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DEFENSE INTELLIGENCE AGENCY

WASHINGTON, D.C. 20340-5100



NOV 18 2016

U-16-7753/FAC-2A1 (FOIA)

Mr. John Greenwald



Dear Mr. Greenwald:

This responds to your Freedom of Information Act (FOIA) request, dated August 24, 2015, case number 0485-2015, that you submitted to the Defense Intelligence Agency (DIA) for information concerning *a copy of records, electronic or otherwise, of the policy, document, or memorandum of agreement that covers and deals with interactions between DIA's staff and the DIA's Office of Inspector General.*

A search of DIA's systems of records located one document (8 pages) responsive to your request. Upon review, I have determined that the document is appropriate for release in full. DIA has not withheld any reasonably segregable non-exempt portions of the record.

If you are not satisfied with my response to your request, you may contact the DIA FOIA Requester Service Center, as well as our FOIA Public Liaison at 301-394-5587.

You may also exercise your right to file an administrative appeal by writing to the address below and referring to case number (0485-2015). Your appeal must be postmarked no later than 90 days after the date of this letter.

Defense Intelligence Agency  
7400 Pentagon  
ATTN: FAC2A1 (FOIA)  
Washington, D.C. 20301-7400

Sincerely,

  
Alesia Y. Williams RM

Chief, FOIA and Declassification Services Office

1 Enclosure

# Directive

DEFENSE INTELLIGENCE AGENCY  
WASHINGTON, DC 20340-5100

DIAD 5100.200  
17 February 2006  
OPR: IG

## Office of the Inspector General Policies and Responsibilities

### References:

- (a) Defense Intelligence Agency (DIA) Regulation 40-5, "Inspector General Policies and Responsibilities," October 15, 1991 (canceled)
- (b) DIA Manual 40-1, "Audits, Investigations, Inspections, and Intelligence Oversight," December 28, 2001 (canceled)
- (c) Public Law 95-452, Inspector General Act of 1978, October 12, 1978 (as amended)
- (d) Memorandum of Understanding between the Office of the Inspector General, Defense Intelligence Agency, and the Defense Criminal Investigative Service, "Governing the Delineation of Investigative Responsibility between the Office of Inspector General, Defense Intelligence Agency and the Defense Criminal Investigative Service," February 2001
- (e) Department of Defense Instruction 7750.6, "Information Requirements for Semiannual Report to the Congress," April 27, 1990
- (f) Department of Defense 5240.1-R, "Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons," December 1982
- (g) through (t), see enclosure 1.

### 1. Purpose

- 1.1. Replaces references (a) and (b).
- 1.2. This directive establishes policy as it relates to the official responsibilities of the Office of the Inspector General (OIG). Specifically, it includes the laws, regulations, executive orders, and policies that define and support the roles and responsibilities of the DIA Inspector General (IG). It also defines and clarifies the roles and responsibilities of DIA management, staff, and outside agencies in support of the OIG.
- 1.3. This directive applies to all personnel and organizations assigned or attached to DIA.

### 2. Responsibilities

2.1. Inspector General Act of 1978

The IG is a civilian senior executive appointed by the director to serve as head of the OIG. The OIG is established as an independent office within DIA. The duties and responsibilities of the IG are consistent in nature and scope to those of any statutory IG, under the provisions of Public Law 95-452, the Inspector General Act of 1978, reference (c).

2.2. Intelligence Authorization Legislation

The Intelligence Authorization Act for fiscal year 2003, reference (i), amended Section 8H of the Inspector General Act of 1978 to require the DIA OIG to submit an annual report directly to the congressional intelligence committees on resources, plans, capabilities, and support of its office.

2.3. OIG Services

The OIG provides the following services to the agency:

2.3.1. Advisory Services to Director, Other Federal Agencies, and Congress:

- 2.3.1.1. Advises the director on all audit, inspection, intelligence oversight, investigation, and workforce assistance matters covered under the Inspector General Act of 1978 and on all matters related to the prevention and detection of fraud, waste, and abuse in the programs and operations of the agency.
- 2.3.1.2. Keeps the director fully and currently informed concerning fraud and other serious problems, abuses, and deficiencies related to the administration of programs and operations administered or financed by the agency.
- 2.3.1.3. Recommends corrective action concerning such problems, abuses, and deficiencies and reports on progress made in implementing such corrective action.
- 2.3.1.4. Monitors and gives particular regard to the activities of the Department of Defense (DoD) OIG, and the General Accountability Office (GAO) with a view toward avoiding duplication and ensuring effective coordination and cooperation.
- 2.3.1.5. Reviews existing and proposed legislation and regulations related to DIA programs and operations and makes recommendations to the director concerning their impact on economy and efficiency or on the prevention and detection of fraud and abuse in DIA programs and operations.

- 2.3.1.6. Receives and investigates, consistent with Section 7 of the Inspector General Act of 1978 and in coordination with the Defense Criminal Investigative Service (DCIS), reference (d), complaints or information concerning the possible existence of any activity constituting a violation of laws, rules, regulations, mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety involving DIA.
- 2.3.1.7. Maintains the DIA OIG hotline to facilitate the reporting of allegations of fraud, waste, abuse, or mismanagement in DIA programs or operations by DIA employees, contractors, or the general public.
- 2.3.2. Compliance with the Law and Other Federal Government Agencies/Standards
  - 2.3.2.1. Provides semiannual reports to the DoD OIG as required by DoD Instruction 7750.6, reference (e).
  - 2.3.2.2. Conducts congressional liaison and supports congressional requests.
  - 2.3.2.3. Provides a quarterly report to the Assistant to the Secretary of Defense (Intelligence Oversight) (ATSD(IO)) as required by DoD 5240.1-R, reference (f), consistent with Executive Order 12333, "U.S. Intelligence Activities," reference (g).
  - 2.3.2.4. Provides questionable activity notification to ATSD(IO) as required by DoD Directive 5148.11, reference (h), and DoD 5240.1-R.
  - 2.3.2.5. Provides an annual report to the congressional intelligence committees as required by the Inspector General Act of 1978.
  - 2.3.2.6. Coordinates actions, deemed appropriate with other DIA and DoD components such as the Under Secretary of Defense for Policy and the ATSD(IO) on matters related to their respective areas of responsibility.
  - 2.3.2.7. Reports expeditiously to the attorney general whenever the IG has reasonable grounds to believe there has been a violation of federal criminal law, reference (s).
  - 2.3.2.8. Reports expeditiously to the appropriate military department concerning any alleged violations of the Uniform Code of Military Justice (UCMJ).
  - 2.3.2.9. Recommends policies for and conducts, supervises, or coordinates relationships between DIA and other DoD entities, federal agencies, state and local government agencies, and nongovernmental entities on

all matters related to the detection and/or prevention of fraud and abuse in programs and operations administered or financed by the agency. Recommends the identification and prosecution of participants in such fraud or abuse.

- 2.3.2.10. Ensures that all DIA auditors adhere to government auditing standards as implemented by the Comptroller General of the United States document, "Government Auditing Standards," June 2003, reference (l).
- 2.3.2.11. Evaluates program performance and monitors actions taken by audits and inspections conducted by the DoD OIG, and audits conducted by the Comptroller General of the United States.
- 2.3.2.12. Maintains close liaison with Intelligence Community (IC) and non-IC OIGs and associated law enforcement entities within and outside DoD.
- 2.3.2.13. Represents the director on all activities requiring coordination and/or collaboration with outside OIGs, e.g., DoD, Central Intelligence Agency (CIA), National Security Agency (NSA), Department of State, military services, etc. Ensures through official and personal interaction with these senior officials that DIA positions and requirements are properly articulated and known and that the agency's best interests are served.
- 2.3.2.14. Receives and investigates, consistent with DoD Directive 1401.3, reference (m), and DoD Directive 7050.6, reference (n), complaints of reprisal for making disclosures protected by statute.
- 2.3.2.15. Ensures decisions regarding the release of OIG documents, both within and outside DIA, are made with due regard to the privileged nature and confidentiality of such documents, the effective management of the affairs of DIA, and the disclosure provisions of DIA Regulation 12-39, "Freedom of Information Act Program," reference (o), DIA Regulation 12-12, "Defense Intelligence Agency Privacy Program," reference (p), and the amendments to the Freedom of Information Act made by Section 312 of the Intelligence Authorization Act for fiscal year 2003, "Prohibition on compliance with requests for information submitted by foreign governments." "Section 307 amends 5 U.S.C. 52 (a)(3)(A), by limiting the application of this paragraph of the Freedom of Information Act (FOIA) such that agencies would be prohibited from complying with the requests of foreign governments or their representatives to make records available."
- 2.3.2.16. Prepares pre-decisional and authoritative reports.

### 2.3.3. OIG Products and Services

- 2.3.3.1. Initiates, conducts, and supervises audits, inspections, investigations, intelligence oversight inquiries, and workforce assistance activities.
- 2.3.3.2. Provides policy direction for audits, inspections, investigations, intelligence oversight inquiries, and workforce assistance activities related to the reduction and elimination of fraud, waste, and abuse to improve program effectiveness.
- 2.3.3.3. Evaluates and reviews the work of all DIA activities related to self-inspection, internal review, contract review, intelligence oversight, and security oversight.
- 2.3.3.4. Investigates fraud, waste, and abuse uncovered as a result of OIG activities, internal reviews, contract reviews, security oversight, and intelligence oversight, as the IG considers appropriate.
- 2.3.3.5. Monitors and evaluates program performance and provides guidance with respect to all DIA activities related to criminal investigation programs.
- 2.3.3.6. Evaluates program performance, and monitors actions taken by all DIA components in response to audits, inspections, and other reviews.
- 2.3.3.7. Recommends policies for other activities carried out or funded by DIA for the purpose of promoting economy and efficiency in the administration of programs and operations or in preventing and detecting fraud, waste, and abuse.
- 2.3.3.8. Interacts with the agency's senior leadership to ensure that their plans, programs, and policies are fully understood and that specific concerns within the responsibilities of the OIG are addressed.
- 2.3.3.9. Organizes, directs, and manages OIG resources.

### 2.4. Deputy Directors For and Special Office Chiefs

- 2.4.1. DIA components will ensure that the OIG has access to and copies of all records, reports, audits, reviews, documents, papers, recommendations, or other available materials. Each element will also provide the necessary authorizations and security accesses.
- 2.4.2. Managers will allow employees unobstructed access to the OIG. Employees are protected by DoD Directive 7050.6, "Military Whistleblower Protection, reference (n), and the Intelligence Community Whistleblower Protection Act of

1998, reference (t), when making a complaint, indicating an intent to make a complaint, or for disclosing information to the OIG.

## 2.5. DIA Employees

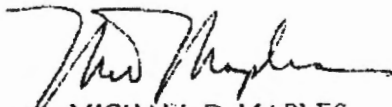
- 2.5.1. Employees are responsible for complying with applicable laws and regulations and for maintaining high standards of conduct in the programs and operations of the agency. Employees must report suspected or apparent fraud, waste, or abuse to the OIG.
- 2.5.2. Employees will cooperate fully with the OIG so that audits, inspections, investigations, intelligence oversight inquiries, and workforce assistance activities may be conducted and brought to a prompt and appropriate conclusion.
- 2.5.3. Employees can assert their rights under the Fifth Amendment or Article 31, UCMJ, to refuse to answer questions on the grounds that the answers might be used against him or her in criminal proceedings.
- 2.5.4. Employees who knowingly fail to report evidence of fraud, waste, or abuse or who fail to cooperate in an investigation as a witness are subject to disciplinary action.
- 2.5.5. Employees who deliberately make a complaint or provide information to the OIG with the knowledge that such complaint or information is false are subject to disciplinary action.

## 3. Policy

- 3.1. The OIG will carry out the responsibilities and functions described in Section 2 under the general supervision of the director. The OIG will not be prevented or prohibited from initiating, carrying out, or completing any audit, inspection, investigation, intelligence oversight inquiry, or workforce assistance activity, or from requesting any subpoena during the course of any audit, evaluation, or investigation; except that the OIG will be subject to the authority, direction, and control of the director with respect to audits, evaluations, or investigations that require access to information concerning:
  - 3.1.1. Sensitive operational plans.
  - 3.1.2. Intelligence matters.
  - 3.1.3. Counterintelligence matters.
  - 3.1.4. Ongoing criminal investigations by other administrative units of the DIA or DoD related to national security



- 3.1.5. Other matters, the disclosure of which would constitute a serious threat to national security.
- 3.2. In accordance with the procedures established in DoD Directive 7600.2, reference (q), if the director exercises the authority to restrict OIG auditor access, the DoD IG will be advised of the denial within 15 working days.
- 3.3. In the performance of its assigned responsibilities and functions, the OIG will coordinate actions, as deemed appropriate, with other DIA components.
- 3.4. In addition to the authorities to be exercised in parallel and in support of the DoD OIG authorities under the Inspector General Act of 1978 and authorities delegated in DoD Directive 5105.21, reference (r), and DoD 5240.1-R, which delineate OIG responsibilities and demonstrate an inherent requirement for an internal oversight organization within DIA, the OIG is delegated authority to:
  - 3.4.1. Have access to all records, reports, investigations, audits, reviews, documents, papers, recommendations, or other materials available to any DIA component. OIG officials will possess proper security clearances and access approvals when sensitive classified data are requested.
  - 3.4.2. Communicate directly with personnel of other DoD components on matters relating to the Inspector General Act of 1978 and this directive.
  - 3.4.3. Request assistance as needed from other audit, inspection, investigation, intelligence oversight, and workforce assistance units of DoD components.
  - 3.4.4. Request information or assistance from any federal, state, or local governmental agency or unit thereof.

  
MICHAEL D. MAPLES  
Lieutenant General, USA  
Director

E.1 ENCLOSURE 1References, continued

- (g) Executive Order 12333, "Intelligence Activities," December 4, 1981
- (h) DoD Directive 5148.11, "Assistant to the Secretary of Defense (Intelligence Oversight) (ATSD(IO)), May 21, 2004
- (i) House Report 107-789, "Intelligence Authorization Act for Fiscal Year 2003" November 14, 2002
- (j) Senate Report 106-279, "Authorizing Appropriations for Fiscal Year 2001 for the Intelligence Activities of the United States Government and the Central Intelligence Agency Retirement and Disability System and for Other Purposes," May 4, 2000
- (k) DoD Directive 5106.1, "Inspector General of the Department of Defense (IG, DoD)," January 4, 2001
- (l) Comptroller General of the United States Document, "Government Auditing Standards, (2003 Revision)" June 2003
- (m) DoD Directive 1401.3, "Reprisal Protection for Nonappropriated Fund Instrumentality Employees/Applicants," October 16, 2001
- (n) DoD Directive 7050.6, "Military Whistleblower Protection," June 23, 2000
- (o) DIA Regulation 12-39, "Freedom of Information Act Program," August 24, 1999
- (p) DIA Regulation 12-12, "Defense Intelligence Agency Privacy Program," April 15, 1997
- (q) DoD Directive 7600.2, "Audit Policies," March 20, 2004
- (r) DoD Directive 5105.21, "Defense Intelligence Agency (DIA)," February 18, 1997
- (s) Memorandum of Understanding between the Attorney General and the Intelligence Community, "Reporting of Information Concerning Federal Crimes," August 2, 1995
- (t) Intelligence Community Whistleblower Protection Act, October 1998