



Department of Defense

DIRECTIVE

NUMBER 5106.01
April 13, 2006

DA&M

SUBJECT: Inspector General of the Department of Defense

- References:
- (a) DoD Directive 5106.1, "Inspector General of the Department of Defense (IG, DoD)," January 4, 2001 (hereby canceled)
 - (b) Section 141 of title 10, United States Code
 - (c) Appendix 3 of title 5, United States Code, "Inspector General Act of 1978," as amended
 - (d) Chapter 33, Subsections 3345-3349 of title 5, United States Code (Federal Vacancies Reform Act of 1998)
 - (e) through (aa), see Enclosure 1

1. REISSUANCE AND PURPOSE

This Directive:

1.1. Reissues Reference (a) to update the mission, organization and management, responsibilities and functions, relationships, and authorities of the Inspector General of the Department of Defense in accordance with References (b) and (c).

1.2. Authorizes the Inspector General of the Department of Defense, as a Principal Staff Assistant reporting directly to the Secretary of Defense, to promulgate DoD policy in DoD Instructions within the responsibilities, functions, and authorities assigned herein.

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 in the Department of Defense (hereafter referred to collectively as the "DoD Components").

3. MISSION

The Office of the Inspector General of the Department of Defense was established by Congress in the Defense Authorization Act for Fiscal Year 1983, Public Law (Pub. L.) 97-252, which is codified at Reference (c), as an independent and objective unit within the Department of Defense to conduct and supervise audits and investigations relating to the programs and operations of the Department of Defense. In support of the mission of the Department of Defense, the Inspector General performs the duties, has the responsibilities, and exercises the powers specified in Reference (c).

4. ORGANIZATION AND MANAGEMENT

The Office of the Inspector General is an independent and objective organizational component of the Department of Defense. Consistent with the provisions of Reference (c), the Office of the Inspector General of the Department of Defense shall consist of the following positions:

4.1. The Inspector General of the Department of Defense, a civilian appointed by the President, with the advice and consent of the Senate, who shall serve as head of the Office of the Inspector General of the Department of Defense.

4.2. A Principal Deputy Inspector General, who shall serve as the Acting Inspector General of the Department of Defense when the Inspector General of the Department of Defense dies, resigns, or is otherwise unable to perform the functions and duties of the office in accordance with the Federal Vacancies Reform Act of 1998 and DoD Directive 3020.4 (References (d) and (e)).

4.3. Deputy Inspectors General as the Inspector General of the Department of Defense determines may be necessary for carrying out his or her mission, functions, responsibilities and duties, within assigned resources, including a Deputy Inspector General for Auditing and a Deputy Inspector General for Investigations, who shall be the "Assistant Inspector General for Auditing" and the "Assistant Inspector General for Investigations," respectively, as required by Reference (c). The Deputy Inspector General for Investigations shall supervise the Director of the Defense Criminal Investigative Service (DCIS).

4.4. Assistant Inspectors General as the Inspector General of the Department of Defense determines may be necessary for carrying out his or her mission, functions, responsibilities and duties, within assigned resources.

4.5. Such other officers and employees as may be necessary to carry out the mission, functions, responsibilities, and duties assigned by statute or herein, within assigned resources.

5. RESPONSIBILITIES AND FUNCTIONS

The Inspector General of the Department of Defense shall:

5.1. Serve as the principal adviser to the Secretary of Defense on all audit and criminal investigative matters and for matters relating to the prevention and detection of fraud, waste, and abuse in the programs and operations of the Department of Defense, in accordance with References (b) and (c).

5.2. Initiate, conduct, supervise, and coordinate such audits, evaluations, inspections, and investigations in the Department of Defense, including the Military Departments, as the Inspector General of the Department of Defense considers appropriate.

5.3. Provide policy direction for audits, evaluations, inspections, and investigations relating to fraud, waste, and abuse, program effectiveness; and other relevant areas within Inspector General of the Department of Defense responsibilities under Reference (c).

5.4. Coordinate and clarify policy regarding Inspector General of the Department of Defense duties, responsibilities, and functions with DoD Components.

5.5. Monitor and evaluate the work of all DoD activities and non-federal auditors relating to audits, evaluations, and inspections of DoD programs, missions, and functions and internal reviews in accordance with Reference (c), and the Single Audit Act (Reference (f)).

5.6. Consider requests from the Defense Criminal Investigative Organizations for the issuance of an Inspector General of the Department of Defense subpoena if they require access to information outside the Federal Government necessary for the performance of their duties.

5.7. Investigate, as the Inspector General of the Department of Defense considers appropriate, fraud, waste, and abuse uncovered as a result of contract and internal audits, evaluations, and inspections.

5.8. Establish policy, monitor and evaluate program performance, and provide guidance with respect to all DoD activities relating to criminal investigation and law enforcement programs including coordination with the Department of Justice, pursuant to DoD Directive 5525.7 (Reference (g)).

5.9. Establish guidelines for determining when non-Federal auditors may be used to ensure the appropriate use of non-Federal auditors and compliance with applicable auditing standards.

5.10. Coordinate and monitor access afforded to auditors, evaluators, or inspectors from DoD Components, non-DoD Federal Agencies, or contracted companies for any review that requires access to DoD records or other information from DoD Components.

5.11. Develop policy regarding working with the Government Accountability Office (GAO) when the GAO conducts surveys, reviews, and other audit activities within the Department of

Defense. Serve as the DoD central liaison with the Comptroller General of the United States on all matters concerning GAO surveys, reviews, reports, and activities. Monitor and distribute information regarding GAO activities with a view toward avoiding duplication and ensuring effective coordination and cooperation, consistent with DoD Directive 7650.2 (Reference (h)).

5.12. Establish 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. Establish policy and procedures for follow-up on the findings and recommendations of the GAO, the OIG DoD, and other DoD internal audit organizations, consistent with DoD Directive 7650.3 (Reference (i)).

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

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

5.15. Establish DoD policies for, and conduct, supervise, or coordinate other activities carried out or financed by, the Department of Defense to promote economy and efficiency in administration, and to prevent and detect fraud, waste, and abuse in its programs and operations.

5.16. Establish DoD policies describing the relationships between the Department of Defense and other Federal Agencies, State and local governmental agencies, and nongovernmental entities with respect to:

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

5.16.2. The identification of participants in such fraud, waste or abuse.

5.17. Keep the Secretary of Defense and the Congress fully and currently informed, including the Inspector General of the Department of Defense Semiannual Report to Congress as required by Reference (c), of fraud, abuses, and deficiencies relating to the administration of programs and operations managed or financed by the Department of Defense.

5.17.1. Recommend corrective action in cases of fraud, abuse, or deficiency.

5.17.2. Report on the progress made in implementing corrective actions.

5.18. Operate the Defense Hotline Program and direct its implementation in the DoD Components, ensuring that inquiries resulting from allegations are conducted in accordance with applicable laws, DoD regulations and policies.

5.18.1. Receive and investigate, in accordance with Reference (c) and DoD Directive 7050.1 (Reference (j)), complaints or information concerning the following:

5.18.1.1. Alleged violations of laws, rules, or regulations;

5.18.1.2. Mismanagement, gross waste of funds, or abuse of authority; or

5.18.1.3. A substantial and specific danger to the public health and safety involving the Department of Defense.

5.19. Maintain a whistleblower protection program in the Department of Defense that encourages personnel to report fraud, waste, and abuse to appropriate authorities; provides mechanisms for addressing complaints of reprisal; and recommends remedies for whistleblowers who encounter reprisal, consistent with applicable laws, regulations, and policies.

5.19.1. Receive and investigate, consistent with Subchapter II, Chapter 12 of 5 U.S.C. (Reference (k)), Section 2302 of 5 U.S.C. (Reference (l)), and Reference (c), complaints of reprisal made by civilian appropriated-fund employees.

5.19.2. Receive and investigate complaints of reprisal for making disclosures protected by statute, consistent with Sections 1034, 1587, and 2409 of title 10, United States Code (References (m) through (o)), as implemented by DoD Directive 7050.6, DoD Directive 1401.3, and Subpart 3.9 of the Federal Acquisition Regulation (References (p), (q), and (r), respectively).

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

5.20. Serve as the initial point of contact within the Department of Defense for Defense contractors and subcontractors to disclose potential civil or criminal fraud-related matters that affect their contractual relationships with the Department of Defense; and manage the DoD Voluntary Disclosure Program.

5.21. Receive and evaluate, consistent with Section 8H of Reference (c), complaints or information with respect to an urgent concern, which may have been, or may be reported to Congress, by an employee of the Defense Intelligence Agency (DIA), National Geospatial-Intelligence Agency (NGA), National Reconnaissance Office (NRO), National Security Agency (NSA), or a contractor of any of those Agencies.

5.22. Receive and investigate, consistent with DoD Directive 5505.6 (Reference (u)), 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.

5.23. Receive and investigate allegations by the Inspectors General of the DIA, the NGA, the NRO, and the NSA (DoD Intelligence Inspectors General) that their independence has been or is about to be compromised. Require notification from the DoD Intelligence Inspectors General when they are reassigned or removed. Ensure that DoD Intelligence Inspectors General are granted access to DoD information necessary for the performance of their duties. Consider requests from the DoD Intelligence Inspectors General for the issuance of an Inspector General of the Department of Defense subpoena if they require access to information outside the Federal Government necessary for the performance of their duties.

5.24. Audit, 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 shall be coordinated, as appropriate, with the Assistant to the Secretary of Defense (Intelligence Oversight) to determine respective areas of responsibility in accordance with DoD Directive 5148.11 (Reference (v)).

5.25. Investigate computer intrusion matters affecting the Global Information Grid, as the Inspector General of the Department of Defense considers appropriate.

5.26. Participate in appropriate initiatives and advisory groups to promote economy, efficiency, and integrity, and reduce vulnerability to waste, fraud, and abuse.

5.27. Share information as broadly as possible except where limited by law, regulation, or policy by presenting information in a visible, accessible, and understandable manner in accordance with DoD Directive 8320.2 (Reference (w)).

5.28. Organize, direct, and manage the Office of the Inspector General of the Department of Defense and all its assigned resources.

5.29. Perform all other functions the Secretary of Defense may direct, consistent with Reference (c) and other applicable laws and regulations.

6. RELATIONSHIPS

6.1. Pursuant to Section 3(a) of Reference (c), the Inspector General of the Department of Defense shall report to and be under the general supervision of the Secretary of Defense and the Deputy Secretary of Defense, but shall not report to, or be subject to supervision by, any other officer of the Department of Defense. Neither the Secretary of Defense nor the Deputy Secretary of Defense shall prevent or prohibit the Inspector General of the Department of Defense from initiating, carrying out, or completing any audit, evaluation, inspection or investigation, or from issuing any subpoena during the course of any audit or investigation, except as specified in Section 8(b) of Reference (c).

6.2. Nothing in this Directive shall be construed as limiting the authority and/or operational control of the Secretaries of the Military Departments and the Under Secretary of Defense (Comptroller) (USD(C)/Chief Financial Officer (CFO) over their respective organizations.

6.3. In the performance of assigned responsibilities and functions, the Inspector General of the Department of Defense 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, inspections, 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 and the Special Counsel, with a view toward avoiding duplication of effort and ensuring effective coordination and cooperation.

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

6.3.4. Report expeditiously any suspected or alleged violations of the Uniform Code of Military Justice (Reference (x)) to the Military Department Secretary concerned and/or the Secretary of Defense.

7. AUTHORITIES

In addition to the authorities provided in Reference (c), the Inspector General of the Department of Defense is delegated authority to:

7.1. Execute warrants and make arrests pursuant to guidelines issued by the Attorney General for special agents of the DCIS in accordance with Section 1585a of 10 U.S.C. (Reference (y)).

7.2. Access all records (electronic or otherwise), reports, investigations, audits, reviews, documents, papers, recommendations, or other information or 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 Inspector General of the Department of Defense, or officials assigned by the Inspector General of the Department of Defense, access to information, or prevent them from conducting an audit, evaluation, inspection, or investigation.

7.2.2. Inspector General of the Department of Defense officials shall possess the appropriate security clearance and access authorization when classified information is 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 6.2., above, the Head of the DoD Component concerned shall be kept informed of such direct communications. The communication to the Head of the DoD Component may be made through the Component's Inspector General if applicable.

7.4. Request assistance as needed from other audit, evaluation, inspection, 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. Obtain statements from DoD personnel on matters that the Inspector General of the Department of Defense considers appropriate for investigation pursuant to Reference (c), with due regard for rights and witness protections established by law.

7.7. Authorize Office of the Inspector General of the Department of Defense personnel to carry firearms in accordance with DoD Directive 5210.56 (Reference (z)).

7.8. Issue DoD policy in DoD Instructions within assigned authorities and responsibilities, including authority to identify collateral responsibilities of OSD officials and the Heads of the DoD Components. Such Instructions shall be fully coordinated in accordance with DoD 5025.1-M (Reference (aa)). Further, in areas of assigned responsibilities and functions, the Inspector General of the Department of Defense has authority to issue other DoD Instructions, DoD Publications, and one-time, directive-type memoranda, consistent with Reference (aa), that implement policy approved by the Secretary of Defense. Instructions to the Military Departments shall be issued through the Secretaries of the Military Departments. Instructions to the Combatant Commands shall normally be issued through the Chairman of the Joint Chiefs of Staff.

7.9. Exercise the delegations of authority in Enclosure (2).

8. EFFECTIVE DATE

This Directive is effective immediately.



Gordon England 4-13

Enclosures – 2

- E1. References, continued
- E2. Delegations of Authority

E1. ENCLOSURE 1

REFERENCES, continued

- (e) DoD Directive 3020.4, "Order of Succession Under Executive Order 13000 and the Federal Vacancies Reform Act of 1998," May 2, 2001
- (f) Chapter 75 of title 31, United States Code, "Single Audit Act of 1984," as amended
- (g) DoD Directive 5525.7, "Implementation of the Memorandum of Understanding Between the Department of Justice and the Department of Defense Relating to the Investigation and Prosecution of Certain Crimes," January 22, 1985
- (h) DoD Directive 7650.2, "General Accounting Office Reviews and Reports" July 13, 2000
- (i) DoD Directive 7650.3, "Follow-up on General Accounting Office (GAO), DoD Inspector General (DoD IG), and Internal Audit Reports," June 3, 2004
- (j) DoD Directive 7050.1, "Defense Hotline Program," January 4, 1999
- (k) Subchapter II, Chapter 12 of title 5, United States Code
- (l) Chapter 23, Section 2302 of title 5, United States Code Subchapter II, Chapter 12 of title 5, United States Code
- (m) Section 1034 of title 10, United States Code
- (n) Section 1587 of title 10, United States Code
- (o) Section 2409 of title 10, United States Code
- (p) DoD Directive 7050.6, "Military Whistleblower Protection," June 23, 2000
- (q) DoD Directive 1401.3, "Reprisal Protection for Nonappropriated Fund Instrumentality Employees/Applicants," October 16, 2001
- (r) Subpart 3.9, Federal Acquisition Regulation, "Whistleblower Protections for Contractor Employees"
- (s) Section 546 of Public Law 102-484, "National Defense Authorization Act for Fiscal Year 1993," October 23, 1992
- (t) DoD Directive 6490.1, "Mental Health Evaluations of Members of the Armed Forces," October 1, 1997
- (u) DoD Directive 5505.6, "Investigations of Allegations Against Senior Officials of the Department of Defense," April 10, 2006
- (v) DoD Directive 5148.11, "Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(IO))," May 21, 2004
- (w) DoD Directive 8320.2, "Data Sharing in a Net-Centric Department of Defense," December 2, 2004
- (x) Chapter 47 of title 10, United States Code, "Uniform Code of Military Justice"
- (y) Section 1585a of title 10, United States Code
- (z) DoD Directive 5210.56, "Use of Deadly Force and the Carrying of Firearms by DoD Personnel Engaged in Law Enforcement and Security Duties," November 1, 2001
- (aa) DoD 5025.1-M, "DoD Directives System Procedures," March 5, 2003

E2. ENCLOSURE 2

DELEGATIONS OF AUTHORITY

E2.1. Pursuant to the authority vested in the Secretary of Defense, and in accordance with DoD policies, Directives, and Instructions, the Inspector General of the Department of Defense or, in the absence of the Inspector General of the Department of Defense, the person acting for the Inspector General of the Department of Defense, is hereby delegated authority, as required to acquire, organize, employ, direct, and manage all resources assigned to the Offices of the Inspector General of the Department of Defense for the efficient administration and operation of the Office of the Inspector General, and within assigned resources, to:

E2.1.1. Establish advisory committees and employ part-time advisors for the performance of Office of the Inspector General of the Department of Defense functions pursuant to Section 173(a) of title 10, United States Code.

E2.1.2. Perform the following functions in accordance with the provisions of Section 7532 of title 5, United States Code; Executive Order 10450, "Security Requirements for Government Employment," April 27, 1953; and DoD 5200.2-R:

E2.1.2.1. Designate any position in the Office of the Inspector General of the Department of Defense as a "sensitive" position.

E2.1.2.2. Authorize, in exceptional circumstances where official functions must be performed prior to the completion of an investigation and adjudication process, temporary access to a sensitive position in the Office of the Inspector General of the Department of Defense for a limited period to individuals for whom an appropriate investigation is underway.

E2.1.2.3. Initiate personnel security investigations and, if necessary in the interest of national security, suspend a security clearance for personnel assigned, detailed to, or employed by the Office of the Inspector General of the Department of Defense. Any action under this subparagraph shall be taken in accordance with procedures prescribed in DoD 5200.2-R.

E2.1.3. Authorize and approve:

E2.1.3.1. Travel for Office of the Inspector General of the Department of Defense civilian personnel in accordance with Volume 2, Department of Defense Civilian Personnel, "Joint Travel Regulations."

E2.1.3.2. Temporary duty travel only for military personnel assigned to or detailed to the Office of the Inspector General of the Department of Defense in accordance with the Joint Federal Travel Regulations, Volume 1, "Uniformed Service Members."

E2.1.3.3. 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 Office of the Inspector General of the Department of Defense activities, pursuant to Section 5703 of title 5, United States Code, and Part A, Chapter 6, Volume 2, Joint Travel Regulations.

E2.1.4. Approve the expenditure of funds available for travel by military personnel assigned or detailed to the Office of the Inspector General of the Department of Defense 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 Section 412 of title 37, United States Code). This authority cannot be re-delegated.

E2.1.5. Develop, establish, and maintain an active and continuing Records Management Program under DoD Directives 5015.2, 5400.07, and 5400.11.

E2.1.6. 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 Office of the Inspector General of the Department of Defense according to Section 3702 of title 44, United States Code.

E2.1.7. Establish and maintain appropriate property accounts for the Office of the Inspector General of the Department of Defense and appoint boards of survey, approve reports of survey, relieve personal liability, and drop accountability for Office of the Inspector General 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.

E2.1.8. Issue the necessary security regulations for the protection of property and places under the jurisdiction of the Office of the Inspector General of the Department of Defense under DoD Instruction 5200.08.

E2.1.9. 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.

E2.1.10. 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 Office of the Inspector General of the Department of Defense.

E2.1.11. Exercise Top Secret-Original Classification Authority.

E2.1.12. Issue credentials and other identification to officers and employees of the Office of the Inspector General of the Department of Defense.

E2.2. The Inspector General of the Department of Defense may re-delegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.