotics
Investigations Completed	936	767
Convictions	634	483
Conviction Rate	90.5%	89.6%

- The decrease in the performance targets is due to the reduction in CI special agent staffing and that agents are being directed to work the most complex investigations, which focuses resources on fewer but more significant investigations.

d) Fiscal Year 2019 Performance Targets Narcotics Cases:

The performance information for the IRS CI Narcotics program for FY 2019, as submitted to ONDCP (ONDCP Budget Submission):

Criminal Investigations Completed	830
Convictions	581
Conviction Rate	90.1%

- The FY19 statistics were calculated using five years of performance results for criminal investigations completed, convictions and conviction rate.

e) Quality of Performance Data

To ensure the reliability of the data, all cases have unique numbers assigned in CIMIS which contain validity and business rule checks. The CIMIS database tracks the status of the investigations from initiation through final disposition. The system has sufficient internal checks and balances to assure status updates are input in the proper order.

D. Annual Accounting and Authentication of Drug Control Funds and Related Performance



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1) Performance Measures Assertions

a) Performance Reporting System is appropriate and applied

The IRS uses the CIMIS to capture performance information accurately and that system was properly applied to generate the performance data.

b) Explanations for not meeting performance targets are reasonable

Explanations offered for failing to meet a performance target and for any recommendations concerning plans and schedules for meeting future targets or for revising or eliminating performance targets are reasonable.

c) Methodology to establish performance targets is reasonable and applied

The methodology described in the Performance Summary Report for FY 2018 to establish performance targets for the current year is reasonable given past performance and available resources.

d) Adequate performance measures exist for all significant drug control activities

The IRS established at least one acceptable performance measure for each Drug Control Decision Unit identified in its Detailed Accounting of FY 2018 Drug Control Funds as required by § 6a(1)(A) for which a significant amount of obligations were incurred in the previous year.

2) Criteria for Assertions

a) Data

The sources of the data used are well documented and the data used in the report is clearly identified and is the most recent available.

b) Estimation Methods

Not applicable.

c) Reporting Systems

The reporting system supporting the above assertions is current, reliable, and an integral part of the agency's budget and management processes.



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Appendix V

Management's Response to the Draft Report



CHIEF FINANCIAL OFFICER

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

February 15, 2019

MEMORANDUM FOR MICHAEL E. MCKENNEY
DEPUTY INSPECTOR GENERAL FOR AUDIT

FROM: Ursula S. Gillis *Ursula S. Gillis*
Chief Financial Officer

SUBJECT: Annual Accounting and Authentication of Fiscal Year (FY) 2018
Drug Control Funds, Related Performance and Assertion of
Performance

The purpose of this memorandum is to transmit the IRS's FY 2018 Annual Accounting and Authentication of Drug Control Funds and Related Performance Report, as directed in the Office of National Drug Control Policy (ONDCP) Circular: Drug Control Accounting dated January 18, 2013.

The IRS's Criminal Investigation Management Information System (CIMIS) accurately compiles Direct Investigative Time and tracks the performance measure for Criminal Investigation's narcotics program. These components were properly used to generate the data in this report. Even though the IRS continues to lose investigative staff through attrition, which negatively affects performance measures, the IRS remains focused on conducting investigations of high-level transnational drug trafficking organizations.

We appreciate your recognition that the assertions in our Detailed Accounting Submission and Performance Summary Report are fairly presented in all material respects in accordance with the ONDCP's established criteria. We agree that the ONDCP circular contains the requirement that agencies provide a description of plans and schedules for meeting future goals in the event performance targets are not met. However, our historical practice has been to address variance issues in years past through engagement and dialogue with TIGTA in lieu of completing a formal document. As a result, we were not anticipating this to be an area of concern for TIGTA during this audit cycle. Nevertheless, we agree with your recommendation and will work with the ONDCP to update our performance measure methodology and include analyses of any significant variances in future reports.

If you have any questions, please contact Christopher Hueston, Director, Narcotics, Counterterrorism and Transnational Organized Crime, at 202-317-3818, or Jared Halper, Senior Analyst, Review, Program and Evaluation, at 801-799-6923.

Attachment A – FY 2018 Annual Accounting
Attachment B – Recommendation Response



*Independent Attestation Review of the Internal
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Attachment A

INTERNAL REVENUE SERVICE
Annual Accounting and Authentication of Drug Control Funds and Related Performance

DETAILED ACCOUNTING SUBMISSION

A. Table of Fiscal Year (FY) 2018 Drug Control Obligations

Narcotics	
Drug Resources by Function	
Investigations	<u>\$63,075,897</u>
Total	\$63,075,897
Drug Resources by Decision Unit	
Narcotics Crimes	<u>\$63,075,897</u>
Total	\$63,075,897

1) Drug Methodology

- All Drug Control Obligations (the resources appropriated and available for these activities) are reported under one Drug Control Function and one Budget Decision Unit, as shown in the above chart.
- The Internal Revenue Service (IRS) Drug Control Budget encompasses the Criminal Investigation (CI) Narcotics Program.¹ Criminal Investigation's overall Direct Investigative Time (DIT) applied to narcotics investigations for FY 2018 was 11.81 percent of total DIT.

The methodology for computing the resources appropriated and realized for the Narcotics Program is the application of the DIT attributable to narcotics investigations and applying the DIT percentage to the total realized appropriated resources, reduced by reimbursable funds and Earned Income Tax Credit (EITC) resources, for the year for which the resources are being reported. The result is determined to be the amount of resources expended

¹ The IRS-CI Narcotics Program consist of 5 sub-programs: Organized Crime Drug Enforcement Task Forces (OCDEF); High Intensity Drug Trafficking Area (HIDTA); HIDTA-OCDEF; Terrorism-OCDEF; and Narcotics-Other.



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on the Narcotics Program. This methodology was approved by CI, the IRS Chief Financial Officer, and the Office of National Drug Control Policy (ONDCP) during FY 2017 and was effective for FY2018 and all subsequent fiscal years.

2) Methodology Modifications

No changes or modifications in the methodology from the prior year.

3) Material Weaknesses or Other Findings

None

4) Reprogramming or Transfers

None

5) Other Disclosures

None

B. Assertions

1) Obligations by Budget Decision Unit

Obligations reported by the Budget Decision Unit are a result of applying DIT data derived from the Criminal Investigation Management Information System (CIMIS) to the actual obligations from the CI realized Financial Plan, less reimbursements and EITC funds.

2) Drug Methodology

The current methodology used to calculate obligations of prior-year budgetary resources has not changed from FY 2017 to FY 2018. There was no impact in the methodology in FY 2018 since the methodology in FY 2017 did not change.

a) Data

Data is derived from CIMIS to determine the DIT applied to the Narcotics Program. Each special agent submits CIMIS time reports monthly detailing their activities relating to specific investigations. Each investigation is associated with a specific program and sub-program area. The percentage of DIT applied to each program area is calculated monthly with a final annual percentage determined after the close of the fiscal year to determine the total resources expended to support the U.S. Government's National Drug Control



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Strategy. The annual percentage of DIT relating to all narcotics sub-programs is applied to the total resources expended for FY 2018 in the CI Appropriated Enforcement Budget (excluding reimbursements and EITC).

b) Other Estimation Methods

None

c) Financial Systems

The IRS Integrated Financial System (IFS) is the final authority for the IRS resource obligations and yields data which fairly presents drug related obligation estimates.

3) Application of Drug Methodology

The methodology disclosed in this section was the actual methodology used to generate the required table and meets all requirements described in Section 6 of the ONDCP Circular: Accounting of Drug Control Funding and Performance Summary. Calculations made using this methodology are sufficiently documented to independently reproduce all data and ensure consistency between reporting years.

4) Reprogramming or Transfers

The data presented is associated with obligations against a financial plan and properly reflects any revisions occurring during the fiscal year.

5) Fund Control Notices

Criminal Investigation asserts the data presented is associated with obligations against a financial plan that fully complied with all fund control notices issued by the Director under 21 U.S.C. § 1703(f) and Section 9 of the ONDCP Circular: Budget Execution, as applicable.

C. Performance Summary Report

1) Performance Reporting

a) Performance Measures

The IRS reviewed performance measures used by other agencies that support the National Drug Control Strategy as well as budget-level performance measures that are already used to address the effectiveness of CI activities. As a result of the review, the IRS determined that, in addition to the number of subject criminal investigations completed, the most appropriate



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performance measures to evaluate its contribution to the National Drug Control Strategy were number of convictions and conviction rate. These are both budget-level performance measures already used by CI to evaluate its performance as a whole. Criminal investigations completed for the Narcotics Program and all other programs are defined as total subject criminal investigations completed during the fiscal year, including those resulting in a prosecution recommendation to the DOJ, discontinuance due to lack of evidence, or a finding that the allegation was false (or other reasons). Convictions are defined as the total number of subject criminal investigations with CIMIS status codes of guilty plea, nolo-contendere, judge guilty, or jury guilty. Conviction rate is defined as the total number of subject criminal investigations with CIMIS status codes of guilty plea, nolo-contendere, judge guilty, or jury guilty divided by these status codes nolle prosequi, judge dismissed, and jury acquittal.

These measures assess CI's performance of its mission to serve the public by conducting investigations of potential violations of the Internal Revenue Code and related financial crimes (which narcotics investigations are an important component), to foster confidence in the tax system and enhance voluntary compliance. In addition, it reduces or eliminates the profits and financial gains from narcotics trafficking and money laundering.

Criminal Investigation's Narcotics Program supports the goals of the President's Strategy to Combat Transnational Organized Crime, the U.S. National Drug Control Strategy, and the National Money Laundering Strategy by seeking to reduce or eliminate the profits and financial gains from Transnational Criminal Organizations involved in narcotics trafficking and money laundering. Criminal Investigation has participated in the OCDETF program since its inception in 1982 and focuses its narcotics efforts almost exclusively on high-priority OCDETF cases where its contributions will have the greatest impact.

b) Prior Years Performance Targets and Results

The performance results for FY 2013 through FY 2017 are shown below:

	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Investigations Completed	943	862	1039	788	693
Convictions	621	584	601	695	542
Conviction Rate	88%	91%	92.0%	90.6%	87.4%

Note: The performance results for FY2013 indicated in the above table was based on the prior drug methodology and only include investigations coded as OCDETF.



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c) Current Year Performance Targets and Results

Criminal Investigation calculated its year-end performance using the status date of investigations. The results for FY 2018 are shown below:

FY 2018 Narcotics Targets & Performance	FY 2018 Narcotics Targets	FY 2018 Performance Results Narcotics
Investigations Completed	936	767
Convictions	634	483
Conviction Rate	90.5%	89.6%

- The decrease in the performance targets is due to the reduction in CI special agent staffing and that agents are being directed to work the most complex investigations, which focuses resources on fewer but more significant investigations.

d) Fiscal Year 2019 Performance Targets Narcotics Cases:

The performance information for the IRS CI Narcotics program for FY 2019, as submitted to ONDCP (ONDCP Budget Submission):

Criminal Investigations Completed	830
Convictions	581
Conviction Rate	90.1%

- The FY19 statistics were calculated using five years of performance results for criminal investigations completed, convictions and conviction rate.

e) Quality of Performance Data

To ensure the reliability of the data, all cases have unique numbers assigned in CIMIS which contain validity and business rule checks. The CIMIS database tracks the status of the investigations from initiation through final disposition. The system has sufficient internal checks and balances to assure status updates are input in the proper order.



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D. Annual Accounting and Authentication of Drug Control Funds and Related Performance

1) Performance Measures Assertions

a) Performance Reporting System is appropriate and applied

The IRS uses the CIMIS to capture performance information accurately and that system was properly applied to generate the performance data.

b) Explanations for not meeting performance targets are reasonable

Explanations offered for failing to meet a performance target and for any recommendations concerning plans and schedules for meeting future targets or for revising or eliminating performance targets are reasonable.

c) Methodology to establish performance targets is reasonable and applied

The methodology described in the Performance Summary Report for FY 2018 to establish performance targets for the current year is reasonable given past performance and available resources.

d) Adequate performance measures exist for all significant drug control activities

The IRS established at least one acceptable performance measure for each Drug Control Decision Unit identified in its Detailed Accounting of FY 2018 Drug Control Funds as required by § 6a(1)(A) for which a significant amount of obligations were incurred in the previous year.

2) Criteria for Assertions

a) Data

The sources of the data used are well documented and the data used in the report is clearly identified and is the most recent available.

b) Estimation Methods

Not applicable.

c) Reporting Systems

The reporting system supporting the above assertions is current, reliable, and an integral part of the agency's budget and management processes.



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Attachment B

Response to TIGTA Recommendation

RECOMMENDATION: The Chief, Criminal Investigation, should analyze the causes of any significant variances between the narcotics program performance goals and actual accomplishments. The ONDCP assertions should be based on this analysis and include a detailed explanation. In addition, a description of the plans and schedules for meeting future goals should be included in the Detailed Accounting Submission and Performance Summary Report when the most recent fiscal year goals are not met.

CORRECTIVE ACTION: CI will work with ONDCP to update the methodology associated with performance measures/goals associated with CI's narcotics program. Moreover, CI will ensure plans and schedules for meeting future performance measures are included in the Detailed Accounting Submission and Performance Summary report when there is a significant variance and provide analysis and a detailed explanation.

IMPLEMENTATION DATE: October 1, 2019

RESPONSIBLE OFFICIAL: Chief, Criminal Investigation

CORRECTIVE ACTION MONITORING PLAN: N/A