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

References: See Enclosure 1

1. PURPOSE. This Directive reissues DoD Directive (DoDD) 5106.01 (Reference (a)) to update the mission, organization and management, responsibilities and functions, relationships, and authorities of the IG DoD, in accordance with sections 113 and 141 of title 10, United States Code (U.S.C.) (Reference (b)) and the Inspector General Act of 1978, as amended, Title 5, U.S.C. Appendix (Reference (c)).

2. APPLICABILITY. This Directive applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the IG DoD (OIG DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities in the DoD (hereinafter referred to collectively as the “DoD Components”).

3. MISSION. The OIG DoD was established by Congress in section 1117 of Public Law (PL) 97-252, “Department of Defense Authorization Act, 1983,” which is codified at Reference (c), as an independent and objective unit within DoD to conduct and supervise audits, investigations, evaluations, and inspections relating to the programs and operations of the DoD. In support of the mission of the DoD, the IG DoD performs the duties, has the responsibilities, and exercises the powers specified in Reference (c).

4. ORGANIZATION AND MANAGEMENT. The OIG DoD is an independent and objective organizational component of the DoD. The OIG DoD shall consist of:

   a. 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 DoD.
b. A Principal Deputy Inspector General (IG) who shall serve as the Acting IG DoD when the IG DoD dies, resigns, or is otherwise unable to perform the functions and duties of the office, in accordance with sections 3345 through section 3349d of title 5, U.S.C. and DoDD 3020.04 (References (d) and (e)), and also perform the duties of the IG when the IG DoD dies, resigns, or is otherwise unable to perform the functions and duties of the office and there cannot be an Acting IG DoD pursuant to Reference (d).

c. Deputy IGs for Audit and Investigations in fulfillment of the requirement for an “Assistant Inspector General for Auditing” and an “Assistant Inspector General for Investigations,” respectively, pursuant to Reference (c), and a Chief of Staff and such other Deputy and Assistant IGs as the IG DoD determines may be necessary for carrying out the OIG DoD mission, functions, responsibilities, and duties within assigned resources.

d. A General Counsel and Office of General Counsel that shall provide legal advice and counsel on all matters relating to the missions, functions, responsibilities, and duties of the OIG DoD. The General Counsel to the IG DoD is appointed by and reports directly to the IG DoD, in accordance with Reference (c).

e. 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 IG DoD shall:

a. Serve as the principal advisor 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 DoD, in accordance with section 141 of Reference (b), and Reference (c).

b. Initiate, conduct, supervise, and coordinate such audits, investigations, evaluations, and inspections within the DoD, including the Military Departments, as the IG DoD considers appropriate.

c. Provide policy and direction for audits, investigations, evaluations, and inspections, relating to fraud, waste, abuse, program effectiveness, and other relevant areas within OIG DoD responsibilities, pursuant to Reference (c).

d. Coordinate and clarify policy regarding OIG DoD duties, responsibilities, and functions with the DoD Components.

e. Monitor and evaluate the work of all DoD activities and non-Federal auditors relating to audits, investigations, evaluations, and inspections of DoD programs, missions, functions, and internal reviews, in accordance with Reference (c), and chapter 75 of title 31, U.S.C. (also known and hereinafter referred to as “The Single Audit Act of 1984, as amended” (Reference (f)).
f. Consider requests from DoD Components for the issuance of Subpoenas Duces Tecum seeking information from sources outside the Federal Government and Subpoenas Ad Testificandum seeking testimony from individuals not currently employed by the Federal Government or on active military duty, necessary for the performance of duties assigned by Reference (c).

g. Investigate, as the IG DoD considers appropriate, fraud, waste, and abuse uncovered as a result of contract and internal audits, investigations, evaluations, and inspections.

h. 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 Instruction (DoDI) 5525.07 (Reference (g)).

i. 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.

j. Coordinate and monitor access afforded to auditors, investigators, 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.

k. Develop policy regarding working with the Government Accountability Office (GAO) when the GAO conducts surveys, reviews, and other audit activities within the DoD. 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 DoDI 7650.02 (Reference (h)). In cases where the IG DoD is unable to facilitate resolution of disagreements among OSD Principal Staff Assistants and Heads of DoD Components regarding such surveys, reviews, reports, or activities, the IG DoD shall elevate the matter to the Secretary of Defense or Deputy Secretary of Defense for decision.

l. 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; and non-Federal auditors performing audits under The Single Audit Act of 1984, as amended. 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 DoDI 7650.03 (Reference (i)).

m. Monitor and give particular regard to the activities of the internal audit, investigation, evaluation, inspection, and IG units of DoD Components (including those of the Military Departments), with a view toward avoiding duplication and ensuring effective coverage, coordination, and cooperation. This shall not limit or restrict the responsibilities and functions of the IG DoD, as stated elsewhere in section 5 of this Directive or authorized in Reference (c).
n. Review existing and proposed legislation and regulations relating to DoD programs and operations and make recommendations concerning their impact on the economy and efficiency, or on the prevention and detection of fraud, waste, and abuse, in DoD programs and operations, in accordance with Reference (c).

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

p. Establish DoD policies describing the relationships between DoD and other Federal agencies; State, tribal, and local governmental agencies; and nongovernmental entities with respect to:

(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 DoD; or

(2) The identification of participants in such fraud, waste, or abuse.

q. Keep the Secretary of Defense and the Congress fully and currently informed, including through the IG DoD 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 DoD, including:

(1) Recommending corrective action in cases of fraud, abuse, or deficiency.

(2) Reporting on the progress made in implementing corrective actions.

r. Operate the Defense Hotline Program and direct its implementation in DoD Components, ensuring that inquiries resulting from allegations are conducted in accordance with applicable laws, DoD regulations, and policies. Receive and investigate, in accordance with Reference (c) and DoDI 7050.01 (Reference (j)), complaints or information concerning:

(1) Alleged violations of laws, rules, or regulations;

(2) Mismanagement, gross waste of funds, or abuse of authority; or

(3) A substantial and specific danger to the public health and safety involving the DoD.

s. Maintain a whistleblower protection program in DoD 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.
(1) Receive and investigate complaints of reprisal made by civilian appropriated-fund employees in a manner generally in accordance with sections 1221(e) and 2302 of Reference (d), and Reference (c).

(2) Provide oversight, as appropriate, on investigations conducted by DoD Components into allegations of reprisal made by civilian appropriated-fund employees, to include employees of Defense Intelligence Components.

(3) Receive and investigate complaints of reprisal for making disclosures protected by statute, consistent with sections 1034, 1587, and 2409 of Reference (b), as implemented by DoDD 7050.06, DoDD 1401.03, subpart 3.9 of the Federal Acquisition Regulation, or Defense Federal Acquisition Regulation Supplement 203.9, as applicable (References (k) through (n), respectively).

(4) Receive and investigate complaints of reprisal related to command-directed evaluations for mental health of members of the Military Services, in accordance with section 1090a of Title 10, U.S.C., and DoDI 6490.04 (References (b) and (o)).

(5) Provide oversight, as appropriate, on investigations conducted by DoD Components into allegations of improper mental health evaluations made by military personnel.

(t) Serve as the initial point of contact within the DoD for Defense contractors and subcontractors to disclose potential civil or criminal fraud-related matters that affect their contractual relationships with the DoD; and manage the DoD Contractor Disclosure Program, in accordance with DoDI 5505.15 (Reference (p)).

(u) 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/Central Security Service (NSA/CSS), or a contractor of any of those Defense Agencies.

(v) Receive and investigate allegations of misconduct made against senior DoD officials, in accordance with DoDD 5505.06 (Reference (q)). Provide oversight, as appropriate, on investigations conducted by the DoD Components into allegations against senior officials.

(w) Ensure that DoD Intelligence IGs are granted access to DoD information necessary for the performance of their duties.

(x) Audit, evaluate, monitor, and review the programs, policies, procedures, and functions of the DoD Intelligence Components to ensure that intelligence resources, including those funded through the National Intelligence Program, are properly managed. Such actions shall be coordinated, as appropriate, with the Assistant to the Secretary of Defense for Intelligence Oversight to determine respective areas of responsibility, in accordance with DoDD 5148.11 (Reference (r)).
y. Investigate computer intrusion matters affecting the Global Information Grid, as the IG DoD considers appropriate.

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

aa. 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 DoDI 8320.02 (Reference (s)).

ab. Organize, direct, and manage the OIG DoD and all its assigned resources.

ac. Serve as the proponent for the Defense IG system for IGs assigned to all DoD Components to include:

   (1) Coordinating and clarifying DoD policy regarding IG duties, responsibilities, functions, and training.

   (2) Developing, coordinating, conducting, and providing uniform training and certification, as IG DoD considers appropriate, regarding Joint IG duties, responsibilities, and functions.

   (3) Other responsibilities and functions regarding the Combatant Command IGs, pursuant to DoDD 5106.04 (Reference (t)).

ad. Respond to requests for investigation, pursuant to section 1213 of Reference (d), from the Special Counsel, Office of the Special Counsel, relating to allegations of violations of law, gross mismanagement, and certain other matters, in accordance with DoDD 5500.19 (Reference (u)).

ae. Pursuant to DoDD 5205.07 (Reference (v)), maintain a sufficient dedicated cadre of Special Access Program (SAP)-trained personnel to perform inspection, investigation, evaluation, and audit functions for DoD SAP and SAP-related activities.

af. Perform the duties as detailed in section 8L of Reference (c), to include comprehensive oversight of all aspects of an overseas contingency operation, if designated lead IG or appointed associate IG.

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

6. RELATIONSHIPS

a. In the performance of assigned responsibilities and functions, the IG DoD shall:
(1) Pursuant to section 3(a) of Reference (c), 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 DoD. Neither the Secretary of Defense nor the Deputy Secretary of Defense shall prevent or prohibit the IG DoD from initiating, carrying out, or completing any audit, investigation, evaluation, or inspection, or from issuing any subpoena during the course of any audit or investigation, except as specified in section 8(b) of Reference (c).

(2) Coordinate actions, as appropriate, with other DoD Components and, unless precluded by the nature of the matter, notify the Heads of the DoD Components concerned before conducting audits, investigations, evaluations, or inspections of matters normally under the jurisdiction of the Heads of the DoD Components.

(3) Give particular regard to the activities of the Comptroller General of the United States, the Office of Special Counsel, and the Intelligence Community Inspector General, with a view toward avoiding duplication of effort and ensuring effective coordination and cooperation.

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

(5) Report expeditiously any suspected or alleged violations of the chapter 47 of Reference (b) (also known as “The Uniform Code of Military Justice”) to the Secretary of the Military Department concerned and the Secretary of Defense.

b. 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)/Chief Financial Officer, Department of Defense, over their respective organizations.

7. AUTHORITIES. Pursuant to, or in addition to, the authorities provided in Reference (c), the IG DoD is delegated authority to:

   a. Execute warrants and make arrests pursuant to guidelines issued by the Attorney General for special agents of the Defense Criminal Investigative Service (DCIS), in accordance with section 1585a of Reference (b).

   b. Access all records (electronic or otherwise), reports, investigations, audits, reviews, documents, papers, recommendations, or other information or material available to any DoD Component.

(1) Except as specifically denied in writing by the Secretary of Defense, pursuant to the authority contained in section 8 of Reference (c) and subparagraph 6.a.(1), no officer, employee, or Service member of any DoD Component may deny the IG DoD, or officials assigned by the IG DoD, access to information, or prevent them from conducting an audit, investigation, evaluation, or inspection.
(2)  OIG DoD officials shall possess the appropriate security clearance and access authorization when classified information is requested.

c. 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.b., 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 IG of the Component, if applicable.

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

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

f. Obtain sworn statements from individuals on matters that the IG DoD considers appropriate for investigation, pursuant to Reference (c), with due regard for rights and witness protections established by law.

g. Authorize OIG DoD personnel to carry firearms, in accordance with DoDD 5210.56 (Reference (w)).

h. Establish, in DoDIs and one-time Directive-Type Memorandums (DTMs), DoD policy within the authorities and responsibilities assigned herein, including authority to identify collateral responsibilities of other OSD Principal Staff Assistants and the Heads of the DoD Components.  This authority shall not be redelegated.

(1)  Such DoDIs and DTMs shall be fully coordinated, in accordance with DoDI 5025.01 (Reference (x)).

(2)  Further, in areas of assigned responsibilities and functions, the IG DoD has authority to approve and sign other DoDIs, DoD Manuals, and one-time DTMs, in accordance with Reference (x), that implement policy approved by the Secretary of Defense.

(3)  Instructions to the Military Departments shall be issued through the Secretaries of the Military Departments.  Instructions to the Combatant Commands normally shall be communicated through, and coordinated with, the Chairman of the Joint Chiefs of Staff.

i. Exercise the administrative authorities contained in Enclosure 2.

8.  RELEASABILITY.  Cleared for public release.  This Directive is available on the Directives Division Website at https://www.esd.whs.mil/DD/.
9. SUMMARY OF CHANGE 2. This change updates the office of primary responsibility designation and the Directives Division Website address, updates references, and removes expiration language in accordance with current Chief Management Officer of the Department of Defense direction.

10. EFFECTIVE DATE. This Directive is effective April 20, 2012.

[Signature]
Ashton B. Carter
Deputy Secretary of Defense

Enclosures
   1. References
   2. Delegations of Authority
Glossary
ENCLOSURE 1

REFERENCES

(b) Sections 113, 141, 1034, 1090a, 1585a, 1587, 2409, and chapter 47, of title 10, United States Code
(c) Inspector General Act of 1978, as amended, title 5, United States Code, Appendix
(d) Sections 1213, 1221 (e), 2302, and 3345-3349 of title 5, United States Code
(f) Chapter 75 of title 31, United States Code (also known as “The Single Audit Act of 1984,” as amended’)
(g) DoD Instruction 5525.07, “Implementation of the Memorandum of Understanding Between the Departments of Justice and Defense Relating to the Investigation and Prosecution of Certain Crimes,” March 5, 2020
(h) DoD Instruction 7650.02, “Engaging with the Government Accountability Office (GAO) on GAO Audits,” January 24, 2020
(i) DoD Instruction 7650.03, “Follow-Up on Inspector General of the Department of Defense (IG DoD) and Internal Audit Reports,” December 18, 2014, as amended
(j) DoD Instruction 7050.01, “DoD Hotline Program,” October 17, 2017
(m) Subpart 3.9, Federal Acquisition Regulation, “Whistleblower Protections for Contractor Employees,” March 2005
(o) DoD Instruction 6490.04, “Mental Health Evaluations of Members of the Military Services,” March 4, 2013, as amended
(r) DoD Directive 5148.11, “Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(IO)),” April 24, 2013
(s) DoD Instruction 8320.02, “Sharing Data, Information, and Information Technology (IT) Services in the Department of Defense,” August 5, 2013
(u) DoD Directive 5500.19, “Cooperation with the United States Office of Special Counsel (OSC),” May 24, 2004

1 Sections 3345-3349 are also known as “The Federal Vacancies Reform Act of 1998”
(x) DoD Instruction 5025.01, “DoD Issuances Program,” August 1, 2016, as amended
ENCLOSURE 2

DELEGATIONS OF AUTHORITY

Pursuant to the authority vested in the Secretary of Defense, and in accordance with DoD policies and issuances, the IG DoD or, in the absence of the IG DoD, the person acting for the IG DoD, is hereby delegated authority, as required to acquire, organize, employ, direct, and manage all resources assigned to the OIG DoD for the efficient administration and operation of the OIG DoD, and within assigned resources, to:

a. Use advisory committees and employ temporary or intermittent experts or consultants, as approved by the Secretary of Defense or the Director of Administration and Management, for the performance of OIG DoD functions, in accordance with sections 173 and 174 of title 10, U.S.C.; section 3109(b) of title 5, U.S.C.; and the Federal Advisory Committee Act, as amended, title 5, U.S.C. Appendix; and DoDI 5105.04.

b. In accordance with Executive Order 10450, “Security Requirements for Government Employment,” April 27, 1953; Executive Order 12968, “Access to Classified Information,” August 2, 1995; and DoDD 5200.2, as appropriate:
   (1) Designate any position in the OIG DoD as a “sensitive” position.
   (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 OIG DoD for a limited period to individuals for whom an appropriate investigation is underway.
   (3) Initiate personnel security investigations and, if necessary in the interest of national security, suspend access to classified information for personnel assigned, detailed to, or employed by the OIG DoD. Any actions described in this subparagraph shall be taken in accordance with procedures prescribed in DoD 5200.2-R.

c. Authorize and approve:
   (2) Temporary duty travel only for military personnel assigned to or detailed to the OIG DoD in accordance with the Joint Federal Travel Regulations, Volume 1, “Uniformed Service Members,” current edition.
   (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 DoD activities, pursuant to section 5703 of title 5, U.S.C., and JTR, Volume 2.
d. Approve the expenditure of funds available for travel by military personnel assigned or detailed to the OIG DoD 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, U.S.C. and sections 4110 and 4111 of title 5, U.S.C. This authority cannot be redelegated.


f. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals and public media as required for the effective administration and operation of the OIG DoD, in accordance with section 3702 of title 44, U.S.C.

g. Establish and maintain appropriate property accounts for the OIG DoD and appoint boards of survey, approve reports of survey, relieve personal liability, and drop accountability for OIG DoD 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.

h. Issue the necessary security regulations for the protection of property and places under the jurisdiction of the OIG DoD, pursuant to DoDI 5200.08.

i. 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, pursuant to the policies and procedures prescribed in Reference (x).

j. 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 DoD.

k. Enter into and administer contracts directly or through the Military Departments, a DoD contract administration services component, or other Federal agency, as appropriate, for supplies, equipment, and services required to accomplish the OIG DoD mission.

l. Exercise Top Secret-Original Classification Authority, in accordance with Executive Order 13526. This authority may not be redelegated.

m. Issue credentials and other identification to officers and employees of the OIG DoD; and contractor employees directly supporting the DCIS Asset Forfeiture Program.

n. Issue photographic identification cards to retired law enforcement officers, in accordance with DoDI 5525.12 and section 926C of title 18, U.S.C.
o. Maintain an official seal and attest to the authenticity of official records under the seal.

p. Redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.
GLOSSARY

ABBREVIATIONS AND ACRONYMS

DCIS       Defense Criminal Investigative Service
DIA        Defense Intelligence Agency
DoDD       DoD directive
DoDI       DoD instruction
DTM        directive-type memorandum

GAO        Government Accountability Office
IG DoD     Inspector General of the Department of Defense
IG         Inspector General
JTR        Joint Travel Regulations
NGA        National Geospatial-Intelligence Agency
NRO        National Reconnaissance Office
NSA/CSS    National Security Agency/Central Security Service

OIG DoD    Office of the Inspector General of the Department of Defense

PL         Public Law

SAP        Special Access Program