



Department of Defense DIRECTIVE

NUMBER 5106.1

January 4, 2001

Certified Current as of November 21, 2003

DA&M

SUBJECT: Inspector General of the Department of Defense (IG, DoD)

References: (a) Title 10, United States Code

(b) DoD Directive 5106.1, "Inspector General of the Department of Defense," March 14, 1983 (hereby canceled)

(c) Appendix 3 of title 5, United States Code, "Inspector General Act of 1978," as amended

(d) Chapter 75 of title 31, United States Code, "Single Audit Act of 1984," as amended

(e) through (p), see enclosure 1

1. REISSUANCE AND PURPOSE

Pursuant to the authority provided in reference (a), this Directive reissues reference (b) to update the responsibilities, functions, authorities, and relationships of the IG, DoD, in accordance with reference (c).

2. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as "the DoD Components").

3. MISSION

As an independent and objective office in the Department of Defense, the Office of the Inspector General (OIG) shall:

3.1. Conduct, supervise, monitor, and initiate audits, evaluations, and investigations relating to programs and operations of the Department of Defense.

3.2. Provide leadership and coordination and recommend policies for activities designed to promote economy, efficiency, and effectiveness in the administration of, and to prevent and detect fraud and abuse in, such programs and operations.

3.3. Provide a means for keeping the Secretary of Defense and the Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action.

4. ORGANIZATION AND MANAGEMENT

4.1. The OIG is an organizational component of the Department of Defense, under the general supervision of the Secretary of Defense. The OIG, consistent with the provisions of reference (c), shall consist of the following:

4.1.1. The IG, DoD, a civilian appointed by the President, with the advice and consent of the Senate, who shall serve as head of the OIG.

4.1.2. A Deputy Inspector General, who shall serve as IG in his or her absence.

4.1.3. An Assistant Inspector General for Auditing, who shall supervise the performance of auditing activities relating to programs and operations of the Department of Defense.

4.1.4. An Assistant Inspector General for Investigations, who shall supervise the performance of investigative activities relating to programs and operations of the Department of Defense. The Assistant Inspector General for Investigations also will serve as the Director of the Defense Criminal Investigative Service.

4.1.5. Such other officers and employees as may be necessary to carry out the mission, functions, responsibilities, and authorities assigned herein, and within the resources assigned by the Secretary of Defense or by statute.

5. RESPONSIBILITIES AND FUNCTIONS

5.1. The Inspector General, Department of Defense, shall:

5.1.1. Serve as the principal adviser to the Secretary of Defense on all audit and criminal investigative matters covered under reference (c) and for matters relating to the prevention and detection of fraud, waste, and abuse in the programs and operations of the Department of Defense.

5.1.2. Initiate, conduct, and supervise such audits, evaluations, and investigations in the Department of Defense, including the Military Departments, as the IG considers appropriate.

5.1.3. Provide policy direction for audits and investigations relating to fraud, waste, and abuse, and program effectiveness.

5.1.4. Evaluate and review the work of all DoD activities relating to contract audit, financial audit, performance audit, other transaction audit, internal review, military exchange audit, and the Single Audit Act (reference (d)).

5.1.5. Investigate fraud, waste, and abuse uncovered as a result of contract and internal audits, as the IG considers appropriate.

5.1.6. Develop policy, monitor and evaluate program performance, and provide guidance with respect to all DoD activities relating to criminal investigation programs.

5.1.7. Monitor and evaluate the adherence of DoD auditors to performance audit, financial audit, contract audit, other transaction audit, reference (d), and internal review principles, policies, and procedures.

5.1.8. Develop policy, evaluate program performance, and monitor actions taken by all DoD Components in response to contract audits, internal audits, internal review reports, and audits conducted by the Comptroller General of the United States.

5.1.9. Monitor and give particular regard to the activities of the internal audit, inspection, and investigative units of the DoD Components (including those of the Military Departments) with a view toward avoiding duplication and ensuring effective coverage, coordination, and cooperation.

5.1.10. Provide policy direction for and conduct, supervise, and coordinate audits and investigations relating to DoD programs and operations.

5.1.11. Review existing and proposed legislation and regulations relating to DoD programs and operations and make recommendations thereon in accordance with reference (c) concerning their impact on economy and efficiency or on the prevention and detection of fraud and abuse in DoD programs and operations.

5.1.12. Recommend policies for and conduct, supervise, or coordinate other activities carried out or financed by the Department of Defense for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations.

5.1.13. Recommend policies for and conduct, supervise, or coordinate relationships between the Department of Defense and other Federal Agencies, State and local governmental agencies, and nongovernmental entities with respect to:

5.1.13.1. All matters relating to the promotion of economy and efficiency in the administration of, or the prevention and detection of fraud and abuse in, programs and operations administered or financed by the Department of Defense; or

5.1.13.2. The identification and prosecution of participants in such fraud or abuse.

5.1.14. Keep the Secretary of Defense and the Congress fully and currently informed, including the OIG Semiannual Report to Congress as required by reference (c), concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations administered or financed by the Department of Defense, recommend corrective action concerning such problems, abuses, and deficiencies, and report on the progress made in implementing such corrective action.

5.1.15. Receive and investigate, consistent with reference (c) and DoD Directive 7050.1 (reference (e)), complaints or information concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, or abuse of authority, or a substantial and specific danger to the public health and safety involving the Department of Defense.

5.1.16. Receive and evaluate, consistent with Section 8H of reference (c), complaints or information with respect to an urgent concern from an employee of the Defense Intelligence Agency, National Imagery and Mapping Agency, National Reconnaissance Office, National Security Agency, or a contractor of any of those Agencies. Such urgent concern may have been, or will be, reported to Congress by the employee in accordance with Section 8H of reference (c).

5.1.17. Receive and investigate, consistent with 10 U.S.C. 1034 and 2409 (reference (f)) and DoD Directives 1401.3 and 7050.6 (references (g) and (h)), complaints of reprisal for making disclosures protected by statute.

5.1.18. Receive and investigate, consistent with Section 546 of Pub. L. 102-484 and DoD Directive 6490.1 (references (i) and (j)), complaints of improper mental health evaluation referrals of members of the U.S. Armed Forces.

5.1.19. Receive and investigate, consistent with DoD Directive 5505.6 (reference (k)), allegations of serious misconduct made against senior DoD officials. Provide oversight as appropriate on investigations conducted by the DoD Components into allegations against senior officials.

5.1.20. Evaluate, monitor, and review the programs, policies, procedures, and functions of the DoD Intelligence Community to ensure that intelligence resources are properly managed. Such actions will be coordinated, as appropriate, with the Assistant to the Secretary of Defense (Intelligence Oversight) to determine its respective areas of responsibility in accordance with DoD Directive 5148.11 (reference (l)).

5.1.21. Investigate computer intrusion matters affecting the Defense Information Infrastructure as the Inspector General considers appropriate.

5.1.22. Organize, direct, and manage the OIG and all resources assigned thereto.

5.1.23. Perform such other functions the Secretary of Defense may direct, consistent with applicable laws and regulations.

5.2. The Secretaries of the Military Departments shall exercise authority, direction, and operational control over their audit, inspection, and investigative organizations, including responsibility for their effectiveness and the scope of their activities.

5.3. The Under Secretary of Defense (Comptroller) (USD(C))/Chief Financial Officer (CFO) shall exercise authority, direction, and operational control over the Defense Contract Audit Agency including responsibility for the effectiveness and scope of the Agency's activities.

6. RELATIONSHIPS

6.1. The IG shall carry out the above responsibilities and functions under the general supervision of the Secretary of Defense and shall not be prevented or prohibited from initiating, carrying out, or completing any audit, evaluation, or investigation, or from issuing any subpoena during the course of any audit, evaluation, or investigation; except that the IG shall be subject to the authority, direction, and control of the Secretary with respect to audits, evaluations, investigations, or the issuances of subpoenas that require access to information concerning:

6.1.1. Sensitive operational plans.

6.1.2. Intelligence matters.

6.1.3. Counterintelligence matters.

6.1.4. Ongoing criminal investigations by other administrative units of the Department of Defense related to national security.

6.1.5. Other matters the disclosure of which would constitute a serious threat to national security.

6.2. If the Secretary of Defense exercises the authority to restrict IG access under paragraph 6.1., above, the IG shall submit a statement concerning such exercise within 30 days to the Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Reform of the House of Representatives and to other appropriate committees or subcommittees.

6.3. In the performance of assigned responsibilities and functions, the IG shall:

6.3.1. Coordinate actions, as appropriate, with other DoD Components and, unless precluded by the nature of the matter, notify the Secretaries of the Military Departments concerned before conducting audits, evaluations, or investigations of matters normally under the jurisdiction of the Military Departments.

6.3.2. Give particular regard to the activities of the Comptroller General of the United States with a view toward avoiding duplication and ensuring effective coordination and cooperation.

6.3.3. Report expeditiously to the Attorney General whenever the IG has reasonable grounds to believe there has been a violation of Federal criminal law.

6.3.4. Report expeditiously to the Military Department Secretary concerned any suspected or alleged violations of the Uniform Code of Military Justice (reference (m)).

7. AUTHORITY

In addition to the authorities provided in reference (c), the IG is hereby delegated authority to:

7.1. Issue DoD Instructions, DoD Publications, and one-time, directive-type memoranda, consistent with DoD 5025.1-M (reference (n)) that implement policies approved by the Secretary of Defense in assigned areas of responsibility. Instructions to the Military Departments shall be issued through the Secretaries of those Departments. Instructions to the Combatant Commands shall be issued through the Chairman of the Joint Chiefs of Staff.

7.2. Have access to all records, reports, investigations, audits, reviews, documents, papers, recommendations, or other material available to any DoD Component.

7.2.1. Except as specifically denied in writing by the Secretary of Defense pursuant to the authority contained in Section 8 of reference (c) and paragraph 6.1., above, no officer, employee, or Service member of any DoD Component may deny the IG, or officials assigned by the IG, access to information, or prevent them from conducting an audit, evaluation, or investigation.

7.2.2. IG officials shall possess proper access security clearance when sensitive classified data are requested.

7.3. Communicate directly with personnel of other DoD Components on matters related to reference (c) and this Directive. To the extent practicable and consistent with the responsibilities and functions of the Military Departments as described in paragraph 5.2., above, the Head of the DoD Component concerned shall be kept informed of such direct communications.

7.4. Request assistance as needed from other audit, evaluation, and investigative units of the DoD Components. In such cases, assistance shall be requested through the Head of the DoD Component concerned.

7.5. Request information or assistance from any Federal, State, or local governmental agency, or unit thereof.

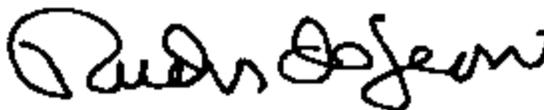
7.6. Execute warrants and make arrests pursuant to guidelines issued by the Attorney General for special agents of the Defense Criminal Investigative Service in accordance with 10 U.S.C. 1585(a), reference (o).

7.7. Authorize OIG personnel to carry firearms in accordance with DoD Directive 5210.56 (reference (p)).

7.8. Exercise the administrative authorities contained in enclosure 2 of this Directive.

8. EFFECTIVE DATE

This Directive is effective immediately.

A handwritten signature in black ink, appearing to read "Rudy de Leon". The signature is fluid and cursive, with a large initial "R" and "D".

Rudy de Leon
Deputy Secretary of Defense

Enclosures - 2

- E1. References, continued
- E2. Delegation of Authorities

E1. ENCLOSURE 1

REFERENCES, continued

- (e) [DoD Directive 7050.1](#), "Defense Hotline Program," January 4, 1999
- (f) Sections 1034 and 2409 of title 10, United States Code
- (g) [DoD Directive 1401.3](#), "Employment Protection for Certain Nonappropriated Fund Instrumentality Employees/Applicants," July 19, 1985
- (h) [DoD Directive 7050.6](#), "Military Whistleblower Protection," August 12, 1995
- (i) Section 1074 note of title 10, United States Code, "National Defense Authorization Act for Fiscal Year 1993" (Pub. L. 102-484)
- (j) [DoD Directive 6490.1](#), "Mental Health Evaluations of Members of the Armed Forces," October 1, 1997
- (k) [DoD Directive 5505.6](#), "Investigations of Allegations Against Senior Officials of the Department of Defense," July 12, 1991
- (l) [DoD Directive 5148.11](#), "Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(IO))," July 1, 1994
- (m) Chapter 47 of title 10, United States Code, "Uniform Code of Military Justice"
- (n) [DoD 5025.1-M](#), "DoD Directives System Procedures," August 1994
- (o) Section 1585(a) of title 10, United States Code
- (p) [DoD Directive 5210.56](#), "Use of Deadly Force and the Carrying of Firearms by DoD Personnel Engaged in Law Enforcement and Security Duties," February 25, 1992

E2. ENCLOSURE 2

DELEGATIONS OF AUTHORITY

E2.1.1. Pursuant to the authority vested in the Secretary of Defense, and in accordance with DoD policies, Directives, and Instructions, the Inspector General (IG) of the Department of Defense or, in the absence of the IG, the person acting for the IG, is hereby delegated authority, as required in the administration and operation of the Office of the Inspector General (OIG), to:

E2.1.1.1. Select, appoint, and employ such officers and employees, to include members of the Senior Executive Service, as may be necessary for carrying out the functions, powers, and duties of the office subject to the provisions of title 5, United States Code and other pertinent laws and regulations.

E2.1.1.2. Establish advisory committees and employ part-time advisors for the performance of OIG functions pursuant to Section 173(a) of title 10 U.S.C.

E2.1.1.3. Perform the following functions in accordance with the provisions of Section 7532 of title 5, U.S.C.; Executive Order 10450, "Security Requirements for Government Employment," April 27, 1953; and DoD 5200.2-R:

E2.1.1.3.1. Designate any position in the OIG as a "sensitive" position.

E2.1.1.3.2. Authorize, in case of an emergency, the appointment of a person to a sensitive position in the OIG for a limited period of time for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed.

E2.1.1.3.3. Authorize the suspension of access to classified and unclassified sensitive material of an OIG employee in the interest of national security.

E2.1.1.4. Act as agent for the collection and payment of employment taxes imposed by Chapter 24, Section 3401, of the Internal Revenue Code of 1954 and, as such agent, make all determinations and certifications required or provided under Section 3122 of title 26 U.S.C., and Sections 405(p)(1) and (2) of title 42 U.S.C., with respect to OIG employees.

E2.1.1.5. Authorize and approve:

E2.1.1.5.1. Travel for OIG civilian personnel in accordance with Volume 2, Department of Defense Civilian Personnel, Joint Travel Regulations.

E2.1.1.5.2. Temporary duty travel only for military personnel assigned to or detailed to the OIG in accordance with Volume 1, Joint Travel Regulations.

E2.1.1.5.3. Invitational travel to persons serving without compensation whose consultative, advisory, or highly specialized technical services are required in a capacity that is directly related to or in connection with OIG activities, pursuant to Section 5703 of title 5 U.S.C., and Part A, Chapter 6, Volume 2, Joint Travel Regulations.

E2.1.1.6. Approve the expenditure of funds available for travel by military personnel assigned or detailed to the OIG for expenses incident to attendance at meetings of technical, scientific, professional, or other similar organizations in such instances where the approval of the Secretary of Defense, or designee, is required by law (Section 412 of title 37 U.S.C.). This authority cannot be redelegated.

E2.1.1.7. Develop, establish, and maintain an active and continuing Records Management Program under DoD Directive 5015.2; DoD Directive 5400.7; and DoD Directive 5400.11.

E2.1.1.8. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals as required for the effective administration and operation of the OIG (Section 3702 of title 44 U.S.C.).

E2.1.1.9. Establish and maintain appropriate property accounts for the OIG and appoint boards of survey, approve reports of survey, relieve personal liability, and drop accountability for OIG property contained in the authorized property accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

E2.1.1.10. Issue the necessary security regulations for the protection of property and places under the jurisdiction of the IG, under DoD Directive 5200.8.

E2.1.1.11. Establish and maintain for the functions assigned, an appropriate publications system for the promulgation of common supply and Service regulations, instructions, and reference documents, and changes thereto, consistent with DoD 5025.1-M.

E2.1.1.12. Enter into support and service agreements with the Military Departments, other DoD Components, or other Government Agencies as required for the effective performance of responsibilities and functions assigned to the OIG.

E2.1.1.13. Exercise Top Secret-Original Classification Authority.

E2.1.1.14. Issue credentials and other identification to employees of the OIG.

E2.1.2. The Inspector General may redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.