

(3) Coordinate, as appropriate, with the Under Secretary of Defense for Policy and the Assistant to the Secretary of Defense (Intelligence Oversight) on matters relating to their respective areas of responsibility.

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

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

§ 373.7 Authority.

In addition to the authorities delegated in Pub. L. 95-452, the IG is hereby delegated authority to:

(a) Issue DoD instructions, DoD publications, and one-time, directive-type memoranda, consistent with DoD 5025.1-M that implement policies approved by the Secretary of Defense in assigned areas of responsibility. Instructions shall be issued directly to elements of the OSD and the Defense Agencies. Instructions to the Military Departments shall be issued through the Secretaries of those Departments or their designees. Instructions to the Unified and Specified Commands shall be issued through the JCS.

(b) Have access to all records, reports, investigations, audits, reviews, documents, papers, recommendations, or other material available to any DoD Component. These normally shall be obtained consistent with DoD Directive 5000.19.

(1) Except as specifically denied in writing by the Secretary of Defense pursuant to the authority contained in Section 8 of Pub. L. 95-452 and § 373.6(a), 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 or investigation.

(2) IG officials shall possess proper access security clearance when sensitive classified data are requested.

(c) Communicate directly with personnel of other DoD Components on matters related to Pub. L. 95-452 and this part. To the extent practicable and consistent with the responsibilities and

functions of the Military Departments as described in § 373.5(b), above, the head of the DoD Component concerned shall be kept informed of such direct communications.

(d) Request assistance as needed from other audit, inspection, and investigative units of 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, or local governmental agency, or unit thereof.

(f) Exercise the administrative authorities contained in § 373.8.

§ 373.8 Delegations of authority.

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 him or her, is hereby delegated authority, as required in the administration and operation of the Office of the Inspector General (OIG) to:

(a) Fix rates of pay for wage board employees exempted from Title 5 U.S. Code, section 5102(c)(7), on the basis of rates established under the Coordinated Federal Wage System. In fixing those rates, the wage schedules established by DoD wage-fixing authority shall be followed.

(b) Establish advisory committees and employ part-time advisors for the performance of OIG functions pursuant to Title 10 U.S. Code 173(a).

(c) Administer oaths of office incident to entrance into the Executive Branch of the Federal Government or any other oath required by law in connection with employment therein, in accordance with Title 5 U.S. Code, section 2903(b), and designate in writing other officers and employees of the OIG to perform this function. Administer oaths as provided by Title 5 U.S. Code 303.

(d) Establish an OIG Incentive Awards Board and pay cash awards to and incur necessary expenses for the honorary recognition of OIG civilian employees whose suggestions, inventions, or superior acts or service benefit or affect the OIG or its subordinate activities in accordance with Title 5

U.S. Code 4503, and Office of Personnel Management (OPM) regulations.

(e) Perform the following functions in accordance with the provisions of Title 5 U.S. Code 7532; Executive Order 10450, "Security Requirements for Government Employment," April 27, 1953; and DoD 5200.2-R, "DoD Personnel Security Program," December 20, 1979:

(1) Designate any position in the OIG as a "sensitive" position.

(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.

(3) Authorize the suspension, but not the termination, of the services of an OIG employee in the interest of national security.

(f) Clear OIG personnel and other individuals, as appropriate, for access to classified DoD material and information in accordance with the provisions of DoD 5200.2-R and Executive Orders 10450 and 12356, "National Security Information," April 2, 1982.

(g) 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 Title 26 U.S. Code 3122, and Title 42 U.S. Code 405(p) (1) and (2), with respect to OIG employees.

(h) Authorize and approve overtime work for OIG civilian personnel in accordance with Title 5 U.S. Code, subchapter V, chapter 55, and § 550.11 of the OPM regulations.

(i) Authorize and approve:

(1) Travel for OIG civilian personnel in accordance with Volume 2, Department of Defense Civilian Personnel, Joint Travel Regulations.

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

(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 Title 5 U.S. Code 5703, and

Part A, Chapter 6, Volume 2, Joint Travel Regulations.

(j) 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 (Title 37 U.S. Code 412). This authority cannot be redelegated.

(k) Develop, establish, and maintain an active and continuing Records Management Program under DoD Directive 5015.2, "Records Management Program," September 17, 1980; and parts 286 and 286a of this title.

(l) Establish and use imprest funds for making small purchases of material and services, other than personal, for the OIG when it is determined more advantageous and consistent with the best interests of the government, in accordance with DoD Instruction 5100.71, "Delegation of Authority and Regulations Relating to Cash Held at Personal Risk Including Imprest Funds," March 5, 1973, and the Joint Regulation of the General Services Administration/Treasury Department/General Accounting Office, "For Small Purchases Utilizing Imprest Funds."

(m) 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 (Title 44 U.S. Code 3702).

(n) 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.

(o) Issue the necessary security regulations for the protection of property and places under the jurisdiction of the IG, under DoD Directive 5200.8, "Security of Military Installations and Resources," July 29, 1980.

(p) 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 5025-1M, "Department of Defense Directives System Procedures," April 1981.

(q) 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.

(r) Authorize OIG personnel to carry firearms in accordance with DoD Directive 5210.66, "Carrying of Firearms by Department of Defense Personnel," May 31, 1979.

(s) Exercise original Top Secret classification authority.

(t) Issue credentials and other identification to employees of the OIG.

(u) The Inspector General may redelegate these authorities, in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.

PART 376—DEPARTMENT OF DEFENSE SUPPORT ACTIVITIES (DSAs)

Sec.

376.1 Purpose.

376.2 Applicability.

376.3 Definitions.

376.4 Policy.

376.5 Responsibilities.

APPENDIX A TO PART 376—LIST OF DEPARTMENT OF DEFENSE SUPPORT ACTIVITIES (DSAs)

AUTHORITY: 10 U.S.C. 131.

SOURCE: 56 FR 65421, Dec. 17, 1991, unless otherwise noted.

§ 376.1 Purpose.

Under the authority vested in the Secretary of Defense by Title 10, United States Code, this part:

(a) Establishes DSAs as an organizational category within the Department.

(b) Prescribes policy and assigns responsibilities under which DSAs shall operate.

§ 376.2 Applicability.

This part applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Unified and Specified Commands, the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

§ 376.3 Definitions.

(a) *Department of Defense Support Activity (DSA)*. An organizational entity of the Department of Defense whose primary mission is to perform technical and/or analytical support functions for the OSD. A DSA must satisfy all of the following criteria:

(1) Function under the direction, authority, and control of an OSD Principal Staff Assistant.

(2) Perform technical and/or analytical support functions in specific areas of interest—as distinct from the normal OSD functions of developing policy, managing resources, and evaluating and overseeing programs.

(3) Have a primary organizational mission to perform assigned functions for a designated OSD Principal Staff Assistant(s)—as distinct from organizations whose primary mission is to provide support for all or several DoD Components.

(4) Be organizationally located outside the OSD and within another DoD Component for appropriate organizational, management, or efficiency reasons.

(5) Receive manpower, operational funding, and other administrative support from the DoD Component in which the DSA is located.

(b) *OSD Principal Staff Assistant(s)*. The Under Secretaries of Defense, the Director of Defense Research and Engineering, the Assistant Secretaries of Defense, the General Counsel of the Department of Defense, the Comptroller of the Department of Defense, the Assistants to the Secretary of Defense, and the OSD Directors or equivalents who report directly to the Secretary or Deputy Secretary of Defense.