TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION



Quarterly Snapshot: The IRS's Inflation Reduction Act Spending Through December 31, 2023

April 3, 2024

Report Number: 2024-IE-R011

Final Evaluation Report issued April 3, 2024

Report Number 2024-IE-R011

Why TIGTA Did This Evaluation

The IRS received approximately \$79.4 billion in supplemental funding when the President signed the Inflation Reduction Act of 2022 (IRA) into law in August 2022. Congress subsequently rescinded approximately \$1.4 billion in IRA funding reducing the available IRA supplemental funding to approximately \$78 billion. This supplemental funding is available through September 30, 2031.

During the first quarter of Fiscal Year (FY) 2024, the IRS was operating under a continuing resolution. Continuing resolutions are temporary spending bills that allow the Federal Government to continue operations at the level of funding of last fiscal year. The IRS's FY 2023 annual appropriation was \$12.3 billion.

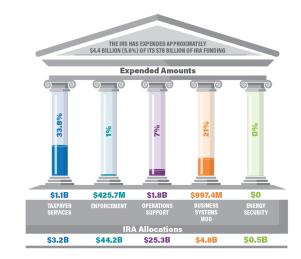
TIGTA initiated this review to provide periodic reporting on the IRS's use and accounting for expenditures using IRA funds. This report provides a quarterly and cumulative snapshot on how the funding has been expended through December 31, 2023.

Impact on Tax Administration

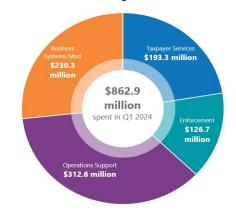
The IRS's transformation efforts that will be achieved through IRA supplemental funding will help improve taxpayer service, update IRS computer systems, and increase compliance and enforcement actions against high-income taxpayers and large corporations.

What TIGTA Found

This report provides the cumulative and quarterly reporting on the IRS's use of IRA funding to implement its Strategic Operating Plan and is inclusive of all IRA expenditures through December 31, 2023. As of December 31, 2023, the IRS expended approximately \$4.4 billion (5.6 percent) of its \$78 billion in IRA funding. In addition to the expended amounts shown on the graphic below, the IRS expended approximately \$11.6 million in FY 2023 for the direct e-file tax return system which is included in the total amount expended.



Of the \$4.4 billion of IRA funding expended as of December 31, 2023, approximately \$863 million occurred in the first guarter of FY 2024 (October through December 2023).



IRS officials indicated that nearly \$2 billion of the \$4.4 billion of IRA funding expended has been used to supplement its FY 2023 annual appropriation because the amount the IRS received was insufficient to cover normal operating expenses.

What TIGTA Recommended

This report was prepared to provide information only. Therefore, no recommendations were made in the report.



TREASURY INSPECTOR GENERAL

for Tax Administration

DATE: April 3, 2024

MEMORANDUM FOR: COMMISSIONER OF INTERNAL REVENUE

FROM: Russell P. Martin Russell P. Martin Deputy Inspector General for Inspections and Evaluations

SUBJECT:Final Evaluation Report – Quarterly Snapshot: The IRS's Inflation
Reduction Act Spending Through December 31, 2023
(Evaluation No.: IE-24-001-I.2)

This report presents the results of our review to provide periodic reporting on the Internal Revenue Service's (IRS) use and accounting for expenditures using Inflation Reduction Act of 2022 (IRA) funds through December 31, 2023.¹ This review is part of our Fiscal Year 2024 Annual Program Plan and addresses the major management and performance challenge of *Managing IRA Transformation Efforts*.

The Treasury Inspector General for Tax Administration plans to provide quarterly and cumulative reporting on the IRS's use of IRA funding to implement its Strategic Operating Plan. This report was prepared to provide information only. Therefore, no recommendations were made in the report.

If you have any questions, please contact me or Nancy LaManna, Assistant Inspector General for Inspections and Evaluations.

¹ Public Law No. 117-169, 136 Stat. 1818.

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Background

During the first quarter of Fiscal Year (FY) 2024, the Internal Revenue Service (IRS) was operating under a continuing resolution. Continuing resolutions are temporary spending bills that allow the Federal Government to continue operations at the level of funding of last fiscal year. For the IRS, the Consolidated Appropriations Act, 2023¹ provided \$12.3 billion for three of its four primary budget activities for FY 2023. The continuing resolution allows the IRS to continue its operations at this same level.

For FY 2023, Congress provided no appropriated funding for the IRS's Business Systems Modernization budget activity. These funds, when provided, are used to upgrade the IRS's information technology systems. However, the Act did provide the IRS with *special funding transfer authority* that allows the IRS to move funding between its funding activities. The below provides the IRS's funding level for its budget activities during the continuing resolution based on FY 2023 appropriation amounts:

- *\$5.4 billion for Enforcement.* Budget authorization language sets forth that these funds are to be used to support enforcement efforts, including such things as determining and collecting taxes owed, providing legal and litigation support, and conducting criminal investigations (including investigative technology), as well as digital asset monitoring and compliance activities to enforce criminal statutes related to violations of Internal Revenue laws and other financial crimes.
- *\$4.1 billion for Operations Support.* Budget authorization language sets forth that these funds are to be used to support the agency's ordinary operating expenses, including such things as rent payments; facilities services; printing and postage; physical security; telecommunications; and information technology operations, maintenance, and security; as well as research and statistics of income.
- *\$2.8 billion for Taxpayer Services.* Budget authorization language sets forth that these funds are to be used to support prefiling assistance and education, filing and account services, taxpayer advocacy services as well as the Volunteer Income Tax Assistance Matching Grants Program, Low-Income Taxpayer Clinic grants, and the Tax Counseling for the Elderly Program.

The IRS's operating budget is a mix of annual appropriations and miscellaneous resources, such as unobligated balances from previous years and reimbursable items. The IRS has considerable leeway in how it uses non-appropriated funds. In addition to the IRS's annual appropriation, the IRS also received approximately \$79.4 billion in supplemental funding when the President signed the Inflation Reduction Act of 2022 (IRA) into law in August 2022.² This supplemental funding, which is available to the IRS through September 30, 2031, is intended to help the IRS transform the administration of the tax system and improve the services provided to taxpayers. Similar to the funding received as part of its annual appropriation, this supplemental funding includes caps for the four primary budget activities as follows:

¹ Pub. L. No. 117-328.

² Pub. L. No. 117-136 Stat. 1818.

- Enforcement \$45.6 billion.³
- Operations Support \$25.3 billion.
- Business Systems Modernization \$4.8 billion
- Taxpayer Services \$3.2 billion.

In addition, the supplemental funding provided by the IRA also included \$500 million for the necessary expenses relating to the implementation of Energy Security Provisions, and another \$15 million to be used by the IRS to assess the feasibility of a free direct e-file tax return system. This \$15 million in funding remained available until September 30, 2023. As required by the IRA, the IRS timely delivered to Congress a report regarding the direct e-file tax return system.⁴ This report included:

- The cost of developing and running a free direct e-file tax return system, including costs to build and administer each release, with a focus on multilingual and mobile-friendly features and safeguards for taxpayer data.
- Taxpayer opinions, expectations, and levels of trust, based on surveys, for such a free direct e-file tax return system.
- The opinions of an independent third party on the overall feasibility, approach, schedule, cost organizational design, and the IRS's capacity to deliver such a direct e-file tax return system.⁵

The IRS reported expending approximately \$11.6 million of the \$15 million provided for its assessment and reporting on the feasibility of a free direct e-file tax return system.

The Strategic Operation Plan outlines how the IRS plans to transform its operations

On April 6, 2023, the IRS issued its Strategic Operating Plan (SOP) that covers FYs 2023 through 2031. The SOP is structured to achieve five transformation objectives, which will be accomplished through a series of initiatives and projects aligned to each. Successful delivery of these transformation objectives is interdependent of each other. Figure 1 outlines the transformation objectives in the SOP.

³ The amount of the Enforcement funding activity was reduced to \$44.2 billion.

⁴ The IRA required a report within nine months of the passage of the IRA. The IRS issued the report on May 16, 2023, meeting the nine-month requirement.

⁵ Treasury Inspector General for Tax Administration's (TIGTA) Office of Audit conducted a review of the IRS's Free Direct Electronic Filing Proposal. TIGTA, Report No. 2024-408-002, *Inflation Reduction Act: Assessment of a Free and Electronic Direct Filing Return System* (Oct. 2023).

OBJECTIVE OBJECTIVE OBJECTIVE OBJECTIVE OBJECTIVE 02 03 04 05 01 **Dramatically** improve Focus expanded Attract, retain, and empowe Deliver cutting-edge services to help taxpayers Quickly resolve enforcement on taxpayers a highly skilled, diverse technology, data, and with complex tax filings and a meet their obligations and taxpayer issues when workforce and develop a analytics to operate receive the tax incentives for they arise. culture that is better equipped high-dollar noncompl more effectively. to deliver results for taxpay which they are eligible. address the Tax Gap. ត្រា sts. 2→C

Figure 1: IRS Transformation Objectives

Source: IRS Strategic Operation Plan (April 2023).

The SOP assumes that IRA funds will solely be used to support transformation efforts, while day-to-day operations will continue to be adequately supported by the annual appropriation

Any reduction in the IRS's annual appropriated funding, including inadequate funding to cover inflationary increases, has and will continue to require the IRS to shift IRA funding to cover general operating expenses. For example, IRS officials estimated that it would need \$818 million more in its FY 2024 annual appropriation than the \$12.3 billion it received in FY 2023 to maintain its current operating expenses. Any part of the \$818 million the IRS does not receive as part of its FY 2024 annual appropriation will need to be shifted from its IRA funding which means less funds available for IRS transformation efforts. Additionally, the FY 2023 enacted budget eliminated the Business Systems Modernization appropriation, which created a budget shortfall in FY 2023. IRS management indicated that IRA funding will cover only two-thirds of the IRS's planned modernization if Business Systems Modernization funding is not restored in the IRS's FY 2024 annual appropriation. Figure 2 outlines the five broad transformation objectives included in the SOP and how the \$79.4 billion in supplemental IRA funding was initially allocated across the funding activities for these objectives.

		-	-		-		
	TRANSFORMATION OBJECTIVE	TAXPAYER SERVICES	ENFORCEMENT	OPERATIONS SUPPORT	BUSINESS SYSTEMS MOD	CLEAN ENERGY	TOTAL PROPOSED INVESTMENT
	O1 Dramatically improve services to help taxpayers meet their obligations and receive the tax incentives for which they are eligible.	1.5 BILLION	100 MILLION	2.1 BILLION	700 MILLION	0	4.3 BILLION
9-9	02 Quickly resolve taxpayer issues when they arise.	100 MILLION	1.8 BILLION	700 MILLION	600 MILLION	0	3.2 BILLION
ste	03 Focus expanded enforcement on taxpayers with complex tax filings and a high-dollar noncompliance to address the Tax Gap.	200 MILLION	41.7 BILLION	5.5 BILLION	0	ο	47.4 BILLION
*	04 Deliver cutting-edge technology, data, and analytics to operate more effectively.	0	100 MILLION	9.2 BILLION	3.1 BILLION	0	12.4 BILLION
	05 Attract, retain, and empower a highly skilled, diverse workforce and develop a culture that is better equipped to deliver results for taxpayers.	200 MILLION	700 MILLION	6.9 BILLION	400 MILLION	ο	8.2 BILLION
Ø	Energy Security	1.2 BILLION	1.3 BILLION	900 MILLION	0	500 MILLION	3.9 BILLION
	TOTAL IRA ALLOCATIONS	3.2 BILLION	45.6 BILLION	25.3 BILLION	4.8 BILLION	500 MILLION	79.4 BILLION

Figure 2: IRA Funding Allocated by Transformation Objectives⁶

In June 2023, the enactment of the Fiscal Responsibility Act of 2023⁷ resulted in the rescission of approximately \$1.4 billion of IRA funding provided to the IRS. According to IRS officials, the rescission was from the Enforcement funding activity resulting in a reduction in the IRA Enforcement funding activity from \$45.6 billion to approximately \$44.2 billion. According to an IRS official, the rescission will impact the IRS's ability to deliver Objective 3 of its SOP of expanding enforcement efforts. Finally, in addition to the \$1.4 billion rescission, the Administration agreed to reduce future IRS appropriations by approximately \$20 billion. According to IRS officials, a decision has not been reached on which funding activities this will impact. During testimony in April 2023, the IRS Commissioner highlighted that the transformative investments to be made using IRA funding can only be put to work if Congress continues annual funding for steady-state maintenance of agency operations.

Results of Review

As of December 31, 2023, the IRS has used approximately \$4.4 billion (5.6 percent) of its \$78 billion in supplemental IRA funding available after the rescission. IRS officials indicated that nearly \$2 billion of the \$4.4 billion of IRA funding expended has been used to supplement its

Source: IRS Strategic Operating Plan (April 2023). Mod = Modernization

⁶ Numbers may not total due to rounding.

⁷ Pub. L. No. 118-5.

FY 2023 annual appropriation as the amount the IRS received was insufficient to cover normal operating expenses. Figure 3 shows the IRA expenditures by funding activity since the passage of the legislation through December 31, 2023. In addition to the expended amounts shown on Figure 3, the IRS expended approximately \$11.6 million in FY 2023 for the direct e-file tax return system which is included in the total amount expended.

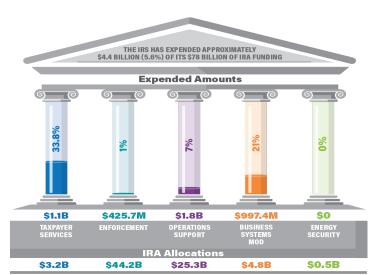


Figure 3: Cumulative IRA Expenditures by Funding Activity Through December 31, 2023⁸

Source: TIGTA-created graphic based on information provided by the Office of the Chief Financial Officer. Mod = Modernization

Figure 4 reflects IRA expenditures by funding activity for the first quarter of FY 2024 – these funds were expended during the period October 1, 2023, through December 31, 2023.

⁸ Percentage of IRA funds expended may not calculate correctly due to rounding. Additionally, the Enforcement allocation amount is after the FY 2023 \$1.4 billion rescission.

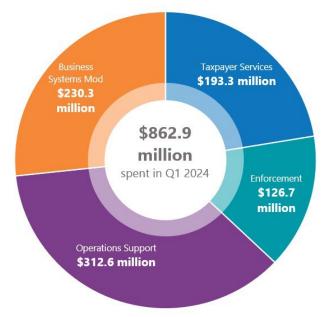


Figure 4: IRA Expenditures by Funding Activity for the Quarter Ended December 31, 2023

Source: TIGTA-created graphic based on information provided by the Office of the Chief Financial Officer. Mod = Modernization

The IRS developed a series of fund categories to track IRA funding and spending

To monitor the use of IRA funds, the IRS uses the same established procedures it uses to track its annual appropriations and spending. For example, the IRS uses a series of object class categories to track IRA funding and spending.⁹ These categories are how the IRS tracks its spending in the Integrated Financial System.¹⁰ The IRS reports on IRA spending based on these categories and uses the same funding activity structure to report on its annual appropriation spending. The law intended that this increase in funding supplement, not replace, the IRS's annual appropriations and does not allow any transfers between the various funding activities. For instance, funds cannot be moved from the Enforcement funding activity to the Taxpayer Service funding activity. Management noted that as the IRS rolls out the various projects and initiatives, it will track the funds by the funding activities detailed previously. Figure 5 highlights the cumulative IRA expenditures by object class category for the various funding activities.

⁹ Object classes are categories that present obligations by the items or services purchased by the Federal Government.

¹⁰ The Integrated Financial System is a packaged system software solution. It enables the IRS to integrate most its internal financial management processes, share common financial data and practices across the entire organization, and produce and access financial data online in a real-time environment.

		TAXPAYER SERVICES	ENFORCEMENT	OPERATIONS SUPPORT	BUSINESS Systems Mod	ENERGY SECURITY	DIRECT E-FILE	GRAND TOTAL
Labor Total	IRS Employee Pay & Benefits	\$997,265,825	\$216,526,881	\$505,561,196	\$95,026,429	\$0	\$814,200	\$1,815,194,531
Non-Labor	Contractor Support – Advisory and Assistance	\$84,223,352	\$50,145,172	\$536,355,994	\$799,771,990	\$0	\$8,624,814	\$1,479,121,322
(Communications, Utilities, and Miscellaneous Charges	\$0	\$0	\$52,045,362	\$0	\$0	\$0	\$52,045,362
(Equipment	\$0	\$11,981,912	\$561,363,657	\$96,590,034	\$0	\$254,897	\$670,190,500
(Purchase/Improvement of Land and Facilities	\$0	\$0	\$52,677,294	\$0	\$0	\$0	\$52,677,294
(Operation and Maintenance of Equipment	\$0	\$378,383	\$5,523,832	\$5,630,610	\$0	\$0	\$11,532,825
(Operation and Maintenance of Facilities	\$0	\$0	\$43,004,613	\$136,872	\$0	\$0	\$43,141,485
(Services From Federal Sources	\$1,255,357	\$122,100,227	\$47,386,921	\$0	\$0	\$1,909,578	\$172,652,084
	Other Goods and Services From Non-Federal Sources	\$0	\$11,975,828	\$36,554,602	\$ 0	\$0	\$0	\$48,530,431
(Printing and Reproduction	\$0	\$28,266	\$3,119,624	\$ 0	\$0	\$0	\$3,147,890
(Supplies and Materials	\$42,434	\$9,334,573	\$1,545,593	\$3,527	\$0	\$0	\$10,926,127
(Employee Travel	\$105,610	\$1,785,433	\$1,919,530	\$248,344	\$0	\$0	\$4,058,917
(Unvouchered	\$0	\$36,977	\$0	\$0	\$0	\$0	\$36,977
(Rental Payments to GSA	\$0	\$0	\$371,134	\$0	\$0	\$0	\$371,134
(Transportation of Things	\$0	\$1,400,000	\$0	\$0	\$0	\$0	\$1,400,000
Non-Labor	Total	\$85,626,753	\$209,166,771	\$1,341,868,156	\$902,381,378	\$0	\$10,789,288	\$2,549,832,346
Grand Total		\$1,082,892,578	\$425,693,652	\$1,847,429,352	\$997,407,807	\$0	\$11,603,488	\$4,365,026,878

Figure 5: IRA Funding Activity Expenditures by Object Class

Source: IRS Integrated Financial System Report as of December 31, 2023. Mod = Modernization

As shown in Figure 5, as of December 31, 2023, the IRS reported the largest portion of IRA expenditures was for employee compensation (i.e., pay/benefits) totaling approximately \$1.8 billion and contractor advisory and assistance services totaling approximately \$1.5 billion.¹¹

Spending on IRS Staffing

As of December 31, 2023, the IRS expended approximately \$1.8 billion in labor costs from its IRA funding; 23 percent of the expenditure in this object class category was in the first quarter of FY 2024. Most of the labor costs (approximately \$997 million) were in the Taxpayer Service funding activity. IRA funding in Taxpayer Service has helped support the IRS's efforts to hire

¹¹ Advisory and assistance services is based on the IRS's classification and not as defined by Federal Acquisition Regulations.

additional customer service representatives to answer telephone calls, as well as employees to staff Taxpayer Assistance Centers.

In April 2023, the Office of the Chief Financial Officer issued a document providing information on IRA spending and IRS Staffing. In this document, the IRS noted that it expects labor costs will continue to grow as the IRS plans to increase staffing levels to 105,188 by FY 2025. The planned increase in staffing will be funded from discretionary spending from the IRS's annual appropriation and IRA supplemental funding. If achieved, the IRS will increase its staffing by 26,118 employees, which represents a 33 percent increase from its FY 2022 staffing level of 79,070. Figure 6 shows the projected growth in IRS personnel by funding category.

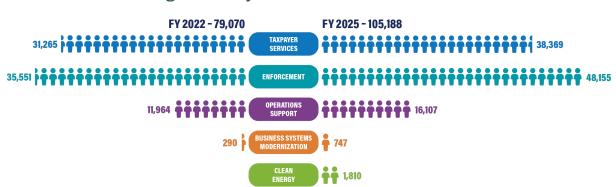


Figure 6: Projected Growth in IRS Personnel

Source: IRS Data Book and IRS April 2023 document regarding IRA spending and IRS staffing.

According to IRS officials, its staffing level was at 89,767 at the end of FY 2023, which was an increase of approximately 10,700 employees when compared to its FY 2022 staffing level. IRS officials noted that, in addition to hiring staff to improve services to help taxpayers meet their tax obligations and receive the tax incentives for which they are eligible, as well as quickly resolve taxpayer issues when they arise, the IRS focused on expanding enforcement on taxpayers with complex tax filings and high-dollar noncompliance to address the Tax Gap. To accomplish their objective, the IRS plans to hire enforcement personnel. Enforcement personnel include:

- Revenue Officers Employees in the Collection function who collect delinquent taxes and secure delinquent returns.
- Revenue Agents Employees in the Examination function who conduct face-to-face audits of more complex returns.
- Special Agents Law enforcement employees in Criminal Investigation who investigate potential criminal activities.

Figure 7 shows the number of enforcement personnel the IRS had onboard at the end of FY 2023 and the IRS's hiring goal for FY 2024.

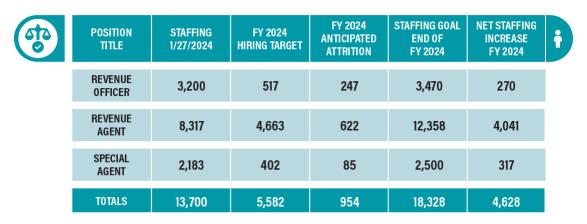


Figure 7: Staffing of Enforcement Personnel

Source: Information provided by the IRS.

As Figure 7 shows, the IRS's goal is to increase enforcement personnel by 4,628 in FY 2024 with most of the hiring in the revenue agent position. There has been widespread reporting that the IRS will be hiring 87,000-armed enforcement agents. As the figure above shows, this claim is unfounded. The only enforcement personnel employed by the IRS who are armed are Criminal Investigation Division special agents. As Figure 7 shows special agents have the lowest number of staff of all the IRS's enforcement personnel.

TIGTA's Office of Audit is currently assessing the IRS's recruiting, hiring, and onboarding process including the IRS's efforts to fill critical program vacancies in support of IRA and other hiring efforts. It is also reviewing the IRS's strategy to recruit and train newly hired enforcement employees.

Spending on Contractor Support

Since the passage of the IRA legislation, the IRS has used approximately \$1.5 billion of the IRA funding to pay contractors for what the IRS classifies as advisory and assistance services. These services are acquired by contractors from non-Federal sources and consist of three types: management and professional support services; studies, analyses, and evaluations; and engineering and technical services. Most of these expenditures were for the Operations Support (approximately \$536.4 million) and Business Systems Modernization (approximately \$800 million) funding activities. Figure 8 reflects the expenditures for contractor advisory and assistance support that has been expended through December 31, 2023, using IRA funding.

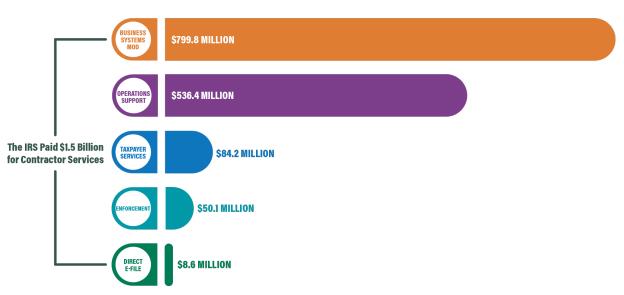


Figure 8: Expenditures for Contractor Support by Budget Activity

Source: IRS Integrated Financial System Report as of December 31, 2023. Mod = Modernization

IRS internal guidance states that the receipt and acceptance of goods and services as it relates to contractor support is the responsibility of the business units. Specifically, an IRS official in the business unit is responsible for ensuring that goods and services are in fact received and meet contractual requirements before receipt and acceptance is entered into the Integrated Financial System. The business unit's recordation of the receipt and acceptance of goods and services in the Integrated Financial System acknowledges that the Government has received delivery in accordance with the contract. While acceptance is confirming the received goods and services, the quality assurance inspection is the most critical internal control of the receipt and acceptance process. This is where the IRS official with knowledge of the goods or services and the contract terms conducts a review to ensure that goods and services received are acceptable.

Our review of contracting records indicated that the IRS accepted deliverables from various contractors for contracts using IRA funds. The deliverables from these contracts included status reports, checklists, briefings, presentations, meeting minutes, communication, and knowledge transfer plans. We relied on the IRS's confirmation and verification that contractor obligations were met. However, TIGTA's Office of Audit will be performing more comprehensive reviews on selected IRA contract deliverables.

Appendix I

Detailed Objective, Scope, and Methodology

The overall objective of this project was to provide periodic reporting on the IRS's use and accounting for expenditures using IRA funding through December 31, 2023. To accomplish our objective, we:

- Obtained IRA expenditures as of December 31, 2023, from the Integrated Financial System to identify overall expenditures by appropriation areas (*e.g.,* Taxpayer Services, Operations Support) and object class code.
- Determined the impact of IRS appropriations from the rescission of funding as part of the debt ceiling negotiations.
- Highlighted any trends and concerns regarding the expenditures.

Performance of This Review

This review was performed with information obtained from the Office of the Chief Financial Officer located in Washington, D.C., during the period January through March 2024. We conducted this evaluation in accordance with the Council of the Inspectors General for Integrity and Efficiency Quality Standards for Federal Offices of Inspector General. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our evaluation objective.

Major contributors to the report were Nancy LaManna, Assistant Inspector General for Inspections and Evaluations, and Debra Kisler, Director.

Data Validation Methodology

We used data from the IRS's Integrated Financial System for our analysis. We evaluated the data by reviewing existing data produced from the system and interviewing personnel in the Office of the Chief Financial Officer to ensure that the information was accurate. Data regarding funding allocations were based on testimonial evidence obtained from the Office of the Chief Financial Officer.

Appendix II

Abbreviations

- FY Fiscal Year
- IRA Inflation Reduction Act
- IRS Internal Revenue Service
- SOP Strategic Operating Plan
- TIGTA Treasury Inspector General for Tax Administration



To report fraud, waste, or abuse, contact our hotline on the web at <u>www.tigta.gov</u> or via e-mail at <u>oi.govreports@tigta.treas.gov</u>.

To make suggestions to improve IRS policies, processes, or systems affecting taxpayers, contact us at <u>www.tigta.gov/form/suggestions</u>.

Information you provide is confidential, and you may remain anonymous.